

Minister of Education, Culture and Science
Ms mr. drs. I.K. van Engelshoven
Rijnstraat 50
2515 XP The Hague

CC: Mr F.A. Hofman

<i>subject</i>	<i>reference</i>	<i>date</i>
admission policy institutions of higher education	LC 19.019/DIV	24 October 2019

Dear Ms Van Engelshoven,

In recent months, the National Commission International Student in Higher Education (hereinafter: National Commission) has studied the various policy documents regarding higher education with much interest. These include the Interdepartmental Policy Study into Internationalization (IBO), the Cabinet Response to the IBO, and the Letter to Parliament, in which you have set out the outlines of the Strategic Agenda for Higher Education and Research. The National Committee is pleased to learn that you underline the added value that internationalization brings to higher education, and that you intend to develop government policy that can contribute towards the positive effects of internationalization. In addition, you wish to limit the negative effects of internationalization. This is consistent with the policy line you previously set out in your *Internationalisering in evenwicht* ('internationalization in balance') vision letter of 4 June 2018.

Limits to absorptive capacity

You have largely replicated the measures proposed in the IBO in the 'Wetsvoorstel Taal en Toegankelijkheid' ('language and accessibility legislative proposal'). This includes a focus on the manageability of the inflow of international students. As mentioned in the various reports, including in your Government Response, there is a limit to the absorptive capacity of the publicly funded Dutch higher education system under the current budgetary conditions. The National Committee shares these concerns about the absorption capacity which, it believes, could form a long-term threat to the quality of Dutch higher education, and to the well-being of students in terms of the support and assistance they receive, as well as the lack of housing.

Tightening up admissions policies

The call from the higher education sector for more instruments to make the inflow of international students more manageable was echoed by the National Commission during the seminar that it organized with Nuffic and the Kommissie Buitenlands Studerenden in October 2018. During the meeting, to which policy officials from the Ministry of Education, Culture and Science made an active contribution, it was noted by all concerned that existing legislation offers insufficient clarity when it comes to the options available to educational institutes for shaping their admissions policies. This is caused in part by the contradictions between legislation on education (the Higher Education and Research Act) and that on aliens (Aliens Act 2000), to which reference is made in your Government Response. The National Committee regards your call for a renewed focus on this complicated subject as very valuable and is willing to provide its own ideas on the matter, given that the discussion also affects the IND study progress norms and the obligation to deregister students contained in the Higher Education Code of Conduct.

The measures you propose should create sufficient options for the relevant institutions to shape their admissions policies and prevent capacity problems. The National Commission believes that the

instruments will only provide a partial answer to the problems being faced by the institutions of higher education. What is lacking in particular is the option to impose an emergency restriction in the event of an institute of education unexpectedly having to deal with a relatively large number (in comparison to previous years) of preliminary applications from eligible international students. In this connection, the National Commission recalls the case in 2016 in which a University of Applied Sciences received 200 preliminary applications for a relatively small study programme from students from outside the EU/EEA, without any lawful means of regulating this intake. Good-quality education may be jeopardized if unexpectedly large groups of international students, regardless of whether they share the same nationality or cultural background or not, enrol for a study programme. The National Commission therefore considers an investigation into the legal options for imposing an emergency restriction as vitally important. It is urgently calling for the matter to be examined in the short term and for measures to be taken, if possible during the current legislative route of the Language and Accessibility Legislative Proposal.

Expanding the selection options

Various suggestions have been made in the IBO regarding the instruments for increasing the selection options for funded institutions of education, to enable them to manage the inflow of international students more effectively. In the Government Response, you indicate that you are not persuaded of the need to expand selection options. The National Committee regrets this, as a wider range of instruments for selecting on the basis of cultural background or nationality could contribute towards balanced (from a diversity perspective) international groups of students on study programmes. The National Committee realizes that, from a legal point of view, the options are limited because of the principle of non-discrimination and the need to guarantee access for Dutch students. An examination of whether diversity as a selection criterion should be extended, as is currently the case for personalized teaching (*kleinschalig onderwijs*), deserves consideration. An important priority here is the need to establish a clear definition of what constitutes 'diversity', as well as the concept of 'international classroom'.

Facilitating the learning of the Dutch language

The measures proposed in the legislative proposal in relation to language policy should contribute towards more judicious policies on the part of the institutes of education. This concerns, among other things, command of the Dutch language. Your proposal is to amend the current Section 1.3 of the Higher Education and Research Act to make it applicable to students who speak languages other than Dutch. By signing the Higher Education Code of Conduct, the institutes of higher education have emphasized the importance of giving international students the opportunity of learning the Dutch language and of acquiring cultural skills. During the aforementioned Code of Conduct seminar, there was widespread agreement that learning the Dutch language strengthens ties with the Netherlands, promotes the well-being of students, and increases the likelihood of their finding work in the country, post-graduation. One of the follow-up actions from the seminar is an examination into how institutions of education might implement this commitment, and how existing best practices can be shared. An example that comes to mind is that of providing MOOCs in Dutch-language skills. These are currently only made available through the websites of each individual institute of education, which sometimes makes them difficult to find for students, or prospective students. One possibility worthy of consideration is that of presenting the range of options on an online platform, such as Study in Holland, as a means of making them easier to find and giving students the opportunity to learn the Dutch language before they come to the country, or while they are here.

Improving the language skills of teachers

The IBO states that the command of English among teachers is generally sufficient but that nonetheless, 16% of international students are not satisfied with the English language skills of teachers. This shows there is room for improvement.

In the Government Response, you correctly note that the institutions of education have made agreements between themselves on this matter. The members of the VSNU have agreed that teachers and professors on permanent employment contracts should have a command of the language in which they teach of at least C1 level. In addition, the institutions of higher education have undertaken – in the Higher Education Code of Conduct – to ensure that teachers have a sufficient command of the language in which they teach. The National Commission will include the IBO finding in the evaluation of the Higher Education Code of Conduct, which will entail an exploration of whether the agreement in the field – that is, that teachers and professors should have a command of the language in which they teach of at least C1 level – can be incorporated in the Higher Education Code of Conduct.

Phasing out of grant for Neso offices

In line with the proposal by the IBO, you state in the Government Response that the grant for the Neso offices is to be phased out. You state your intention of using the resources thus released for strengthening knowledge diplomacy through education and science attachés. The NESO offices are, in many cases, the first point of contact for prospective international students. They perform a valuable role in informing and assisting international students seeking to study in the Netherlands, and for Dutch students who go abroad. Additionally, the NESO offices provide Dutch-language lessons for students going to the Netherlands, they give objective information about matters like accommodation, and they check the diplomas and the English language skills of Chinese students. The National Commission is concerned that these functionalities may not be adequately safeguarded through the deployment of education and science attachés. It requests that you reconsider the proposal to phase out the grant and to enter into discussions with the higher education umbrella organizations and Nuffic.

The internationalization of Dutch higher education is of major importance to Dutch society and the country's knowledge economy. It is therefore important that we together ensure that the positive effects of internationalization are safeguarded, and optimized where possible. The Language and Accessibility Legislative Proposal contains instruments for dealing with the secondary effects of internationalization; in particular, however, it does not appear to offer the institutions of education sufficient instruments for managing the inflow of students. The National Commission hopes you will see an opportunity for ensuring that the aforementioned suggestions be made part of the legislative proposal.

From its independent position, the National Commission envisages a role for itself in bringing parties together and connecting them by organizing meetings at which policy and practice can similarly be brought together. It is with pleasure that I would like to offer to organize a symposium around a particular theme, if that is what the Ministry would like, that is related to the provisions of the Higher Education Code of Conduct. I have made the same offer to Feite Hofman, the Director for Higher Education and Student Grants.

Yours sincerely,
on behalf of the National Commission,

J.E.J. van Bergen
chairman of the National Commission Higher Education Code of Conduct

CC: chairmen of the higher-education umbrella organizations: NRTO, Netherlands Association of Universities of Applied Sciences, and VSNU