



# Annual Report

2018

National Commission  
*Code of Conduct*  
Higher Education

## Table of contents

Table of contents.....	1
Introduction.....	2
Register Code of Conduct.....	3
National Commission .....	4
Preview 2019.....	10



## Introduction

In this Annual Report we would like to take a look at the National Commission's (the Commission) activities in 2018, the developments of the Code of Conduct and the Register maintained by the register administrator Executive Agency of Education (DUO).

The Commission considers it important that international students are provided with complete, up-to-date and adequate information before they come to the Netherlands to study. In this context the Commission performed two investigations last year. The first analysed the websites of six educational institutions. In addition to the provision of information about the courses offered and their accreditation, the investigation checked whether these websites contained information about the Code of Conduct and the complaints procedure for international students which is included in the Code of Conduct. The findings of the latter theme were reasons for a follow-up investigation. In this Annual Report you can read more about the observations of the Commission.

Within the scope of its supervisory task the Commission received two petitions concerning actions of Maastricht School of Management (MSM). Both petitions were rejected as inadmissible and will be briefly explained. However, the content of the petitions gave rise to the Commission in its capacity of taking care of the international student, to start an investigation into the compliance of this educational institution with the stipulations of the Code of Conduct.

Lastly, the Commission organised a seminar in collaboration with the *Kommissie Buitenlands Studerenden* (KBS – Committee Students Studying Abroad) and Nuffic. Two themes were discussed: the admission policies of the educational institutions and student study progress monitoring and supervision. The Commission positively looks back on this meeting.





## Register Code of Conduct

The Code of Conduct appoints DUO as the register administrator. DUO processes applications for inclusion and adjustments in the register at the request of an institution or the Commission. In the past year, DUO did not receive any applications for entry in the register of the Code of Conduct. Following the merger of Hogeschool Stenden and NHL, these entries have been combined into the new name, which is NHL Stenden University of Applied Sciences.

The register of the Code of Conduct, which can be consulted on [www.internationalstudy.nl](http://www.internationalstudy.nl), listed 75 educational institutions on 31 December 2018.



## National Commission

In the past year, the Commission focused on the provision of information on the educational institutions' websites. This is the institutions' primary channel to give information to international students. The Commission carried out two investigations related to this. Furthermore, it examined MSM following two petitions the Commission processed last year. This examination too, focused on the provision of information about the educational offer. On 10 October 2018, the Commission organised a seminar regarding the Code of Conduct in collaboration with Nuffic and KBS. In 2018, the Commission issued two newsletters to update you on the latest developments. Students of Hanze University of Applied Sciences developed two short English spoken videos about the Code of Conduct as a trainee assignment. The videos are available on the [homepage of the Code of Conduct](#).

### **Petitions**

In December 2017, the Commission received two petitions concerning actions of Maastricht School of Management (MSM). The first petition was submitted on behalf of StatMind, a private organisation providing educational and research services. The petition related to the provision of information by MSM and its partners on various websites, regarding the education offered. The second petition was submitted by a former DBA student of MSM and also concerned the provision of information by MSM. The Commission gave a decision on two petitions in 2018, which was that both petitions were inadmissible.

The National Commission was of the opinion that the first petition was not admissible since a direct interest, or a sufficient interest, in the context of the Code of Conduct failed for petitioner. The Commission was of the opinion that the petition was inextricably linked to petitioner's business interests. Although petitioner argued to promote the interests of the international student and Dutch higher education, it could be inferred from documents submitted by MSM that petitioner was a former employee of MSM, and that the petition originated from a business or personal conflict that had been going on between petitioner and MSM since 2015. The petition procedure of the Code of Conduct is not the appropriate way to stand up for such interests.

The second petition – that was based on virtually the same grounds – was considered inadmissible because petitioner took part-time courses or was offered these. Part-time education is outside the scope of the Code of Conduct. This is because part-time students originating from non-EEA countries do not qualify for a residence permit for study purposes. The Dutch migration act regards such students as employees since part-time students often work in addition to studying. Additionally, the National Commission qualified the DBA programme that petitioner attended as a doctorate process. The Code of Conduct does not cover scientific research.

Although both petitions were declared inadmissible, they gave sufficient cause for an investigation into MSM's provision of information.

### **Investigations**

#### **Investigation report: Maastricht School of Management**

The Commission took the above petitions as a stimulus to start an investigation into the provision of information by MSM regarding the quality and accreditation of the study programmes offered, the collaboration of MSM with partner institutes and the degree awarded after completion of a programme offered (by MSM or its partner institutes). Particular attention was given to the status of the MPhil line as part of the DBA programme. The Commission could take up this investigation expeditiously thanks to the willing cooperation of MSM. The research topics that the Commission submitted to MSM were clearly answered and substantiated by underlying documentation in the form of prints of web pages from the MSM website.

A comparison of the material previously sent by the two applicants and MSM in the context of the application procedure and the information that the Commission found on the MSM website at that time, showed that MSM reviewed its website and documentation materials in a very detailed manner.

In this context, the Commission established that MSM had adjusted its website in several areas and that the information was supplemented and clarified. The Commission phrased several recommendations. One of the recommendations was that MSM should tighten up the wording about the MPhil to prevent confusion among students. Please consult [the investigation report](#) for the full decision of the Commission.

### **New report: periodic review of provision of information**

In the first months of 2018, the Commission reviewed the information given on the websites of six educational institutions. The report is available on the website of the Code of Conduct. In 2017 it was agreed with the umbrella organisations that the Commission would carry out an annual review of the websites of selected institutions. With these examinations, the Commission wishes to contribute to the correct provision of information to international students.

The Commission examined the websites of: Hanze University of Applied Sciences, The Hague University of Applied Sciences, University of Amsterdam, Utrecht University, Webster University and KIT Royal Tropical Institute. The Commission reviewed the provision of information about the courses and the accreditation of the study programmes, as well as information about housing options and whether the institutions correctly identify themselves in their nomenclature with regard to the distinction between *universities* and *universities of applied sciences*. Finally, it was checked whether the websites of these institutions contained information about the Code of Conduct and the complaints procedure for international students which is included in the Code of Conduct.

#### *Overall observations*

The educational offer of the institutions was generally presented in a clear manner on their websites. The offer was easy to find and the information came across as reliable. The selected institutions clearly communicated in their names the character of the institution – *university* or *university of applied sciences*. In general terms, the information about housing was in general sufficient. Valuable information was that some institutions warned students of the difficulties in finding a room. The Commission believes that it is very important for students to be aware of the risks and that they should start searching for accommodation well in advance. For many of the institutions, the information about the Code of Conduct did not comply with the standard. Not only was the text of the Code of Conduct often lacking, many sites contained outdated information, links and brochures. In this regard it was striking that information about the complaints procedure for international students as is included in the Code of Conduct was often missing.

Most of the findings were submitted to the relevant institutions who quickly addressed the majority of the conclusions, which led to changes in the information on the websites. As agreed with the umbrella organisations, a similar review will be made in 2019 of the websites of six other institutions.

### **Review provision of information on the Code of Conduct**

Following the findings of the previously mentioned review, in recent months, the Commission checked the websites of all 75 educational institutions listed in the Register of the Code of Conduct for up-to-date information on the Code of Conduct. This also included information about the complaints procedure for international students. When the information found was approved, this was recorded and no further actions were taken, but if the findings were insufficient, these were submitted by email to the educational institution concerned with the request to respond and to complete or correct the information.

The general conclusion drawn from the study was that the information on the Code of Conduct on the websites of the educational institutions was often insufficient. In some cases the information, links and brochures were outdated and in many cases the texts of the Code of Conduct and the complaints procedure for the international students were missing. The findings were presented to the relevant institutions. The Commission greatly appreciates the fact that its contacts within the educational institutions often led to quick adjustments to the websites.

No report was drawn up of this review, but the findings were presented in writing to the institutions' Boards. The Commission has pointed out the importance of keeping the information on the educational institutions' websites up to date. The study will be repeated at the end of 2019.

### **Seminar Code of Conduct Higher Education**

On 10 October 2018, the seminar on the Code of Conduct Higher Education was held. The Commission organised the seminar in collaboration with Nuffic and KBS. In addition, when drawing up the programme and organising the coordination, the Commission is grateful for having been able to use the expertise of the policymakers of the umbrella organisation, the Foundation for Refugee Students (UAF), staff members of the educational institutions and policymakers of government bodies interested in the subject. The themes the seminar focused on were selected after talks in the field of work: the admission policies of educational institutions concerning non-EEA students and the study progress and supervision of international students. Two other workshops focused on the position of refugee students. This subject was coordinated by the UAF.

The aim of the seminar was to identify how staff of the institutions deal in practice with the relevant rules and regulations that apply to non-EEA students (and refugees), what they need and which are the bottlenecks. The seminar was held at a time when several government bodies were – and still are – working on designing and evaluating rules and regulations. This includes a further elaboration of the letter the Dutch Minister of Education sent to the Dutch Parliament titled: *An equilibrium in internalisation*. The Modern Migration Policy will be evaluated and civic migration policy will be redesigned. At the seminar, an open discussion was held with educational institutions, interested governmental organisations and related parties. The discussions led to valuable best practices and conclusions that may be elaborated by the responsible parties at a later stage.

#### *Some conclusions regarding the admission policies:*

- According to most participants the legal framework did not provide sufficient scope for higher education institutions to shape the admission policies themselves. Legislation and regulations should be better aligned. This includes primarily the Dutch Higher Education and Research Act and the Dutch Aliens Act 2000, with a role for the Code of Conduct. Several educational institutions indicated that often the student is adversely affected by discrepancies. The government organisations involved stated that these issues are difficult to solve, as seen from legal and policy viewpoints.
- Generally speaking, the institutions need more formal grounds to be able to refuse non-EEA students. The distinction can be made between a) refusing an individual student because of doubts about study motivation, b) refusing students on account of a sudden, unexpected influx, and c) selecting students based on a pedagogical concept, for instance the so-called *international classroom*.
- For several subjects, there are differences in interpretation about what can formally be arranged. There is a lack of clarity about being able to refuse the recognised sponsorship for an individual student on the basis of study motivation. It seems that private institutions have more possibilities to refuse students because of study motivation. Furthermore, it seems unclear whether an institute may select students on the basis of their nationality in order to achieve a balanced international classroom. In that case the selection criterion should always apply to Dutch students as well.

#### *Some general observations about the study progress monitoring and supervision of students:*

- According to staff of the educational institutions, international students are often not aware of the facilities and possibilities that an institution offers to support their studies. Furthermore, students do not seem to be used to actively report themselves to be able to use such facilities. Sometimes students are ashamed of their situation.
- The need for a social safety net was underlined by everyone. This is about the student feeling welcome. Much of this has been shaped already in the form of online and offline community building by buddy networks, sports and student associations and so on.



- International students are in need of Dutch language courses, preferably for free or at reduced rates. Learning the language provides added value during studies, even if not all students remain in the Netherlands after graduation.

A more detailed account of the seminar can be found in the [report](#).

### **Newsletters**

In 2018, the Commission issued two digital newsletters, in which it wrote about its activities and informed the reader about relevant developments affecting the Code of Conduct and international students. You can find the articles of the newsletters on [the website](#). In the meantime, 271 readers have registered to receive the newsletter digitally (192 in 2016).

In its first newsletter in 2018, the Commission announced the seminar of the Code of Conduct that was to be organised later that year in cooperation with Nuffic and KBS and published the results of its periodic review of the provision of information of six educational institutions. The newsletter also announced the Commission's Annual Report 2017. Karen Ali, member of the Commission on behalf of VSNU, introduced herself and shared some of her own experiences as an international student. In the second newsletter of 2018, the Commission published the outcomes of the seminar on the Code of Conduct, including a report of the meeting. Furthermore, the Commission gave information about the findings of its review of the provision of information about the Code of Conduct, and Jan-Albert Dop, member of the Commission on behalf of NRTO, wrote about his career in which internalisation was pivotal. And lastly, the newsletter contained an article about the application procedure for a provisional residence permit in the context of study. The article was written by Martijn van Lith, senior policy maker of the Dutch Ministry of Foreign Affairs.

The newsletter is published twice a year. If you would like to receive it automatically, you can sign up by sending a message to: [info@internationalstudy.nl](mailto:info@internationalstudy.nl).

### **Two short videos about the Code of Conduct**

The Code of Conduct was evaluated in 2016 - 2017. One of the conclusions was that the text of the Code of Conduct does not appeal to the international student, as it is written in a formal style and is of considerable length. It was suggested to make a summary of the text and to develop a short, informative video. The summary was already made in 2017 and last year the Commission gave Hanze University of Applied Sciences a trainee assignment to develop a short video in English. Three students of the Communication & Multimedia Design programme worked at the assignment for about four months. They made two short videos. The first video presents a general explanation of the Code of Conduct and the Commission. The second video gives information about filing a petition. What are the requirements of submitting a petition to the Commission. What is the exact procedure. Both videos have been published on the Code of Conduct's homepage. The Commission recommends the educational institutions to place a link to the videos on their websites.

### **Composition**

After serving the maximum number of terms, Frans Kuipers said farewell to the Commission. Rob Verhofstad has switched from substitute to permanent member and succeeded Frans Kuipers. In the past year there were several changes among the substitute members, which the table below reflects.

The Commission would like to take this opportunity to express its gratitude to Frans Kuipers for his dedication to both to the functioning of the Code of Conduct and the performance of the Commission's tasks.

*Composition of the National Commission (31 December 2018)*

<b>FUNCTION</b>	<b>NAME</b>	<b>CAPACITY</b>	<b>UMBRELLA</b>
chairman	Mr Joris van Bergen	Former member Executive Board Eindhoven University of Technology and of Leiden University, former chairman SURF	-



acting chairman	Mr Paul Rullmann	Former Board Member Delft University of Technology, chairman Higher Education Efficiency Committee	VSNU
member	Mrs Karen Ali	Director Fundraising Development, TU Eindhoven	VSNU
member	Mrs Susana Menéndez	Former member Executive Board The Hague University of Applied Sciences	The Netherlands Association of Universities of Applied Sciences
member	Mr Frans Kuipers	Former president Noordelijke Hogeschool Leeuwarden	The Netherlands Association of Universities of Applied Sciences <sup>1</sup>
Member	Mr Rob Verhofstad	Member Executive Board Hanze UAS Groningen	The Netherlands Association of Universities of Applied Sciences <sup>2</sup>
member	Mr Jan-Albert Dop	Former member Executive Board Webster University Leiden	NRTO
substitute member	Mr Janco Bonnink	Coordinator Corporate Affairs VU University Amsterdam	VSNU <sup>3</sup>
substitute member	Mr Frans Sniijders	Director International Office, Vrije Universiteit, Amsterdam	VSNU <sup>4</sup>
substitute member	Mr Tom van Veen	Professor University of Maastricht	VSNU <sup>5</sup>
substitute member	Mr Joep Houterman	Member Executive Board Fontys University of Applied Sciences	The Netherlands Association of Universities of Applied Sciences
substitute member	Mr Rob Verhofstad	Member Executive Board Hanze UAS	The Netherlands Association of Universities of Applied Sciences <sup>6</sup>
substitute member	Mr Janco Bonnink	Director International Office, Saxion University of Applied Sciences	The Netherlands Association of Universities of Applied Sciences <sup>7</sup>
substitute member	Mr Jan van der Heijden	Advisor Dirksen University of Applied Sciences	NRTO

### **Financial paragraph**

As in previous years, the attendance fees of the chairman, members and deputy members of the Commission were settled at the end of each quarter in 2018. For this reason, an Attendance Fee Decree was compiled in consultation with the Ministry of Education, Culture and Science, which can be found on the website of the Code of Conduct. The following table accounts for the amounts paid in each quarter. The Commission met six times during the past year, the meeting in June 2018 was a joint meeting of members and substitute members. The Commission also attended the seminar of 10 October 2018.

Furthermore, a delegation of the Commission had meetings with the Dutch Ministry of Foreign Affairs, VSNU, Nuffic, IND, the Netherlands Association of Universities of Applied Sciences, and the Commission visited the University of Groningen.

The higher attendance fees as compared with the preceding year, are the effect of the two petitions the Commission processed and that gave rise to a follow-up review and the seminar the Commission organised. Both subjects demanded much attention from the Commission.

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1 Stepped down 1 May 2018.

2 Started as a member on 1 May 2018.

3 Stepped down as a member on behalf of VNSU on 1 March 2018.

4 Started on 1 January 2018.

5 Started on 1 September 2018.

6 Stepped down as substitute member and started as a member on 1 May 2018.

7 Started as a member on behalf of this Association on 1 May 2018.

*Attendance fees, including travel expenses and VAT 2018 vs 2017*

Period	2018	2017
Q1	€ 6.104,44	€ 5.328,21
Q2	€ 6.509,05	€ 6.421,57
Q3	€ 5.293,63	€ 2.888,85
Q4	€ 5.409,51	€ 2.978,25
<b>Grand total</b>	<b>€ 2.316,63</b>	<b>€ 17,616.88</b>



## Preview 2019

In the coming year, the Commission will again engage to secure the continuity of the Code of Conduct against the backdrop of an increasing number of international students and the political developments in internationalisation of education. First of all, this will be realised by carefully dealing with the petitions it receives, as well as the signals where the Commission will play a rather more mediating role between the institution and the student in order to avoid larger problems.

Additionally, in the coming year the Commission will use its investigations to try to make a positive contribution to the quality – and as a result the attractiveness – of Dutch higher education for international students. In this year, the periodic review of provision of information is again on the Commission's agenda. In a meeting of the Commission and the umbrella organisation two years, it was agreed that the Commission will carry out an annual review of the websites of six educational institutes on the provision of information about topics such as the educational offer and the accreditation of that offer. Depending on the issues in the context of the Code of Conduct that are of interest at the time of the review, such issues may be included. In the past year, for instance, housing was a topic of special interest.

In addition, the Commission will adopt a facilitating and encouraging role regarding the follow-up on the conclusions of the seminar, putting the interest of the international student and the educational institute at the focal point. The seminar resulted in several interesting topics that the Commission would like to be followed up. Especially when it comes to the long term, the solution lies in adapting existing legislation and regulations. This includes contradictions in legislation and regulations, as well as the creation of opportunities when it comes to being able to select students. The government parties present at the seminar have made a note of this, as they can offer clarity when it comes to provisions for which there is a difference in interpretation. In the coming months the Commission will elaborate on the points that require further examination, in cooperation with the parties that have signed up for it. For instance, you could think of issues such as: How to objectively assess study motivation. Which role can the study choice check play in this. And in relation to the study progress standard: Can the same reason for excusability be invoked for several consecutive years, for instance in the case of a psychological condition. The Commission intends to inform you about the follow-up activities in its next newsletter.





## Credits

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