

## Explanation Sector Regulation Ancillary Activities July 2017.

The Sector Regulation Ancillary Activities is based on Article 1.14 of the Collective Labour Agreement for Dutch Universities and is part of the CLA for Dutch Universities as an independent appendix in conformity with Article J.3 of the CLA for Dutch Universities.

The Association of Universities in the Netherlands (VSNU) has prepared 'Frequently Asked Questions for Employees' with respect to this Regulation. The answers to the 'Frequently Asked Questions for Employees' have been adjusted to the specific situation at EUR and apply as an explanation to the Regulation. EUR is held to publish these Frequently Asked Questions on its website or intranet.

### Table of Contents

Question	Corresponding article in the Regulation
1. Are all activities that are not included in the university position considered ancillary activities? a. Can you give some examples of ancillary activities?	Article 1
2. What is included in a person's 'assigned task'?	Article 1
3. What is classified as 'ancillary activities'? a. Is participation in a scientific committee or consultative body considered an ancillary activity? b. Is working as an editor or editor-in-chief and reviewing articles considered an ancillary activity?	Article 1
4. The amount of work of my activities elsewhere is larger than my work at the university. What are the ancillary activities in this case?	Article 1
5. Who are meant in Article 2, paragraph C: persons to whom this Regulation is declared applicable by the Executive Board?	Article 2
6. My employment at the university does not exceed six months. Do I have to report my ancillary activities?	Article 2/7
7. I do not receive any income from my ancillary activities. Does this mean I do not need to report them?	Article 5
8. Can you give some examples of ancillary activities I do not need to report?	Article 5
9. How can I ask for permission for ancillary activities or changes in these? a. Is permission valid indefinitely once it has been granted?	Articles 8 - 13
10. What should I do when I am not sure if I have to report my ancillary activities?	Article 8
11. An employee is new or an employee is new at the university. How does the permission procedure start in this case?	Articles 8 - 13
12. I perform many small jobs. Wouldn't it be quite a hassle if I have to ask permission for each one of these?	Articles 8 - 13
13. Are positions in public administration permitted by the employer as ancillary activities?	Article 10
14. I have ancillary activities from which I receive income. Do I have to report these to the university?	Article 14d

**1. Are all activities that are not included in the university position considered ancillary activities?**

Yes, ancillary activities are all activities performed by an Erasmus University Rotterdam (EUR) employee that are not included in his/her university position, regardless of the scope of the employment at EUR and the scope of the ancillary activities.

You are expected to discuss all of your ancillary activities with your manager. You can jointly determine if the ancillary activities should be published. Academic staff always needs to publish ancillary activities as subject to the Regulation; if they do *not* perform any ancillary activities, they need to publish this fact as well.

**a. Can you give some examples of ancillary activities?**

Examples include:

- activities performed by an advisory board member, consultant, investor, managing director or partner of companies, foundations or associations that may get into contact with the university pursuant to their set-up;
- acting as a lecturer or guest lecturer for a third party\*;
- participating in a research project for a third party;
- acting as a consultant for an external organisation.

*\*This refers to education or giving a series of lectures for (commercial) institutions. Giving a once-only guest lecture for another university is not included.*

**2. What is considered a person's 'position and/or assigned task'?**

At the university, a person's assigned task is determined on the basis of the classification of the job profile in the university job classification system (UFO). The tasks and activities you are to perform as an employee are determined by what the employer has assigned to you. Contact your manager if you have any questions about the task assigned to you or about your job profile in the UFO.

The Regulation also applies to other employees concerned, such as endowed professors. These persons' assigned tasks include agreements made with them on certain tasks to be performed.

**3. What is classified as 'ancillary activities'?**

**a. Is participation in a scientific committee or consultative body considered an ancillary activity?**

No, not initially. These activities are included in the university position. However, there may be a grey area, so when in doubt you are advised to ask for permission, just to be on the safe side, so that the dean (for academic staff) or director (for support staff) and the Human Resources department can think along about any possible risks concerning a conflict of interest and scientific integrity. If the participation has been assigned to you, it will be part of your position and will not be considered an ancillary activity. Ensure that activities such as participation in committees or consultative bodies are listed on your publicly accessible web page (profile page).

**b. Is working as an editor or editor-in-chief and reviewing articles considered an ancillary activity?**

No, not initially. These activities are included in the university position. However, there may be a grey area, so when in doubt you are advised to ask for permission, just to be on the safe side, so that the dean (for academic staff) or director (for support staff) and the Human Resources department can think along about any possible risks concerning a conflict of interest and scientific integrity. If the participation has been assigned to you, it will be part of your position and will not be considered an ancillary activity. Ensure that activities such as editorial work are listed on your publicly accessible web page (profile page).

**4. The amount of work of my activities elsewhere is larger than my work at the university. What are the ancillary activities in this case?**

Your activities elsewhere are your ancillary activities. This means that permission and publication on your publicly accessible web page are required. This may seem illogical, since a position elsewhere is your main activity. To safeguard the (scientific) integrity of the university, however, permission and publication are essential. For these activities you comply with the provisions of the Regulation and you ask permission (if applicable), after which these ancillary activities are published. A main position elsewhere in practise often applies to endowed professors, which is why they are also subject to the Regulation.

**5. Who are meant in Article 2, paragraph C: persons to whom this Regulation is declared applicable by the Executive Board?**

The Executive Board of the university can decide that the Regulation is declared applicable to other persons. In derogation to Article 7 of the Regulation, it has been decided at EUR that those concerned who have been employed for six months or less are held to report their ancillary activities. No other persons have been referred to to whom the Regulation is declared applicable.

Hired individuals, or persons with a hosting agreement are not subject to the Regulation and Procedure Ancillary Activities, unless agreements have been made with the persons concerned. The integrity of these temporary employees is safeguarded via the procurement procedure and contracting.

**6. My employment at the university does not exceed six months. Do I have to report my ancillary activities?**

Yes, also when your employment at EUR does not exceed six months, you have to report your ancillary activities to your manager. The manager does consider, however, if the ancillary activities need to be published. The publication obligation does not apply to support and management staff (OBP).

**7. I do not receive any income from my ancillary activities. Does this mean I do not need to report them?**

Having no income does not automatically mean that the ancillary activities do not need to be reported. Besides money there can be other reasons why the (scientific) interests of the university or a proper performance of the position are affected, for instance the large amount of time spent or risks concerning the substance of the activities.

Incorporating a legal entity or being involved as a managing director, supervisor or shareholder at another organisation can be a reason for reporting the activities at the university. After all, the remuneration can be deferred or there may be a conflict of interest.

#### 8. Can you give some examples of ancillary activities I do not need to report?

Each of the three conditions mentioned in Article 5 needs to be complied with. The employee concerned is not held to report ancillary activities that obviously do not have any relation to the activities, AND of which it is evident that they cannot affect the interest of the university in any way, AND

- a. that cannot jeopardise a proper and full performance of the position and
- b. that is performed outside working hours and
- c. for which no remuneration is received in any form whatsoever.

Examples of ancillary activities that do not need to be reported include membership of the board of an amateur sports club or a governing body of a school.

Examples of ancillary activities that do need to be reported include a paid guest lectureship at another university, a job on the side as a DJ, or a social influencer.

#### 9. How can I ask for permission for ancillary activities or changes in these?

With the manager of your organisational unit you discuss the ancillary activities you are going to perform, or the changes in (aspects of) the ancillary activities you are performing already. The manager grants or does not grant permission to perform ancillary activities. In the Ancillary Activities Procedure EUR 2018, it is laid down how you can raise an objection to the manager's decision. An objection can only be raised before you commence with the ancillary activities or before the changes occur. Next, you can enter your ancillary activities in the digital register.

##### a. Is permission valid indefinitely once it has been granted?

No, if the substance of ancillary activities remains unchanged, permission granted will remain valid for a period of three years. This period expires automatically. In principle, you will be in default if you do not discuss the renewal of the Regulation in time. Consequently, your ancillary activities are always a subject to be discussed in the annual Performance & Development (P&D) interview.

#### 10. What should I do when I am not sure if I have to report my ancillary activities?

You are responsible for considering whether or not you report your ancillary activities. When in doubt, you are advised to contact your manager, the university contact or the Human Resources department to think along with you.

#### 11. An employee is new or an employee is new at the university. How does the permission procedure start in this case?

In the last phase of the selection procedure, in which it is also established if the parties can agree on the employment conditions, a manager is expected to explore if there are any ancillary activities that may cause problems. When the employment contract is stated, it is also stated in a covering letter that the new employee has to ask for permission for any ancillary activities. The ancillary activities agreed on with the employee are listed in the digital register by HR Support by means of a form. Any changes later on are to be reported by the respective employee.

#### 12. I perform many small jobs. Wouldn't it be quite a hassle if I have to ask permission for each one of these?

To safeguard the (scientific) integrity in the best way possible, it is essential that you report on ancillary activities in as transparent a way as possible. For this reason, permission for ancillary activities is essential, even in the case of small jobs. Try to ensure that any reporting and registration takes place in advance, and update your publicly accessible web page (personal profile page) at all times.

If, for special circumstances beyond your control, you are not able to ask permission in advance, it is essential that you ask permission afterwards as soon as possible. If your request is turned down, you have to stop these ancillary activities.

### **13. Are positions in public administration permitted by the employer as ancillary activities?**

The university always grants permission for the performance of elected positions in public administration, for instance in the municipal council. This is your democratic right. However, these positions need to be reported.

### **14. I have ancillary activities from which I receive income. Do I have to report these to the university?**

Yes, if you receive remuneration in whatever form for your ancillary activities, you have to report these to the university (Article 14 of the Regulation). A reasonable reimbursement of expenses, such as a travel allowance and holiday allowance, are not considered remuneration.

Ancillary activities also include deferred income (Article 3), such as shares and other financial interests.

In the event of income from ancillary activities, your dean or director will make and lay down further agreements with you on to whom this income accrues (fully or partially). These agreements include provisions on how the following subjects are involved in the considerations:

- the relationship between the activities and the main activities and the position of the employee concerned at EUR;
- the question as to whether the activities are performed (partially) within or outside working hours; and
- the amount of the remuneration in relation to professional independence.

Income from ancillary activities will *not* be settled if there is no relation or appearance of a relation between the ancillary activities and the performance of the position at EUR.

### **15. How is accountability concerning ancillary activities organised?**

The basic assumption is that the discussion on ancillary activities takes place in an open and transparent atmosphere. The fact that ancillary activities must be discussed at least every year in the Result and Assessment Interview is a point of reference. In the interview, it is to be discussed whether the ancillary activities are still up to date, or if there are any changes and/or if anything needs to be agreed on concerning settlement of ancillary activities. Next, the details are to be updated in the digital register.