



**Hogeschool
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Den Haag**

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WHISTLEBLOWING REGULATIONS

University of the Arts The Hague



Whistleblowing Regulations, University of the Arts The Hague

The Executive Board resolves, having regard to the Sector Code of Governance for Universities of Applied Science, to adopt the Whistleblowing Regulations of the University of the Arts The Hague, which read as follows:

Preamble

Whistleblowing can be described as the disclosure by an employee or student (the whistleblower) of suspicions of illegal or immoral practices that are occurring under the responsibility of the employer and which involve a major public or institutional interest.

Whistleblowing can have serious consequences. The organisation could be discredited and its reputation could suffer. Whistleblowing can also seriously harm the employee or student's relationship with the organisation. Nevertheless, it is important for the management to be informed in good time of any (suspicions of) abuses in the organisation so that measures can be taken. Employees and students must have confidence that reporting (suspicions of) abuses will not have any consequences for their legal position. In view of this, it is important for both the organisation and for the employees and students to regulate how (suspicions of) abuses in the organisation should be dealt with. These regulations lay down the relevant procedure for the University of the Arts The Hague.

The basic principle in these regulations is that an employee or student should first report an abuse (or a suspicion thereof) to his superior. These regulations should only be reverted to if this course of action is or appears to be impossible.

Article 1. Definitions

In these regulations the following definitions apply:

- a. Employee: an employee as referred to in the CAO-HBO, who is employed by the University, as well as guest lecturers, freelancers, temporary employees, seconded employees and interns.
- b. Student: any person who is enrolled by the University to follow a full-time or part-time programme, including students of the School for Young Talent.
- c. Individual: an employee or student who reports or wishes to report an abuse.
- d. Superior: an employee's immediate superior or the head or the coordinator of the student's course.



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- e. A suspicion of abuse: a reasonably founded suspicion relating to the University or a part of it concerning:
 - a criminal offence;
 - a violation of laws or policy rules;
 - the provision of incorrect information to public bodies;
 - a risk to public health, safety or the environment;
 - the withholding of information about any of these facts.
- f. Confidential adviser: a person referred to in article 4 of the Complaints Procedure for Inappropriate Behaviour of the University of the Arts The Hague.
- g. Investigator: an internal or external individual or committee as referred to in article 4 of these regulations who is instructed to investigate the report of (the suspicion of) abuse.

Article 2. Scope of the regulations

1. The regulations apply to reports of (suspicions of) serious abuses, such as fraud, corruption or embezzlement, at the University and associated legal persons and organisations.
2. The regulations are not intended for:
 - personal complaints by employees or students about matters concerning them personally in relation to work, study, advice or supervision;
 - conscientious objections connected with the performance of normal activities in the University;
 - criticism of policy choices made by the employer, unless they involve suspicion of abuse as referred to in Article 1.e.

Article 3. Reporting procedure

1. An individual must notify (a suspicion of) an abuse to his superior or to the chairman of the Executive Board in writing and with a statement of the reasons.
2. An official as referred to in the first paragraph who has received a notification will record it, making a note of the date on which it was received. Receipt of the notification will be confirmed in writing to the individual concerned.
3. An official as referred to in the first paragraph who has received a notification will immediately ensure that the Executive Board is informed of the notification.
4. An individual who does not wish to notify the officials referred to in the first paragraph may first seek the advice of the confidential adviser about the (suspicion of) an abuse.
5. If (a suspicion of) an abuse involves the Executive Board or one of its members, the individual will notify the abuse to the chairman of the Board of Governors, who will as far as possible handle the notification in accordance with the provisions of this regulation, in which case the relevant provisions should read 'the Board of Governors' instead of 'the Executive Board'.



Article 4. Handling of the complaint

1. After receiving the notification, the Executive Board will launch an investigation as soon as is reasonably possible. The Executive Board may decide to conduct its own investigation or delegate the investigation to an investigator or investigating committee with expertise in the subject matter of the notification.
2. The investigator's task is to investigate the (suspicion of) abuse and to issue advice to the Executive Board regarding it. The investigator is authorised to collect any information during the investigation that he considers necessary for his advice. The investigator will report only to the Executive Board, unless explicitly agreed otherwise.
3. The investigator and anyone else involved in the investigation are required to observe confidentiality.

Article 5. Reaction to the notification

1. Within a period of eight weeks from the time of the notification as referred to in article 3, the Executive Board will give the individual concerned a substantive and written reaction to the notification, indicating whether, and if so what, measures have been taken in response to the notification.
2. If the reaction cannot be given within eight weeks, the individual concerned will be notified and informed of the period within which a reaction can be expected.

Article 6. Notification to the Board of Governors

1. An individual will notify the chairman of the Board of Governors of a (suspicion of) abuse in writing and with a statement of the reasons if:
 - a. he disagrees with the reaction as referred to in article 5;
 - b. he has not received a reaction within the period referred to in article 5, paragraph 1 or has not receive a notification as referred to in article 5, paragraph 2;
 - c. the period referred to in article 5, paragraph 2 is unreasonable and the individual has made an objection in writing to the Executive Board.
2. The chairman of the Board of Governors will confirm receipt of the notification in writing to the individual concerned and notify the Board of Governors of the notification.
3. On receipt of the notification, the Board of Governors will launch an investigation as soon as is reasonably possible. For the purposes of the investigation, the Board of Governors will secure any information from the Executive Board that it considers necessary to form an opinion. The Executive Board will provide the Board of Governors with the requested information.
4. The Board of Governors may delegate all or part of the investigation to one of its members or to an investigator.
5. Within a period of eight weeks from the time of the notification referred to in paragraph 1, the Board of Governors will provide the individual concerned with a substantive and written reaction to the notification, stating whether, and if so what, (further) steps and/or measures have been taken in response to the notification.
6. If the reaction cannot be given with eight weeks, the individual concerned will be notified and informed of the period within which a reaction can be expected.



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Article 7. Legal protection of individual concerned

1. The position of person who has notified a (suspicion of) abuse in good faith in accordance with these regulations will in no way be prejudiced as a result of the notification.
2. The confidential adviser and the superior as referred to in article 1 will in no way be prejudiced as a result of their actions in that capacity by virtue of these regulations.

Article 8. Entry into force and title

These regulations will enter into force with effect from January 2011.

These regulations can be cited as the Whistleblowing Regulations,
University of the Arts The Hague