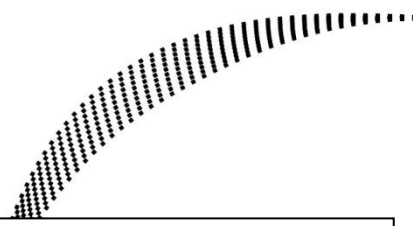
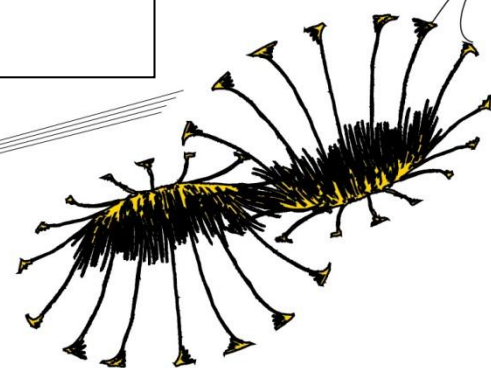




**Procedure for Reporting Irregularities
University of Twente**



**Kenmerk: /HR
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The Executive Board of the University of Twente,

whereas in view of social developments it is desirable for the university to establish a procedure concerning the reporting of irregularities,

has decided to establish:

the University of Twente Procedure for Reporting Irregularities.

Section 1. General provisions

Article 1.1. Definitions

1. In this procedure the following terms are defined as stated below:
 - a. 'the university': the University of Twente;
 - b. 'a suspicion of an irregularity': a suspicion based on reasonable grounds in connection with the university or a part thereof concerning:
 - a serious criminal offence;
 - a grave infringement of regulations;
 - the misleading of an accountant appointed by the university;
 - a major threat to public health, safety or the environment, or
 - the deliberate withholding of information concerning these matters;
 - c. 'manager': the manager of the organisational unit within which the irregularity is suspected.
2. 'Employee' and 'student' respectively are also defined as:
 - a. another person who is employed within the university, such as a guest lecturer, intern or temporary agency worker;
 - b. a student who is not enrolled on a programme of the university that is not listed in the Central Register of Higher Education Programmes (*Centraal Register Opleiding Hoger Onderwijs*).

Section 2. Internal procedure

Article 2.1. Internal report to manager

1. The employee or student who has a suspicion of an irregularity reports this suspicion to the relevant manager.
2. The manager sends the employee or student who has reported a suspicion of an irregularity a confirmation of receipt, including a statement of the reported suspicion of an irregularity and the time at which the employee or student reported the suspicion.
3. The manager referred to in the first paragraph ensures that the Executive Board is immediately informed of a suspicion of an irregularity and of the date on which the report was received.
4. The manager immediately instigates an investigation in response to the report of a suspicion of an irregularity.
5. In divergence from the provisions of the foregoing paragraphs the employee or student can report a suspicion of an irregularity directly to the Executive Board if compelling interests preclude the application of these paragraphs.
6. If the report concerns a suspicion of an irregularity perpetrated by the Executive Board or by one of its members the report is made to the Supervisory Board.

Article 2.2. Standpoint

1. Within a period of eight weeks from the time of the internal report the employee or student will be informed in writing by or on behalf of the manager of a substantive standpoint concerning the reported suspicion of an irregularity.
2. If the standpoint cannot be issued within eight weeks, the employee or student will be informed of this by or on behalf of the manager, with an indication of the period within which he or she can expect to receive a standpoint.

Section 3. Legal protection

Article 3.1.

The employee or student who has reported a suspicion of an irregularity in accordance with the provisions of this procedure will not be disadvantaged in his or her position within the university in any way whatsoever as a consequence of the report, insofar as he or she has acted in good faith and has not made any personal gain from the irregularity or from reporting it.

EXPLANATORY NOTES

In view of social developments, the Executive Board considers it desirable that it is ensured that employees and students have the possibility to report suspected irregularities of a general, operational or financial nature within the university to the Executive Board or an official designated by this board, and that these employees or students are not disadvantaged in their position within the university because of this. Suspected irregularities that concern the functioning of members of the Executive Board will be reported to the Supervisory Board.

The formulation of such a procedure concerns the following. The key concept is that of a 'suspicion of an irregularity' (*article 1.1, first paragraph, under point b*). This concerns a suspicion based on reasonable grounds regarding a criminal offence, a grave infringement of internal or external regulations, the misleading of the accountant appointed by the university, a major threat to public health, safety or the environment, or the deliberate withholding of information concerning these matters. Of course these matters must concern the university or a part thereof (faculty, department, institute, programme, service etc.).

The employee or student who has a suspicion of an irregularity must report this to the manager of the organisational unit within which the irregularity is suspected (*article 2.1, first paragraph*), since it is the manager who is responsible for the course of affairs within his or her unit. The manager may be the dean, the service director, the programme director etc., depending on the organisational unit in question. There may be compelling interests that preclude the application of this rule (*article 2.1, fifth paragraph*). This may be the case, for example, if the manager is the person in respect of whom there is a suspicion of an irregularity. In that case the employee or student can make the report of a suspicion of an irregularity directly to the Executive Board. The suspicion of an irregularity may also concern the Executive Board or one or more of its members. In that case the report should be made to the Supervisory Board (*article 2.1, sixth paragraph*).

The manager, the Executive Board or the Supervisory Board must send the employee or student who has made the report a confirmation of receipt (*article 2.1, second paragraph*). They must also inform the Executive Board (*article 2.1, third paragraph*). In response to the report the manager or, where appropriate, the Executive Board or the Supervisory Board will instigate an investigation (*article 2.1, fourth and sixth paragraphs*).

The investigation instigated by the manager, or the Executive Board or Supervisory Board where appropriate, will result in a substantive standpoint (*article 2.2, first and second paragraphs*). If that standpoint gives reason for this, measures can be taken such as the ending of an undesirable situation or practice, the reporting of a criminal offence, a prohibition on entering university buildings or grounds or a sanction, all of these of course in accordance with the applicable regulations.

The employee or student who has reported suspected irregularities may not be disadvantaged in his or her position within the university in any way whatsoever, of course insofar as he or she has acted in good faith and not made any personal gain from the irregularity or from reporting it. This is explicitly specified in the procedure (*article 3.1*). If necessary, he or she can invoke this, both in law and otherwise.

This translation is meant as a service to non-Dutch speaking employees of the UT. However, in case of a difference of interpretation, these translations cannot be used for legal purposes. In those cases the Dutch text is binding.