

Date: 15. December 2021

Henrik Vestergaard Stokholm
Principal

Direct tel. 63 25 52 10
hvs@nyborg-gym.dk

Whistleblower Scheme at Nyborg Gymnasium

The following is a description of the guidelines which apply to the student whistleblower scheme in place at Nyborg Gymnasium. It covers:

1. Whistleblower scheme for students at Nyborg Gymnasium	1
2. The whistleblower unit.....	2
3. What is the process for submitting a report?	3
4. How are reports processed and recorded?.....	3
5. Rights of persons reported and whistleblowers	5
6. Have you got any questions about the whistleblower scheme?.....	6

1. Whistleblower scheme for students at Nyborg Gymnasium

Nyborg Gymnasium has put in place a whistleblower scheme which can be used by all students at the school as we want to ensure a safe and secure environment for our students.

The scheme exists in order to make sure that cases of sexual harassment are brought to light and so that students have a discreet forum which they can use to report concerns. It also allows the school to ensure that whistleblowing cases can be handled and addressed properly. The scheme is in line with the government's ambition to prevent sexual harassment and with the Danish National Agency for Education and Quality's (which is an agency under the Ministry of Children and Education) call for all educational institutions to establish a student whistleblower scheme through which students can report cases of sexual harassment.

The whistleblower scheme is a supplement to the school's Guidelines for the Handling Offensive Behaviour, its study rules and regulations, and the existing option for students to approach their teacher, class coordinator, student counsellor, head of programme or principal when they experience serious and potentially criminal offences at the school such as bullying or sexual harassment. It is important to emphasise that the scheme is intended only for exceptional and serious situations (see below).

Students are therefore encouraged to first consider the following questions when they have a concern or experience a serious incident at the school:

For students:

- Have you investigated the options you have under the school's study rules and regulations relating to offensive behaviour and sexual harassment?
- Have you spoken with your student counsellor about your concerns?
- Have you spoken with boarding school staff or the head of boarding school (if you are a boarder)?
- Have you spoken to your teacher?

- Have you spoken with the class coordinator?
- Have you spoken with your head of programme?
- Have you spoken with the principal?

If the above options have been in vain or are not conceivable in the circumstances, then the whistleblower scheme may be an appropriate option if you feel there is nobody else you can approach with what you know – or if you want to disclose information confidentially and anonymously.

1.1 What can be reported through the scheme?

The whistleblower scheme at Nyborg Gymnasium allows you to confidentially or anonymously contact an independent whistleblower unit which can further investigate the situation if you have experienced sexual harassment at the school.

The scheme is intended as an additional measure to report sexual harassment and as an extra layer of security ensuring that your voice will be heard.

Reports must be made in good faith and can concern:

- Sexual harassment or other violations that you have experienced at the school, e.g. aggravated harassment – you do not need to be the victim to report

The scheme is **not** intended for the reporting of other incidents such as:

- Personal conflicts at the school such as minor disagreements between students
- Academic concerns or matters which relate to the content and delivery of teaching
- Conflicts or disagreements with teachers or other employees

You must not use the whistleblower scheme to report false or misleading information.

Reports to the whistleblower scheme are made through an IT system which is located both at the school and with jurists at the Association of Upper Secondary Schools [Gymnasiefællesskabet]. Reports can be submitted both confidentially and anonymously.

NB: In order to ensure compliance with the administrative rules for case handling and process, it may ultimately be necessary for you to make yourself known to the whistleblower unit in the event that an investigation is to be undertaken.

2. The whistleblower unit

The whistleblower unit's jurists shall examine the report and then discuss it together with the three other members of the whistleblower unit (which are three trusted employees of the school: working environment representative, the HR manager and the school's head of administration) unless one or more of these persons is disqualified due to a conflict of interests. After the unit receives your report, it will first assess whether or not there are grounds to proceed – i.e. whether or not the situation reported falls within the remit of the scheme. In the case that additional information is required, you will be sent clarification questions via the IT system.

The role of the unit is to:

- Receive reports
- Provide confirmation of receipt
- Be in contact with the whistleblower
- Follow up on reports
- Provide feedback to the whistleblower
- Ensure confidentiality of the identities of those involved
- Prevent unauthorised access to the information

It is the role of the whistleblower unit to investigate and to establish the facts of what is reported. The whistleblower unit may also prepare a statement to be submitted to school management which will then subsequently take a decision on how to respond to the report.

The whistleblower unit will also inform the principal that a report has been received with the content concerned. If the report concerns the principal, then the chairman of the board for Nyborg Gymnasium shall also be informed about the report.

3. What is the process for submitting a report?

The school has opted to use a technical reporting solution and you can submit a report using the following link: <https://whistleblowersoftware.com/secure/94f7fe7f-492f-4a57-94e4-6bf49c6a43b4>

Nyborg Gymnasium recommends that you use this solution for reasons of privacy, your personal details, etc. Although the school recommends that you make your report in confidence (citing your name), you also have the option to submit your report anonymously. However, if the case is to be handled, investigated and processed in accordance with the administrative rules in force then you may be required to make yourself known during the course of the proceedings.

4. How are reports processed and recorded?

4.1 Reporting

When you submit your report, you enter your information in a form. You can choose to identify yourself or to remain anonymous. The whistleblower unit will be able to communicate with the person in question using the whistleblower IT system.

4.2 Receipt

The IT system will automatically send an email to the whistleblower unit informing them that a report has been made to the system. The whistleblower unit has up to a maximum of seven working days to confirm receipt of the report to you and this is done via the system. At the same time or shortly after, the whistleblower unit may contact you for further information if required. This is done via the whistleblower IT system.

4.3 School's recording of the reports received

The jurist at the whistleblower unit will open a case in the whistleblower IT system. The case will be assigned an access code so that only the whistleblower unit can see the case. The case will be kept open in the whistleblower IT system during case processing so that the unit can continue to communicate with you.

4.4 Preliminary case processing

The whistleblower unit shall examine the case. Once the unit has received your report, it will be assessed in order to ascertain whether there are grounds to proceed – i.e. to establish whether your report falls within the remit of the scheme or not. You will be informed as to the progress of the case and its outcome.

The unit will keep you informed as to the processing of your report. If additional information is required, you will be sent clarification questions, e.g. through the IT system. This applies even to anonymous whistleblowers as you will receive a code from the IT system and therefore you will not need to provide any contact details. This means you can remain anonymous, log in to the system and add additional information for so long as the case is active.

4.5 Rejection

If your case does not fall within the remit for the scheme, then your case will be rejected and the whistleblower unit will – depending on the content and the nature of your report – provide you with guidance on alternative options to take the matter forward in another way. This will then be recorded in the case on the system. The case will be closed and deleted from the IT system.

4.6 Dismissal

If the information contained in your report is not sufficiently detailed in order for a follow-up to be undertaken – e.g. if the problem cannot be identified and it is not possible to obtain further information from you because you do not respond to follow-up questions from the whistleblower unit or for other reasons – the whistleblower unit will dismiss your case without taking further action. In such cases, the whistleblower unit will inform the whistleblower of this decision via the IT system. The whistleblower unit shall also produce a memorandum describing the grounds for its decision to dismiss the case which will be added to the case in the system. The case will be closed and deleted from the IT system.

4.7 Further processing

If the details provided in the report concern a situation which falls within the remit of the scheme, then the incident shall be further investigated. To the extent necessary, the whistleblower unit will collect preliminary information about the case and ascertain, among other things, which area of Nyborg Gymnasium the report concerns, and which managers should be involved in the case. Furthermore, the whistleblower unit will also inform the principal that a report has been received with the content concerned. If the report concerns the principal, then the chairman of the board for Nyborg Gymnasium shall also be informed about the report. The whistleblower unit shall inform the whistleblower that the case is being brought forward for further processing and any additional communication between the school and the whistleblower shall take place via the whistleblower IT system. The rules on confidentiality may affect what information the whistleblower unit is able to provide the whistleblower.

The whistleblower unit shall refer to the principal who will make a decision as to how to proceed (except in cases where the report concerns the principal). If the report proves to be well-founded then there are a number of different options as to how to proceed:

- Initiation of an internal investigation within the school
- Disclosure to the board
- Report to the police or another relevant authority
- If the case concerns a serious breach of the school's study rules and regulations, including the guidelines for the handling of offensive behaviour and sexual harassment, then disciplinary action shall be taken, e.g. a warning, expulsion, etc.

- Closing the case

If the report proves not to be well-founded then the case shall be dismissed and both you and any persons reported on shall be notified, except in cases where this is not permitted by the rules on confidentiality.

The school's employees in the whistleblower unit shall ensure that the rest of the whistleblower unit (the jurist) is duly informed in writing as to what the investigation has found, the outcome of the case and what the grounds for this outcome have been. Once the case is concluded, the whistleblower unit shall inform the whistleblower of this – except in cases where doing so is not permitted by the duty of confidentiality – and the case shall be closed and deleted from the whistleblower IT system. It shall only be retained in an anonymised form in statements on the number of cases, updates, etc.

5. Rights of persons reported and whistleblowers

5.1 What rights does a whistleblower have?

Nyborg Gymnasium shall ensure that your identity and the information you report shall be treated with discretion by the whistleblower unit at the school. The whistleblower unit is subject to a general duty of confidentiality and your report shall be treated confidentially to the greatest possible extent. You can also choose to submit your report anonymously. If you choose to submit your report anonymously, you must do so in a way that does not disclose your identity to us. However, it may be necessary for the person or persons concerned in your report to learn your identity as a whistleblower in connection with the investigation of your case since the school may be obliged to present your details to the person or persons concerned in order to investigate the case. The person concerned will also be able to apply for access under the provisions of the Public Administration Act if the school makes a decision that concerns them. This is because the student whistleblower scheme is not covered by any special whistleblower legislation as is the case for employees who are covered by a special act for whistleblowers at the workplace.

As a whistleblower, you are not necessarily a party in the case to which your report relates. You therefore may not have the same general rights as parties in the case which include the right of access, individual hearing, justification and appeal in relation to any decision.

5.2 What rights do the subjects of your report have?

The person or persons who are the subject of your report are entitled to an effective defence and, among other things, they are entitled to learn your identity as a whistleblower in connection with any case processing by the whistleblower unit. As mentioned above, this is because the school will need to reveal your details in order that the person concerned may respond to the details of the case. This is also because the person is entitled to apply for access given that they will be a party in any case opened against the individual concerned. This means they are granted so-called party rights under the Public Administration Act. These include the right of access, individual hearing, justification and appeal.

5.3 Processing of personal data

Reports which are received through the scheme may contain personal data. The design and administration of the scheme thus comply with the rules established by the General Data Protection Regulation and the Danish Data Protection Act. Depending on the information reported, the processing of personal data may also be covered by the rules set out in the Law Enforcement Act. This will be the case if the information reported is disclosed to the police and an investigation is then opened into criminal offences. If the processing of personal data is covered by the rules of this Act, then the General Data Protection Regulation and the Data Protection Act will not apply. Persons about whom the school

processes personal data have a number of rights under the General Data Protection Regulation, the Data Protection Act and the Law Enforcement Act, such as the right to be informed as to what data are being processed on them. The persons concerned are also entitled to object to the school's processing of personal data and to request that the data are deleted, rectified or restricted.

More information about rights in connection with the rules on personal data and the school's processing of personal data can be found on the school's website.

5.4 Duty to inform

After a preliminary investigation has been undertaken and all relevant details have been secured, persons who are the subject of a report must then be informed as soon as possible that data on the individual concerned are being processed. The person or persons concerned must be informed as to the identity of the data controller, the purpose of data processing, the legal basis for processing and any recipients of the information if applicable. In addition, a case-specific assessment shall also be made as to whether or not additional information should also be provided.

5.5 Right of access

Persons who are the subject of a report are entitled to request information as to what data a public authority is processing on them. They may also request a copy of such data. In addition to this right, they are also entitled to be provided with a number of details regarding the processing (such as the identity of the data controller, the purpose of data processing, legal basis for data processing, etc.). Requests for access may be rejected in the case that granting the request would infringe upon the rights of others, including the confidentiality of other parties involved.

5.6 Rectification, deletion and restriction

Persons who are the subject of a report can also object to Nyborg Gymnasium's processing of data about the individual and they may request that data be deleted, rectified or that data processing be restricted.

5.7 Briefing

The whistleblower unit keeps a record of the number of cases reported to the whistleblower scheme, including details as to the processing and the outcome of the cases. The whistleblower unit shall brief the principal on the reports received. Moreover, the principal shall inform the works committee at Nyborg Gymnasium as to the number of cases by status or by outcome. Reports, updates and the frequency with which they are delivered may be adjusted depending on the volume and nature of reports but must occur at least once every six months.

6. Have you got any questions about the whistleblower scheme?

6.1 Questions

You may contact the school's administration if you have any further questions about the whistleblower scheme.

6.2 Read more

See letter from Danish National Agency for Education and Quality of 24 June 2021 entitled: "Whistleblower Scheme for Sexual Harassment at Educational Institutions" – a call for schools to establish a whistleblower scheme for students.