

STEPHEN F. AUSTIN

STATE UNIVERSITY

Office of the General Counsel

**POLICY SUMMARY FORM**

**Policy Name:** Volunteer Workers

**Policy Number:** 11.32

**Is this policy new, being reviewed/revised, or deleted?**    Review/Revise

**Date of last revision, if applicable:**

**Unit(s) Responsible for Policy Implementation:** Vice President for Finance and Administration

**Purpose of Policy (what does it do):** Policy sets forth the guidelines for approving and providing oversight of volunteer workers.

**Reason for the addition, revision, or deletion (check all that apply):**

☒ Scheduled Review      ☐ Change in law      ☐ Response to audit finding

☐ Internal Review      ☐ Other, please explain:

*Please complete the appropriate section:*

**Specific rationale for new policy:**

**Specific rationale for each substantive revision:** Updated references to discrimination policy.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Loretta C. Doty, Director of Human Resources  
Danny Gallant, Vice President for Finance and Administration  
Damon Derrick, General Counsel

## Volunteer Workers

**Original Implementation:** July 29, 2014

**Last Revision:** ~~None~~ July 25, 2017

This policy is designed to provide guidance and conditions on the university's use of volunteers, reduce volunteer risk and protect the interest of the university, its volunteers, and the community it serves.

### Definition

According to the U.S. Department of Labor, an individual who performs services for a public agency for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered, is considered to be a "volunteer" during such hours. The individuals shall be considered volunteers only where their services are offered freely and without pressure or coercion, direct or implied, from an employer. For SFA, a "university volunteer" is defined as any uncompensated individual who is authorized by a university department to perform humanitarian, charitable or public services on behalf of the university.

### Eligibility

Any individual is eligible to serve as a university volunteer, subject to the following eligibility requirements:

- The individual must have adequate experience, qualifications, and training for the task(s) he or she will be asked to perform as a university volunteer.
- Mandatory cash and receipts training is required of all volunteers whose job duties include the acceptance, record keeping, and deposit of university receipts.
- All required training for volunteer positions must be current at the time volunteer work is performed.
- A current employee of SFA may not serve as a university volunteer in any capacity in which he or she is employed at the university, or which is essentially similar to or related to the individual's regular work at the university. A current employee may volunteer for special events, such as United Way events, commencement, Showcase Saturdays, and other similar events.
- An individual who is under the age of eighteen (18) may only become a university volunteer with the written consent of a parent or legal guardian. Volunteer opportunities for minors are limited to only non-hazardous environments and activities. The sponsoring department must contact Human Resources for approval prior to the minor being permitted to volunteer.
- An individual who will be working with sensitive populations or who will have access to cash, checks, or other forms of liquid assets for the university may only become a

university volunteer after the completion of a satisfactory background check. Human Resources will initiate the background check upon request of the sponsoring department and after receipt of a consent form signed by the potential volunteer. The sponsoring department is responsible for the cost of the background check.

- “Sensitive populations” are individuals under 18 years of age and other individuals entitled to enhanced supervision or protection based on university practice or state or federal law.
- Those volunteers who are authorized to accept funds for university business must have written approval from the bursar and follow the Receipts and Deposits policy.

### **Responsibilities and Rights**

University volunteers shall abide by all university policies and external laws and regulations that govern their actions including, but not limited to, those relating to ethical behavior, safety, confidentiality, protected health and student information, computer use, financial responsibility, and drug use.

University volunteers are not covered by the Fair Labor Standards Act and are not considered SFA employees for any purpose. Therefore, university volunteers are not eligible for compensation or any university benefits as a result of their volunteer association with SFA.

### **Prohibited Activities**

University volunteers are prohibited from performing any of the following activities in the course and scope of their authorized activities:

- Operating heavy equipment;
- Operating university or state-owned vehicles (including golf carts) except with the express written permission of a university official;
- Working with hazardous materials, including stored energy (e.g. steam, electricity, hydraulics); and
- Acting as a representative of the university, including but not limited to entering into any contract on behalf of the university, making public statements on behalf of the university, or incurring financial obligations.

### **Liability and Indemnification**

University volunteers are required to execute the volunteer release form or other form approved by the general counsel, prior to the start of their volunteer service. If the university volunteer is a minor, the form must be signed by a parent or legal guardian.

University volunteers are not covered under the university’s workers’ compensation insurance program and are encouraged to secure a personal health insurance policy.

## **Sponsorship, Supervision, and Documentation**

All university volunteers must be sponsored, supervised, and documented by their sponsoring university department.

When engaging the services of an eligible university volunteer, it is the department's responsibility to make sure the volunteer meets all of the eligibility requirements, as stated above, and to adhere to any procedures developed by human resources implementing this policy.

All documentation related to a university volunteer's service, including the volunteer release form, must be maintained for the applicable retention period as specified in the university retention schedule.

Consistent with SFA's policy on non-discrimination university employees shall not unlawfully discriminate against volunteers on the basis of race, color, religion, national origin, sex, age, disability, genetic information, citizenship, ~~or~~ veteran status, *sexual orientation, gender identity, or gender expression*.

## **Termination**

A university volunteer's service may be terminated at any time and without prior notice.

**Cross Reference:** Fair Labor Standards Act (FLSA), 29 U.S.C. § 203(e)(4)(a); 29 C.F.R. § 553.101, .103; 29 C.F.R. Part 570; ÷Tex. Educ. Code § 51.937; Tex. Gov't Code Ch. 2109; Discrimination Complaints/~~Sexual Harassment~~ (2.11); Receipts and Deposits (3.26)

**Responsible for Implementation:** Vice President for Finance and Administration

**Contact for Revision:** Human Resources

**Forms:** Release and Indemnification Agreement for Volunteers; Background Check – Disclosure Consent Form

**Board Committee Assignment:** Academic and Student Affairs