



University Compliance, Ethics, and Risk Office

UNIVERSITY OF CENTRAL FLORIDA

University of Central Florida Draft Policy Submission Cover Memo Form

Policy No. and Title: _____

Initiating Authority: _____

Initiating Authority Approval Date: _____

Date of Submission for Review: _____

Submitted by: _____

Department: _____

New Policy

Existing Policy (5-year Review)

Existing Policy (Out of Cycle Review)

Summary of Revisions:

(For a new policy, please provide a summary of the policy. For an existing policy, please provide a summary of the revisions made to the policy.)

Stakeholders included in the Review Process:

(Provide a list of departments involved in the review/revision process.)

Regulatory Requirements (if applicable):

(Provide information on regulatory requirements pertaining to the policy, including specific statute or regulation number.)

Presenters:

(Provide the name(s), position title(s), and email address(s) for all individuals who will be presenting the policy to the university's Policies and Procedures Committee.)



Draft – University Volunteers

Policy Number	3-128.1
Responsible Authority	Director, Enterprise Risk and Insurance Management
Initiating Authority	Vice President, for Compliance, <u>Ethics</u> , and Risk
Effective Date	
Date of Origin	2/20/2018

APPLICABILITY/ACCOUNTABILITY

This policy applies to all University of Central Florida divisions, units, and departments using volunteers for services. This policy also applies to all University of Central Florida direct support organizations (DSO) staffed with university employees, such as the UCF Foundation, Inc.

BACKGROUND INFORMATION

The university recognizes the vital role ~~that~~ volunteers play in supporting the university's mission. -This policy characterizes the relationship between the university and its volunteers and provides a procedure for minimizing risk and protecting the interests of the volunteer, the university, and the university community.

POLICY STATEMENT

Anyone, including current or retired employees, students, alumni, or others, may provide volunteer services to the university, with the following restrictions:

1. The university shall not permit volunteers to engage in high-risk activities as part of their services without appropriate oversight and/or training.;
2. Regular employees cannot be displaced or replaced in performance of their normal duties by volunteers.;
3. Volunteers should serve on a part-time basis and cannot must perform work that would otherwise be that does not displace performed by regular employees.;

43. Volunteers are not authorized to act on behalf of the university in business matters, such as purchasing, contracts, or contact with the media;

5. FRS Retirees may participate in post-retirement volunteer services to provide civic, charitable, and humanitarian services after ~~during~~ the first ~~six (6)~~ twelve (12) calendar months following retirement. Prior to that, ~~(during the first 12 calendar months following retirement)~~ FRS Retirees may only participate in post-retirement volunteer services provided that the ~~services meet the~~ following criteria ~~are met~~:

(a) Before the date of retirement, there was no agreement or understanding between the University of Central Florida and the FRS Retiree that the FRS Retiree would provide any services or post-retirement volunteer services to the university.

(b) Neither the university nor any third party may provide any form of compensation, including cash equivalents, in exchange for volunteer services.

(c) Employee benefits provided to active employees, including health or life insurance benefits, may not be provided in exchange for volunteer services. However, certain perquisites that are necessary to complete tasks associated with the volunteer activities, such as an assigned uniform or the provision of equipment, are permissible.

(d) The number of volunteer hours per week, including training, is limited to no more than 20 percent of the amount of time that was expected of the FRS Retiree per week before the date of retirement.

(e) A clear distinction between the post-retirement volunteer services and the duties of an employee is required. An assessment of the totality of the previous duties and comprehensive nature of the previous role will be considered when evaluating the post-retirement volunteer services.

(f) Volunteers must maintain control of their volunteer schedule, including the number of hours volunteered and assignments for which they agree to volunteer.

(g) Adequate volunteer program record keeping must be maintained by both the university and the volunteer to document adherence to the criteria listed in this subsection. The records must be made available to appropriate administrators upon request.

64. Departments wishing to offer a volunteer opportunity to a minor, excluding currently enrolled students, must first consult with Human Resources and ensure compliance with both federal and state labor laws regarding minors. Individuals under fourteen (14) years of age are not permitted as volunteers.

75. Current university employees may serve as volunteers in any capacity that is outside the course and scope of their paid employment with the university. -Volunteer activities cannot conflict with employees' normal duties or working hours. Non-exempt employees must receive approval from Human Resources before engaging in volunteer activities for the university. Students may serve as volunteers for the university for services that are outside of their degree requirements.;

8. 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 their services for the university shall be in accordance with University Regulation UCF-2.029 Patents, Trademarks, and Trade Secrets and University Regulation UCF-2.033 Copyrights and Works. Any intellectual property that would be owned by the university under the Regulations shall be the property of the university and is hereby assigned to the university by the volunteer. Volunteers who have assigned future intellectual property rights to their employers must notify the university prior to providing any volunteer services.

96. Foreign Nationals with an F-1 or J-1 visa may engage in volunteer service ~~as long as if~~ duties are performed without remuneration or any other type of compensation. Individuals holding an H-1B or J-2 visa are prohibited from volunteer service, as they cannot work in any position that could be paid a salary. All volunteer activities must comply with UCF Policy 4-209 Export Control Policy.

10. With the exception of activities/events that meet the definition of a youth program as defined in UCF Policy 2-005 Youth Protection, volunteers are prohibited from supervising minors.;

11. All volunteers must be registered with the Office of Enterprise Risk and Insurance to be recognized as a university volunteer.

~~and~~

127. ~~_____~~ Volunteers ~~shall are be~~ expected to perform their services in a professional manner and in accordance with the policies and procedures of the university.

A volunteer is not considered an employee for any purpose. A volunteer is not eligible for university employment benefits, including annual leave, sick leave, retirement benefits, tuition benefits, health insurance, disability insurance, or unemployment insurance. Once an individual is registered as a volunteer with the university, ~~he or she they~~ will be covered under the university's workers' compensation insurance for an illness or injury arising out of the volunteer services. Additionally, a ~~registered~~ volunteer is covered by the university's general liability and automobile liability coverage for claims arising from the volunteer's negligent acts or omissions within the course and scope of the volunteer's assignment.

The following are not considered university volunteers:

- Students receiving course credit and / or fulfilling syllabus / graduation requirements as a result of the volunteer activity;
- Individuals who receive compensation or benefits including but not limited to pay, stipends, or future employment (including paid interns);
- Individuals who have an unpaid academic appointment to the university when acting in that capacity (such as courtesy faculty);
- Individuals who are invited to speak at a UCF class, program, or event;
- Individuals performing volunteer services for any other entity that is not a university department or program (such as non-profit or government agency);

—Individuals who agree to serve as an experimental subject in a research project or clinical trial.

DEFINITIONS

Foreign National. Any person who is not a lawful permanent resident of the United States, citizen of the United States, or any other protected individual as defined by 8 U.S.C. 1324(b)(3), including refugees and asylees.

FRS Retiree. An individual who has retired from a Florida Retirement System (FRS) covered employer via retirement. -Retirement occurs when an individual who was previously employed by a State of Florida entity and has received any benefit payments, distributions, withdrawals, or rollovers from a State of Florida administered plan (FRS Pension, FRS Investment, SUSORP, SCCORP, or SUSOAP).

High Risk Activities. Activities that include operating heavy equipment or machinery (not including passenger vehicles), working with hazardous materials, working with stored energy (e.g., steam, electricity, hydraulics).

Minor. Any unmarried person under the age of eighteen (18) who has not been emancipated by order of the court. For purposes of this policy, minors enrolled, dually enrolled, or accepted for enrollment at the university (including courses offered through the UCF Division of Continuing Education) are excluded. An individual between the ages of fourteen (14) and eighteen (18) years of age. This individual A minor must have her or his their parent or guardian complete the consent form section of the Volunteer Services Agreement.

Non-Exempt. A class that has been designated as not exempt from the maximum hours and overtime pay requirements of the Fair Labor Standards Act (FLSA). Employees in positions designated as non-exempt who work more than forty (40) hours during a workweek must be paid overtime at time and a half for all hours worked over forty (40). This group includes OPS hourly, USPS Non-exempt, and A&P Non-exempt.

Registered Volunteer. ~~A volunteer who has completed the Volunteer Services Agreement and has met the requirements outlined in this policy.~~

State of Florida Level II Background Check (Level 2). Conducted in accordance with the State of Florida Level 2 standards, including fingerprinting for statewide criminal history record checks through the FDLE and national criminal history record checks through the Federal Bureau of Investigation (FBI), and may include local criminal record checks through local law enforcement agencies.

Volunteer. An unpaid individual who freely offers ~~her or his~~their services to the University of Central Florida without any expectation of receiving pay, compensation, or other benefits (e.g., faculty appointments within the College of Medicine), including future employment with the university, ~~in order to~~ support the activities and mission of the university and/or gain experience in specific endeavors. A volunteer is an individual who does not displace a current university employee and who does not currently hold a position performing the services that are the same as those for which ~~he or she~~they are volunteering. A volunteer must have a fully executed Volunteer Services Agreement on file with the Office of Enterprise Risk and Insurance and has met the requirements outlined in this policy.

PROCEDURES

Before an individual can start a volunteer assignment, departments must comply with the following procedure. Please note that it is the department's responsibility to ensure ~~that~~ the individual volunteer has adequate experience, qualifications, and training for the tasks ~~he or she~~they will be required to perform. The recruitment, screening, and assignment of volunteers shall be performed in accordance with university employment policies and procedures.

1. Once an individual has been selected for a volunteer assignment, the department and that individual are required to complete the Volunteer Services Agreement.
2. If the individual is ~~under eighteen (18) years of age~~ a minor, then the parent or guardian for that individual must also give consent. Additionally, departments are required to obtain and keep record of the minor's age for the duration of their volunteer assignment. Individuals who will be supervising minors, must complete the university's Youth Protection Program training.
3. Appropriate training, such as lab training, FERPA training, Export Control training, etc., must be completed prior to the start of the volunteer assignment.
4. ~~Criminal background checks must be completed prior to the start of the volunteer assignment.~~ In accordance with Human Resources policies and procedures, criminal background checks must be completed prior to the start of volunteer assignment on the following:
 - a. ~~Volunteers who will be interacting with minors as part of their volunteer service. Exceptions to this must be approved by Enterprise Risk and Insurance Management;~~
 - ba. Employees who will be working with supervising ~~mM~~ minors volunteering for the university; and
 - eb. Employees who have not previously been background checked and will be working with volunteers.

Criminal background checks for employees supervising minor volunteers must meet the State of Florida Level 2 Background Check requirements. Additionally, a driver record check is required for those who will be transporting minors.

Criminal background checks should be completed on all other volunteers; however, it is left to the discretion of the department or at the recommendation of Human Resources or the Office of Enterprise Risk and Insurance Management.

~~55.~~ The Office of International Collaboration and -Export Control Compliance will review the proposed volunteer activities and the Volunteer Service Agreement for Foreign National volunteers to determine and assist with foreign influence and export control requirements, including but not limited to, compliance with if a license is required by the U.S. Departments of State, Commerce, or Treasury, and to comply with UCF Policy 4-209 Export Control Policy.

~~66.~~ Volunteers who are expected or who will be asked to drive or transport passengers or property as part of their volunteer assignment shall provide a certified Motor Vehicle Record to the department with which they will be working, and the department shall verify that the volunteer has a valid driver's license, experience, and training to operate the appropriate class of vehicle for the volunteer assignment.

~~7.7~~ The ~~completed~~ Volunteer Services Agreement ~~is to be filed~~ must be completed ~~with Enterprise Risk and Insurance Management~~ before the volunteer assignment can begin. Incomplete agreements will not be considered approved and will not be recognized by the university. ~~or non-legible agreements will be sent back to the department to complete before being accepted.~~

~~89.~~ ——— In accordance with UCF Policy 3-105 Keys-University Access Control policy, volunteers will not be issued university keys to university buildings and grounds. Volunteers requiring access (electronic or key) to university buildings and grounds must be escorted by their supervisor.

~~9.8.~~ ——— Departments are to retain copies of Volunteer Services Agreements for a period of three (3) years from the date of volunteer separation or termination.

RELATED INFORMATION and FORMS

[Volunteer Services Agreement:](#)

[Certified Florida Motor Vehicle Record:](#)

[Youth Protection Program Training:](#)

<https://compliance.ucf.edu/youth-protection-program/youth-protection-training/>

[Policy 2-100 Florida Public Records Act: Scope and Compliance:](#)

[Policy 4-209 Export Control Policy](#)

<http://policies.ucf.edu/documents/4-209ExportControlPolicy.pdf>

[Policy 3-105 Keys University Access Control](#)

[Policy 3-011 Background Checks](#)

[University Regulation, Chapter 3: Personnel Matters:](#)

CONTACTS

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