



# OLD DOMINION UNIVERSITY

## University Policy

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**Policy #6023**

### **POLICY FOR THE USE OF NON-RESEARCH RELATED VOLUNTEERS**

**Responsible Oversight Executive:** Vice President for Talent Management and Culture

**Date of Current Revision or Creation:** May 10, 2022

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#### **A. PURPOSE**

The purpose of this policy is to provide guidelines for the use of non-research related volunteers by University departments and academic units.

#### **B. AUTHORITY**

[Virginia Code Section 23.1-1301, as amended](#), grants authority to the Board of Visitors to establish rules and regulations for the institution. Section 7.01(a)(6) of the [Board of Visitors Bylaws](#) grants authority to the President to implement the policies and procedures of the Board relating to University operations.

[Federal Fair Labor Standards Act](#)

[Code of Virginia, Section 2-2.1837, as amended, Risk Management Plan for Public Liability](#)

[Code of Virginia, Section 2-2.1838, as amended, Insurance of State Motor Vehicles](#)

#### **C. DEFINITIONS**

Agents – Persons authorized to represent, act on behalf of, and/or bind the University.

Volunteer – An individual is considered to be a volunteer at Old Dominion University if the following conditions are met:

1. Services are performed in support of the University's mission to include civic, charitable, educational, research or humanitarian reasons without promise, expectation, or receipt of compensation for services rendered.
2. If the volunteer is a current University employee, the volunteer services are not the same type of duties for which the University employs the individual and are freely given without pressure from the University.

NOTE: The Federal Fair Labor Standards Act (FLSA) states that non-exempt employees must be compensated for all hours they are required or permitted to work. Thus, even though non-exempt employees may *volunteer* to perform the duties for which they are employed beyond their normally scheduled hours, departments must compensate the employee for those extra hours worked.

#### **D. SCOPE**

This policy applies to all University departments and academic units.

#### **E. POLICY STATEMENT**

It is the policy of Old Dominion University to carefully select and supervise volunteers. Departments and academic units at the University may be able to accomplish certain work as well as extend their budgets through the use of volunteers who may become *agents* of the University when accepting assignments.

#### **F. PROCEDURES**

##### Selection and Supervision of Volunteers

1. Because the University may be liable for the actions of its volunteers, the qualifications and suitability of the individual should be considered before offering an opportunity to volunteer.
2. Departments and academic units should carefully consider the types of duties appropriate for a volunteer to perform. Generally, duties that are carried out by a University employee are appropriate for volunteers as long as they receive the same support and training any paid employee would receive in order to be able to complete the task(s).
3. The minimum age for volunteers is 16 years. Volunteers under the age of 18 must have the written consent of a parent or guardian before volunteering. The volunteer duties assigned to a minor must comply with all appropriate laws and regulations on child labor.
4. If a volunteer is a family member of a University employee, the volunteer cannot be placed under the supervision of that family member.
5. Supervisors should ensure that volunteers have a clear understanding of their responsibilities, limitations, and an agreed-upon work schedule.
6. Departments using volunteers have a duty to provide orientation and safety training covering any potential risks or hazards they may be exposed to during their assignment.
7. When a department wishes to use volunteers, it is advisable that the individual's volunteer status be monitored/documented during the period of time the person is working in the department. The supervisor should ask the volunteer to read the [Volunteer Agreement – Non-Research](#), sign the release form at the bottom, unless the department has its own form, and submit a copy of the signed form to the Department of Human Resources. The originals of these documents should remain on file in the department during the period the volunteer works in the department and for five years after the volunteer concludes his/her work with the department.

## Criminal Conviction Background Check and Driving Record Check

A Criminal Conviction Background Check should be considered if the volunteer will be handling cash, working with financial records, or performing other duties deemed by the department or academic unit to be security sensitive.

If the volunteer will be interacting with minors, they must contact the Office of Risk Management to complete the criminal background check in accordance with [University Policy 3014, Minors on Campus](#).

The Division of Talent Management and Culture will conduct the background check for those volunteers not interacting with minors, which will be charged to the department or academic unit using the services of the volunteer. The results of the background check must be received prior to the person beginning any volunteer work.

If volunteers will be operating their own personal vehicles as part of their duties, a valid driver's license and insurable driving record are required. The department will be responsible for obtaining this information from the prospective volunteer. No volunteer should be operating vehicles owned by Old Dominion University.

## Description of Duties

It is recommended that volunteers be provided a written description of the duties they will be performing and receive training to carry out those duties including safety training, as appropriate. In addition, feedback on their performance is suggested. University employee work profiles or job description forms or evaluation forms, however, should not be used to document duties or performance because the volunteers are not employees.

## Liability Coverage of Volunteers

The University's liability coverage provides protection for negligent acts or claims of negligent acts for any employee or representative of the University, as long as the individuals were acting in an official capacity and within the scope of their duties. If a negligence claim is made, the University must substantiate that the volunteer was acting as its agent. The liability insurance program is for claims of negligence against University representatives and may provide for incidental payments arising out of the official activities of an authorized volunteer. Otherwise, all medical concerns, including healthcare insurance, are the responsibility of the volunteer.

Workers' Compensation Insurance does not provide medical coverage for volunteers even if the injury occurs during the volunteered hours. In addition, University Counsel does not provide legal services if criminal charges are lodged against a volunteer.

If there is an incident that may result in claims of negligence against the University, the circumstances must be documented and reported to the Office of Risk Management, with a copy of the documentation maintained in the department.

## Non-Discrimination

The [Equal Opportunity Statement](#) states that Old Dominion University does not discriminate against employees, students, or applicants on the basis of race (or traits historically associated with race including hair texture, hair type, and protective hairstyles such as braids, locks, and twists), color, religion, sex or gender (including pregnancy, childbirth, or related medical

conditions), national origin, gender identity or expressions, age, veteran status, disability, political affiliation, sexual orientation or genetic information. This statement applies to all members of the University community, including volunteers.

#### Sexual Harassment

The University will not tolerate behavior between or among members of the University community that creates an unacceptable working or educational environment. If a volunteer is faced with sexual harassment, he/she has the same rights and responsibilities as students or employees under [University Policy 1005, Discrimination Policy](#).

#### Individuals with Non-Immigrant Visas Serving as Volunteers

Individuals on non-immigrant visas (those who do not hold U.S. Permanent Residency or Citizenship) may have additional requirements related to their visa type governing their ability to volunteer. Departments should contact the Visa & Immigration Service Advising Office ([intlstu@odu.edu](mailto:intlstu@odu.edu)) for any questions regarding volunteering and non-immigrant visa holders.

### **G. RECORDS RETENTION**

Applicable records must be retained for five years following after last action and then destroyed in accordance with the [Commonwealth's Records Retention Schedule \(General Schedule Series 103, Series 002351\)](#).

### **H. RESPONSIBLE OFFICER**

Recruitment & Employment Manager, Division of Talent Management and Culture

### **I. RELATED INFORMATION**

[U.S. Citizenship and Immigration Services \(USCIS\)](#)  
[Health Insurance Portability and Accountability Act of 1996 \(HIPAA\)](#)  
[Family Educational Rights and Privacy Act \(FERPA\)](#)

## **POLICY HISTORY**

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### **Policy Formulation Committee (PFC) & Responsible Officer Approval to Proceed:**

<u>/s/ Pamela Harris</u>	<u>May 5, 2022</u>
Responsible Officer	Date

### **Policy Review Committee (PRC) Approval to Proceed:**

<u>/s/ Donna W. Meeks</u>	<u>March 22, 2022</u>
Chair, Policy Review Committee (PRC)	Date

### **Executive Policy Review Committee (EPRC) Approval to Proceed:**

<u>/s/ September Sanderlin</u>	<u>May 5, 2022</u>
Responsible Oversight Executive	Date

### **University Counsel Approval to Proceed:**

<u>/s/ Allen T. Wilson</u>	<u>May 9, 2022</u>
University Counsel	Date

### **Presidential Approval:**

<u>/s/ Brian O. Hemphill</u>	<u>May 10, 2022</u>
President	Date

**Policy Revision Dates:**      October 1, 2002; December 8, 2009; March 30, 2016;  
November 11, 2019; October 1, 2020; Revised May 10, 2022

**Scheduled Review Date:**      May 10, 2027