

Decision

On the petition of 28 November 2017,
submitted by a former DBA student of Maastricht School of Management, hereafter petitioner,
pertaining alleged conduct of Maastricht School of Management, hereafter MSM.

1. PROCEEDINGS

On 6 December 2017, the National Commission received a letter, hereafter the petition, regarding several actions of MSM.

Petitioner was informed on 6 December 2017 that the National Commission would discuss the petition for the first time mid-January 2018. Petitioner explained that no other procedures against MSM were pending.

On 29 January 2018, the National Commission received at its request a response from MSM to the petition. As a result, the National Committee asked the petitioner and MSM further questions about the form of the programme. These questions have been answered by petitioner and MSM.

The National Commission discussed the petition on 17 January 2018 and on 21 February 2018, after which a final decision was given, and the file was closed.

2. CONTENTS PETITION

The petition concerned an alleged poor information provision by MSM to petitioner regarding the DBA programme and the degree to be obtained. Petitioner was furthermore of the opinion that MSM did not deliver the services offered, because of which petitioner could not complete the DBA programme within the time specified. For that reason, petitioner terminated his agreement with MSM in writing on 15 September 2017, in which notice petitioner held MSM responsible for the damage suffered.

According to petitioner MSM had violated the following provisions of the Code of Conduct:

- 1) Article 2.1 of the Code of Conduct. According to petitioner MSM failed to provide correct, reliable and simple information to international students about the courses offered. This included information about the following topics:
 - a) The certificate or the degree to be obtained;
 - b) The legal status of the DBA programme;
 - c) The accreditation of the DBA programme;
 - d) General information about the DBA programme;
 - e) No Education and Examination Regulations were made available;
 - f) No information had been provided about the costs related to registration;
 - g) Neither the internal complaints procedure nor the Code of Conduct had been pointed out to petitioner.

- 2) Article 5.7 of the Code of Conduct. MSM did not actually provide the programme offered. This concerned the following aspects:
 - a) Petitioner was not assigned a team of supervisors, but only one supervisor;
 - b) Inadequate supervision because of which petitioner could not complete his DBA within the time specified;
 - c) Due to an administrative error, petitioner was not formally admitted to the DBA programme.

3. ADMISSIBILITY

The National Commission is competent to inspect petitions regarding the relation between educational institutions listed in the register of the Code of Conduct and international students. MSM is a higher education institution and has been listed in the register of the Code of Conduct since 19 May 2006. The conduct dated from after the date mentioned above.

The Code of Conduct defines an international student as follows:

A student with a foreign nationality who, in case of a third-country national on the basis of a residence permit granted to this effect, desires to continue, continues or has continued his/her full time education at a higher education institution in the Netherlands.

In the period of 2012 up to and including 2017, petitioner did a DBA programme at MSM. Petitioner had a temporary regular residence permit with the restriction of study. However, MSM stated in its response of 29 January 2018 that the Immigration and Naturalisation Service should not have been authorised to grant the permit because petitioner was in a part-time programme. The National Commission has examined whether petitioner continued a full time or a part-time DBA programme. On the bases of the information given by both MSM and petitioner, it could be established that petitioner after completing the RMS course continued with a part-time programme, or was offered a part-time programme. Moreover, the Code of Conduct does not cover scientific research. The National Commission qualified the DBA programme that petitioner attended as a doctorate process. Both circumstances led in the opinion of the National Commission to the effect that the petition was not admissible.

4. SUPERFLUOUS

Although the National Commission is of the opinion that the petition was not admissible, it still has concerns about the provision of information about the programmes offered and about the accreditation of the programmes MSM offers to international students. From its duty of care, the National Commission will discuss the question whether it will initiate an examination into the provision of information by MSM of its own accord.

Furthermore, the National Commission pointed out that petitioner has not used MSM's internal complaints procedure, which is open to researchers. The Commission advises petitioner to accept MSM's invitation to lodge a complaint through this procedure.

5. DECISION

The National Commission declares the complaint inadmissible.

Delivered in Utrecht on 21 February 2018,

J.E.J. van Bergen (ir.), Chairman; mrs dr. K.S. Ali, dr. J.A. Dop, drs. P.M.M. Rullmann, members; L.J.M. Verhofstad MSc. subst. member; in the presence of dr. A.G.D. Overmars, investigator and mrs J.G. van den Bosch MA, secretary.

J.E.J van Bergen (ir.)
Chairman

J.G. van den Bosch MA
Secretary

sent on 2 March 2018