



## **Policy and Procedures for Volunteer and Guest Researcher Assignments**

### **I. Purpose**

The purpose of this policy is to provide a uniform process for the assignment of individuals who serve in the capacity of volunteers or guest researchers at North Carolina Central University (hereinafter “NCCU”), to ensure that individuals in these positions comply with all applicable policies and procedures and to minimize the risk and protect the interests of NCCU, the community, and the people it serves.

### **II. Scope**

This policy applies to all volunteers and guest researchers (see Section III for definitions) and the schools, departments, colleges, and institutes (hereinafter “service units”) who utilize their services.

### **III. Definitions**

*Volunteers* are uncompensated individuals at least 16 years of age who perform services of their own free will that are directly related to the business of the University, including, but not limited to, support of research, humanitarian, charitable or public service activities, or that will enable the individual to gain experience in specific endeavors. An individual who provides services to an entity other than the University that may be related to the University, such as the NCCU Foundation and/or Alumni Association, will not be considered a NCCU volunteer.

*Guest Researchers* are individuals at least 18 years of age who engage in scientific studies on the NCCU campus directly related to existing research collaboration(s) with currently employed NCCU faculty. *Guest Researchers* do not receive financial compensation for their services from NCCU.

#### **IV. Policy**

Volunteers and guest researchers will perform services and duties as assigned by the service unit.

Volunteers and guest researchers will abide by NCCU policies and procedures and external regulations that govern their actions including, but not limited to, those relating to ethical behavior, safety, confidentiality, use of University technologies, protected health information, computer use, financial responsibility, drug and alcohol use. Service Units shall inform volunteers and guest researchers of the specific policies, procedures and regulations that govern their actions during volunteer/guest research orientation (see Section VIII(4) below).

Volunteers and guest researchers are not covered by the Fair Labor Standards Act and are not considered employees for any purpose. Therefore, they are not eligible for compensation or any NCCU benefits, including workers' compensation, as a result of their volunteer/guest researcher status.

NCCU employees who direct volunteer and guest researcher activities are subject to federal and state non-discrimination laws and NCCU's Equal Opportunity and Non-Discrimination Policy. NCCU employees shall not discriminate on the basis of race, color, religion, sex, national origin, disability, political affiliation, veteran status, or sexual orientation in the selection or supervision of volunteers or guest researchers.

A criminal background check must be completed by all NCCU volunteers and guest researchers prior to commencement of the assignment.

#### **V. Who May Volunteer**

Anyone, including current employees or retirees\*, students, alumni, or others may serve as NCCU volunteers or guest researchers, with the following restrictions:

- A. Individuals between the ages of 16 and 18 must provide parental/legal guardian consent to NCCU simultaneous with the submission of a Volunteer and Guest Researcher Assignment Application in order to be eligible to serve as an NCCU volunteer. Consent

from parents or legal guardians must be obtained using the NCCU Parent or Legal Guardian Consent Agreement for Minor Volunteers.

Individuals who are 15 years of age or younger are **not** eligible to become NCCU volunteers. *Exceptions to this rule are allowed for NCCU sponsored programs which are designed for youth under the age of 15 and have documented training policies.* Individuals who are 15 years of age or younger must submit a completed NCCU Parent or Legal Guardian Consent Agreement for Minor Volunteers form to be considered for a volunteer position.

- B. Non-U.S. citizens who do not possess valid work authorization to work in the United States are not eligible to have an assignment as either an NCCU volunteer or guest researcher.
- C. A current employee may not become a guest researcher in any capacity in which he or she is employed, or which is essentially similar or related to the individual's regular work at NCCU.

\*In compliance with N.C.G.S. 135-3(8)c, TSERS retirees may not serve as a volunteer or guest researcher within the first six (6) months of retirement if the volunteer assignment is performed because of the promise or expectation of future compensation from NCCU. Such an assignment is considered a form of compensation and is prohibited. (See [Guidance on Return-to-Work Laws for Members of TSERS.](#))

## **VI. Prohibited Activities**

- A. NCCU volunteers and guest researchers may not receive an assignment that would fill a vacancy that is normally a paid position. In addition, a volunteer or guest researcher may not replace an employee position, primarily perform duties that are within the course and scope of an NCCU employee's normal duties, or impair the University's ability to hire an individual in a particular position.
- B. NCCU volunteers are also prohibited from performing the following activities:
  - 1. Operating heavy equipment;
  - 2. Operating vehicles (including golf carts) except with the express permission of an authorized NCCU official;
  - 3. Working with or having access to any export-controlled materials;
  - 4. Working with stored energy (e.g., steam, electricity, hydraulics);

5. Activity considered inappropriate for any employee;
6. Entering into any contract on behalf of the University;
7. Working with animals, biohazardous, infectious, and/or potentially infectious agents, unless the volunteer or guest researcher has first received appropriate training to perform such activities.

## **VII. Liability Coverage**

Volunteers enrolled in service to NCCU, who act within the course and scope of their assigned activities on behalf of NCCU, are covered by the NC Tort Claims Act and Defense of State Employees Act. This means that the State accepts legal responsibility for the volunteer's authorized actions and, at the discretion of the North Carolina Attorney General, may agree to defend and indemnify the volunteer in the same manner as if the volunteer were an employee of the State of North Carolina.

## **VIII. Procedures**

- A. When selecting and engaging an NCCU volunteer or guest researcher, it is the Service Unit's responsibility to be certain the individual has adequate experience, qualifications, and training for the task he or she will be asked to perform.
- B. Service Units wishing to engage a Volunteer/Guest Researcher **must** proceed as follows:
  1. Prior to the assignment beginning, the individual must complete the Volunteer and Guest Researcher Assignment Application. The application and copies of all supporting documentation must be maintained by the Service Unit for 3 years after the assignment has concluded.
  2. The individual must also complete a criminal background check prior to beginning service at NCCU. A Volunteer/Guest Research Criminal Conviction Check Authorization Form must be completed and provided to Human Resources. The completed form is confidential and will not be viewed by the Service Unit.
  3. Human Resources shall consult with the Office of Legal Affairs and Campus Police, as appropriate, regarding information included in the criminal record check that may subject the individual to being removed from consideration for serving as a volunteer/guest researcher. Human Resources will also be responsible for notifying the potential volunteer/guest researcher of adverse information included in his/her criminal

background record check in accordance with the federal fair credit reporting requirements.

*Volunteers and guest researchers who do not agree to submit to a criminal background checks may be refused an assignment.*

4. If the individual is a returning NCCU volunteer, however, and the interruption in service exceeds a minimum of 12 consecutive months or his or her assignment has changed, a new Volunteer and Guest Researcher Assignment Application and all supporting documentation must be completed and resubmitted.
5. Service Units must provide volunteers and guest researchers appropriate orientation, including but not limited to, privacy policies and procedures, responsible conduct of research and laboratory safety training, prior to the commencement of the assignment.

#### **IX. Dismissal**

A NCCU volunteer or guest researcher may be terminated from serving at NCCU at any time and without prior notice.