

DECISION

on the petition of 10 November 2019
of a former DBA student of the Maastricht School of Management, hereinafter referred to as the petitioner,
concerning the alleged conduct of the Maastricht School of Management, hereinafter referred to as MSM.

1. COURSE OF THE PROCEEDINGS

On 10 November 2019 the National Commission received a letter, hereinafter referred to as the petition, in respect of a number of actions of MSM.

On 11 November 2019 the petitioner was informed that the petition would be discussed by the National Commission.

On 13 November 2019 the National Commission requested the petitioner to supply a copy of the front and rear sides of his residence permit. On 21 November 2019 the petitioner let it be known by telephone that he was not in possession of a Dutch residence permit because during his education at MSM he had been resident in Egypt.

The National Commission discussed the petition on 29 November 2019, after which a ruling was issued and the file was closed.

2. CONTENT OF THE PETITION

The petition concerns the termination of the DBA programme by MSM, which was unexpected for the petitioner, following an – also unexpected – negative evaluation of his thesis. After the successful completion of the first year of the programme (MPhil), from 2014 the petitioner worked on his thesis for three academic years. He received supervision from a professor from MSM, who gave a positive evaluation of his thesis. For this reason, until the receipt of the negative evaluation by the second and third evaluators and the disenrolment as a DBA student, no signals were known to the petitioner that a second reader could be of the opinion that the petitioner could not complete the DBA programme for substantive reasons.

According to the petitioner MSM infringed the following provisions of the Code of Conduct:

- 1) Article 2.1, under point f, of the Code of Conduct.
The supervisor appointed by MSM evaluated the petitioner's thesis with the highest attainable score, after which the second reader came to a negative evaluation. This outcome means that the criteria according to which MSM tests are unclear.
- 2) Article 5.5 of the Code of Conduct.
The petitioner had not received any evaluations or feedback concerning the level of his performance so that this could be improved before it was decided by MSM to terminate the petitioner's enrolment as a student.
- 3) Article 7.6 of the Code of Conduct.
The complaint that was submitted by the petitioner to MSM was not dealt with adequately or in a timely manner by MSM. His complaints were not substantively investigated.

3. ADMISSIBILITY

The National Commission is authorized to take cognizance of actions that pertain to the relationship between educational institutions included in the register of the Code of Conduct and international students. MSM is an institution for higher education, and has been included in the register of the Code of Conduct since 19 May 2006. The actions date from after this time.

The Code of Conduct defines an international student as follows:

a student with a foreign nationality who – insofar as this concerns a student who is obliged to hold a residence permit, on the basis of a full-time residence permit issued to this end – will take, is taking or has taken an educational programme at an educational institution established in the Netherlands.

The petitioner took a DBA programme at MSM in the period 2013 to 2018. During his studies the petitioner was not in possession of a regular temporary Dutch residence permit with the limitation study. The petitioner therefore does not fall under the definition in the Code of Conduct, and this is not applicable to him. Moreover, the National Commission notes that the Code of Conduct does not relate to academic research. The National Commission categorizes the DBA programme that the petitioner took as a PhD programme. In the opinion of the National Commission both of these circumstances mean that the petition is inadmissible.

5. RULING

The National Commission declares the petition inadmissible.

Issued in Utrecht on 29 November 2019,

J.E.J. van Bergen, chairperson, bc. J. van der Heijden, Dr M.S. Menéndez, F.A.M. Snijders and L.J.M. Verhofstad MSc, members, Dr A.P. van Veen, replacement member, in the presence of Dr A.G.D. Overmars, investigator, and J.G. van den Bosch MA, secretary.

J.E.J van Bergen
chairperson

J.G. van den Bosch MA
secretary

sent on 12 December 2019