

## Opinion of the Executive Board

on the report by the Education Inspectorate regarding the 'Investigation into the graduation of students from the Qatari campus of NHL Stenden University of Applied Sciences'.

(Report dated May 2019 accompanying the letter from the Inspectorate dated 29 May 2019, reference number 5365817)

### 1. Introduction

According to the inspection report, granting a Dutch degree to students of the University's Qatari campus is a complex matter. NHL Stenden therefore chooses to take a different approach to education in Qatar. A clear distinction is to be made between local education and the associated degree in Qatar on the one hand, and the Dutch education and the associated Dutch degree on the other (in accordance with the Higher Education and Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*, or 'WHW')). Students at the Qatari campus will be treated as regular foreign students. Once the students are admissible, they can enter the Dutch system, after which individual exemptions for the Dutch study programme may be granted on the basis of competencies tested objectively by the relevant Dutch examination board.

The legal assessment framework is vague and open to various interpretations. The report mentions several, sometimes varying perspectives. The Inspectorate's report must also be viewed in a historical and policy context, bearing in mind a number of important nuances. This opinion document describes that context and introduces a number of important nuances to the report. We conclude with a constructive view towards the future that takes the context and framework into account.

As the Inspectorate also notes, in recent years Stenden University has taken the necessary measures to ensure that implementation processes proceed appropriately. The Inspectorate's final report for 2014 therefore concluded that 'the final level of the current students is assured'.

Although we have always stood for, and continue to stand for the quality of our education and research, we have unfortunately not succeeded in demonstrating conclusively that this quality has been sufficiently guaranteed for the implementation at our Qatar campus. This is because exemptions have not always been granted in an administratively clear manner. Naturally we regret this, and for that reason we are choosing to take the new approach.

### 2. Context

The strengthening of international dimensions in education adds value for the students, the educational institutions and the Dutch knowledge economy. Students who acquire global competences are better qualified for an increasingly globalised labour market. For educational institutions, internationalisation makes an essential contribution to the quality of education and research and is therefore enormously important for Dutch higher education.<sup>1</sup> This is why internationalisation is such a high priority for us.

NHL Stenden offers internationally oriented education with a clear vision in mind. Over the years, Stenden has frequently and in good faith played a pioneering role in shaping and giving substance to the

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<sup>1</sup> This policy is also supported by the Minister of Education, Culture and Science (*Onderwijs, Cultuur en Wetenschap*, OCW), as is apparent in her vision letter 'Internationalisation in balance', sent on 4 June 2018 to the House of Representatives (*Tweede Kamer*).

internationalisation of higher education. It has done so in different ways and at various international locations, within the limited frameworks that applied at the time. Stenden has learned a great deal from this, and not without pitfalls. We have always been open and transparent in communicating about these experiences with the Ministry and the Inspectorate. Furthermore, this implementation practice has been assessed externally on several occasions. We have conducted and continue to conduct our internationalisation activities in the firm conviction that internationalisation is in the best interests of our students, Dutch higher education and the Dutch labour market. This conviction is also enshrined in the strategic institutional plan for the NHL Stenden University of Applied Sciences which merged on 1 September 2018. Internationalisation is one of the new University's central strategic themes.

Our efforts in the field of internationalisation have led to our university training many students with strong global competences, thereby responding strongly to the demand from the globalising Dutch labour market. In this way we serve the demand from both the labour market and the students. NHL Stenden will continue to contribute in this way to higher education.

### 3. Nuancing: assessment frameworks

#### 3.1. Applicable frameworks

There are now a range of frameworks available within which the internationalisation of Dutch higher education can be shaped. Examples include the '25% rule' and the legislation with regard to foreign branches (transnational education: TNE).<sup>2,3</sup> Education at the Qatar campus is currently structured according to the 25% rule, for which the framework is laid down in the OCW policy letter dated 7 June 2012.

The report made by the Inspectorate contains factual findings on the one hand, and on the other, perceptions and conclusions based on observations and a not always uniform assessment framework (in this case, the policy letter). The Inspectorate's factual findings and its conclusions or perceptions are not always easy to connect to one another or to the assessment framework. In the context of an investigation in which the assessment is made based on *legal* standards (see Article 12a of the Education Supervision Act (*Wet op het onderwijstoezicht*)), NHL Stenden attaches extra importance to clarity regarding the legal status of the standards used. We share this interest with the Inspectorate, the Ministry of OCW, the Accreditation Organisation of the Netherlands and Flanders (*Nederlands-Vlaamse Accreditatieorganisatie* (NVAO)) and the higher education sector as a whole, and we want to shape this collaboratively in the future.

#### 3.2. Status, interpretation and different perspectives

##### *Status of the assessment framework*

Since the previous investigation by the Inspectorate in 2011/2012, Stenden has advocated for a clear legal framework. However, the regulation on transnational education has only recently entered into force, offering a new framework for international education in addition to the existing regulation. Up until that point, work had to be carried out within the non-legal framework provided for in the 2012 OCW policy letter. The legal status of this policy letter is unfortunately not clear, and the framework can be interpreted differently on some points.

##### *Differences of interpretation*

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<sup>2</sup> In accordance with the 25% rule, higher education is offered abroad 'under the Dutch flag', and students complete at least one quarter of the course in the Netherlands. The framework for the 25% rule is described in the OCW policy letter ('Dutch higher education abroad – what is and is not permitted', dated 7 June 2012).

<sup>3</sup> In accordance with the new TNE (transnational education) legislation which came into effect last summer, it is possible with the minister's permission to set up a foreign branch offering complete, accredited courses abroad.

In this context, we note the following differences in interpretation between the Inspectorate and NHL Stenden University:

1. In sub-conclusion 4, the Inspectorate states (italics and underlining applied by us): 'NHL Stenden does not fulfil the 25% requirement. The Inspectorate interprets the policy letter to mean that at least 60 credits for a 240-credit bachelor programme must be earned from the Dutch programme in the Netherlands.'

NHL Stenden does not share this interpretation. The policy letter allows no differences of interpretation on this matter. The literal text of the policy letter on this point is as follows (italics and underlining applied by us): 'For the sake of care and credibility, it is important that a representative part of the education always be followed under the Dutch course in the Netherlands (at least one quarter of the course).' Because the Inspectorate interprets the standard in the policy letter differently, and as a consequence does not apply it correctly, in our opinion, sub-conclusion 4 gives an inaccurate view of the NHL Stenden situation. 'Following' and 'gaining' education are two very different matters. 'Following' refers to participating in education, and 'gaining' refers to successfully completing one or more examinations. The lack of clarity about *gaining* and *following* is also evident in the conclusion of the Inspectorate that approximately 10 percent of students have actually *gained* 60 credits from the Dutch course in the Netherlands, while the policy letter does not set any requirements for the number of credits to be gained in the Netherlands.

2. The Inspectorate also states in sub-conclusion 4 (italics and underlining applied by us): 'We also conclude that the requirement that foreign students must at least be enrolled for the Dutch programme during the final part of the programme has not been complied with. Students come to the Netherlands for the third year of their studies, but not for the graduation phase in the fourth year.'

In the opinion of NHL Stenden, the Inspectorate is incorrectly applying the standards from the policy here too. The literal text of the policy letter on this point is as follows (italics and underlining applied by us): 'For the sake of care and credibility, it is important that a representative part of the education always be followed under the Dutch course in the Netherlands (at least one quarter of the course).' The term 'final part' is only used in the policy letter in relation to the enrolment at the Dutch institution, not with regard to the 25% of the education that must be followed in the Netherlands. The students are therefore enrolled in the Dutch course both during their third year of study in the Netherlands and at the time of graduation/awarding of the diploma.

In addition, the Inspectorate sent a letter to Stenden University on 8 May 2014 regarding the awarding of degrees abroad. The letter contains the following text (italics applied by us): 'Based on the information you sent in June 2012 (letter + documents 21 June, reference number 350/002), the Inspectorate concluded that you clearly and accurately inform students of foreign campuses about the requirement to follow one quarter of the course in the Netherlands. The "Dutch period" applies to students who start in September 2012 and will take place in the third or fourth year of the course.' The current procedure, in which students from Qatar take the third year of their course in the Netherlands, is therefore part of the procedure that was apparently approved by the Education Inspectorate in 2014.

In accordance with this letter, NHL Stenden has chosen, in good faith and for educational reasons, to arrange for education in the Netherlands to take place in the third year of the course for students from Qatar.

#### *Multiple perspectives: NVAO perspective*

The report contains several varying perspectives: the Inspectorate not only includes its own perspective relating to its assessment framework in the report, but also the perspective of the NVAO. The NVAO plays an important role in monitoring the quality standard of higher education programmes and therefore differs from the Inspectorate in its role and assessment framework. In our opinion, answering the Inspectorate's question as to whether or not legitimate diplomas were awarded in Qatar cannot be directly linked to the visitation of the Hospitality Management course in 2018.

In conclusion: we agree with the suggestion of including the final projects done by students from the campus sites in a course accreditation in the future. This offers an extra guarantee. However, this is not the procedure that the NVAO has used in the past. The frameworks for the past cannot be changed, but this demonstrates once again that the current frameworks require clarification and enhancement for the future. NHL Stenden is more than happy to collaborate on this.

#### **4. Nuancing: previous quality assurance**

As the Inspectorate also notes, in recent years Stenden University has taken the necessary measures to ensure that implementation processes proceed appropriately. The Inspectorate's final report for 2014 therefore concluded that 'the final level of the current students is assured', and that the exemption procedure corresponds with the agreements made with the State Secretary for Education. The Inspectorate report mentioned the letter from the three examination boards dated 1 February 2017. This letter prompted the Executive Board of Stenden University at the time to conduct an extensive investigation under external, independent guidance provided by Hobéon. This investigation concluded that the quality of the education in Qatar is in order. Based on the results of the investigation, clear decisions and measures were taken, developed and put into practice: a proven quality assurance cycle.

#### **5. Focus on the future**

In our quality culture, we deal with indications seriously and learn from criticism that we receive. At the same time, it appears that the lack of clarity in the current framework makes it difficult to establish a clear and conclusive view of this. Given the lack of an accreditation framework that is vital to clear and continuous quality assurance, the high threshold of the new legislation on transnational education, and the complexity of implementation for examination boards, we intend to take a different approach.

##### **5.1. New approach: stop courses in Qatar that lead to Dutch degrees**

NHL Stenden chooses a new approach in which a clear distinction is made between local education and the associated degree in Qatar on the one hand, and the Dutch (WHW) education and the associated degree on the other. Students at the campus in Qatar will therefore be treated as regular foreign students. This approach has been discussed with the executive committee of the University Representative Council and with the chairs of the examination boards concerned.

Up until now, we've used the 'here is there' principle for the Qatar campus. In summary, this principle meant that education and testing should take much the same form as for 'WHW education' in the Netherlands, enabling a no-barrier transfer based on equivalent quality. Partly as a result of the Inspectorate's report, NHL Stenden has chosen to set aside this principle in favour of the new approach. We are able to take this new approach because it has been possible to offer programmes leading to a local diploma and a local degree at the Qatar campus since the 2018-2019 academic year. Other colleges and universities use a similar approach in which, for example, the student can first study abroad under the relevant local system. Our approach is based on this idea.

In accordance with the WHW, the student can be admitted into the Dutch system on Dutch soil, with exemptions being granted on an individual basis by the examination board based on objectively tested competencies relevant to the NHL Stenden University course leading to a Dutch degree.

Under the new approach, students from the campus in Qatar who come to the Netherlands will be treated as regular foreign students. This will enable a clear distinction to be made between the 'WHW education' that leads to a Dutch degree, and the local higher education that leads to a local degree. To facilitate this, NHL Stenden has decided that it will no longer offer programmes that lead to a Dutch degree in Qatar. This distinction will make the implementation practice clearer and remove any doubts about the quality assurance.

##### *Additional investigations and action plan*

NHL Stenden is cooperating with the additional investigations requested by the Inspectorate into the separation of public and private resources and the indications of possible irregularities in Qatar. The

results of these two investigations will also contribute to the input for the action plan requested by the Inspectorate in its report and to be delivered before 1 October 2019.

This action plan will not only address the measures requested by the Inspectorate, but NHL Stenden will also provide more details on the approach outlined above for making a clear distinction between 'WHW education' and local education.

We are taking action because the quality of our education must be absolutely indisputable. We are also doing so because the internationalisation of education is not only important for our university of applied sciences, but especially for the globalising Dutch labour market and for our students. Our motivation in this has not changed, and we will continue to strive in the future to provide solid and innovative education.

Just as with the preparation of this opinion and the measures described in it, the examination boards, academy directors and the University Representative Council are actively involved in preparing the action plan.