Sectoral regulations governing ancillary activities
July 2017

These regulations are based on Article 1.14 of the CAO NU (Collective Labour Agreement of Dutch Universities) and is now part of the CAO NU as a separate appendix pursuant to Article J.3 of the CAO NU.

Definitions
1. Ancillary activities: all work and activities assigned to an employee outside of the framework of their job and/or the assigned duties that are carried out at the university, regardless of
   a. the scope of the employment contract at the university
   b. the scope of the ancillary activities
   c. whether the employee receives remuneration regarding the ancillary activities
   d. the work is carried out within or outside of working hours
Please note that even if the core responsibilities of the employee lie elsewhere, these will fall under the definition of 'ancillary activities'.

2. Employee: the person to whom these regulations apply. The work of the employee may be academic or support-oriented in nature. The term employee within the meaning of this scheme refers to:
   a. employees of the university (employment contract in accordance with the Collective Labour Agreement)
   b. persons without employment contracts at the university, but who have been appointed as professors by the Executive Board (as Professors by Special Appointment).
   c. persons to which these regulations have been declared applicable by the Executive Board.
Please note that for persons referred to under sub b. and c. of these regulations, ‘employer’ should be read as the university.

3. Additional earnings: remuneration received by the employee for the work performed for third parties. This is also understood to include deferred income and financial interests.

Reporting obligation
4. With the exception of the ancillary activities referred to in section 5, the employee in question shall be required to report all ancillary activities to the employer in writing either upon first starting employment or prior to accepting any new ancillary activities or in the event of any changes to ancillary activities or aspects thereof.

5. The employee is not obliged to report ancillary activities that are clearly not related to the work they perform and from which it is obvious that these activities cannot in any way harm the interests of the university;
   a. and do not threaten the effective and full performance of the employee's university duties; and
   b. which are performed outside of working hours; and
   c. for which the employee receives no remuneration of any kind.

6. Any employee who, upon entering employment with the university, does not carry out any ancillary activities in the sense of these regulations or who carries out ancillary activities that he or she is not obliged to report shall make this known to the university upon entering employment.
7. Employees with an employment contract or residency at the university of 6 months or less and who carry out ancillary activities that:
   a. cannot harm the academic, organisational and/or business interests of the university; and
   b. do not impede the effective and the complete performance of the relevant employee's duties at the university; and
   c. are not detrimental to the reputation of the institution; and
   d. cannot result in any conflict of interest with the activities of the university,
   shall not be obliged to report such ancillary activities unless otherwise stipulated by the employer. For the special procedure at the UU, please see the answer to question 5 in the Appendix.

Permission
8. Ancillary activities that must be reported may only be carried out with the permission of the employer.

9. Unless specified otherwise, such permission will be granted by the employer.

10. Permission shall be granted for the performance of ancillary activities, unless such work could be detrimental to the organisational interests of the university. Organisational interests shall in any event include the criteria referred to in section 11.

11. Permission shall not be granted for the execution of ancillary activities:
   a. that are harmful to the academic, organisational and/or business interests of the university; or
   b. impede the effective and the complete performance of the relevant employee’s duties at the university; or
   c. that conflict with the reputation of the institution; or
   d. which entail a conflict of interest or the appearance thereof with the activities of the university.

12. Permission may be granted subject to certain conditions. The conditions that are related to the granting of permission include:
   a. off-setting of the additional earnings or a portion thereof;
   b. reduction of the scope of the employment contract;
   c. off-setting holiday hours;
   d. the period for which the permission applies;
   e. compensation to be paid to the university, if the facilities or capacity of the university are used in any way in the performance of the ancillary activities with permission of the university.

13. Any permission that has been granted may be revoked in the event of a change of circumstances or insight or in the event of a breach of the imposed conditions.

Reporting and registration procedure
14. Any report of ancillary activities may in any case specify:
   a. the nature of the ancillary activities to be carried out;
   b. the body for which the ancillary activities are to be carried out;
   c. the time required;
   d. whether the employee will receive additional earnings, as referred to in section 3;
   e. that permission has been granted for disclosure.

15. The employer will keep a register of the ancillary activities for which the employer has granted permission. The employer and persons designated
designated by the employer may inspect the register at all times, as well as the relevant employee to the extent that it concerns a report made by the same employee.

In addition to the permission granted by the party involved, the register shall list the nature of the ancillary activities and the body for which the work is to be performed. The employer may grant an exemption in the case of substantial interests that hinder the disclosure of the ancillary activities, for example in the case of a serious risk to personal privacy.

16. Any professor shall list the ancillary activities for which permission has been granted on his or her publicly accessible web page, at least stating the nature of the ancillary activities and the body for which this work is performed.

The employer may decide that all academic personnel and/or higher support and management staff shall list the ancillary activities on their publicly accessible web page.

**Decision**

17. The employee in question shall receive a decision in writing within six weeks of submitting the report.

**Sanctions**

18. The employee in question may be subject to disciplinary measures or other sanctions if they have carried out ancillary activities without permission, if the employee fails to comply with the conditions attached to the permission granted or if the employee in question fails to comply with any other provisions.

**Accountability**

19. The agreements surrounding ancillary activities will be discussed during the annual consultation or any other assessment interview to determine whether the agreements are up to date and being complied with or whether they 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.

**Procedure**

21. In addition to these regulations, the employer may adopt a procedure or administrative rules governing the implementation of these regulations with respect to application for and granting of permission for, reporting and disclosure of ancillary activities.
Appendix to the Sectoral regulations governing ancillary activities for Dutch Universities

Frequently asked questions of Utrecht University employees 31 December 2019

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1. **Are all activities that are not part of a job at the university considered ancillary activities?**

Yes, all activities that are not part of a job at the university are considered ancillary activities. However, not all ancillary activities need to be reported.

Ancillary activities that do not need to be disclosed are any ancillary activities that clearly have no relation to the employee's work for the university and that are obviously not detrimental to the interests of the university and:

- a. do not threaten the effective and full performance of the employee's university duties; and
- b. which are performed outside of working hours; and
- c. for which the employee receives no remuneration of any kind.

Such work may include sitting on the board of an amateur sports club or school board. If you are unsure as to whether certain ancillary activities should be reported, please contact your supervisor regarding this matter.

2. **What is understood by a person’s ‘position and/or assigned duties’?** Within the university, the assigned duties of a person are determined based on the classification in the job profile of the University Job Classification System (UFO). The duties and activities that you are required to carry out as an employee are determined by that which you have been assigned by the employer. If you have any questions regarding your duties or your UFO job profile, please contact your supervisor.

These regulations also relate to other relevant parties. The duties of these persons include agreements made with them regarding specific responsibilities to be performed.

3. **What is understood by the term ‘ancillary activities’?**

   a. **Is participation in an academic committee or consultative body considered to be an ancillary activity?**

   Not automatically, as these are responsibilities that fall within the remit of your university duties. There can sometimes be ‘grey areas’. As such, in case of doubt it would be advisable to request permission anyway, so that the Dean (for academic staff) or Director (for support and administrative staff) and the HR department can help identify any potential risks with respect to conflicts of interest or academic integrity. If participation is not voluntary, this shall be considered part of your job rather than as an ancillary activity. In any event, please ensure that activities such as participation in committees or consultative bodies are mentioned on your public web page.

   b. **Is editing work (including as editor-in-chief) and reviewing articles considered to be an ancillary activity?**

   Not automatically, as these are responsibilities that fall within the remit of your university duties. There can sometimes be ‘grey areas’. As such, in case of doubt it would be advisable to request permission anyway, so that the Dean (for academic staff) or Director (for support and administrative staff) and the HR department can help identify any potential risks with respect to conflicts of interest or academic integrity. If you have been assigned such duties, they will
fall under the remit of your job rather than be considered ancillary activities. In any case, please ensure that any editing work is listed on your public web page.

4. The scope of my activities elsewhere exceeds that of my work at the university – which activities are considered ancillary activities?
Work you carry out elsewhere is considered an ancillary activity. This means that you will require approval for such work and it must be mentioned on your public web page. This may seem counter-intuitive, since the appointment elsewhere will be your main activity. Permission and disclosure, however, are essential to safeguard the academic integrity of the university. For these activities, you must comply with the provisions of the regulations and request permission, if applicable, and these ancillary activities must be disclosed.

5. I will be employed by the university for a maximum of six months – am I still obliged to report my ancillary activities?
Yes. Section 7 of these sectoral regulations, however, gives the university the option to regulate such matters differently. The UU has chosen to continue using the method that applied up until 31 December 2017 (mandatory disclosure of all ancillary activities regardless of their duration).

6. I do not receive any remuneration for my ancillary activities. Do I still have to disclose such activities?
An absence of additional earnings does not automatically mean that the relevant ancillary activities need not be reported. There are considerations besides money that may adversely affect the academic or other interests of the university or the proper performance of your job (e.g. excessive demands on your time).

For example, the incorporation of a legal person or being engaged as an administrator, supervisor or shareholder of another organisation may also warrant disclosure to the university, as such an engagement may involve a deferred remuneration or a possible conflict of interest.

7. How do I request permission for ancillary activities or for changes to such activities?
The procedure for requesting permission as well as reporting ancillary activities is arranged at university level. Please consult the Intranet (https://intranet.uu.nl/nevenwerkzaamheden) for additional information on this matter. At the UU, the procedure is as follows: You will discuss the ancillary activities you intend to carry out, or the changes to those ancillary activities or aspects thereof, with your supervisor. You should do this before you begin carrying out those activities or before the changes are implemented. You will subsequently be able to report your ancillary activities officially using the Disclosure of ancillary activities form on the Intranet (https://intranet.uu.nl/nevenwerkzaamheden). You must give your supervisor permission to inspect your report. The relevant authority will either grant or refuse permission for the ancillary activities that you have reported. You will be informed of this decision in writing.

8. How does the approval procedure start for new staff members or new university employees?
The initiation of the approval procedure is specific to the university. At the UU, the procedure is as follows:
During the last stage of the selection procedure (when parties also endeavour to reach agreement on the terms and conditions of employment), managers are expected to investigate whether the candidate performs any potentially problematic ancillary activities. The letter of appointment will set out that the new employee is required to request approval and permission for any ancillary activities. The new employee will provide information on the ancillary activities on the Basic Staff Information form and complete the Disclosure of ancillary activities form. Any changes thereafter must be reported yourself.

9. I do lots of small jobs, surely it's impossible to ask for permission every single time?
In order to safeguard academic integrity as effectively as possible, it is essential that you disclose any ancillary activities as transparently as possible. For that reason, approval for ancillary activities, even for small jobs, is vital. Please try to report any activities or changes in advance as much as possible and update your public web page at all times. In cases where you are unable to request permission or approval in advance due to exceptional circumstances that cannot be attributed to you, it is essential that you request permission afterwards as soon as possible. If your request is denied, you must terminate the relevant ancillary activities.

10. Are positions in public administration permitted as ancillary activities by the employer?
The university will always approve the exercise of elected public administration positions, such as a position on the municipal council. This is your democratic right. These positions, however, must be disclosed.

11. I carry out ancillary activities for which I receive additional earnings – am I required to disclose those activities to the university?
Yes, if you receive payment for your ancillary activities, they must be disclosed to the university. (section 14 of the regulations). Additional earnings also include deferred earnings (section 3), which may include shares and other financial interests. The principal importance of disclosure lies in the identification of potential conflicts of interest – it is not the case that all disclosed additional earnings automatically go to benefit the university.

Additional earnings can be divided into three categories. Depending on the income category, they may benefit the employer, the relevant employee or can be divided between both parties.

a. Earnings that are not related to the position at the university will belong to the relevant person.

b. Earnings that are directly related to the position at the university and which correspond to work carried out at the university during working hours belong to the university.

c. Income that is indirectly the result of the position at the university may be added to the budget of the department or be awarded to the relevant person at the discretion of the employer following consultation with the relevant employee. This will be detailed further in the conditions for approval of ancillary activities.