

Annual Report

2016

National Commission
Code of Conduct
Higher Education

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Introduction

2016 has been an exceptional year in more than one aspect. In the spring we celebrated with the umbrella organizations, the ministries involved and stakeholders the first ten years of the Code of Conduct and its successes. In a suitable ambience, the vice-chairman of the Netherlands Association of Universities of Applied Sciences, the director of the Dutch Council for Training and Education and representatives of the Ministry of Education, the Immigration and Naturalisation Service and Nuffic looked back to the past and looked forward to the future. However, more important is that the past year was dominated by the evaluation of the effects of the Code of Conduct. After extensive consultation with the educational field, a working group revised the text of the Code of Conduct. Discussions were held with institutes, students, et cetera. The peak was a seminar held in October in Utrecht, in which plenary discussions and workshops were organized to exchange views about the various subjects that should be dealt with in the Code of Conduct. Attention was given to future developments, as transnational education is increasingly becoming part of the internationalization ambitions and activities of the educational institutes. You can read more about the evaluation later in this Annual Report.

The Commission would also like to draw your attention to its new means of communication. To meet the demands from the field, since early 2016 every six months a newsletter is being published and circulated among educational institutes and stakeholders to quickly bring them up to date with current issues and important developments. The website of the Code of Conduct was completely restyled. The new website has been online for several months. It is expected that this will increase the recognizability of the Code of Conduct and the Commission, and that the information given on the website will better suit the needs of the visitors.

Finally, the Commission is pleased to observe that the successful operation of the Code of Conduct is also being recognized outside the educational field. It is an enormous compliment that the tool of self-regulation has been adopted in a pilot for the development of a Code of Conduct for the VET sector. In September 2016, an experiment was launched in which government and educational field will join forces for three years to investigate whether it is possible to have a judicious influx of international students who choose the Netherlands for studies in the VET sector. The Code of Conduct is to be continued!

Register of the Code of Conduct

In 2016, the administrator of the register (Education Executive Agency - DUO) received two applications for inclusion in the register of the Code of Conduct. After assessment both institutes, the AIS Flight Academy in Lelystad and the Hogeschool iPabo in Amsterdam, were included in the register. A pending application dating from 2015 by the International Business School The Hague was turned down by DUO early 2016, because the institute did not meet the criterion of - foreign - accreditation of its study programme.

In 2016, inclusion in the register of the Code of Conduct was terminated for one institute, the EuroPort Business School (EPBS) in Rotterdam. This was done on the instruction of the National Commission as the institute no longer met the requirements of Article 5.2 of the Code of Conduct. After the decision of the Dutch Council of State on 5 October 2016 given in the dispute regarding the decision of the Minister of Education to withdraw the accreditation of the IBMS programme of the EPBS, and its judgement that withdrawal was done on justified grounds, the study programme is no longer accredited as is required by the Code of Conduct. The programme at hand is currently being phased out, and its students must be given the opportunity to complete the programme they have already started. However, no new students can be admitted. Since the institute does not offer any other accredited study programmes, the Commission decided to terminate the inclusion in the register.

Consequently, the register of the Code of Conduct, which can be consulted on www.internationalstudy.nl, contained a total number of 76 educational institutes by the end of the year.

Evaluation of effects of Code of Conduct

Article 8.3 of the Code of Conduct stipulates that every five years the content and effects of the Code of Conduct must be evaluated by at least the institutes involved, the stakeholders and the administrator of the register. Based on this evaluation, the Code of Conduct can be readopted, either with or without revisions. The initiative for the evaluation will be taken by the Commission. The last evaluation was carried out in 2009, which meant that the next evaluation should have taken place in 2014. The umbrella organizations and the Commission consulted with the Ministry of Education to propose that an evaluation in 2016 would be more sensible. The reason was that in March 2013 a fully revised text of the Code of Conduct had come into force and that in August 2014 a list of diplomas was added to the Code of Conduct.

The Commission asked itself the question whether the evaluation should be carried out in the same manner as in 2009. The evaluation in 2009 was a comprehensive examination, executed by an external research agency. After 10 years, the Code of Conduct has become the practice for educational institutes, and fewer items are up for discussion than in 2009. That is why in consultation with the umbrella organizations a more limited approach of the evaluation was chosen. The aim of the evaluation was to update and improve the text of the Code of Conduct in consultation with the institutes, umbrellas, students and relevant government bodies, taking the current execution by the institutes as the leading factor. For the supervision of the evaluation a working group was set up which included representatives of the umbrella organizations: NRTO (Dutch Council for Training and Education), the Netherlands Association of Universities of Applied Sciences and VSNU (Association of universities in the Netherlands), together with the office of the National Commission, and with an advisory role for the Ministry of Education and the Immigration and Naturalisation Service. The working group was chaired by the former secretary of the Commission, Mr Arno Overmars. The key task of this working group was to identify any points for improvement put forward by the umbrella organizations, the educational institutes and the other parties involved in the Code of Conduct, as well as to elaborate on these points and to safeguard the evaluation process.

The educational institutes and other parties involved in the Code of Conduct were approached in distinctive ways to make suggestions for improvement of the text of the Code of Conduct. First the parties involved were informed about the evaluation process in writing. The educational institutes that were not represented by one of the umbrella organizations were invited to send their input in writing. Subsequently, the working group linked up to existing consultation structures of the umbrella organizations (the International Relations group of the universities of applied sciences, the National Assembly of Admissions Officers, the University Platform Internationalization, and the NRTO assembly) to ask for points for improvement. After that, a similar meeting was held with stakeholders (Ministry of Education, Inspectorate of Education, Ministry of Security and Justice, Immigration and Naturalisation Service, Ministry of Social Affairs and Employment, Accreditation Organization of the Netherlands and Flanders and the Netherlands Organization for International Cooperation in Higher Education) on the operation of the Code of Conduct. Furthermore, several international students were interviewed about their experiences with the provision of information and support by the educational institutes, and to ask whether they were familiar with the Code of Conduct.

The outcomes of these surveys were used to formulate several themes. The working group classified the themes into three categories. The first category contained subjects that easily could be translated into text revisions of the Code of Conduct. The second category contained more complex issues. A seminar with hands-on experts from institutes and other organizations related to the Code of Conduct was organized to discuss provision of information, recruitment, binding and international education in workshops. The outcomes of this day and the input collected from the surveys led to an update and a more precise rephrasing of the text of the Code of Conduct. And finally, the third category identified several issues from which it had become clear that they would need additional investigation in the coming time, or that might be picked up by another party.

The evaluation did not lead to major revisions, but rather is a reconfirmation of the Code of Conduct. Many of the revisions of the Code of Conduct are of a textual or technical/judicial nature. In the seminar the participants voiced their appreciation of the Code of Conduct and the activities of the

Commission. The educational institutes increasingly and more intensely aim at international students and do so in a manner that matches the Code. In that sense, the Code of Conduct gives shape to the policy.

The most notable revisions:

- The preamble was shortened by merging some paragraphs and deleting others.
- At the request of the educational institutes the language table was updated.
- As a corollary, an exception is included for the obligation to administer a language test to international students who have obtained the International Baccalaureate English A: Language and Literature certificate.
- The growing offer of joint and multiple degrees has also been taken into account. As for the obligation to administer a language test, it was included that the educational institutes could make further arrangements regarding the language requirement within the framework of the Code of Conduct. Such a language test then needs to be taken only once.
- The powers of the Commission have been specified. The Commission may impose a sanction in case of violation of the Code of Conduct, which can consist of the obligation to report or to investigate and/or a conditional striking off the register, for which the register may include a note mentioning the duration of the sanction.

The Commission looks back at the procedure of the evaluation with a feeling of contentment. The evaluation has led to a proposal for a new text of the Code of Conduct, as a product of self-regulation by the educational institutes. At the moment of writing this Annual Report, the proposal for the revisions of the Code of Conduct is with the umbrella organizations for decision-making. It is expected that the new Code of Conduct will come into effect on 1 September 2017. The new version will apply to international students who register with an educational institute after 1 September 2017. The increasing internationalization of education and the growth in the numbers of international students may lead to more substantial revisions of the Code of Conduct in the future. Examples are the definition of international students, joint and multiple degrees and online courses. For now, the Code of Conduct is up-to-date and in line with these developments. However, it is important that this should be monitored. That is why in five years' time the next evaluation will be conducted, and the Code of Conduct may be updated early when the need arises.

National Commission

Just as in the previous years, the Commission performed activities in the context of its supervisory tasks related to the compliance of the stipulations of the Code of Conduct by the educational institutes in 2016. This paragraph presents a report of the activities. As customary, the Commission met six times in 2016.

External contacts

For his round of introductions in the field, the chairman of the Commission held conversations with parties involved in the Code of Conduct in the previous year as well. He exchanged views on the Code of Conduct with a Public Prosecutor in the context of suspicions that the Public Prosecution Service have about possible abuse of current legislation. The Commission has not been able to entirely take away the - main - worries of the Public Prosecution Service.

Both during that discussion and afterwards in a letter, the Commission explicitly offered the Public Prosecutor the opportunity to provide input for the evaluation of the Code of Conduct. Unfortunately, this opportunity has not been taken.

The new European Students Directive was the subject of a constructive discussion with the director of the division for industrial relations of the Ministry of Social Affairs and Employment. The Directive obliges Member States to enable international students from outside the EU to work for at least 15 hours per week alongside their studies. In the Netherlands, the maximum for an international student is currently set at 10 hours per week. In the coming year it will become clear how the new directive will be implemented in Dutch legislation.

In the summer of 2016, the chairman and the secretary of the Commission visited two educational institutes for exploratory talks. The purpose of these visits was to get a picture of the entire chain of activities that an educational institute performs for international students. Such activities include the provision of information, recruitment, facilitating stays, study supervision and signing out/deregistration. During the visits several employees who were involved in facilitating and supervising international students were interviewed. A group of students was interviewed about their experiences. The institutes that were visited work for internationalization of the educational field and have developed a comprehensive policy for this. For instance, they work at centralizing the various - administrative - services and make intensive use of buddying systems: they link second-year students to new/future students. The buddies can answer questions and take along the students to social events.

In the beginning of the year, the Commission responded in writing to an open invitation from the Education Council to contribute to the preparations for an advice to be given by the Education Council to the State Secretary of Education for its internationalization agenda for 2015-2020. The value of internationalization of higher education for the Dutch economy and the quality of the education should not be underestimated. However, the Commission is of the opinion that the Netherlands insufficiently benefits from this. In the opinion of the Commission, several themes may contribute to the optimization of internationalization of higher education. The fact that internationalization is of great value to the quality of - higher - education and contributes to the expertise of students can be considered to be well-known by now. However, it is often overlooked that the so-called internationalization at home is also part of this. This is about promoting internationalization in the home country by a combination of Dutch and international students, and about adding elements of international expertise to the curriculum.

This phenomenon is best reflected in a proper balance of the number of international and Dutch students, in which students are challenged to debate with each other. The Code of Conduct guarantees the influx of high-level international students in higher education and as such contributes to the optimization of the international classroom. The Commission gave its views on internationalization of higher education from the perspective of the Code of Conduct, in particular on incoming student mobility.

With this, the Commission requested attention for refugee students, since this theme is not included in the strategic agenda of the Minister. The Code of Conduct contributes to the brand, the image of

Dutch higher education, and can be seen as a quality mark. In the opinion of the Commission, branding does not only contribute to promoting internationalization, but also to safeguarding the quality of the influx of students and the offer of educational programmes. The Commission is of the opinion that proper recruitment and selection of students should start with an adequate provision of information to international students. Information about study programmes plays a major part in attracting talented students. The information should present a realistic picture of the study programme, the facilities that may be expected from an institute and the living conditions. Moreover, such information may reduce the dropout rate caused by a study choice based on incorrect or insufficient information, which resulted in unfulfilled expectations. Reducing the dropout rate is also included in the strategic agenda of the Minister and applies to international students even more now that this may have major consequences for them. The ultimate consequence is that the international student's right of residence will come to an end and that he or she must return to their home country. Specific attention for international students may reduce the dropout rate, for instance by linking to a buddy or tutor, by intensive supervision or offering a course in academic skills. Information from recent interviews held by the Commission with several educational institutes that offer courses to international students, showed that it is useful to determine the motivation of a student who wants to come to the Netherlands for a specific course or institute before they actually register. It seems desirable to investigate the possibilities for this, for instance in the form of a choice of study test.

Indications

In the past year, the Commission adopted the view that in case of indications or complaints, it could mediate in situations in which there are no opportunities for following the official petitioning procedure. However, the Commission will be reticent about this so that it will not become part of any dispute.

In the previous year, the Commission received a request for advice by an international student studying at Maastricht University (UM). The student complained with UM because she was not allowed to start the second term of her studies as she had not yet completed a first term module. The student was dissatisfied with the decision taken by the UM and asked the Commission for advice. The impression of the Commission was that the UM had been sufficiently clear in its information, but that the student had different expectations regarding the set-up of the programme. That is why the Commission could not find any links to the Code of Conduct. It was notable that the complaint was dealt with completely within the faculty. Considering the consequences of the decision, the Commission deemed it advisable that the Executive Board of the UM should have been informed about the case. For that reason, the Commission asked the UM for a response. The UM informed the Commission that although the procedure might not have been followed correctly, the faculty had chosen to deal with the case in this manner to help the student as quickly and correctly as possible, since the lapsing of the student grant put time pressure on it. The Executive Board would not have come to a different decision. The Commission understands how the UM has dealt with the complaint and regrets that the student did not make use of the alternative offered by the faculty.

Early in the summer, the Commission was approached by an international master student of Rotterdam University of Applied Sciences (RUAS). He asked for advice, as he already had submitted a proposal for a final project for four times, which was rejected each time. The Commission advised the student to approach another graduation counsellor. When that did not prove possible, the student was informed of the possibility to submit a complaint with the institute. However, it turned out that the RUAS complaints procedure was not available in English. At the request of the Commission, a contact person at RUAS assisted the student with submitting the complaint and saw to it that the complaints procedure was made available in English. Subsequently, the examination board offered the student to submit a new research proposal, which would be assessed by different teacher. The Commission is of the opinion that RUAS showed sufficient effort by offering the student with a settlement.

Petition

In 2016, Hogeschool Saxion submitted a petition regarding actions of the Immigration and Naturalisation Service (IND). Saxion was of the opinion that because of the fluctuating policy of the IND it could not meet the requirements of the Code of Conduct. The Commission judged the petition inadmissible since the IND is not an educational institute, but a government body. The Commission is only authorized to deal with actions of the educational institutes that have signed the Code of Conduct. However, mediation by the Commission resulted in a discussion between Saxion and the IND to solve the issue.

The decision of the Commission can be consulted on the website of the Code of Conduct.

Investigations

Institutes must communicate about their educational offer in an accessible, clear and simple way. How do the institutes achieve this and how do the various information files relate to each other? These questions were part of the first investigation that the Commission executed in 2016: *Investigation into the provision of information about educational programmes*. The Commission limited the investigation to examining twelve educational institutes: three members per umbrella organization and three educational institutes that are no member of an umbrella. The Commission chose to do desk research, because it would minimize the burden for the educational institutes. The following public registers were consulted: the Central Register of Higher Education Study Programmes (CROHO), the databases of the Accreditation Organization of the Netherlands and Flanders (NVAO) and the course selectors Studiekeuze123 and Studyfinder. The course offer is published by the various registers and channels: through the websites of the institutes, the CROHO, the NVAO register, and the databases of Studiekeuze123 and Studyfinder. It is important to note that some registers have not been primarily set up to inform international students, but in fact do give information about study programmes offered to international students. The various databases differ greatly from each other. There are for instance variations in the spelling of the names of institutes and the inclusion of main subjects and short-term programmes/courses. Furthermore, the websites of the institutes and the various database differ from each other. They show differences in the number of registered programmes, specializations, and whether these are variations or completely different programmes. This can be explained from the fact that in many cases the definitions are being used in the context of recruitment. Sometimes even agreements have been made about the variations in the names of the programmes because of branding. Such internal agreements should not be an obstacle for the obligation to be clear about the diploma or the degree which can be obtained. The most important conclusion from the inquiry was that it was insufficiently clear what exactly must be understood by the educational offer to international students. This problem cannot be solved easily, but the Commission deems it of great importance to note that this diverges widely at the moment. This may lead to an undesired lack of clarity looking from the perspective of the Code of Conduct.

In a second investigation in the latter half of 2016, a specific element of the Code of Conduct was examined: the provision of information about the accreditation of the educational programmes. As this investigation continued on the results of the previous report, the same twelve educational institutes were selected. What information do the various databases and websites provide about the accreditation of the programmes they offer? This resulted in an investigation - and report - that was quite extensive, and interesting. It turned out to be a relevant report, which demonstrates the inconsistent manner of how institutes provide information about their accreditation. The databases leave the institutes a lot of freedom for putting in their information. Furthermore, the information on the websites of the institutes varies. That makes the provision of information not always complete nor correct. The number of accreditation bodies that were used is remarkable, aside from the equivalence of these organizations. The - subsidized - institutes mainly use accreditation by the NVAO and a number of foreign accreditation organizations. This is permitted within the framework of the Code of Conduct as long as these are accreditation organizations of which the decisions are being recognized by the corresponding governments. Institutes are bound to provide information about the accreditation of their programmes, especially in the case of a foreign accreditation in relation to recognition and legalization of the degree or the diploma by the Dutch government.

The findings of both investigations, published in research reports, were sent to the examined institutes and the umbrella organizations for comment. After processing the comments, these were combined and published on the website of the Code of Conduct early 2017. In 2017, the Commission will follow up on its conclusions. It will use its findings to organize a meeting with the umbrella organizations of higher education in April to emphasize the importance of full and unambiguous information.

Composition

In 2016, the Commission remained unchanged. However, the Commission had to say farewell to two substitute members: Mrs Madeleine Gardeur-Veltman and Mr Huib de Jong. The Commission would like to use this opportunity to express its gratefulness for the dedication both persons showed for the operation of the Code of Conduct and the Commission in the previous years.

Composition National Commission on 31 December 2016

FUNCTION	NAME	CAPACITY	UMBRELLA
chairman	Mr Joris van Bergen	Former member Executive Board Eindhoven University of Technology and of Leiden University, former chairman SURF	-
acting chairman	Mr Paul Rullmann	Former Board member Delft University of Technology, chairman Higher Education Efficiency Committee	VSNU
member	Mrs Karen Ali	Director Fundraising Development. TU Eindhoven	VSNU
member	Mrs Susana Menéndez	Member Executive Board The Hague University of Applied Sciences	The Netherlands Association of Universities of Applied Sciences
member	Mr Frans Kuipers	Former president Noordelijke Hogeschool Leeuwarden	The Netherlands Association of Universities of Applied Sciences
member	Mr Jan-Albert Dop	Former member Executive Board Webster University Leiden	NRTO
substitute member	Mr Janco Bonnink	Coordinator Corporate Affairs VU University Amsterdam	VSNU
substitute member	Mrs Madeleine Gardeur-Veltman	Advisor International affairs University of Groningen	VSNU ¹
substitute member	Mr Luut Kroes	Director Education & Students University of Groningen	VSNU ²
substitute member	Mr Huib de Jong	Rector University of Amsterdam and Board member of the University of Amsterdam and the Amsterdam University of Applied Sciences	The Netherlands Association of Universities of Applied Sciences ³
substitute member	Mr Joep Houterman	Member Board of Directors Aeres Groep	The Netherlands Association of Universities of Applied Sciences
substitute member	Mr Jan van der Heijden	Member Executive Board Hogeschool Dirksen	NRTO

Financial paragraph

Just like in previous years, the attendance fees for the Chairman, members and deputy members of the Commission were settled at the end of each quarter. For this reason, an (updated in 2009) Attendance Fee Decree was designed in consultation with the Ministry of OCW, which can be found on the website of the Code of Conduct. The following table accounts for the amounts paid in each quarter.

Attendance fees, including travel expenses and VAT 2016 vs. 2015

Period	2016	2015
Q1	€ 5,705.49	€ 5,519.36
Q2	€ 5,668.82	€ 4,540.61
Q3	€ 2,673.05	€ 3,273.57
Q4	€ 6,243.67	€ 11,533.30
Grand total	€ 20,291.03	€ 24,866.84

In 2016, an amount of € 15,000 was withdrawn from the financial reserves 'additional financing inquiries' of originally € 50,000, for financing the evaluation. This was done in consultation with the Ministry of OCW.

¹Up to 1 July 2016.

²Starting 1 October 2016.

³Up to 1 June 2016.

Preview 2017

In the coming year, the Commission will continue to handle petitions that are being submitted. However, more important is that, wherever possible and functional, an effort will be made to solve indications and complaints informally. Although this should be done in a reticent way, both student and institute may benefit from mediation, without needing to follow a formal petitioning procedure. The Commission will continue to perform its supervisory tasks by means of investigation, with the emphasis not so much on tracking conflicting actions, but rather on raising awareness among the educational institutes about the importance of the regulations and obligations they are bound to by self-direction. Depending on the follow-up given to the above-mentioned enquiries in 2016, the Commission will decide in the spring what will be the subject of investigation in the coming year.

Considering the exhaustive evaluation undertaken with the umbrella organizations, staff of educational institutes and representatives of parties involved in the Code of Conduct, the Commission confidently awaits the decision about the proposal for revisions of the text of the Code of Conduct. The activities aim for 1 March 2017 to be the date of finalizing the decision-making procedures of the umbrella organizations. It is expected that the new text of the Code of Conduct will enter into force on 1 September 2017. In the meantime, the educational institutes will have sufficient time to update their procedures, information materials and information on the website. The Rules and Regulations that are linked to the Code of Conduct will also be updated in unison with the new version of the Code of Conduct. The Rules and Regulations detail the provisions of the Code of Conduct. The most notable adaptation was the specification of the research assignment of the Commission. The Commission has developed its own method for this, but it had not been laid down in the Rules and Regulations. It is not a new method, rather a description of the currently used method.

The evaluation has not only given input for a new text for the Code of Conduct, it has also resulted in more general points for attention that the Commission would like to focus on in the coming year. Firstly, this concerns the awareness that the Code of Conduct is a product of self-direction. From the many interviews it became apparent that the Code of Conduct is not always seen as a tool created by the educational institutes themselves. The Commission makes an effort to change this and has tried to be in closer contact with the educational institutes in the past years, for instance by publishing a newsletter, the restyled and updated website and exploratory talks with several educational institutes. The Commission will continue this line of policy.

Another issue that needs attention is that only a limited number of staff of the educational institute is familiar with the Code of Conduct. This is possibly because most of the provisions of the Code of Conduct have been implemented in the educational institutes' policies and as such are not subject of discussion. Furthermore, the text of the Code of Conduct is being perceived as lengthy and difficult to read. For that reason, the Commission will develop a summary for staff members of the institutes to easily take knowledge of the main points of the Code of Conduct. The same applies to international students. The Commission will create a short video for them to explain how they may benefit from the Code. Both tools will contribute to the familiarity and much-needed accessibility of the Code.

Finally, if needed or desired, the Commission will support the umbrella organizations in updating the diploma list in 2017. The list contains the diplomas which its bearers may use to apply for an exemption of the English language test. Several educational institutes indicated that this list should be extended. However, other educational institutes are of the opinion that certain diplomas should not lead to exemption of the language test. The initiative to update the list is with the umbrella organizations.

Credits

National Commission Code of Conduct Higher Education
Postbus 260
9700 AG Groningen

Administrative office:
E-mail: info@internationalstudy.nl
Phone: +31 50 599 9975
Website: www.internationalstudy.nl

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