

Utrecht University Scheme governing the reporting of irregularities (Whistleblower scheme)

1. General provisions

Section 1.1 Definitions

In this scheme, the following terms shall be defined as follows:

- a) Employee: a person performing or who has performed work at Utrecht University on the basis of an employment contract or on another basis;
- b) Executive Board: the Executive Board of Utrecht University;
- c) Supervisory Board: the Supervisory Board of Utrecht University;
- d) Suspected wrongdoing: a suspicion held by an employee regarding an instance of wrongdoing that has taken place within Utrecht University, or at another organisation they have come into contact with through their work, insofar as:
 1. the suspicion is based on reasonable grounds resulting from the knowledge the employee has gained through their work, and
 2. the public interest is at stake as a result of a breach of a statutory regulation, a danger to public health, a danger to the safety of individuals, a risk of environmental damage, a danger to the proper functioning of the public service or company as a result of improper actions or negligence;
- e) Whistleblower: the employee reporting a suspected instance of wrongdoing;
- f) Confidential Advisor for Whistleblowers: the person appointed as such by the Executive Board.

Section 1.2 Advice and guidance from the Confidential Advisor for Whistleblowers

1. The Executive Board shall appoint the Confidential Advisor for Inappropriate Behaviour, the Confidential Advisor for UU employees and the Confidential Advisor on Academic Integrity as the Confidential Advisors who may act as the Confidential Advisor for Whistleblowers in the context of this scheme.
2. Any Employee who suspects an instance of wrongdoing may turn to one of the Confidential Advisors for Whistleblowers for information, advice and support.
3. If necessary, the Confidential Advisor for Whistleblowers will recommend that the Employee report suspected wrongdoing.
4. If the Whistleblower has submitted a report of suspected wrongdoing to a Confidential Advisor for Whistleblowers, however, the report is better suited to one of the other confidential advisors, the report may be referred to the relevant confidential advisor in consultation with the Whistleblower.
5. The Confidential Advisor for Whistleblowers shall have a duty of confidentiality.

2. Internal reporting procedure

Section 2.1 Internal reporting by an Employee

1. An Employee who suspects wrongdoing may report such a suspicion directly to the Executive Board. In the event of suspected wrongdoing involving the Executive Board or one of its members, the Whistleblower shall report their suspicion of wrongdoing to the President of the Supervisory Board. The Supervisory Board shall process any submitted report in accordance with this scheme as much as possible. In such cases, where this scheme refers to the Executive Board this should be read as the Supervisory Board.
2. Upon receipt of the report, the Executive Board shall send the Whistleblower confirmation of receipt.
3. The report must be submitted in writing (by post or by email) and:
 - a. should include a clear outline of the wrongdoing;

b. should be dated and include the name and contact details of the whistleblower, except in cases where section 2.2 (3) may apply.

4. Anonymous reports shall not be processed, except in cases where section 2.2 (3) applies.

Section 2.2 Internal reporting through the Confidential Advisor for Whistleblowers

1. An Employee who suspects wrongdoing but does not wish to report that suspicion directly via internal channels, may request that the Confidential Advisor for Whistleblowers submit the report for or on their behalf.

2. The Confidential Advisor for Whistleblowers shall forward the report as stipulated in section 2.1.

3. Any report submitted through the Confidential Advisor for Whistleblowers may be anonymous at the request of the Whistleblower, provided that the name and contact details of the Whistleblower are known to the Confidential Advisor for Whistleblowers.

4. The Executive Board shall send the Confidential Advisor for Whistleblowers the confirmation receipt referred to in section 2.1 (1), who will subsequently forward the confirmation receipt to the Whistleblower.

Section 2.3 Handling of internal reports

1. Upon receipt of a report, the Executive Board shall assess the next steps required based on the report and shall inform the Whistleblower accordingly within two weeks, whether or not through the relevant Confidential Advisor for Whistleblowers.

2. The Executive Board may decide to conduct a further investigation. It will determine how the investigation is to take place and shall ensure the independent nature of the investigation.

3. The Executive Board shall in any case refrain from launching an investigation if it has become clear in advance that:

a. the suspected wrongdoing is manifestly unfounded; or

b. submission of the report was manifestly unreasonably overdue.

Section 2.4 Investigation procedure

1. If an investigation is launched, the Executive Board shall inform the Whistleblower, if necessary through the relevant Confidential Advisor for Whistleblowers. Any persons to whom the report relates shall also be notified, unless this should harm the interests of the investigation.

2. Depending on the nature of the report, the Executive Board may delegate the investigation to the Committee on Inappropriate Conduct or the Committee on Academic Integrity. If necessary, a special temporary committee may be created for the purposes of this investigation. The investigation shall not be carried out by a person who may have been involved in the suspected wrongdoing or who is too closely linked to the matter or persons to be investigated.

3. The persons who may be approached by the Executive Board to carry out the investigation may refuse to discharge this responsibility by citing reasons demonstrating that executing such instructions could lead to a conflict of interest.

4. If necessary, the Executive Board may consult an internal or external expert or request that such an expert carry out the investigation.

5. The investigation shall be carried out with due observance of the principle that both parties should have the right to be heard.

6. The structure of the investigation, the methods of investigation and the results of the investigation shall be recorded in a written report and will preferably include a recommendation. The investigators shall submit the written report to the Executive Board within twelve weeks after the investigation was initiated. In the event that the investigators need more time, this period may be extended by 4 weeks. In that case, all stakeholders will be notified before the twelve-week period has ended.

Section 2.5 Position and opinion of the Executive Board

1. The Executive Board will adopt a substantive position within two weeks after receipt of the written report, as referred to in section 2.4 (6), and shall inform the whistleblower of this position

and opinion as soon as possible, if necessary through the relevant Confidential Advisor for Whistleblowers. This position will set out the consequences or measures corresponding to the matter. The persons to whom the report relates shall likewise be informed.

2. If this cannot be achieved within two weeks after receipt of the report, all relevant stakeholders shall be notified accordingly in writing and citing reasons before this period has ended. Any such notification shall also state the period within which the stakeholders will receive the opinion.

3. External reporting procedure

Section 3.1 External reporting

1. After having submitted an internal report, the Whistleblower may report any suspicion of wrongdoing externally to or through the Whistleblowers' Authority (Huis voor Klokkeluiders) if:
 - a. The Whistleblower does not agree with the conclusion reached by the Executive Board as referred to in section 2.3 to take no further action;
 - b. The Whistleblower believes that the internal procedure did not result in sufficient measures to terminate the suspected wrongdoing;
 - c. The report was not processed on time, meaning within sixteen weeks, and the period for the handling of the report was extended by an unreasonably long period.
2. If compelling reasons should impede an internal report, the Employee may report the suspected wrongdoing directly to or through the Whistleblowers' Authority.
3. In the event of a reasonable suspicion of a criminal offence or a serious threat to public health, safety or the environment, the Employee may report such a suspicion directly to the competent authority.

4. Legal protection

Section 4.1 Whistleblower and stakeholder protection against detrimental treatment

1. The Whistleblower shall not face detrimental treatment in any form with regard to their legal status or position, as a result of a report of suspected wrongdoing submitted correctly and in good faith.
2. The Executive Board shall ensure that the Whistleblower does not suffer any detrimental treatment in any other way in the performance of their duties, following a report submitted correctly and in good faith.
3. In addition, the Executive Board shall ensure that the persons involved in the handling of a report of suspected wrongdoing, including the Confidential Advisors for Whistleblowers, shall in no way suffer detrimental treatment with regard to their legal position or in any other way face detrimental treatment in the performance of their duties, as a result of making statements or carrying out the responsibilities of this scheme in good faith.

Section 4.2 Confidential handling of the report and Whistleblower identity

1. Anyone involved in the handling of a report of suspected wrongdoing shall not disclose the identity of the Whistleblower without their express permission and shall handle the information relating to the report in confidence.
2. If the suspected wrongdoing has been reported through the Confidential Advisor for Whistleblowers and the Whistleblower has not given permission for their identity to be disclosed, all correspondence regarding the report sent to the Confidential Advisor for Whistleblowers shall immediately be forwarded to the Whistleblower by the Confidential Advisor.
3. The Executive Board shall ensure that the information on the report is retained in such a way that it can only be accessed physically and digitally by persons who are necessarily involved in the handling of the report or relevant follow-up steps.

5. Documentation

Section 5.1 Reports

1. The Executive Board shall publish an anonymised overview of the internal and external reports of instances of suspected wrongdoing in the annual report each year, to the extent that this information is available to the Executive Board.
2. This overview will also state how many reports led to an investigation and whether the investigations led or will lead to follow-up steps.

These regulations, as amended in consultation with the University Labour Representation Board on 4 December 2019, shall come into force on 31 December 2019 and will replace the previous regulations.