

**Protocol Investigation by Investigation Committee Whistleblowers HZ Stichting HZ -
preamble -**

The Investigation Committee is, in accordance with the provisions of article 9 of the Regulation Confidante and Investigation Committee Whistleblowers HZ, authorised to conduct investigations. This protocol describes the working method of the Investigation Committee and the rights and obligations of the parties involved in their investigations.

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I. General Provisions

Article 1. Definitions

The following definitions are used in this protocol:

1. **HZ**: the Stichting Hogeschool Zeeland;
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 as within the meaning of the Whistleblower Regulations HZ;
4. **Regulation Confidante and Investigation Committee**: the Regulations Confidante and Investigation Committee Whistleblowers HZ;
5. **Investigation Committee**: Investigation Committee Whistleblowers HZ;

Article 2. Basis

- 2.1 This protocol governs the investigation of the Investigation Committee following a report.

Article 3 - Confidentiality, WBP

- 3.1 The Investigation Committee shall use any confidential information, which may be obtained in the performance of the further investigation, only insofar as is necessary within the framework of the investigation.
- 3.2 A Party Concerned, third parties, or counterparty who, within the framework of the investigation, gain insight into confidential documents or who are given access to confidential information must observe strict confidentiality towards (other) third parties. In this regard, they must sign a confidentiality agreement beforehand.
- 3.3 The Investigation Committee safeguards compliance with the provisions of the Wet bescherming persoonsgegevens (WBP, (Personal) Data Protection Act).

Article 4. Proportionality and subsidiarity

- 4.1 The investigation methods and means chosen by the Investigation Committee:
 - must be reasonably proportional for the correct processing of the report;
 - must be applied in such manner that any imposition on Party (or Parties) Concerned and third parties is kept to a minimum.

Article 5. Sources and Method for Obtaining Information

- 5.1 The Investigation Committee may, within the framework of its investigation, access public and private sources.
- 5.2 The Investigation Committee sees to it that all information is obtained legitimately and shall not use any evidence that is obtained illegitimately.

Article 6. Dossier Creation

- 6.1 The Investigation Committee ensures proper dossier are created.
- 6.2 The dossier contains the initial report and a report from the Confidante, insofar as the Party Concerned agrees with their findings, as well as the investigation plan, a description of all recorded facts, a written representation of conversations and meetings about the matter, and the final report.
- 6.3 Conclusions drawn by the Investigation Committee and the recommendation made, must be directly traceable to the dossier.

Article 7. Research

- 7.1 Prior to its investigation, the Investigation Committee prepares an investigation plan which describes the setup of the investigation.
- 7.2 The Investigation Committee may decide not to prepare an investigation plan if it has good reason to anticipate the report will imminently be declared inadmissible or the Party Concerned ineligible.
- 7.3 The research plan shall contain at least:
 - a description of the report;
 - the conclusions of any preliminary investigation;
 - the investigation methods and means within the framework of the determination of the (context of the) facts;
 - any possible use of (external) experts;
 - the way in which applicable norms are determined; - a timetable;
 - an investigation budget;
- 7.4 The investigation plan is determined by the Investigation Committee.
- 7.5 With regard to determining the investigation budget, in case of disagreement, the chairperson of the Investigation Committee shall have a deciding vote.
- 7.6 The Investigation Committee sees to it that the costs of the investigation shall not exceed the means allocated to it by the Executive Board.

Article 8. Use of External Experts

- 8.1 In the performance of the further investigation, the Investigation Committee may engage the services of external experts.
- 8.2 The fee for external experts is determined by the chairperson of the Investigation Committee.

Article 9. Hearing Both Sides

- 9.1 Within the framework of the further investigation, the Investigation Committee may, if necessary, hear the Party Concerned, a counterparty, and third parties.
- 9.2 If a report involves not only a Party Concerned but also a counterparty against whom the report is made, both the Party Concerned and the counterparty must be heard.
- 9.3 The Party Concerned, the counterparty and any third parties may be heard independently, and repeatedly if deemed necessary.
- 9.4 Prior to the hearing, a written invitation is extended and, unless the urgency of the matter requires otherwise, a notice period of 8 days shall be observed. In this invitation, the subjects to be discussed shall be comprehensively described.

- 9.5 Hearings take place behind closed doors and are not publicly accessible.
- 9.6 A Party Concerned (except if they are an employee of the HZ) as well as third parties cannot be obligated to participate in further investigation and may invoke a right to silence.
- 9.7 A report is made of each conversation, a draft of which shall be presented to the party that was heard for comments.
- 9.8 The report shall include reference to any refusal to cooperate with the investigation. The report includes the circumstances surrounding a refusal and the reason for refusal.
- 9.9 The report is added to the dossier.

Article 10. Reports

- 10.1 If a Party Concerned, a counterparty, or third parties are heard, they must be sent a written report of that hearing and be granted a period of 8 days from the date the report is sent to provide a written response. The report and any response to it are added to the dossier.
- 10.2 No reports shall be made of any brief conversations with a Party Concerned or third parties although a meeting note shall be made, which must be added to the dossier.

Article 11. Reporting and Advice

- 15.1 At the conclusion of the further investigation, the Investigation Committee submits a report, with a recommendation, to the Executive Board. If the subject of the investigation concerns the Executive Board, the Investigation Committee submits the report, and the recommendation it contains, to the Supervisory Board.
- 15.2 The report contains a description of the investigated issue (the initial report), the procedure that was followed, the confirmed facts, the applicable standardisation, and the conclusions of the investigation, followed by a recommendation.
- 15.3 In the conclusions, the facts are considered (the observed circumstances and the events that took place), the standard to apply (what should have happened) as well as an analysis of the difference between the facts and the standard.
- 15.4 The recommendation must be logically follow on from, or be related to the conclusions and must be adequately substantiated.

Article 12. Final Provisions

- 12.1 These regulations enter into force on 22 September 2011. As of aforementioned date, the Protocol Investigation enacted on 13 October 2010 is revoked.
- 12.2 These regulations will be published on the website of the HZ.
- 12.3 These regulations may be referenced as "protocol onderzoek HZ" ("Protocol Research HZ").

Vlissingen, 20 September 2011

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