

Research Protocol of the Committee for Reporting Suspected Malpractice at Dutch Universities

Please take note: this English translation is meant as a service to non-Dutch speaking employees of universities. However, in case of a difference of interpretation, this translation cannot be used for legal purposes. In those cases, the Dutch text is binding.

1. Introduction

Pursuant to the Dutch Whistleblowers Protection Act (*Wet bescherming klokkenluiders*), employers that normally employ at least fifty employees are required to establish a procedure for reporting a suspected malpractice within the organisation.

The Dutch universities and institutions that follow the collective labour agreement (CLA) have complied with this obligation by adopting the **Sectoral Regulation on Reporting Suspected Malpractice at Dutch Universities** (*Sectorale Regeling Melden Vermoeden Misstand Nederlandse Universiteiten, Klokkenluidersregeling NU 2025*, hereinafter: “the Regulation”).

The **Committee for Reporting Suspected Malpractice at Dutch Universities** (hereinafter: “the Committee”) has been established by various executive boards of Dutch universities as an independent committee as referred to in Article 5 of the Regulation.

The Committee is tasked with investigating a reported suspicion of misconduct, malpractice or other wrongdoings and issuing advice thereon to the Executive Board (*College van Bestuur*, CvB) of the relevant university. The Committee is supported in its activities by a secretary.

The Committee performs its duties independently and impartially, on the basis of the Whistleblowers Protection Act, the Regulation, and any applicable internal regulations or codes of conduct of the relevant university.

The investigation and the working methods of the Committee are described in Articles 7 and 8 of the Regulation. This research protocol supplements those articles pursuant to paragraph 10 of Article 8.

The additions in this research protocol concern the manner in which the Committee applies the principle of hearing both sides for persons involved in the investigation and for persons or bodies that are directly affected by the findings or that may have well-founded objections thereto. In addition, this protocol addresses the manner of reporting and the way in which the confidentiality of information and the protection of personal data are safeguarded.

If a report concerns (a member of) the Executive Board (*College van Bestuur*, CvB), the term “Executive Board” in this protocol shall be replaced by: the Supervisory Board (*Raad van Toezicht*, RvT).

With this document, the Committee aims to safeguard, as effectively as possible, the quality and due care of the investigation and the interests of all parties involved.

The Committee will periodically evaluate this research protocol and amend it where necessary.

2. Working Method of the Committee

2.1 General Principles

2.1.1 Framework of Standards

The Committee performs its duties in accordance with the Whistleblowers Protection Act, the Sectoral Regulation on Reporting Suspected Malpractice at Dutch Universities (“the Regulation”), and any applicable internal regulations or codes of conduct of the relevant university. This research protocol forms a supplement thereto.

2.1.2 Possibility to Deviate

If the quality and due care of the investigation, other interests of persons involved in the investigation, or the interests of persons or bodies that are directly affected by the findings so require, the Committee may decide to apply a different working method or to deviate from the time limits set out in the Regulation. The persons or bodies involved in the investigation shall be informed thereof in writing and with reasons by the Committee.

2.1.3 Working Language

The working language of the Committee is Dutch. This means that all oral and written communication with the Committee will in principle take place in Dutch. Those involved may (if the relevant university provides for this) request the assistance of an interpreter or translator. Those involved may also ask the Committee to use another working language during (parts of) the procedure. The Committee will assess on a case-by-case basis whether it will accommodate such a request, taking into account the interests of all parties involved.

2.1.4 Assistance and Representation

A whistleblower (‘melder’) may be assisted during the procedure by a confidential adviser, or at their own expense by another adviser, or may be represented by an authorised representative. This also applies to the person or persons whose conduct is the subject of the report. The Committee may require a written authorisation by the whistleblower from an authorised representative.

2.1.5 Submission of a Report and Clarifying Intake Interview

A report ('melding') of a suspected malpractice may be submitted orally (by telephone) or in writing (by email) to (the secretariat of) the Committee (for contact details, see section 4). In addition, at the whistleblower's request, the report may be made during a meeting at a location to be agreed with the secretariat.

Written reports are preferably submitted via secure email in order to safeguard the confidentiality of any special categories of personal data.

A brief report of an oral notification will be drawn up by the secretariat of the Committee. The secretariat will submit this report to the whistleblower for approval.

After receipt of the report, the Committee may invite the whistleblower for a clarifying intake interview.

2.1.6 Confidential Reports

After receiving the report, the Committee asks the whistleblower whether they consent to their identity being disclosed to the other parties involved in the procedure (Article 10 of the Regulation). If the whistleblower does not consent, the principle of hearing both sides may not be able to be fully applied. Based on the nature of the report, the Committee decides whether such a report (hereinafter: a confidential report, 'vertrouwelijke melding') will be taken into consideration, using as its criterion whether a proper investigation can be conducted without disclosing the whistleblower's identity to other parties involved. A record of this decision-making process is drawn up and archived. The reasoned decision is also communicated to the whistleblower.

If the Committee takes a confidential report into consideration, the whistleblower may choose to conduct all communication via a confidential adviser, adviser, or authorised representative, in order to safeguard the confidentiality of their identity.

If the Committee takes a confidential report into consideration, it undertakes to maintain confidentiality of the whistleblower's identity (in line with Article 1a(3) of the Whistleblowers Protection Act). However, the Committee can never guarantee such confidentiality in absolute terms. There are several reasons for this. If, during the investigation, the Committee encounters criminal offences for which there is a legal duty to report, a report must be made. In addition, a court ruling may lead to the disclosure of data that can be traced back to an individual. Furthermore, in order to properly conduct the investigation, it is often necessary to request information from parties involved in the report. It cannot be ruled out that, through such requests for information, the identity of the whistleblower may be inferred.

If, during the investigation following a confidential report, the Committee expects that continuation of the investigation will likely result in the disclosure of the whistleblower's

identity, the Committee will consult with the whistleblower on this matter and, if necessary, suspend the investigation.

At the time this research protocol was adopted (January 2026), the Regulation does not yet provide for the submission of anonymous reports. This is because the part of the Whistleblowers Protection Act that makes it mandatory to process anonymous reports has not yet entered into force. Further rules on the reporting procedure and the official to whom anonymous reports may be submitted will also be laid down in a separate Order in Council (*Algemene Maatregel van Bestuur*). Until that part of the Act enters into force and the Regulation has been amended accordingly, the Committee will not process anonymous reports.

2.1.7 Confidentiality and Data Protection

Everyone involved in the report or the investigation by the Committee, who in that context obtains access to information of which they know or should reasonably suspect the confidential nature, is obliged to maintain confidentiality of that information. Certain statutory exceptions apply to this duty of confidentiality (Article 1 of the Whistleblowers Protection Act).

Information provided to the Committee in the context of the report or the investigation is treated confidentially and is used exclusively for the purposes of the investigation and the preparation of the research report.

The Committee stores personal data in a secure environment. The exchange of personal data with those involved takes place via a secure connection.

Two years after completion of the investigation or upon dissolution of the Committee, the Committee's archive is transferred to the archive of the Executive Board (CvB) of the relevant university. In any event, this archive includes the report of findings. On a case-by-case basis, and on the basis of statutory obligations under the General Data Protection Regulation (GDPR), the Committee decides, in consultation with the Executive Board (CvB), whether other file documents are also transferred or destroyed.

The Committee uses non-traceable case data, including the nature of the reports and the outcomes of investigations, for the purpose of drawing up its annual report.

2.2The Preliminary Investigation

2.2.1 Preliminary Assessment of Admissibility

After receipt of the report and any clarifying intake interview, the Committee gives a preliminary assessment as to whether there is (a suspicion of) malpractice within the meaning of the Regulation. If this appears to (possibly) be the case, the Committee will start further investigations into the situation. If it is evidently not the case, the Committee will inform the whistleblower thereof by letter, providing reasons for its position. If the

Committee decides not to initiate an investigation, it will refrain from hearing the whistleblower. Where possible, the whistleblower will be referred to other avenues to which they may turn.

2.3The Substantive Investigation

2.3.1 Hearing the Whistleblower

If an investigation is initiated following a report, the Committee will invite the whistleblower to further explain their report in an interview. Hearing the whistleblower in an interview may, where necessary, provide clarity on the content and context of the report. During the interview, the whistleblower may suggest witnesses or other persons to be heard by the Committee.

A factual report of the interview will be drawn up. For this purpose, the interview with the whistleblower will be audio-recorded. The recording will be destroyed after the handling of the report has been completed. The whistleblower will be given the opportunity to inspect the interview report. Within seven days after inspection, the whistleblower may have a comment included in the report if, in their view, the report contains factual inaccuracies. After this period, the report of the interview will be finalised. The Committee will incorporate the comments into the interview report or include them in footnotes or an annex.

2.3.2 Notification of the Investigation

As soon as the interests of the investigation allow, the person or persons whose conduct is the subject of the report will be informed that a report has been made concerning their conduct.

The notification will in any event include:

- a description of the suspected acts or omissions that have given rise to the investigation;
- the statement that the person(s) concerned and any witnesses may be heard;
- the statement that the person(s) concerned may be assisted during the interviews by a confidential adviser ('vertrouwenspersoon') or legal counsel (the latter at their own expense);
- the statement that the person(s) concerned may identify persons and documents relevant to the establishment of the facts;
- the expectation that the person(s) concerned will cooperate with the investigation and provide full and truthful statements;
- the obligation of confidentiality;
- a list of the applicable laws and regulations, including a copy of this research protocol;

- the contact details of the Committee; and
- an invitation for a meeting at which the written notification will be explained.

As soon as the interests of the investigation allow, the Executive Board (CvB) of the relevant university will be informed that an investigation has been initiated following a report. This notification will contain a general description of the suspected acts or omissions that have given rise to the investigation. The Committee will draw attention to the duty of confidentiality as referred to in Article 1a(1) of the Whistleblowers Protection Act. In this notification, the Committee may request the Executive Board (CvB) to take measures in the interest of the investigation or make interim recommendations with regard to the (possible) malpractice.

If the conduct of one or more members of the Executive Board (CvB) is the subject of the report, the notification will be sent to (the chair of) the Supervisory Board (*Raad van Toezicht*, CvB) of the relevant university.

2.3.3 Position of the Person(s) Concerned

The Committee may invite the person or persons whose conduct is the subject of the report to submit a written response. Submitting a written response is not mandatory. These persons will subsequently be given the opportunity to explain their written response and position orally. A factual report of the interview will be drawn up. For this purpose, the interview will be audio-recorded. The recording will be destroyed after completion of the handling of the report. The person(s) concerned will be given the opportunity to inspect the interview report. Within seven days after inspection, they may have a comment included in the report if, in their view, the report contains factual inaccuracies. After this period, the report of the interview will be finalised. The Committee will incorporate these comments into the interview report or include them in footnotes or an annex.

2.3.4 Investigative methods, tools and resources

In addition to hearing the whistleblower and the person(s) whose conduct is the subject of the report (once or multiple times), an investigation by the Committee may include, inter alia, the following investigative actions:

- requesting access to all documentation, correspondence, and other source material, such as audio or video recordings, which it deems relevant for the assessment of the report. The relevant university will cooperate in this regard. If the source material is considered confidential or secret, the Committee will consult with the Executive Board on lifting such confidentiality or secrecy;
- consulting witnesses, experts, or other persons, whether or not affiliated with the relevant university.
- The Committee may be assisted in its investigation by experts, including organisations or individuals licensed to conduct personal investigations.

In selecting investigative measures, the Committee applies the principles of proportionality and subsidiarity.

2.3.5 Hearing Witnesses, Experts, or Other Persons

A factual report will be drawn up of the hearing of witnesses, experts, or other persons. For this purpose, the interviews will be audio-recorded. The recordings will be destroyed after completion of the handling of the report. The persons heard will be given the opportunity to inspect the interview report. Within seven days after inspection, they may have a comment included in the report if, in their view, the report contains factual inaccuracies. After this period, the report of the interview will be finalised. The Committee will incorporate these comments into the interview report or include them in footnotes or an annex.

2.4 Hearing Both Sides, Interim Withdrawal, Reporting, and Disclosure of the Research Report

2.4.1 Hearing Both Sides

Based on the report, the position of the person(s) whose conduct is the subject of the report, the interviews conducted, and the (case-file) investigation, the Committee records its findings in a report of findings. This report describes the investigative methods used and the manner in which they were applied. The report of findings does not yet contain conclusions or recommendations drawn by the Committee on the basis of those findings. The report of findings is, in principle, submitted by the Committee to the whistleblower and to the person(s) whose conduct is the subject of the report. They are given the opportunity to respond to the report of findings (hearing both sides).

The Committee subsequently draws up the research report. In this research report, the Committee records its findings, gives its opinion as to whether there is malpractice within the meaning of the Regulation, and makes recommendations on the basis of its findings. If the Committee concludes that there is malpractice, it may additionally advise on the manner in which the malpractice can be terminated or addressed. The Committee may also make recommendations regarding the way in which the organisation responded to the situation (if it was already aware of it prior to the report) and regarding lessons the organisation can draw for the future. The research report is adopted by the chair and the two members of the Committee.

2.4.2 Interim Withdrawal of a Report

If a whistleblower indicates that they wish to withdraw the report ('melding'), the Committee will assess whether it is appropriate to terminate the investigation prematurely. The whistleblower will be informed thereof in writing and with reasons. The person(s) whose conduct is the subject of the report and other persons or bodies involved in the investigation will be informed in the same manner, unless doing so would harm the interests of the investigation.

2.4.3 Dispatch and Disclosure of the Research Report

After the investigation is finished, the Committee sends the research report to (the chair of) the Executive Board (CvB) of the relevant university.

Where necessary and applicable, the Committee will state upon sending the research report that:

- due to the personal nature of the information, disclosure may lead to the identification of the persons involved, thereby creating a real risk that disclosure would undermine their trust in the protection of their privacy; and
- disclosure of confidential information may hinder the willingness of involved parties and witnesses to report matters and provide statements in future investigations conducted by the Committee, making malpractices more difficult to investigate.

Within four weeks of receipt of the report, the Executive Board (CvB) of the relevant university will inform the whistleblower and the Committee of the manner in which it will follow up on the Committee's opinion and advice, as well as the timeframe within which this will occur. This information will indicate which measures the report has led to or will lead to. The research report and the Committee's advice will be enclosed with the position of the Executive Board. The Executive Board decides whether the research report will be made public, with due observance of the General Data Protection Regulation (GDPR).

If it becomes clear that the position cannot be provided within the aforementioned four weeks after receipt of the research report, the Executive Board (CvB) will inform the whistleblower thereof in writing, stating the reason why a longer period is necessary and indicating the timeframe within which the whistleblower may expect the position.

The persons whose conduct is the subject of the report, and persons or bodies that are directly affected by the research report, the Committee's advice, and the position of the Executive Board, will be informed accordingly by the Executive Board, unless this would harm enforcement interests.

In the case of a confidential report ('vertrouwelijke melding', or an anonymous report once this becomes possible; see section 2.1.5), the Executive Board may inform the whistleblower via the Committee about the handling of the report and the Committee's advice.

2.4.4 Involvement of the Executive Board

If the conduct of one or more members of the Executive Board of the relevant university is the subject of the report, the research report will be sent to (the chair of) the Supervisory Board of the relevant university.

In the case of a confidential report (or an anonymous report once this becomes possible; see section 2.1.5), the (chair of the) Supervisory Board may inform the whistleblower via the Committee about the handling of the report and the Committee's advice.

2.5 Suspensive Effect of an Investigation

If a whistleblower approaches the Committee because they have experienced employment-law consequences as a result of a report, the submission of the report ('melding') to the Committee has no suspensive effect with regard to those consequences. The Committee is not authorised to suspend a decision taken by the relevant university. However, if the Committee considers there to be reason to do so, it may advise the Executive Board (CvB) of the relevant university during the investigation to suspend or postpone intended employment-law and/or disciplinary measures until after the research report has been sent.

2.6 Adoption

This protocol was adopted on 13 January 2026.

On behalf of the Committee for Reporting Suspected Malpractice at Dutch Universities,
mr. J.M. (Hans) Groot, Chair

2.7 Secretariat and Contact Details of the Committee

For most of the affiliated universities, the secretariat of the Committee is provided by Stichting CAOP.

The Committee can be contacted via:

- **Email:** integriteit@caop.nl
- **Telephone:** +31 (0)70 37 65 746

For some of the affiliated universities, the secretariat is provided by the relevant university. The contact details of the secretariat are published on the website of the relevant university.