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INTRODUCTION AND GENERAL INFORMATION ON REPORTS

1. Who can report a breach?

The [Geneva Law on the Protection of Whistleblowers within the State \(LPLA\)](#) and its [Implementing Regulations \(RPLA\)](#) are intended to ensure that reports of wrongdoing are handled and that bona fide whistleblowers are protected.

Any **member of the UNIGE staff** who, in good faith and in order to safeguard the general interest, on the basis of reasonable suspicion, observes a breach (see below, question 2) in the exercise of his/her duties may **report** this fact.

In particular, the following are not protected by the law

- Non-UNIGE staff members;
- Persons acting in bad faith, with improper purpose or for purely selfish purposes;
- Persons who discover a breach by unlawful means, for example by recording a person without his or her knowledge;
- Persons who do not have sufficient evidence to constitute even a reasonable suspicion.

Whistleblowers and **witnesses** who believe that they are suffering or are at risk of suffering professional disadvantages as a result of reporting or testifying may also seek **protection** (see below, questions **23-25**).

2. What behavior is considered a breach?

Whistleblowers may report any behavior that is illegal or contrary to internal guidelines or regulations or regulation or to the Code of Ethics and Professional Conduct. The breach must be related to the activities or staff of the UNIGE.

For example, the following may be reported:

- Copyright infringement and plagiarism;
- Harassment and other personality violations of staff members;
- Fraud and theft;
- Conflicts of Interest ;
- Non-compliance with applicable internal procedures, laws, guidelines or regulations;
- Endangerment of safety, health or the environment.

In case of doubt, the **Trust Group** as defined in Article 4 LPLA or the **Dedicated Team** can be contacted.

3. Which entities are entitled to receive reports?

Reporting is primarily to the hierarchy (see below, questions **12 and 13**), except where such reporting is not appropriate, particularly if the hierarchy is implicated or has not responded to the report

In addition to the **hierarchy**, the following can receive reports:

- The **UNIGE Audit Committee** (see below, questions **14 and 15**);
- The **Dedicated team** (see below, questions **16 to 22**);

These different entities can be contacted via the [external secure platform set up by the UNIGE](#).

In addition, reports can also be made directly to the **Court of Audit of the Republic and Canton of Geneva**. In this case, the reports must be submitted directly through the [reporting platform of the Court of Audit](#).

The UNIGE Audit Committee is more specifically competent to deal with whistleblowing concerning, for example, financial, corruption, organizational, management, IT security or resource allocation issues. The procedure is set out in the [Regulations on the protection of whistleblowers within the UNIGE](#) .

The Dedicated Team is able to deal with all types of reports. For example, reports related to personality violations, including psychological or sexual harassment, inadequate management or behavior, conflict of interest situations, breaches related to non-compliance with applicable laws, regulations and internal procedures, endangerment of safety, health or the environment, financial irregularities, scientifically incorrect behavior. For more details, we invite you to consult the answers to questions 11 to 19 of the FAQ and the [Operating Rules of the Dedicated Team](#) .

The Court of Audit may be seized of any malfunction or breach of which knowledge is useful for the performance of its control and evaluation tasks.

The **Public Prosecutor** can also be called upon in the case of offences under criminal law (theft, embezzlement, bodily harm, offences against honour or integrity, etc.).

4. How can whistleblowers report breaches?

The reporting of a breach to the hierarchy can be done orally before being formalized in writing, or in writing directly. If the report is made to the UNIGE Audit Committee, it must be sent in writing (by mail or e-mail) to its Chairman.

A report can also be made through the [secure external platform set up by the UNIGE](#) which guarantees anonymity. This platform can be used to:

- submit a report to the hierarchy; the report is then sent to the UNIGE Secretary General, who relays it to the hierarchy concerned;
- submit a report to the UNIGE Audit Committee;
- submit a report to the Dedicated Team.

5. What happens when whistleblowers involve more than one entity that can handle a report?

According to LPLA, if the employer and another entity receive the same report, the employer has priority.

When whistleblowers announce that they have referred the same report to more than one entity, these entities will communicate with each other to determine which entity is best suited to handle the report.

When the report is forwarded to another entity, the other reporting entities will close the report. The same applies when whistleblowers do not agree to the exchange between the entities concerned.

6. What happens when the report is sent to the wrong entity?

When the processing of the report is outside the scope of competence of a seized entity, the latter proposes to the whistleblowers the possibility of forwarding the report to an entity that is better able to process it. If no agreement is reached, the report is closed.

7. What happens when the conduct observed constitutes a crime or an offence?

When the report concerns facts likely to constitute a crime or an offence prosecuted *ex officio*, the entity concerned forwards it to the Public Prosecutor's Office within the framework of the obligation to denounce referred to in articles 5 paragraph 4 and 9 paragraph 2 LPLA. The whistleblower is informed, as well as the Rectorate if the report has been processed by the Audit Committee or the Dedicated Team.

8. Will I have to pay a fee?

There is no charge for whistleblowers or witnesses who take action in good faith.

ANONYMITY AND CONFIDENTIALITY

9. Can whistleblowers remain anonymous?

The secure external platform allows for anonymous reporting. This is because encryption and other special security methods ensure that exchanges remain anonymous at all times. In particular, it is not possible to trace the IP address used. For more information on this subject, please visit the section ["Anonymity"](#) of the secure external platform.

Upon request, whistleblowers may remain anonymous while the report is being processed.

However, maintaining anonymity is not trivial. On the one hand, it complicates the processing of the report by the reporting entity. On the other hand, whistleblowers who wish to remain anonymous cannot request that protective measures be put in place with their employer.

10. Is the confidentiality of the process guaranteed?

The identity of whistleblowers is confidential. Documents and information that come to the attention of the members of the reporting entity in the course of processing the report are also **confidential**. In addition, the process itself is confidential, including any interviews with whistleblowers or witnesses.

If an interview with the whistleblower or witness is arranged, it will be conducted in a location that allows for confidential reception.

Confidentiality is **limited**, however, by the need to investigate the report and make recommendations. It is also limited by the legal obligation to report any crime or offence prosecuted *ex officio* to the police or the Public Prosecutor. In this case, **the entity to which the report is made will do everything possible to preserve the confidentiality of the information** in its possession and the protection of the persons concerned. In particular, at the request of the persons concerned, its reports will be written in a neutral, factual and anonymous manner.

The data subject will only contact third parties for constructive purposes and if required for processing purposes. Its telephone number is masked and therefore does not appear when it seeks to contact a third party.

11. How is whistleblower data protected?

The reporting entity shall protect the personal data of whistleblowers and witnesses from unlawful processing by appropriate organizational and technical measures, taking into account the sensitivity of the data.

It ensures that it takes the necessary measures within the meaning of the Law on public information, access to documents and the protection of personal data of 5 October 2001 (rsGE A 2 08; **LIPAD**) to ensure the security, availability, integrity and confidentiality of the personal data that it collects, communicates, destroys or processes in any other way.

PROCESSING OF THE REPORT BY THE HIERARCHY

12. Who can whistleblowers contact in the hierarchy?

UNIGE staff members report to the direct hierarchy as a matter of priority.

When reporting to the direct hierarchy is not appropriate, whistleblowers may report to the next level of authority, or alternatively to the Rectorate.

The hierarchy having received the report communicates it in writing to the Rectorate for information.

13. What is the process for handling the report by the hierarchy?

If the legal conditions for reporting a breach are met (see above, questions 1 and 2), the hierarchy that received the report investigates it without delay to establish the facts. On the basis of the established facts, the hierarchy or the Rectorate then takes the necessary measures to stop the breach or closes the report.

When the facts have been established by another entity to which a report has been made, the hierarchy or the Rectorate shall take the necessary measures for stopping the breaches on the basis of the conclusions of the said entity. When the conclusions of this entity do not indicate any breach, no measures are taken.

The Rectorate is informed of the measures taken by the hierarchy or of its closing. Whistleblowers are informed that their report has been processed but not of the measures taken. When the facts have been investigated by another entity, the hierarchy or the Rectorate will inform the latter of the type of measures taken.

If the legal conditions for reporting a breach are not met, the hierarchy closes the report.

PROCESSING OF THE REPORT BY THE AUDIT COMMITTEE

14. What is the process for the Audit Committee to handle the report?

The Audit Committee determines in advance whether the legal conditions for reporting a breach have been met (see above, questions 1 and 2). Whistleblowers are informed of the start of the processing of the report.

Whistleblowers are interviewed, whenever possible, in a confidential meeting with the Audit Committee or a delegation thereof.

The Rector's Office and management as well as the whistleblowers will work with the Audit Committee so that the latter can deal with the report.

Once the report has been processed, the Audit Committee will report its findings to the Rectorate. Whistleblowers are informed of the delivery of these conclusions but not of their content. The Rectorate informs the Audit Committee of the type of measures taken following the delivery of these conclusions.

If the legal conditions for reporting a breach are not met, the Audit Committee closes the report.

15. What information is available to the Audit Committee?

The Audit Committee has access to all information and documents relevant to the processing of a report. It may also hear any person likely to provide information concerning the report, in particular witnesses.

The report may be closed if the information requested cannot be obtained from the whistleblowers.

PROCESSING OF THE REPORT BY THE DEDICATED TEAM

16. Who is the Dedicated team?

Meyerlustenberger Lachenal Froriep SA ("**MLL Legal**") is a Swiss law firm with offices in Geneva. Within the framework of its activities, MLL Legal provides various advice and assistance to companies, organisations and individuals in different fields, such as labour law, protection of personality, company law, financial law, intellectual property law, criminal law, etc.

MLL Legal has been mandated by the University of Geneva ("**UNIGE**") to act as an **independent external entity** for the purpose of receiving whistleblower reports as well as requests for protection from all persons initiating or taking part in a whistleblowing procedure within the meaning of the [Geneva Law on the Protection of Whistleblowers within the State \(LPLA\)](#) and its [Implementing Regulations \(RPLA\)](#).

In order to ensure a quick and efficient processing of the requests received, MLL Legal has set up a **Dedicated team**, composed of professionals with the necessary skills to process the requests received.

17. Who is in charge of the processing of the report within the Dedicated team?

The Dedicated team consists of five members and four alternates. Each of them is a qualified lawyer and works within MLL Legal.

The organizational chart of the dedicated Team is available at [link](#) .

18. What can whistleblowers do when they consider that there are circumstances that could give rise to suspicion of bias on the part of a member of the Dedicated team?

Members of the Dedicated team called upon to deal with a report or request for protection must recuse themselves if they have a personal interest in the case, if they are related to the whistleblower or a witness in the direct line or up to and including the third degree in the collateral line, or if they are married, engaged, in a registered partnership, or in a *de facto* relationship, or if there are circumstances likely to give rise to a suspicion of bias.

Whistleblowers who wish to have one of the members of the Dedicated team challenged must submit a reasoned request to the Dedicated Team without delay.

19. What is the process of handling the report by the Dedicated Team?

When the **legal conditions for reporting a breach** are met (see above, questions 1 and 2), the Dedicated Team informs the employer and the whistleblower that the **processing of the report** has begun. If not, the report is **closed** and the whistleblower is informed.

Whistleblowers may, if they wish, be heard by two members of the dedicated Team. **The hearing** is recorded in writing and submitted to the person heard for approval.

At the end of the process, the Dedicated team will report its **findings and recommendations** to the employer. Whistleblowers are informed of the findings, but not of their content.

The Dedicated team is informed of the type of measures taken by the employer, and may issue additional recommendations as part of the follow-up of the case.

An **explanatory diagram of the process** is available at the following link: [explanatory diagram](#).

20. What information does the Dedicated team have access to?

The Dedicated team has access to all the information and documents needed to process a report. It may also hear any person likely to provide information concerning the report, particularly witnesses.

The report may be closed if the information requested cannot be obtained from the whistleblowers.

21. Are group approaches possible?

Group approaches are entirely possible. However, depending on the situation, the Dedicated team may find it useful to receive whistleblowers individually.

22. Is the secrecy of function opposable to the Dedicated team?

No, the secrecy of function is not opposable to the Dedicated team.

PROTECTIVE MEASURES

23. What is an application for protection and to whom can it be addressed?

According to the LPLA, whistleblowers or witnesses who believe they are being subjected to professional disadvantages as a result of reporting or testifying in connection with a report may apply to their hierarchy for protection.

The **Dedicated team** can also be contacted for any request for protection. If the Dedicated team believes that the request is well-founded, it will issue recommendations to the employer, who is responsible for taking the necessary measures.

The protection mechanism by the Dedicated team must be approved by the State Council. In the meantime, people can also call on the Canton of Geneva's Trust Group for protection.

24. Under what conditions can whistleblowers or witnesses apply for protection?

The disadvantages suffered and the link to the reporting procedure must be made **plausible** by the person requesting the protective measure.

Whistleblowers or witnesses cannot be protected when they have chosen to remain **anonymous** or when their request is clearly abusive.

25. What steps can management take to protect whistleblowers or witnesses who request protection?

If professional disadvantages are likely and appear to be related to the report or testimony, **the hierarchy** will put in place appropriate protective measures and inform the whistleblower or witness. These measures may be reassessed as part of the follow-up of the case.

Under the same conditions, and when the request is addressed to the **Dedicated team**, the latter proceed with the request and **consults** the whistleblowers' or witnesses' **employer - with the employer's written consent** -, asking for his or her perception of the situation and the protection measures envisaged.

After written agreement from the whistleblowers or witnesses, the Dedicated team will provide the employer with a written **recommendation** for protective measures.

Whistleblowers or witnesses receive a copy of the recommendation.

The employer informs the Dedicated team of the measures taken, which may make additional recommendations as part of the follow-up of the case.