



Policy on University Volunteers

Effective Date: January 1, 2017

Approval: December 14, 2016

Maintenance of Policy: Office of Legal Affairs, Office of Human Resources, and Office of the Provost

PURPOSE: Recognizing the value of volunteers in furthering the University's vision, mission, and core values, this policy outlines the relationship between volunteers and the University of Dayton. This policy is meant to reduce risk and protect the interests of the University, its volunteers, and the community it serves.

SCOPE: Any individual, who is not otherwise currently affiliated with the University as a member of the Board of Trustees, faculty, staff, or student body, who seeks to serve or perform services for the University as a volunteer, either taking place on the University campus or under the authority and/or direction of the University at other locations.

DEFINITIONS:

(a) "Volunteer" (also known as an "affiliate" in certain areas of campus) is an unpaid non-employee who, of his or her own volition, performs services for the University of Dayton, where such services are of mutual benefit and related to the business of the University, meant to support official University activities, or intended to provide experience in a specific area, and where such service is offered and performed with no expectation of compensation in any form. A volunteer is an individual who is not currently enrolled as a student or employed by the University as faculty, staff or a student employee, as those individuals are already subject to the University's Code of Conduct and other applicable policies. For purposes of this policy, "volunteer" does not include members of the Board of Trustees who are solely serving the University as a trustee, as trustees are already subject to a Code of Business Conduct/Conflict of Interest Policy and other expectations set forth in the University's governing documents.

(b) "Additional Preconditions" ("preconditions") require a volunteer whose service is above a Level 1 (see Section I) to satisfy additional requirements prior to service, dependent upon the nature of the service to be provided. Such requirements or preconditions, as determined by a University Representative, and may include, but is not limited to, one or more of the following: reviewing policies and procedures, visiting/working in a laboratory, signing a confidentiality agreement, completing driver certification, background check, signing the volunteer agreement, providing signed documentation of receiving the health and safety

REFERENCE DOCUMENTS:

1. University of Dayton Background Check Policy
2. University of Dayton Children on Campus and Working with Minors Policy
3. University of Dayton Vehicle Use and Driver Training Policy
4. Fair Labor Standards Act
5. University of Dayton Policy on Authority to Formulate and Sign Contracts
6. University of Dayton Volunteer Agreement
7. University of Dayton Policy on the Use of Facilities
8. University of Dayton Nondiscrimination and Anti-Harassment Policy

POLICY HISTORY:

Approved in original form
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DEFINITIONS (continued):

program and questionnaire, signing a waiver or University terms and conditions, etc.

Level 2 and 3 volunteers are required to sign the University of Dayton Volunteer Agreement.

(c) “University Representative” – For purposes of this policy, a University Representative is a University of Dayton employee who engages with a potential volunteer regarding the volunteer’s performance of services. University representatives are responsible for determining a volunteer’s level classification and additional preconditions as needed, as well as ensuring all necessary preconditions are satisfied prior to a volunteer’s service.

POLICY:

The University may accept the services of a volunteer, provided the terms of this policy are met. In its sole discretion, the University may refuse, decline or discontinue the services of a volunteer for nondiscriminatory reasons.

Before an individual performs services for the University as a volunteer, a University representative must designate the volunteer’s level of service. Most volunteers performing services for the University will be classified as Level 1 volunteers; Level 1 volunteers are subject to this policy, but are not expected to complete any additional preconditions prior to performing services. Additional preconditions are required for volunteers that exceed the ordinary range of duties, *i.e.*, beyond minimal time and engaging in more than a low level of risk. These volunteers will be classified as a Level 2, or 3. Examples of services that trigger a Level 2 or 3 classification can be found in Section I below, with corresponding preconditions found in Section II.

I. Volunteer Level Classification

Level 1 – Generally, most volunteers will be classified as Level 1. Volunteers serving at this level are expected to expend minimal time and engage in lower risk activities. Examples of Level 1 volunteers include:

- (a) a single afternoon passing out water;
- (b) guest speaking in a lecture; or
- (c) serving as a tour guide for short periods of time.

Level 2 – Volunteers who engage in a service above minimal time or above the level of a lower risk activity. Examples of Level 2 service includes:

- (a) activity within a potentially hazardous area such as a University laboratory or mechanical room, e.g., Kettering Laboratories;
- (b) driving University owned, leased, or rented property, e.g., University vehicles, golf carts, or utility vehicles;
- (c) use of University owned and controlled equipment, e.g., University tools, forklift, etc.;
- (d) service that includes handling cash;
- (e) service in which the likelihood of an accident while performing the service or work is more than negligible, *i.e.*, physical activity could result in injury;
- (f) service where the chance of damage of property from an accident is more than negligible if an accident occurred, e.g., any alteration to a University owned facility or ground; or
- (g) service that is performed more than three feet off the ground but no higher than a step stool or a 2-step ladder.

POLICY (continued):

Level 3 – The services provided by Level 3 volunteers require controlled access to the UDiT system or to University buildings.

II. Additional Preconditions to Service Based on Level Classification.

An individual serving the University as a volunteer is subject to the terms of this policy and may be subject to certain additional preconditions to be satisfied prior to that individual's service as a volunteer, based on the individual's classification as designated by a University representative. Level 1 is the default level for individuals serving as a volunteer, while Levels 2 and 3 require added preconditions. The University reserves the right to require the completion of any additional preconditions for any volunteer. Below are the designated levels and corresponding preconditions.

Level 1

Level 1 is the default level for individuals serving the University as a volunteer. Level 1 volunteers must comply with the general terms set forth in this policy.

Level 2

Level 2 volunteers must comply with the general terms set forth in this policy, sign the University of Dayton Volunteer Agreement, as well as successfully complete any additional preconditions as determined by a University representative.

Level 3

Level 3 volunteers must comply with all requirements set forth in this policy, sign the University of Dayton Volunteer Agreement, successfully complete a background check, consistent with the requirements of the University's Background Check Policy, successfully complete any additional preconditions as determined by a University Representative, and must provide any other applicable documentation required by the Office of Human Resources or Environmental Health & Safety / Risk Management (e.g., proof of insurance, etc.).

III. General Terms Applicable to All University Volunteers

- A. Generally, an individual must be at least age eighteen (18) to serve as a University volunteer. Individuals who are at least age sixteen (16) but not yet age eighteen (18) may serve as a University volunteer so long as a signed parental/guardian consent/waiver form is on file with the Office of Human Resources. In certain situations, exceptions may be considered for individuals less than age sixteen to serve as volunteers. Such exceptions are subject to the written approval of the Office of Legal Affairs in coordination with (a) the Office of Human Resources if the volunteer is undertaking staff services; (b) the Office of the Provost if the volunteer is serving with or as faculty; and/or (c) the Division of Student Development if the volunteer is assisting in student activities.
- B. To serve as a volunteer, an individual must be under the general supervision of a University employee or a student organization recognized by the Center for Student Involvement.
- C. Volunteers at the University of Dayton are expected to abide by all applicable University policies and procedures (including but not limited to the Nondiscrimination and Anti-Harassment Policy), any confidentiality requirements applicable to the information to which they have access (which may require the signing of a confidentiality agreement), as well as any external regulations that govern their actions.

POLICY (continued):

- D. Volunteers at the University of Dayton are expected to perform work and services in accordance with the University's Statement of Dignity, which recognizes that discrimination, harassment, or any other conduct that diminishes the worth of a person is incompatible with the University's fundamental commitment as a Catholic University. Specifically, under the Statement of Dignity: Every person regardless of race, color, creed, religion, ancestry, national or ethnic origin, sex/gender, sexual orientation, gender identity, age, genetic information, military status, veteran status, familial status or disability shall be treated with respect and dignity. No person shall be subject to any sexual, racial, psychological, physical, verbal or other similar harassment or abuse, or be denied equitable consideration for access to employment and the programs, services, and activities of the University.
- E. A background check may be required prior to certain volunteer service under the University of Dayton's Background Check Policy and the University of Dayton's Children on Campus and Working with Minors Policy. Additional training may also be required. Performance of volunteer service may be contingent on successful completion of one or both.
- F. Volunteers are not considered employees of the University of Dayton, nor are they covered by the Fair Labor Standards Act or other employment laws through the University of Dayton. Volunteers are not eligible for wages, compensation, employee benefits, workers' compensation, or unemployment benefits.
- G. A volunteer serves at the discretion of the University of Dayton. The University may discontinue the service of a volunteer for any reason, at any time, without prior notice or cause.
- H. Volunteers are prohibited, and must refrain, from performing the following:
1. Performing hazardous activities or operating heavy equipment without prior written approval, including driving University owned, leased, or rented vehicles without first being certified according to the University Vehicle Use and Training Policy or other departmental safety training requirements;
 2. Entering into any contract on behalf of the University of Dayton unless such approval is granted in writing, and a signed Volunteer Agreement is on file;
 3. Performing any activity that would be considered inappropriate for a University of Dayton employee;
 4. Working in laboratories or with infectious agents, including human blood, unless all the necessary training has been completed.
- I. A volunteer may not use his or her volunteer position to compete with the University in any manner. A volunteer is expected to disclose any conflicts of interest (*i.e.*, any circumstances that would impair the volunteer's ability to perform his or her volunteer services in a fair and impartial manner) to his or her supervisor, the Center for Student Involvement (if serving with a student organization), the Office of the Provost, or Human Resources when any such conflict exists. A volunteer shall avoid conflicts of interest with the University, subject to any contractual requirements between the University and that volunteer's sponsoring organization.
- J. All rights, title, and interest (including any and all intellectual property rights pertaining thereto) in any and all works created, made, conceived, invented, developed, discovered or reduced to practice by a volunteer in the performance of his or her services for the University shall belong to the University, unless specified otherwise in writing and agreed to by the Office of Legal Affairs.
- K. A volunteer may not hold a University leadership position; cannot be responsible for directing other employees, work, or programs or be identified as "director" or by a similar term; does not have the authority to make decisions regarding employment or affecting the terms of a University employee's

POLICY (continued):

Employment (e.g., supervisory responsibilities, including but not limited to the ability to hire, fire, etc.); does not have the authority to commit significant University resources to another party, service, project, etc.; and does not have the ability to bind the University contractually.

IV. Expense Reimbursement, Stipends, and Other Nominal Benefits

- A. In accordance with University guidelines, individuals may be reimbursed for expenses in carrying out assigned duties. Such expenditures must be authorized in writing in advance by the volunteer's University supervisor.
- B. Volunteers may be provided certain nominal benefits related to their service, such as admission to University events or other privileges, as approved by their supervisor.
- C. All cash and cash equivalent awards (e.g., gift cards), gifts, or prizes, represent taxable income to the individual, beginning with the first dollar. All non-cash awards, gifts or prizes valued greater than \$100 represent taxable compensation to the individual and are subject to the appropriate federal, state, and employment tax withholdings, as well as included on an individual's year-end tax document.

V. General Eligibility and/or Disqualification of Volunteers

- A. Any questions regarding the eligibility or suitability of an individual to serve as a University volunteer, or the applicability or satisfaction of the requirements of this policy, should be directed to the Office of Legal Affairs, the Office of Human Resources, or the Office of the Provost.
- B. Any University employee who becomes aware of a volunteer's noncompliance with University policy or applicable law or regulation should, in addition to following any protocol be required by the policy or law/regulation that has been violated, report the matter to the Office of Legal Affairs. The Office of Legal Affairs will coordinate resolution of the issue with (a) the Office of Human Resources if the volunteer is undertaking staff services; (b) the Office of the Provost if the volunteer is serving with faculty; or (c) the Division of Student Development if the volunteer is assisting in student activities.

VI. Relationship to Other Standards, Practices or Requirements

Nothing in this policy is meant to supersede or replace the standards of any other applicable University policy, law or regulation, or the protocols of any other entity involved with a volunteer service for the University. Satisfying the requirements of this policy does not relieve a person from any obligation he or she may have to follow the protocols of another policy or another entity that may apply to the particular situation. A volunteer's work and services should align with UD's Catholic and Marianist values. Additionally, individual University units maintain the discretion to impose measures beyond those required by this policy on University volunteers they have engaged.

VII. Unique Situations

Rare circumstances may arise where a volunteer is desired to take on responsibilities beyond those contemplated by this policy. Such a volunteer is permitted only with written approval by the University President, General Counsel and (a) the Vice President for Human Resources (if the volunteer is undertaking staff services); (b) the Provost (if the volunteer is serving with or as faculty); or (c) the Vice President for Student Development (if the volunteer is assisting in student activities). Protocols and requirements will be developed for that particular volunteer situation which, at a minimum, will require compliance with all requirements applicable to a Level 3 Volunteer.

University of Dayton Policy on Volunteers

Appendix A: Additional Information

For more information regarding the volunteer procedure please visit [\[update link when goes live\]](#)