



## **Regulations on the Protection of Whistleblowers at the University of Geneva**

In light of the Law on the Protection of Whistleblowers within the State of Geneva of 29 January 2021 (B 5 07; hereinafter: **the Law**), and its implementing regulation of 16 March 2022 (B 5 07.01);

The Rectorate decrees:

### **Chapter I      General rules**

#### **Section 1          Information and orientation (art. 4 of the Law)**

##### **Art. 1      Information and orientation by the trusted group (*groupe de confiance*)**

<sup>1</sup> Potential whistleblowers who are members of UNIGE staff may contact the [State of Geneva's trusted group](#) (*groupe de confiance*) in order to receive information, advice and orientation.

<sup>2</sup> Details are set out in articles 1 and 2 of the implementing regulation of the Law.

#### **Section 2          Priority and coordination**

##### **Art. 2      Priority of processing of reports (art. 5.2 and 5.3 of the Law)**

<sup>1</sup> Ideally, whistleblowers shall report to their hierarchical superiors.

<sup>2</sup> When reporting to hierarchical superiors is inappropriate, particularly because hierarchical superiors are brought into question, because the issue has already been reported to hierarchical superiors without follow-up, or for any other valid reason, the whistleblower may contact the independent external team mentioned in Chapter II of these regulations, the UNIGE audit committee as per Chapter IV of these regulations, or Geneva's Court of Auditors (*Cour des comptes*).

<sup>3</sup> If hierarchical superiors and another body both receive the same report, the hierarchical superiors must deal with it first.

##### **Art. 3      Coordination**

*Between the entity charged with protection and the entity having received the report (art. 8.6, 2<sup>nd</sup> sentence, of the Law)*

<sup>1</sup> The entity charged with protection may ask the entity that received a report to confirm that the whistleblowers or witnesses are genuinely whistleblowers or witnesses.

*Between entities having received a report*

<sup>2</sup> When processing of a report is outside the competences of the entity having received the report, the entity may – if not the whistleblower’s hierarchical superior – suggest to whistleblowers that they submit the report to an entity better able to process it. If no agreement is found, the report is closed.

<sup>3</sup> When whistleblowers indicate that they have submitted the same report to multiple entities – excluding hierarchical superiors – these entities communicate among themselves with the whistleblower’s consent to determine which entity is in the best position to process the report.

<sup>4</sup> The entity having been identified as being in the best position to process the report shall inform the whistleblower of this choice and shall process the report. The other entity shall close the report.

<sup>5</sup> If the whistleblowers do not authorise communication between the entities having received the same report, each entity that has asked for this authorisation may close the report.

## **Chapter II Independent external team**

### **Section 1 Report to the independent external team**

#### **Art. 4 Designation and procedure**

<sup>1</sup> As per article 5.3 of the Law, the Rectorate has appointed the law firm Meyerlustenberger Lachenal Froriep SA as the independent external team in charge of processing reports from members of staff.

<sup>2</sup> The procedure for making reports to the law firm Meyerlustenberger Lachenal Froriep SA is governed by the [Operating Rules of the Dedicated team](#).

### **Section 2 Protection by the independent external entity**

#### **Art. 5 Request for protection**

<sup>1</sup> Whistleblowers or witnesses who feel that they are subject to professional disadvantages as a result of reporting or giving evidence in relation to a report may inform the external entity and request protection.

<sup>2</sup> The procedure is governed by the [Operating Rules of the Dedicated team](#).

## **Chapter III Reporting to hierarchical superiors**

### **Section 1 Reporting and forwarding**

#### **Art. 6 Procedure (art. 5.2 and 9.1 of the Law)**

<sup>1</sup> Whistleblowers who are members of UNIGE staff shall report to their direct hierarchical superiors.

<sup>2</sup> If reporting to direct hierarchical superiors is inappropriate, whistleblowers shall report to their direct hierarchical superior's hierarchical superior or alternatively, the Rectorate.

<sup>3</sup> Reporting may be anonymous and the identity of the whistleblower is confidential.

<sup>4</sup> Reporting may be oral before being established in writing, or it may be in writing directly.

<sup>5</sup> Reporting may take place using any written method that allows for communication with whistleblowers while guaranteeing their anonymity, in particular the [secure external platform](#) that has been provided.

<sup>6</sup> Reporting via the secure platform is addressed to the Secretary General of UNIGE who shall forward it to the hierarchical superior concerned.

#### **Art. 7 Forwarding of a report to the Rectorate**

<sup>1</sup> The hierarchical superior who has received a report shall forward it to the Rectorate for information.

<sup>2</sup> If the report concerns facts liable to constitute a felony or misdemeanour prosecuted ex officio, the hierarchical superior shall inform the Rectorate immediately and the Rectorate shall forward the report to the public prosecutor in accordance with the duty to report set out in articles 5.4 and 9.2 of the Law.

### **Section 2 Processing reports (art. 6 and 9.1 of the Law)**

#### **Art. 8 Closing of the report**

<sup>1</sup> If the legal conditions for reporting an irregularity as per article 3 of the Law have not been met, the hierarchical superior shall close the report.

<sup>2</sup> The whistleblowers and the Rectorate shall be informed that the report has been closed.

#### **Art. 9 Processing**

The hierarchical superior who has received the report shall investigate without delay in order to establish the facts.

#### **Art. 10 End of processing and measures**

<sup>1</sup> On the basis of the facts established, the hierarchical superior or the Rectorate shall take the necessary measures to end the irregularities or shall close the report.

<sup>2</sup> When the facts have been established by another entity that has received a report, the hierarchical superior or the Rectorate shall take the necessary measures to end the irregularities on the basis of the conclusions of the aforementioned entity.

<sup>3</sup> If the conclusions of the entity do not report any irregularities, no measures shall be taken.

<sup>4</sup> The Rectorate shall be informed of the measures taken by the hierarchical superior or of the closing of the report by the hierarchical superior.

### **Art. 11 Information relating to processing of a report and of measures taken**

<sup>1</sup> The hierarchical superior or the Rectorate shall inform whistleblowers that their report has been processed but not of the measures taken.

<sup>2</sup> When events have been investigated by another entity, the hierarchical superior or the Rectorate shall inform this entity of the type of measures taken.

## **Section 3 Protection (art. 8.1 and 9.1 of the Law)**

### **Art. 12 Request for protection**

<sup>1</sup> Whistleblowers or witnesses who feel that they are subject to professional disadvantages as a result of reporting or giving evidence in relation to a report may ask their hierarchical superior for protection.

<sup>2</sup> Whistleblowers who wish to remain anonymous cannot be protected.

### **Art. 13 Closing of the report**

<sup>1</sup> If the professional disadvantages are not plausible or if there is no connection between the professional disadvantages and the report or evidence given, the hierarchical superior shall not act on the request for protection.

<sup>2</sup> The whistleblowers or witnesses and the Rectorate shall be informed.

### **Art. 14 Protection**

<sup>1</sup> Hierarchical superiors or the Rectorate shall take necessary protective measures when whistleblowers or witnesses have made a credible argument that they have suffered a professional disadvantage as a result of reporting or giving evidence in relation to a report.

<sup>2</sup> Hierarchical superiors or the Rectorate shall also take necessary protective measures on the basis of recommendations made by the entity instructed.

<sup>3</sup> The Rectorate shall be informed of protective measures taken by hierarchical superiors.

### **Art. 15 Information relating to protective measures**

<sup>1</sup> Whistleblowers and witnesses shall be informed of protective measures taken with respect to them.

## **Chapter IV UNIGE audit committee**

### **Section 1 Reporting to the audit committee (art. 5.3 of the Law)**

## **Art. 16 Reporting**

<sup>1</sup> Reports shall be submitted to the president of the audit committee in writing (letter or email).

<sup>2</sup> Reporting may also take place using any written method that allows for communication with whistleblowers while guaranteeing their anonymity, in particular the [secure external platform](#) that has been provided.

### **Section 2 Processing of a report by the audit committee (art. 6.1 of the Law)**

## **Art. 17 Screening**

<sup>1</sup> The legal conditions for reporting an irregularity shall be examined beforehand by the audit committee, in particular the likelihood of irregularities.

<sup>2</sup> The audit committee shall ask whistleblowers if another entity is processing or has already processed the same report.

<sup>3</sup> Whistleblowers shall be heard, where possible, in a confidential meeting with the audit committee or a delegation of the audit committee.

## **Art. 18 Forwarding of a report (art. 5.4 of the Law)**

<sup>1</sup> If the report concerns facts liable to constitute a felony or misdemeanour prosecuted ex officio, the audit committee shall forward the report to the public prosecutor and inform the whistleblower and the Rectorate to whom they shall send a brief report.

<sup>2</sup> In cases other than those set out in paragraph 1, when processing of a report is outside the competences of the audit committee, the audit committee may suggest to whistleblowers that they submit the report to an entity better able to process it. If no agreement is found, the report is closed.

## **Art. 19 Closing of the report**

<sup>1</sup> If the legal conditions for reporting an irregularity as per article 3 of the Law have not been met, the audit committee shall close the report.

<sup>2</sup> The report may also be closed if it is impossible to obtain the evidence requested from whistleblowers or in the other cases mentioned in 3.2, 3.4 and 3.5.

<sup>3</sup> The whistleblowers and the Rectorate shall be informed that the report has been closed.

## **Art. 20 Information, cooperation and evidence**

<sup>1</sup> Whistleblowers and the Rectorate shall be informed that processing of a report has begun.

<sup>2</sup> The Rectorate, the hierarchical superiors and the whistleblower shall cooperate with the audit committee so that the audit committee can process the report.

<sup>3</sup> The audit committee shall have access to all information and documents relevant to the processing of a report.

#### **Art. 21 Processing**

The audit committee or a delegation of the audit committee may hear any person who can provide information concerning the report, including witnesses.

#### **Art. 22 End of processing**

<sup>1</sup> Upon completion of the processing of the report, the audit committee shall report its findings to the Rectorate.

<sup>2</sup> Whistleblowers are informed of the disclosure of findings, but not of their content.

<sup>3</sup> The Rectorate shall inform the audit Committee of the type of measures taken following the submission of the aforementioned conclusions.

### **Chapter V Final and transitory provisions**

#### **Art. 23 Entry into force**

This Regulation enters into force on 26 September 2022, except for article 5 that enters into force on the 11 January 2023, the date of approval by the Council of State of the protection mechanism by the independent external team.