

## DECISION

on the petition of 10 February 2021  
of a former student of Wittenborg University of Applied Sciences, hereinafter referred to as the petitioner,  
concerning the alleged conduct of Wittenborg University of Applied Sciences, hereinafter referred to as WUAS.

### 1. COURSE OF THE PROCEEDINGS

On 10 February 2021 the National Commission received an email, hereinafter referred to as the petition, in respect of a number of actions of WUAS.

On 11 February 2021 the National Commission requested the petitioner to use the format at the website and to specify the petition and relate it to one (or more) articles of the Code of Conduct. The petitioner was also asked whether or not he already had followed the internal complaint procedure of WUAS, and to specify about what subject he has filed a complaint. On 15 February 2021 the petitioner has sent an email with the format.

On 17 February 2021 the National Commission requested the petitioner to supply a copy of the front and rear sides of his residence permit. The petitioner was requested again to send a copy of the complaint he has lodged at WUAS, as well as the decision which has been reached by WUAS.

At the same day the petitioner has sent a copy of his residence permit via email. Petitioner explained that due to the fact that he has no access to his WUAS account anymore, he is not able to send the requested copies of the complaint lodged at WUAS. The petitioner did send some screenshots from three emails which he had sent to WUAS in 2018.

On 17 Februari 2021 the National Commission informed WUAS about the petition and asked them to send a copy of the formal complaint(s) filed by the petitioner, as well as the decisions which have been reached by WUAS. In response, WUAS declared that the petitioner never filed a formal complaint. There has been contact via email, but the internal complaint procedure of WUAS has not been followed by the petitioner.

On 4 March 2021 the petitioner was informed that, given the above, the National Commission was considering to declare the petition inadmissible. The petitioner was given in consideration not to proceed his complaint with the National Commission. Before the petitioner can file a complaint with the National Commission he needs to follow the internal complaint procedure of WUAS. This is a precondition for admissibility.

On 17 March 2021 the petitioner has send an email stating he wanted the National Commission to proceed with his complaint. On 22 March 2021 the petitioner was informed that the petition would be discussed by the National Commission. On 8 May petitioner send additional information to support his case.

The National Commission discussed the petition on 19 May 2021, after which a ruling was issued and the file was closed.

### 2. CONTENT OF THE PETITION

The petitioner started his studies at WUAS in December 2018. Because he was not able to pay the total fee, the petitioner paid the fee in instalments. In December 2019 the petitioner passed 80 percent of his course and needed some retakes. He was requested to pay the full fee for a second year as well. The petitioner also complaints about the content of the bachelor International Business and Administration with specialization Logistics and supply chain management. According to the petitioner the programme didn't contain modules of logistics or supply chain.

Since the start of his studies the petitioner has sent emails to the WUAS administration department about his concerns. A meeting was conducted and the petitioners request to pay less fee was refused, according to the petitioner. Because of the payment arrears, WUAS ended the registration of the petitioner and did not extend his visa.

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

- I. Article 5.4 of the Code of Conduct  
In comparison with other international students the petitioner was required to pay a higher total package fee based on Dutch law, which included housing for 5 months and a student deposit.
- II. Article 5.7 of the Code of Conduct  
The bachelor International Business and Administration with specialization Logistics and supply chain management didn't contain modules of logistics or supply chain, but subjects like marketing and SME.
- III. Article 7.5 of the Code of Conduct  
The petitioner made numerous efforts to resolve the issues but WUAS didn't listen properly and the outcome was not satisfactory.

### 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. WUAS is an institution for higher education, and has been included in the register of the Code of Conduct since 27 October 2006. The alleged conduct dates from after this time.

The Code of Conduct states in Articles 7.5 and 7.6:

*Any party concerned believing that a higher education institution has not acted in accordance with this Code of Conduct can lodge a petition with the National Commission in writing. Prior to lodging a petition with the Commission, the petitioner first submits the complaint to the competent authority of the higher education institution. The higher education institution ensures that existing or, if necessary, new internal complaint procedures are available for complaints under the Code of Conduct.*

*If the petitioner is of the opinion that the higher education institution has not settled a complaint properly or is still of the opinion that the higher education institution does not comply with the Code of Conduct, he/she may submit the reason for the complaint, and the response thereof received from the higher education institution, to the National Commission.*

Before a petition can be lodged with the National Commission, the internal complaints procedure of the educational institution concerned must be completed. Article 7.5 of the Code of Conduct stipulates that the higher education institution ensures that the internal complaints procedure is open to complaints in the context of the Code of Conduct. The basic principle here is that interested parties in the Code of Conduct can hold each other accountable for - alleged - conflicting behaviour within the Code of Conduct drawn up by and for the field.

The petitioner has not submitted a formal complaint to WUAS before submitting a complaint to the National Commission. The procedure was therefore not followed in which WUAS can investigate the complaint and formulate an opinion about it. This does not meet the condition set in the Code of Conduct that the internal complaints procedure (of WUAS) must have been completed prior to the petition submitted to the National Commission.

### 4. RULING

The National Commission declares the petition inadmissible.

Issued on 19 May 2021,

J.E.J. van Bergen, chairperson, M.S. Menéndez, P.M.M. Rullmann, F.A.M. Snijders and L.J.M. Verhofstad, members, J. van der Heijden, substitute member, in the presence of A.G.D. Overmars, policy advisor, and J.G. van den Bosch, secretary.

J.E.J. van Bergen  
chairperson

J.G. van den Bosch  
secretary