

Tarleton State University

Volunteer Procedure

PROCEDURE

Tarleton State University (university) recognizes the need for individuals to volunteer without compensation in support of services provided by the university and to promote the university's mission.

PURPOSE

The purpose of this procedure is to enable the university to accept volunteers and define guidelines and standards that address the use of volunteers.

SCOPE

This procedure applies to all university academic and non-academic units that utilize volunteers as defined in this policy.

DEFINITION

Volunteers, including courtesy faculty, are uncompensated individuals who perform services directly related to the business of the university. In performing these tasks, they support the mission of the university.

"Volunteer" does not include:

- (1) members or former members of the Texas A&M University System (TAMUS) Board of Regents (BOR);
- (2) students performing duties associated with their academic work, membership or participation in student organizations, or other university sanctioned activities;
- (3) persons who participate as subjects in research and sponsored programs;
- (4) persons who perform services for corporations, foundations, and similar organizations that have statutory or approved, written contractual relationships with the university, TAMUS, or the BOR;
- (5) students from other institutions of higher education who are participating as part of an officially sanctioned educational agreement, or individuals who are visiting fellows.

Note: According to the U.S. Department of Labor ("DOL") and under the Fair Labor Standards Act ("FLSA"), a volunteer is an individual who donates or performs hours of

service to a non-profit organization for civic, charitable, or humanitarian reasons, without promise, expectation or receipt of compensation for services rendered. Volunteers are not considered employees and are not eligible or entitled to receive any employee benefits or workers compensation. Volunteers are not representatives of the university. Volunteer services are meant to enhance and further support the work of faculty and staff, and should not in any way inhibit, impair, or replace paid workers. Additionally, volunteers should not provide services or perform work that could otherwise be performed by employees, or impair the employment opportunities for other employees.

The DOL considers the following factors in determining whether someone is engaged in “ordinary volunteerism, and no one factor is determinative:

- a) Is the entity benefiting or receiving services from the volunteer a nonprofit organization?
- b) Is the activity less than a full-time occupation?
- c) Are the services offered freely and without pressure or coercion?
- d) Are the services offered usually associated with volunteer work?
- e) Have any regular employees been displaced to accommodate the volunteer?
- f) Does the volunteer receive or expect to receive any benefit from the entity to which it is providing services?

Under the FLSA, employees may not volunteer with a for-profit entity, with the exception of training programs where a trainee is working in the same capacity as an employee under close supervision, and the work provided is not a significant contribution to the employer.

GUIDELINES AND PROCEDURES

Volunteer Relationship

No employer-employee relationship shall be deemed to exist between an individual serving as a volunteer and the university. There is no promise to pay or hire a volunteer for services rendered. Individuals serving as volunteers are not covered by worker’s compensation insurance, and are not eligible or entitled to receive benefits in return for their service to the university.

A volunteer is an uncompensated individual who performs services that augment the work of the faculty and staff and should never replace paid workers, displace paid workers, impair the employment prospects of paid workers, provide services in competition with paid workers, or perform work which would otherwise be performed by paid workers. As such, volunteer activities are expected to be part-time and intermittent.

A volunteer may only perform a single element of an established position at the university. Services of volunteers should be considered non-essential and non-critical to the operations of the department. With the exception of Emeriti and Courtesy Faculty as outlined in [Tarleton SAP 12.07.99.T0.01, Fixed-Term Faculty Appointments](#), volunteers should not require special technical, research, or health care skills or

abilities, may not participate in or perform in research or teaching roles, and may not provide clinical care.

The use of volunteers must be pre-approved in writing by the appropriate Department Head, Director, and the Dean or Vice President using the [Request for Volunteer Services Form](#). Volunteer forms are state records and should be maintained by the department administrator in accordance with [System Regulation 61.99.01, Retention of State Records](#), and [Tarleton Standard Administrative Procedure 61.99.01.T0.01, Records Management](#). The Request for use of Volunteer Services must include:

- A description of the services to be performed;
- The department, function, or activity the volunteer will be serving under;
- The length of the volunteer services; and
- The university employee responsible for oversight and supervision of the volunteer.

Background Screening

All volunteers are subject to criminal background checks. Employee Services manages the completion of each background check. This background check is initiated once the Request for Volunteer Services Form is submitted. Individuals who receive an unacceptable background check, who have previously been dismissed from employment at the university, or who were not hired as a result of a background security check, are not eligible for volunteer service.

The Department of Employee Services has been designated and given authority to review and approve/disapprove volunteer involvement with a program based on the results of the required criminal conviction and sex offender background check.

If a criminal conviction and/or sex offender background check returns an offense potentially disqualifying a person from being assigned as a program volunteer under this section, Employee Services will refer the matter, along with the request, to the system Office of General Counsel (OGC) for legal review.

A criminal conviction/deferred adjudication for any of the following offenses automatically disqualifies a person: Felony or misdemeanor under Texas Penal Code § 15.031 (Criminal Solicitation of a Minor); Title 5, Ch. 22 (Assaultive Offenses); Title 6, Ch. 25 (Offenses Against the Family); Title 7, Ch. 29 (Robbery); Title 8, § 38.17 (Failure to Stop or Report Aggravated Sexual Assault of a Child); Title 9, § 42.072 (Stalking) or Ch. 43 (Public Indecency); or any like offense under the law of another state or under federal law.

A criminal conviction/deferred adjudication for any of the following offenses may disqualify a person: Misdemeanor or felony committed within the past 10 years under Texas Penal Code Title 10, § 46.13 (Making a Firearm Accessible to a Child) or Ch. 49 (Intoxication and Alcoholic Beverage Offenses); Texas Health and Safety Code, Ch. 481 (Texas Controlled Substances Act); or any like offense under the law of another state or under federal law.

OGC may provide a written legal sufficiency review of the member's recommended approval or rejection of the employment or assignment of the person as a volunteer.

Volunteers performing services for the university must complete and sign a [“Waiver, Indemnification, and Medical Treatment” form](#). Signed forms will be maintained by the department administrator in accordance with [System Regulation 61.99.01, Retention of State Records](#), and [Tarleton Standard Administrative Procedure 61.99.01.T0.01, Records Management](#).

If the volunteer is under the age of 18, a parent or guardian must complete and sign the [“Waiver, Indemnification, and Medical Treatment” form](#).

In the event a volunteer participates within a Program for Minors, the university department must adhere to [TAMUS Regulation 24.01.06](#) and [Tarleton's Rule 24.01.06.T1](#).

Training

Supervisors are required to ensure volunteers complete required System training and any other training necessary for their role.

Specifically, courtesy faculty (non-paid) must complete all training required of Tarleton full-time and adjunct faculty.

Training questions can be directed to employeedevelopment@tarleton.edu.

A CSA is a Clery-specific term that encompasses the following groups of individuals and organizations associated with an institution whose functions involve relationships with students: security and law enforcement officers, special events security staff, deans (or other senior student administrative personnel), coaches, residence hall staff, physicians or nurses in a campus health center, overseers and advisors to student clubs and organizations, and staff involved in student discipline and campus judicial proceedings. When a CSA is told about a crime or an incident that may be a crime, and there is little or no reason to doubt the validity of the information, the CSA must notify the university Police. The Campus Security Authority Crime Statistic Report Form, located on Tarleton's website at <https://www.tarleton.edu/police/clery-act.html>, is an easy to use option to fulfill the duty to report. Notifications to the UPD should be made in a timely manner. Tarleton has developed the Campus Security Authority Manual for guidance in this reporting, which is located on the UPD web site at: <https://www.tarleton.edu/police/clery-act.html>.

Courtesy faculty (non-paid) and other applicable volunteers are considered mandatory reporters in accordance with Texas A&M System Regulation 08.01.01 and Texas State Law, all employees (except for confidential employees) who experience, observe, or become aware of alleged discrimination, harassment, or related retaliation **must**

promptly report the incident(s) to the Designated Official at Tarleton State University by filing a report at:

https://cm.maxient.com/reportingform.php?TarletonStateUniv&layout_id=15

Or directly to:

Kandace Stone
Civil Rights/Title IX Coordinator
Gough Hall, 1st Floor, 1202 Military Blvd, Stephenville, TX 76402
Phone: **254-968-9754**

Other Requirements:

Volunteers, as a general rule, are not to operate university owned or leased vehicles, be issued University ID cards, keys, or have electronic access. However, there may be occasional extenuating circumstances requiring certain volunteers to be given access to execute their role. Any access must be pre-approved in writing by the appropriate Department Head, Director (if applicable), Dean (if applicable), and applicable Vice President.

Volunteers may not be assigned hazardous duties or duties that require strenuous activities, such as heavy lifting.

Volunteers are required to maintain their own personal medical, automobile liability, and/or other insurance necessary for the performance of services at the University.

If a current University employee wishes to volunteer his or her services to the university for civic, humanitarian, or charitable reasons, the proposed volunteer service must be in a different occupational capacity from that in which the employee is employed.

Additionally, University employees are prohibited from volunteering their services for the same department administrator who employs them.

Recovery of Property Upon Completion of Volunteer Service – At the time of separation, it is the department head or director's responsibility to recover any property issued to the volunteer.

In addition to the obligations contained in this procedure, university administrators requesting volunteers to support university athletics must adhere to requirements established within that department to ensure compliance protocols are met.

DISMISSAL

All volunteers serve at the discretion of the University. The University may at any time, and in its sole discretion, terminate a volunteer's service at the University.

ROLES & RESPONSIBILITIES

University Administrators, Supervisors, Departments, and Employees

All applicable university administrators, supervisors, departments, and employees will abide by this procedure and the requirements outlined herein.

Volunteers

All volunteers will abide by this procedure and requirements outlined herein, system policies and regulations, and university rules and procedures.

University Compliance

University Compliance will maintain the content within this internal procedure which will reside on the university's Policy Library website.

Employee Services

Employee Services will provide general website information regarding the Volunteer Application Process, access to the smartsheet form, and perform background screenings.

Risk Management & Safety

Risk Management will provide guidance related to updated TAMUS waiver forms, applicability to Programs for Minors, and other risk related matters.