

WHISTLEBLOWERS SCHEME

OF THE HAGUE UNIVERSITY OF APPLIED SCIENCES

VERSION 2018

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THE HAGUE
UNIVERSITY OF
APPLIED SCIENCES

PREAMBLE

The Executive Board of The Hague University of Applied Sciences (THUAS) finds it important that any abuses¹ within the organisation can be raised without fear of repercussion. This is why the Whistleblowers Scheme has been drawn up. Such a scheme is also required under the Sector Code of Governance for Universities of Applied Sciences (*Branchecode Governance Hogescholen*) (2013) and the Whistleblowers Authority Act (*Wet Huis voor klokkenluiders*).

Whistleblowing may be described as the disclosure by a THUAS employee or student of suspicions of abuses which take place under the responsibility of THUAS and which pose a threat to a general public interest or an interest of the institution. The purpose of this scheme is therefore, on the one hand, to provide legal protection to the employees and students involved and, on the other, to offer THUAS the opportunity to seriously investigate possible abuse within the organisation. In addition, the Whistleblowers Scheme enables a confidential advisor to assess the integrity of decisions, practices or acts of The Hague University of Applied Sciences against the THUAS Integrity Code. This is an ethical and professional code that is intended to serve as a guideline for creating and maintaining the best possible study and working environment.

In addition to this Whistleblowers Scheme, THUAS has a Staff Ombudsman. The Staff Ombudsman can check whether regulations have been correctly applied, whether procedures have been followed, and whether those involved have acted carefully. The exact duties of the Ombudsman are set out in the Ombudsman Regulations.

THUAS also has a Complaints Procedure for Inappropriate Behaviour. This complaints procedure concerns inappropriate behaviour in the form of intimidation, sexual harassment, aggression, violence, bullying and discrimination. Addressing inappropriate behaviour is always a good approach; either by speaking directly to the person involved, or by involving a third party, such as the confidential advisor. Any problem or potential problem with regard to inappropriate behaviour can be discussed in confidence with the confidential advisor. The exact duties of the confidential advisor are set out in the Complaints Procedure for Inappropriate Behaviour.

1 If the public interest is under threat due to the breach of a statutory provision, or if there is a risk to public health, a risk to the safety of persons, a risk of environmental degradation, a risk to the proper operation of public services or a business as a result of an improper act or omission (source: Whistleblowers Authority Act).

CHAPTER 1

General provisions

Article 1. Definitions

1. The following terms are used in this scheme:
 - a. Committee: the committee referred to in Article 3.1;
 - b. Suspicion of abuse: the suspicion of an employee or student that abuse occurs at the organisation where he/she works or worked, or at another organisation with which he/she has come into contact on account of his/her duties, insofar as:
 - I. the suspicion is based on reasonable grounds, arising from the knowledge which the employee acquired at his/her employer's organisation or arising from the knowledge which the employee obtained because of his/her activities at another business or organisation, and
 - II. the public interest is under threat due to the breach of a statutory provision, there is an actual or potential risk to public health, there is an actual or potential risk to the safety of persons, there is an actual or potential risk of environmental degradation, or there is an actual or potential risk to the proper operation of public services or a business as a result of an improper act or omission;
 - c. Employee Director: the director of the organisational unit at which the abuse is suspected;
 - d. Student Director: the student director is the dean of the faculty at which the abuse is suspected;
 - e. Employee: a person working or performing activities at THUAS, under whatever title;
 - f. Student: a student who is enrolled as such at THUAS;
 - g. External student: a person enrolled at THUAS as an external student;
 - h. Reporter: the employee or student who reports a suspicion of abuse;
 - i. Confidential Integrity Advisor: the person who has been designated as such by the Executive Board.

Article 2. Appointment, advice and support from the Confidential Integrity Advisor

1. As part of this scheme, the Executive Board appoints a Confidential Integrity Advisor for a period of three years. This Confidential Integrity Advisor can be reappointed for one further three-year period.
2. The General Council advises the Executive Board on whether to make a new appointment or extend the current appointment.

3. The following persons cannot be appointed as confidential advisors:
 - d. members of the Executive Board;
 - e. faculty deans;
 - f. directors of service departments;
 - g. the secretary of the Executive Board;
 - h. programme managers/unit heads/MPC programme managers;
 - i. senior lecturers/team leaders or team leaders;
 - j. Staff Ombudsman;
 - k. members of the General Council and the Faculty/Service Department Council.
4. The role of confidential advisor will end:
 - a. at the end of the term of appointment;
 - b. at the request of the confidential advisor in question;
 - c. if the confidential advisor takes on a position referred to in Paragraph 4;
 - d. upon termination of the confidential advisor's employment;
 - e. if the confidential advisor is removed from his/her post by the Executive Board due to unsatisfactory performance of duties.
5. The Integrity Confidential Advisor has the following duties:
 - a. to counsel reporters who have a suspicion of abuse, and provide them with advice and support;
 - b. to inform reporters about the various options available to resolve the problem or report a suspicion of abuse;
 - c. to assist reporters who wish to seek mediation or raise the matter with the Director or the Committee;
 - d. if desired, to refer reporters to experts in the field of the suspected abuse;
 - e. to act as a contact person with a view to preventing repercussions against reporters.
6. If there is cause for doing so, the Confidential Integrity Advisor will recommend that a suspicion of abuse be reported.

Article 3. Performance of Confidential Integrity Advisor

1. The Confidential Integrity Advisor carries out his/her duties with due regard for the importance of uninterrupted continuation of the teaching and other (operational) processes. Instructions from the Executive Board or a Director will be followed.
2. In carrying out his/her duties, the Confidential Integrity Advisor is accountable only to the Executive Board.
3. The Confidential Integrity Advisor will only act on behalf of the reporter with the consent of the reporter concerned.
4. The Confidential Integrity Advisor has a duty of confidentiality relating to facts of which he/she becomes aware that could undermine the privacy of the reporter. Exceptions to this rule will require the reporter's express consent.

5. The Confidential Integrity Advisor can rely on a right of non-disclosure at internal level, which means that he/she can invoke this right in relation to any person within the organisation.
6. The provisions of Paragraph 4 will not apply if statutory provisions dictate otherwise.
7. The Confidential Integrity Advisor will compile a dossier for each report he/she handles, which dossier will not be accessible to third parties. The confidential advisor will share information in this dossier that was provided in confidence only with the consent of the person(s) involved. The dossiers will be destroyed after five years.
8. The Confidential Integrity Advisor will report to the Executive Board before 1 April of each year on the number and nature of the reports received, the follow-up given to the reports and the results.

CHAPTER 2

Internal report and procedure

Article 1. Internal report to the Director

1. An employee or student who has a suspicion of abuse must report this suspicion to the Director of the organisational unit at which the abuse is suspected.¹
2. The Director will send the person who reported a suspicion of abuse a confirmation of receipt, containing a description of the reported suspicion and specifying when the suspicion was reported.
3. The Director referred to in the first sentence will ensure that the Executive Board is notified immediately of a reported suspicion and of the date on which the report was received.
4. Following the report of a suspicion of abuse, the Director will immediately launch an investigation as described in Article 3.7, whereby “the Committee” should be read as “the Director”.
5. In derogation from the provisions of the previous paragraphs (Paragraphs 1 to 4), the reporter can report a suspicion of abuse directly to the Committee if compelling interests preclude application of those paragraphs.
6. If the report relates to a suspicion of abuse committed by the Executive Board or by one or more of its members, the report will be made to the Board of Trustees.
7. The report is made in writing (by post or e-mail) and
 - a. contains a clear description of the abuse;
 - b. is dated and, unless the provisions of Article 2.2(3) apply, states the reporter’s name, position (if any) and contact details.
8. Anonymous reports will not be processed, unless the provisions of Article 2.2(3) apply.
9. An internal report will not affect the statutory obligation to report a criminal offence to the police.

Article 2. Internal report via the Integrity Confidential Advisor

1. Reporters who suspect an abuse but do not want to report this directly themselves at internal level can contact the Confidential Integrity Advisor with the request to do this for them or on their behalf.
2. The Confidential Integrity Advisor will forward the reporter’s report in accordance with the provisions of Article 2.1.

1 Article 2.1. Reporters who suspect abuse but do not want to report this directly themselves at internal level can contact the Confidential Integrity Advisor with the request to do this for them or on their behalf.

3. At the reporter's request, the report forwarded by the Confidential Integrity Advisor can be made anonymously, provided that the reporter's name, position (if any) and contact details are known to the Confidential Integrity Advisor.
4. In that case, the Director will send the confirmation of receipt referred to in Article 2.1(2) to the Confidential Integrity Advisor, who will forward the confirmation of receipt to the reporter.

Article 3. The Director's viewpoint

1. Within a period of six weeks from the moment of the internal report to the Director, the reporter is informed in writing by or on behalf of the Director of the latter's substantive viewpoint on the reported suspicion of abuse.
2. If the viewpoint cannot be communicated within six weeks, the reporter will be notified of this by or on behalf of the Director and informed of the period within which he or she may expect this viewpoint.
3. The reporter may report the suspicion of abuse to the Committee if:
 - a. he/she does not agree to the viewpoint;
 - b. he/she has not received a viewpoint within the required period referred to in Paragraphs 1 and 2; or
 - c. the period referred to in Paragraph 2 is unreasonably long in view of all the circumstances; or
 - d. he/she believes that a situation exists as referred to in Article 2.1(5).
4. If the reporter does not report the suspicion to the Committee, a copy of the Director's viewpoint will be sent to the Executive Board.

CHAPTER 3

The THUAS Whistleblowers Committee and the reporting procedure

Article 1. Creation and remit of the Commission

1. THUAS has set up a Whistleblowers Committee.
2. The Committee's task, as part of the internal reporting procedure, is to investigate the suspicion of abuse reported by the reporter and to advise the Executive Board on this point.

Article 2. Composition of the Committee

1. The Committee consists of a chairman, who is also a member, and two other members. The Committee appoints a deputy chairman from among its members.
2. The Executive Board may appoint one or more deputy members.
3. In the absence of the chairman or of another member, or if the chairman or another member is directly or indirectly involved in a report to be assessed, the deputy chairman or a deputy member respectively will take his/her place.
4. The chairman, other members and deputy members of the Committee are appointed by the Executive Board for a period of three years. The chairman, other members and deputy members of the Committee can be reappointed for one further three-year period.
5. The members of the Executive Board, the members of the Board of Trustees and Directors are ineligible for appointment.
6. Members may be discharged in the interim at their own request. Members may also be discharged due to unsatisfactory performance as a (deputy) member.

Article 3. Secretary

The Committee is assisted by a secretary appointed by the Executive Board, which secretary should have sufficient legal knowledge.

Article 4. Confirmation of receipt and investigation

1. The Committee will confirm the receipt of a report of a suspicion of abuse to the person who made this report to the Committee and will notify the Executive Board of the report.
2. The Committee will launch an investigation if it considers this necessary for the performance of its duties. The Committee may assign the investigation to one of its members, who will then act on its behalf.

Article 5. The Committee's powers

1. The Committee is authorised to obtain information from all employees, students and bodies of the institution. It can demand inspection of all documentation and correspondence which it considers relevant to the assessment of the report.
2. The Committee can consult experts, whether associated with THUAS or otherwise. Such consultations will be documented in a report.
3. The Committee compiles a dossier for each report it handles. The Committee will share information in this dossier that was provided in confidence only with the consent of the persons involved.

Article 6. Inadmissibility

1. The Committee will declare the report inadmissible:
 - a. if the report does not involve abuse about which the Committee provides advice, or the report does not concern a suspicion of abuse;
 - b. if the suspicion is not based on reasonable grounds;
 - c. if the reporter fails to demonstrate that he/she first raised the suspicion at internal level, as prescribed in Article 2.1(1), unless a situation exists as referred to in Article 2.1(5); or
 - d. if the reporter did raise the suspicion at internal level, as prescribed in Article 2.1(1), but a reasonable period has not yet elapsed after then internal report.
2. A reasonable period as referred to in Paragraph 1(d) will have elapsed if:
 - a. the Director's viewpoint has not been communicated to the reporter within a period of six weeks from the moment of the internal report, unless the Director has notified the reporter that he/she will not receive this viewpoint within a period of six weeks;
 - b. the Director has not specified a period as referred to in Article 2.3(2);
 - c. the period referred to in Article 2.3(2) specified by the Director has elapsed without the Director's viewpoint having been communicated to the reporter; or
 - d. the period referred to in Article 2.3(2) specified by the Director is not reasonable in view of all the circumstances.
3. The Committee will inform both the Executive Board and the reporter that the report is inadmissible, stating its reasons.

Article 7. Investigation procedure

1. If an investigation is launched, the Committee will communicate this to the reporter and/or the Confidential Integrity Advisor, as well as to the person or persons to whom the report relates, unless such communication may be detrimental to the interests of the investigation.
2. The Committee will assign the investigation to one or more

independent, impartial and expert investigators, and will in any case refrain from having the investigation carried out by persons who may be or may have been involved in the suspected abuse. An employee who is asked by the Committee to act as an investigator may request to be excused by indicating, supported by reasons, that the performance of these duties would or might give rise to a conflict of interest.

3. Where necessary, the Committee may consult an (external) expert or request such an expert to perform an investigation.
4. The investigation will be conducted in accordance with the principle of hearing both sides of the argument.
5. The investigation approach applied, the manner of conducting the investigation and the investigation results will be documented in a written report, preferably together with recommendations, which report will be submitted to the Committee.
6. If possible, the Committee will provide the Executive Board with the written report within six weeks of the start of the investigation.

Article 8. The Committee's opinion

1. If the reported suspicion of abuse is admissible, the Committee will document its findings regarding the report of a suspicion of abuse as soon as possible in an opinion addressed to the Executive Board.
2. The reporter who reported a suspicion of abuse to the Committee will receive a copy of the opinion, with due observance of the confidentiality (if any) of the information provided to the Committee and the regulations applicable in this respect.

Article 9. The Executive Board's viewpoint

1. The Executive Board will adopt a substantive viewpoint within two weeks of receiving the report referred to in Article 3.8, and will communicate this viewpoint in writing to the reporter and/or the Confidential Integrity Advisor as soon as possible. On this occasion, the Executive Board will also indicate the steps taken or to be taken pursuant to the report of the suspicion of abuse. In addition, the reporter and/or the Confidential Integrity Advisor will receive a copy of the Committee's report, which may be in anonymised form unless this is not possible for reasons of privacy.
2. If the Executive Board's viewpoint cannot be communicated within the specified period, the Executive Board will inform the reporter and/or the Confidential Integrity Advisor of this in writing. On this occasion, the Executive Board will indicate within what period the viewpoint can be expected. If this delay takes the total period, counting from the receipt of the report by the Committee until the communication of the viewpoint by the Executive Board, to more than 12 weeks, the Executive Board will also indicate why a longer period is necessary.

Article 10. Annual report

1. The Committee will prepare an annual report before 1 April of each year.
2. This report will contain the following information, in anonymised form and with due observance of the regulations applicable in this respect:
 - a. the number and nature of the reports of suspicions of abuse;
 - b. the number of reports which did not result in an investigation;
 - c. the number of investigations undertaken by the Committee; and
 - d. the number of opinions and the nature of the opinions issued by the Committee.
3. This annual report will be sent to the Executive Board. The Executive Board will immediately forward the annual report to the Board of Trustees and the General Council. The Executive Board will mention the annual report in the report referred to in Section 2.9 of the Higher Education and Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*).

CHAPTER 4

External report

Article 1. External report

1. After making an internal report, the reporter will be able to report a suspicion of abuse at external level to or via the Whistleblowers Authority if:
 - a. he/she does not agree to the Committee's decision not to process the report any further, as referred to in Article 3.6(1);
 - b. he/she believes that the internal procedure did not result in sufficient measures to end the suspected abuse;
 - c. the Committee and the Executive Board did not deal with the report in time (within 12 weeks) and the term for handling the report was extended by an unreasonably long period.
2. If no internal report can be made due to compelling interests, the employee or student may, in derogation from the provisions of the previous paragraph, report the suspicion of abuse directly to or via the Whistleblowers Authority or to an external body designated for that purpose.
3. If there exists a reasonable suspicion of a criminal offence or a serious threat to public health, safety or the environment, the employee or student may report this directly to the relevant competent authority.

CHAPTER 5

Legal and other protection

Article 1. Protection of the reporter and other persons involved against repercussions

1. The report of a suspicion of abuse will have no repercussions of any kind for the reporter in terms of his/her legal or other position within THUAS if this report was made in good faith and in a proper fashion, and provided that he/she derives no personal advantage from that abuse or from reporting it.
2. The Executive Board will ensure to the best of its ability that the reporter is not disadvantaged in other ways either in performing his/her duties or following his/her degree programme on account of a report made in good faith and in a proper fashion.
3. In addition, the Executive Board will ensure to the best of its ability that persons involved in the handling of a report of a suspicion of abuse, including the Confidential Integrity Advisor, are not disadvantaged in any way in their legal position or otherwise in performing their duties/ following their degree programme because they made statements or carried out tasks described in this scheme in good faith.
4. If a decision is taken to dismiss a reporter or not to promote a reporter to a higher position or salary scale, the Executive Board will have to explain why this decision is not related to the report made in good faith. This protection will apply in any case for a period of three years after the handling of the report in the manner referred to in Articles 3.6, 3.9 and 4.1.

Article 2. Confidential treatment of the report and the identity of the reporter

1. All persons involved in the handling of a report of a suspicion of abuse will not disclose the reporter's identity without the reporter's express consent and will treat the information about the report confidentially.
2. If the suspicion of abuse has been reported via the Confidential Integrity Advisor and the reporter has not consented to the disclosure of his/her identity, all correspondence about the report will be sent to the Confidential Integrity Advisor, who will immediately forward this correspondence to the reporter.
3. The Executive Board will ensure that the information about the report is stored in such a way that it is only accessible, both physically and digitally, to the persons who are necessarily involved in the handling of the report.

CHAPTER 6

Final provisions

Article 1. Entry into force

This scheme will enter into force on 1 August 2018 and will replace the preceding Whistleblowers Scheme of The Hague University of Applied Sciences 2006.

Article 2. Reference title

This scheme may be cited as the Whistleblowers Scheme of The Hague University of Applied Sciences.

Adopted by the Executive Board on after the General Council gave its consent on and approved by the Board of Trustees on

Version	Adoption by	General Council's	Board of Trustees'
1.0	13 March 2007	15 November 2006	8 March 2007
2.0			

Contact details of Whistleblowers Authority

The Whistleblowers Authority can refer the employee to the right body and sometimes conducts an investigation itself. In addition to its investigation department, the Whistleblowers Authority has an advisory department which advises employees on how to deal with abuses. The two departments are strictly separate.

Telephone

For questions on reporting abuse: +31 (0)88 371 30 31.

For questions from employers and other questions: +31 (0)88 371 30 32 or e-mail at: kenniscentrum@huisvoorklokkenluiders.nl.

E-mail

For advice on reporting abuse: advies@huisvoorklokkenluiders.nl.

For employees and general issues: info@huisvoorklokkenluiders.nl.

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