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BETAWETENSCHAPPEN

# Ancillary activities and third party activities

Extra guidelines regarding “VU policy on Ancillary Activities” (2022)

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# Goal of this document

The Faculty of Science recognizes that ancillary activities and third party activities not only represent a direct and efficient pathway to valorisation but can also contribute to the professional development and to the personal well-being of those who engage them. The goal of this document is to support these valorisation activities as a viable route to professional and personal gratification that can create impact in society, in good alignment with our new [recognition and reward principles](#) (“Erkennen en Waarderen”).

The Faculty Board is pleased to witness a steep increase in the number of employees who engage with activities to disseminate knowledge to society, and, in line with the Strategic Plan 2020-2026, is determined to provide all the support needed to nurture this trend. At the same time, a series of recent events has highlighted that not all our staff members are aware of when and how ancillary and third party activities should be discussed, conducted, and registered. Furthermore, there seems to be some confusion regarding differences and analogies between ancillary activities and activities carried out with/for third parties during the VU working time. If not properly managed, ancillary activities or third party activities may expose our staff to the risk of reputation damage (e.g., if questions arise about conflict of interest or academic integrity), work overload, internal discussions on fairness, or, in the worst cases, even legal problems. To protect our employees (and the VU) from these situations, the Faculty Board believes it is important to define clear guidelines that could help our organisation to be transparent about how and when an employee is allowed to engage ancillary and/or other third party activities.

To achieve this goal, first we will provide information about ancillary and third party [activities](#) and their differences. Secondly, we will outline how our researchers should [discuss](#), conduct, and treat all activities that involve collaboration with external organisations (c.q. third parties). Thirdly, we provide a [step by step guide](#) on how to register ancillary activities. Also, various activities that are relevant in this context are further defined in [appendix 1](#), followed by an overview of examples in [appendix 2](#).

With respect to the registration of ancillary activities, the procedure for employees of the Faculty of Science includes more support than the [VU policy on Ancillary Activities](#). The support is provided by either the Director of Impact for scientific staff or the Director of Operations for support staff in 3 situations:

1. when financial compensation is received for the ancillary activity that exceeds 2.200 euros per year;
2. when deferred income and/or financial interest is involved with the ancillary activity;
3. when the employee does not give permission for publication of the ancillary activities.

Below you find a more detailed description of these differences in the step-by-step guide on how to register ancillary activities.

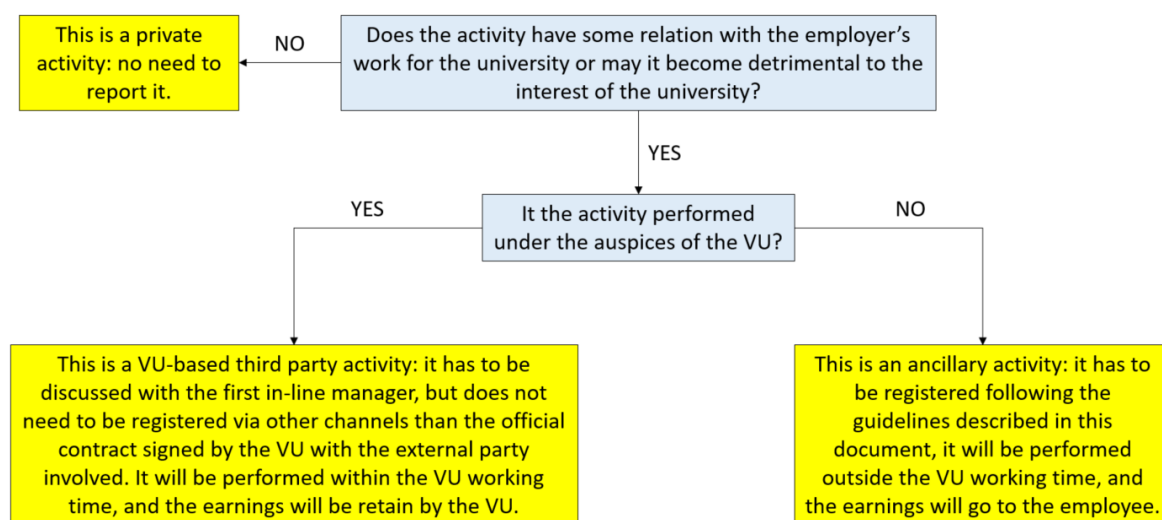
Note: in the text below, sentences copied from the VU policy or UNL regulations have been typed in *italic*.

# Types of activities

There are two different situations in which our employees are requested to discuss their activity, namely ancillary activities and third party activities. It is important to stress out the difference between these two since they are treated differently (see also Appendix 1):

1. **Ancillary activities** are defined as professional activities for third parties that are *conducted by an employee of the university, though not in his/her capacity as an employee of the university, [...], in addition to his or her regular job at the university.* Note that not all activities performed in addition to an employee's regular job at the university are ancillary activities. An activity *that clearly has no relation with the employee's work for the university and that is obviously not detrimental to the interests of the university*, in fact, is not considered as ancillary activity but as a **private activity** and does not have to be discussed or registered.
2. **Third party activities** are defined as *activities for third parties that are job-related and carried out under the auspices of the university.* Note that third party activities mean professional endeavours that are regulated by a contract and entail financial earnings.

In the scheme below we report an overview of the steps to be taken before performing ancillary activities and third party activities. In the paragraph below more information will be given.



Note: The size of the employee's appointment is irrelevant for the question whether to discuss, register and obtain approval for the ancillary activity.

## Ancillary activities

### Approval from the first in line manager

Employees are supported to perform ancillary activities and will be facilitated by their first in line manager, provided that the ancillary activities are discussed beforehand with and approved by the first in line manager. After approval, ancillary activities need to be duly registered in the HRM portal. If the first in line manager is in some way involved in the

ancillary activity, then the next in line manager should be involved in the discussion and approval as well. Furthermore, the ancillary activity must always be openly disclosed in any situation that may require it, including, but not limited to, presentations at meetings and conferences, papers, and research grant proposals. The rationale behind this policy is straightforward: by definition, an ancillary activity may give an employee the opportunity to benefit privately from their position as a VU employee. External observers must be aware of this situation, as it could trigger (in good or bad faith) biased behaviours or impaired decisions. It is important to stress that ancillary activities must be disclosed and registered by employees even if there is no financial (direct or indirect) compensation, because the lack of financial compensation does not necessarily imply a lack of interest.

## Registration ancillary activity in the HRM portal

After approval, ancillary activities need to be duly registered in the HRM portal. Employees also automatically receive an annual reminder to check their ancillary activities. Moreover, ancillary activities are regarded as a standard discussion point during employee's annual performance evaluation.

## Additional, second approval by the director of Impact or Operations in three circumstances

### Financial compensation and/or deferred income or interest

In case there is financial compensation for the ancillary activity exceeding 2.200 euros or deterred financial income and/or interest for the ancillary activities, a second, additional meeting to discuss this is required with the Director of Impact (scientific staff) or the Director of Operations (support staff) using the approval form attached in annex 4. The employee is always responsible to initiate these meetings and to disclose all relevant information. It is further important to realise that ancillary activities are supposed to be carried out on top and not instead of the VU contract hours and should thus be monitored and discussed to avoid working schedule conflicts and to mitigate the risk of excessive workload.

It is important to note that each case is unique and needs to be handled with care and respect. The size of the employee's appointment is also irrelevant for the second approval, meaning that although an employee has a small appointment at the VU, their ancillary activities must also be discussed and approved. To facilitate employees who have multiple ancillary activities because they have a small appointment, it is possible to request approval for multiple activities using one approval form. It could be the case that a first in line manager needs advice under which conditions approval can be given, has doubts about approval of an ancillary activity, or has second thoughts after approval. If that happens, the first in line manager and the employee can reach out to the Director of Impact or director of Operations, who will contact HR as soon as possible to discuss the case. If a first in line manager decides to refuse the performance of an ancillary activity, then this decision will be well substantiated and based on clear arguments.

## Refusal to give permission

Moreover, when an employee refuses to give permission to publish ancillary activities, the Director of Impact will be contacted to discuss the matter. Under exceptional and well-supported circumstances, the director of Impact might agree with the employee in that the activity should not be published; in all other cases, the employee will be denied undertaking the ancillary activity until the latter is properly disclosed. Again, the employee is responsible to disclose any relevant information and follow the appropriate steps to ensure full transparency.

## Third party activities

Professional activities carried out for third parties under the auspices of the VU and regulated by a contract should always be discussed with and approved by the first in line manager. If the first in line manager is in some way involved in the third party activity, then the next in line manager should be involved in the discussion and approval as well. These activities take place during the VU working time, and, *generally, any revenues associated with these activities are for the benefit of the university*. Registration of third party activities is **not** mandatory, but in case the activity is regulated by a contract, the contract must be approved by the department head and has to be signed by the Director of Operations. To give consent, the first in line manager should consider the questions as posed in [Appendix 3](#).

## When to discuss your activity?

As a final remark, we would like to provide a (non-complete) list of questions that could help the first in line managers to approve the activity and our employees establish whether they should discuss their activities with their first in line manager or not.

To give consent, the first in line manager should monitor whether these activities:

- can be carried out without increasing the overall workload to uncomfortable levels;
- pose a risk to the academic, organisational and/or business interests of the university;
- constitute an obstacle to the effective and the complete performance of the employee in question's duties at the university (VU-first principle);
- may be detrimental to the reputation of the institution;
- presents (the appearance of) a conflict of interests with the university duties of the employee in question;
- uses IP, which belongs to the VU and/or which is gained within VU projects.

As a rule of thumb, if an employee would answer to at least one of the questions below with “yes”, they should check the activity with the first in line manager:

- Are there any similarities between the side work and the work you do at the university?
- Do you use the same network (persons/companies agencies) that you use at work by virtue of your position?
- Did you receive the (ancillary) work because of your position at the university?

- Do you make use of information, knowledge, facilities, or skills from your position at the university?
- Does the organisation or person for which you are doing the side work have a dubious reputation or might there be any geopolitical or security considerations?
- Do you want to do the work within your VU time?
- Will you receive earnings for the work you would perform?

As a side note, it is important to stress that, when it comes to professional relations with third parties, there are other, less evident situations that might need attention. For instance, an employee may have an indirect conflict of interest situation when, for example, a relative or a friend of theirs performs activities that may benefit or interfere with the role that the employee has at the VU. We urge all our employees to openly discuss any doubtful situation with their first in line manager or with either the Director of Impact (scientific staff) or Director of Operations (support staff).

Clearly, this document cannot cover all the cases we expect to emerge in the future. There will certainly be situations where the employee and/or the first in line manager will have doubts on how to interpret these guidelines. The Director of Impact or the Director of Operations is always available to investigate any case that may need a deeper analysis, which, if needed, can be carried out with the support of HR, IXA and/or UB.

## Registering

As mentioned above the ancillary activities require discussion and approval after which they should be registered.

### Step by step

1. Ancillary activities must be approved by the first in line manager. The employee will reach out to the first in line manager to discuss the ancillary activities before registration can be commenced in the personnel service portal.
2. A second approval by either the Director of Impact (for scientific staff) or the Director of Operations (for support staff) is required when financial compensation is received for the ancillary activity that exceeds 2.200 euros, deterred income or interest is involved, or when the employee refuses to give permission to publish the activities. The employee is responsible to obtain signed approval, to document this and to disclose all relevant information necessary ([see appendix 4 for an agreement form](#)). The registration form can be mailed to [valorisatie.beta@vu.nl](mailto:valorisatie.beta@vu.nl) for approval. If necessary, an additional meeting will be scheduled to further discuss the ancillary activity.
3. Once approved, the employee registers the ancillary activity in the [personnel service portal](#) and completes the attached annual task. The signed approval form in annex 4 can be uploaded in the personal folder of the employee via the HRM servicedesk using this link.
4. Finally, the first in line manager approves the submission in VUweb.
5. With the approval of the first in line manager, the activity becomes visible in Pure for scientific staff and on the personal file of the employee.

### Follow up:

- All ancillary activities must be evaluated yearly during a dedicated meeting (e.g. yearly appraisal meeting) focused on this issue or more often if the situation may require it.
- Employees who regularly perform ancillary activities are requested to keep a weekly track record of the number of hours spent in those activities, to be discussed with the first in line manager during the ancillary activity meeting or whenever it may be appropriate.
- If the activities change, the action lies with the employee to adjust and/or restart the above process.

## Information needed to start an ancillary activity

The following information must be filled in via the [personnel service portal](#) in VUweb:

- Effective date of the change
- Name organisation
- Start date ancillary activities
- End date ancillary activities
- Position (advisor, partner, director, director/owner, staff officer, commissioner, employee, board member, different. When “different”, a new box at the bottom of the form will appear. Please specify in that box)
- Town organisation
- Country organisation
- Hours per week
- Hours per week during VU working time
- Do you receive financial compensation? Yes/No
  - If yes, Attachment ‘Permission of Director of Valorisation/Operations’ is required.
- Will there be any deferred income and/or financial interests? Yes/No
  - If yes, Attachment ‘Permission of Director of Valorisation/Operations’ is required.
- Is use being made of people and/or resources from VU Amsterdam? Have any other arrangements or conditions been agreed? Yes/No
  - If yes, Attachment 'Additional agreements' is required.
- Only scientific staff: Do you give permission for publication of ancillary activities? Yes/No
  - If not: If publication for you leads to security risks and therefore you don't wish to make your ancillary activity public, you must obtain approval by the Director of Impact (scientific staff) or Director of Operations (support staff). Refusal to make your ancillary activity public may be a reason for the employer not to grant permission for the ancillary activity. An Attachment ‘Permission of Director of Valorisation/Operations’ is required.

\*As Faculty, we support the use of your laptop, software, phone, office hardware etc for ancillary activities, but please discuss this with your first in line manager and write down



the arrangements and include this in the attachment by registration. We do not support the use of your NS Business Card or other VU facilities for the benefit of your ancillary activities, unless regulated by a renting agreement to be discussed with the Director of Impact (scientific staff) or Director of Operations (support staff).

## Appendix 1: Definition of types of activities

	Ancillary activities	Work associated with the position conducted for third parties	Private activities
<b>What it is</b>	<i>Ancillary activities include other activities for third parties conducted by an employee of the university, though not in his/her capacity as an employee of the university and not solely as a private engagement. In other words, ancillary activities are those activities <b>for third parties</b> that are <b>not conducted under the auspices of the university</b> and that the employee in question carries out in <b>addition or next to his or her regular job</b> at the university using academic knowledge/resources and/ or where a conflict of interest might occur.</i>	<i>These activities are carried out <b>under the auspices of the university</b>, meaning that employer consent is required. Regardless of who initiated the activity, the employer ultimately determines whether or not an activity is to be conducted under the auspices of the university. Job-related work for third parties includes both services provided to third parties at a cost-recovery rate and activities for which no compensation is provided whether it be of a cost-recovery nature or otherwise. In the case of job-related work performed by academic staff for third parties, this is done with due regard for professional autonomy and academic freedom, in accordance with or under the supervision of a member of the academic staff, as expressed in the Code of Conduct.</i>	<i>Private activities are those which clearly pose no risk to the interests of the university and furthermore do not affect the employee's job performance at the university, such as can generally be said of a position on the board of a sports association or neighbourhood association. Conversely, a post on the board of an organization that is involved in teaching and research may give rise to a conflict of interests, meaning university consent is required.</i>
<b>Revenue</b> ( <a href="#">see sectoral scheme covering ancillary activities 11</a> )	<i>Earnings that indirectly arise from the position at the university may be fully or partially added to the budget of the department or accrue to the employee in question following consultation with the employee in question, at the employer's discretion</i>	<i>Earnings that are directly related to the employee's position at the university, and for which work is performed during working hours at the university, accrue to the university.</i>	Any revenues associated with these activities are for the benefit of the employee
<b>Intellectual property (including copyright)</b>	Property of work (including books) that is created outside the employment contract is in principle of the maker/author. For educational books written not under auspices of the VU, UB can advise on the appropriate, preferably open, license.	To be discussed with the first in line manager and where appropriate with the Director of Impact and IXA concerning <a href="#">intellectual property rights</a> .  Writing (educational) books/material under auspices of the VU: VU has the copyright (except for academic publications). Please discuss with the first in line manager and where appropriate with the Director of Impact and UB concerning copyrights.	Employee
<b>Permission needed</b>	Yes, consent required	For third party activities that are regulated by a contract, or entail financial earnings, and/or activities that may be perceived as a potential source of conflict-of-interest consent is required.	No, but in case of doubt, please discuss with your manager
<b>Register</b>	Yes	No	No
<b>Execution</b>	Private time unless agreed otherwise	During work time, since it is part of your job	Private time It is next to your job.
<b>Possible conflict of Interest</b>	Between employee and VU/organisation	Between VU/employee and third party	No possible conflict of interest
<b>Contact when questions</b>	Director of Impact (scientific staff) or Director of Operations (support staff)	IXA and Director of Impact (scientific staff) or Director of Operations (support staff)	Next in line manager

## Appendix 2: Examples of activities

The following activities are **always part of your VU job** and will be performed during VU work time:

- Participation in research projects including the ones that are for other institutions (contract research)

The following activities are **always ancillary activities** and will be performed outside VU work time:

- Starting a company

Some activities might be carried out as part of your VU job (during *VU work time* and earnings goes to the VU) **or** as ancillary activity (performed in *private time* and earnings goes to the employee) depending on when you perform them and to whom the earnings go. The employee proposes what he or she prefers and will discuss this with the first in line manager. Examples:

Activity	Ancillary activity	Third party	Private activity
<b>Providing guest lecture(s)</b> not under the auspices of the VU (in <i>private time</i> )	X		
<b>Providing guest lecture(s)</b> under the auspices of the VU (during <i>VU work time</i> ).		X	
<b>Extracurricular education</b> or <b>participation in a review committee</b> <i>not</i> under the auspices of the VU (in <i>private time</i> ).	X		
<b>Extracurricular education</b> or <b>participation in a review committee</b> under the auspices of the VU (during <i>VU work time</i> ).		X	
<b>Editorial board</b> of a scientific journal in your field <i>not</i> under the auspices of the VU (in <i>private time</i> ).	X		
<b>Editorial board</b> of a scientific journal in your work field under the auspices of the VU (during <i>VU work time</i> ).		X	
<b>Advisor, investor, supervisor, director or partner</b> of companies, foundations, or associations <i>not</i> under the auspices of the VU (in <i>private time</i> ).	X		
<b>Advisor, investor, supervisor, director or partner</b> of companies, foundations, or associations under the auspices of the VU (during <i>VU work time</i> ).		X	
<b>Writing a book</b> <sup>1*</sup> <i>not</i> under the auspices of the VU (in <i>private time</i> ).	X		
<b>Writing a book</b> <sup>2*</sup> under the auspices of the VU (during <i>VU work time</i> ).		X	
<b>Member of a NWO or ERC committee</b> <i>not</i> under the auspices of the VU (in <i>private time</i> ).	X		
<b>Member of a NWO or ERC committee</b> under the auspices of the VU (during <i>VU work time</i> ).		X	
Board membership of a school board			X
Board membership of an amateur sports association			X

<sup>1</sup> It is important to make arrangements as soon as possible. For copyright advice contact UB (Leon de Blois)  
For educational books written not under auspices of the VU, UB can advise on the appropriate, preferably open, license.

<sup>2</sup> When writing under the auspices of the VU and as part of the job description, the VU has the copyright (Art. 7 Auteurswet).

## Appendix 3: Check list third party activity

Employees who intend to start or change a third party activity to be carried out under the auspices of the VU are strongly encouraged to informally discuss their case with the Department Manager and with the Director of Operations especially if the activity proposed would require a major commitment (e.g., consultancy for an external firm or high working load tasks). It is recommended that, before starting the third party activity, the employee and first in line manager check the following questions on whether these activities:

- can be carried out without increasing the overall workload to uncomfortable levels;
- pose a risk to the academic, organisational and/or business interests of the university;
- constitute an obstacle to the effective and the complete performance of the employee in question's duties at the university (VU-first principle)
- is detrimental to the reputation of the institution;
- presents (the appearance of) a conflict of interests with the university duties of the employee in question.
- uses IP, which belongs to the VU and/or which is gained within VU projects.
- are in line with the [Code of Conduct](#)

If all points are clear the employee can perform his or her third party activity. Registering this activity is not necessary, but it is recommended to add interesting activities to the employee's profile page (VU research portal).

## Appendix 4: Agreement form for additional approval of ancillary activities

Last updated: 2023-11-22

Scientific Staff can send this form to the director of Impact via [valorisatie.beta@vu.nl](mailto:valorisatie.beta@vu.nl)  
 Support staff can send this form to the director of Operations via [onderzoek.beta@vu.nl](mailto:onderzoek.beta@vu.nl)  
 Please keep a copy of the signed approval form for your own administration.

<b>Name employee</b>		
<b>Employee number</b>		
<b>Description of activities</b>	Describe here the activity	
<b>Remuneration</b>	Describe here whether the employee receives remuneration for the activity of combined activities that exceed €2.200 euros or whether there are any deferred financial interests or other rewards or compensation	
<b>Publication</b>	Describe here whether you agree with the non-disclosure of the ancillary activities and the reasons why	
<b>Signature Employee</b>	Date:	
<b>Signature Director of Impact (scientific staff) or Operations (support staff)</b>	Date:	