

Frequently asked questions Tilburg University regarding the Sectoral Scheme Covering Ancillary Activities Dutch Universities as an addition to the text on the intranet/internet

1. What are ancillary activities?

These include all the work and activities that are not part of the position or duties at the university. That is why a distinction needs to be made between functional and ancillary activities. This distinction is explained in more detail below.

2. Is it obligatory to ask permission for all ancillary activities?

In principle yes, unless these ancillary activities are covered by the exception referred to in Article 5 of the Sectoral Scheme. In this Article it is stated that the employee is not obliged to report ancillary activities that clearly have no relation the employee's work for the university and that is obviously not detrimental to the interests of the university in any way and

- a. that does not threaten the effective and full performance of the employee's university duties, and
- b. that is performed outside working hours, and
- c. for which no payment of any kind is received.

Such work may include a membership of the board of an amateur sports club or school. If you are unsure whether certain ancillary activities should be reported, please contact your employer. Especially, not meeting the requirement mentioned in point c will often be the reason why ancillary activities had to be reported.

3. What is understood by a person's 'position or duties' (functional activities)?

A person's duties are determined by the university based on the classification in the job profile of the [University Job Classification System \(UFO\)](#). The tasks and activities that you are expected to perform as an employee are based on the duties assigned to you by the employer. Please ask your supervisor if you have any questions about your duties or your UFO job profile. The scheme also applies to other parties involved. The duties of these persons include agreements made with them regarding specific tasks to be performed. The duties assigned to professors not on payroll are determined by the agreements made with him/her regarding certain duties and the UFO profile of professor.

4. A professor writes articles for a newspaper or magazine, etc. or gives his expert opinion on television. Are these ancillary activities?

No, these are not considered ancillary activities but functional activities that are part of the position of professor. These activities are included in the [UFO profile of professor](#) (however, also in the UFO profile of associate professor, assistant professor and lecturer)

under the heading promoting scientific knowledge and insights. The earnings involved benefit the university. After all, the professor is paid for his/her functional activities by the university. Not all activities are explicitly mentioned in the UFO profile. In that case, it should be examined whether the activities are part of or arise from the position.

5. Is participation in an academic committee or consultative body considered an ancillary activity?

Not automatically, as these are tasks that fall under your university duties. There can sometimes be 'grey areas', however, so in case of doubt it would be advisable to request permission anyway so that the Dean (for academic staff) or Managing Director (for support and administrative staff) and HR 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 and not work carried out for third parties. In any event, ensure that activities such as participation in committees or consultative bodies are mentioned on your publicly accessible web page.

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

Not automatically, as these are tasks that fall under your university duties. There can sometimes be 'grey areas', however, so in case of doubt it would be advisable to request permission. If this work is not voluntary, this shall be considered part of your job and not work carried out for third parties. In any event, ensure that activities such as editing work are mentioned on your publicly accessible web page.

7. Do I need to report work on a self-employed basis?

Yes, all work done for third parties, irrespective of whether or not in paid employment, must be reported and requires permission. Therefore, this also applies to work as a freelancer, self-employed worker without employees, director and major stockholder of a B.V., associate in a partnership under common firm, and member of a foundation, publicly held cooperation, or B.V., et cetera. The only time it does not apply is if the activities are exempted from reporting under Article 5 of the sectorial scheme, see question 2.

8. Can work or activities done for third parties be functional as well? Or are these ancillary activities?

They can be either functional or ancillary activities. The same assessment applies as mentioned before. Functional work for third parties are activities for third parties which are considered to be or can be part of the university duties. Functional activities for third

parties comprise both activities offered to third parties at a cost-covering fee (e.g., contract funding for research, extracurricular education, services for third parties, and research funding) and activities for which no (cost-covering) fee is provided (e.g., participation in a review committee). Preferably this is done based on an agreement between Tilburg University and the third party.

In case a School enters in an agreement with **TIAS** School for Business and Society in which a professor gives lecturers by virtue of his appointment at Tilburg University, this will not be considered work for third parties and the earnings generated will benefit the School. However, if the professor enters in an agreement on his/her own initiative and permission has been granted by Tilburg University, this is considered an ancillary activity, and, in principle, the professor can keep the earnings himself/herself unless other agreements are made when granting permission.

9. The scope of my work elsewhere exceeds my work at the university, so which activities are considered work carried out for third parties?

Work you perform elsewhere is considered work carried out for third parties from the perspective of the university. This means that you will require permission for this work and it must be mentioned on your publicly accessible web page. This may seem counter-intuitive since an appointment elsewhere is your main activity. Permission and disclosure are essential for safeguarding the academic integrity of the university.

10. I receive no earnings for my work carried out for third parties. Am I still obliged to report such work?

No earnings do not automatically mean no obligation to report the work carried out for third parties. 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 instance, incorporating a legal person or being engaged as an administrator, supervisor, or shareholder of another organization may also warrant reporting to the university as such an engagement may involve a deferred remuneration or a possible conflict of interests.

11. What do I have to report if I request permission for ancillary activities?

You report the body for which the work for third parties is to be performed, the nature of the work for third parties, and the number of hours you spend—inside or outside office hours—on your work for third parties and whether the work for third parties is paid for or not.

12. For which changes do I have to ask permission?

You always have to request permission for new ancillary activities. Discuss the consequences and make agreements in case of changes in existing activities for third parties, e.g., in the number of hours or payment. For example, if part of the activities for third parties takes place during office hours, the earning are (partly) set off. Or that you temporarily start working part-time or take leave.

A change in position within Tilburg University can be a reason to reconsider your ancillary activities. Something that previously did cause not a conflict of interest could possibly be the case in a new position. Discuss this with your new supervisor.

13. I do lots of small jobs, surely it is impossible to ask for permission every single time?

In the interest of safeguarding the university's academic integrity, it is essential that you be as transparent as possible when reporting any work carried out for third parties. For this reason, it is essential that you seek permission for all work carried out for third parties, including minor jobs. Try to report such work as far in advance as possible and always keep your publicly accessible web page up to date.

If it is not possible to seek permission in advance owing to special circumstances beyond your control, it is essential that you report the work as soon as you can. If your request is rejected, you must cease the work for third parties.

14. Are positions in public administration permitted by the employer as work carried out for third parties?

The university will always grant permission for the performance of elected positions in public administration, such as on the municipal council, for example. Taking up such positions is your democratic right. Nevertheless, these positions must be reported and agreements must be made or conditions set.

15. I perform work for third parties for which I receive earnings; do I need to report this to the university?

Yes, if you receive remuneration for your work for third parties, this work must be reported to the university (Article 14 of the scheme.) Employees have to report in My Employee Portal whether the ancillary activities are paid for or not. Additional earnings are also understood to mean deferred earnings (Article 3), such as shares and other financial interests. The primary objective of the duty to report is to identify possible conflicts of interest; it is not the case that reported additional earnings automatically benefit the university.

16. Am I obliged to report the amount of my earnings from ancillary activities?

Under Article 12 of the sectorial scheme, one of the conditions for granting permission is a set-off of the additional earnings or a portion thereof. To be able to do this the employee needs to report the amount of the earnings. If the employee does not do this, it may be a reason to refuse permission. Transparency, also of the employee is highly desirable in these kinds of matters.

17. Am I obliged to report earnings from functional activities?

Yes, because these always benefit the university and you are not allowed to keep them.

18. Can my ancillary activities be refused based on the scope of these or based on the amount of earnings?

The reasons for not granting permission for ancillary activities are stated in Article 11 of the sectorial scheme. The scope of the work or the amount of the earnings as such is not a reason for not granting permission. This is only the case if the effective and full performance of the employee's university duties is threatened and needs to be considered for each case separately. Generally speaking, the Dutch Working Hours Act assumes that, per 16 weeks, employees are not allowed to work more than 48 hours per week. The Working Hours Act is not applicable in some cases, for example, for researchers and employees who earn at least three times the minimum wage. However, it provides a good indication. If it threatens an effective performance of the function, no permission may be granted (anymore) for the ancillary activities or it can be discussed, for example, whether the scope of the Tilburg University position can be reduced or whether taking temporary leave is a possibility.

19. Can the permission granted be revoked?

Yes, that is possible. Under Article 13 of the sectorial scheme, in the event of a change of circumstances or insight or if the conditions set have been breached, the permission granted may be revoked.

20. What if I am unsure whether certain duties are work for third parties or not?

In the first instance, you can discuss this with your supervisor who will discuss the matter with the authorized Dean/Managing Director or the Executive Board. The HR advisor can offer assistance.

21. What if I don't agree with a decision regarding my work for third parties?

First, discuss the matter with the person who took the decision or contact your HR advisor.

An (ex-)employee whose interest is directly affected by an individual decision, action or

refusal of such by the university as the employer can submit an objection or lodge an appeal or request a reconsideration. This is provided for in chapter 4 of the Administration and Management Regulations. More information can be found on the HR intranet page under [legal protection](#).