

Artevelde UAS whistleblower policy

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1. Introduction

As a result of the Decree for the Protection of Whistleblowers in Education in the Flemish Community of 21 June 2023, all higher education institutions must have an internal hotline where employees and external parties can report irregularities and shortcomings regarding specific European regulations within Artevelde UAS without fear of retaliation. This internal hotline may be operated by the institution itself or may be made available externally by another organisation, such as an umbrella or member association.

As a member association and network organisation, Catholic Education Flanders makes use of that possibility and as a member of Catholic Education Flanders, Artevelde UAS is automatically affiliated with the internal hotline of Catholic Education Flanders.

This policy note provides further explanation on the decree and describes the functioning of the internal hotline and the interaction with Artevelde UAS for handling reported breaches.

**Words in Italic are clarified under §4. Definitions.*

2. Scope

2.1 What can be reported ?

Any person can file a report in a *work-related context* regarding an actual or suspected *breach*...

1. ... of the regulations on:

- Public procurement;
- Financial services, products and markets, prevention of money laundering and terrorist funding;
- Product safety and compliance;
- Transportation safety;
- Protection of the environment;
- Radiation protection and nuclear safety;
- Food and feed safety and feed and health welfare;
- Public health;
- Consumer protection;
- Protection of privacy and personal information and security of network and information systems;

2. ... that harm the financial interests of the European Union (e.g., VAT legislation)

3. ... related to the internal market, incl. a breach of competition and state aid rules (e.g. competition law, corporate tax).

Exclusion: This procedure is not applicable for:

- interpersonal complaints affecting only the reporter
- the reporting of information whose disclosure is not permitted because of the security of the country, protection of classified information/medical secrecy/professional secrecy of lawyers, secrecy of judicial deliberations, criminal procedure law.

2.2 Who can file a report ?

Every individual that is associated with the UAS in the context of a work relation, for example:

- statutory and contractual staff
- external parties such as:

- shareholders and persons belonging to the administrative, management or supervisory body, incl. non-executive members, volunteers and unpaid trainees;
- (sub)contractors and suppliers and anyone working under their supervision and direction;
- prospective employees in the event of *information on breaches* obtained during the recruitment process or other pre-contractual acts;
- former employees.

Persons who wish to remain anonymous can also report breaches.

Exclusion: This reporting procedure does not apply to students.

3. How to report?

3.1 Via the internal hotline

The internal hotline of Artevelde UAS is available at:

- klokkenluider@katholiekonderwijs.vlaanderen
- Guimardstraat 1, 1040 Brussel
- +32 (0)2 507 07 12

3.1.1 Receipt and assessment of the admissibility of the report

Upon receipt of a report, the Internal Hotline of Catholic Education Flanders (hereinafter referred to in this text as 'CEF internal hotline') sends a receipt notification to the reporter within seven days of the day it received the report. No such receipt notification may be sent if the reporter has expressly opposed receiving that receipt notification or that receipt notification compromises the protection of the reporter's identity. For example, notifications sent from a shared mailbox.

Whenever the CEF internal hotline receives a whistleblower report, the admissibility of the notification is examined, i.e. (1) whether the report is filed by an employee or external party associated with Artevelde UAS (see §1.2) and (2) whether the notification concerns a breach of the material scope of application (see §1.1). This assessment of the admissibility is also done within seven days of receiving the report.

If any of the above checks reveal that the report does not relate to the scope of the whistleblower policy, the CEF internal hotline will notify the reporter in writing as soon as possible.

3.1.2 The processing of notifications

If the report is declared admissible, the CEF internal hotline has the accuracy of the breach(es) mentioned in the report verified. To this end, the CEF internal hotline contacts the authorised person within Artevelde UAS (herein after referred to as the contact person). This contact person is the Internal Auditor of Artevelde UAS. In case of their absence, the CEF internal hotline will contact a designated staff member of the Office of Quality Management.

In any case, the CEF internal hotline, as well as the contact person and the persons in charge of the investigation, must keep confidential the identity of the reporter and of all persons mentioned in the whistleblower report, as well as any information that could indirectly reveal their identity.

Subsequently, the contact person coordinates the internal investigation into the accuracy of the breach(es) cited in the report. This may or may not be done in consultation with an external service provider (depending on expertise) and in doing so, strict neutrality is observed in the process. Upon completion of the conducted investigation, if there is sufficient evidence of a breach the contact person informs the internal CEF internal hotline about the actions planned or taken as a follow-up. If there are planned measures, a concrete timing is predetermined for them.

3.1.3 Reference to the reporter

During the processing of a report, the CEF internal hotline will inform the reporter regularly, to the extent requested by the reporter.

Within three months of the day on which the receipt of the report was sent, the CEF internal hotline informs the reporter in writing of the final result of the investigation conducted and of any follow-up measures planned or taken and the reasons for them. Should the period of three months prove unfeasible due to the complexity of the file to conclusively report, the reporter is informed thereof.

3.1.4 Processing of personal data

The CEF internal hotline keeps record of the reports, investigations and procedures received within a digitally protected environment. The rules of the GDPR regulation apply to this.

The following personal records are registered (if available):

- The name of the reporter.
- The reporter's contact information and position.
- The name of the facilitator or third parties associated with the reporter who may be victims of retaliation in a work-related context.
- The name and position of the *person concerned* and information about the breaches of the person concerned.
- The name of the witnesses.
- Written reports, regardless of how they were notified in writing.
- The written record of oral reports and voice recordings.

Non-relevant data will not be registered and the information in the register will be kept for 10 years after receipt (renewable with the consent of the reporter).

The identity of the reporter as well as that of the person concerned and any information that would make it possible to identify that identity directly or indirectly shall not be disclosed to anyone other than the staff members authorised to handle the report (Art. V.230/14 §3)...

- For the reporter: ... unless the reporter consents or there is a necessary and proportionate legal obligation in the context of an investigation by national authorities or judicial proceedings to safeguard the reporter's rights of defence.
- For the person concerned: ... as long as investigations following the report or disclosure are ongoing.

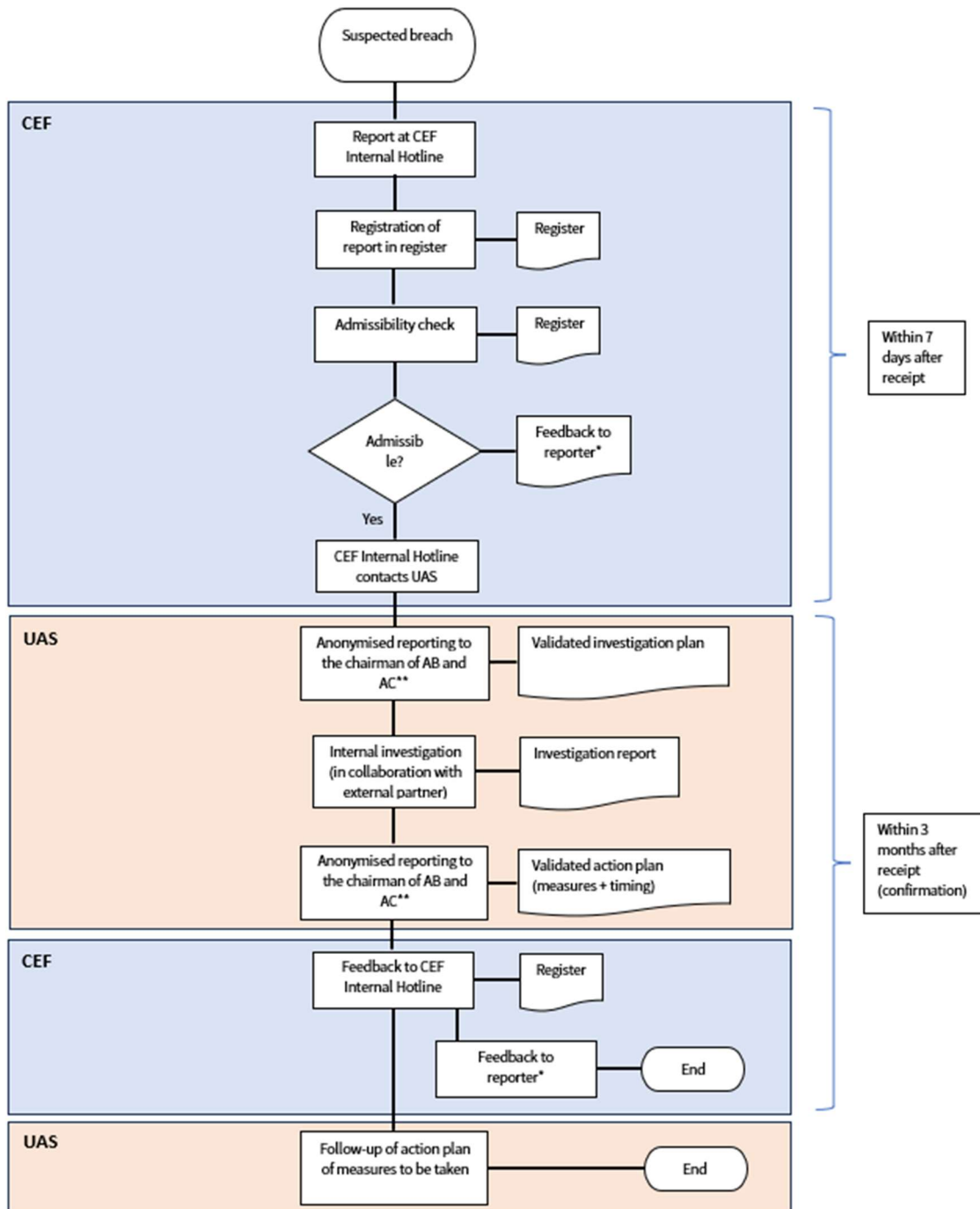
Before disclosing the identity, the CEF internal hotline informs the reporter or the person concerned in writing, along with the reasons for doing so, unless such information compromises investigations or legal proceedings.

3.1.5 Reporting

Any report declared admissible is submitted anonymised to the chairman of the Administrative Board and the chairman of the Audit Committee, who decide from their respective management and oversight roles who else should be informed immediately (President / Administrative Board/ Audit Committee...). Next, the investigation plan, the outcome of the investigation and finally the measures to be taken to remedy and/or avoid the reported breach in the future are validated and reported in phases to the respective functions designated by the chair of the Administrative Board and Audit Committee.

The following are reported annually to the Administrative Board and the Audit Committee: the number of reports received, the number of investigations and proceedings initiated as a result of reports, their outcome, the effectiveness of the measures taken, the estimated financial loss (if determined) and amounts recovered following investigations and proceedings on reported breaches.

3.1.6 Flowchart



*If the reporter's chosen means of communication allows it (e.g. feedback is not possible if a person makes an anonymous report by letter). If not, the process can be continued provided that the reporter has given sufficient information to both verify admissibility and initiate the investigation.

**AB: Administrative Board – AC: Audit Committee

3.2 Via the external hotline

The 'College of Government Commissioners' is the **external hotline** for reporting breaches.

If a report through the internal hotline cannot be handled effectively or there is a real risk of retaliation, the reporter can turn to the external hotline.

The external hotline of Artevelde UAS is available at:

- meldpunt.rc@ond.vlaanderen.be
- Hotline Government Commissioner's Office higher education
- Consciencegebouw, toren 7C, bus 915 Koning Albert II-laan 15 1210 Brussel
- +32 (0)2 553 98 15

For more information, see [Meldpunt voor klokkenluiders hoger onderwijs' \(vlaanderen.be\)](#)

3.3 Through disclosure

If no suited measures have been taken within three months after an internal and/or external report and/or the reporter has reasonable grounds to assume that:

- the breach may pose an imminent or real threat to the public interest; or
- there is risk at retaliation in case of an internal or external report; or
- it is likely that the breach will not be dealt with effectively (e.g. because evidence may be withheld/destroyed)

the reporter is allowed to disclose the information.

4. Protection measures

Artevelde UAS or one of its staff members may not take any action - in any form whatsoever - against a reporter who falls under the protection of this decree in retaliation for a report or disclosure or may not threaten to take any of the following measures:

- suspension, dismissal or similar measures;
- degradation or withholding promotion;
- withholding an appointment;
- transfer of duties, change of workplace location or change in working hours;
- withhold training;
- give an inadequate or negative work reference;
- imposing or applying a disciplinary measure, reprimand or financial penalty;
- coercion, intimidation, harassment and exclusion;
- non-conversion of a temporary contract into an open-ended contract, if the staff member had a legitimate expectation of receiving an open-ended contract;
- damage, including reputational damage on social media or a financial penalty, including loss of revenue;
- blacklisting based on an informal or formal agreement for the entire *institution* preventing the reporter from finding a job at that institution;
- revoking a licence or permit issued by a government agency
- psychiatric or medical referrals;
- premature termination or cancellation of a contract for the delivery of goods or services;
- or any other form of *retaliation*.

This protection applies to:

- all persons as described in §1.2 who file a report (internal/external/public);
- anonymous reporters eventually identified;
- *facilitators* and third parties associated with reporters;
- legal entities associated with reporters (e.g., owned by the reporter);
- witnesses

provided that there are reasonable grounds to believe that the information reported is accurate at the time of the report and that it falls within the scope of the decree.

Persons who obstruct or attempt to obstruct a report, who violate the confidentiality of the identity of reporters, or who knowingly report or disclose false information will be subject to sanctions.

5. Definitions

Person concerned: person (natural or legal) to whom the breach is attributed or with whom that person is associated

Facilitator: natural person who, in a work-related context, assists a reporter in the reporting process and whose assistance must be confidential

Breach: act or negligence that meets any of the following conditions

- it is unlawful and relates to union acts and policies within its scope;
- it undermines the purpose or application of the rules in the union acts and policies within its scope.

Information on breaches, including reasonable suspicions about:

- actual or potential breaches;
- attempts to conceal breaches

within the institution where the reporter works, has worked or applied for a job or within a different institution which the reporter has been in contact with in the context of his work

Institution

- a university or university of applied sciences;
- A public service institution for post-initial education, academic research and academic services;
- Ghent University Hospital

Internal investigation (*internal definition*): Examining the accuracy of the reported information and determining the appropriate measures to remedy and/or avoid the reported breaches in the future.

Admissibility inquiry (*internal definition*): Examination of whether the information about a possible breach falls within the personal and material scope of the whistleblower policy and thus confers protection status on the reporter.

Staff member:

- a) a member of staff;
- b) a staff member of a public service institution for post-initial education, academic research and academic services;

c) a holder of a mandate from Scientific Research Fund - Flanders;

Retaliation: a direct or indirect act or negligence that occurs in a work-related context in response to an internal or external report or disclosure, and which results or may result in unjustified harm to the reporter;

Work-related context: current or past employment activities in the institution through which, regardless of the nature of those activities, individuals may obtain information about breaches and in which those individuals may face retaliation if they were to report such information.

6. Legal framework

[Decree of 21 June 2023](#) for the Protection of Whistleblowers in Education in the Flemish Community.