

Annual report 2012

National Commission
Code of Conduct
Higher Education

March 2013

INDEX

1. INTRODUCTION	page 3
2. NATIONAL COMMISSION	page 4
Finance	page 6
Evaluation	page 7
3. ACTIVITIES	page 8
Petitions	page 10
Research	page 11
4. REGISTER ADMINISTRATION	page 13

1 INTRODUCTION

The Code of Conduct Higher Education intends to contribute as a quality tool to the ambitions of the educational institutes and government regarding internationalization as a means to turn the Netherlands into an attractive destination for knowledge and development. The increase of the number of international students in Dutch higher education in the past years, may lead to the conclusion that the policy is successful. In the first academic year in which the Code of Conduct was in force (2006/2007) 40,300 international students were registered in Dutch higher education, of which 16,450 came from outside the EU and 23,850 from inside the EU. In the past academic year (2011/2012) the number increased to 60,550 students; 19,450 from outside the EU and 41,100 from inside the EU.¹ For years the largest group of international students came from Germany (26,050), followed by China (5,700), Belgium (2,900), Spain (2,200) and France (2,150).

The National Commission (hereafter the Commission) conducts its tasks regarding quality assurance for international students, for instance by processing petitions and by initiating investigations regarding the application and compliance with the provisions of the Code of Conduct. In accordance with article 7 of the Rules and Regulations of the Code of Conduct, the Commission gives an account of its activities in 2012 in the Annual Report. The report also contains a brief outline of the activities in 2013.



¹ Source: International Education Monitor 2007 and 2008; Mapping Mobility 2010, 2011 and 2012, publications by Nuffic, The Hague.

2 NATIONAL COMMISSION

The tasks and activities of the National Commission are published on the Code of Conduct's website (www.internationalstudy.nl). The reports, petitions, current and previous versions of the Code of Conduct and the Rules and Regulations can be found on the website. The Annual Report 2012 and previous ones are published on the site as well.

The Commission, which acquired legal personality in 2011, is independent. Chairperson is R. Fernhout (LL.M.), former National Ombudsman. The umbrella organizations appoint the members and the substitute members. One of the members is appointed substitute chairperson. In 2012 the composition of the Commission remained unchanged.

Composition of the National Commission (2012)

Function	Name	Capacity	Umbrella
chairperson	R. Fernhout	Former National Ombudsman	-
member / substitute chairperson	J. Donner	Former president Royal Tropical Institute	SAIL ²
member	K.S. Ali	Director Education and Student Service Centre/ International Relations TU Eindhoven	VSNU
member	F.A. van der Duyn Schouten	Chairperson Netspar, Tilburg University	VSNU
member	C. Boom	Former president Saxion	HBO-raad
member	F. Kuipers	Former president Noordelijke Hogeschool Leeuwarden	HBO-raad
member	H.A.M.F. Keijzer-Lambooy	Former director ITV Hogeschool voor Tolken en Vertalen, former interim chairperson PAEPON (now NRTO)	NRTO
substitute member	J. Bonnink	Coordinator Corporate Affairs VU University Amsterdam	VSNU
substitute member	M.C. Gardeur-Veltman	Advisor International affairs University of Groningen	VSNU
substitute member	G. Strijker	Board member ArtEZ Institute of the Arts	HBO-raad
substitute member	H.M. de Jong	Board member University of Applied Sciences Utrecht ³	HBO-raad
substitute member	L. Johnson	Head Executive Office ISS, Erasmus University Rotterdam	SAIL ⁴
substitute member	J.A. Dop	Former member of the Board and deputy professor International Corporate Policy at Webster University Leiden.	NRTO

² Until 1 May 2013.

³ As from 1 March 2013 Rector Amsterdam University of Applied Sciences and Board member University of Amsterdam and Amsterdam University of Applied Sciences.

⁴ See note 2.

After the merger of Information Management Group (IB-Groep) and Central Funding of Institutions Agency (CFI), a new organization Education Executive Agency (DUO) has become part of the Dutch Ministry of Education, Culture and Science (OCW). Under the Code of Conduct, DUO offers the Commission staff support, by offering an official secretary and a researcher, the latter acting as substitute secretary as well. For this purpose, the Commission and OCW have entered into an agreement which arranges the autonomy, duties and responsibilities of both parties. The agreement came into effect on 1 August 2012. For the agreement (in Dutch) please see: <http://www.internationalstudy.nl/nl/pagina/gedragscode-en-reglementen>



Signing of the agreement by Regina Riemersma (DUO) and Roel Fernhout (Commission)

Finance

The Ministry of OCW provides each calendar year a budget for payment of the costs of the Code of Conduct. DUO manages the budget.

In 2012, the Commission met seven times for regular meetings. Furthermore, a number of meetings took place with representatives of the Board and official working groups of the umbrella organization regarding the amendments of the text of the Code of Conduct. The Commission also took part in regular meetings with the Accreditation Organisation of the Netherlands and Flanders (NVAO) and the Inspectorate of Education. The chairpersons of the Maastricht School of Management and the EuroPort Business School were invited for a hearing. Its purpose was to discuss findings of an investigation into compliance with several provisions of the Code of Conduct regarding information, and selection and admission of international students. In 2012 payments for the attendance fees of the chairperson, members and substitute members of the Commission amounted to € 23,649.05.

Attendance fees, including travel costs, 2012 and 2011

Quarter	2012	2011
Q1	€ 6,474.11	€ 2,393.83
Q2	€ 3,987.65	€ 4,954.23
Q3	€ 5,293.59	€ 4,227.66
Q4	€ 7,893.70	€ 4,787.66
Total	€ 23,649.05	€ 16,363.38

Assignment and payment of attendance fees is done in keeping with the Attendance Fees Regulation, which entered into effect on 1 September 2009 and which is published on the Code of Conduct's website. Tangible costs (such as meetings, printing, translations and renewal of the website) amounted to over € 12,000.

Evaluation

As of 2010 the budget that was made available by the ministry of OCW contains the item "additional research funding" of € 50,000. With the budget, the ministry gave the Commission the opportunity to hire external research capacity in addition to DUO's structural research capacity, should the need arise.

In 2012 the assignment of additional research funding was reviewed. The evaluation proved that in the past years the Commission's research activities have been carried out adequately and effectively. Results of the researches led to the implementation of measures for improvement by the educational institutes, of which the international students benefit (revision websites, limiting to accredited study programmes, reviewing and tightening procedures of answering mail etcetera). This is being appreciated by the Code of Conduct's stakeholders (NVAO, Inspectorate of Education, Ministry of the Interior and Kingdom Relations, Immigration Services, Inspection Services of the Ministry of Social Affairs and Employment and Nuffic), as can be gathered from the discussion of the research reports during the regular interministerial consultations on the Code of Conduct. Although the Code of Conduct is a form of self-direction, its added value to society is the external validation for government funding, more in particular the ministry of OCW. In a wider sense, this also applies to the supporting and facilitating activities and staffing by DUO.

In the past years, it has not been necessary to draw on additional financial means for staffing. The Commission suggested to cancel the annual grant for additional funding by the Ministry as of 2012. The unused amount of 2011 is marked as a financial reserve which in consultation with the Ministry may be used by the Commission, for instance in case when additional research expertise or capacity should be hired.

3 ACTIVITIES

In 2012, the Commission actively assisted the revision of the Code of Conduct, which came into effect on 1 March 2013. The revision was necessary because a number of institutes of international education merged with subsidized universities, which resulted in the decision to discontinue SAIL as an umbrella organization. This affected the composition of the Commission as well. The necessary revisions of the Code of Conduct were discussed in detail with the umbrella organizations. The discussions of members of the Commission with stakeholders (such as representatives of the Steering Committee International Students of the VSNU, the Administrative Working Group Internationalisation of the HBO-raad and the Board of the NRTO) led to a number of additional modifications. In a joint discussion between the Commission and chairpersons of the umbrella organizations, the suggestions for revision were discussed. After all umbrella organizations agreed with the revised text of the Code of Conduct at the end of 2012, the Commission updated the Rules and Regulations by removing possibly ambiguous phrases and duplicates. Early 2013 the Commission informed the 18 educational institutes listed in the Register of the Code of Conduct, which are not a member of one of the umbrella organizations, about the revision proposals for the Code of Conduct and the updates of the Rules and Regulations. After that, the proposed revisions of both the Code of Conduct and the Rules and Regulations came into effect on 1 March 2013. The revised texts of the Code of Conduct and the Rules and Regulations can be viewed on the website of the Code of Conduct: <http://www.internationalstudy.nl/page/code-of-conduct-and-regulations>.

At the moment, the umbrella organizations are discussing the necessity to exempt EU students from the English language requirement. In addition, the question to what extent expertise from the field and from Nuffic can be used is being explored. Should the discussion on the exemption of EU students lead to an agreement, this may entail a further update of the text of the Code of Conduct in 2014.

Just as in previous years, in 2012 the Commission had administrative consultations and discussions with government bodies such as the Ministry of Education, Culture and Science; the Ministry of the Interior and Kingdom Relations; the Ministry of Social Affairs and Employment; the Accreditation Organisation of the Netherlands and Flanders (NVAO); the Immigration and Naturalisation Services (IND); the umbrella organizations; Nuffic; the Inspection Service of the Ministry of Social Affairs and Employment and the Dutch Inspectorate of Education, in order to contribute to proper compliance of the provisions in the Code of Conduct. One of the administrative consultations is the interministerial Code of Conduct consultation. Representatives of the Ministries of Education the Interior and Social Affairs, the NVAO, Nuffic, IND, the Inspection Service of the Ministry of Social Affairs and the Inspectorate of Education take part in the thematically structured discussions that are being held each quarter. The various parties inform each other about general current developments in the field of international students.

Meetings on board level have been organised as well. For instance, the Commission discussed with the chairpersons of the umbrella organizations in higher education about current matters and more in particular about the proposals and background of the proposals for revision of the Code of Conduct. The chairman of the NVAO was consulted about the internationalisation certificate. A condition for acquiring such a certificate is that the institute is listed in the Register of the Code of Conduct. This is a safeguard that the Code of Conduct is important for granting the certificate and that the link is made between the various instruments to guarantee quality in internationalisation. Another subject for discussion was the teachers' proficiency of the English language. Although this is an administrative requirement in the accreditation process, the issue is not reviewed in detail and deserves attention.

Attention has been given to the interests of international students in other ways as well. For instance, the Inspectorate of Education asked the Commission to give a presentation about the Code of Conduct, followed by a discussion on some statements during one of the Inspectorate's trainings. The Commission also responded to an online enquiry which the European Commission started in summer

2012 regarding the revision of the Student Directive in 2013. The purpose of the Commission's response was to ask the European Commission explicit attention for the Code of Conduct.

The Ministry of OCW is working on a legislative bill to counter the abuse of the term 'university' in order to protect academic degrees granted by the institutes. In this respect, the Ministry is looking for ways for citizens to lodge a complaint about deceit. The Commission discussed this with the Ministry and gave further information on the Code of Conduct. The Code is in particular directed at international students. Any complaints they may have about deceit concerning the naming and granting of degrees should be - or rather have to be - lodged through the complaint procedure of the Code of Conduct.

In 2011 the Commission took part in het International Education Monitor, a survey commissioned by the Ministry of OCW, by adding a number of questions concerning the Code of Conduct. The results of the survey were published in 2012. The questions concerning the Code of Conduct were answered by more than 600 students. Only 12% (75 students) indicates having heard of the Code of Conduct at some point. Because of this, the Commission is of the opinion that it is important to get more publicity for the Code of Conduct. To support this, the Commission published a handy brochure for international students containing information on the Code and their rights and duties. The brochure was sent to all educational institutes together with the Annual Report 2011, and was digitally included on the USB stick. Furthermore, the brochure is available on the websites of DUO, Nuffic and the Inspectorate of Education. The brochure can be ordered for free from the Commission through info@internationalstudy.nl.

On the website of the Code of Conduct the brochure is also digital available:

<http://www.internationalstudy.nl/page/brochure-for-international-students-on-the-code-of-conduct>.

In a meeting of the Mobstacles network, the Commission gave a presentation on the Code of Conduct, which was well received. DHEMIN, a network of marketeers, was contacted in 2012. The official secretary of the Commission was invited to attend the meetings of this network. Furthermore, steps have been taken to contact the national association of deans and the network of confidential advisors.

In October 2012, the Ministry of OCW asked NL Agency, a division of the Dutch Ministry of Economic Affairs, to investigate in which way international students studying at a Dutch institute of higher education, may be bound more closely to Dutch economy and to explore how this works in - comparable - countries surrounding the Netherlands. One of the reasons for the request were the results of the CPB Netherlands Bureau for Economic Policy Analysis memorandum *The economic effects of international students in higher education* (April 2012). According to CPB, having international students with economic ties is beneficial to Dutch government finance. Publication of NL Agency's exploration is expected in spring 2013. The exploration is based on a study of policy plans and initiatives to retain international students for the local labour markets in Germany, Denmark, Sweden and Finland, as well as discussions ad *workshops* with quite a number of parties involved, such as educational institutes, lobby groups, umbrella organizations and Nuffic. The official secretary of the Commission was actively involved in the exploration.

Lastly, in 2012 the Commission continued its ordinary work regarding handling petitions, and continued to initiate investigations regarding the application of the provisions of the Code of Conduct.

Petitions

In 2012, the Commission processed two petitions. The first one was a pro forma petition submitted at the end of 2011 by a PhD student, who requested the Commission to mediate in the severely impaired relationship between herself and the educational institute. The Commission asked the educational institute a written response to a number of questions, as the Commission first needed information about the application of the internal complaint procedure in order to assess admissibility of the petition. The answer pointed out that petitioner and her solicitors had duly discussed the complaints with the institute as well. As many of the cases mentioned by petitioner took place between 2007-2010, consequently not within one year after completion of complaint procedure by the educational institute, and as petitioner refused to meet the repeated requests of the Commission to send information about the responses and results of other proceedings (complaints filed with Nuffic [2007], the National Ombudsman [2008], the PhD Network Netherlands [2010] and the Equal Treatment Commission in addition to the court proceedings initiated against the educational institute), the Commission decided not to process the petition on the grounds of articles 17 and 20 of the Rules and Regulations that form an integral part of the Code of Conduct.

Another petition was sent by a representative who complained about violation of the provisions of articles 4.1, 4.4 and 5.5 of the Code of Conduct by an educational institute that refused to register a prospective student per 1 September 2012 for the academic year 2012-2013. Before filing a complaint with the Commission, the educational institute's internal complaint procedure must be followed. The second sentence of article 7.5 of the Code of Conduct states that the educational institute safeguards that the internal complaint procedure is open for complaints pertaining to the Code of Conduct. The basic principle is that parties having an interest in the Code of Conduct, may address each other on - possibly - conflicting conduct regarding the Code of Conduct, which is established by the field in favour of the field, and that they do so in a procedure supported by the educational institute. Before petitioning with the Commission, petitioner had filed a complaint with the educational institute, in combination with a - repeated - request to be registered. The procedure referred him to the institute's complaints desk in case he would be dissatisfied with the handling of the complaint. No proof was submitted that petitioner had followed the procedure nor that the institute's complaints desk had processed the complaint. This meant that the provision in the Code of Conduct stating that an internal complaint procedure must be completed before filing a petition with the Commission had not been met (see articles 7.5 first sentence of the Code of Conduct, and articles 12 and 17 of the Rules and Regulations that form an integral part of the Code of Conduct) and that the Commission consequently denied admissibility of the petition. After the petitioner had followed the procedure with the complaints desk of the educational institute, a new petition was filed with the Commission just a few days before New Year's Eve; the petition is now being handled.

Research

In answer to an investigation carried out by the Commission in 2011 into the application of the Code of Conduct's provision concerning exemption from English language requirement for - a part of - art education, the HBO-raad sent a letter early 2012 to express their appreciation for the way the Commission conducted its research. The HBO-raad said that they recognised in the report's recommendations the positive and critically examining character of the investigation. Furthermore, the HBO-raad said that the investigation and its results had been discussed extensively with parties such as the sectoral advisory body for art education and that it saw that several institutes for higher education took good notice of the recommendations.

Another investigation evoked a response of the HBO-raad in 2012 as well: the 2011 investigation into the processing of questions international students e-mailed to the educational institutes. The results were discussed in the Higher Education Consultation International Affairs (HIB). The meeting recognised the importance that international students should be informed properly about the characteristics and key aspects of the course and the institute they will be studying at. The internal procedures of several institutes of higher education regarding answering incoming mail were examined and improvements were made. HIB suggested the Commission to involve the institutes and the HBO-raad at an earlier stage when setting the schedule in case of a follow-up examination.

Investigation preparatory year/Dutch language requirement

The Code of Conduct contains the condition that a preparatory period cannot exceed twelve months. Another provision concerns the minimum language proficiency level for English - in case of courses given in the English language - before a student may take part in a preparatory period of six or twelve months. For the language requirements for courses given in Dutch, Section 7.28 second paragraph of the Higher Education and Research Act applies. Does the Code of Conduct offer sufficient certainty regarding these issues? By examining the preparatory period and the Dutch language requirement in the past year, the Commission envisaged to give an overview to what extent the institutes use a preparatory year to adequately prepare international students for studies in Dutch higher education. The survey also paints a picture of how the Dutch language requirement for international students is being applied.

EuroPort Business School

In 2012 the Immigration Services informed the Commission and the Inspectorate of Education of its concerns regarding the EuroPort Business School (EPBS): EPBS had admitted a group of Chinese students to its fast track version of the International Business Management (IBMS) course. Immediately preceding admission to IBMS, the students terminated a course or a preparatory period at another Dutch educational institute and they would have been admitted on the basis of qualifications obtained in China, however, the qualifications could not be assessed or validated by Nuffic. Moreover, one of the students would not have achieved a sufficient IELTS-score. The Commission established that this conduct directly links up to provisions in the Code of Conduct and therefore carried out an investigation into the admission procedures of this institute.

Maastricht School of Management

In response to various warnings and in view of several complaints about the information and the study programme of the Maastricht School of Management (MSM), the Commission decided to examine compliance with MSM's duty of care regarding information and set-up of its MPhil course and of the accreditation of its courses. Examination of the information on MSM's website, its brochures and forms, and in addition its detailed response to questions the Commission sent MSM, proved that better information may be given for a number of subjects and issues.

All research reports of the Commission (in Dutch) can be read and downloaded on:
<http://www.internationalstudy.nl/nl/pagina/onderzoeksrapporten>.



4 REGISTER ADMINISTRATION

DUO manages the Register containing the institutes that signed the Code of Conduct and that meet the requirements of the Code. This is a public register which is published on the Code of Conduct's website: www.internationalstudy.nl.

On 1 January 2012, 77 higher education institutes were listed in the Register of the Code of Conduct. No institutes were struck from the Register in 2012. Two applications for listing in the Register were received; one educational institute was added to the Register: Duisenberg School of Finance Amsterdam. The other application, by Team Academie Nederland, is still in the course of processing as not all of the required information has been submitted. This totals the number of institutes listed in the Register on 31 December 2012 to 78.

Neither DUO nor the Commission received complaints in 2012 regarding the services of DUO or its employees in their capacity of Register Administrator for the Code of Conduct.

The website www.internationalstudy.nl was completely revamped in 2012. Now you can simply switch between Dutch and English. Students, institutes and other interested person can use the website more easily because of the addition of items such as a format for filing a complaint, an extensive application form and a page containing FAQs. Furthermore, the website is easier to manage. This allows both the Register Administrator and the Commission to update and add content.

The above mentioned website also contains a list of education institutes with courses in culture policy and a list of institutes with study programmes in the field of international development cooperation. The Register combines all information about higher education institutes, which is useful for the IND to assess applications for residence permits for preparatory courses or higher education studies.

Credits

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