

University of Luxembourg

Whistleblowing Policy

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Approval: Board of Governors of the University of Luxembourg

10 April 2024: weblinks updated, minor text adjustments

1. Purpose

The University of Luxembourg ('University') is committed to the highest standards of ethical conduct and aims to create a safe environment in which breaches of the law can be reported without fear of retaliation.

This Whistleblowing policy allows for the safe reporting and protection of those who report knowledge or a reasonable suspicion of an actual or potential breach of national or directly applicable European law by the University.

It sets out who can report a breach, what can be reported under this policy, and the process for reporting and follow-up. Whistleblowing reports should only be about acts or omissions that are illegal. Other concerns can be reported through alternative University channels (see Annex 2).

The policy has been developed in accordance with the obligations in the Luxembourg Act of 16 May 2023, which transposes the EU Directive (EU) 2019/1937 on the Protection of Persons Who Report Breaches of Union law ('Whistleblower Directive').

2. Who can report a concern

Reporting can be done by those who obtain information in a work-related context regarding a breach of national or directly applicable European law by the University, including:

- University staff, including civil servants
- The members of the Board of Governors
- University students
- Volunteers and paid or unpaid interns
- Contractors, sub-contractors and suppliers

Reporting can also be done by those where the professional relationship with the University has ended, or not yet started, for example during the recruitment process.

3. What can be reported under the policy

The University takes whistleblowing cases very seriously and therefore only serious cases should be reported. As such, whistleblowing reports will be treated as a formal complaint by the University.

Topics that do not fall under this scope should be reported to other University channels – a list of suggested alternative resources is annexed to this policy. When in doubt about where to report a serious concern about a breach of national or directly applicable European law by the University, submit your report through the University's whistleblowing platform, where it will be assessed and, where applicable, addressed to a different University channel.

Deliberately false reporting may lead to disciplinary measures (see section 7).

4. Process for reporting

Whistleblowing reports are submitted via a confidential and secure online platform provided by the firm EQS, accessible via <https://unilu.integrityline.app/> which also contains further information on its use. The external firm KPMG supports the University in managing the platform, by conducting a first assessment of reports received.

Reports should contain as much detailed and factual information as possible, such as place and date of the reported incident. The platform allows the submission of written reports and also allows documents to be attached in most formats, including pictures and voice notes, to substantiate the information provided. Unsubstantiated or unclear information might not be taken into account.

Anonymous reporting is not permitted as it can hamper an investigation, and means protection cannot be provided in the event of retaliation. As such, reports should be submitted directly by those wishing to report an illegal act or omission, and not via an intermediary.

Reports can be submitted by whistleblowers in a University language¹ of their choice.

The University encourages the submission of reports through the platform where the breach can be effectively addressed internally. However, as an alternative, reports can be submitted directly to a national competent external authority, instead of through the University's channel. A list of national competent authorities and their contact details is annexed².

Those making a report publicly, for example on social media or to the press, will not be protected under this policy, unless they:

- have previously raised a concern through the University channel or to a competent external authority, but no appropriate measure has been taken within the required timeframes or;
- assess there is an imminent or manifest danger to the public interest.

All reports are treated confidentially, including the identities of the reporter and of those to whom the report relates, and in compliance with the University's Data Protection policy and applicable laws. The identity of the reporter will not be disclosed except to those responsible for receiving the reports and involved with the follow-up. By way of exception, the reporter's identity can be shared where necessary for judicial proceedings or investigations conducted by national authorities. In this case, the reporter will be informed before their identity is shared and the reasons for sharing, except where this would compromise the judicial proceedings or investigations conducted by national authorities.

5. Handling of reports

A confirmation of receipt of reports received through the secure online platform will be issued within seven days. Further information may be requested from the reporter before proceeding further.

If the report is assessed to be out of scope of the policy, the reporter will be informed accordingly and advised on alternative channels to approach.

¹ English, French, German or Luxembourgish, in line with the University's Multilingualism Policy.

² General contact details in some instances, pending establishment of specific reporting channels.

If the report is assessed to be in scope it will be passed to the Rector, who will decide on an appropriate follow-up with a review group selected by the Rector. The Chairman of the Board of Governors will be informed by the review group. If the report concerns the Rector, it will be passed to the Board of Governors, who will decide on an appropriate follow-up. Subsequent references in this policy to the Rector should be taken to mean the Board of Governors for reports concerning the Rector.

Feedback regarding the assessment of the report and, as relevant, any subsequent actions taken will be provided to the reporter within three months of the initial confirmation of receipt.

6. Investigation

If an investigation into the report is conducted, the University shall carry out an internal or external investigation in order to gather all the information necessary to determine whether the concerns raised are factual and, if so, to recommend a resolution.

The internal or external investigation will be conducted by impartial investigators who are chosen by the Rector according to the profile of the parties concerned.

As part of the investigation, the reporter and the subject of the report about are heard individually in a neutral and impartial manner, in a University language of their choice.

The investigation shall be conducted with the necessary discretion to protect the dignity and privacy of all parties involved. All information relating to the investigation shall be treated confidentially so as not to harm either the reporter or the person who is the subject of the report.

The investigators shall draw up an investigation report and submit it to the Rector. On the basis of the report, the Rector will decide on appropriate measures, including disciplinary measures as applicable. These will be communicated individually to the parties involved.

7. Protection measures

Retaliation against those raising concerns within the scope of this policy is prohibited. A non-exhaustive list of prohibited retaliatory measures is annexed to this policy. As applicable, other protective measures such as a temporary adjustment of working conditions may be applied.

Those who raise concerns within the scope of the policy and who consider they have subsequently experienced retaliation may make a request to the Rector for remedial action.

For retaliation that involves a legal or contractual measure, the person concerned may, within fifteen days of the notification of the measure, apply to the competent court to request the measure declared as null and void and to order its cessation. The person who has not invoked the nullity of the measure may still bring a legal action for compensation for damage suffered.

All reports, including the identities of those reporting and the subjects of the matter reported, will be treated confidentially in line with the provisions in section 4.

These protection measures also apply to:

- facilitators - persons who help reporters in a professional context during the reporting process;

- third parties connected to the reporter, such as colleagues, who could be at risk of retaliation in a professional context;
- legal entities owned by the reporter, or for which they work or with which they are linked in a professional context.

Those intentionally submitting a false report do not benefit from protection under this policy, and the University will take appropriate disciplinary measures in this event.

Those intentionally disclosing false information publicly may face a penalty of up to 3 months' imprisonment and a fine up to EUR 50,000.

8. Data retention and storage

All information received through the confidential Whistleblowing channel will be processed in compliance with the University's data protection policy and Privacy Notice for Whistleblowing.

Reports received and information on follow-up will be stored on the secure platform in a format which permits identification of data subjects for no longer than is necessary for the purposes for which the data was collected and processed.

After the University has concluded its consideration of reports received, the reports and any information on follow-up will be anonymised, with all identifying data deleted, and stored on the channel to permit historical assessment of case numbers and trends.

Please see the related Privacy Notice for Whistleblowing for further information.

9. Complementary applicable documents

This policy is complementary to and should be read in conjunction with the:

- [University Law and Internal Regulations](#)
- [University Code of Conduct](#)
- [Charte des Usagers](#) (*for students, annexed to the Règlement des Etudes*)
- [Gender Equality Policy](#)
- [Data Protection Policy](#)
- [Doctoral Education Agreement](#)
- [University Policy on Ethics in Research](#)
- [Civil Service Code of Conduct](#) (*for Civil Servants*)
- [Collective Bargaining Agreement](#) (*internal document*)

Annex 1

Definitions

Competent external authority: any national authority, as referred to in the Luxembourg Act of 16 May 2023 ('the national Whistleblowing law'), which transposes the EU Directive (EU) 2019/1937 on the Protection of Persons Who Report Breaches of Union law, designated to receive Whistleblowing reports and provide feedback to the authors of the reports, and designated to exercise other functions provided for by the national Whistleblowing law, for example as regards follow-up.

Disciplinary measures: actions that the University can take to address behaviour or performance issues. For University employees, these may include measures as foreseen in the Collective Bargaining Agreement, Article 14.2. For University students, this may include measures as foreseen in the University Law, Articles 42 and 43.

Follow-up: any action taken by the addressee of the report, or any competent authority, to assess the accuracy of the allegations made in the Whistleblowing report and, where appropriate, to remedy the reported breach.

Public reporting: making information about breaches of national or directly applicable European law available in the public sphere.

Retaliation: any direct or indirect act or omission that occurs in a professional context that is prompted by a Whistleblowing report, and which causes or may cause undue hardship to the Whistleblower;

Whistleblower: those who report information obtained in a work-related context regarding a breach of national or directly applicable European law by the University.

Work-related context: past or present professional activities through which, regardless of the nature of these activities, persons obtain information about breaches of national or directly applicable European law by the University and in the course of which such persons could be subject to retaliation if they report such information.

Annex 2

University of Luxembourg resources for contacting about concerns

Resource	Contact about...
Line Manager or Supervisor	The first recommended resource for staff for a clarification on a policy, regulation or law is the direct line manager (<i>responsable hiérarchique</i>), or a Supervisor for Doctoral Candidates. If the line manager or supervisor cannot assist or is concerned by the breach, other suggested resources are set out below.
Animal Experimentation Ethics Committee	The Animal Experimentation Ethics Committee (AEEC) delivers an opinion on any projects carried out at the University involving the use of animals for experimental or other scientific purposes. Please also see the AEEC intranet page (internal).
Data Protection Office	The Data Protection Office provides advice and guidance about EU General Data Protection Regulation 2016/679 (the GDPR), and monitors compliance with the University's Data Protection Policy in alignment with the GDPR. Please also see Data Protection intranet page (internal).
Ethics Review Panel	The Ethics Review Panel (ERP) delivers opinions on the ethical aspects of research projects carried out at the University. Please also see the ERP intranet page (internal).
Gender Equality Officer	The Gender Equality Officer provides guidance, referral & support on gender issues in Higher Education. Please also see the Gender Equality Intranet page (internal).
Health, Security and Safety Office	The Health, Security and Safety Office (BSSS) coordinates and enhances procedures and resources in relation to health, safety and security. Please also see BSSS intranet page (internal).
Human resources	Human Resources provide guidance and support for staff on policies that govern employment at the University. Please also see the Human Resources intranet page (internal).
Inclusion Office	The Inclusion Office provides advice to staff, students and visitors on inclusivity, and promotes inclusivity across the University and can support and assist anyone with a disability, including specific learning difficulties, mental health needs and with physical and unseen disabilities.
Litigation Committee	The Litigation Committee can rule on an appeal concerning a disciplinary measure of the Rector towards students, and on complaints against decisions based on Articles 32 to 37 and Article 39 the modified Law of 27 June 2018 on the organisation of the University of Luxembourg. Please also see the Litigation Committee intranet page (internal).
Office of Doctoral Studies (BED)	The Office of Doctoral Studies (BED) is the administrative interface between the thesis supervisor, the doctoral candidate and the rectorate. It centralises all procedures and communication related to doctoral studies, such as admissions, thesis progress reports, request for defence. The BED can also provide Doctoral Candidates with informal advice relating to their studies if needed. Concerns should first be directed to the Doctoral Programme/Doctoral School. Please also see the BED intranet page (internal).
Ombudsman	The Ombudsman is neutral and independent role, who can intervene on request to support students and university staff in preventing interpersonal and relationship disagreements escalating into conflicts. In the event of disagreement or conflict, they aim to resolve these confidentially and impartially through informal means. They evaluate the merits of each case and, as needed, send their

	recommendations to the relevant authorities for follow-up. The Ombudsman does not take administrative decisions, nor can they revise disciplinary measures.
Procurement Office	The Procurement Office defines the purchase policy of the University in accordance with criteria including the ethics of managing public funds, and Value for Money. Please also see the Procurement Office intranet page (internal).
Committee for Reasonable Adjustments	The Committee for Reasonable Adjustment (CAR) establishes Reasonable Adjustments for students with a specific need. Please also see the CAR intranet page .
Secretariat-General of the Board of Governors	The Secretariat-General can advise on matters relating to the University's Internal Regulations (ROI - Règlement d'ordre intérieur).
Staff Delegation	The mission of the Staff Delegation is to safeguard and defend the interests of the University's staff in terms of working conditions, job security and social status. Please also see the Staff Delegation intranet page (internal).
Student Delegation	The Student Delegation represents University students and promote their interests related to University teaching and governance.

In addition, the [Luxembourg Agency for Research Integrity \(LARI\)](#) addresses suspected or alleged cases of misconduct in scientific research. Contact: secretarygeneral@lari.lu

Annex 3

National Competent External Authorities for Whistleblowing reports

General contact details in some instances, pending establishment of specific reporting channels.

National Competent External Authority	Contact
1° La Commission de surveillance du secteur financier ;	https://whistleblowing.apps.cssf.lu/index.html?language=en
2° Le Commissariat aux assurances ;	https://www.caa.lu/fr/whistleblowing
3° L'autorité de la concurrence ;	https://concurrence.public.lu/fr/regles-concurrence/whistle-blower/protection.html
4° L'Administration de l'enregistrement, des domaines et de la TVA ;	https://pfi.public.lu/fr/blanchiment/prevention-sensibilisation/whistleblowing.html
5° L'Inspection du travail et des mines ;	https://itm.public.lu/fr/support/lanceurs-alerte.html
6° La Commission nationale pour la protection des données ;	https://cnpd.public.lu/fr/support/lanceurs-alerte/signalements-externes.html
7° Le Centre pour l'égalité de traitement ;	https://cet.lu/en/contact/
8° Le Médiateur dans le cadre de sa mission de contrôle externe des lieux où se trouvent des personnes privées de liberté ;	https://www.ombudsman.lu/EN/CELPL-004.php
9° L'Ombudsman fir Kanner a Jugendlecher ;	http://ork.lu/index.php/en/contact-en
10° L'Institut luxembourgeois de régulation ;	https://web.ilr.lu/FR/ILR/Lanceurs-dalerte/
11° L'Autorité luxembourgeoise indépendante de l'audiovisuel ;	https://www.alia.lu/contact.html
12° L'Ordre des avocats du Barreau de Luxembourg et l'Ordre des avocats du Barreau de Diekirch ;	https://www.barreau.lu/whistleblowing-lanceur-dalertes/ https://avocats-diekirch.lu/fr/lanceur-dalertes/-/whistleblowing
13° La Chambre des notaires ;	http://www.notariat.lu/
14° Le Collège médical ;	http://www.collegemedical.lu/Fr/Alerte/
15° L'Administration de la nature et des forêts ;	https://anf.gouvernement.lu/fr/support/contact.html
16° L'Administration de la gestion de l'eau ;	https://eau.gouvernement.lu/fr/support/contact.html
17° L'Administration de la navigation aérienne ;	https://ana.gouvernement.lu/fr/support/contact.html
18° Le Service national du Médiateur de la consommation ;	https://www.mediateurconsommation.lu/
19° L'Ordre des architectes et des ingénieurs-conseils ;	https://www.oai.lu/fr/50/footer/contact/
20° L'Ordre des experts-comptables ;	https://oec.lu/myeteam/index.htm#HTML/1201
21° L'Institut des réviseurs d'entreprises ;	https://ire.lu/fr/formulaire-signalment/
22° L'Administration des contributions directes.	https://impotsdirects.public.lu/fr/formulaires/signalement-whistleblower.html

The Luxembourg [Whistleblowing Office](#) ('Office des Signalements') can also inform and assist those wishing to make a report, in particular, by explaining the procedures to be followed.

Annex 4

Prohibited retaliatory measures against those falling within the scope of the policy

- 1° suspension of an employment contract, lay-off, dismissal, non-renewal or early termination of a fixed-term employment contract or equivalent measures;
- 2° demotion or withholding of promotion ;
- 3° transfer of duties, change of place of work, reduction of salary, change in working hours ;
- 4° withholding of training ;
- 5° imposition or administering of any disciplinary measure, reprimand or other penalty, including a financial penalty ;
- 6° non-conversion of a temporary employment contract into a permanent contract, where the employee had a legitimate expectation of being offered permanent employment ;
- 7° coercion, intimidation, harassment or ostracism ;
- 8° discrimination, disadvantageous or unfair treatment ;
- 9° negative performance evaluation or work certification;
- 10° harm, including to the person's reputation, particularly in social media, or financial loss, including loss of business and loss of income ;
- 11° blacklisting on the basis of a sector or industry-wide informal or formal agreement, which may entail that the person will not, in the future, find employment in the sector or industry ;
- 12° early termination or cancellation of a contract for goods or services ;
- 13° cancellation of a licence or permit ;
- 14° referral for psychiatric or medical treatment.