

DECISION

on the petition of 21 June 2019
of a Bachelor's student of Interdisciplinary Arts at Zuyd University of Applied Sciences, hereinafter referred to
as the petitioner,
concerning the alleged conduct of Zuyd University of Applied Sciences, hereinafter referred to as Zuyd.

1. COURSE OF THE PROCEEDINGS

On 3 July 2019 the National Commission received a letter, hereinafter referred to as the petition, concerning a number of alleged actions of Zuyd. The petitioner related her petition to articles 2.1, 5.1, 5.3 and 5.7 of the Code of Conduct.

The petitioner was informed of the procedure by email on 23 July 2019. The petitioner was also required to provide the evidence to which she referred in her petition. The petitioner provided the additional documents on 8 September 2019. She thereby indicated that she was considering 'pausing' the procedure, because she anticipated that a petition could have a negative effect on her position and the progress of her studies within the relatively small programme. The petitioner was informed that she could withdraw her petition at this stage, but that pausing the procedure was not possible.

On 23 July 2019 the Executive Board of Zuyd was given the opportunity to make its standpoint on the petition known in writing. On 3 September 2019 the National Commission received the standpoint of Zuyd, with the addition of five appendices that were sent on 4 September 2019. The petitioner was asked to react to the response of Zuyd, and submitted her reaction on 15 November 2019.

The National Commission discussed the petition and the response of the Executive Board of Zuyd during its meetings of 18 September 2019 and 16 October 2019. In response to her request for financial compensation the petitioner was subsequently informed that the imposition of financial measures does not fall under the competency of the National Commission. On 7 October 2019 the petitioner let it be known that she wished to continue the petition procedure for the reason that she considered it important that an independent party assessed her complaints. In addition, the petitioner found it valuable that subsequent generations of students were not faced with the same problems.

On 22 October 2019 the National Commission posed further questions to the Executive Board of Zuyd in order to acquire a comprehensive impression of the measures taken by Zuyd to address the petitioner's complaints. Zuyd was also given the opportunity to respond to the additional supporting documents supplied by the petitioner. Zuyd submitted a written response on 7 November 2019.

On 29 November 2019 the National Commission convened again and issued its ruling.

2. CONTENT OF THE PETITION

The petition primarily pertains to actions of Zuyd in connection with the complete and correct provision of information concerning the accelerated Interdisciplinary Arts Bachelor's programme (hereinafter referred to as the iArts). The petitioner asserts that she was incorrectly informed of the composition of the programme. She is also of the opinion that the English language skills of lecturers were inadequate and that fewer contract hours were offered to her than are stated in the Education and Examination Regulations (hereinafter referred to as 'the EER') and the timetable. The petition pertains to the academic years 2017-2018 until the present.

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, insofar as these actions have taken place after the date of inclusion in the register.

Zuyd is an institution for higher education, and has been included in the register of the Higher Education Code of Conduct since 19 May 2006. The actions date from after this time.

The petitioner is an international student originating from Canada. She is in possession of a temporary regular residence permit in the context of her studies, as shown by the copy of the residence permit submitted by the petitioner.

Prior to the present petition, on 24 January 2019 the petitioner submitted a complaint to the iArts programme, and on 31 January 2019 to the Complaints Service Point of Zuyd. On 7 February 2019 the petitioner received a response to her complaint from the Programme Director of the iArts programme. The petitioner appended the response to the petition. At the petitioner's request, the outcome of the complaints procedure with the Complaints Service Point has remained confidential in relation to both Zuyd and the National Commission.

The National Commission determined that the petition was admissible, and proceeded with the substantive evaluation.

4. EVALUATION

Articles 2.1b and 2.1e – provision of information

In pursuance of these provisions, Zuyd has undertaken to provide international students with timely, reliable and easily accessible information. Articles 2.1b and 2.1e of the Code of Conduct require of Zuyd that it in any event provides adequate information on the education offered in connection with a description of the programme, the EER and additional remunerations that an institution requests in the context of the programme.

The petitioner asserts that Zuyd has infringed the abovementioned provisions of the Code of Conduct. According to the petitioner an inaccurate image of the programme is given on the website of Zuyd. Subjects are mentioned on the website that are not offered. In connection with the EER, the petitioner asserts these regulations were not made available via the institution's website or another platform. Furthermore, according to the student the information that is included in the EER is unclear in connection with the minimum requirements to be able to pass a subject, and the information that is included in the EER is incorrect in connection with contact hours and hours of study. The petitioner also asserts that she was not informed by the programme in good time on the additional payments that are required in connection with the obligatory participation in various projects and programmes. According to the petitioner it was only communicated verbally that the additional costs amount to approximately €100 per month.

Article 2.1b

Firstly, the National Commission determines that the programme director of Zuyd had already accepted some of the complaints in response to the complaint of the petitioner. By its own account the programme had also duly taken concrete action on some points. This is also confirmed in the response of Zuyd of 3 September 2019. With regard to the provision of information concerning the programme, Zuyd acknowledges that it had placed information on its website that had led to confusion among students. Through the use of the term 'course' the impression was created that particular subjects would be offered as a component of the programme. Zuyd however asserts that this concerned topics that are integrated in projects. The National Commission determines that the information on the English-language programme page on the website of Zuyd has been amended sufficiently, and for this reason there is no longer any infringement of article 2.1b of the Code of Conduct.

In connection with the availability of the EER for the iArts programme, the National Commission determines that this can be consulted on the programme page on the website of Zuyd. In addition, Zuyd states that the EER has also been made available on the information portal of Zuyd, which is accessible to enrolled students. To this extent the petition is unfounded. For the sake of completeness, the National Commission notes that on the basis of the Code of Conduct it is not authorized to form a judgement on the method of testing and evaluation, information on which is included in the EER.

The more substantive argument of the petitioner concerning the accuracy and reliability of the information that is included in the EER on the composition of the programme and the contact hours and hours of study will be evaluated in conjunction with article 5.1, the educational provision.

Article 2.1e

In respect of the additional expenses that must be incurred for the programme, in its response of 3 September 2019 Zuyd remarks that a better alignment of the activities and thus the spread of the expenditure is desirable, and that measures have been taken to this end. In the 2018-2019 and 2019-2020 EER it is stated that participation in educational activities as a component of the curriculum can lead to additional costs. For an estimate of the costs, reference is made to the programme page of iArts. On the website an indication is given of approximately €100 extra per month. In the response of Zuyd of 7 November 2019 to the further questions of the National Commission, it explains that with effect from the academic year 2019-2020 an annual timetable is employed on the basis of which the activities per study year are identified and aligned. Zuyd remarks in this respect that students are informed at an earlier stage concerning the activities to which costs are connected. The question at hand is whether the information on the costs, in accordance with article 2.1 of the Code of Conduct, is made available in good time, is reliable and is easily accessible to international students, so that they can make an estimate of the costs before they begin their studies. It must thereby be taken into consideration that an amount of approximately €100 per month can form a considerable pressure on the student's budget. The National Commission is of the opinion that Zuyd has taken appropriate measures in this respect. Prospective students can take cognizance of the additional costs to be expected via the programme page of iArts. Besides this, the measures taken indicate that Zuyd has greater sight of and grip on the spread and the extent of the costs that will be incurred. The National Commission is of the opinion that, although in the past there was unclear communication concerning the additional costs, there can no longer be considered to be an infringement of article 2.1e of the Code of Conduct. To this extent the petition is unfounded.

Articles 2.1b, 5.1, 5.3 and 5.7 - provision to and support of international students

In article 2.1b Zuyd commits itself to the supply of reliable and accurate information on the educational provision by means of, among other things, the EER. Article 5.1 expects Zuyd to meet the national requirements applicable to the institution. On the basis of article 5.3, Zuyd has undertaken to ensure that lecturers have a sufficient command of the language in which the education is given. Article 5.7 includes the obligation to actually provide the programme that is offered. If the programme is cancelled for well-founded reasons, then this must be communicated to the student no later than three months prior to the commencement of the programme. In the event that the international student is in the Netherlands, Zuyd is obliged to seek out an appropriate alternative in consultation with the international student.

The petitioner asserts that Zuyd has infringed articles 2.1b, 5.1 and 5.7 of the Code of Conduct for the reason that the contact hours stated in the EER 2017-2018 and EER 2018-2019 deviate from the number of hours that are actually provided. The petitioner has supplied a summary for the academic year 2018-2019 in which she points out that of the 164 hours that are stated in the EER for nine subjects, in fact only 53.8 hours were offered. In addition, the petitioner is of the opinion that article 5.3 of the Code of Conduct has been infringed. According to the petitioner the English language skills of lecturers are insufficient to be able to teach an English-language programme. In substantiation of her assertion the petitioner has supplied emails in English from two lecturers that contain language errors.

Articles 2.1b, 5.1 and 5.7

In response to the petitioner's complaint dated 24 January 2019 the programme director of Zuyd states that the hours of study rather than the contact hours were calculated when the EER 2017-2018 was drawn up. Zuyd states that it regrets this, and that it made a correction for the subsequent years.

In response to the standpoint of the petitioner that during her second academic year, 2018-2019, the number of contact hours that were provided did not correspond to the number of contact hours prescribed in the EER 2018-2019, Zuyd states that the summary supplied by the petitioner is not complete, and gives a distorted view of the total number of contact hours in the programme. Zuyd thereby notes that the hours stated in the EER are not contact hours but hours of study. The National Commission determines that in both the EER 2018-2019 and the EER 2019-2020 reference is made to contact hours per week and contact hours per year. Hours of study as such are not mentioned, which creates the impression that the abovementioned correction has not taken place. Furthermore, Zuyd notes that it offered a 'plus programme' with which a number of subjects could be caught up on, the lectures for another subject were programmed later in the academic year after all, and it was decided to offer a number of subjects integrated in projects, or to include the educational provision in the programme under a slightly different name.

On the basis of the above information the National Commission determines that the education that is actually offered deviates from the offering as presented in the EER 2017-2018 and the EER 2018-2019. The question at hand is whether the educational institution sought out an appropriate alternative in consultation with the petitioner. In its response of 7 November 2019 Zuyd explains that a 'plus programme' was offered at the start of the academic year 2019-2020, focused on gathering the necessary knowledge and skills for the purpose of graduation. The petitioner, just as her year group, had the opportunity to make her wishes known with regard to the content. In addition, as has already been indicated, the educational provision was included in the programme under a slightly different name. Zuyd has attempted to find an appropriate alternative for the subjects that were not offered. It must be borne in mind hereby that for two consecutive years the provision as presented in the EER applicable to the academic years in question did not take place.

Moreover, the National Commission notes that the contact hours, or hours of study, mentioned in the EER 2018-2019 and EER 2019-2020 do not correspond to the number of ECs that are specified. Based on a calculation whereby the number of ECs is equal to 28 hours, the number of ECs is proportionately lower than the number of hours of study that is prescribed for a number of subjects. The National Commission presented to Zuyd the example of the subject Writing that is provided in the first year. 90 contact hours and 2 ECs are specified for the subject ($2 \times 28 \text{ hours} = 56 \text{ hours of study}$). In its response of 7 November 2019 Zuyd states: *'For the allocation of ECs to educational units the programme has chosen to not only take into consideration the hours of study, but also the substantive weighting that an educational institution employs in its vision of the education in the programme. Project-based learning is the pillar of the education of iArts, and so in the allocation of the ECs more weight is also assigned to the projects by giving these more study credits. In doing so, the total of the programme is weighed up and the distribution of the hours of study is kept to 42 hours per week. Some components therefore have more study credits than would be assigned than on the basis of the study load alone, while others have less.'* The National Commission notes that this information is lacking for the international student and possibly leads to confusion and an incorrect impression of the hours of study that rest upon the subject for the student.

On the basis of the above, the National Commission comes to the conclusion that in respect of the information provision on the composition of the programme and the hours of study, or the contact hours, as stated in the EER 2017-2018, 2018-2019 and 2019-2020 for the iArts programme, this does not fulfil the conditions of article 2.1b of the Code of Conduct. The information leads to ambiguities for prospective and current students concerning the study load and the composition of the programme. To that extent the petition is well-founded.

In respect of articles 5.1 and 5.7, the delivery of the educational provision, the National Commission is of the opinion that Zuyd attempted to find an appropriate alternative for the subjects that were not offered. To that extent the petition is unfounded.

Article 5.3

With regard to the quality of its personnel, Zuyd refers to the Accreditation Organization of the Netherlands and Flanders (NVAO) report of 31 December 2015, in which it is stated: *'The personnel are qualified and their number is evaluated as sufficient for the substantive, educational and organizational realization of the programme'*. In addition, Zuyd explains that, on the matter of English language skills, constant attention is paid to the training of lecturers. From the reply to the further question that the National Commission has set it is apparent that Zuyd pursues policy on four different levels, namely the recruitment policy of iArts, peer review/support, individual expertise advancement at lecturer level and, finally, that a *Classroom Communication/Teaching in English* course is planned for the whole team in the current academic year. Although the emails supplied by the petitioner contain language errors, the National Commission is of the opinion that iArts has formulated a thorough policy in order to be able to ensure and advance the English language skills of its lecturers. To that extent the petition is unfounded.

5. DECISION

On the basis of the above considerations the National Commission comes to the final conclusion that Zuyd has acted in contravention of article 2.1b of the Code of Conduct. The EER 2017-2018, 2018-2019 and 2019-2020 contains inaccurate information on the hours of study, or contact hours, and the composition of the educational provision. To that extent the National Commission declares the petition well-founded.

With regard to the alleged infringement by Zuyd of articles 2.1e, 5.1 and 5.7 of the Code of Conduct, the National Commission concludes that the institution has accepted the complaints and taken appropriate measures in this respect. According to the National Commission there has not been an infringement of article 5.3 of the Code of Conduct. To that extent the petition is unfounded.

6. MEASURE

The National Commission orders Zuyd to correct the information provision in the EER of the iArts for the coming academic year 2020-2021 concerning the hours of study/contact hours, and to be transparent in respect of the calculation of the number of ECs that are counted for a subject. In addition, the National Commission emphasizes the importance of the actual delivery of the educational provision as this is communicated to students. Changes to the curriculum must form an exception to the rule, and only take place when this is necessary.

Finally, the National Commission notes that it is not authorized to take a financial measure as the petitioner has requested in her petition.

The National Commission requests Zuyd to send her the EER 2020-2021 as soon as possible after the document has been formulated or corrected.

7. FINALLY

The National Commission notes that a large proportion of the complaints made by the petitioner had already been accepted by Zuyd. Various measures were taken by the iArts programme in response to the complaints. As the institution itself indicates in its letter of 3 September 2019, the results of this are not always immediately visible within a few months, which applies all the more to the petitioner given that she is in the last year of her programme. The National Commission has understanding for the fact that iArts is a relatively new programme, and has a great deal of appreciation of the constructive attitude that the programme has taken in response to the petitioner's complaints.

Nevertheless, the National Commission wishes to emphasize that a correct provision of information is essential for prospective international students, so that they can form a good impression of the programme before they come to the Netherlands. The above applies all the more to the composition of the curriculum and changes that have taken place within it. Certainly in situations in which this concerns the development of a new programme for which international students have been admitted in an early stage, the National Commission considers it of the greatest importance that Zuyd attempts to give substance to its duty of care in an adequate manner.

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, and 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