Appendix B: Independent Contractor (IC) Process

I wish to engage an individual (including a single-employee business operating under a business like an LLC) or 3rd party entity that does not follow a formal classification process to provide a service.

*If this is a guest speaker, please go to page 2. If this is a human subject payment, then see Human Subject Payment Policy.

Does the individual currently have an active appointment at Harvard?

- NO
  - Contact HR for preliminary discussion and to determine if an Independent Contractor Questionnaire (ICQ) is required for the engagement. ICQ is required unless the engagement is a one-time engagement for less than 3 months and $3,000.

  - Is ICQ required?

    - YES
      - Complete the ICQ, and forward to HR for review & approval

    - NO
      - Does the engagement meet the 3-part test and qualify as IC?

        - NO
          - Department or Unit executes contract before services are performed. When services have been performed and invoice(s) received, Department confirms ICQ completed or submits Exception Attestation Form, contract, and invoice to the department/unit’s accounts payable (AP) approver.

        - YES
          - Department/Unit Role

HR Role

Financial Processor Role

YES

HR reviews ICQ to determine if the individual can be classified as an IC.

- YES
  - Is individual classified as an IC?

    - YES
      - Not an IC: HR and department will determine appropriate next steps and appropriate payroll type.

    - NO
      - Department or Unit executes contract before services are performed. When services have been performed and invoice(s) received, Department confirms ICQ completed or submits Exception Attestation Form, contract, and invoice to the department/unit’s accounts payable (AP) approver.

  - NO

Payment Process

(see App. C – Finance & Approval Process for additional information).

- If the IC will need system access to resources, review the Policy on Person of Interest (POI) to set them up (POI).
- Payments must be processed through the AP system; services cannot be paid out-of-pocket, or by using a University Corporate or PCard.
- Department reviews invoices and receipts for appropriateness and per the contract agreement.
- Use the appropriate object code when processing payments.

AP approvers must make sure an ICQ or attestation, and contract have been completed and signed before processing payments. Both the ICQ and contract must be kept on file.
Appendix B: Independent Contractor (IC) Process for Guest Speakers or Lecturers*

Is the individual a guest speaker or guest lecturer (i.e., performing a one-time speaking engagement)?

IC Questionnaire does not need to be completed. Complete appropriate Model Speaker Engagement or Consent Form. Use appropriate object code (8690 or 8692) to comply with MA Performers Tax Requirements.

Is the presentation being recorded?

NO

Complete the Model Speaker Engagement Form-No Recording

YES

Complete the Model Speaker Consent Form-Audio/Video Recordings

*Guest speakers and lecturers do not require an ICQ when the payment is an honorarium provided as a token of appreciation (thank you) for participation in an activity or event where no fee is legally required and not as a contractual obligation to pay for services rendered. If the speaker determines or negotiates the payment amount, schools and units must follow the IC Policy or ICQ Exception Attestation Process. Be sure a foreign individual's visa status allows payments prior to offering an honoraria.

Examples would be a nominal payment and not required on an on-going basis and include:
- One-time lecture - Any individual teaching or co-teaching a substantial portion of a course, listed as an instructor in the course catalog or who holds a Harvard appointment cannot be classified as an IC.
- Guest speaker at an educational event, workshop, conference or other similar function.
- Panelist for a workshop or conference.
- Performing artist (though these are more commonly payment for services and must follow the IC Policy or ICQ Exception Attestation Process).