

# WHISTLE-BLOWER'S REGULATION

## RADBOD UNIVERSITY

established by the Executive Board on 20 December 2010

Last modified on 2 April 2019

### Article 1 Definitions

1. **Employee:** person who works or conducts, or worked and conducted, activities at Radboud University Nijmegen in any capacity;  
**Notifier:** the employee who has reported suspected abuse based on this regulation;  
**Confidential advisor for whistle-blowers:** the external confidential advisor who has been appointed as such by the Executive Board, and who can offer information, advice, and support in relation to the suspected abuse;  
**Executive Board:** the Executive Board of Radboud University Nijmegen;  
**Foundation Board:** the Board of the Stichting Katholieke Universiteit;  
**House for Whistleblowers:** the House for Whistleblowers (*Huis voor Klokkenluiders*) as referred to in Article 3 of the Whistleblowers Authority Act;  
**Suspected abuse:** an employee's suspicion of abuse within Radboud University in so far as:
  - a. the suspicion is based on reasonable grounds, arising from the knowledge which the employee has gained at Radboud University, or arising from the knowledge that the employee has gained from their work activities at a different business or organisation, and
  - b. social interests are at stake because of:
    - 1) a violation of legal rules or regulations;
    - 2) a danger to public health;
    - 3) a danger to the public safety;
    - 4) a danger to the environment;
    - 5) a danger to the proper functioning of a public service, or a danger to the proper functioning of a business as a result of inappropriate actions or negligence.
2. Suspected abuse does not include individual labour disputes in any case. This regulation does not include issues covered by the Academic Integrity Regulations or the Regulations on Undesirable Behaviour for Radboud University.

### Article 2 Advice

The employee can confidentially consult an advisor regarding suspected abuse. This can be the confidential advisor referred to in Article 1, but can also be another person who is bound to a duty of confidentiality by virtue of their position, such as a lawyer, a legal advisor from a union, or the advisory service from the House for Whistleblowers.

### **Article 3 Internal report**

1. An employee who wants to report suspected abuse must initially notify the Executive Board, unless it regards a situation as referred to in Article 7 paragraph 2.
2. It is recommended that the employee who plans to submit an internal notification first contacts an external confidential advisor as referred to in Article 1 for information, advice, or support.
3. A verbal notification will be recorded in writing by the Executive Board, stating the date on which the notification was received. This written statement will be signed for approval by the notifier, who will receive a copy. The Executive Board will confirm receipt of a written report to the notifier in writing, stating the date on which the notification was received.
4. The Executive Board will inform the person or persons named in the report in writing, provided this is not detrimental to the investigation.
5. Unless a situation has arisen as referred to in Article 7 paragraph 2, reports regarding (a member of) the Executive Board will be submitted to the Foundation Board. In that case, substitute “Executive Board” with “Foundation Board” in these regulations.
6. In response to the report of suspected abuse, the Executive Board will immediately begin an investigation as referred to in Article 5, unless:
  - a. it is clear in advance that the report does not relate to suspected abuse, or
  - b. the Executive Board is not of the opinion that the report is based on reasonable grounds
7. If the Executive Board decides not to begin an investigation, they will inform the notifier in writing within two weeks of the internal report, stating the reasons for which the suspected abuse is not based on reasonable grounds, or stating that it is clear in advance that the reported issue does not relate to suspected abuse. If the defined time frame is not reasonably feasible, the notifier will be informed by the Executive Board of this, with an indication of when they can expect further information.
8. The report will be handled confidentially by all parties in all stages of the process.

### **Article 4 Confidential report to the confidential advisor**

1. An employee who wants to remain anonymous to the Executive Board can submit their report to the external confidential advisor as referred to in Article 1 paragraph 1. This confidential advisor will not reveal the identity of the employee without their consent.
2. If the identity of the notifier is only known to the confidential advisor, the correspondence ensuing from this regulation will be sent to the confidential advisor who will forward it to the notifier. This is also the case for questions asked in relation to the investigation. The confidential advisor will forward the questions to the notifier who can answer the questions anonymously and in writing. The confidential advisor will then provide the answers anonymously in return.

## **Article 5 Conducting the internal investigation**

1. To conduct the internal investigation, the Executive Board will appoint at least two people who are capable of assessing suspected abuse and who can propose solutions to resolve the suspected abuse. They will be supported by an official secretary.

2.a. In any case, the investigators will offer an opportunity to be heard to both the notifier and the person(s) named in the report.

b. The investigators may also interview others. Employees who are invited by the investigators to be heard are obliged and their cooperation will be facilitated.

c. The investigators will provide a written record of the hearing and they will submit this to the interviewee for approval and signature. The interviewee is given a reasonable deadline within which to respond. The interviewee will receive a copy of this. In their report, the investigators will note the interviewee's responses to the written record. In cases where the interviewee has declined to sign the written record, it should be noted in the written record and, where necessary, the reasons for it should be added.

d. During the interview, the notifier and the person named can be assisted by legal counsel. The investigators will bring this option to their attention.

e. The investigators will hear the notifier and the person(s) named in each other's presence, unless the investigators have significant reasons to deviate from this.

f. In cases where the parties are heard separately, the investigators will send a written record to the notifier and the person(s) named to inform them of what has been discussed during the hearing in their absence.

3. The investigators can consult and request all documents at Radboud University that they find reasonably necessary for their investigation.

4. Employees can, also voluntarily, submit documents which they feel are reasonably important for the investigators to have knowledge of in the context of the investigation.

5. The investigators will prepare a draft of the investigative report and offer an opportunity for comment to the notifier as well as the person(s) named.

6. The investigators will then finalise the investigative report. They will send a copy of this report to the notifier and the person(s) named.

7. Within eight weeks of receipt of the report by the Executive Board, the investigators will send their investigative report to the Executive Board. If the investigative report is not sent to the Executive Board within the above-mentioned eight weeks, the notifier and the person(s) named will be notified of this by the investigators, with an indication of when they can expect the investigative report to be sent to the Executive Board.

## **Article 6 Decision by the Executive Board**

1. Within four weeks of receipt of the investigative report by the Executive Board, the notifier will be informed in writing by the Executive Board of their decision regarding the suspected abuse. It will indicate if further steps have been taken, or will be taken, and if so, what these steps are.
2. If the decision cannot be provided within the above-mentioned four weeks, the notifier will be informed of this by the Executive Board, with an indication of when they can expect the decision.
3. The first and second paragraph are also applicable to those named in the suspected abuse report.

## **Article 7 External report**

1. After submitting an internal report of suspected abuse, the notifier can submit an external report to the House for Whistleblowers in cases where:
  - a. the notifier does not agree with the decision as referred to in Article 6 and is of the opinion that the suspicion has been wrongly put aside;
  - b. the notifier did not receive a decision within the time frame as referred to in Article 6 paragraph 1 or paragraph 2.
2. The notifier can immediately submit an external report of suspected abuse where it is not reasonable to ask them to submit an internal report first. This cannot be requested of them in cases where there are legal grounds or in cases of:
  - a. immediate danger, where a serious and urgent social interest necessitates immediate external reporting;
  - b. a reasonable suspicion that (a member of) the Foundation Board is involved with the suspected abuse;
  - c. a situation in which the notifier reasonably can fear for retaliation relating to the submission of an internal report;
  - d. a clear threat of embezzlement or destruction of evidence;
  - e. a prior report of the same suspected abuse in accordance with this procedure, which did not resolve the abuse;
  - f. a legal obligation to submit an external report immediately.

## **Article 8 Confidentiality**

The notifier, the confidential advisor, the Executive Board, the investigators, 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**

Submitting a report in accordance with the provisions as set out in this regulation will in no way lead to any disadvantage for the notifier, directly or indirectly, unless the notifier did not act in good faith. The same is true for witnesses, experts, the confidential advisors, or the members of the committee. The Executive Board will see to this to the best of their ability.

### **Article 10 Reporting**

1. The external confidential advisor will provide the Executive Board with an anonymised annual review of the number and nature of the reports.
2. The Executive Board provides the Works Council with an anonymised annual review in general terms of the number and nature of the reports that have been received by the Executive Board, the confidential advisor, or externally.

### **Article 11 Effective date**

This change to the regulation has been established and approved by the Works Council and has an effective date of 2 April 2019.