

# **WHISTLE-BLOWER'S REGULATIONS**

## **(rules of conduct related to suspected irregularities)**

### **Wageningen UR**

enacted by the Executive Board on 15 September 2008

#### **a. General provisions**

#### **Article 1 Definitions**

1. For the purposes of these Regulations, the terms below are defined as follows:

- |                             |   |
|-----------------------------|---|
| a. Executive Board:         | the Executive Board of Wageningen University, the Executive Board of Stichting Dienst Landbouwkundig Onderzoek and the Executive Board of Van Hall Larenstein Foundation;   |
| b. Supervisory Board:       | Supervisory Board of Wageningen UR;   |
| c. Wageningen UR:           | a framework of cooperation between Wageningen University, Stichting Dienst Landbouwkundig Onderzoek and the Van Hall Larenstein Foundation;   |
| d. suspected irregularity:  | a suspected irregularity at Wageningen UR, based on reasonable grounds, which concerns: <ul style="list-style-type: none"><li>- a criminal offence (actual or imminent);</li><li>- a flagrant violation of laws or policy regulations (actual or imminent);</li><li>- a serious threat to public health, safety or the environment;</li><li>- intentional provision of incorrect information to public bodies (actual or imminent), or</li><li>- intentional suppression, destruction or manipulation of information about these facts (actual or imminent);</li><li>- squandering government funding (actual or imminent);</li></ul> |
| e. employee:                | an employee of Wageningen University, DLO Foundation or Van Hall Larenstein Foundation; also a student at Wageningen University or Van Hall Larenstein University of Applied Sciences;  |
| f. manager:                 | person who provides direct supervision to the employee; for students this is dean   |
| g. confidential counsellor: | the independent official appointed by the Executive Board whom the employee/student can contact if there is a suspected irregularity.   |
| h. advisor:                 | any individual who is trusted by the employee and who complies with a duty of confidentiality;  |
| i. external committee:      | the external Whistleblower Committee as referred to in Article 8.   |

a suspected irregularity does not mean a suspected violation of scientific integrity. \*

## **Article 2 Scope of the regulations**

These regulations are not intended for:

- reporting complaints of individual employees concerning personal affairs related to their work;
- reporting conscientious objections related to normal business activities, and
- expressing criticism about the policy choices of the employer.

## **B. Internal procedure**

### **Article 3 Reporting procedure**

1. a. Unless there are grounds for an exception as referred to in Article 9.2 or the situation exists as referred to in Article 5, employees shall report suspected irregularities to their manager or, if they consider reporting to the manager inappropriate, to the confidential counsellor. They may also report to the confidential adviser in addition to the manager.  
b. Employees can request the manager or confidential counsellor to not reveal their identity to the Executive Board.
2. The manager or confidential counsellor referred to in the first clause will personally ensure that the chairman of the Executive Board is informed of the suspected irregularity by means of a written declaration from the employee, including the date on which it was reported.
3. The chairman of the Executive Board will send the employee who has reported a suspected irregularity a confirmation of receipt; the confirmation will refer to the original report and the date on which it was reported .
4. Immediately after the employee's report of the suspected irregularity, the Executive Board will initiate an investigation.
5. The employee who has reported the suspected irregularity and the person to whom he has submitted this report will keep the report confidential. No information will be provided to third parties inside or outside Wageningen UR without the consent of the chairman of the Executive Board. When providing information, the name of the employee will not be disclosed (to the extent this is reasonably possible) and information will otherwise be provided in such a manner as to safeguard where possible the anonymity of the employee.

### **Article 4 Position of the Executive Board**

1. Within eight weeks after submitting his internal report, the employee will be informed in writing, by or on behalf of the chairman of the Executive Board, regarding the Board's substantive position on the suspected irregularity and the actions that have been taken as a consequence of the employee's report.
2. If no position can be given within eight weeks, the employee shall be notified about this by or on behalf of the chairman of the Executive Board and be given an indication as to when he will be informed of this position.

### **Article 5 Reporting to the Supervisory Board**

1. The employee may report the suspected irregularity to the chairman of the Supervisory Board if:
  - a. he disagrees with the position referred to in Article 4;
  - b. he has not been notified of a position within the requisite period, as referred to in the first and second clauses of Article 4;

- c. the period as referred to in the second clause of Article 4 is, given all circumstances, unreasonably long and the employee has objected against this to the chairman of the Executive Board;
  - d. the suspected irregularity concerns a member of the Executive Board;
2. The report must be in writing, including an explanation, and must be submitted to the chairman of the Supervisory Board.
3. The chairman of the Supervisory Board will send a confirmation of receipt to the employee who reported the suspected irregularity and will inform the Executive Board about the report.
4. Immediately after the employee's report of the suspected irregularity, the Supervisory Board will initiate an investigation.
5. The employee who has reported the suspected irregularity and the person to whom he has reported will keep the report confidential. No information will be provided to third parties inside or outside Wageningen UR without the consent of the chairman of the Supervisory Board. When providing information, the name of the employee will not be disclosed (to the extent this is reasonably possible) and information will otherwise be provided in such a manner as to safeguard where possible the anonymity of the employee.

#### **Article 6 Position of the Supervisory Board**

1. Within eight weeks after submitting his report, the employee shall be informed in writing, by or on behalf of the chairman of the Supervisory Board, about the Supervisory Board's substantive position with regard to the suspected irregularity.
2. If no position can be given within eight weeks, the employee shall be notified in writing about this by or on behalf of the chairman of the Supervisory Board and shall be given an indication as to when he will be informed of this position.

#### **Article 7 Consulting an advisor**

Before reporting a suspected irregularity, the employee can consult an advisor to ask for advice on this matter.

#### **C. Making an external report**

#### **Article 8 Whistleblower Committee**

1. As an external body for reporting alleged irregularities, the Whistleblower Committee VNG operates .
2. The Committee has the tasks of investigating an alleged irregularity reported by an employee to the Committee under the provisions in Article 9 and providing advice on this matter to the Executive Board.

#### **Article 9 Preconditions for reporting to the Whistleblower Committee**

1. An employee who suspects an irregularity can report this to the Committee if there are grounds for exception as referred to in the following clause.
2. Grounds for exception exist under the following circumstances:
  - a. a situation in which the employee who reports an alleged irregularity can fear countermeasures as a result of making an internal report.
  - b. the employee has made a previous report in accordance with these regulations concerning essentially the same irregularity, and this irregularity has continued to exist.

- c. there is an acute hazard, whereby a crucial and urgent societal interest requires an immediate external report;
- d. there is a statutory obligation or competency to make an immediate external report;
- e. there is a clear threat of embezzlement or destruction of evidence.

## **Article 10 Confirmation of receipt and investigation of the Whistleblower Committee**

1. The Committee will send a confirmation of receipt of a report of a suspected irregularity to the employee who has submitted the report.
2. If the Committee believes this is required for completing its task, it will initiate an investigation.
3. For the purposes of the investigation, the Committee is authorised to gather all necessary information from any employees (including students) and organisational components of Wageningen UR. The Committee can request inspection of all documentation and correspondence that it deems important to its investigation.
4. The Committee can delegate the investigation or parts thereof to one of its members or to an expert.
5. If the content of specific information provided by the Executive Board is exclusively intended for the eyes of the Committee due to its confidential nature, this will be reported to the Committee. The Committee will secure confidential information to prevent it from becoming available to unauthorised parties.

## **Article 11 Recommendation of the Whistleblower Committee**

1. Within six weeks, the Committee will present its findings on the report of a suspected irregularity to the Executive Board in the form of a recommendation; a copy of this recommendation will also be sent to the employee, subject to the potentially confidential nature of the information.
2. If this recommendation cannot be made within six weeks, then the Committee will extend the period by no more than four weeks. The Committee will inform the Executive Board and the employee about this extension in writing.
3. The recommendation will be made public in an anonymised form, subject to the possibly confidential nature of the information provided by the Committee and to the applicable statutory provisions; publication will take place in a fashion that the Committee deems appropriate, unless crucial interests prevent this.

## **Article 12 Position of the Executive Board following the recommendation**

1. Within two weeks after receiving the recommendation referred to in Article 11, the Executive Board will inform the employee and the Whistleblower Committee about its position. This notification will indicate the actions and/or measures that have been taken as a result of the recommendation.
2. If the employee has requested the Committee not to reveal his identity, this notification will be made via the Committee.
3. If the position deviates from the recommendation, the reasons for this deviation will be explained.

## **D. Legal protection**

### **Article 13 Legal protection**

1. The duty of confidentiality pursuant to the Collective Labour Agreement (CAO) does not apply to the employee that has made an internal report to his manager, confidential counsellor, the Supervisory Board or the Whistleblower Committee, and consequently complies with the applicable provisions in Articles 3, 5 and 9.
2. The position of employees who have reported a suspected irregularity in accordance with these regulations shall not be affected in any way as a result of the report, unless it can be shown that they have acted maliciously.
3. The confidential counsellor and the manager, as referred to in Article 1, shall not be affected in any way as a result of their actions pursuant to these regulations.

**Article 14      Formal title and date of enactment**

These regulations are formally titled "Whistleblower's Regulations Wageningen UR" go into effect on 1 September 2008.

\*see "Complaint procedure on scientific integrity" enacted by The Executive Board of Wageningen UR on 5 February 2004.