

# WHISTLEBLOWER REGULATIONS

## for HAN University of Applied Sciences

<i>Subject</i>	<i>Whistleblower Regulations</i>
<i>Executive Board decision no.</i>	2020/1700
<i>Participation Council consent</i>	10-7-2020
<i>Adopted on</i>	10-7-2020

### Article 1

These regulations use the following terms and definitions:

*the person concerned*: an employee or student who reports suspicions of malpractice.

*employee*: a person who may or may not be employed by HAN.

*suspicion of malpractice*: a HAN employee or student's suspicion that there is malpractice at HAN insofar as:

- a. the suspicion is based on reasonable grounds arising from knowledge that the employee or student has acquired at HAN, or arising from knowledge that the employee or student has acquired through their work or activities at another company or organisation; and
- b. there are societal interests at stake in the event of the violation of a statutory regulation, danger to public health, danger to the safety of persons, danger to the environment or danger to the proper functioning of HAN as a result of an improper act or omission.

### Article 2

These regulations are expressly inapplicable to:

- a. the reporting of personal complaints concerning matters relating to work or study;
- b. the reporting of conscientious objections in connection with the performance of normal business activities; or
- c. criticism of policy choices made by HAN within the established frameworks.

### Article 3

1. The Executive Board appoints two persons who work within the organisation and who have sufficient knowledge and experience to assess a report on its merits, as the 'investigating officers'.  
One of these investigating officers is appointed on the nomination of the Participation Council. One of the investigating officers is a lawyer. The Executive Board appoints one of the two investigating officers as chair.
2. In the case of an assignment as referred to in article 5 paragraph 4, the investigating officers can be assisted in their investigation by a maximum of two persons, to be appointed by the chair of the investigating officers, who work within HAN and who have sufficient and demonstrable independence, knowledge and experience to assess the report on its merits. These two persons must include at least one member of the Participation Council.
3. The persons referred to in paragraphs 1 and 2 together form a 'Committee of Inquiry'.
4. The investigating officer who has been made chair by the Executive Board, pursuant to article 3 paragraph 1 of these regulations, acts as chair of the Committee of Inquiry.

### Article 4

1. Unless there are exceptional grounds as referred to in article 8 paragraph 1, the employee reports suspected malpractice to their line manager or, if they do not consider this desirable, to the person they consider responsible for the suspected malpractice, or, if they do not consider this desirable, to a confidential counsellor.
2. Unless there are exceptional grounds as referred to in article 8 paragraph 1, the student reports suspected malpractice to the dean of the degree course they are following, or, if they do not consider this desirable, to the person they consider responsible for the suspected malpractice or, if they do not consider this desirable, to a confidential counsellor.
3. The employee or student has the opportunity to consult a counsellor in confidence about their suspicion of malpractice.

**Article 5**

1. The person to whom the complaint is reported makes a written report of the complaint, including the date on which it was received. This report is then signed by the person concerned, and the latter receives a copy of it.
2. The person to whom the complaint is reported ensures that the chair of the Executive Board is immediately informed of the report and of the date on which it was received. They shall also ensure that the chair of the Executive Board receives a copy of the report. If the complaint concerns the Executive Board, the Supervisory Board must be informed of the report and the date on which it was received.
3. The chair of the Executive Board immediately instructs two investigating officers to conduct an investigation following the report.
4. The chair of the investigating officers sends confirmation of receipt to the person concerned. The confirmation of receipt refers to the original report.
5. The handling of the report and the investigation following the report will be kept confidential. Information concerning the report, the proceedings and/or the results can only be provided with the permission of the chair of the Executive Board.

**Article 6**

1. If both investigating officers conclude that there is no question of malpractice, no investigation is held. The person who submitted the report and the Executive Board are informed accordingly.
2. In the event of possible malpractice, the investigating officers put together a Committee of Inquiry, if one of them considers it necessary or desirable. The person who submitted the report and the Executive Board are informed accordingly.
3. The investigation is conducted jointly by the investigating officers or the Committee of Inquiry as the case may be. For the purposes of this investigation, they are authorised to obtain any information they consider necessary to form an opinion.
4. When the investigation has been concluded, the investigating officers or the Committee of Inquiry draw up a report in which the findings and the final verdict of the investigation are given, and any recommendations are made. The report is submitted to the Executive Board for approval no later than eight weeks after the assignment referred to in article 5 paragraph 4.

**Article 7**

1. The chair of the Executive Board informs the person concerned in writing as soon as possible of the Executive Board's substantive standpoint on the suspicion of malpractice reported by the person concerned. The final verdict of the report referred to in article 6 paragraph 4 is presented in a concise manner. The chair of the Executive Board indicates the steps to which the report will lead or has led.
2. The investigating officers receive a copy of the letter referred to in paragraph 1.

**Article 8**

1. Contrary to the provisions of article 4, the person concerned may report their suspicion of malpractice directly to the chair of the Supervisory Board, if:
  - a. they disagree with the standpoint referred to in article 7 paragraph 1;
  - b. the suspicion of malpractice concerns a member of the Executive Board; or
  - c. one of the following grounds for exception applies:
    1. there is a situation in which the person concerned can reasonably fear countermeasures as a result of an internal report;
    2. there is a legal obligation or authority to make a direct external report;
    3. a previous report of what was (essentially) the same malpractice, in accordance with the procedure, did not dispel this malpractice;
    4. there is acute danger, whereby a serious and urgent societal interest necessitates an immediate external report; or
    5. there is a clear threat of embezzlement or destruction of evidence.
2. In the event of a report to the chair of the Supervisory Board, in articles 5, 6 and 7 of these regulations, 'chair of the Executive Board' should be read as 'chair of the Supervisory Board', and in these articles 'Executive Board' should be read as 'Supervisory Board'.
3. The chair of the Supervisory Board makes the board's standpoint on the report known to the Executive Board, after they have received permission from the person concerned. Depending

on the findings, the chair of the Supervisory Board may issue binding advice to the chair of the Executive Board regarding settlement of the report.

**Article 9**

1. The person concerned who, with due observance of the provisions of these regulations, has reported their suspicion of malpractice, will in no way be disadvantaged in their position insofar as this disadvantage results from the report.
2. The investigating officers and members of the Committee of Inquiry will in no way be disadvantaged in their position insofar as this disadvantage results from holding this position.