

Decision

on the undated application, received on 21 May 2013,
submitted by a student of UNESCO-IHE, regarding conduct of UNESCO-IHE.

1. COURSE OF THE PROCEEDINGS

On 21 May 2013, the National Commission received an e-mail containing an application pertaining to a number of actions by UNESCO-IHE. The application was extensively substantiated.

The National Commission discussed the file in its meeting of 19 June 2013. The National Commission decided to ask applicant to explain the link of his complaints to the Code of Conduct. In response to the request of the National Commission of 25 June 2013, applicant indicated in his e-mail of 30 July 2013 which provisions of the Code of Conduct according to him had been violated by UNESCO-IHE.

On 6 August 2013, UNESCO-IHE was given the opportunity to respond to the application. This response was received on 27 August 2013.

On 18 September 2013 the National Commission assessed the application, which led to a decision and closure of the case.

2. CONTENT APPLICATION

The application regards actions and events related to the administration and assessment of examination, the quality of the teachers, the manners, inspection of examination work, as well as the administration of resits. Moreover, applicant stated that UNESCO-IHE is guilty of discrimination based on nationality.

At the request of the National Commission, applicant linked the conduct of UNESCO-IHE as described to the Code of Conduct. Applicant stated that articles 2.1 (under b, c and h), 2.3, 5.2 and 5.5 of the Code of Conduct had been violated.

3. ADMISSIBILITY

The National Commission is competent to have jurisdiction in disputed conduct of educational institutions listed in the register of the Code of Conduct, to the extent that the conduct took place after the date of inclusion in the register. UNESCO-IHE is a higher education institution and has been listed since 3 May 2006 in the register of the Code of Conduct. The conduct dates from after the registration date.

The applicant did not submit proof of right of residence. However, the documents sufficiently demonstrate that applicant is an international student who came to the Netherlands for studies and who was granted a scholarship within the context of the *Netherlands Fellowship Programme* administered by Nuffic in The Hague.

Articles 2.1 (under b and c), 2.3 and 5.2

On the grounds of the provisions of articles 2.1 (under b and c) 2.3 and 5.2, the educational institution has entered into the following obligations:

- to timely present trustworthy and easily accessible information about the quality criteria of the study programme;
- to clearly indicate the nature of the educational institution in its advertisements and presentation.
- to only offer actually accredited education leading to a degree.

In his statement, applicant argued conflict of the articles 2.1 (under b and c), 2.3 and 5.2 of the Code of Conduct by mentioning a number of provisions included in UNESCO-IHE's Examination Rules and its internal 'code of conduct regarding undesirable behaviour'. Applicant also listed events pertaining to manners as experienced by applicant, and pertaining to applicant's valuation of subject matter expertise of UNESCO-IHE employees.

Alleged violation of the Examination Rules nor the internal 'code of conduct regarding undesirable behaviour' can be brought for assessment by the National Commission on the grounds of the application procedure of the Code of Conduct. The National Commission is only competent to assess conduct which may involve a breach of the provisions of the Code of Conduct.

The National Commission examined by its own motion whether the arguments of the applicant would offer any support for the statement that the Code of Conduct had been violated. The conduct mainly concerned UNESCO-IHE's administration and procedures of examinations. Such conduct cannot be brought forward for assessment by the National Commission in an application procedure of the Code of Conduct. To this effect UNESCO-IHE has its own authorized body.

In view of the above, applicant's arguments cannot lead to assessment by the National Commission of applicant's statement regarding conduct allegedly conflicting with articles 2.1 (under b and c), 2.3 and 5.2 of the Code of Conduct. Even after examination by its own motion, the National Commission could not ascertain the alleged violation.

Article 5.5

The text of this article of the Code of Conduct as referred to by applicant was not yet in force (see appendix to the Code of Conduct) at the time of the conduct described. As such, no violation of the phrasing of the stipulation referred to exists.

4. ASSESSMENT

Article 2.1 under h

This article obliges the educational institution to timely present to the international student trustworthy and easily accessible information regarding the Code of Conduct, for instance on its website.

Beyond the application procedure in question, the National Commission, in the framework of its regulatory tasks, ascertained that on 12 June 2013 UNESCO-IHE's website included the Code of Conduct. This was no longer the case at the time of treatment of this application. The hyperlink found on the Internet did not work either (error message). The National Commission demanded UNESCO-IHE on 6 August 2013 to put the information in question on the website of the educational institution again as soon as possible. In response to this, UNESCO-IHE informed the National Commission that the information about the Code of Conduct had indeed disappeared upon launching its renewed website at the end of July 2013, and that it was added again. The National Commission concluded that this had been done.

5. DECISION

The National Commission upholds the application, to the extent the application pertains to violation of article 2.1 under h of the Code of Conduct. In the meantime, the National Commission concluded that UNESCO-IHE responded positively to the demand of the National Commission to correct its provision of information.

The National Commission declares the application in all other respects as inadmissible.

Prof. R. Fernhout LL.M, chair, Mrs H.A.M.F. Keijzer-Lambooy, Mr drs. C. Boom, Mr ir. F. Kuipers, members, and Mrs drs. M.C. Gardeur-Veltman, substitute member, in the presences of Mrs bc. W. Broersma, investigator and Mr A.G.D. Overmars LL.M, secretary.

Drawn up in Utrecht on 18 September 2013,

prof. R. Fernhout LL.M
chair

A.G.D. Overmars LL.M
secretary

Sent on 2 October 2013.