

# **Gerrit Rietveld Academie Whistleblower Regulations**

Amsterdam, January 2012

## PREAMBLE

Whistleblowing is generally defined as speaking out or seeking publicity in cases where confidentiality or discretion generally applies. The aim of the revelation is to sound the alarm in order to warn one's own organisation or society at large of wrongdoing.

'Whistleblowing' is particularly likely to occur if signs of wrongdoing are not dealt with appropriately within the organisation. These Regulations aim to create a basis for this. An important secondary objective of these Regulations is to achieve relationships in which the standards and values applied in the University organisation can be properly discussed.

In employment law, it is more or less accepted that an employee is permitted to highlight wrongdoing to his or her employer and that an employee cannot be disadvantaged in his or her position as a result. Despite this, establishing internal regulations for reporting wrongdoing in an organisation remains advisable. A key and emphatic principle of these Regulations is that a member of staff should first report (suspected) wrongdoing to his/her manager or, if that has no effect, to the next-higher manager in the line. Only if this route cannot be pursued will the Gerrit Rietveld Academie Whistleblower Regulations come into play.

The Gerrit Rietveld Academie Whistleblower Regulations describe a procedure for reporting (suspected) wrongdoing up to and including its handling by the Executive Board and provide protection of reporters/whistleblowers against inappropriate sanctions from the organisation. An essential component of any good set of regulations is a reliable point of contact for reporting. This must adopt a position that is as independent as possible from the organisation and have ample knowledge and experience in order to be able to assess the report on its merits.

For this purpose, the Gerrit Rietveld Academie has a confidential adviser. The confidential adviser has wide-ranging knowledge and experience and also adopts the most independent position relative to the organisation, and has therefore been designated as the point of contact for reporting and given the task of settling issues.

## Regulations

### Article 1: Definitions

1. In these Regulations, the terms: Executive Board and Supervisory Board are used as defined in the Gerrit Rietveld Academie Management Regulations (*Bestuursreglement Gerrit Rietveld Academie*).
2. In these Regulations, the term party involved is defined as: University staff members who report (suspected) wrongdoing.
3. The term (suspected) wrongdoing is defined as: a suspicion, on reasonable grounds, relating to part of the organisation in which the party involved works as an employee, that concerns:
  - a criminal offence;
  - a gross infringement of regulations or policy rules or inappropriate application of regulations;
  - misleading the judicial authorities;
  - deliberately misinforming public bodies;
  - a significant danger to public health, security or the environment;
  - deliberately withholding, destroying or manipulating information about these offences.
4. These Regulations are not intended for:
  - reporting personal complaints by employees, students or course participants about issues concerning themselves relating to work, study or advice and support/supervision;
  - reporting issues of conscience relating to the performance of normal activities within the institutions;
  - expressing criticism of policy choices made by the employer.

### Article 2: Reporting wrongdoing

1. A party involved will report (suspected) wrongdoing to his/her direct manager or, if he/she does not consider it desirable to report it to his/her direct manager, to the Chair of the Executive Board.
2. The official referred to in paragraph 1 who receives a report will make a record of it in writing together with the date, have this signed for agreement by the party involved (who will receive a copy of it) and immediately ensure that the Executive Board's attention is drawn to the (suspected) wrongdoing.
3. After receiving a report, the Executive Board will launch an investigation as soon as is reasonably possible.
4. The Executive Board will provide the employee who reported the (suspected) wrongdoing with written notification of the date on which the investigation was initiated.
5. In the case of (suspected) wrongdoing that involves the Executive Board or one of its members, the employee will report it directly to the Chair of the Supervisory Board. The Supervisory Board will then handle a report received as far as possible in accordance with that stipulated in these Regulations, in which case the term 'Executive Board' should, where relevant, be read as 'Supervisory Board'.
6. If the party involved does not (yet) consider it desirable to submit a report to the officials referred to in Article 2, paragraph 1,

he/she can first discuss the (suspected) wrongdoing with the confidential adviser before deciding whether or not to submit a report.

7. If, after discussion with the confidential adviser, the party involved decides to proceed to make an internal report, he/she will make the report to one of the persons referred to in Article 3.1 or to the confidential adviser directly. A report to the confidential adviser can also be made in combination with a report to the officials referred to in Article 3.1.

8. If the employee opts to make a report to the confidential adviser, that confidential adviser will notify the Executive Board of the report.

#### Article 3: Handling the report

1. After the Executive Board has received a report, it can decide to proceed to conduct an investigation itself or to appoint a 'whistleblower committee' to conduct it.

2. If the Executive Board has decided to appoint a whistleblower committee, care will be taken to ensure that the members appointed have the expertise considered necessary in view of the nature of the report concerned. The Executive Board will designate a permanent member to act as official secretary and ensure that his/her name and address are sufficiently known within the Gerrit Rietveld Academie.

3. The whistleblower committee will be tasked with investigating (suspected) wrongdoing and advising the Executive Board on it. For the purposes of the investigation of the (suspected) wrongdoing, the investigating committee will have the powers to obtain any information it deems necessary in formulating its advice.

4. When an investigation has been completed, the committee will compile a report outlining its findings and judgment and any recommendations it may have. In order to settle the matter, the report will be submitted to the Executive Board or the Supervisory Board.

5. The committee and any third parties involved in the investigation have a duty of confidentiality concerning anything of which they become aware by virtue of their involvement.

#### Article 4: Legal protection of party involved

1. The party involved who has reported (suspected) wrongdoing, having taken due account of the provisions of these Regulations, will not in any way be disadvantaged in his/her legal status.

2. If the identity of the party involved becomes known or if this will become inevitable as a result of submitting the report, he/she can be (temporarily) transferred to a different part of the University organisation at his/her own request.

3. Any intended dismissal/removal of a party concerned within two years following the report must be subjected to review by the Executive Board. If the Executive Board has (partial) involvement in the (suspected) wrongdoing and the report has been handled by the Supervisory Board in accordance with Article 7, paragraph 1, the intended dismissal will be subjected to review by the Supervisory Board.

Article 5: Final provision

1. These Regulations are officially referred to as '*Klokkenluidersregeling Gerrit Rietveld Academie*' (Gerrit Rietveld Academie Whistleblower Regulations) and enter into force on 1 January 2012.