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Disclaimer: This translation is provided for information purposes only. In the event of a difference of interpretation, the original Dutch version of this document is binding.
Ancillary Activities 2014

Ancillary activities shall be allowed subject to due observance of the Netherlands Code of Conduct for Scientific Practice and the provisions of these Regulations. These Regulations are based on Article 1.14 of the Collective Labour Agreement Dutch Universities.

Article 1
Definitions

Regular activities: activities falling within the employment relationship with the University of Amsterdam (UvA). This relationship is characterised by three elements: authority, labour and pay.

For professors by special appointment, regular activities are activities falling within the framework to which the Executive Board agreed at the time of establishing the Chair and the appointment (cf. Model Regulations for Professors by Special Appointment at the UvA).

Party concerned: person as referred to in Article 2 of these Regulations.

Ancillary activities: all remunerated and unremunerated activities performed for third parties and/or as an independent entrepreneur, which are not performed within the employment relationship with the University. Neither the scope of nor the time required by, the activities shall be relevant to these Regulations, nor shall the scope of the employment contract with the University. Ancillary activities are performed ‘alongside’ the University position.

The following constitute exceptions:

• activities in the private realm that are clearly unrelated to the position at the University and that in no way interfere with the performance of the position;
• participation on boards under public law (Article 125 (c) of the Central and Local Government Personnel Act).

Valorisation: the process of making knowledge gained through scientific education and research suitable or available for economic or social exploitation, or the exploitation of such knowledge through competitive products, services, processes and new activities (or participation therein).

New venture: a business established by a party concerned, as referred to in these Regulations, for the implementation of knowledge exploitation.
Article 2
Scope of application

These Regulations shall apply to both academic and support staff. The parties concerned as referred to in these Regulations are as follows:

a. employees of the UvA;
b. employees not in the service of the UvA and working under the auspices of the UvA;
c. professors by special appointment.

Article 3
Reporting and permission

1. The party concerned shall report all ancillary activities to the competent authorities (see under Article 4) prior to commencing the activities, or upon entering employment, using the ‘UvA Form for Reporting Ancillary Activities’. In submitting this form, the party concerned is also requesting permission. The report shall contain at least the following information:

   a. the nature of the ancillary activities;
   b. a further description of the ancillary activities;
   c. the name and address of the entity for which the ancillary activities will be performed;
   d. the Chamber of Commerce registration number, if applicable;
   e. the estimated duration of the ancillary activities;
   f. the estimated scope of the ancillary activities;
   g. any possible proceeds from the ancillary activities.

2. Ancillary activities shall always constitute a topic of discussion during the annual consultation (i.e. annual performance review).

3. Changes to the registered ancillary activities shall be reported immediately to the competent authorities.

4. The competent authorities may grant permission for a definite or indefinite period, and may impose conditions and restrictions on the permission.

5. The competent authorities shall take a decision regarding permission within six weeks, and shall announce the outcome in writing to the party concerned.
Article 4

Competent authorities

The authority to take decisions regarding requests for permission to perform ancillary activities shall rest with:

a. the Supervisory Board, for requests from members of the Executive Board;
b. the Executive Board, for requests from a dean or from the Secretary General of the UvA;
c. those who have been authorised by the Executive Board to ‘exercise the power of disposition as established […] in regulations and policy for purposes of implementing the Collective Labour Agreement Dutch Universities’ (UvA Standard Mandate for Operations, 2013), for requests from employees not mentioned under (b) of this article;
d. the Curatorial Panel of a special chair, for requests from a professor by special appointment.

Article 5

Assessment criteria

The following criteria shall play a role in all decisions on such requests:

a. the employee’s time, attention and energy demanded by the ancillary activities may not be at the expense of the full and proper fulfilment of the position at the University;
b. ancillary activities may not damage the interests of the University;
c. ancillary activities may not conflict with the University’s standing as an institution of higher education;
d. any conflict of interest (or appearance thereof) must be avoided;
e. the use of University facilities for ancillary activities shall be allowed only if and to the extent to which the competent authorities have granted written permission; all costs incurred for such activities shall be borne by the employee. Agreements to this end shall be documented and signed by the employee and the competent authorities.
Article 6
Activities (including ancillary activities) in preparation for a new business

1. Before starting a business based on the outcomes of scientific research, a preparatory phase must be bridged. The UvA shall facilitate the activities conducted during this phase to a certain extent by counting them as regular activities.

2. This shall apply to the following activities:
   a. involvement in the research phase in order to identify research results that would lend themselves to a new business;
   b. involvement in the assessment of the feasibility of a new business;
   c. involvement in the development of plans and the acquisition of resources.

Written agreements concerning the nature, scope and duration of these activities shall be made with the direct supervisor, who shall notify the competent authorities of these agreements. As a guideline for counting such activities as regular activities, the scope of such involvement should be limited to eight hours per week for up to two years.

3. All of the employee's activities from the actual start of the new business shall be considered ancillary activities as referred to in these Regulations.

Article 7
Proceeds

1. Proceeds from activities not performed within the regular activities shall belong to the employee;

2. Proceeds from activities performed for third parties that are counted as regular activities shall belong to the University.
1. Ancillary activities shall be registered individually in the personnel system (SAP). The names of the entities for which the ancillary activities are performed and the nature of these activities shall be made accessible from this system through the UvA website.

2. At the written request of the party concerned, the Executive Board may agree not to publicise the ancillary activities (or some part thereof). The Board shall respond to any such requests within four weeks.

1. At the request of the party concerned or the employer, the Ancillary Activities Committee established by the Executive Board shall rule on any differences of opinion regarding whether the activities of the party concerned should be counted as ancillary activities.

2. The Ancillary Activities Committee established by the Executive Board shall also rule on any differences of opinion regarding the granting of permission for the ancillary activities.

3. The rulings of the Ancillary Activities Committee shall be binding. The statutory right to objection and appeal shall naturally remain intact.

4. The rulings of the Ancillary Activities Committee may be anonymised and publicised by the Committee.
Explanatory notes to the Regulations Governing Ancillary Activities

General
The Regulations Governing Ancillary Activities have aspects in common with other applicable UvA regulations and policy papers, among which the following:

- Policy paper ‘Valorisation at the University of Amsterdam’
- Model Regulations for Special Chairs
- Staff Objection Procedure
- Regulations Governing Valorisation 2014
- Standard Mandate for Operational Management

Article 4
As indicated in the third clause, the person holding the staff mandate shall be authorised to take decisions on requests for permission. The manner in which the authorisations with regard to staff are distributed (the staff mandate) is specified in the Standard Mandate for Operational Management (see Article 3 (1), in association with Article 4 (1) and under b.). These regulations further specify that ‘the employment of persons in the unit who are not in service to the UvA’ are to fall under the authorisations of the mandate holder.

Article 8
Not all of the information requested and provided on the form for reporting ancillary activities shall ultimately be publicised. Publication on the website includes only the name of the entity for which the ancillary activities are performed and the nature of the ancillary activities.