**Volunteers UPPS No. 04.04.09**

**Issue No. 5**

**Effective Date: 01/04/2022**

**Next Review Date: 06/01/2026 (E4Y)**

**Sr. Reviewer: Associate Vice President, Human Resources**

**POLICY STATEMENT**

*Texas State University encourages and supports all efforts and contributions made by the greater community to maintain its success.*

1. **BACKGROUND INFORMATION**

01.01 This policy is intended to facilitate the provision of volunteer services and allow members of the Texas State University community to benefit from volunteer opportunities while remaining in compliance with all university policies and procedures, and all applicable state and federal laws.

This policy will set forth procedures regarding volunteers who perform services for Texas State, and conditions under which Texas State employees can volunteer with outside organizations (see [UPPS No. 04.04.06](http://policies.txstate.edu/university-policies/04-04-06.html), Outside Employment and Activities). This policy applies to all volunteers, with the exception of the following:

1. volunteers who perform services for corporations, foundations, and similar organizations that have approved, written contractual relationships with Texas State or The Texas State University System (TSUS) Board of Regents; and

b. individuals who serve as unpaid faculty members and are

 separately contracted (see [AA/PPS No. 04.01.03](http://policies.txstate.edu/division-policies/academic-affairs/04-01-03.html), Unpaid Faculty).

* 1. Texas State employees shall take approved leave from their regular positions in order to perform volunteer service during their normal work hours unless it meets the definition of incidental.
1. For the purposes of this policy incidental service is defined as occasional or isolated activity that:
	1. does not exceed one hour per week in aggregate, regardless of whether the activity is undertaken during normal working hours;
	2. the activity does not prevent the employee from completing the normal amount of work for which the employee is paid or is expected to perform; and
	3. the activity does not increase the overhead or operating costs of the university.

b. If a current Texas State employee wishes to volunteer their services to Texas State for civic, humanitarian, or charitable reasons, the proposed volunteer service must be in a different occupational capacity from that in which the employee is employed. Texas State employees may not volunteer with Texas State, performing tasks that are consistent with their normal job duties without being compensated for their time.

c. Texas State employees are prohibited from volunteering their services for their primary supervisor or account manager.

d. The volunteer service must be provided as a personal service by the individual Texas State employee and not as a representative of the university or its interests.

e. Employees are not permitted to use Texas State equipment, vehicles, or other resources in carrying out volunteer assignments for non-Texas State organizations, except as explicitly allowed by state or federal law or university policy.

f. In the event of a local natural disaster, large-scale life-threatening emergency, or similar calamity, the university president, or designee, may make an exception to policy in order to allow the use of Texas State equipment, vehicles, and resources.

**02. DEFINITION**

02.01 Volunteer – a person who performs services for Texas State without the expectation of compensation, including minors and students not actively enrolled in classes. Does not include:

a. members or former members of The TSUS Board of Regents;

b. students performing duties associated with currently enrolled class work or with other university functions; or

c. persons who participate as subjects in research and sponsored

programs.

**03. APPLICABLE LAWS**

03.01 Volunteer Programs – Texas law requires that governmental entities such as Texas State develop volunteer programs, considering that volunteers are a resource that requires advanced planning and preparation for effective use ([Government Code, Chapter 2109](http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.2109.htm)).

03.02 Immunity from Liability – Texas law provides immunity from civil liability for volunteers providing services to institutions of higher education. This immunity applies to any act that is incident to the volunteer’s duties and involves the exercise of judgment or discretion on the part of the volunteer. The immunity does not apply to the operation, use, or maintenance of a motor vehicle or to intentional misconduct or gross negligence ([Education Code, § 51.937)](http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.51.htm).

03.03 Indemnification – The attorney general has held that Texas law does not permit volunteers to be indemnified for damages, court costs, and attorney fees in the same manner as state employees. Similarly, a volunteer is not entitled to the attorney general's defense in litigation [(Attorney General Opinion No. DM-457 (1997)](https://www2.texasattorneygeneral.gov/opinions/opinions/48morales/op/1997/pdf/dm0457.pdf)).

03.04 Foundation Service – A person serving on the governing board of a foundation, corporation, or association at the request of and on behalf of Texas State is entitled to indemnification for damages, court costs, and attorney fees in the same manner as state employees are indemnified ([Civil Practice and Remedies Code § 104.001(1), (5)](http://www.statutes.legis.state.tx.us/Docs/CP/htm/CP.104.htm)).

03.05 Tort Liability – Generally, Texas State is not liable under the [Tort Claims Act](https://www.house.gov/doing-business-with-the-house/leases/federal-tort-claims-act) for acts of volunteers (Harris County v. Dillard, 883 S.W.2d 166 (Tex. 1994)).

**04. VOLUNTEER PROCEDURES**

04.01 The divisional vice president must approve, in writing, all instances where volunteers will be used for Texas State events.

All volunteer programs must:

a. establish that the program furthers the university's interests;

b. define the anticipated contributions of the volunteers;

c. confirm the availability of departmental resources to support the volunteer efforts;

d. perform criminal background checks on all volunteers;

e. prohibit volunteers from operating university heavy equipment, operating university vehicles without permission, handling hazardous materials unless properly trained, or entering into a contract for the university; and

f. require that both the volunteer and the account manager, or designee, have signed the completed [Volunteer's Release/Appointment form](https://gato-docs.its.txstate.edu/jcr%3Af1946187-566c-4985-bbd2-c8c1a30349dc/Volunteer%27s%20Release%20Appointment%20Form_7.2018.docx).

NOTE: Releases must be signed and maintained for at least two years from the date of the volunteer's last service for Texas State. If the volunteer service will extend beyond the fiscal year, another [Volunteer’s Release/Appointment form](https://gato-docs.its.txstate.edu/jcr%3Af1946187-566c-4985-bbd2-c8c1a30349dc/Volunteer%27s%20Release%20Appointment%20Form_7.2018.docx) will have to be completed for the fiscal year.

04.02 In accordance with state law ([Government Code, 2109.004(a)](http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.2109.htm)), account managers utilizing volunteers will develop and document the following:

a. Training Program – Each department that uses volunteers will develop a training program for its volunteers and its employees who work with volunteers. In this training, volunteers must be advised of their responsibility to follow all applicable university policies and procedures, including those that prohibit disclosure of confidential university information. Volunteers who provide support to Texas State sponsored program (e.g., camp, youth program, laboratory, etc.) involving minors are required to complete a training program, as outlined in [UPPS No. 01.04.41](https://policies.txstate.edu/university-policies/01-04-41.html), Reporting Abuse of Minors and Training Policy.

b. Assessment – Departments that use volunteers will assess the volunteer program, the performance of the volunteers, and the cooperation of paid staff with the volunteers.

c. Follow-Up Studies – Each department that uses volunteers will conduct follow-up studies to ensure the effectiveness of its volunteer program.

04.03 Expense Reimbursement – Texas State may reimburse volunteers for actual and necessary expenses incurred in the performance of volunteer services. The account manager of the department or office that uses volunteers has the discretion to determine whether to reimburse volunteers for expenses. Reimbursement for volunteer travel will be in the same manner and on the same basis as payments for employees’ travel expenses (see [Government Code § 2109.004(b)(l)](http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.2109.htm)).

04.04 Awards – Texas State may provide volunteers with engraved plaques, pins, or awards of a similar nature, with a value that does not exceed $75 for each volunteer, to recognize special achievement and outstanding services of volunteers.

04.05 Compensation – Texas State cannot compensate volunteers for their services, because to do so would not be consistent with their volunteer status. For the same reason, Texas State cannot provide benefits that could be considered compensation for services. For example, use of Texas State’s Student Health Center, shuttle bus system, and workers' compensation program are not available to volunteers.

04.06 Tax Deductions – The value of the services performed by volunteers is not tax deductible; however, volunteers may qualify for other tax deductions such as for out-of-pocket expenses incurred while doing volunteer work for Texas State, including travel expenses and materials and supplies not reimbursed. Volunteers should consult their income tax advisors for other possibilities.

04.07 Recovery of Property Upon Termination of a Volunteer – At the time of termination, it is the account manager’s responsibility to recover or rescind any keys, identification cards, NetIDs, or other Texas State property or privileges issued to the volunteer.

**05. STAFF ASSISTANCE FOR KEY UNIVERSITY EVENTS**

05.01 There are a variety of university events where the need for staff and faculty assistance is extremely helpful to ensure Texas State has a high quality, high impact events that are beneficial to Texas State students and visitors. To help attain this goal and meet this need, staff assistance provided for the events below may be counted as hours worked.

05.02 These events are considered work time. They are not considered volunteering.

1. Bobcat Days;
2. New Student Orientation parent and family dinners;
3. Family Weekend;
4. Move-In Weekend/Bobcat Preview;
5. Commencement.

05.03 Participation in these events will be in accordance with the following:

1. All staff must receive the approval of their supervisor to provide assistance and will be compensated as appropriate under regular university overtime and compensatory time provisions in [UPPS No. 04.04.16](http://policies.txstate.edu/university-policies/04-04-16.html), Overtime and Compensatory Time Policy.
2. Any assistance provided during normal working hours does not qualify for earning overtime or compensatory time.
3. Assistance provided for any events other than those identified above will fall under the volunteer provisions of this policy and will not be considered compensable time.

**06. REVIEWERS OF THIS UPPS**

06.01 Reviewers of this UPPS include the following:

Position Date

Associate Vice President for June 1 E4Y

Human Resources

Associate Vice President for June 1 E4Y

Financial Services

**07. CERTIFICATION STATEMENT**

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Associate Vice President for Human Resources; senior reviewer of this UPPS

Executive Vice President for Operations and Chief Financial Officer

President