



REG - 80.01.1 - UNPAID VOLUNTEERS, GUEST RESEARCHERS, INTERNS AND VISITING SCHOLARS REGULATION

Authority: Chancellor

Responsible Office: Human Resources

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History: Effective: June 9, 2015; Reformatted/Updated: February 22, 2018

Related Policies/Sources: [Governor's Executive Order #48 \(1980\)](#), [N.C.G.S. 135-3\(8\) - Membership](#), [Guidance on Return-to-Work Laws for Members of TSERS](#), [Banner HR Affiliate Data Request](#), [Background Check Authorization and Release Form](#), [Minors Working in Laboratories and Animal Facilities](#), [Parent or Legal Guardian Consent Agreement](#), [Release of Liability and Covenant Not to Sue For Minor Volunteers](#), [Release of Liability for Unpaid Volunteers, Guest Researchers, Interns and Visiting Scholars](#), [Unpaid Volunteer, Guest Researcher, Intern and Visiting Scholar Code of Conduct](#), [Unpaid Volunteer, Guest Researcher, Intern, and Visiting Scholar Service Application](#), [Unpaid Volunteer, Guest Researcher, Intern and Visiting Scholar Assignment Request](#),

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1. Purpose

This regulation outlines specific procedures and requirements governing individuals who serve as unpaid volunteers, guest researchers, interns, and visiting scholars at North Carolina Central University (NCCU) to whom this regulation is applicable. It ensures that individuals in these positions operate in compliance with all policies, regulations and rules set forth by the University to protect the interest of NCCU, the people it serves, and the community. The regulation provides guidelines on what individuals may or may not do in the course of assignments, defines the process by which unpaid assignments must

be requested and approved, and establishes the requirement for background checks for unpaid assignments in excess of seven days and/or involving unsupervised access to sensitive populations or sensitive facilities.

2. Scope

Unpaid volunteers, guest researchers, interns, visiting scholars, and other individuals with a desire to serve as a University volunteer fall within the scope of this regulation. This regulation also applies to NCCU schools, divisions, colleges, departments and institutes that employ individuals to perform volunteer services.

2. Definitions

2.1 Volunteers are uncompensated individuals authorized by a University department or unit to perform research, humanitarian, charitable or public services on behalf of the University, or to gain personal or professional experience in specific endeavors.

2.2 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.

2.3 Interns are individuals:

2.2.1 Enrolled at NCCU or other accredited colleges, universities, community colleges or high schools and are engaged in experiential learning in the workplace in return for academic or course credit.

2.2.2 Obtaining work experience that is required for professional licensure or certification under the supervision of a licensed or certified professional (e.g., Social Workers, Engineers, Nurses, and Accountants) for a period not to exceed 18 months in duration.

2.2.3 Engaged in experiential learning in a profession under the supervision of an appropriate University supervisor or manager for a period not to exceed 18 months in duration.

2.3 "Visiting scholars" hold appointments at other academic or research institutions, yet are visiting NCCU to work with a specific faculty member or principal investigator on a research project. They do not receive compensation for appointments at NCCU.

3. Eligibility

3.1 Any individual is eligible to serve as a University volunteer, subject to the following eligibility requirements:

3.2 An individual must be willing to provide services in accordance with the regulation procedures.

3.3 Individuals must have adequate experience, qualifications, and training for the task(s) to be performed as a University volunteer.

3.4 A current employee may volunteer for special events, such as Move-In-Day, Convocation, Commencement, etc. However, a current employee is not eligible to serve as a University volunteer in any capacity in which he or she is employed at the University, or which is essentially similar to or related to the individual's regular work at the University.

3.5 University volunteers, guest researchers, interns and visiting scholars may not receive an assignment that would fill a vacancy that is normally a paid position. In addition, a volunteer, guest researcher, intern, or visiting scholar 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 specific position. Current employees may not become a volunteer, guest researcher, intern or visiting scholar in any capacity in which he or she is employed, or which is essentially similar to the individual's regular work at NCCU.

3.6 An individual under the age of eighteen (18) years may only serve as a University volunteers, guest researcher or intern with the written consent of a parent or legal guardian.

3.7 A student not attending NCCU, and under the age of 16 years, may only become an NCCU volunteer for service, as a component of an approved school program, pursuant to a contract between NCCU and the school, and only with parental/legal guardian consent.

3.8 In situations where a Department Head is able to demonstrate that specific educational and/or community service interests of the University are served and that no unacceptable risks are present, exceptions may be considered for individuals under 16 years of age for service in a volunteer capacity. The latter circumstances are subject to specific approval by the Chief Human Resources Officer or their designee in consultation with relevant University offices.

3.9 An individual who will be working with sensitive populations or who will have unsupervised access to cash, checks or other forms of liquid assets for the University may only become a University volunteer after the completion of a satisfactory background check and credit report. The Department of Human Resources (DHR) will perform the background check upon request of the sponsoring department or unit and after receipt of a consent signed by the potential volunteer. The service department or unit is responsible for the cost of background checks.

3.9.1 "Sensitive populations" are individuals under 18 years of age, patients receiving care in a clinical setting, and other individuals entitled to enhanced supervision or protection based on University practice or State or Federal law.

3.9.2 "Unsupervised" denotes the volunteer will, for any period of time, have access to liquid assets of the University without the physical presence of a supervising University employee.

3.10 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.

3.11 Non-U.S. citizens who are subject to restrictions under US Export Control Laws and/or do not possess valid work authorization to work in the United States are not eligible to have an assignment as neither an NCCU volunteer nor guest researcher.

4. Volunteer Responsibilities and Compensation Ineligibility

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

4.2 Volunteers will adhere to all University policies, laws and regulations that govern their actions including, but not limited to, those relating to ethical behavior, safety, confidentiality, use of University technology, protected health and student information, computer use, financial responsibility, and drug use.

4.3 Service Units shall inform volunteers, guest researchers, interns and visiting scholars of the specific policies, regulations and rules that govern their actions during their assignment.

4.4 University volunteers, guest researchers, interns and visiting scholars are not covered by the Fair Labor Standards Act and are not considered University employees for any purpose. Therefore, University volunteers are not eligible for compensation or any University benefits as a result of their volunteer status with the University.

4.5 NCCU employees who direct volunteer, guest researcher, intern, and visiting scholar 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, guest researchers, interns, and visiting scholars.

5. Prohibited Activities

5.1 University volunteers are prohibited from performing the following activities in the course and scope of their authorized activities:

5.1.1 Entering into any contract on behalf of the University;

5.1.2 Operating State-owned motor vehicles, golf carts, or heavy equipment unless specific exceptions have been requested and approved by the Work Order/Motor Fleet Coordinator, or his or her designee, and are not contrary to State motor fleet management or University risk management policies. The expressed written permission of the Work Order/Motor Fleet Coordinator is required;

5.1.3 Working with hazardous materials, including stored energy (e.g., steam,

electricity, hydraulics);

5.1.4 Working with animals, infectious or potentially infectious agents, unless the volunteer or guest researcher has first received appropriate training to perform such activities;

5.1.5 Working with or having access to any export-controlled materials; and/or

5.1.6 Performing any activity that is considered inappropriate for an employee.

6. Limitations

6.1 An unpaid volunteer, intern, or visiting scholar may not:

6.2.1 Be engaged and/or directly supervised by a relative or other individual who would be considered inappropriate under the University's policy on nepotism.

6.2.2 Receive compensation except as expressly permitted in this regulation or be eligible to receive employment-related benefits available to regular employees such as workers' compensation, health benefits, or the ability to file for unemployment compensation.

6.2.3 Be offered any future promise of University employment that is contrary to the University's or State's equal employment opportunity or employment policies.

6.2.4 Be subjected to coercion or pressure, in any fashion, to perform his/her duties.

7. Exclusions

7.1 Exclusions from the provisions of this regulation are as follows:

7.1.1 Students currently enrolled at NCCU, if the volunteer or internship assignment does not involve unsupervised access to sensitive populations or sensitive facilities.

7.1.1.1 An [Unpaid Volunteer, Guest Researcher, Intern, and Visiting Scholar Service Application](#) must be completed prior to the commencement of the volunteer activity; however a background check is not required if the unpaid activity conforms to the requirements of Section 7.1.1 above.

7.1.1.2 As indicated below in Request and Approval Procedures, a [Release of Liability for Unpaid Volunteers Guest Researchers, Interns and Visiting Scholars](#) form must be completed.

7.1.2 Individuals who will perform volunteer services not to exceed seven calendar days in duration without any continuing volunteer relationship, if the assignment does not involve any unsupervised access to sensitive populations or sensitive facilities and if the individual is not otherwise an employee of the University.

7.1.2.1 Note: This exclusion includes individuals who are invited to deliver a talk or presentation at the University without pay or only for nominal benefits related to their services.

7.1.3 Interns or visiting scholars who will be compensated by the University for their services. Such individuals are engaged as temporary employees under the applicable employment procedures for SHRA or EHRA employees.

7.1.4 Unpaid adjunct faculty whose appointment and the requirement for a pre-appointment background check are covered separately by procedures established by the Academic Resource Management Office.

7.1.5 An individual from outside of the University community who is appointed to a Board of Visitors or other University advisory body by authority of the Chancellor, the Provost, a Vice Chancellor, or a Dean.

7.1.6 An individual who provides services to an entity other than the University that may be associated with the University, such as the NCCU Foundation and/or Alumni Association, will not be considered an NCCU volunteer.

7.1.7 An individual who is under the age of 18 (a minor), or who is still in high school. An [Unpaid Volunteer, Guest Researcher, Intern, and Visiting Scholar Service Application Form](#) must be completed prior to the commencement of the volunteer activity; however a background check is not required.

7.2 The Chief Human Resources Officer or his/her designee may approve other exclusions to this regulation in whole or part which are deemed to be in the University's best interests and/or to address essential circumstances when no unreasonable risks are identified after consultation with the appropriate University offices. Departments that will engage volunteers or interns who are otherwise excluded from this regulation as noted above, but where the individuals will serve in laboratory settings must still ensure that all University safety and compliance requirements are met in accord with policies set forth by the University's Department of Environmental and Occupational, Health, and Safety (EOHS) and Division of Research and Sponsored Programs.

8. Request and Approval Procedures

8.1 When selecting and engaging an NCCU volunteer, guest researcher, intern or visiting scholar, it is the service unit's responsibility to verify and ensure the individual has adequate experience, qualifications, and training for the task he or she will be asked to perform

8.2 The proposed engagement of an unpaid volunteer, guest researcher, intern, or visiting scholar must have the advance approval of the service department/unit and the Department of Human Resources. The [Unpaid Volunteer, Guest Researcher, Intern, and Visiting Scholar Service Application Form](#) must be completed by the volunteer or guest researcher. Completed forms are submitted to the DHR Employment Consultant assigned to the service departments.

8.3 Departments or units wishing to engage a volunteer, guest researcher, intern or visiting scholar are required to proceed as follows:

8.3.1 Prior to the assignment beginning, the individual must complete the [Unpaid Volunteer, Guest Researcher, Intern and Visiting Scholar Assignment Request form](#). The application and copies of all supporting documentation must be maintained by the service unit for 5 years after the assignment has concluded.

8.3.2 The Request form noted above must be accompanied by a fully completed University [Background Check Authorization and Release Form](#) which will be submitted to the NCCU DHR. Background check fees are the responsibility of the service department or unit.

8.3.2.1 Note: The background check requirement is automatically waived for any individual younger than 18 years of age. Background checks are also not required for NCCU student volunteers with the provisos listed in Section 8 ("Exclusions") above.

8.3.3 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 his/her criminal background record check in accordance with the federal fair credit reporting requirements.

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

8.5 If the individual is a returning NCCU volunteer, but the interruption in service exceeds a minimum of 12 consecutive months or his or her assignment has changed, a new [Unpaid Volunteer, Guest Researcher, Intern and Visiting Scholar Assignment Request](#) form and all supporting documentation must be completed and resubmitted.

8.6 Depending on the location, potential environmental exposures and the type of activities performed by the volunteer, guest researcher, intern, or visiting scholar, DHR may also require review by the Office of Legal Affairs and/or the Department of Environmental and Occupational Health and Safety.

8.7 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.

8.8 If the proposed volunteer, intern, or visiting scholar arrangement satisfies all of the requirements of this regulation and the background check results are acceptable, then the DHR will grant approval for the proposed arrangement to the requesting department by electronic mail.

8.9 Any approved volunteer, guest researcher, intern, or visiting scholar must fully complete and sign a release of liability prior to starting his/her assignment. For volunteers and unpaid interns the [Release of Liability for Unpaid Volunteers and Unpaid Interns Form](#) should be used, for unpaid visiting scholars, the Unpaid Volunteer, Intern, and Visiting Scholar Request Form should be used.

8.10 The requesting department should fill out the top section of the release, ensuring the description of the activity performed matches that provided on the [Unpaid Volunteer, Guest Researcher, Intern and Visiting Scholar Assignment Request](#) form. The signed release must be maintained on file in the appointing department for no less than 5 years following completion of the volunteer, intern, or visiting scholar arrangement and subject to audit by DHR on request.

9. Liability

Volunteers pursuant to [Governors Executive Order No. 48](#), who are acting within the course and scope of their authorized activities on behalf of NCCU, are covered by the North Carolina Tort Claims and Defense of State Employees Act. The State accepts legal responsibility for the torts committed by University volunteers that occur within the course and scope of their authorized volunteer activities, to the extent permitted by law.

10. Expense Reimbursements and Other Benefits

Individuals may be reimbursed for their expenses in carrying out assigned duties in accordance with applicable University accounting policies and federal non-immigrant visa regulations. Such expenses must be authorized in advance by the department supervisor. They may also be provided nominal benefits related to their activities such as admission to a University event or other incidental gifts in recognition of their unpaid service, unless an individual is in a nonimmigrant visa status which restricts such benefits

11. Termination

Volunteers, guest researchers, interns and visiting scholars may be terminated at any time at the option of the University and without prior notice.

12. Additional Information

12.1 Questions regarding this regulation or the use of volunteers, interns, or visiting scholars, may be directed to the:

12.1.1 Department of Human Resources – Employment

12.1.2 Chief Human Resources Officer

12.1.3 Office of Research Compliance and Technology Transfer

12.1.4 Office of Legal Affairs