



Whistleblowers regulations PThU

Chapter 1 General clauses

Article 1 – Notions

These regulations understand by:

- a. A reporter: the person who reports (the suspicion of) abuse
- b. Competent authority: the Executive Board of the Protestant Theological University. If a report of (a suspicion of) abuse or a wrong concerns one or more members of the Executive Board, the competent authority is the Supervisory Council;
- c. The senior executive: the senior executive in charge of the employee who reports;
- d. The curriculum coordinator: the coordinator of the educational trajectory of the reporting student;
- e. The central facility for legal protection of students: the official secretary of the Executive Board of the Protestant Theological University or the student dean;
- f. The confidential intermediary: the confidential intermediary of the Protestant Theological University is also the confidential intermediary within the framework of these regulations;
- g. A counsellor: any person who is trusted by the reporting person and who is bound by confidentiality on the basis of their profession may act as a counsellor, e.g. the institution's general practitioner, a lawyer or legal assistant of the trade union;
- h. A suspicion of a wrong or abuse: a suspicion of a wrong or abuse on reasonable grounds regarding the Protestant Theological University or one of its constituting parts with respect to:
 - a. a serious (imminent) criminal fact;
 - b. a gross (imminent) violation of regulations;
 - c. a major (imminent) danger to public health, environmental safety;
 - d. (imminent) purposely incorrect information of public bodies;
 - e. an (imminent) waste of government resources, and
 - f. purposely withholding, destroying or manipulating information related to the facts described above;

These regulations apply to reports of (a suspicion of) a wrong or abuse, as intended sub h. These regulations do not apply to:

- i. a complaint relating to (alleged) violation of academic acting, including academic misconduct, which is treated along the procedures as described in the Regulations for the protection of academic integrity of the Protestant Theological University;
- j. a complaint relating to sexual intimidation, aggression, violence or discrimination which is treated along the procedures as described in the Complaints Regulations Undesirable Conduct of the Protestant Theological University;
- k. a complaint that is dealt with under the Complaints Regulations of the Protestant Theological University, forming part of the internal legal protection regulations for students, and dealt with in accordance with those regulations.

Chapter 2 Procedure

Article 2 – Report

1. A reporter has the right to report an existing wrong or abuse within the Protestant Theological university, or a reasonable suspicion of a wrong or abuse, respectively to his senior executive or the curriculum coordinator of the educational trajectory of the student.
2. Students may also report a wrong or abuse as intended sub 1, to the central facility for legal protection, in accordance with the regulations for legal protection of students.
3. If a reporter finds reporting to respectively his senior executive or the curriculum coordinator undesirable, he may report to the Executive Board or the operational manager or the confidential intermediary, in accordance with Article 3 of these regulations.
4. If a report of a suspicion of a wrong or abuse concerns one or more members of the Executive Board, the reporter may report to the Supervisory Council directly.
5. The reporter is not expected to be able to demonstrate that what he claims is true. However, he must be able to demonstrate that there is sufficient ground for a reasonable suspicion that something is wrong. He provides as much information as possible: names, dates, places and the reason for reporting.
6. A reporter may request the senior executive, curriculum coordinator or the competent authority not to divulge his identity; this request can only be revoked by the reporter himself.
7. Anonymous reports will not be taken into account.
8. The senior executive, the curriculum coordinator or the competent authority registers a report and the date of receipt without delay and has this registration signed by the reporter. The reporter receives a copy of the registration.

Article 3 – Engaging a confidential intermediary

1. If a reporter finds a report to the officials mentioned in Article 2 sub 1 and 2 undesirable (for the time being), he can discuss the suspicion of a wrong or abuse for advice with the confidential intermediary before deciding to actually report it.

If a reporter decides to report a wrong or abuse after a discussion with the confidential intermediary, he reports to one of the officials mentioned in Article 2 sub 1 or 2, or to the operational manager / Executive Board in accordance with Article 2 sub 3.

Article 4 – Consultation

1. A reporter may consult with a counsellor to discuss a suspicion of a wrong or abuse before reporting it.
2. The reporter is charged the expenses for consultation, if applicable.

Article 5 – Immediate notification to the competent authority

1. The senior executive, the curriculum coordinator, notifies the competent authority without delay of the reported suspicion and the date of receipt of the report.
2. The competent authority launches an investigation following a report of (a suspicion of) a wrong or abuse without delay. For each report the competent authority determines who is assigned the task of investigation.
3. In case the competent authority decides that the investigation should be carried out by a Committee of Investigation, this investigation is carried out in conformity with Chapter 3 of these regulations.
4. The competent authority confirms receipt of the report to the reporter within five days after receipt, where desirable by involving the senior executive, the curriculum coordinator. In the confirmation of receipt the reported suspicion of a wrong or abuse is described, as well as the moment when the suspicion was reported to the senior executive, curriculum coordinator.

Article 6 – Stance

1. Within a period of maximally six weeks following the moment of reporting (the suspicion of) a wrong or abuse, the reporter is notified in writing by or on behalf of the competent authority of their considered view with respect to the reported suspicion of a wrong or abuse, including mention of the steps that the report has led to.
2. If a considered view cannot be achieved within six weeks, the reporter is notified of this in writing and is informed of the envisaged term when such a view may be expected.

Chapter 3 Investigation

Article 7 – Committee of investigation

1. In connection with the investigation as intended in Article 5 sub 3, the competent authority appoints a Committee of Investigation, consisting of an independent external president and two members.
2. The competent authority provides the necessary official assistance for the Committee of Investigation.

Article 8 – Investigation by the Committee of Investigation

1. After the report has been forwarded by the president, the Committee of Investigation notifies the reporter of the fact that the report will be investigated by the Committee of Investigation, and informs him of the Committee's composition.
2. The Committee of Investigation is authorised to obtain any information which it deems necessary for the purpose of formulating its advice relating to the investigation on (the suspicion of) a wrong or abuse.
3. After completing the investigation, the Committee of Investigation draws up a report, in which the investigation is reported and recommendations, if applicable, are made.
4. The members of the committee and every third party involved in the investigation are bound by confidentiality with respect to what has come to their knowledge on the basis of their involvement.

Article 9 – Final account of the investigation

1. The Committee of Investigation submits its report to the competent authority for final judgment.
2. The competent authority reports in all cases to the Supervisory Council and the Committee of Investigation about a report and its resolution.

Chapter 4 Legal protection

Article 10 – Legal protection

1. A reporter who in compliance with the stipulations of these regulations has reported (a suspicion of) a wrong or abuse, will not be disadvantaged in any way in his (legal) position as a result of his reporting.
2. An intended dismissal of a reporter within two years of his reporting is evaluated by the competent authority.
3. Sub 1 and 2 do not apply if the reporter has not acted in good faith and/or aimed at personal gain from the wrong or abuse or from reporting it.
4. A reporter may be held accountable for damages resulting from malice or deliberate recklessness.

Final clauses

Article 11 – Commencement

These regulations were enacted by the Executive Board of the Protestant Theological University on 10 April 2014 and came into force on 1 May 2014.

Article 12 – Reference

These regulations may be referred to as the Whistleblowers regulations PThU.

Enacted by the Executive Board on 3 July 2015

DISCLAIMER

Although every care has been taken to translate the texts of the Dutch regulations accurately, the original texts in Dutch are binding in case of differences in interpretation