



University of Groningen Regulations for Reporting Malpractices and Irregularities

The Board of the University of Groningen (UG), bearing in mind:

- the value that the UG attaches to implementing sound integrity policy, including a good whistleblower policy for reporting malpractices and irregularities and suspicions thereof
- the Dutch House for Whistleblowers Act (*Wet Huis voor de klokkenluiders*) that came into effect on 1 July 2016

has decided to adopt the following Regulations:

Chapter 1 General provisions

Article 1 - Definitions

1. The following definitions apply to these Regulations:

- a. reporter: a person who reports a case of malpractice or irregularity or a suspicion thereof.
Reports can be made by:
 - any person employed by the UG
 - any person who, although not employed by the UG, conducts work for and at the request of the UG, for example as an independent contractor or intern
 - any person registered as a student at the UG
- b. competent authority: the Board of the University of Groningen
- c. Supervisory Board: the Supervisory Board of the University of Groningen
- d. manager: the manager of a staff member who makes a report
- e. Programme Director: the director of the degree programme followed by a student who makes a report
- f. Confidential Advisor: the University of Groningen Confidential Advisor is also regarded as the Confidential Advisor in the context of these Regulations
- g. suspicion of malpractice:¹ a suspicion, based on reasonable grounds, of a case of malpractice or irregularity concerning the University of Groningen or one of its units in terms of:
 - an actual or impending criminal offence
 - an actual or impending violation of a statutory regulation
 - an actual or impending hazard to public health, safety or the environment
 - actual or impending deliberate misinformation of public bodies
 - an actual or impending waste of government money
 - deliberately withholding, destroying or manipulating information concerning the above-mentioned facts.

¹ In accordance with Article 1d of the House for Whistleblowers Act, a 'suspicion of malpractice' is when a staff member suspects a case of malpractice within the organization where he or she works or has worked, or within another organization with which he or she has come into contact through his or her work, on condition that:

- the suspicion is based on reasonable grounds that are the result of knowledge that the staff member has gained within the employer's organization or through his or her activities at another company or organization, and that
- the improper action or refraining from action in question will result in a violation of a statutory regulation or danger to public health, the safety of people, the environment or the proper functioning of a public service or a company which would jeopardise the interests of society.

Article 2 Other regulations

1. Complaints concerning actual or suspected violations of academic practice, including academic misconduct, will be dealt with in accordance with the procedure set out in the University of Groningen Regulations for the Protection of Academic Integrity.
2. Complaints concerning sexual intimidation, aggression, violence or discrimination will be dealt with in accordance with the procedure set out in the University of Groningen Complaints Procedure for Sexual Harassment, Aggression, Violence and Discrimination.
3. Complaints that fall under the General Complaints Procedure will be dealt with in accordance with the procedure set out in the University of Groningen General Complaints Procedure.

Chapter 2 Procedure

Article 3 - Reporting

1. Reporters must report malpractices or irregularities within the UG, or suspicions thereof based on reasonable grounds, to their direct manager or, for students, to the Programme Director of the degree programme that they are following.
2. Students may also report cases as referred to in Article 3.1 to the Central Portal for the Legal Protection of Student Rights, via www.rug.nl/studenten or P.O. Box 72, 9700 AB Groningen, the Netherlands.
3. If a reporter prefers not to report to the direct manager or Programme Director, they can also contact the relevant Faculty Board or unit management.
4. If a suspected case of malpractice concerns one or more members of the Board of the University, the report can also be made directly to the Supervisory Board.
5. Although reporters will not be expected to prove their suspicions, they must be able to prove that there is sufficient reason to suspect that something is wrong. Reporters must provide as much information as possible in their report, including names, dates, places and the reason for making the report.
6. Anonymous reports will not be processed. Reports can, however, be made confidentially to the Confidential Advisor. In such cases, the reporter's name, position and contact details will only be known to the Confidential Advisor.
7. If a reporter chooses to report confidentially to the Confidential Advisor referred to in Article 3.6, the Confidential Advisor will inform the competent authority of the report in a manner and at a time agreed with the reporter.
8. The manager, the Programme Director or the Confidential Advisor will immediately record the report and the date on which it was received in writing.

Article 4 - Confidentiality of the report and the reporter's identity

1. The Board of the University will ensure that all physical and digital information about the report is stored in such a way that it is only accessible to those who need to be involved in processing the report.
2. People involved in processing the report of a suspected case of malpractice or irregularity may not reveal the identity of the reporter without his or her explicit written permission and must treat the information about the report strictly confidentially.
3. If a suspected case of malpractice or irregularity was reported via the Confidential Advisor and the reporter has not given permission to reveal his or her identity, all correspondence about the report must be sent to the Confidential Advisor, who will then immediately forward it to the reporter.

Article 5 - Consulting the Confidential Advisor for advice and guidance

1. Reporters may consult the Confidential Advisor for advice and guidance if they do not (or do not yet) wish to formally report a case of malpractice or irregularity to any of the people listed in Article 3 and prefer to discuss it confidentially with the Confidential Advisor first.
2. If, after the discussion with the Confidential Advisor, the reporter decides to make a formal report, he or she must contact one of the people listed in Article 3.

Article 6 - Consultation

1. Reporters may discuss their suspicions with a lawyer before reporting a case of malpractice or irregularity.
2. Any costs for such consultations will be the responsibility of the reporter.

Article 7 - Immediate notification of the competent authority

1. The manager, the Programme Director or the Confidential Advisor must immediately notify the competent authority of the reported suspicion and the date of receipt of the report.
2. The competent authority will immediately initiate an investigation in response to any report of malpractice or irregularity or suspicion thereof. The competent authority will determine for each report who should conduct the investigation. The competent authority may decide to assign the investigation to one or more internal investigators who are independent, impartial and have the necessary expertise, and will never allow the investigation to be conducted by any person who may be or may have been involved in the suspected case of malpractice or irregularity. If necessary, the competent authority may consult or commission an external expert.
3. Upon receipt of a report, the competent authority will send confirmation of receipt to the reporter directly or, if preferred, via the reporter's manager, Programme Director or the Confidential Advisor. This confirmation of receipt will describe the reported suspicion of malpractice or irregularity and state the date on which the report was made to the manager, Programme Director or Confidential Advisor.

Article 8 - Standpoint

1. If possible, the reporter will be notified in writing by or on behalf of the competent authority of its standpoint with regard to the reported malpractice or irregularity or suspicion thereof within 12 weeks of the date of the report. Bearing in mind the applicable privacy legislation, this document will also discuss any measures taken in response to the report.
2. In the event that no standpoint can be decided upon within 12 weeks, the reporter will be notified of this in writing, including a new term within which the standpoint will be made known.
3. Both parties must be heard before any penalty or measure may be imposed. The competent authority's final deliberation will result in a decision on the sanction to be imposed, depending on whether there has been any dereliction of duty, and if so the nature and severity of that dereliction.

Chapter 3 Requirements of the investigation

Article 9 - Investigation

1. If an investigation is initiated, the reporter or the Confidential Advisor will be notified of this.
2. The investigation must be thorough and careful. The facts must be thoroughly established and relevant circumstances must be taken into account.
3. Both parties must be heard during the investigation.
4. The investigators are authorized to collect any information that they need in order to issue advice in response to the reported malpractice or irregularity or suspicion thereof.
5. The investigation design, implementation method and findings will be recorded in a written report.
6. All parties involved in the investigation are required to maintain confidentiality with regard to matters they have become cognizant of due to their involvement.

Article 10 - Conclusion of the investigation

1. To conclude the investigation, the report referred to in Article 9.5 will be submitted to the competent authority.
2. The competent authority must report to the Supervisory Board on all reports received and how they have been settled.

Chapter 4 Legal protection and reporting

Article 11 - Legal protection

1. The position of a reporter who has reported a case of malpractice or irregularity or suspicion thereof, bearing in mind all the provisions of these Regulations, will not be infringed upon in any way as a result of the report.
2. Article 11.1 will not apply if the reporter has not acted in good faith or has sought personal gain from the malpractice or the report thereof. A reporter may be held liable for damage that is the result of intent or deliberate recklessness.
3. Any intention to dismiss a reporter within two years of making a report will be assessed by the competent authority.
4. The position of the Confidential Advisor will not be infringed upon in any way as a result of the performance of his or her duties in accordance with these Regulations.

Article 12. - Reporting

1. The Board of the University annually publishes an anonymized overview of all reports made during the year in question and reported to the Board in the University of Groningen Annual Report.
2. The overview referred to in Article 12.1 will indicate how many reports have resulted in investigations and whether these investigations have generally resulted in measures.

Chapter 5 Making an external report

Article 13 - External report

1. If no internal report can be made due to compelling reasons, a student, staff member or person contracted by the UG to perform work who does not have a UG employment contract can directly report his or her suspicions of malpractice or irregularity to or via the House for Whistleblowers or an appropriate external institution.
2. External institutions include at least institutions charged with the investigation of criminal offences, institutions charged with monitoring compliance with the provisions of any statutory regulation and any other authorized institution where suspicions of malpractice or irregularity can be reported, including the House for Whistleblowers.
3. Following an internal report, a student, staff member or person contracted by the UG to perform work who does not have a UG employment contract can also make an external report of his or her suspicions of malpractice or irregularity with or via the House for Whistleblowers if:
 - a. he or she disagrees with the decision made by the Board of the University as referred to in Article 8 and feels that the suspected malpractice or irregularity was unjustly dismissed
 - b. he or she feels that the internal procedure has not resulted in sufficient measures to eliminate the suspected malpractice or irregularity
 - c. the report was not dealt with by the Board of the University in good time and the Board of the University applied an unreasonably long extension to the time limit.
4. If there is a reasonable suspicion of a criminal offence or serious danger to public health, safety or the environment, a student, staff member or person contracted by the UG to perform work who does not have a UG employment contract can report directly to the relevant authorized institution.

Chapter 6 Final provisions

Article 14 - Date of commencement

These Regulations were approved by the Board of the University of Groningen on 18 December 2017 and took effect on 1 January 2018.

Article 15 - Official title

These Regulations may be cited as the 'University of Groningen Regulations for Reporting Malpractices and Irregularities'.