



Annual Report

2020

National Commission
Code of Conduct
Higher Education

Table of contents

Introduction..... 2

The National Commission..... 3

The Register of the Code of Conduct 6

Preview 2021..... 7



Introduction

It is safe to say that last year was a turbulent and unpredictable year. The measures taken by the Dutch government to combat the spread of COVID-19 affected higher education too. For a long time, international students who would start their studies in September were unsure whether they could go to the Netherlands in time due to the travel restrictions. Furthermore, most teaching was done digitally and exams were organized online. The social side of studying was also severely curtailed.

For the National Commission, 2020 was marked by predominantly online meetings and discussions, researches, the temporary relaxation of the Code of Conduct due to the coronavirus pandemic and the evaluation of the Code of Conduct that started in November 2020.

In this Annual Report, the National Commission gives an overview of its activities in 2020 and the developments regarding the Code of Conduct and the Register for which the Education Executive Agency (DUO) as the administrator is responsible. In the last chapter, the Commission presents its expectations and plans for 2021.



The National Commission

In the past year, the National Commission met eight times, several meetings were held online due to the pandemic. The sessions were dominated by discussions regarding the consequences of the coronavirus pandemic for international students and how to apply the Code of Conduct. Another subject was the design of the evaluation of the Code of Conduct, which the Commission started in cooperation with the umbrella organizations in November 2020. Research was also a recurring point on the Commission's agenda. For the first time in nine years, the Commission did not receive any petitions of international students or other interested parties. However, set against previous years, it received comparatively more questions by email about Dutch higher education. The questions mainly concerned the restrictions students experienced because of the pandemic and the admission to teaching.

In 2020, the National Commission published two newsletters in which it focused on the various developments and policy documents concerning internationalization in higher education. Please read more about the activities of the Commission below.

Research

Research report: the periodic review of the provision of information

On an annual basis, the Commission reviews the provision of information on six randomly selected educational institutes' websites. The Commission examines whether the educational institutes give explicit details on subjects such as the educational offer, accreditation, housing, the internal complaints procedure and the Code of Conduct's petition procedure for international students.

This time, the survey included the websites of Windesheim University of Applied Sciences, Has University of Applied Sciences, Radboud University, TIO University of Applied Sciences and the University of Humanistic Studies. Based on the outcomes, the Commission made the following recommendations.

- Ensure that the programmes' names do not leave much room for interpretation about the accreditation and the language of the programme. Prevent the names of programmes from deviating from the names indicated on the NVAO website and in the CROHO register. Students must be able to find information about the programme and its accreditation status easily.
- Highlight the importance of the consequences of following a programme accredited in another country.
- Ensure that more information about the Code of Conduct's petitioning procedure is easy to find on the website, for instance, in the institution's complaints procedure. Since students do not always look for this particular subject, the information must be easy to find on the website.
- Ensure that housing information is easy to find on the website. Although nearly all institutions support or advise students on finding housing, the students should be able to retrieve such information easily.
- The Annual International Student Survey 2020 showed the importance of knowing the repercussions of the corona disease pandemic for international students at a centrally located English language website.

Research preparatory year offered by private parties

In 2020, the Commission also examined preparatory programmes. Some educational institutes offer transfer or preparatory programmes to students who do not or not yet meet all entry requirements but are expected to make up for their deficiencies quickly. The Commission limited its survey to preparatory programmes offered by a few educational institutes in collaboration with private parties, namely three private organizations offering programmes for eight educational institutes: OnCampus (for Amsterdam University of Applied Sciences and the University of Amsterdam), Navitas (for the University of Twente and The Hague University of Applied Sciences) and Study Group (for Vrije Universiteit Amsterdam, the University of Twente, Erasmus University Rotterdam and Hanze University of Applied Sciences Groningen). In the academic year 2019-2020, 802 students took a preparatory course for one of the 56 Bachelor's degree programmes or five Master's degree programmes. This is an average of 19%, rising to 45% of the total intake of international students in that academic year.

The main conclusion is that uncertainty exists about the scope of the relevant legal provision for admission of students to university programmes and three-year programmes at a university of applied sciences. The stricter interpretation – for which purpose the preparatory year originally was designed – specifies that the preparatory year is restricted to eliminating deficiencies. The broader interpretation assumes that recruitment, admission and teaching in a preparatory year may offer facilities to talented students who otherwise would not be admitted or who first should complete an HBO propaedeutic year followed by a transfer year before being admitted to a university Bachelor's programme. Institutions adopt the stricter interpretation, by taking as a point of departure that the level of talented students at the start of the preparatory year equals or supersedes that of senior general secondary education (Dutch: havo), as this is the highest level offered. At the end of the preparatory year, the students have obtained a comparable level to Dutch pre-university education.

The findings of this investigation gave rise to several recommendations. These are the most important ones:

- Based on the quality of teaching and a strict opinion regarding eliminating deficiencies, develop a policy regarding the desirability to actively recruit students who cannot or cannot yet be admitted.
- Develop a policy focused on an unequivocally designed preparatory programme to be organized on campus, in which room is given to specific aspects regarding the preparation and degree programme, the institution or the study environment.
- Clarify in a policy how and by which criterions the admissibility of international students will be assessed. Important in this respect is the role of the valuation of diplomas by Nuffic in the educational institutes' admission procedures, and the fact that prospective Dutch students and prospective international students are being treated equally.

The report led to several press publications and a number of Parliamentary questions. At the request of the Commission, the umbrella organizations also reacted to the recommendations. The reactions vary, especially on a stricter or wider interpretation of the assessment of students' admissibility via preparatory programmes to university studies and three-year universities of applied sciences. In the coming year, the Commission and the umbrella organizations will discuss if the research conclusions should lead to additions to the Code of Conduct. These discussions may be included in the evaluation of the Code of Conduct.

You can read the research reports on [the website Code of Conduct Higher Education](#).

Guidelines Code of Conduct Higher Education

In connection with the measures to combat the coronavirus taken by both the Dutch government and international governments, the educational institutes had several questions about applying the conditions of the Code of Conduct. These included the possibility of the mandatory English language tests as prescribed in Article 4.2 of the Code of Conduct. The pandemic also put pressure on the students' study progress. It led to questions about how to apply the justifiable causes as referred to in Article 5.5 of the Code of Conduct concerning study progress.

In collaboration with the umbrella organizations and after consulting the Ministries of Education, Culture and Science; Justice and Safety and the Immigration Service, the Commission has drawn up a set of guidelines for a broader application of the Code of Conduct. The first guideline enabled prospective students to take the language test online. Due to COVID-19, many language centres were closed, making it impossible for prospective students to take a language test on-site.

The second guideline made it possible for students to justify why they may not have met the study progress standard because of the coronavirus disease pandemic. This also enabled the institutions to give groups of students allowances for lack of study progress because teaching was impossible.

The guidelines were updated several times in the last year. The procedure regarding the English language test has been extended and now also applies to prospective international students whose registration will start in the academic year 2021-2022.

Newsletters

In 2020, 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 read the newsletters on [the website](#). In the meantime, 285 readers have registered to receive the newsletter digitally.

The newsletter is published twice a year. If you would like to receive it automatically, you can subscribe to it by sending a message to: info@internationalstudy.nl.

Composition

The Commission consists of five members and an independent chairperson. The umbrella organizations appoint the members. The members appoint the chair. The Rules and Regulations of the Code of Conduct stipulate that the maximum term for a member is four years and can be renewed once.

Karen Penninga was appointed member of the Commission on 1 September 2020. Jan van der Heijden moved to substitute member. For further changes, see the table below.

Composition of the National Commission (31 December 2020)

FUNCTION	NAME	CAPACITY	UMBRELLA
chairperson	Joris van Bergen	Former member Executive Board Eindhoven University of Technology and of Leiden University, former chairman SURF	-
member / acting chairperson	Paul Rullmann	Former Board Member Delft University of Technology, chairman Higher Education Efficiency Committee	VSNU
member	Frans Snijders	Director International Office, Vrije Universiteit, Amsterdam	VSNU
member	Susana Menéndez	Former member Executive Board The Hague University of Applied Sciences	VH
member	Rob Verhofstad	President of the Executive Board of HAN University of Applied Sciences	VH
member	Karen Penninga	Member of the Executive Board of Wittenborg University of Applied Sciences	NRTO ¹
member	Jan van der Heijden	Advisor Dirksen University of Applied Sciences	NRTO ²
substitute member	Tom van Veen	Professor University of Maastricht	VSNU
Substitute member	Guido van Leerzem	Policy advisor internationalization Tilburg University	VSNU
substitute member	Janco Bonnink	Director International Office, Saxion University of Applied Sciences	VH
substitute member	Erik van den Berg	Team Leader Education, senior policy advisor internationalization Amsterdam University of Applied Sciences	VH
substitute member	Jan van der Heijden	Advisor Dirksen University of Applied Sciences	NRTO

The office of the Commission is staffed by a secretary, Jolanda van den Bosch and a researcher/policy advisor, Arno Overmars.

Finance

At the end of each quarter, the chairperson, the members and substitute members of the Commission receive attendance fees for their activities related to the Code of Conduct. 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 eight times during the past year. The substitute members were invited to attend the online meeting in May.

¹ Appointed member on 1 September 2020.

² Appointed substitute member on 1 September 2020.

In the past year, the Commission had fewer meetings with external parties related to the Code of Conduct because of the pandemic. This explains the difference in the amount of attendance fees paid compared to the previous year. Furthermore, most meetings were held online, which saved on members' travel expenses and the costs of a venue.

Attendance fees, including travel expenses and VAT 2020 vs 2019

Period	2020	2019
Q1	€ 4,266.56	€ 6,837.84
Q2	€ 4,918.72	€ 13,578.88
Q3	€ 2,077.66	€ 2,437.84
Q4	€ 4,011.92	€ 6,320.69
Grand total	€ 15,274.86	€ 29,175.25

The Register of the Code of Conduct

The register published on the website of the Code of Conduct (www.internationalstudy.nl) shows which institutions have signed the Code of Conduct Higher Education. The register's administrator, the Education Executive Agency (DUO), processes applications for inclusion in the register. DUO enters changes in the register on instructions of the National Commission. Such modifications may include deletion from the register or adding a red flag to the institution's name to mark that a sanction has been imposed.

In the past year, DUO added two educational institutes to the register: Inter College Business School and Avans University of Applied Sciences (Avans+). DUO rejected two applications that did not meet the definition of an educational institute as given in the Code of Conduct and because accreditation as mentioned in Article 5.2 was missing. The register of the Code of Conduct listed 79 educational institutes on 31 December 2020.

Preview 2021

Evaluation of the Code of Conduct

The start of the evaluation of the Code of Conduct was initially planned to start in March 2020. Given the impact of the coronavirus pandemic on Dutch higher education, the Commission did not consider it appropriate to go ahead with the evaluation. COVID-19 required extra effort and creativity from the educational institutes' staff to continue teaching and supporting the students as good as possible. The evaluation restarted in November 2020 in collaboration with the umbrella organizations. It will now be carried out from November 2020 to March 2021 by a working group, consisting of four persons: representatives of the NRTO, the Netherlands Association of Universities of Applied Sciences, VSNU and the Commission's office. A policy advisor of the Immigration and Naturalization Services and a policy advisor of the Ministry of Education, Culture and Science co-read the text proposals.

The evaluation comprises two parts: The first part is an evaluation of the Code of Conduct text and any adjustments that result from it. The first steps in this process were taken in November and December. In this round, the working group will evaluate only the conditions which 1) cause practical problems to the institutions and 2) can be changed relatively easy. The more complicated issues will be dealt with in the second part of the evaluation. The second part is planned to take place from April 2021 to March 2022. The second part also has more room for evaluating how the Commission and the register administrator perform, the relationship between the umbrella organizations, and how the mutual relations of these parties, roles and positions towards the Code of Conduct work out. We expect the evaluation will lead to an revised version of the Code of Conduct in March 2022.

A newsletter informs the educational institutes and other parties involved in the Code of Conduct about the Commission. The new version of the Code of Conduct will be sent by email and published on the Code of Conduct Higher Education website.

Research

Justifiable causes

At the end of 2020, the Commission started a research into applying justifiable causes in case a student who is obliged to have a residence permit fails to meet the study progress standard of Article 5.5 of the Code of Conduct. During a seminar about the Code of Conduct held in October 2018, several points were identified that would be investigated. If students do not make sufficient study progress, the educational institutes must deregister a student with the IND. In case of personal circumstances, the educational institution may make allowances and skip deregistration with the IND. But is it sufficiently clear what is meant by these personal circumstances? Furthermore, the Code of Conduct stipulates that a student's specific individual circumstance may be relied on only once. However, there can be situations in which the same circumstance could be called in more than once, such as in the case of psychiatric disorders. In addition, since January 2020, non-EEA students may exercise the democratic right of co-determination or holding a board or committee position. These are often full-time activities. The question is how these relate to study progress monitoring and whether any lack of progress may be allowed for these activities. In December 2020, the Commission put out a survey among participants of the KBS, the National Organisation of Student Counsellors in Higher Professional Education (LOShbo) and the Mobstacles networks to find out which are the obstacles. The findings of the survey will be detailed in the second part of the evaluation.

International students below the age of 18

At the end of 2020, the Commission started analysing the group of underage international students who follow a degree programme in the Netherlands. The survey was announced last year but postponed because of the pandemic. The number of international students below the age of 18 has increased in the previous years. It is a group of vulnerable students who are very young and – usually – lack a social safety net to rely on. It gives rise to questions relating to the duty of care for this group. The Commission intends to identify the group of underage international students and pinpoint any obstacles for these students, such as when they have to open a bank account or sign a lease contract, acts for which the minimum age is 18.

Credits

National Commission Code of Conduct Higher Education

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This annual report is available for download at www.internationalstudy.nl