

To: Faculty Directors of Admin and CCE

From Lilian Scime and Lisa Newton

**Subject: Independent Contractor Questionnaire Interpretation Guidelines**

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The following guidelines are intended to provide additional direction when assessing the nature of the relationship **when current faculty members** (covered by the yellow document) want to provide teaching services to the university on an independent contractor basis.

**In situations where a current faculty member is providing teaching service through their incorporated entity (this is an example of a non arms length incorporated entity):**

In all cases where the teaching relates to a degree, diploma or certificate program that has been approved by Undergraduate or Graduate Council, the relationship is an employment relationship.

In cases where the teaching relates to general interest or corporate training (ie. programs not approved by Undergraduate or Graduate Council), the relationship will be deemed to be an independent contractor if:

- The nature of the teaching is beyond the scope of their employment contract with the University. In other words, they will be providing service that is outside of the scholarly expertise that is used for their University position. In cases of uncertainty, consult with the officer to whom the faculty member is responsible

**and**

- The faculty member provides evidence of professional liability insurance and Workplace Safety and Insurance Act coverage (or equivalent)

**In situations where a current faculty member is not providing teaching service through an incorporated entity:**

In all cases where the teaching relates to a degree, diploma or certificate program certified by the Undergraduate or Graduate Council, the relationship is an employment relationship.

In cases where the teaching relates to general interest or corporate training (ie. programs not approved by Undergraduate or Graduate Council Council), the relationship will be deemed to be an independent contractor if all of the following conditions apply:

- The completed ICQ indicates an independent contractor relationship exists
- The nature of the teaching is beyond the scope of their employment contract with the University. In other words, they will be providing service that is outside of the scholarly expertise that is used for their University position
- The faculty member provides evidence of professional liability insurance and Workplace Safety and Insurance Act coverage (or equivalent)

In the case where the Manager does not agree with the facts and representations made by the service provider on the ICQ, the Manager should not sign or complete the form. In cases of dispute, forward the ICQ to HR Legal who will make a decision or seek a CRA ruling.