



COMBINED SECTORAL REGULATIONS GOVERNING ANCILLARY ACTIVITIES OF JULY 2017 AND SUPPLEMENTARY REGULATIONS GOVERNING ANCILLARY ACTIVITIES AT THE UvA 2018*

The Sectoral Regulations Governing Ancillary Activities were agreed upon on a national level and is part of the Collective Labour Agreement for Dutch Universities (CAO-NU). The Supplementary Regulations Governing Ancillary Activities at the UvA 2018 were agreed upon within the Local Consultative Committee and adopted by the Executive Board.

For the sake of accessibility both sets of regulations are outlined and combined below. The formal distinction between the nature of the regulations (Collective Labour Agreement or local) has been indicated by highlighting the provisions of the supplementary regulations in italics.

Definitions

1. Ancillary activities: all responsibilities, duties and activities that the party concerned carries out outside of the job and/or responsibilities he or she carries out at the university, regardless of
 - a. the extent of their employment at the university;
 - b. the extent of the ancillary activities;
 - c. or whether the party concerned receives any remuneration for such ancillary activities;
 - d. whether the ancillary activities are conducted inside or outside working hours.

Please note: Even if the primary responsibilities of the party concerned lies elsewhere, those responsibilities fall within the definition of 'ancillary activities'.

2. Party concerned: individuals to whom these regulations apply. The activities of the party concerned may include both academic and support responsibilities. The parties concerned as referred to in these Regulations are as follows:
 - a. employees of the university (employment contract in accordance with the CAO);
 - b. persons with no employment contract with the university, but appointed as a professor by the Executive Board (such as a special chair);
 - c. persons to which these regulations have been declared applicable by the Executive Board.

Please note: For parties concerned as referred to in sub-paragraphs b. and c. of these Regulations, the term 'employer' shall mean the university.

In addition to Article 2 of the Sectoral Regulations Governing Parties Concerned, the Sectoral Regulations Governing Ancillary Activities ex. Article J.3 CAO-NU including the Supplementary Regulations Governing Ancillary Activities at the UvA 2018 shall apply to persons not employed by the UvA and working under the authority of the UvA.

3. Additional income: the remuneration received by the parties concerned in exchange for ancillary activities conducted. This shall also include deferred income and financial interests.

Disclosure

4. With the exception of the ancillary activities referred to in Article 5, the parties concerned shall be required to register and disclose all ancillary activities in writing to the employer upon recruitment or prior to acceptance of new ancillary activities or in the event of changes to (aspects of) ancillary activities.
5. The party concerned shall not be required to disclose ancillary activities that evidently have no relation to their responsibilities and for which it is clear that they are unable to harm the interests of the university in any way, and

* Disclaimer: Every effort has been made to provide an accurate translation. However, the official text is in Dutch; any differences arising from the translation are not binding and have no legal effect.

- a. that do not threaten the effective performance of the individual's duties at the university in any way; and
 - b. which are performed outside working hours; and
 - c. for which no payment or remuneration of any kind is received.
6. Parties concerned who are not conducting any ancillary activities within the meaning of these regulations upon recruitment or who conduct ancillary activities that do not require disclosure shall declare this upon recruitment.
7. Parties concerned with an employment contract or a residency position at the university of 6 months or less and who conduct ancillary activities which:
- a. are unable to harm the academic, organisational and/or business interests of the university; and
 - b. do not impede the effective execution of the individual's duties at the university; and
 - c. do not conflict with the prestige of the institution; and
 - d. do not result in a conflict of interest with the activities executed at the university, shall not be required to disclose these ancillary activities, unless otherwise provided by the employer.

The employee shall be required to disclose their ancillary activities (or changes to the registered activities) via the digital Self-service Tool according to the procedure established by the UvA. These registrations shall simultaneously constitute requests for approval.

Permission

8. Ancillary activities that require disclosure may only be carried out with the permission of the employer.
9. Unless provided otherwise, permission shall be granted by the employer.
10. Permission is granted for the execution of ancillary activities unless they may harm the organisational interests of the university. The term organisational interests shall in any case include the criteria referred to in Article 11.
11. Permission shall not be granted for the performance of ancillary activities if they:
- a. may harm the academic, organisational and/or business interests of the university; or
 - b. may impede the effective execution of the individual's duties at the university; or
 - c. conflict with the prestige of the institution; or
 - d. may result in a conflict of interest (or the appearance thereof) with the activities executed at the university.
12. Permission may be granted subject to certain requirements. The requirements that may be attached to this permission include:
- a. the setting off of the additional income or part of that income;
 - b. reduction of the extent of the employment of the party concerned;
 - c. the setting off of holiday hours
 - d. the period for which the permission applies;
 - e. a compensation fee to be paid to the university, if the ancillary activities for which permission was provided in any way made use of the facilities or capacity of the university.
13. Permission that has been granted may, in the event of changes of circumstance or considerations, or infringement of the requirements established, be revoked.

1. *Membership of a public body, within the meaning of Section 125C of the Civil Service Act and 7:643 of the Dutch Civil Code, shall not require permission under the Sectoral Regulations Governing Ancillary Activities.*
2. *The authority to grant permission shall lie with:*
 - *the Supervisory Board, where it concerns a request from a member of the Executive Board;*
 - *the Executive Board, where it concerns a request from a dean or the Secretary General of the University of Amsterdam;*
 - *the person appointed by the Executive Board to exercise the power of disposition as laid down in the regulations and policies for the implementation of the CLA of Dutch Universities, where it concerns a request from one of the employees not mentioned in the foregoing;*
 - *the Curatorial Panel of the Special Chair, where it concerns a request from a professor by special appointment.*
3. *Under Art. 12 of the Sectoral Regulations the competent authorities may grant permission for a definite or indefinite period, and may impose conditions and restrictions on that permission. A general condition for any permission granted is that when carrying out the ancillary activities the party concerned – where applicable – adheres to the applicable codes of conduct, such as the Netherlands Code of Conduct for Scientific Practice and the European Code of Conduct for Research Integrity (Allea).¹ The conditions and requirements may also relate to the income from the ancillary activities and use of university facilities. Income that does not relate to the job/position and/or responsibilities at the university shall benefit the relevant party. Income from activities carried out for third parties that can be counted as part of the job and/or responsibilities shall benefit the university. This shall also apply for part-time employment at the UvA. Use of university facilities shall only be permitted following written permission from the competent authority with full transfer of costs being a key principle of such use.*
4. *The conditions under which permission has been granted shall be recorded in writing and signed by the employee and the competent authority.*
5. *The competent authorities shall take a decision regarding permission within six weeks and shall announce the outcome in writing to the party concerned.*

Disclosure and registration procedure

14. The following must be specified at any registration:
 - a. the nature of the ancillary activities to be performed;
 - b. the name and address of the body for which the ancillary activities will be performed;
 - c. the time required to perform those activities;
 - d. whether the activities will result in additional income, within the meaning of Article 3;
 - e. that permission has been granted for publication.
15. The employer shall keep a record of any disclosed ancillary activities for which permission has been granted by the employer. The employer and any appointed persons shall at all times be able to review that record and the record shall also be available for review by the party concerned regarding their own disclosures. The record shall, following the permission of the party concerned, specify the nature of the ancillary activities and the body or organisation for which the ancillary activities are being carried out. The employer may grant exemption in the event of compelling interests and considerations that inhibit the publication of the ancillary activities, such as a serious threat to the personal privacy of the party concerned.
16. Every professor shall also disclose the ancillary activities for which permission was granted on their public web page, in any case specifying the nature of the activities and the body or organisation for which these activities are being carried out. The employer may decide that the

¹ [http://www.vsnul.nl/files/documenten/Domeinen/Onderzoek/Code_wetenschapsbeoefening_2004_\(2014\).pdf](http://www.vsnul.nl/files/documenten/Domeinen/Onderzoek/Code_wetenschapsbeoefening_2004_(2014).pdf), and <http://www.allea.org/wp-content/uploads/2017/03/ALLEA-European-Code-of-Conduct-for-Research-Integrity-2017-1.pdf> respectively.

entire academic staff and/or senior support and management staff should disclose the ancillary activities on their public web page.

In that disclosure, the information provided by the employee should in any case specify:

- a. the nature of the ancillary activities;*
- b. a detailed description of the ancillary activities;*
- c. the name and address of the body for which the ancillary activities will be performed;*
- d. where relevant, the registration number with the Chamber of Commerce;*
- e. the estimated duration of the ancillary activities;*
- f. the estimated extent of the ancillary activities;*
- g. any income/gains from the additional income.*

Regarding publication

- 1. Ancillary activities shall be registered individually in the personnel system (SAP). The names of the body or organisations 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. The employee shall with their disclosure grant permission for registration and publication within the meaning in Article 15 of the Sectoral Regulations.*
- 3. 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.*

Decision

17. The employee shall receive a decision in writing after 6 weeks of submitting their disclosure.

Penalties

18. The party concerned may have a disciplinary measure or other type of penalty imposed on them if they have carried out ancillary activities without the required permission, if the party concerned has not complied with the conditions attached to permission that has been granted or if the party concerned has not complied with any other provisions.

Accountability

19. During the annual consultation or any other (assessment) interview the agreements regarding ancillary activities will be re-adopted and reviewed as to whether they are current and sufficient or require revision.
20. A report on the implementation of the Regulations Governing Ancillary Activities shall form part of the planning and control cycle of the Executive Board.

Activities (including ancillary activities) in preparation for a new business

Prior to the launch of a spin-off based on the results of scientific research, a preparatory phase must be bridged. The activities conducted during this phase are facilitated to a certain extent, such as:

- involvement in the research phase in order to identify research results that would lend themselves to a new business (research phase);*
 - involvement in the assessment of the feasibility of a new company (evaluation phase);*
 - involvement in the planning and the acquisition of sources (pre-start phase).*
- 1. The nature, extent and duration of these activities shall be laid down in written agreements with the immediate supervisor, who will inform the competent authority of these agreements. The assessment criteria of the Sectoral Regulations must be taken into account in this regard.*
 - 2. The guideline for considering such activities to be part of the regular duties is that the extent of the involvement must be limited to eight hours per week and of a duration of up to two years.*
 - 3. All activities of the employee from the actual start of the new company onwards will be ancillary activities within the meaning of these Regulations.*

Ancillary Activities Committee

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 Committee shall also rule on any differences of opinion regarding the granting of permission for ancillary activities.*
3. *The decisions of the Committee are binding upon the employer. The statutory right to objection and appeal shall naturally remain intact. The start date of the objection period shall be determined by the decision of the competent authority based on the ruling of the Committee.*
4. *The decisions of the Ancillary Activities Committee may be published by the Committee in anonymous form.*

Entry into force

These Supplementary Regulations shall enter into force in 2018 with the simultaneous rescinding of the Regulations Governing Ancillary Activities 2014.

Procedures

21. In addition to these regulations, the employer may establish a procedure or administrative rules regarding the implementation of these regulations concerning permission (application and granting), disclosure, and publication of ancillary activities.

<p>Every university shall publish a version of the 'Frequently asked questions for employees' on their own website as an explanatory note to these regulations. These FAQs shall comply with the procedures and administrative rules of the university.</p>
