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Authority: Board of Governors	Responsibility: Office of Graduate Studies	Access: W

1. Background

Postdoctoral Fellows (PDFs) represent an important and valued group of senior research-oriented trainees at the University of Prince Edward Island. These individuals are normally within the final stage of the intensive research-training period of their careers. Having completed formal doctoral training, the PDF, with minimal teaching and administrative responsibilities, works under the general supervision of a faculty member, but is expected to take an increasing degree of independent ownership of their research, with a minimum of supervision, before assuming the status of independent researchers. PDFs are expected to devote their time and energy almost exclusively to research, to make significant contributions to knowledge in their discipline, and to augment their personal research stature as well as that of the University.

2. Purpose

- 2.1 The purpose of this policy is to establish a uniform set of policies and procedures with respect to Postdoctoral Fellows (PDF).
- 2.2 Nothing in this policy is meant to conflict with the stipulations of the Canada Revenue Agency, Employment Standards Act, and the UPEI Faculty Association Collective Agreement.

3. Scope

This policy applies to all Postdoctoral Fellows at the University of Prince Edward Island.

4. Responsibilities

- 4.1 The responsibility for the approval of this policy rests with the President and Board of Governors.
- 4.2 The responsibility for the implementation of this policy rests with the Assistant Vice-President, Graduate Studies.
- 4.3 The responsibility for the administration of this policy rests with the Office of Graduate Studies.

5. Definitions

- 5.1 **Post Doctoral Fellows (PDFs):** Individuals in the final stage of research training, and they are normally appointed within five years of the completion of their doctoral degree. This appointment window may be extended by

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circumstances requiring a break in the individual's research career, such as for parental responsibilities, or work towards other degrees.

- 5.2 **Non-resident PDFs:** Those PDFs who are not Canadian citizens or permanent residents of Canada. Such individuals must visit a Canadian Embassy or Visa Office and apply for a work permit and/or Temporary Resident's Visa (dependant on the country they are from). At the point of entry into Canada, they must show the work permit documentation to obtain their work permit.
- 5.3 **Fellowships Income:** The Canada Revenue Agency (CRA) views fellowship funding as amounts paid to persons to advance their education. An amount paid as a fellowship is normally included in income as a fellowship, but may sometimes be included as a research grant. In either of these cases the stipend paid will be reported as T4A income; Canada Pension Plan and Employment Insurance will not be deducted; however, income tax will be deducted.
- 5.4 **Employment Income:** Notwithstanding the above, it is possible to treat the fellowship funding as employment income when this is permitted by the relevant grantor or funding source, and circumstances dictate in accordance with CRA. The following will be deducted from the fellowship funding: Canadian Income Tax, Employment Insurance, and Canada Pension Plan. Group Life Insurance and Supplemental Health are optional benefits offered with this arrangement. For tax purposes, a T4 will be issued to at the end of the year.
- 5.5 **Just Cause:** A legal term reflecting conduct by the postdoctoral fellow that is inconsistent with the nature of the appointment as a postdoctoral fellow at the University of Prince Edward Island.
- 5.6 **Supervisor:** The Faculty member who is responsible for overseeing the PDF's work, providing research space and funding to carry out the PDF research, and providing an appropriate level of guidance.

6. Policy

- 6.1 Anyone who has completed either a Ph.D. or an equivalent degree and is within the defined time period as outlined in Section 5.2 above is eligible to be appointed as a PDF at the University of Prince Edward Island.
- 6.2 **Recruitment, Selection, and Offer of an Appointment as a Postdoctoral Fellow**
- 6.2.1 Subject to the relevant provincial and federal regulations such as the Canadian Immigration Act, faculty members in consultation with Deans and Department Chairs may recruit PDFs in accordance with UPEI standard practices. This may include, but is not limited to, using personal

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contacts, response to inquiries, and advertisements in local, national or international publications.

- 6.2.2 Normally, a faculty member, who has funding sources that can be used to support a PDF (a research grant or contract), will conduct the selection process personally, or with other faculty members if there are to be joint funding and supervisory responsibilities for the position.
- 6.2.3 For PDFs who are to be supported through a named fellowship directly from an external granting agency, such as SSHRC, NSERC or CIHR, the review process is handled by the funding agency at arms' length from the supervisor, and the role of the supervisor is to provide a letter of support for the applicant. The UPEI faculty supervisor is responsible for ensuring externally funded PDFs are adequately supervised and shepherded through the UPEI PDF administrative processes.
- 6.2.4 The Offer of Appointment is made through a *Letter of Offer* authorized by the Chair (in departmentalized faculties) and Dean with notification to the Vice-President, Research & Development and the Assistant Vice-President, Graduate Studies. The template for the Offer of Appointment is contained in *Appendix "A"*.
- 6.2.5 Each PDF will have both an electronic and paper employee record established through documentation provided to the Human Resources Department. All appropriate appointment documentation (appointment form, CV, social insurance number, employment authorization if a non-Canadian, copy of letter of offer, and letter of acceptance) will be maintained by Human Resources.
- 6.2.6 It is the direct responsibility of the faculty supervisor(s) to ensure that funding for the PDF stipend is secured for the duration of the PDF's appointment, and that all necessary research resources are available in order that the PDF might reasonably be expected to achieve his/her set goals. The availability of appropriate research space is the responsibility of the supervisor along with the academic administrator, who has been designated as responsible for management of space for the PDF supervisor's unit.

6.3 **Appointment**

- 6.3.1 Normally a PDF appointment is for one year, with annual renewals to a maximum of 5 years. Non-Canadian appointments are generally governed by the entry permit which is valid for a specified term, although a brief extension can be arranged when a good case can be made by UPEI

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representatives to Citizenship and Immigration Canada. If appropriate, the duration of appointment may coincide with awards made by external agencies.

- 6.3.2 Upon mutual agreement between the PDF and the supervisor in consultation with the Dean, a PDF appointment may be extended by an agreed upon term. The supervisor(s) should give reasonable notice (normally 3 months, but not less than 60 days) to a PDF of the intention to renew or not to renew an appointment.
- 6.3.3 PDFs are generally funded from external awards from granting agencies or foundations, or from internal awards from the operating grants or research contracts of the faculty supervisor(s).
- 6.3.4 The University of Prince Edward Island does not specify a compensation level for PDFs. Compensation for externally funded PDFs will be determined by the funder. For a PDF supported from a grant or contract, compensation should be based on relevant experience and responsibilities of the incumbent, and should be in line with the stipend/salary ranges and minimum specified by major Canadian research granting councils. The compensation will be worked out between the supervisor and PDF in consultation with the Dean (or his/her designate).
- 6.3.5 The appointment of a postdoctoral fellow at the University may be terminated without notice for just cause, in accordance with the Employment Standards Act. At the time of the termination of the appointment for just cause, the postdoctoral fellow will be provided with a statement of the reasons for the termination of the appointment.
- 6.3.6 The appointment of a postdoctoral fellow at the University may be terminated at any time during the term of the appointment by mutual agreement between the postdoctoral fellow and the supervisor, in consultation with the Dean.
- 6.3.7 Compensation to a PDF can be treated as either fellowship income or employment income; treatment may depend on the primary purpose for which the fellowship was granted. The PDF in consultation with the supervisor based upon circumstances will indicate the compensation stream; the stream will be confirmed by the University on a case-by-case basis. The difference in treatment for tax purposes is outlined in *Appendix "B"*.
 - 6.3.7.1 The following guidelines should be considered in choosing the appropriate compensation stream:

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Generally, a payment is considered to be employment income if:

- 6.3.7.1.1 there is a condition of service in return for the payment;
- 6.3.7.1.2 the educational institution is the primary benefactor of the related services (e.g., the educational institution would have needed to hire someone to perform the related duties);
- 6.3.7.1.3 the educational institution controls how and when the related duties are completed; or
- 6.3.7.1.4 the educational institution controls how and when the work is carried out, and the facilities and equipment used to carry out the work.

6.3.7.2 The following are more characteristic of a fellowship:

- 6.3.7.2.1 the payment is made primarily to advance the recipient's education;
- 6.3.7.2.2 there are no employee-employer contractual obligations;
- 6.3.7.2.3 payment is not consideration for services rendered.

6.3.8 Leaves and Vacations granted to a PDF shall be in accordance with the Employment Standards Act of PEI as outlined in *Appendix "B"*.

6.4 Academic Issues

6.4.1 Teaching: Although the primary responsibility of PDFs is to undertake research, they are an intellectual resource in the University and may contribute to educational programs. Postdoctoral Fellows (PDFs) represent an important and valued group of senior research-oriented trainees at University of Prince Edward Island. These individuals are normally within the final stage of the intensive research-training period of their careers. Graduate students in particular may benefit from the participation of PDFs in graduate student teaching and mentoring.

6.4.2 PDFs are generally permitted to contribute in a limited, informal capacity to aspects of a degree course, provided such contributions are incidental to their assigned duties and responsibilities.

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- 6.4.3 PDFs who take on teaching duties beyond those outlined in 6.4.2 are required to enter into a sessional or term teaching contract with the University, in compliance with the *Collective Agreement* between the University of Prince Edward Island and the University of Prince Edward Island Faculty Association.

NOTE: The availability of such teaching positions is limited and conditions for obtaining such a position are specified in the *Collective Agreement* between the University of Prince Edward Island and the University of Prince Edward Island Faculty Association.

- 6.4.4 PDFs may apply for external funding if the agency allows applications from PDFs. Research accounts established at UPEI for these funds must have the UPEI PDF supervisor with co-signing authority. PDFs are not eligible to apply for grants-in-aid of research from agencies requiring that the individual hold a regular faculty appointment.
- 6.4.5 Publication of research results is a typical standard of academic achievement. The faculty supervisor shall ensure that PDFs are appropriately recognized for their contributions to publications involving the PDF's research. This recognition will be based on generally accepted conventions for publication in the particular academic field, and on the principles outlined in the UPEI Policy on Integrity in Research and Scholarly Work. The general practices of the faculty supervisor concerning authorship will be explained to the PDF prior to the commencement of the fellowship. The faculty supervisor will inform the PDF, prior to commencement of the fellowship, of any prior, time-limited restrictions on the publication of results imposed by the funding sources for the research project.
- 6.4.6 Intellectual Property Rights - The development of patentable or copyright products is often an important component of academic achievement. Intellectual property includes but is not limited to, substances, processes, formulations, technical information, reports, photographs, drawings, plans, specifications, models, prototypes, inventions, patterns, samples, software designs, know-how and improvements or modifications, whether or not protected by patent, copyright, industrial design or trade secret law. It is the responsibility of the faculty supervisor to communicate a clear, written explanation of rights and obligations regarding intellectual property, and any policies for assignment of IP that will be part of the PDF's file. PDFs are to be appropriately recognized for their contributions to protected IP. The faculty supervisor will inform the PDF of any prior restrictions on

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intellectual property rights or assignment imposed by the funding sources of the research project.

6.4.7 The University of Prince Edward Island encourages faculty supervisors to treat intellectual property of PDFs who are funded through the employment income category, in the same manner as PDFs in the Fellowship award category.

6.4.8 All PDFs will ensure that any research involving human and/or animal participants or biohazardous materials is covered under approved protocols that are generated either by the PDF directly, or by the faculty supervisor. All PDFs who will be involved in human research will familiarize themselves with the Tri-council Policy Statement on Ethics of Human Research. Additionally, all PDFs who intend to work on animals will take part in the UPEI Animal Care Instructional Program before beginning any animal research at UPEI.

6.4.9 Professional Development - PDFs will have access to professional development workshops and events on campus whenever possible and appropriate, under the mandate of the Office of Graduate Studies.

6.5 **Dispute Resolution and Grievance Procedures**

Ideally most problems are expected to be resolved by the faculty member supervisor and the PDF directly. Unresolved problems may be brought by the PDF or supervisor in confidence to the attention of the relevant academic administrator (Department, Faculty/School). If an issue cannot be resolved at this level, it may be brought to the Dean of the Faculty/School or to the Assistant Vice-President, Graduate Studies in confidence. Administrators working to resolve such problems can consult with Human Resources, Deans, or other individuals with expertise in the area of the conflict.

7. **Review**

This policy shall be reviewed by the Graduate Studies Advisory Committee every three years. The Assistant Vice-President, Graduate Studies shall be responsible for seeing that the review is undertaken.

ACKNOWLEDGMENT:

This document has been adapted from “*Dalhousie University Policies and Procedures for Administration of Postdoctoral Fellows*”, updated July 2008.

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**Appendix “A”
Letter of Offer to Post Doctoral Fellow**

Date

Name
Department
UPEI

Dear Dr. <insert>,

You have expressed interest in furthering your academic career by accepting a post-doctoral fellowship at the University of Prince Edward Island. Following our discussions, I am pleased to offer you a position in my <insert: lab/ office/ department>, in accordance with the UPEI Postdoctoral Fellows Policy (attached). During the term of your appointment, you will be expected to participate in <insert>, as well as to discuss your research with collaborating Faculty and Graduate Students. Depending on requirements of the project, you may also be required to assist/supervise undergraduate and graduate trainees and technicians.

The term for this appointment is <insert> years, starting <insert> and ending <insert>. If you are unable to meet this timeline, the offer will be modified to start <insert> and end <insert>. If you are not able to meet either of these terms of appointment, then this offer will be rescinded. Additionally, this offer is subject to obtaining the appropriate Canadian work permit.

In accordance with CRA and the Postdoctoral Fellows policy, there are two possible compensation streams depending on the circumstances of your award:

1) **The Postdoctoral Fellowship Stream**

Under the Fellowship Stream you will be paid an annual stipend of <insert>. Deducted from this will be Canadian Income Tax (mandatory). This Stream is not eligible for benefits (statutory and/or supplemental health), vacation or any other paid leave. This stipend is paid through the UPEI payroll department on a bi-weekly basis. For tax purposes, a T4A will be issued to you at the end of the year.

or

2) **The Employment Income Stream**

Under the Employment Stream you have been offered an annual stipend of <insert>. Under this stream, the following mandatory deductions at full cost (100%) will be deducted from the

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stipend (through bi-weekly payroll): Canadian Income Tax, Employment Insurance, Workers Compensation, Canada Pension Plan, Group Life Insurance and Supplemental Health (optional – see below). For tax purposes, a T4 will be issued to you at the end of the year.

You have indicated that your circumstances support the _____ stream. This will be confirmed for your circumstances by the University. Once confirmed, the compensation stream will stay in force for the remainder of this contract with the University.

Postdoctoral Fellows in the Employment Income Stream will have the option of enrolling in the Supplemental Health Plan offered at UPEI. You will be required to pay the full premium.

If you are in the Employment Stream, please indicate below if you authorize to have deducted from your stipend, the amount necessary to cover the premiums for the Supplementary Health Benefits.

- I Authorize the Deduction of Premiums for Supplementary Health Benefits
- I Don't Authorize the Deduction of Premiums for Supplementary Health Benefits

If you have any questions on the above options, please contact the Manager of Employee Benefits in the UPEI Human Resources Department at 902-566-0514.

If you have any questions regarding this job offer, please do not hesitate to contact me at <mailto:xxxxx@upei.ca>.

Sincerely,

Signature of Faculty Supervisor
Faculty Member's Title <insert>

Signature of Department Chair
Department Chair's Title <insert>

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Signature of Dean
Dean's Title <insert>

I have read and accepted the terms of this contract.

Signature of Postdoctoral Fellow

Date

- c. Human Resources
Office of Graduate Studies
VP, Research and Development

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Appendix “B”

Statutory Deductions Under CRA Leaves and Vacations Under the Employment Standards Act

Compensation and Deductions – See two compensation streams (*Fellowship* or *Employment*) in Appendix “A” which are possible. One must be designated by the Post Doctoral Fellow (PDF). The statutory deductions, benefits, and leave entitlements associated with each are as summarized in the following:

Benefits and Deductions Applicable To Each Stream

Fellowship Stream:

- Fellowship Award eligible
- Income Tax - 100% deducted from fellowship funding

Employment Stream:

- Fellowship Award eligible
- Employment Insurance – 100% deducted from fellowship funding
- Canada Pension - 100% deducted from fellowship funding
- Income tax - 100% deducted from fellowship funding
- Workers Compensation - 100% deducted from fellowship funding
- Supplementary Health Plan - 100% deducted from fellowship funding (if elected)
- Group Life & AD&D - 100% deducted from fellowship funding (if elected)

Leaves & Vacation

The leaves and vacations are statutory requirements under the Employment Standards Act of PEI for PDFs paid under the *Employment Stream* including:

Unpaid Pregnancy Leave - 15 weeks (when PDF has been employed for at least 20 weeks)

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Unpaid Parental Leave - 25 weeks (maximum combined parental and pregnancy leave is 52 weeks when PDF has been employed for at least 20 weeks)

Paid Vacation - Two weeks with pay, taken within the year of appointment, in addition to weekends, public holidays and other holidays that are observed by faculty members by agreement with the University. Vacation days cannot be carried over to a subsequent year.

Accommodation of religious observance requests as may be required by the Human Rights Act.

Paid Sick Leave - In consultation with the supervisor and with the knowledge and approval of the Dean.

If a leave is taken that extends past the original date of termination of the appointment, the appointment will be considered to be terminated at the original termination date, unless an extension is mutually agreed upon by the PDF and the supervisor, in consultation with the Dean.