

EUR Regulations on reporting of alleged abuse

Preamble

In view of:

- the provisions of the Dutch Universities Code of Good Management adopted by the Association of Universities in the Netherlands (VSNU), which entered into force on 1 January 2007,
- the fact that on the basis of the aforementioned Code, the Executive Boards are expected to establish Whistleblowers' Regulations,

Whereas:

- the Executive Board considers it important that employees and students are able to report alleged abuse within Erasmus University Rotterdam (EUR) in an adequate and safe manner,
- the Executive Board will ensure that an employee or student who reports suspicions of abuse in good faith will not suffer harm to their position or legal position,

the Executive Board has adopted the following EUR Regulations on reporting of alleged abuse.

Article 1 Definitions

1. For the purposes of these Regulations, the terms below are defined as follows:

- a. a reporter: a person who reports alleged abuse at EUR. A report may be made by an employee
or a student.
- b. an employee:
 - a person employed with a permanent or fixed-term employment contract at EUR.
 - a person who performs work at EUR, on the basis of a contract with a third party or otherwise, such as guest lecturers, interns or agency workers.
- c. a student: a person enrolled for a study programme, training course etc provided by EUR
- d. the competent authority: the Executive Board of EUR. If a report of alleged abuse relates to one or more members of the Executive Board, the Supervisory Board serves as the competent authority.
- e. the manager: the direct manager of the employee who makes a report.
- f. the dean: the dean of the faculty in which the student who makes a report follows his or her study programme, training course, etc.
- g. the director/manager: the director of a management unit, as referred to in Article 29(1) of the EUR Administration and Management Regulations (BBR EUR).
- h. alleged abuse: a suspicion, based on reasonable grounds, of abuse relating to EUR concerning:
 - a (threatened) criminal offence,
 - a (threatened) violation of laws and regulations,
 - a (threatened) risk to public health, safety or the environment,
 - a (threat of) deliberate provision of incorrect information to public bodies,
 - a (threat of) wastage of government resources or resources of participating interests affiliated to EUR, and/or
 - (a threat of) deliberate withholding, destruction or manipulation of information concerning
 - the facts described above.
- i. the confidential counsellors: the EUR employees appointed for that purpose by the Executive Board for the staff, and the committee members appointed for that purpose by the Executive Board for the students

- j. the committee: the committee referred to in Article 3(3) of these Regulations.
2. Alleged abuse does not include suspicions of (alleged) violations of scientific integrity, including scientific misconduct. Complaints concerning this are handled in accordance with the procedure of the EUR scientific integrity guidelines.
3. Complaints concerning sexual harassment, aggression, violence, bullying or discrimination are handled in accordance with the procedure described in the EUR complaints procedure for sexual intimidation, aggression and violence (SIAG).

Article 2 Reporting

1. Employees report alleged abuse to their direct managers.
2. Students report alleged abuse to the dean of the faculty in which they are following their study programme.
3. If an employee believes that making a report to his or her direct manager is undesirable, the report can be made to the director/manager of the organisational unit in which the abuse is suspected.
4. If, in the view of the reporter, the application of the first, second or third paragraph is undesirable, the report can be made directly to the chairman of the Executive Board.
5. If the report relates to suspected abuse by the Executive Board or by one or more of its members, the reporter can address the report to the chairman of the Supervisory Board.
6. In all cases in which the reporter does not wish to report to the officers or bodies referred to in the above paragraphs, the report may be made to an EUR confidential counsellor
7. The reporter may request the person to whom he or she reports not to disclose the reporter's identity; this request may only be withdrawn by the reporter in person.
8. The Executive Board decides on the request referred to in paragraph 7. If the report concerns the Executive Board or any of its members, the Supervisory Board decides on the request referred to in paragraph 7. The request will be granted unless the competent authority finds that there are serious reasons to reject the request. In that case, the competent authority will offer the reporter an opportunity to withdraw the report within a reasonable term. Serious reasons are deemed to exist only if disclosure of the reporter's name cannot be refused on the grounds of statutory obligations.

Article 3 Handling of report; immediate notification of the competent authority

1. The person to whom alleged abuse is reported, as referred to in the preceding Article, immediately notifies the competent authority of the report and of the date on which the report was received.
2. In response to a report of alleged abuse, the competent authority immediately opens an investigation. The competent authority decides for each report, within three weeks of its receipt,

who will be responsible for conducting the investigation, depending on the nature, scope and the seriousness of the alleged abuse reported.

3. If the competent authority decides that the Integrity Committee should conduct the investigation, the investigations will be conducted in accordance with the provisions of Article 5.
4. At the earliest opportunity, the competent authority sends the employee or student who reported alleged abuse confirmation of receipt of the report and notice of the way in which it will be handled. The confirmation of receipt describes the reported alleged abuse, states the date on which the reporter reported this and refers the reporter to the provisions of paragraph 5 of this Article.
5. The reporter and the person to whom the alleged abuse is reported treat the report in confidence.

Article 4 Position

1. Within a maximum term of eight weeks from the date of the report, the reporter is notified in writing by or on behalf of the competent authority of its substantive position concerning the alleged abuse reported. The steps to which the report has led are also notified.
2. If no substantive position can be notified within eight weeks, the reporter will be informed of this by or on behalf of the competent authority and will be notified of the term within which a position can be expected.

Article 5 Integrity Committee

1. EUR has an integrity committee. EUR's SIAG complaints committee acts as the Integrity Committee. Article 6 of the EUR Sexual Intimidation, Aggression and Violence Regulations applies likewise.
2. The task of the Committee is to investigate reports of alleged abuse from employees or students and to report on its findings to the competent authority. The Committee may attach recommendations to its advisory report, concerning any measures to be taken. The Committee may assign the investigation to one of its members, who will then act on behalf of the Committee.
3. For the purpose of the investigation into alleged abuse, the Committee is authorised to obtain all information it considers necessary for responsible performance of its task.
4. The Committee members and all persons involved in the investigation have an obligation to treat information of which they become aware on the basis of their involvement in confidence.

Article 6 Settlement

In all cases, the competent authority reports in confidence on reports and their settlement to the Supervisory Board and, if applicable, to the Committee.

Article 7 Legal protection

1. A reporter who has reported alleged abuse in observance of the provisions of these Regulations will in no way suffer harm to their position or legal position within EUR or benefit in any way as a result of their report.
2. Any proposed dismissal of an employee within five years of a report will be assessed by the competent authority.
3. The first and second paragraphs do not apply if a reporter has not acted in good faith and/or intended to benefit personally from the abuse or by reporting it.
4. The position of the person to whom the report is made shall in no way be harmed as a result of performing tasks pursuant to these Regulations.

Article 8 Final provisions, entry into force

1. These Regulations were adopted by the EUR Executive Board on 18 October 2012 and enter into force on 1 November 2012.
2. These Regulations will be evaluated two years after their entry into force.
3. These Regulations may be referred to as 'the EUR Regulations on reporting of alleged abuse'.