

Ancillary activities and third party activities

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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 valorization, but can also contribute to the professional development and to the personal well-being of those who engage them. The Faculty Board is thus pleased to witness a steep increase in the number of employees who engage with third parties, 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 activities and third party activities should be discussed, conducted, and disclosed. 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 organization to be transparent about how and when an employee is allowed to engage ancillary and/or other third party activities.

To achieve this goal, we will here provide information about the definition of ancillary activities and third party activities. We will then outline how our researchers should discuss, conduct, and treat all activities that involve the collaboration with external organizations (c.q. third parties).

It is important to stress that the goal of this document is *not* to replace the [VU policy on Ancillary Activities](#) or the [VSNU regulations on Ancillary Activities](#), but to define a process to facilitate the implementation of those policies and promote third party activities as a viable route to professional and personal gratification, in good alignment with our new [recognition and reward principles](#) (“Erkennen en Waarden”).

Note: in the text below, sentences copied from the VU policy or VSNU 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 different (see also Appendix 1):

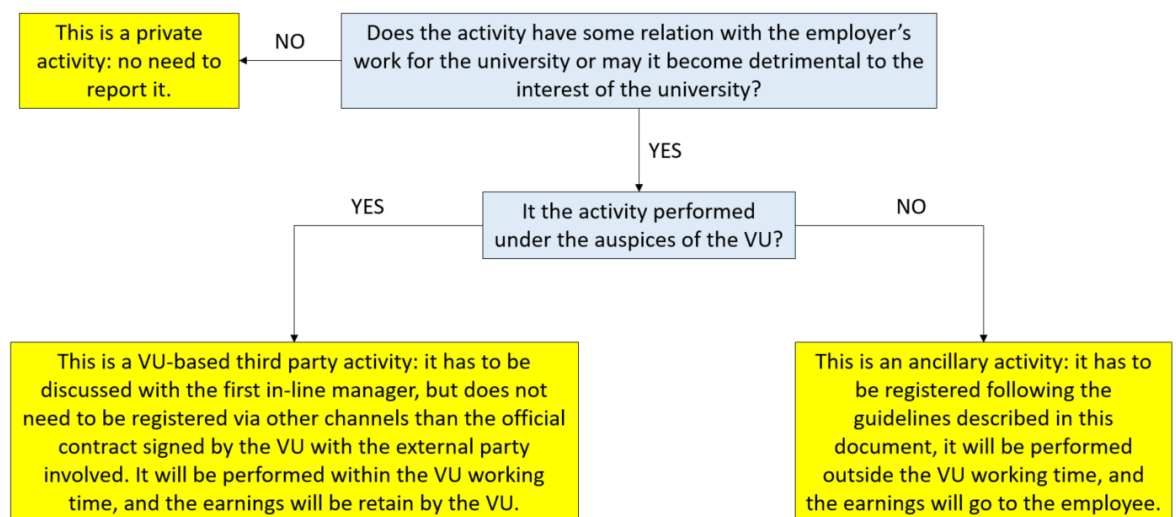
1. **Ancillary activities** are defined as professional activities for third parties that are *conducted by an employee of the university, though not in his/her capacity as an employee of the university, [...], in addition to his or her regular job at the university.*

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 means professional endeavors that are regulated by a contract and entail financial earnings.

In the scheme below you will find 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.



Ancillary activities

Ancillary activities must always be discussed with and approved by the first in line manager, and they must always be duly registered. Furthermore, they 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 his/her position as a VU employee. External observers must be aware of this situation, as it could trigger (in good or bad faith) biased behaviors or impaired decisions. It is important to stress that ancillary activities must be disclosed and registered even if there is no financial (direct or indirect) compensation, because the lack of financial compensation does not necessarily imply a lack of interest. It is further important to realize that ancillary activities are supposed to be carried out on top and not instead of the VU working time, and should thus be monitored and discussed to avoid working schedule conflicts and to mitigate the risk of excessive workload.

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. 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 Managing Director.

To give consent, the first in line manager should consider the questions as posed in [Appendix 4](#).

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)
- 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.

As a rule of thumb, if an employee would answer to at least one of the questions below with “yes”, he/she 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 organization 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 the Director of Valorization .

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 Valorization is always available to look into 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 and should be registered. The form provided in your [personnel serviceportal](#) is, at the moment incomplete and therefore it is necessary for the employee to fill in the [Agreement Form](#)

Step by step

Ancillary activities must be approved by the first in line manager and the Director of Valorization, and then registered in VUweb. The Head of the Department will be informed.

After informal discussion, the formal process proceeds according to the following steps:

1. The employee fills in the [Agreement Form](#)
2. The form is signed for approval by (in this order) the first in line manager and the Director of Valorization, and cc-ed to the Head of the Department (informative) and to HR-advisor for registration in personnel file;
3. Once approved, the employee registers the activity in their [personnel serviceportal](#)
4. Finally, the first in line manager approves the submission in VUweb.

With the approval of the first in line manager, the activity becomes visible in Pure 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 actually 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 make adjustments 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 organization
- 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 organization
- Country organization
- Hours per week
- Hours per week during VU working time
- Do you receive financial compensation? Yes/No
- Will there be any deferred income and/or financial interests? Yes/No
- 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 WP: 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 upload a written agreement of the Dean. Refusal to make your ancillary activity public may be a reason for the employer not to grant permission for the ancillary activity.

Extra information BETA, must be send to HR and will be added manually (see appendix 3 for format):

- Description of the ancillary Number of hours currently spent on other ancillary activities: how many hours on weekly basis the employee is already spending on current ancillary activities (excluding the new one)
- Remuneration: whether or not the employee receives remuneration for the ancillary activities or whether or not there are any deferred financial interests, or other rewards or compensation.
- Evaluation moment: this is typically in yearly appraisal meetings or earlier if there are reasons to do so.
- Other agreements (if yes, which ones), for example, the conditions and restrictions imposed on the permission, and potential security risks and related exclusion of publication on VU website.
- The employee's signed declaration giving consent to publish the relevant ancillary activities or third party activities with possible conflicts of interest on the employee's personal web profile page on the university website

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

Appendices

Appendix 1: Definition of types of activities

	Ancillary activities	Work associated with the position conducted for third parties	Private activities
What it is	<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 for third parties that are not conducted under the auspices of the university and that the employee in question carries out in addition or next to his or her regular job at the university using academic knowledge/resources and/ or where a conflict of interest might occur.</i>	<i>These activities are carried out under the auspices of the university, 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>
Revenue (see sectoral scheme covering ancillary activities 11)	<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
Intellectual property (including copyright)	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 Valorization and IXA concerning intellectual property rights . 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 Valorization and UB concerning copyrights.	Employee
Permission needed	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
Register	Yes	No	No
Execution	Private time unless agreed otherwise	During work time, since it is part of your job	Private time It is next to your job.
Possible conflict of interest	Between employee and VU/organization	Between VU/employee and third party	No possible conflict of interest

Contact when questions	Director of Valorization	IXA and Managing Director	Next in line manager
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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
Providing guest lecture(s) <i>not</i> under the auspices of the VU (in <i>private time</i>)	X		
Providing guest lecture(s) under the auspices of the VU (during <i>VU work time</i>).		X	
Extracurricular education or participation in a review committee <i>not</i> under the auspices of the VU (in <i>private time</i>).	X		
Extracurricular education or participation in a review committee under the auspices of the VU (during <i>VU work time</i>).		X	
Editorial board of a scientific journal in your field <i>not</i> under the auspices of the VU (in <i>private time</i>).	X		
Editorial board of a scientific journal in your work field under the auspices of the VU (during <i>VU work time</i>).		X	
Advisor, investor, supervisor, director or partner of companies, foundations or associations <i>not</i> under the auspices of the VU (in <i>private time</i>).	X		
Advisor, investor, supervisor, director or partner of companies, foundations or associations under the auspices of the VU (during <i>VU work time</i>).		X	
Writing a book ^{1*} <i>not</i> under the auspices of the VU (in <i>private time</i>).	X		
Writing a book ^{2*} under the auspices of the VU (during <i>VU work time</i>).		X	
Member of a NWO or ERC committee <i>not</i> under the auspices of the VU (in <i>private time</i>).	X		
Member of a NWO or ERC committee 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

¹It 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.

² 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: Agreement form ancillary activity

Name employee	
Employee number	
Description Activity	<i>Describe here the activity</i>
# hours current spent in other ancillary activities	<i>Describe here the number of hours the employee is already spending on current ancillary activities on a weekly basis. (excluding this activity)</i>
Remuneration	<i>Describe here whether or not the employee receives remuneration for the activities or whether or not there are any deferred financial interests or other rewards or compensation</i>
Compensation arrangements	<i>Describe here details on any related compensation arrangements of VU/BETA facilities such as instruments / tools / rooms at VU</i>
Evaluation moment	<i>Describe here when the evaluation moment will take place.</i>
Other agreements	<i>If yes, describe here which. For example, the conditions and restrictions imposed on the permission, and potential security risks and related exclusion of publication on VU website.</i>

The employee's signed declaration giving consent to publish the relevant ancillary activities or activities with possible conflicts of interest on the employee's personal web profile page on the university website.

Signature Employee		Date:	
Signature First In Line Manager		Date:	
Signature Director Of Valorization		Date:	

Please don't forget to send this form to your Head of Department and HR (informative) and register the ancillary activities via your [personnel service portal](#)

Appendix 4: 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 Head of Department 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 employees profile page (VU research portal).