

Regulations for reporting irregularities at TU/e

The Executive Board of Eindhoven University of Technology considers it desirable, in the context of corporate governance, that the university introduces regulations for reporting irregularities ('whistleblowers' regulations').

These regulations are wide-ranging, in the sense that anyone at the university must feel free to report irregularities. They also describe what kinds of irregularities they refer to and how they should be reported. A Committee for reporting irregularities has been established to assess reports and confidential advisers are appointed.

Chapter 1. General provisions

Article 1.1. Definitions

1. The following definitions are used in these regulations:

- a. the university: Eindhoven University of Technology;
- b. the Committee: the committee referred to in article 3.1;
- c. suspicion of an irregularity: a suspicion founded on reasonable grounds relating to the university or part of it regarding:
 - a serious criminal offence;
 - a serious violation of laws and/or regulations;
 - misleading an auditor designated by the university;
 - a serious threat to public health, security or the environment, or
 - consciously withholding information relating to any of the above;
- d. manager: the manager of the department or service in which an irregularity is suspected. For students, in the context of these regulations, this is their Program Director.

2. A suspected irregularity does not include violations of scientific integrity, or individual matters relating to employment or study.

3. An informant includes:

- a. an employee or student at the TU/e;
- b. another person working at the university, e.g. a guest lecturer, trainee or temporary agency employee;
- c. a student enrolled at the university in a program that is not specified in the Central Register of Higher Education Study Programs (CROHO).

Chapter 2. Internal procedure

Article 2.1. Confidential advisers

1. There are two confidential advisers, to be appointed by the Executive Board, for a period of four years. Subsequent reappointments for further periods of four years are possible.

2. The confidential advisers are acting as a point of contact for people who are considering reporting an irregularity. They advise them about possible further steps and, at their request assist them.

3. The confidential advisers have a duty of confidentiality regarding all information that he or she acquires while performing his or her task of confidential adviser.

4. The confidential advisers will issue an annual report to the Executive Board about their activities. They will also meet annually with the Secretary of the University.

Article 2.2. Reporting irregularities internally to a manager

1. An informant who suspects an irregularity is taking place should report it in writing, giving reasonable grounds for his or her suspicions, to the manager concerned.

2. The manager will send an informant who has expressed his or her suspicion that an irregularity is taking place a confirmation of receipt of the report, specifying the suspected irregularity and the date of receipt of the report.

3. The manager referred to in the first paragraph is responsible for informing the Executive Board immediately of a report of a suspected irregularity and the date on which it was received.

4. After receiving a report of a suspected irregularity the manager should immediately initiate an investigation.

5. Contrary to the provisions of the previous sections of this article, the informant can report a suspected irregularity directly to the Committee if there are sufficiently serious reasons for not applying those provisions.

6. If an informant wishes to report a suspected irregularity committed by the Executive Board or by one or more of its members, he or she should submit a report to the Supervisory Board. In that case, exclusively the provisions of the second, third and fourth paragraphs of this article and article 2.3, second paragraph are applicable or accordingly applicable.

Article 2.3. Standpoint

1. Within a period of eight weeks from the date of the internal report of the suspected irregularity, the informant will be informed in writing by or on behalf of the manager of his or her substantive standpoint regarding the suspected irregularity.

2. If the standpoint cannot be issued within eight weeks, the informant will be notified of this by or on behalf of the manager and informed of the period within which this standpoint can be expected.

3. The informant can report a suspected irregularity to the Committee, if:

- a. he or she does not agree with the standpoint;
- b. he or she has not received a standpoint within the required period, as referred to in the first and second paragraph, or
- c. the period referred to in the second paragraph is, taking all circumstances into account, unreasonably long, or
- d. he or she is of the opinion that there is a situation as referred to in article 2.2, fifth paragraph.

Chapter 3. The Eindhoven University of Technology Committee for reporting irregularities

Article 3.1. Establishment and task of the Committee

1. There is an Eindhoven University of Technology Committee for reporting irregularities, hereafter to be called 'the Committee'.
2. The Committee's task is to investigate suspected irregularities reported by informants and advise the Executive Board on its response.

Article 3.2. Composition of the Committee

1. The Committee consists of three members, one of which chairs the Committee. The Committee designates one of the other members as deputy chair.
2. The Executive Board can appoint one or more deputy members.
3. In the absence of the chair or of another member, or in the event that the chair or another member is directly or indirectly involved in a reported irregularity, the deputy chair or a deputy member will take his or her place.
4. The chair, the other members and the deputy members of the Committee are appointed by the Executive Board for a term of four years. They can be reappointed for one consecutive period of four years.
5. Members of the Executive Board, the Supervisory Board and departmental boards, the deans of the TU/e Bachelor College and the TU/e Graduate School and the directors of research institutes, educational programs and services at the university cannot be members of the Committee.
6. Members and deputy members of the Committee can be relieved of these duties at their own request or if they fail to perform their tasks adequately.

Article 3.3. Secretary

The Committee is assisted by a secretary designated by the Executive Board. He will be appointed for a period of four years. Subsequent reappointments for further periods of four years are possible.

Article 3.4. Confirmation of receipt and investigation of the report

1. The Committee will send the informant a confirmation that it has received his or her report of a suspected irregularity and inform the Executive Board of the report.
2. If the Committee considers it necessary to enable it to perform its duties, it will set up an investigation. The Committee can entrust the investigation to one of its members, who will act on the Committee's behalf.

Article 3.5. The Committee's competences

1. The Committee is authorized to obtain information from all employees, students and university bodies. It can demand access to all documents and correspondence that it considers relevant to investigation of the report.
2. The Committee can consult experts from within and outside the university. A report of the consultations will be drawn up.
3. The Committee will open a file for all reports of irregularities that it investigates. Confidential information contained in the file can be released only with the permission of those involved.
4. The file will remain in the hands of the Committee and may not be copied.

Article 3.6. Non-admissibility

1. The Committee will declare the report of a suspected irregularity non-admissible if:
 - a. there is no evidence of an irregularity, about which the Committee will offer its advice;
 - b. the informant does not provide evidence that he or she first reported the suspected irregularity internally, as prescribed in article 2.2, first paragraph, excepting in situations as described in article 2.2, fifth paragraph, or
 - c. the informant has reported his or her suspicions internally, as prescribed in article 2.2, first paragraph, but a reasonable time has not yet elapsed since this internal report.
2. A reasonable time, as referred to in 1c, has elapsed if:
 - a. from the moment of receipt by the manager and a period of eight weeks, the manager has not issued a standpoint on the suspected irregularity to the informant, unless the manager has notified the informant that he or she should not expect a standpoint within a period of eight weeks;
 - b. if the manager has not set a period, as referred to in article 2.3, second paragraph;
 - c. the period set by the manager, as referred to in article 2.3., second paragraph, has expired without the manager notifying the informant of a standpoint, or
 - d. the period set by the manager, as referred to in article 2.3., second paragraph, is not reasonable, taking all circumstances into account.
3. The Committee will notify the Executive Board and the informant who reported the suspected irregularity to the Committee if the report is non-admissible, giving reasons.

Article 3.7. The Committee's recommendation

1. If the suspected irregularity is admissible, the Committee will record its findings on the report of the irregularity as quickly as possible in a recommendation to the Executive Board.
2. The informant who has reported a suspected irregularity to the Committee will receive a copy of the recommendation, taking account of the possibly confidential nature of the information provided to the Committee and the regulations pertaining to this.

3. The recommendation will be made public in a way that the Committee considers appropriate, in an anonymous form and taking account of the possibly confidential nature of the information provided to the Committee, unless there are sufficiently serious reasons for not doing so.

4. On the basis of the recommendation the Executive Board will notify the informant who reported the suspected irregularity to the Committee whether the recommendation will be followed up or not.

5. There is no possibility of appealing against the Committee's recommendation or the decision of the Executive Board.

Article 3.8. Annual report

1. The Committee will draft an annual report each year.

2. The report will contain the following information in anonymous form and taking account of the relevant regulations:

- a. the number and nature of the reports of a suspected irregularity;
- b. the number of reports that have not led to an investigation;
- c. the number of investigations conducted by the Committee, and
- d. the number and nature of the recommendations it has produced.

3. The annual report will be submitted to the Executive Board, which will forward it to the Supervisory Council, the University Council and the local consultation body. The Executive Board will mention the annual report in the report referred to in section 2.9 of the Higher Education and Research Act (WHW).

Article 3.9. Annual meeting

There will be an annual meeting of the Committee and the confidential advisers.

Chapter 4. Legal protection

Article 4.1.

An employee or student who has submitted a report on a suspected irregularity, as referred to article 1, will be entitled to the greatest possible confidentiality from the moment the report has been submitted. The informant's position within the university must also in no way be adversely affected as a consequence of the report of the suspected irregularity.

Chapter 5. Title

Article 5.

These regulations can be quoted as the 'Regulations for reporting irregularities at TU/e'.

Adopted by the Executive Board on January 19, 2017.