

REGULATIONS FOR REPORTING SUSPECTED MISCONDUCT

For students and employees

November 2024

Adopted by the Executive Board (CvB) on 23 April 2024
Consent of the University Council (HSR) on 17 January 2024



UNIVERSITY
OF APPLIED
SCIENCES
UTRECHT

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PREAMBLE

A safe working and study environment is very important to all students, employees and the organisation of HU University of Applied Sciences Utrecht. The [HU Integrity Code](#) establishes the values and standards that apply within the HU and describes how we treat each other within the HU (desired behaviour). Despite the fact that we assume that employees and students adhere to the principles established in the Integrity Code, there may be instances of (suspected) misconduct.

The regulations are in line with the requirements of Good Governance Sector Code of the Netherlands Association of Universities of Applied Sciences (effective as of January 2024) and can be considered an internal procedure under Section 2 of the 'Wet bescherming klokkenluiders' (Whistleblowers Protection Act). The HU has chosen to open these regulations only for reporting suspected misconduct. If there are other (integrity-related) issues, they are dealt with via the regulations for reporting suspected integrity violations or via the inappropriate conduct regulations.

The regulations were adopted by the Executive Board (CvB) on 23 April 2024, to which the University Council (HSR) granted its consent on 17 January 2024. These regulations replace the regulations for reporting suspected misconduct dated 21 June 2022 and entered into force on 1 November 2024.

1. DEFINITIONS

Article 1. Definitions

In these Regulations, the following definitions apply:

1. **Alumnus:** A former student.
2. **Accused:** The person about whose conduct a report of (suspected) misconduct has been made.
3. **Executive Board:** Governance body of the university of applied sciences and the university board of the Hogeschool Utrecht Foundation, in accordance with Section 10.8 of the 'WHW' (Higher Education and Research Act), with duties and powers as laid down in the charter of the Hogeschool Utrecht Foundation. Hereinafter: CvB (College van Bestuur).
4. **Committee:** The Committee on an internal report of suspected misconduct. Hereinafter: Committee. For more information, refer to Appendix 1.
5. **External Body:** The External Body that can be engaged by the person reporting pursuant to Chapter 8 of these Regulations.
6. **External locations:** Locations outside of the buildings of the HU where employees and students work and study, including but not limited to work placement institutions.
7. **External investigative agency:** A party consulted by the Committee to conduct independent investigations into suspected misconduct.
8. **House for Whistleblowers:** As referred to in Chapter 2 of the 'Wet bescherming klokkenluiders' (Whistleblowers Protection Act).
9. **Supervisor:** The employee who is the hierarchical superior of the person reporting, on behalf of the HU.
10. **Employee:** A person who is performing or has performed work for the HU under an employment contract, or a person who is performing or has performed work for the HU in a manner other than under an employment contract (including: applicants, secondees, doctoral candidates, students doing their work placement, hired workers, volunteers).
11. **Person reporting:** The (former) employee, student or alumnus, who reports (suspected) misconduct to the Committee pursuant to Article 4 of these regulations.
12. **Report:** The reporting of (suspected) misconduct, by the person reporting.
13. **Ombuds Officer:** Independent officer appointed by the CvB who, in response to reports from employees or on his or her own initiative, investigates whether a (governing) body or employee of HU University of Applied Sciences Utrecht has behaved as stipulated in the regulations in matters concerning employment relations.

14. **Programme manager:** the employee in charge of the study or degree programme the person reporting attends, if the person reporting is a student.
15. **Supervisory Board:** body of the Hogeschool Utrecht Foundation that, pursuant to Section 10.3d of the 'WHW' (Higher Education and Research Act), supervises the performance of work and the exercise of powers of the CvB. Hereinafter: RvT (Raad van Toezicht).
16. **Regulations:** These regulations on suspected misconduct.
17. **HU Secretary:** The head of the Corporate Staff department also has the role of HU secretary.
18. **Student:** The person who, under Section 7.32 et seq. of the 'WHW' (Higher Education and Research Act) and the other statutory regulations, is enrolled at the university of applied sciences as a student (full-time, part-time or work-study) and the person attending post-initial, non-degree or non-funded education at the HU foundation.
19. **Suspected misconduct:** Suspected misconduct within the HU by the person reporting, insofar as:
 - 1) the suspicion is based on reasonable grounds arising from the knowledge that the employee or student has gained at the HU or arising from the knowledge that the employee or student has gained through working for the HU or studying at the HU at another company or organisation, and
 - 2) social interest is at stake because of:
 - a) (imminent) violation of European Union law;
 - b) (imminent) violation of a legal requirement;
 - c) (imminent) violation of internal rules of the HU that involve a concrete obligation and that are established by the HU on the basis of a legal regulation;
 - d) (imminent) danger to public health;
 - e) (imminent) danger to the safety of persons;
 - f) (imminent) danger of environmental degradation, or
 - g) (imminent) danger to the proper functioning of the organisation as a result of improper acts or failure to act.
20. **Confidential Advisor:** Confidential Advisor appointed by the CvB to act in this capacity for the HU. This may be an external or an internal confidential advisor.
21. **Week:** A period of seven consecutive days, excluding generally recognised public holidays and days off adopted by the HU.

2. SCOPE

Article 2. Scope

1. These regulations cover all employees and students associated with the HU. Wherever these regulations refer to a 'student', 'former student' may be read. Where these regulations refers to an 'employee', 'former employee' may be read. This unless expressly stated otherwise.
2. In principle, these regulations do not apply to (suspected) misconduct occurring at external institutions/companies where students study or employees work, unless the accused party of the external institution/company is willing to submit the behaviour to the opinion of the Committee mentioned in these regulations. If the Committee finds that the case is well-founded, it will then advise the Executive Board on measures to be taken regarding (the cooperation with) this external institution/company.
3. Consultation on suspected misconduct

Article 3. Consultation

If you suspect that misconduct has taken place, you can turn to a confidential advisor as an employee or student for consultation. You can contact the confidential advisors as an employee via the following link: [Overview of Confidential Advisors \(ÉÉN HU\)](#), and as a student via the following link: [Overview of Confidential Advisors \(HU Wegwijs\)](#).

The appointment, duties and powers of the confidential advisors are laid down in the HU Regulations on Confidential Advisors. The Regulations on Confidential Advisors can be found on [ÉÉN HU](#) and [HU Wegwijs](#).

As an employee, you can also contact the Ombuds Officer. The Ombuds Officer can be contacted via ombudsfunctionaris@hu.nl. You can also contact the advice department of The House for Whistleblowers¹.

The appointment, duties and powers of the Ombuds Officer are laid down in the HU Regulations on Ombuds Officers. These Regulations on Ombuds Officers can be found on [ÉÉN HU](#).

¹ www.huisvoorklokkenuiders.nl

3. REPORTING SUSPECTED MISCONDUCT

Article 4. Filing a report

1. An employee or student who suspects that misconduct has taken place may report it to the Committee, possibly through the confidential advisor or through the Ombuds Officer (for employees only).
2. The person reporting may file this report in writing by sending an e-mail to meldpuntHU@berenschot.nl. It is also possible to file a report via telephone or to make the report known through a personal meeting with (the secretariat of) the Committee. The Committee can be reached (during office hours) at 06 82 08 32 94.
3. Under Chapter 8 of these regulations, you can also report suspected misconduct directly to the appropriate authority or the Investigation Department of the House for Whistleblowers.
4. A verbal report can be recorded in two ways:
 - By recording the conversation in a permanent and retrievable format. This requires the prior consent of the person reporting;
 - By providing a full and accurate written record of the conversation, giving the person reporting the opportunity to check, correct and sign this record for approval.
5. A report of (suspected) misconduct can be made anonymously. This report may go through the confidential advisor.
6. When reporting, the person reporting clearly indicates the following:
 - Name and contact details of the person reporting; unless the person reporting wishes to remain anonymous when reporting suspected misconduct;
 - The name and (if known) the organisational unit or external location of the accused;
 - Clear description of the (suspected) misconduct that occurred;
 - Whether the (suspected) misconduct has been discussed with a supervisor or programme manager;
 - Whether the (suspected) misconduct has been discussed with a confidential advisor or the Ombuds Officer.

Article 5. Reporting by a former employee or alumnus

1. A former employee may file a report within one year of the termination of the employment agreement, invoking these regulations. An alumnus may file a report within one year of ending enrolment at HU, invoking these regulations.
2. If the report is filed after this deadline, it will be declared inadmissible. This means the report will not be processed. In exceptional cases, a report may still be processed despite being filed too late. The person reporting must then demonstrate that he or she filed the report as soon as reasonably practicable.

4. CONFIDENTIALITY

Article 6. Confidentiality

1. Any party involved in reporting or investigating suspected misconduct is subject to a duty of confidentiality. The duty of confidentiality does not apply if disclosure is required by law.
2. In any case, the following details are confidential:
 - a) data on the identity of the person reporting;
 - b) data on the identity of the accused;
 - c) contents and nature of the report;
 - d) data of third parties named in the report;
 - e) all information that can be traced back to the data mentioned above under a, b and c;
 - f) trade secrets within the meaning of the 'Wet bescherming bedrijfsgeheimen' (Trade Secrets Protection Act).
3. If the person reporting has not given permission for the disclosure of his or her own identity, all correspondence about the report will be sent to the confidential advisor or Ombuds Officer or the counsel of the person reporting. This person will forward this correspondence directly to the person reporting.

Article 7. No negative consequences for the person reporting

The person reporting who files a report in good faith will not suffer any negative consequences on the (legal) position of the person reporting in connection with this. In any case, 'negative consequences' include:

- a) dismissal or suspension;
- b) a fine as referred to in Book 7, Section 650 of the Dutch Civil Code (BW);
- c) demotion;
- d) withholding a promotion;
- e) a negative rating;
- f) a written reprimand;
- g) transfer to a different branch;
- h) discrimination;
- i) harassment, bullying or exclusion;
- j) libel or slander;
- k) early termination of an agreement to provide goods or services;
- l) withdrawal of a licence.

Article 8. Protection of the person reporting during an investigation by the House for Whistleblowers

A person reporting may not be disadvantaged during and after disclosure by the House for Whistleblowers of suspected misconduct, provided that:

- a. the person reporting has reasonable grounds to believe that the reported information about the suspected misconduct is correct at the time of disclosure;
- b. the person reporting filed a report prior to the disclosure.

5. REPORT PROCESSING

Article 9. Receipt of the report

1. The secretary of the Committee shall record the date of receipt of the report and the nature of the report in a register set up for that purpose.
2. The secretary of the Committee shall confirm receipt in writing to the person reporting no later than three working days.
The secretary of the Committee will inform the CvB and the director(s) of the respective institute/research centre/service of the fact that a report has been filed by and/or against an employee or student of the institute/research centre/service. The Committee also keeps the CvB and the director(s) of the institute/research centre/service concerned informed on the further progress of the procedure, unless the report concerns the director in question himself.
3. If the report relates to a member of the CvB, where mention is made of the CvB, RvT should be read and the process goes through the RvT secretary.
4. All communication between the Committee and the CvB or RvT takes place through the HU secretary or the RvT secretary.

Article 10. Urgency

1. As soon as possible after receiving a report, the chairperson of the Committee assesses whether urgency applies.
2. Urgency applies if:
 - a) this arises from any statutory provision, for example in case of suspicion of a criminal offence;
 - b) there is acute danger, where a serious and urgent interest requires immediate action on the part of the HU;
 - c) there is an imminent threat of danger to persons or property.
3. If one of the situations under a, b or c apply, the secretary of the Committee will inform the CvB and the director of the relevant institute/research centre/service, so that the HU can take appropriate measures without delay and in anticipation of the outcome of the further procedure as described in these regulations.

Article 11. Admissibility

1. The secretary of the Committee reviews whether the report contains the information as mentioned in Article 4 and 5. If not, the secretary notifies the person reporting and gives a deadline for completion. If the report does not still meet the requirements mentioned in Articles 4 and 5 within this period, the report may be declared inadmissible.
2. If the person reporting is already involved in proceedings (regarding legal status or disciplinary action) with the HU, the chairperson of the Committee shall ascertain that these cases do not overlap and that the reporting of (suspected) misconduct is not

prompted by or substantively related to the other proceeding(s). If this is found to be the case, the report may be declared inadmissible.

3. If the report is declared inadmissible, the procedure as mentioned in Article 17 will follow.

Article 12. Notification of the accused

1. The accused shall be notified of the report and its processing by the secretary of the Committee. The accused will be given the opportunity at the time of notification to respond to the report in writing within a period to be specified by the Committee.
2. At the request of the accused, the Committee may grant the accused an extension to the deadline for submission and/or completion of the written response if, in the opinion of the Committee, there are reasonable grounds to do so.
3. If warranted, the chairperson of the Committee may decide to engage an investigative agency before the accused is notified of the report and given an opportunity to defend himself or herself. The Committee may do so if there is reasonable doubt that any evidence of misconduct would be lost if the accused were notified. The person reporting is informed by the Committee about the engagement of the investigative agency. The investigative agency reports its findings to the Committee, after which the Committee notifies the accused of the report and the investigation, and gives the accused the opportunity to respond in writing to the report and the investigation within a period to be specified by the Committee.

Article 13. Requesting relevant documents

1. The Committee is authorised to request any documents and information it considers relevant to the investigation. In doing so, confidentiality will be observed.
2. Within a time limit to be specified by the Committee, both the person reporting and the accused may also provide, unsolicited, any documents that they reasonably deem necessary for the Committee to read.

Article 14. Further procedure

Based on the information retrieved, the Committee will determine the next steps. These could include:

- the conducting of a further investigation by an external investigative agency, which may include the convening of a hearing;
- the convening of a hearing by the Committee;

Article 15. Examination before the Committee

1. The Committee assesses whether investigation by an investigative agency is necessary. If it considers that further investigation is necessary, the Committee shall inform the investigative agency, the CvB, the directors, the person reporting, and the accused.
2. The investigators are authorised to request any documents and information they deem relevant to the investigation. In doing so, confidentiality will be observed. Within a time limit to be specified by the Committee, both the person reporting and the accused may

provide the investigators with any documents that they reasonably deem necessary for the investigators to read.

3. The Committee aims for the investigative agency to complete its final report within eight weeks of the start of the investigation. If it becomes clear that the investigation cannot be completed within eight weeks, the person reporting and the accused will be informed of this fact in writing. In doing so, the the deadline by which the person reporting and accused can expect to receive the report shall be indicated. An extension longer than this is possible only with proper justification.
4. After receiving the final investigative report, the Committee will decide whether and in what manner the investigation will be continued.

Article 16. Hearing

1. The Committee assesses whether hearing the parties is appropriate.
2. The secretary of the Committee, in consultation with the members of the Committee, shall determine the place and time when the hearing will take place as regards the report. The secretary of the Committee shall invite, in writing, the person reporting and the accused to appear.
3. The person reporting and the accused may be assisted at a hearing by a confidential advisor, counsel or an advisor.
4. At the request of the parties or otherwise, the Committee may also decide to hear witnesses, experts or other persons who can provide information. These persons are heard in the presence of the person reporting and accused, and their counsel or advisors.
5. The Committee shall have a written record made of each hearing. A written record will also be made of each witness examination. The person heard will be given an opportunity to add written comments to this record, after which it will be sent to the person reporting and accused.
6. Sessions take place in chambers. Sessions are held in the presence of the full Committee unless the Committee decides otherwise, including when hearing the person reporting anonymously.
7. After the hearing, the person reporting shall be given the opportunity to respond in writing to the records of the hearing, within a time limit to be set by the secretary of the Committee. The accused also has this same right.
8. All documents collected or prepared by the Committee during its investigation are confidential in nature and may be viewed only by the Committee members.

Article 17. Deliberation

1. The Committee deliberates and decides in chambers.
2. The Committee bases its advice to the CvB on the documents submitted by the parties and the results from the investigative report, the hearing, or in any other manner, or has been requested by the Committee.
3. The opinion of the Committee is given on the basis of unanimity whenever possible. If this is not possible, the Committee will decide by majority vote. If the votes are tied, the opinion of the chairperson is decisive.
4. The Committee issues an opinion to the CvB and the director(s) concerned within eight weeks of receiving the report. This opinion is weighty in nature. The chairperson may decide to extend the deadline for reaching a decision if several hearings are held, or if this is necessary in the context of a careful investigation.
5. The opinion of the Committee may entail that the report:
 - cannot be processed with by the Committee ((manifestly) inadmissible), or
 - is not classified as misconduct (unfounded), or
 - is classified as misconduct (founded)
6. The Committee sets out the grounds on which its opinion is based. In any case, the Committee will not declare the report founded if it is based solely on statements made by the person reporting, unsupported by any other articles of evidence.
7. The Committee shall bring its reasoned opinion to the exclusive attention of the CvB within a period of eight weeks after the decision.
8. Within three weeks of receiving the opinion of the Committee, the CvB will decide whether to adopt the opinion in whole or in part, and whether to take measures from the following article.
9. Within three weeks of receiving the opinion of the Committee, the CvB communicates its decision on the opinion to be adopted plus the measures to be taken exclusively to the Committee, the person reporting, the accused and the director(s) involved and, if applicable, the confidential advisor concerned.

Article 18. Measures

1. If the Committee determines in its opinion that misconduct applies, the Committee may advise the Executive Board to take one or more of the following measures:
 - a) against students:
 1. issuing a warning or reprimand;
 2. denying access to buildings and premises of the university of applied sciences, as well as access to online education, for a maximum period of one year;
 3. terminating enrolment for a maximum period of one year;
 4. permanent disenrolment of the student if the student remains in breach after a reminder.

b) against employees, based on the Collective Labour Agreement for Higher Professional Education:

1. suspending as a disciplinary measure (P-1);
2. taking disciplinary action (P-4):
 - written reprimand;
 - transfer;
 - suspension;
 - dismissal.

The Committee may also advise the CvB to take any other action it deems advisable.

2. The Committee may, if desired, at an earlier point in the procedure, ask the CvB to take temporary measures based on an interim opinion.
3. Within three weeks of receiving the verdict of the Committee, the CvB will take a reasoned decision on taking measures (concerning the legal status).
4. The CvB shall communicate its decision on measures to be taken as described in Article 17.9.
5. Students may lodge an appeal against the measures concerning the legal status, taken by the CvB, with the Dispute Resolution Committee of the university of applied sciences in accordance with the provisions of the 'WHW' (Higher Education and Research Act) and the HU Legal Protection for Students Regulations, and employees may lodge an appeal with the Higher Professional Education Appeals Board, in accordance with the provisions of the Collective Labour Agreement for Higher Professional Education.
7. Filing a report with an external body

Article 19. Filing a report with an external body

1. The person reporting is not obliged to first report suspected misconduct internally to the HU. The person reporting can also file an external report of this straight away. Furthermore, filing a report externally can also be chosen if the person reporting:
 - a) disagrees with the view of the employer or is of the opinion that the report was wrongly dismissed or was not sufficiently investigated; or
 - b) has not received an opinion on the internal report within three months of the sending of the acknowledgement of receipt of the report.
2. External reports can be made to a competent authority. Authorised bodies in any case include:
 - a) the Investigation Department of the House for Whistleblowers (www.huisvoorklokkenuiders.nl);
 - b) the Netherlands Authority for Consumers and Markets (ACM) (www.acm.nl);
 - c) the Dutch Authority for the Financial Markets (AFM) (www.afm.nl);
 - d) the Dutch Data Protection Authority (AP) (www.autoriteitpersoonsgegevens.nl);
 - e) De Nederlandsche Bank N.V. (DNB) (www.dnb.nl);
 - f) the Health and Youth Care Inspectorate (IGJ) (www.igj.nl);
 - g) the Dutch Healthcare Authority (NZa) (www.nza.nl);
 - h) the Authority for Nuclear Safety and Radiation Protection (ANVS) (www.autoriteitnvs.nl).

The websites of the respective competent authorities contain the procedure for filing an external report. They also list how the competent authority processes the report and investigates.

2. If necessary, the person reporting can obtain information from the Advisory Department of the House for Whistleblowers on filing an external report and choosing the competent authority. In the case of an external report, the person reporting takes into account the effectiveness with which that third party can intervene on the basis of competence on the one hand and, on the other hand, the interest of the HU in the least possible damage resulting from that intervention, insofar as that damage does not necessarily result from taking action against the misconduct.
3. When reporting to an external Body, the person reporting should observe an appropriate form of care and confidentiality.
4. The greater the possibility of damage to the HU as a result of reporting to an external Body, the stronger the suspicion of misconduct on the part of the person reporting should be.
5. If the person reporting chooses to report to an external body, their time limit for processing the report and following it up will apply.

6. ANNUAL REPORT

1. The Committee reports annually on the registered reports in an anonymised form to the CvB.
2. This will include the number and nature of the reports of misconduct and their outcome and the opinion issued to the CvB.

7. TRANSITIONAL PROVISION

Cases pending before a Committee under the Regulations for Reporting Suspected Misconduct dated 21 June 2022 at the time these regulations come into force will continue to be dealt with subject to the provisions of those regulations.

APPENDIX 1 THE COMMITTEE

Article 1. Contracting of the Committee

1. The CvB has contracted an external Committee for filing and processing reports, as referred to in these regulations.
2. The Committee consists of a chairperson and one or more members and is supported by a secretary. It is the responsibility of the Committee to ensure the deployment of appropriate expertise within a Committee.
3. The Committee members concerned are not involved in any way with the HU at the time of contracting, nor have they been involved with the HU in the previous five years.

Article 2. Duties

1. The Committee has the duty of:
 - a) issuing an opinion on the report(s) brought before it and, if necessary, on the basis of its opinion, advise the Executive Board on measures to be taken;
 - b) maintaining the in-house expertise necessary for the performance of their duties.

Article 3. Functioning

1. The Committee shall ensure confidentiality in accordance with the provisions of Article 6 of these regulations. The Committee may deviate from such confidentiality to the extent necessary for the performance of its duties.
2. The Committee keeps an archive of reports processed. This archive is only accessible to the Committee. The Committee shall ensure that, five years after the verdict of the Committee on a report, the file is destroyed.
3. The Committee reports annually to the CvB on the number and the nature of the reports received by it, as well as its verdicts and other work. In this reporting, the anonymity of individuals and the confidentiality of information are ensured.

Article 4. Contact details and availability of the Committee

The secretariat of the Committee can be reached via e-mail at meldpuntHU@berenschot.nl, at telephone number 06 82 08 32 94, via <https://www.berenschot.nl/meldpunthu> or after consultation via a meeting, live or online.

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