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## Volunteer Policy

24 February 2014

Volunteers are uncompensated individuals who perform services directly related to university programs, support the activities of the university, or gain experience in specific endeavors. Volunteers perform services without promise, expectation, or receipt of any compensation, future employment, or other valuable benefit. Volunteers provide an invaluable service to the university.

The university's relationship with volunteers is different than its relationship with employees. Performing volunteer services does not create an employment relationship with the university on any grounds or for any reason, and volunteers are not eligible for any university benefits. At all times, the university has the discretion to select volunteers. Volunteers may be dismissed at any time for any reason or for no reason at all. To qualify as a volunteer, an individual must be willing to provide services according to the terms of this policy. While performing volunteer services on campus, all volunteers are required to abide by the Church Educational System Honor Code, including the Dress and Grooming Standards, and to refrain from behavior or expression that seriously and adversely affects the university mission or The Church of Jesus Christ of Latter-day Saints.

Anyone, including current or retired employees, students, alumni, or others, may provide volunteer services to the university in accordance with this policy. All volunteers are cautioned to make responsible personal decisions in allocating their time, effort, and resources between volunteer services and their commitments to family, church, academics, employment, and other responsibilities. Church service missionaries who are assigned as volunteers at the university must be called through proper ecclesiastical lines. University managers, directors, department chairs, and other university leaders and employees must use caution to not promise or represent to volunteers that the volunteers will receive any compensation or benefits other than what is specifically allowed by this policy.

### **PAYMENT OR COMPENSATION**

Payment, except for de minimis tokens of appreciation, is not permitted for volunteer services under any circumstance. However, the responsible unit has the authority to decide whether to reimburse a university volunteer for actual and reasonable expenses. Any reimbursement must be made following standard university reimbursement guidelines. Reimbursement must not be used as a substitute for compensation and cannot be linked to productivity. The university may allow a volunteer the benefit of attending a university event directly related to the volunteer's services. For example, a volunteer who ushers at a university concert may be allowed the benefit of attending that concert.



University directors and managers should contact Human Resource Services with any questions about whether an intended benefit to a university volunteer constitutes “payment.”

### **MINORS UNDER 18**

Minors under the age of 18 may volunteer to provide only those services that have been designated low-risk by the university’s Risk Management Department. In addition, minors under the age of 18 who volunteer to provide designated low-risk services must have the express written consent of their parent or legal guardian.

### **WORKERS COMPENSATION**

Workers compensation benefits will not be provided to those who volunteer their time, effort, or resources to or on behalf of the university, even where an injury was sustained in the course of volunteer services and where the university was the beneficiary of the volunteer services that were supervised and controlled by university personnel.

### **INSURANCE COVERAGE**

The university will not provide volunteers with medical insurance coverage for injuries or conditions sustained in connection with, or arising out of, volunteer services. To the extent that medical costs are not met by the volunteer’s personal primary insurance, or in the event that the volunteer is not insured, costs associated with injuries shall be borne by the individual and not by the university.

The university will not pay for deductibles, co-payments, or other unpaid expenses relating to an automobile accident which occurs during the course of the volunteer services for or on behalf of the university and are not paid by the individual's personal insurance company. All use of personal vehicles for volunteer duties must be approved in advance by the supervisor. In the event that a volunteer does not have auto insurance for a particular vehicle, he or she will not be approved by supervisors to use that vehicle in the course of university volunteer services. Any injuries or costs incurred by a volunteer as the result of an auto accident will be the responsibility of the volunteer and not the university.

### **LIABILITY FOR PERSONAL PROPERTY DAMAGE**

The university will not be liable for, and will not provide insurance for, loss or damage to a volunteer's personal property that may occur during volunteer services.

### **LEGAL DEFENSE AND INDEMNITY**

Except for specific exceptions, enumerated below in this policy, the university will furnish a legal defense for and indemnify a volunteer, if necessary, where the volunteer was acting in good faith and reasonably believed he or she was acting within the scope of the volunteer services authorized by the university. However, the university will not defend or indemnify a volunteer if:



- the act in question was an intentional or knowing act constituting illegal, willful, or wanton misconduct;
- the injuries resulted from the volunteer's operation of a motor vehicle, a vessel, an aircraft, or other vehicle for which a pilot or operator's license is required;
- an action is brought by an authorized officer of the state or local government to enforce federal, state, or local law;
- the volunteer was not properly licensed, certified, or authorized as required by the appropriate authorities; or
- the volunteer was acting under the influence of any alcohol or drugs at the time of the act in question.

In the event that the university furnishes a defense, the university will make all decisions regarding the manner in which the defense is conducted. To obtain the benefits of this policy, the volunteer must reasonably cooperate with the university in his or her defense.

### **VOLUNTEER AGREEMENT**

Volunteer activities and services fall into three general categories, based on the varying degrees of risk associated with each: (1) Services not requiring a volunteer agreement; (2) Services requiring a volunteer agreement; and (3) Prohibited activities (those which a university volunteer is not permitted to perform):

#### **Services Not Requiring a Volunteer Agreement**

The following list is representative of types of activities that are generally considered low-risk and do not require a written volunteer agreement, although the university reserves the right to require a volunteer agreement for these types of activities in specific cases, depending on the facts and circumstances of each case:

- On-campus publicity
- Organizing or ushering campus events
- Family history workshops
- Public speaking (e.g. campus devotionals, firesides)

#### **Services Requiring a Volunteer Agreement**

The following list is representative of types of activities for which volunteers are generally required to sign a written volunteer agreement:

- Travel of any kind
- Recreational and competitive sports
- Fitness center or wellness center volunteers
- Museum docent
- Gallery guide
- Library activities



- Activities in any environment which requires orientation or training
- Activities associated with confidentiality (e.g., processing of credit card numbers or bank account information)
- Activities involving supervised contact
- Activities with minors, the elderly, or the disabled
- Serving food

### **Prohibited Activities**

Except in cases of emergency, such as a natural disaster, university volunteers are prohibited from performing the following activities:

- Operation of heavy equipment
- Work with hazardous materials
- Work with stored energy (e.g., physical energy stored in air, gas, steam, water pressure, or in springs, elevated machines, rotating flywheels, fans, hydraulic systems, or similar features)
- Entering into any contract on behalf of the university
- Any activity considered inappropriate for an employee
- Services requiring the gathering or analysis of data which includes social security numbers or medical records
- Any volunteer activities which would require the volunteer to engage in unsupervised contact with a minor

The university, under the direction of the responsible vice president, reserves the right to prohibit other activities for volunteers, depending on the facts and circumstances involved in those activities.

### **INSURANCE FOR STUDENT VOLUNTEERS**

Students providing approved volunteer service on campus to individuals or agencies other than the university for no academic credit will be subject to the same rules and restrictions as other university volunteers. Students providing volunteer service to individuals or agencies other than the university for no academic credit will not be covered by the university's general or professional liability insurance, or by a university program of self-insurance.

### **EMPLOYEE VOLUNTEER SERVICE**

In addition to the rules and restrictions cited above, the following rules and restrictions apply to university employees who volunteer for the university outside of their regular employment:

- The individual's volunteer service may not be in the college, division, or department in which the volunteer is currently employed, unless approved by the Compensation Department in Human Resource Services.



- The services provided are entirely voluntary, with no coercion by the university, no promise of advancement, and no penalty for not volunteering.
- The individual serves without pay or the expectation of pay.
- The individual's volunteer service must be substantially unrelated to his or her regular work responsibilities.
- The individual's volunteer time is insubstantial in relation to the individual's regular working hours.
- The volunteer service does not take place during the individual's regular working hours or scheduled overtime hours, unless the volunteer service is during approved vacation time.
- The individual is not replacing another person or impairing the employment opportunities of others by performing work that would otherwise be performed by paid university personnel.
- Although the volunteer service may benefit the university, the volunteer service is substantially for the benefit of the individual who is volunteering, even if the benefits are altruistic or intangible in nature.

**APPLICABILITY:** This policy applies to all campus units that allow volunteers to provide services in any aspect of university activity.

**RESPONSIBLE UNIVERSITY OFFICER:** Administrative Vice President and Chief Financial Officer

**RESPONSIBLE UNIVERSITY OFFICE:** Human Resource Services

**PRIOR VERSION:** Portions of this policy, dealing solely with the ability of university employees to volunteer for other university departments, were previously covered in the BYU Personnel Volunteer Policy dated 16 May 2003.

**RELATED UNIVERSITY POLICIES:**

- Conflict of Interest and Conflict of Time Commitment Policy
- Intellectual Property Policy
- Risk Management and Safety Policy
- Service-Learning Policy
- Staff Overtime Policy