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 23-9.2:3, as amended, grants authority to the Board of Visitors to establish rules and regulations for the institution. Section 6.01(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

Code of Virginia, Section 2-2.1838, as amended

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.

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, interacting with minors, 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 Department of Human Resources 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, color, religion, sex (including pregnancy), national origin, 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 International Visas Serving as Volunteers

An individual who is in the United States on any type of visa is eligible to be selected as a volunteer. U.S. Citizenship and Immigration Services (USCIS) eligibility requirements for employment apply only to paid employment.

Record Keeping

When a department wishes to use volunteers, it is advisable that the individual’s volunteer status be monitored/document ed 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, then destroyed in compliance with the Commonwealth’s Records Retention and Disposition Scheduled.

G. RESPONSIBLE OFFICER

Staffing and Operations Manager, Department of Human Resources

H. 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:

/s/ Pamela Harris             October 30, 2019
Responsible Officer

Policy Review Committee (PRC) Approval to Proceed:

/s/ Donna W. Meeks           October 21, 2019
Chair, Policy Review Committee (PRC)

Executive Policy Review Committee (EPRC) Approval to Proceed:

/s/ September Sanderlin      October 30, 2019
Responsible Oversight Executive

University Counsel Approval to Proceed:

/s/ James D. Wright          November 7, 2019
University Counsel

Presidential Approval:

/s/ John R. Broderick        November 11, 2019
President

Policy Revision Dates: October 1, 2002; December 8, 2009; March 30, 2016; November 11, 2019

Scheduled Review Date: March 30, 2021