ORDER
OF THE RECTOR OF VILNIUS UNIVERSITY

ON THE APPROVAL OF THE DESCRIPTION OF THE PROCEDURE FOR REPORTING BREACHES AT VILNIUS UNIVERSITY

In accordance with Article16(1) and (3) of the Republic of Lithuania Law on the Protection of Whistleblowers and Article 42(1)(42) of the Statute of Vilnius University and in accordance with the Description of the Procedure for the Establishment of Internal Channels for Providing Information on Breaches and Securing Their Functioning approved by Resolution of the Government of the Republic of Lithuania No. 1133 of 14 November 2018 “On the Implementation of the Republic of Lithuania Law on the Protection of Whistleblowers”.

I hereby a p p r o v e the Description of the Procedure for Reporting Breaches at Vilnius University (hereinafter the ‘Description’).

APPROVED
by Order No. R-194 of 6 June 2022
of the Rector of Vilnius University

THE DESCRIPTION OF THE PROCEDURE FOR REPORTING BREACHES AT VILNIUS UNIVERSITY

CHAPTER I
GENERAL PROVISIONS

1. The Description of the Procedure for Reporting Breachers at Vilnius University (hereinafter the 'Description') establishes the procedure for examining the information on breachers which are being allegedly arranged, are being committed or have been committed and the procedure for their assessment and examination at Vilnius University (hereinafter the 'University').

2. The Description has been prepared in accordance with the Republic of Lithuania Law on the Protection of Whistleblowers, the Description of the Procedure for the Establishment of Internal Channels for Providing Information on Breaches and Securing Their Functioning approved by Resolution of the Government of the Republic of Lithuania No. 1133 of 14 November 2018 "On the Implementation of the Republic of Lithuania Law on the Protection of Whistleblowers" (hereinafter the 'Description of the Procedure for the Establishment of Internal Channels for Providing Information on Breaches and Securing Their Functioning'), and other legal acts.

3. This Description shall be published on the University's website.

4. Definitions used in this Description:

4.1. **whistleblower** means a person who provides information on a breach at the University with which they have or had employment or precontractual or contractual relationship (study, consultancy, contracting, internship, traineeship, volunteering relationship, etc.);

4.2. **competent entity** means a person(s) appointed by the Rector of the University administering an internal channels for providing information on breaches, analysing information on breaches received via them and ensuring confidentiality of the person who provided information on breaches;

4.3. **breach** means a criminal act, administrative offence, official misconduct or breach of work duties, as well as a gross violation of the mandatory norms of professional ethics or any other breach of law posing a threat or causing harm to the public interest which is being allegedly arranged, is being committed or has been committed at the University and of which a whistleblower becomes aware through their present or former employment relationship, study relationship or contractual relationship with the University;

4.4. **report** means information on a breach provided to the University according to the procedure and form established in the Description;

4.5. other definitions used in the Description are provided for in the Republic of Lithuania Law on the Protection of Whistleblowers and other legal acts of the Republic of Lithuania and the University regulating the protection of whistleblowers.

CHAPTER II
WAYS OF REPORTING

5. Every member of the University community and other persons specified in Item 4.1 shall have a right to submit, according to information in their possession, a report about a breach according to the procedure specified in this Description.

6. A whistleblower is not required to be fully convinced about the genuineness of the reported facts, they shall not be required to assess if alleged reported breach has the elements of a criminal act or other breaches of law as defined in legal acts.

7. A whistleblower must fill in a report in the format established in the annex to the Description of the Procedure for the Establishment of Internal Channels for Providing Information on Breaches and Securing Their Functioning or a free-format report specifying:

7.1. who, when, and how has committed, is committing or is arranging a breach, etc.;

7.2. the date and the circumstances of becoming aware about a breach;

7.3. their full name, personal code, employer, other contact details;

7.4. whether they have already reported the breach; if this is the case – whom they reported it to and whether they have received an answer;

7.5. if possible, they shall provide any documents, data, or information in their possession revealing the elements of a possible breach.

8. If possible, a whistleblower may provide additional information in their possession on a breach, i.e. motivation of a person committing a breach (if known) or details of witnesses of the breach (if they are known).

9. Reports can be provided to the University in the following ways:

9.1. by sending them by email: pranesimas@vu.lt;

9.2. by arriving to the University and notifying a competent entity in person upon agreeing on the visit in advance by phone (8 5) 236 6200;

9.3. by sending it by mail to Universiteto g. 3, LT-01513 Vilnius;

9.4. by sending via the National Information System of Electronic Parcel Delivery 'E-Delivery System'.

10. By sending a report in the ways specified in Items 9(3)–9(4) of the Description by indicating 'PERSONALLY TO THE COMPETENT ENTITY' under the addressee's name (Vilnius University).

11. If a report is provided in other ways than the ways indicated in Item 9 of the Description, the person, having received such a report, must immediately transfer such information to the competent entity.

12. A report must be written in the official language and be legible.

CHAPTER III
PROTECTION OF WHISTLEBLOWER'S DATA

13. All information received about a report and a whistleblower (if their personal and contact details were provided) shall be confidential and processed throughout the whole period of examination of the report at the University and one year after the day the decision specified in Item 23 of the Description.

14. A whistleblower may consult a competent entity about the ways or measures for defending their rights due to a potential or actual adverse effect related with the fact of reporting.

15. The confidentiality of a whistleblower shall be ensured regardless of the outcome of the examination of the information provided on a breach.

16. It is not necessary to ensure the confidentiality of a whistleblower when the whistleblower requests this in writing or iwhen the information provided by them is knowingly false.

17. The personal data of the whistleblower shall be processed according to the procedure established in Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC, the Description of the Procedure for the Establishment of Internal Channels for Providing Information on Breaches and Securing Their Functioning approved by Resolution of the Government of the Republic of Lithuania No. 1133 of 14 November 2018 "On the Implementation of the Republic of Lithuania Law on the Protection of Whistleblowers", the Description of the Procedure for the Processing of Personal Data at Vilnius University, approved by Order of the Rector of Vilnius University No. R-316 of 25 May 2018 "On the Approval of the Description of the Procedure for the Processing of Personal Data at Vilnius University", and other legal acts regulating the processing of personal data and confidentiality.

18. Only the persons registering, examining or deciding on the information on breaches may access it.

19. Employees of the University who have access to confidential information specified in Item 13 by virtue of their performed functions shall not disclose such information or data

to third parties, except for law enforcement authorities, and report to the competent entity any situation that they have noticed or learned about which may pose a threat to the security and confidentiality of such information.

CHAPTER IV
COMPETENT ENTITY

20. Functions of a competent entity:

20.1. analyse and assess the reports received;

20.2. collect and store depersonalised statistical data about the number of reports received and the results of their examination;

20.3. cooperates with employees, units of the University and competent institutions by providing and/or receiving required information;

20.4. ensures that information received and related data are securely stored and can be accessed only by authorised persons examining such information;

20.5. perform other functions established in the Description.

21. The competent entity, while implementing the functions assigned to them, shall have the right to:

21.1. examine the information on breaches provided in reports;

21.2. while examining of the report, receive the required information from the employees of the University and, if required, involve experts for examining reports;

21.3. receive required information and data from employees and units of the University which are not subordinate to them;

21.4. while examining the received information on a breach, make decisions related with examination that are applicable to all employees and units of the University.

22. A group for examination of reports may be established which helps the competent entity to examine the reports received and make decisions in cases when examination of a report requires additional competencies due to a large amount of material and/or complex factual circumstances. The group for examination of reports is established at the initiative of a competent entity by an order of the Rector of the University.

CHAPTER V
ASSESSMENT AND EXAMINATION OF REPORTS

23. Having received a report corresponding to requirements, the competent entity shall accept and register it. The competent entity shall immediately examine the report themselves or, if required, having consulted the group for examination of reports, shall make one of the following decisions:

23.1. if the information received leads to a reasonable belief that a breach is arranged, being committed or has been committed that the University is not authorised to investigate, the competent entity shall immediately, but no later than within two working days from receipt of information send the received information about potential breaches to the competent institution authorised to investigate such potential breaches;

23.2. if the information received leads to a reasonable belief that a breach is arranged, being committed or has been committed and the University is responsible for investigating it, the competent entity shall immediately, but no later than within two working days from receipt of the report transfer the report and full related information to the unit or structure of the University investigating acts of a certain type;

23.3. if it is evident that the report is based on information which is manifestly untrue, the information is abstract, based on general statements or personal opinion which cannot be verified, the information in the report is not examined and the whistleblower may be requested to clarify the content of the report;

23.4. if it becomes clear that a whistleblower referred repeatedly regarding the same breach and without providing additional circumstances, where the previous report was examined

and decided upon, the competent entity shall have a right to make a decision to terminate the examination of the report received.

24. The examination cannot be done by persons whose potential actions were reported or who are related with close ties with a person who committed a potential breach specified in the report.

25. The competent entity shall inform a whistleblower about one of the decisions specified in Item 23 of the Description no later than within five working days from the day when the report was received in the same way the report was provided. If a report was provided anonymously, no one is notified about the decision made. The decision not to examine the information on a breach must be reasoned.

26. The competent entity, having completed the examination of the report information, shall immediately but no later than within five working days from the day the decision was made notify the whistleblower about the decision made, outcome and of the examination and actions that were taken or will be taken. Having established the fact that a breach was committed, the competent entity shall notify a whistleblower about the liability applicable to the whistleblower.

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