

Office/Contact: Office of Human Resources

Source: SDBOR Policy 4.9.1

Link: <https://public.powerdms.com/SDRegents/documents/1726707>

Associated Forms: [Volunteer Work Agreement](#)

SOUTH DAKOTA STATE UNIVERSITY
Policy and Procedure Manual

SUBJECT: Volunteers

NUMBER: 4:8

1. Purpose

This policy and its procedures set forth the standards and protocols related to volunteers for the University to further its mission of teaching, research, and extension.

2. Definition

Volunteers: Uncompensated individuals who perform services directly related to the business of the University, support the activities of the University, or gain experience in specific endeavors. By definition, volunteers perform services without promise, expectation or receipt of compensation, future employment or any other tangible benefit.

3. Policy

- a. The University may appoint volunteers to assist University departments in the conduct of official University activities. To ensure volunteers are covered for liability and workers' compensation, departments are required to comply with the provisions of this policy.
- b. University and SDBOR policies, as well as state and federal laws and regulations apply to volunteers.
- c. Requirements
 - i. University supervising departments are responsible for identifying and screening potential volunteers for appropriate experience, qualifications, and training for the tasks to be performed and submitting proposed *Volunteer Work Agreements* and associated forms to the Office of HR. The Office of HR is responsible for reviewing, processing, and notifying the department that the volunteer engagement is approved, denied, or terminated.
 - ii. Volunteers must be willing to provide services according to this policy, attend required training, successfully complete background checks applicable to the duties assigned, and complete and sign a *Volunteer Work Agreement* and other associated forms prior to beginning volunteer activities.

- iii. Any current or former employee, student, alumnus or other individual may volunteer at the University, with the following restrictions:
 - 1. In general, individuals under the age of 16 may not serve as University volunteers; however, the University may authorize individuals under the age of 16 to serve as University volunteers at its discretion and in accordance with state law;
 - 2. An individual who is under the age of 18 and authorized to serve as a University volunteer may only become a University volunteer with written parental consent and written approval from HR.
 - 3. An employee may not become a University volunteer in any capacity in which they are employed by the University, or which is essentially similar to the individual's regular work at the University, or under circumstances that suggest the decision to volunteer is not made freely;
 - 4. All volunteers must establish proof of identity and citizenship or permanent residency; and
 - 5. If the individual is not a citizen or permanent resident of the United States, they must provide documentation of their visa status. An individual holding a temporary visa may not serve as a volunteer in a position where others receive compensation or perform the same services. An individual with a pending H-1B visa application to work at the University cannot serve as a volunteer. Volunteer status may not be used as a way to avoid or defer compliance with the employment eligibility requirements of federal immigration laws.
- iv. A University volunteer is considered an agent of the University while performing assigned duties and is expected to abide by University and SDBOR policies and state and federal laws and regulations which govern their actions, including but not limited to employee conduct, treatment of confidential information, acceptable use of University technologies, drug use, and financial responsibility.
- d. The University provides liability and workers' compensation coverage to properly documented and engaged University volunteers acting within the scope of assigned duties in conformity with applicable law. 4-H volunteers are not covered by the Public Entity Pool for Liability (PEPL) fund coverage.
- e. Volunteers are not subject to the Fair Labor Standards Act and are not considered University employees. Payment for volunteer services is not permitted under any circumstance; however, the appropriate 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.
- f. All University volunteers must be supervised by their sponsoring department or unit.

- g. The University or University volunteers may end their volunteer service at any time, with or without cause, and without advance notice.
- h. The following activities are prohibited for University volunteers unless 1) the volunteer has completed the appropriate training and/or certification requirements specific to the hazards of the activity involved prior to performing the activity; and 2) specific exceptions have been requested and approved by the appropriate University office and are not contrary to this or other University or SDBOR policies or state and federal law:
 - i. Operating heavy equipment (e.g. forklift, backhoe, etc.);
 - ii. Operating University or State-owned vehicles (including utility vehicles, as set forth in University Policy 6:1) except with the express written permission of a University Official;
 - iii. Working with any BSL III and BSL IV protocols;
 - iv. Working with or having access to any export-controlled materials;
 - v. Working with hazardous materials or select agents except with the express written permission of a University Official;
 - vi. Working with stored energy (e.g., physical energy stored in air, gas, steam, water pressure, or in springs, elevated machines, rotating flywheels, fans, hydraulic systems, etc.);
 - vii. Any activity considered inappropriate for an employee;
 - viii. Entering into any contract on behalf of the University; and/or
 - ix. Working with bio-hazardous or infectious materials.

4. Procedures

- a. Each department must initially evaluate the services that a volunteer will be expected to provide to be certain that the volunteer is providing services that are for and directly related to the business of the University or in support of activities of the University, not replacing or displacing a compensable position within the department, and providing services that are not prohibited by this policy or other governing authority.
 - i. Departments that have active volunteers who were selected prior to inception of this policy must, within thirty (30) days following this policy's approval date, reassess the services their volunteers are providing to be certain the services are allowable under this policy and for or directly related to the business of the University or in support of activities of the University.
- b. Departments may obtain *Volunteer Work Agreement* forms from the Office of HR. Upon completion, the *Volunteer Work Agreement* and other associated forms should be returned to the Office of HR for approval or disapproval.
- c. The Office of HR will review the *Volunteer Work Agreement* and other associated forms, conduct any applicable background checks, and notify the department in writing whether the volunteer engagement is approved, denied, or terminated.
- d. The Office of HR will communicate with International Affairs and Outreach and Shared International Employment Services to review and determine if there are any restrictions on a foreign national's volunteer eligibility. Any applicable restrictions shall be applied in the volunteer review and approval or denial process.

- e. Following HR's review, departments will notify volunteers regarding the approval of their services, where applicable, and with further details regarding their services to the University. Departments may not begin a volunteer's activities until receipt of clearance notification by HR.
5. Responsible Administrator

The Assistant Vice President for HR, successor, or designee is responsible for annual and ad hoc review of this policy and its procedures. The University President is responsible for the approval of this policy.

SOURCE: Approved by President on 10/30/2015. Revised 01/29/2024 (clerical).