

## **Regulation on Confidante and Investigation Committee Whistleblowers HZ Stichting HZ**

- preamble -

In addition to the regulations that apply to all concerned parties of the HZ and the Code of Integrity, the HZ deems it important that employees, students, and other parties concerned are aware that they can file a report for (a suspicion of) malpractice within the HZ. This is organised in the Whistleblower Regulations. These regulations assume the presence of a central reporting point, being the Confidante Whistleblowers as well as an Investigation Committee. The regulations provide a set of rules concerning the appointment of a Confidante and an Investigation Committee, as well as their duties, powers, and working method.

## Regulation on Confidante and Investigation Committee Whistleblowers HZ

### Stichting HZ

#### Article 1. Definitions

The following definitions are used in this regulation:

1. **HZ:** Stichting HZ;
2. **Party Concerned:** person who, on the basis of the HBO-cao, is (or was) employed at the HZ, any other person who is (or was) working for the HZ, and those who are enrolled as a student or an external at the HZ as within the meaning of title three of chapter 7 WHW;
3. **report:** a report within the meaning of articles 3 and 4 of the Whistleblower Regulations HZ;
4. **(a suspicion of) malpractice:** (a suspicion of) malpractice within the meaning of the Whistleblower Regulations HZ;
5. **Executive Board:** the Executive Board of the HZ;
6. **Confidante:** Confidante Whistleblowers HZ;
7. **Investigation Committee:** Investigation Committee Whistleblowers HZ.

#### Article 2. Confidante

- 2.1 The Executive Board appoints a Confidante.
- 2.2 Prior to the appointment of a Confidante, the Executive Board asks the representative body for recommendations. In addition, the Supervisory Board is informed.
- 2.3 The Confidante is appointed for a period of two years. They may be appointed for a maximum of three consecutive periods of two years each.
- 2.4 The Confidante must meet the criteria set out in the Profile of the Confidante HZ, which, among other things, sets out which roles/duties within the HZ cannot be combined with the role and duties of the Confidante.
- 2.5 Prior to the reappointment, the Executive Board assesses whether the Profile of the Confidante HZ requires updating and whether the Confidante meets the requirements of the (updated) profile.
- 2.6 The Executive Board provides all required facilities to the Confidante.
- 2.7 The Confidante receives a remuneration to be determined by the Executive Board.
- 2.8 The Confidante is available at set times and at a set location.
- 2.9 The Confidante who has an employment agreement with the HZ retains their employment status.

#### Article 3. Duties and Powers of the Confidante

- 3.1 The Confidante determines the methods and structure for performing their duties, unless these regulations state otherwise.
- 3.2 In addition to the other specific duties stated in these regulations, the Confidante has the following general duties:
  - a. to inform the staff and students of the existence and working method of the Confidante;
  - b. to maintain contacts with persons and organisation units who are in a position to identify malpractice.

- 3.3 Within the framework of their activities, the Confidante is accountable only and directly to the Executive Board.
- 3.4 The Confidential observes strict confidentiality of all information shared with them.

#### Article 4. Filing Reports with the Confidante

- 4.1 A Party Concerned who, in their respective work or study activities or environment is confronted with or obtains knowledge of (a suspicion of) malpractice, can report this to the Confidante.
- 4.2 A report can be filed verbally or in writing. The Confidante issues the Party Concerned a written confirmation that the report has been received.
- 4.3 The Confidante hears the Party Concerned. A report of this hearing is prepared, which in addition to the personal details of the Party Concerned also includes a description of the facts stated by the Party Concerned as the basis for the report, including the time and place of the alleged event(s) and any personal details for a possible counterparty. This report is presented to the Party Concerned for signing.
- 4.4 An anonymous reports will not be processed.
- 4.5 The Confidante informs the Executive Board of the report in a manner and at a time agreed with the Party Concerned.
- 4.5 A report pertaining to a member of the Executive Board shall, without delay, be brought to the attention of the chairperson of the Supervisory Board, in a manner and at a time agreed with the Party Concerned.
- 4.6 The Party Concerned may withdraw the report at any time.

#### Article 5. Duties of the Confidante

- 5.1 The Confidante:
  - guides, advises, and assists the Party Concerned who filed a report;
  - with the consent of the Party Concerned, investigates further and can, within that framework, obtain additional information and hear additional parties for the purpose of gaining insight into the facts and circumstances underlying the report and
  - can assist the Party Concerned in the realisation of a specific solution.
- 5.2 If the Confidante takes the view that:
  - withdrawal of the report may be achieved;
  - a specific solution may be realised;
  - that the report must be presented to the Investigation Committee; they shall inform the Party Concerned accordingly;

#### Article 6. Specific Solution

- 6.1 The Confidante can, in consultation with the Party Concerned, see whether a specific solution can be found, insofar as the nature and scope of the report permit. To this end, the Confidante and the Party Concerned agree upon a timeframe that may not exceed four weeks. For the duration of this period, the report remains under review.
- 6.2 In the event a specific solution is achieved, the Party Concerned withdraws the report.

#### Article 7. processing by Investigation Committee

- 7.1 Within six weeks of the report being filed, the Executive Board presents the report to the Investigation Committee for advice, unless the Party Concerned has indicated that the report can be withdrawn or that a specific solution can be achieved.
- 7.2 If immediate urgency requires it, the Party Concerned can file their report directly with the Investigation Committee.

#### Article 8. Composition of the Investigation Committee

- 8.1 The Investigation Committee consists of three people, including a chairperson, a secretary, and a third member.
- 8.2 The members of the Investigation Committee are appointed by the Executive Board. The Executive Board also appoints the chairperson and the secretary.
- 8.3 Prior to the appointment of the members of the Investigation Committee, the Executive Board asks the representative body for recommendations. In addition, the Supervisory Board is informed.
- 8.4 The members of the Investigation Committee are appointed for a period of two years. They may be reappointed for a maximum of three consecutive periods of two years each.
- 8.5 The Executive Board may terminate the membership of members of the Investigation Committee at their own request, in the event of serious dysfunction, in the event of a conflict of interests, or in the event of (a suspicion of) criminal offences having been committed.
- 8.6 The Investigation Committee is supported by administrative secretariat appointed by the Executive Board.
- 8.7 The members of the Investigation Committee shall receive a fee and reimbursement for travel and accommodation costs, determined by the Executive Board.
- 8.8 The Investigation Committee issues recommendations based on a voting majority.

#### Article 9. Duties and Powers of the Investigation Committee.

- 9.1 The Investigation Committee investigates in accordance with the provisions in the Protocol Investigations by Investigation Committee Whistleblowers HZ and advises the Executive Board.
- 9.2 Within the framework of each investigation, the Investigation Committee appoints one of its own to the role of reporter.
- 9.3 The Investigation Committee can, if it is deemed suitable and provided the seriousness and scope of the report and the stage of the investigation do not oppose it, explore the possibility of a specific solution that may result in the report being withdrawn by the Party Concerned.
- 9.4 Unless a report has been withdrawn, upon conclusion of the investigation, the Investigation Committee issues advice directly to the Executive Board or, if the report pertains to a member of the Executive Board, to the Supervisory Board.
- 9.5 The advice based on the investigation pertains to:
  - disqualification;
  - admissibility of the Party Concerned with:
    - a. declaration of eligibility of the report, with or without a proposal for taking substantiated measures;

- b. declaration of ineligibility of the report, with or without a proposal for taking substantiated measures;
- declaration of inadmissibility of the Party Concerned.

#### Article 10. Decision

- 10.1 The Executive Board issues a written, substantiated decision concerning the report within 4 weeks after the advice referred to in article 9, fourth and fifth section, has been issued.
- 10.2 The Executive Board sends the verdict, as well as a copy of the recommendation of the Investigation Committee, by registered letter with confirmation of receipt to the Party Concerned. Moreover, a copy of the decision shall always be sent to the Investigation Committee.
- 10.3 The Executive Board shall, by request in writing, provide anonymised copies of its decision and, if the recommendation from the Investigation Committee forms an integral part of that decision, a copy of that recommendation, only to relevant parties, other than those referred to in the second section of this article.
- 10.4 In exceptional circumstance, the Executive Board can determine in its decision that it and/or the underlying advice from the Investigation Committee are, in full or in part, not publicly accessible.
- 10.5 The Executive Board may refer to the issued advice to substantiate its decision.
- 10.6 In its decision, the Executive Board can:
- declare itself incompetent;
  - declaring the Party Concerned inadmissible in their report;
  - declare the Party Concerned admissible and thereby:
    - a. declare the report unjustified, with or without taking any (separate) measures, or
    - b. declare the report justified, with or without taking any (separate) measures
- 10.7 Measures to be taken by the Executive Board must be focussed on ending or preventing (a suspicion of) malpractices.
- 10.8 The measures may include decisions pertaining to situations and/or persons.
- 10.9 The Executive Board is tasked with the implementation of the decision and implementation of the measures taken therein.
- 10.10 There is no procedure in place for appeals or objections against the decision on a report by the Executive Board.
- 10.11 Insofar as the law or other regulations provide, legal remedies are available against decisions taken by the Executive Board within the framework of the implementation of a decision. In that event, a Legal Remedies Clause shall be included in such decisions.
- 10.12 In this article, if the report concerns a member of the Executive Board, "Executive Board" shall be read as "Supervisory Board", with the provision that the Supervisory Board, in its decision, may instruct the Executive Board to implement the measures decided by the Supervisory Board.

#### Article 11. Sanctions for Misuse; Confidentiality

- 11.1 The Party Concerned who filed a report of (a suspicion of) malpractice is deemed to be acting in good faith, unless the Executive Board proves otherwise.
- 11.2 In the event the right to report is abused, the Executive Board is entitled to take suitable, including legal, measures against the Party Concerned.
- 11.3 Persons who are aware of facts or in possession of written documents pertaining to the report are bound to observe strict confidentiality of that information towards third parties and have a duty of care to ensure (the contents of) any such documents are not shared with any third parties. Failure to observe the duty of confidentiality shall be deemed a dereliction of duty.

#### Article 12. Dossiers

- 12.1 The Confidante and the Investigation Committee store dossiers for all reports in a location designated by the HZ.
- 12.2 The dossiers are confidential and are not disclosed to third parties except in the case of a decision of the Executive Board to disclose the information. Prior to taking a decision to disclose, the Executive Board shall give the Confidante opportunity to be heard.
- 12.3 The Confidante and the Investigation Committee store each dossier for a period of five years from the date on which the report is withdrawn or the Executive Board has formally issued a decision concerning a report. After that term, the Confidante and the Investigation Committee are responsible for destroying the dossier.

#### Article 13. Annual Statement

- 13.1 At the latest on 1 September of each year, the Confidante and the Investigation Committee issue a written report about their activities to the Executive Board. This report contains at least a statement about the number of reports that have been filed, the nature of those reports, and the manner in which they were processed.

#### Article 14. Final Provisions

- 14.1 These regulations enter into force on 22 September 2011. As of aforementioned date, the Regulations Confidante and Investigation Committee Whistleblowers enacted on 13 October 2010 are revoked.
- 14.2 These regulations will be published on the website of the HZ.
- 14.3 These regulations may be referenced as "reglement vertrouwenspersoon en onderzoekscommissie klokkenluiders HZ" ("Regulations Confidante and Investigation Committee Whistleblowers HZ").

Vlissingen, 20 September 2011

Drs. P.C.A. van Dongen, chairperson of the Executive Board