WHISTLE-BLOWER’S REGULATION
RADBOUD UNIVERSITY NIJMEGEN

as decreed by the Executive Board on 20 December 2010

Article 1 Definitions

1. employee: person who works or carries out activities at Radboud University Nijmegen in any capacity;
   confidential advisor: one of the confidential advisors who has been appointed as such by the Executive Board;
   Executive Board: the Executive Board of Radboud University Nijmegen;
   Foundation Board: the Board of the Catholic University Foundation;
   independent third party: a person appointed by the Executive Board whose position does not come under the authority of the same and who is capable of evaluating suspected abuse and presenting proposals to (directly or indirectly) end such abuse;
   suspected abuse: a suspicion on reasonable grounds of:
   a. a violation of legal rules or regulations at,
   b. a danger to health, safety or environment at,
   c. improper actions or failure to act, thereby posing a risk to the proper functioning of Radboud University Nijmegen or a part thereof.

2. Suspected abuse does not include any suspicion of infringement of academic integrity; this is covered by the Academic Integrity Regulations of Radboud University.

Article 2 Internal report to Executive Board and/or confidential advisor

1. An employee reports suspected abuse internally to the Executive Board or a confidential advisor or, if there are valid grounds for this, as described in Article 5, second paragraph, directly to the independent third party. Reporting to the confidential advisor may also take place in addition to the report to the Executive Board or independent third party.
2. An employee who does not wish to make his/her identity known to the Executive Board will submit the report to the confidential advisor. This confidential advisor will not reveal the identity of the employee without his/her permission.
3. The person to whom the report was submitted will record this report in writing, stating the date upon which the report was received; this record must be signed by the employee, who will receive a copy.
4. The confidential advisor or independent third party to whom a report has been submitted will immediately inform the Executive Board of the report in writing, stating the date upon which the report was received and providing a copy of the record. This copy will be modified to maintain anonymity if the report was submitted to a confidential advisor and the employee wishes to remain anonymous.
5. The Executive Board will inform the person or persons who is/are the focus of the report in writing, provided this is not detrimental to the investigation.
6. If the report has been made with regards to (a member of) the Executive Board, the Foundation Board will be informed of this in the manner described above, in which case ‘Foundation Board’ must be substituted in instances where ‘Executive Board’ is used.
7. The Executive Board will start an investigation immediately in response to the report of suspected abuse.

Article 3 Decision by the Executive Board

1. Within an eight-week period after the employee involved has submitted the report, he/she or, if his/her identity is not known by the Executive Board, the confidential advisor will be informed by the Executive Board in writing of the decision it has made regarding the suspected abuse. The
The document will indicate if further steps have been taken and if so what these steps are, or will contain information on the progress made in the handling of the report.

2. If information on the decision made cannot be provided within eight weeks, the employee involved or the confidential advisor will be informed of this by or on behalf of the Executive Board. It will also be communicated when he/she may expect the Executive Board’s decision.

3. The first and second paragraphs likewise apply to the person or persons who is/are the focus of the report, provided this is not detrimental to the investigation.

Article 4 External report to an independent third party

1. The independent third party is assigned the task of investigating suspected abuse, reported to him/her by an employee in accordance with Article 5, and to inform the Executive Board on the matter.

2. During the investigation and while making the recommendation, the independent third party will not reveal the employee’s identity without the permission of the latter.

Article 5 Conditions for reporting to an independent third party

1. The employee may report suspected abuse to an independent third party in writing if:
   a. he/she does not agree with the decision by the Executive Board as described in Article 3;
   b. he/she has not been informed of such a decision within the allotted period, as referred to in the first and second paragraph of Article 3;
   c. the period, described in paragraph 2 of Article 3, taking into account all circumstances is unreasonably long and the employee has objected against this to the Executive Board and the latter has not responded to this objection within the allotted period, or
   d. the case is subject to an exceptional circumstance, such as described in the following paragraph.

2. An exceptional circumstance as referred to in the previous paragraph under d exists in case of:
   a. direct danger, where a serious and urgent social interest necessitates immediate external reporting;
   b. a situation in which the employee in all fairness has reason to fear counter measures as a result of an internal report;
   c. a clear threat of embezzlement or destruction of evidence;
   d. a prior internal report in accordance with this regulation of abuse that is in essence the same, which has not put an end to this abuse.

Article 6 Research and recommendation by an independent third party

1. The independent third party will inform the Executive Board of the report in writing. He/she will also inform in writing the person or persons who is/are the focus of the report, provided this is not detrimental to the investigation.

2. The independent third party will start an investigation immediately. Within eight weeks after receipt of the report, he/she will present the findings on the suspected abuse to the Executive Board in the form of a recommendation. The independent third party will send a copy of this recommendation to the employee, taking into account the possible confidential nature of the information provided to the independent third party.

3. If the recommendation cannot be provided within eight weeks, the employee involved or the confidential advisor and the Executive board are informed of this in writing. The document will also indicate when a recommendation may be expected.

4. The third paragraph likewise applies to the person or persons who is/are the focus of the report, provided this is not detrimental to the investigation.
Article 7  (Further) decision by the Executive Board

1. Within four weeks after receipt of the recommendation as described in Article 6, the Executive Board will, in writing, inform the employee to the extent to which his/her identity is known, the independent third party and the person or persons who is/are the focus of the report, of its (further) decision, indicating which steps and/or measures are to be taken as a result of this recommendation.

2. A motivation will be provided in case of a (further) decision that deviates from the recommendation.

3. If the identity of the employee is unknown to the Executive Board, the independent third party will forward the information regarding the (further) decision to the employee.

Article 8  Confidentiality

The employee, the confidential advisor, the Executive Board, the independent third party and all other parties involved in a report of suspected abuse are expected to maintain confidentiality regarding any information related to the report.

Article 9  Legal protection

1. The employee who, taking into account the provisions of this regulation, reports suspects abuse, will in no way be disadvantaged in his/her position as a result of the report.

2. A confidential advisor as described in Article 1, who is in the service of the employer, will in no way be disadvantaged as a result of acting as such in accordance with the regulation.

Article 10  Reporting

1. The confidential advisor and the independent third party will provide the Executive Board with an anonymised annual review of the number and nature of the reports.

2. The Executive Board provide the Works Council with an anonymised annual review of the number and nature of the reports that have been received by the confidential advisor, Executive Board and independent third party.

Article 11  Date of effect

This regulation has been established with the approval of the Works Council and will take effect on 1 January 2011.