

## **WHISTLEBLOWER REGULATIONS**

### **'Regulations on reporting suspected wrongdoing, violation of integrity or possible infringement of European Union law'**

these regulations were drawn up by the Wageningen University & Research Executive Board, dated 24 October 2022

#### **Article 1 Definitions**

For the purpose of these regulations, the following definitions apply:

- a. executive board: executive board of Wageningen University and Executive Board of the Wageningen Research Foundation;
- b. supervisory board: the supervisory board of Wageningen University; and the supervisory board of the Wageningen Research Foundation;
- c. WUR: the consortium of Wageningen University and the Wageningen Research Foundation;
- d. person reporting: the person who is (or, up to no more than 1 year ago, was) employed or not at Wageningen University or Wageningen Research, who is (or, up to no more than 1 year ago, was) registered as a student or is (or, up to no more than 1 year ago, was) an applicant and as such reports a suspected wrongdoing, violation of integrity or possible infringement of European law;
- e. manager: the person directly managing the person reporting (with respect to students, this is the dean);
- f. coordinator confidential counsellors: the independent officer designated by the executive board to whom the person reporting can report suspected wrongdoing and who can represent the person reporting in his report;
- g. advisor: a person whom the person reporting trusts and who is subject to a confidentiality obligation on account of his/her position;
- h. external third party: an external third party who, in the reasonable opinion of the whistleblower, is most eligible to investigate the external report of the suspected wrongdoing or possible infringement of European law, for example the Investigation department of the Whistleblowers Authority;
- i. The Whistleblowers Authority: an independent administrative body to which people can report a work-related wrongdoing or infringement of European law, ask for advice on the matter or have it investigated. [English | Huisvoorklokkenluiders](#)

#### **Article 2 Suspicion of wrongdoing, possible infringement of European law or suspected violation of integrity and scope**

1. The suspicion of wrongdoing, violation of integrity or infringement of European law is understood to mean the suspicion of the person reporting of wrongdoing, infringement of European law or violation of integrity within the organisation in which the person reporting works, applies or studies or at another organisation, if the person reporting has come into contact with that organisation through his work. The suspicion must be based on reasonable grounds arising from

the knowledge that the person reporting has acquired at his organisation, or arising from the knowledge that the person reporting has acquired through his work at another company or organisation.

2. If there is a suspicion of wrongdoing, the public interest is at stake, for example in the case of:
  - a criminal offence (or threat thereof);
  - a gross violation of regulations or policy rules (or threat thereof);
  - a serious threat to public health, safety or the environment;
  - deliberate misinforming of public bodies (or threat thereof);
  - deliberate suppression, destruction or manipulation of information about these facts (or threat thereof);
  - a waste of government money (or threat thereof).
3. A possible infringement of EU law is understood to mean an act or omission relating to the following areas of EU law:
  - Public procurement.
  - Financial services, products and markets, money laundering prevention and counterterrorism.
  - Product safety and product conformity.
  - Transport safety.
  - Environmental protection.
  - Radiation protection and nuclear safety.
  - Food and feed safety, animal health and animal welfare.
  - Public health.
  - Consumer protection.
  - Protection of personal data.
4. Suspected violation of integrity is understood to mean, for example, a violation of the WUR Integrity Code.
5. A suspicion of wrongdoing, a possible infringement of European law or suspected violation of integrity does not include a suspicion of a breach of scientific integrity. In those instances, the scientific integrity complaints procedure applies.
6. These regulations are not intended for:
  - a. interested parties reporting personal complaints about matters affecting them personally with respect to work or study;
  - b. reporting conscientious objections to performing normal business activities and/or participating in education pursuant to the interested party's enrolment;
  - c. expressing criticism about the policy choices made by or for the employer or institution's administration.

### **Article 3 Reporting**

1. The person reporting can report the suspicion of wrongdoing, a possible infringement of European law or a suspected violation of integrity both verbally and in writing, and anonymously, if necessary. When it concerns a suspicion of wrongdoing or a possible infringement of European law, the person reporting has the choice to report the suspected wrongdoing or infringement internally or externally. A suspected violation of integrity can only be reported internally.
2. If an internal report does not lead to the desired result, the suspected wrongdoing or possible infringement can still be reported externally.\*

\* European regulations provide for an external reporting option when it comes to a suspicion of wrongdoing or a possible violation of European law. The suspicion of a violation of integrity falls outside these regulations.

#### **Article 4 Reporting internally**

1. The person reporting reports a suspicion of wrongdoing, violation of integrity or a possible infringement of European law to his superior in writing or verbally or, if this is not considered desirable, to the confidential counsellors coordinator at WUR.
2. The person referred to in the first paragraph to whom the wrongdoing, infringement or violation has been reported shall personally ensure that, through a verbal or written statement by the interested party, the executive board's President is immediately informed of the reported suspected wrongdoing, violation or possible infringement of European law and the date on which the report was received.
3. The executive board shall send the person reporting an acknowledgement of receipt within 7 days of receiving the report, stating the reported suspicion of wrongdoing, possible infringement of European law or a suspected violation of integrity and the date of receipt. If the executive board believes that the report does not fall under the regulations or if the executive board does not take up the report for other reasons, it shall inform the person reporting in writing, stating reasons.
4. The executive board shall apprise the supervisory board of the report made.
5. The executive board shall immediately initiate an investigation in response to a report of suspected wrongdoing, possible infringement of European law or suspected violation of integrity which is taken up.
6. Prior to and during the report, the person reporting can consult his/her own advisor, a confidential counsellor from WUR (with the exception of the confidential counsellor coordinator) or the Advice department of the Whistleblowers Authority in confidence.
7. A report shall not affect the statutory obligation to file a report of a criminal offence to the public authorities.
8. If the suspected wrongdoing, possible infringement of European law or suspected violation of integrity relates to an executive board member, the report shall be made to the supervisory board's President, who shall follow the procedure described in these regulations.

#### **Article 5 Executive board's position**

1. Within eight weeks after the internal report is made, written notice of the executive board's substantive position concerning the reported suspected wrongdoing, possible infringement of European law or suspected violation of integrity, along with an indication of the steps which the report has resulted in, shall be provided to the person reporting by or on behalf of the executive board's President. In the event of a justified report, the reasonably incurred costs of legal assistance shall be reimbursed to the person reporting.
2. If the executive board's position cannot be given within eight weeks, the interested party shall be notified of this by or on behalf of the executive board's President and shall be informed about the time period within which he/she shall receive a statement of this position.

#### **Article 6 Reporting externally**

1. Except in the case of a report as referred to in Article 2, paragraph 4, the person reporting can report directly to an external third party.
2. If the external third party starts an investigation, it may obtain any information deemed necessary from any employees, students or WUR bodies and, if desired, from third parties. It can also demand

to inspect all documentation and correspondence which it deems important for the investigation of a report.

3. If the content of certain information furnished by or on behalf of the executive board should be revealed only to the aforementioned third party because of the confidential nature of the information, this shall be stated to the external third party.

**Article 7 (Further) position of the executive board after advice from an external third party**

1. Within two weeks of receiving the findings as a result of the investigation carried out by the external third party, the executive board shall inform the person reporting and the aforementioned external third party of the (further) position of the executive board. It shall also be indicated which steps and/or measures have been taken based on the findings of the external third party and a decision shall be made about the compensation for costs incurred. In the event of a justified report, the reasonably incurred costs of legal assistance shall be reimbursed to the person reporting.
2. The person reporting who has asked the external third party not to disclose his/her identity shall be notified of the further position via the aforementioned third party and/or, if applicable, the confidential counsellor or authorised representative acting on behalf of the person reporting.
3. A (further) position by the executive board which derogates from the findings shall be explained.

**Article 8 Confidentiality**

1. The person reporting and the person to whom the suspicion of wrongdoing, infringement of EU law or a suspected violation of integrity has been reported shall treat the report confidentially.
2. Unless otherwise provided in these regulations, no information shall be provided to third parties within or outside WUR without the permission of the President of the executive board or supervisory board. When providing information, the name of the person reporting shall not be mentioned unless the person reporting has given explicit permission to do so.
3. The confidentiality obligation under the Collective Labour Agreement shall not apply to a person reporting who makes a report to his/her manager, confidential counsellor, advisor, the supervisory board or external third party and the report and the manner of reporting meet the conditions set out in these regulations.

**Article 9 Legal protection**

1. The person reporting who, with due observance of the provisions of these regulations, has reported a suspicion of wrongdoing, a violation of integrity or possible infringement of European law, is entitled to protection against prejudice, to be exempt from legal proceedings (for example due to libel, disclosure of trade secrets or violation of the confidentiality obligation if they correctly assumed that this was necessary to reveal wrongdoing, a violation of integrity or infringement of Union law). There is also a reversal of the burden of proof if the person reporting claims to have been disadvantaged because of his report, which means the employer may have to prove in legal proceedings that the person reporting has not been disadvantaged because of his report.
2. The provisions of paragraph 1 apply by analogy with regard to the confidential counsellor (coordinator), the manager, any advisor employed by the employer and the employee or student who is heard, who provides documents or otherwise cooperates in the investigation.
3. In any case, disadvantage is understood to mean taking an adverse measure such as:
  - a. dismissal other than at his own request;
  - b. the premature termination or non-renewal of a temporary employment contract;
  - c. not converting a temporary employment contract into a permanent employment contract;

- d. taking a disciplinary measure;
  - e. imposed placement in another position or location;
  - f. withholding a salary increase, incidental remuneration or award of allowances;
  - g. denying promotion opportunities;
  - h. rejecting a leave request;
  - i. deregistering, refusing to register as a student/not being admitted to a study programme or unit of study;
  - j. suspending or taking other disciplinary measures as a result of which the person concerned cannot follow or take limited education or take exams;
  - k. blacklisting;
  - l. refusing to provide a reference because of the report;
  - m. bullying;
  - n. intimidation;
  - o. exclusion.
4. If the executive board or, on its behalf, a board of directors or manager, takes an adverse measure after a report has been made, it must substantiate why this measure is considered necessary and that this measure is not related to the good faith and proper reporting of a suspicion of wrongdoing, violation of integrity or infringement of EU law.
  5. The executive board or, on its behalf, a board of directors or manager, shall hold other persons guilty of disadvantaging the person reporting to account and may impose a warning or disciplinary measure on them.

#### **Article 10 Preventing the disadvantaging of the person reporting**

1. The confidential counsellor reminds the person reporting of the risks of disadvantaging that are present or may occur. The confidential counsellor and the person reporting discuss what measures can be taken to prevent or counteract disadvantaging. The confidential counsellor prepares a report of this meeting and sends this to the executive board after approval by the person reporting.
2. The executive board ensures the necessary measures are taken to counter or prevent disadvantaging.

#### **Article 11 Internal and external investigation into the disadvantaging of the person reporting**

1. The person reporting who believes he is being disadvantaged in connection with making a report of a suspected wrongdoing or possible infringement of European law, can ask the executive board to investigate the way in which the person reporting is treated within the organisation.
2. The persons referred to in Article 6 paragraph 2 may also ask the executive board to investigate the way in which they are treated within the organisation.
3. The person reporting may also ask the external third party referred to in Article 6 to conduct an investigation into the manner in which the executive board, management board, manager has behaved towards the person concerned in connection with reporting a suspected wrongdoing.

#### **Article 12 Formal title and date of enactment**

These regulations, established by resolution of the executive board on 24 October 2022, are cited as "WUR whistleblower regulations, regulations on reporting suspected wrongdoing, violation of integrity and/or possible infringement of European law." and apply with effect from 1 August 2022 as a replacement of the "Wageningen UR Whistleblower Regulations" of 1 August 2017.

(the Dutch wording is binding)

