

Decision

On the petition of 8 January 2019,
submitted by a former student of Tilburg University, hereafter petitioner,
pertaining alleged conduct of Tilburg University.

1. PROCEEDINGS

On 8 January 2019, the National Commission received a letter, hereafter the petition, regarding several actions of Tilburg University.

Petitioner was asked on 8 January 2019 to send a copy of her residence permit which was valid during the study, and was informed on 14 January 2019 that the National Commission would discuss the petition in January 2019.

The National Commission discussed the petition on 16 January and 20 February 2019, after which a final decision was reached.

2. CONTENT PETITION

The petition of the former student was a reaction to the decision of the Exam Committee in which petitioner was denied an extra opportunity for an exam and how petitioner was treated in general by Tilburg University. According to petitioner Tilburg University has not provided clear guidelines on what constitutes 'special circumstances' in case of which the Exam Committee can give an additional examination opportunity. Furthermore Tilburg University has allegedly not provided information about the applicable rules and regulations 2016-2017 before a non-EU student is required to make a decision to accept the offer of admission.

Additionally, petitioner is of the opinion that Tilburg University is not acting in the spirit of the Code of Conduct with respect to different matters not set out in the Code of Conduct. Petitioner stated among other things that there is no clear information provided about the amount of the tuition fees a student has to pay.

3. ADMISSIBILITY

The National Commission is competent to handle petitions regarding the relation between educational institutions listed in the register of the Code of Conduct and international students. Tilburg University is a higher education institution and has been listed in the register of the Code of Conduct since 28 April 2008. The alleged conduct is dated after the date mentioned above.

Article 20 from the Rules and Regulations, which forms an integral part of the Code of Conduct, states that the National Commission can decide not to process a petition, or to discontinue the consideration thereof, if a petition is submitted more than one year after the action to which the petition relates took place. The main issues petitioner is complaining about, took place in the period 2016-2017. In addition the National Commission is only competent to judge the behaviour of a higher education institution under the provisions as stated in the Code of Conduct. The Code of Conduct does not entail provisions on examination opportunities or about the amount of tuition fees that have to be paid by international students.

Both circumstances led in the opinion of the National Commission to the effect that the petition is not admissible.

5. DECISION

The National Commission declares the complaint not admissible.

Delivered in Utrecht on 20 February 2019,

J.E.J. van Bergen (ir.), chairman; mrs dr. K.S. Ali, mrs dr. M.S. Menéndez, dr. J.A. Dop, L.J.M. Verhofstad MSc., drs. P.M.M. Rullmann, members; in the presence of mr. 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

IN ADDITION

Although the National Commission is of the opinion the petition is not admissible, it had concerns about the manner the application of the rules and regulations effected the possibilities of petitioner to finish her studies. In the view of the Code of Conduct international students have a more vulnerable position and need extra guidance during their studies, especially when they are experiencing difficulties with achieving their diploma. Therefore the National Commission decided to have a meeting with the Board of Directors of Tilburg University to share its concerns and to discuss the case of petitioner.

On the 26th of February 2019 a meeting took place between the National Commission and the Chair of the Board of Tilburg University. During this meeting it became clear that the Exam Committee has correctly applied the rules and regulations of Tilburg University, but this sometimes leads to unfavorable and unforeseen outcomes as has been the case for petitioner. In accordance with the request of the National Commission the Chair of the Board announced to make an offer to petitioner which will enable petitioner to finish her studies and have closure. Furthermore the University will evaluate the rules and regulations to prevent similar cases from happening in the future.

The publication of the present decision was held pending the offer by Tilburg University to petitioner. Petitioner decided to accept the offer and will try to finish her studies in the coming year.

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