Aalborg University rules for sideline occupation

Aalborg University attaches great importance to knowledge exchange between the University and its surrounding society. We owe this to the outgoing, friendly and accommodating nature of our organisational culture in which employees are encouraged to undertake external activities for the University and are supported in employing their academic and scientific knowledge to solve tasks as private individuals parallel to their principal occupation at the University. However, this needs to be conducted within a set of guidelines.

1. General guidelines for all employees

All employees may undertake sideline occupation, provided that such occupation is compatible with their principal occupation at Aalborg University, cf. the Danish Civil Servants Act, section 17 and The Employers' and Salaried Employees' Act, section 15, and provided that such occupation exerts no influence on the credibility and legitimacy of the University in relation to research, education and administration.

Thus, any sideline occupation must be compatible with the respect and trust required of the employees of Aalborg University, it must not be in competition with Aalborg University and must be conducted in accordance with the general duties of loyalty¹ and the provisions of the Danish Marketing Practices Act on trade secrets².

If the employee believes that an external activity, which is not subject to prior notification, may result in a conflict of interest or competence problem, the employee must discuss this with his/her line manager as soon as possible.

¹ The contents of the duty of loyalty depends on the employee’s job function. Examples of the violation of the duty of loyalty include setting up a competing company, actions that might damage the earnings of the University or in any way involving the University in situations which might serve to damage AAU's reputation.

² Danish Marketing Practices Act, section 19, subsection 1: An individual who is under contract of service to or working in cooperation with a business or is carrying out an assignment on its behalf must not obtain or try to obtain knowledge of or access to the trade secrets of the business in an improper manner. Section 2: If the individual concerned has obtained knowledge of or access to the trade secrets of the business in a lawful manner, he must not (unless authorised) pass on or make use of such secrets. This prohibition is valid for three years after the end of the contract of service, cooperation or assignment. Subsection 3: The rules in subsections (1) and (2) apply correspondingly to other persons who have lawful access to the business. Subsection 4: A person who in the course of work or for another commercial purpose has been entrusted with technical drawings, specifications, formulae, models or the like may not make use of such material or put others in a position to do so without authorisation.
2. Specific rules for certain groups of employees

Specific rules apply to employees holding academic positions (minimum employment level of 20%) at assistant professor level or above and employees in managerial positions at level 1, 2 or 3. These rules are specified in sections 3, 4 and 5.

3. Sideline occupation subject to both prior notification and annual reporting

Sideline occupation conducted in private and not in connection with the employment at Aalborg University might include:

- employment with other public or private companies including companies set up by the employee
- serving in commissions, boards, councils, associations, committees or think tanks to which the employee has not been appointed by Aalborg University
- teaching obligations at other institutions
- teaching and course activities outside of the University
- acting as adviser/consultant to public or private companies

Sideline occupation of this nature must always be subject to both prior notification to the employee’s line manager as well as annual reporting. \(^3\)

3.1 Agreements on acting as adviser/consultant

Regarding the agreements on advising/consultancy activities, the employee must not enter into any agreements containing non-competition clauses or agreements, which include the disposal of intellectual property rights owned by Aalborg University under the Consolidated Act on Copyright or the Act on Inventions at Public Research Institutions.

If the agreement contains elements of secrecy, the employee must ensure that he/she will not be obligated to keep secret any parts of his/her background knowledge.

Aalborg University’s name, stationary, email signature, rooms, laboratories and other facilities may not be used in connection with consultancy agreements and activities which are not conducted for Aalborg University resources. In such cases, the employee must ensure that any third party has been made aware of and understands that the consultancy activities are conducted by the employee as a private individual and not on behalf of the University.

4. Requirements for the notification of sideline occupation

In the event that any sideline occupation is subject to prior notification and annual reporting, the following requirements to form and contents must be met.

4.1 Prior notification

Sideline occupation subject to prior notification must, wherever possible, be announced one month prior to the commencement of the occupation allowing management to make an assessment as to whether the occupation is compatible with the employment at Aalborg University.

Sideline occupation subject to prior notification to the employee’s line manager must be announced using a standard form, which may be found in the AAU Manual. The notification must be made to the manager who carries out the day-to-day management and administration of the department. For most academic staff members this means that notification must be made to the head of department, while the head of department must notify the dean of the department.

\(^3\) Consult with subsection 4 for practical information as well as the requirements for form and content.
The notification must contain information on the applicant/client/employer, period of employment (and any time limitations), the extent of the employment, the physical location of the activity, the date and the nature of the activity. Furthermore, the employee must account for the demarcation between his/her employment at AAU and the sideline occupation. The line manager must approve the notification, send a copy of this approval to the employee and register the approved notification to the employee’s personnel file in the esdh-system.4

When new employees are employed, the manager must ensure that the form is completed as soon as possible.

4.2 Annual reporting
Once every year (in December, unless otherwise agreed) the employee must complete a report form which may be found in the AAU Manual. In this form, the employee must report any sideline occupation having been conducted that year. The notification must be made to the manager who carries out the day-to-day management and administration of the department. The manager must approve the notification, send a copy of this approval to the employee and register the approved notification to the employees personnel file in the esdh-system.

4.3 Assessment of the sideline occupation
Both the manager and the employee are responsible for
- the employee maintaining his or her performance, depending on the level of employment
- working hours not being reduced as a result of the sideline occupation, depending on the level of employment
- the sideline occupation being compatible with the organisation of the employee’s work activities

Sideline occupation subject to both prior notification and annual reporting must not:
- result in the incapacity of the employee and/or Aalborg University
- be paid for by Aalborg University - directly or indirectly
- be in competition with Aalborg University, whether this is exercised by the employee or by a third party receiving the services of the employee
- be inconsistent with the decorum requirement - thus, the employee “must appear to be worthy of the esteem and trust vested in their position.”

5. Employment legal implications
In the event that the employee’s manager finds the sideline occupation not to be compatible with the employment at Aalborg University, the manager may direct the employee not to undertake the sideline occupation or demand for the sideline occupation to be limited or annulled. Any such direction must be substantiated in writing. Disregarding any such direction from the manager may have legal implications. Sanctions may be enforced in accordance with the current delegation instructions.

6. Activities subject to reporting in Pure
As a rule, employees at Aalborg University may, without prior notification, perform activities directly resulting from their employment at Aalborg University if such activities are carried out under the auspices of Aalborg University and are related to the employee’s work activities at Aalborg University. These are activities such as assessment committee work, guest lectures and duties performed for the Corps of External Examiners.

4 Information on file and document titles may be found on the notification form
Activities of this nature must be reported in Pure (when an expected technical solution is ready in late 2015) and more information about how and what to report will follow.

7. Duties consisting of leisure activities

Employees at Aalborg University may, without prior notification, perform any form of activity or task consisting of leisure time activities if these do not influence the employment at Aalborg University. Whether paid or unpaid, duties consisting of leisure activities are not covered by the guidelines for sideline occupation.

8. Disclosure of information related to reported sideline occupation

In relation to any requests of disclosure under the Danish Open Files Act, section 21, subsection 3, the administration of Aalborg University may disclose information on public sideline occupation. This includes activities such as the membership of boards, councils and committees; however, this does not include sideline occupation which takes place in private.

9. Social security

As a rule, employees at Aalborg University are covered by Danish social security; this also applies to employees working for a university abroad. Social security benefits include sickness or maternity benefits, unemployment insurance, state pension, early retirement, supplementary pension (ATP), child benefits, health insurance, industrial injury insurance, etc.

In the event that the sideline occupation is situated abroad, the employee may be covered by the social security legislation of another country. This means that the employee may be entitled to receive the social security benefits of this country, thus, Aalborg University and the employee may be obligated to pay for these services.

In order for AAU to be able to assess the risk of having to pay taxes in another country, the employee must submit a report on any sideline occupation conducted abroad. This report must include details on the employer’s identity and address as well as the extent of the employment. If the sideline occupation will put Aalborg University to expense, the employee’s manager will determine whether the activity is compatible with the employment at Aalborg University.

10. Validity

These rules apply to employees at Aalborg University and come into force 1 April 2015.