

REGULATIONS ON DEALING WITH SUSPECTED WRONGDOING (WHISTLEBLOWER REGULATIONS)

PREAMBLE

The Higher Professional Education Council adopted the Sector Governance Code in February 2006. The Sector Code states that the Executive Board must ensure that employees (and students) can report suspected irregularities concerning general, operational or financial matters within the school without jeopardizing their legal position.

Design Academy Eindhoven has drawn up regulations in this regard which enable the relevant parties to do this. These regulations are accessible to everyone.

The regulations relate to social situations in which the environment or the safety or health of persons and/or organizations is endangered or in which a criminal offence, violation of statutory provisions or unethical conduct has occurred.

The whistleblower is not expected to be able to prove that the allegations made by him/her are true. The whistleblower must, however, be able to prove that there is sufficient cause for reasonably suspecting that there has been wrongdoing. Reports of wrongdoing must therefore be based on a reasonable suspicion. The purpose of the report should never be to harm the organization or person.

1. Definitions

In these Regulations, the following terms shall have the following meanings:

1.1 DAE: the foundation Design Academy Eindhoven, located at Emmasingel 14 in Eindhoven, the Netherlands.

1.2 Whistleblower:

- a. an employee working for DAE in any capacity;
- b. a person enrolled as a student at DAE;
- c. an external third party which is connected to DAE.

1.3 Suspected wrongdoing:

a reasonable suspicion that, within DAE, one or more of the following situations are present:

- a. a serious criminal offence (or threat thereof);
- b. a gross violation of regulations or policy rules (or threat thereof);
- c. deception of public bodies (or threat thereof);
- d. a major risk to public health, safety or the environment (or threat thereof);
- e. deliberate suppression, destruction or manipulation of information about these facts.

1.4 The Committee: the committee referred to in Article 5.1.

2. Scope

These Regulations shall apply to any employees, students or external relevant parties (such as parents, suppliers and so forth) wishing to report suspected wrongdoing as defined in Article 2.3 of these Regulations.

These Regulations are not intended for the reporting of personal complaints relating to work or education programmes.

The purpose of the report should never be to harm the organization or person.

PROCEDURE FOR INTERNAL REPORTS

3. Report

3.1 Anyone wishing to reveal wrongdoing shall do so, to the exclusion of providing any other notice within DAE or to third parties, by making a written or oral report to the Executive Board's Secretary.

3.2 If the suspected wrongdoing pertains to the Executive Board or one of its members, the Whistleblower must provide written notice of his/her suspicion to the President of the Board of Trustees.

4. Procedure

4.1 The Executive Board's Secretary shall record the report in writing, date the report and send the Whistleblower a confirmation of receipt.

4.2 A copy of the report shall be furnished immediately to the Executive Board or Board of Trustees.

4.3 After learning of the report, the Executive Board or Board of Trustees shall initiate an investigation into the suspected wrongdoing.

4.4 Before the Executive Board or Board of Trustees determines its position, the interested party or complainant shall be given the opportunity to be heard.

4.5 Within eight course weeks of the date of the report, the Executive Board or Board of Trustees shall formulate a position, which shall be communicated to the Whistleblower in writing.

4.6 If a decision cannot reasonably occur within eight course weeks, this shall be stated to the Whistleblower, and a new time period shall be announced to him/her.

PROCEDURE FOR MAKING A REPORT TO THE COMMITTEE

5. Conditions for making a report to the Committee

5.1 The Whistleblower may only report suspected wrongdoing to the Committee if:

- a. he/she disagrees with the position referred to in Article 4.5;
- b. he/she has not received a statement of the position within the required period referred to in Article 4.5;
- c. given all the circumstances, the period is unreasonably long, and the Whistleblower has objected to this with the Executive Board or Board of Trustees;
- d. one of the exceptions referred to in the following paragraph applies.

5.2 An exception as referred to in the previous paragraph under (d) shall apply if:

- a. there is an immediate threat in which a compelling and urgent public interest necessitates immediately making an external report;
- b. there is a clear threat of misappropriation or destruction of evidentiary material;
- c. there is a statutory obligation or right to directly make an external report.

6. Committee

- 6.1 A Whistleblower Regulations Committee, hereinafter to be referred to as: 'the Committee', shall be established within DAE by the Executive Board.
- 6.2 The Committee shall be responsible for investigating reports concerning suspected wrongdoing and advising the Executive Board or Board of Trustees on this.
- 6.3 The Committee shall be formed for a four-year period each time. Members may be reappointed for a following four-year period.
- 6.4 The Committee shall consist of:
 - a. a President, who is not employed by DAE;
 - b. a member, who is also a member of the DAE Management Team, and
 - c. the HR Manager.
- 6.5 The Executive Board may appoint one or more deputy members.
- 6.6 If the President or another member is absent, or if the President or another member is directly or indirectly involved in a report to be assessed, the Deputy President or a deputy member shall substitute for him/her.
- 6.7 Executive Board members, Board of Trustees members and the Executive Board's Secretary may not be appointed to the Committee.

7. The Committee's powers

- 7.1 The Committee shall advise the Executive Board or Board of Trustees.
- 7.2 The Committee shall be entitled to obtain information from any DAE employees, students or bodies. It may ask to inspect any documentation or correspondence which it deems relevant to assess the report.
- 7.3 The Committee may consult with experts affiliated with DAE or with other experts. A report shall be drawn up of such consultation.
- 7.4 The Committee shall create a file for each report which is taken up. The Committee may decide that relevant parties may inspect the file if there are compelling interests.
- 7.5 The file shall remain in the Committee's possession and may not be copied.

8. Disallowance

- 8.1 The Committee shall disallow the report if:
 - a. the suspected wrongdoing is not the type of wrongdoing regarding which the Committee provides advice;
 - b. the Whistleblower has not shown that he/she reported the suspected wrongdoing to the Executive Board or Board of Trustees first as described in Article 3;
 - c. the Whistleblower reported the suspected wrongdoing to the Executive Board or Board of Trustees as required in Article 3, but a reasonable period after the report has not lapsed yet.
- 8.2 A reasonable period as referred to in the previous paragraph under (c) shall have lapsed if:
 - a. a period of eight course weeks has elapsed from the time of receipt by the Executive Board or Board of Trustees without the Executive Board's having issued a statement of position on the suspected wrongdoing to the Whistleblower, unless the

Executive Board or Board of Trustees notifies the Whistleblower that he/she should not expect a statement of position within an eight-week period;

- b. no time period as referred to in Article 4.5 has been set by the Executive Board or Board of Trustees;
- c. given all the circumstances, the time period set by the Executive Board or Board of Trustees as referred to in Article 4.5 is not reasonable.

8.3 The Committee shall, stating reasons, inform the Executive Board or Board of Trustees and the Whistleblower who reported the suspected wrongdoing to the Committee whether the report shall be allowed or not.

9. The Committee's advice

9.1 If the report of suspected wrongdoing is deemed allowable, the Committee shall set forth its findings concerning this suspected wrongdoing as soon as possible in an advisory opinion directed to the Executive Board or Board of Trustees.

9.2 The Whistleblower who reported the suspected wrongdoing to the Committee shall receive a copy of the advisory opinion, with due regard for the confidential nature, if any, of the information furnished to the Committee and the relevant regulations.

9.3 The specific names shall be deleted from the advisory opinion, with due regard for the confidential nature, if any, of the information furnished to the Committee and the relevant regulations, and the advice shall be made public in a manner deemed appropriate by the Committee, unless compelling interests dictate otherwise.

9.4 In response to the advice, the Executive Board or Supervisory Council shall inform the Whistleblower who reported the suspected wrongdoing to the Committee whether the advice shall be followed or not.

9.5 The Committee's advice and the decision taken by the Executive Board or Board of Trustees in this respect may not be appealed.

MISCELLANEOUS PROVISIONS

10. Legal protection

From the time the report is made, the Whistleblower shall not be treated adversely in any way whatsoever on account of his/her having made the report. Where possible, DAE shall try to preserve the Whistleblower's anonymity.

11. Annual report

11.1 An annual report shall be drawn up by the Committee each year.

11.2 This report shall indicate, with the specific names deleted and subject to the relevant regulations:

- a. the number and nature of the reports of suspected wrongdoing;
- b. the number of reports not resulting in an investigation;
- c. the number of investigations undertaken which the Committee performed;
- d. the number of advisory opinions and the nature of the advice which it issued;
- e. the number of advisory opinions followed.

11.3 This annual report shall be sent to the Executive Board. The Executive Board shall send the annual report to the Board of Trustees and the Participation Council.

12. Final provisions

12.1 These Regulations shall take effect on 1 August 2012.

12.2 These Regulations may be referred to as the 'DAE Whistleblower Regulations'.

13. Evaluation

The 'DAE Whistleblower Regulations' shall be evaluated after three years.