

Volunteer Regulation

Version 1

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| Policy | REG06.05.03 |
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| Authority | Chancellor |
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| Contact | Associate Vice Chancellor, Department of Human Resources (252) 328-9847 |
| Related Policies | <p>UNC Anti-Nepotism Policy (https://www.northcarolina.edu/apps/policy/doc.php?id=121)</p> <p>Governor's Executive Order 48 (pdf) (https://uncw.edu/policies/documents/volunteerscovered_executiveorder48.pdf)</p> <p>Employment of Related Persons (Anti-Nepotism) Policy (https://policy.ecu.edu/06/05/02)</p> <p>Criminal Background Check Policy (pdf) (https://humanresources.ecu.edu/wp-content/pv-uploads/sites/21/2019/10/Criminal_Background_Check_Policy_for_SPA_CSS_and_SAAO_Non-faculty_EPA2013-3.pdf)</p> <p>Academic Computer Use Policy (https://policy.ecu.edu/08/05/10)</p> <p>Teachers' and State Employees' Retirement System Guidance on Returning to Work Laws (pdf) (https://www.myncretirement.com/retirees/benefits/return-work-laws)</p> <p>Notice of Nondiscrimination and Affirmative Action Policy (https://policy.ecu.edu/05/25/02)</p> <p>Youth Programs and Camps (https://policy.ecu.edu/01/15/05)</p> <p>NCAA Guidelines (https://www.ncaa.org/)</p> |
| Additional References | <p>Volunteer Agreement (docx) (https://cdn.ecu.edu/docs/prr-uploaded-docs/Volunteer%20Agreement%20Sept%202017.docx)</p> <p>employment@ecu.edu (mailto:employment@ecu.edu)</p> |

1. Introduction

1.1. The East Carolina University (hereinafter ECU or University) Volunteer Regulation seeks to provide consistent guidelines and requirements for Volunteers. The regulation seeks to reduce the risk to both Volunteers and the University and to protect the interests of the University, its Volunteers, and the community it serves. Volunteers provide unique benefits and enable the University to fulfill its mission. This regulation addresses qualifications, required levels of approval, and legal implications of using the services of Volunteers.

2. Scope

2.1. Except as provided herein, this regulation applies to all ECU Volunteers, as defined below, and the ECU divisions, departments, colleges, schools, and/or other ECU units (hereinafter collectively referred to as “units”) who utilize the services of Volunteers.

3. Volunteer Defined

3.1. A Volunteer subject to this regulation is any person who does not receive compensation but is authorized by an ECU unit to perform duties on behalf of ECU, including, but not limited to, civic, humanitarian, charitable, or public service duties, or to gain personal or professional experience in a specific area without compensation. Unpaid interns are excluded from this regulation. Volunteer Athletics coaches whose activities are governed by NCAA regulations are excluded from this regulation. ECU Students (including International Students) and guest lecturers invited to give academic presentations are excluded from this regulation.

3.1.1 This regulation does not apply to persons who are volunteering at an ECU Youth Program or Camp which is governed by REG01.15.05, entitled “Youth Programs”. All students assisting with camps will fall under the Youth Programs regulation.

4. Discontinuing the Services of the Volunteer

4.1. ECU may terminate a Volunteer's service at any time, and without prior notice. Likewise, a Volunteers may terminate his or her services to the University at any time, and without prior notice.

5. Eligibility

5.1. In order to serve as a Volunteer, the following requirements must be met:

5.1.1. The individual must have appropriate experience, qualifications, and/or training for the task(s) that he/she will be asked to perform.

5.1.2. ECU employees who volunteer are covered under this regulation. A current employee may not serve without compensation as a Volunteer for the University in the same position in which he/she is currently employed by the University or in a Volunteer capacity that is similar or related to the employee's current regular work at the University.

5.1.3. Volunteer service hours for the University are not considered as University employee work hours or University employee community service hours and are not eligible for compensation from the University. This subparagraph does not apply to any faculty member who has a service component as part of his or her current regular duties.

5.1.4. Any individual who is under eighteen (18) years of age must obtain written parental/legal guardian consent to Volunteer. Volunteer services of children under the age of eighteen (18) is strictly limited to age-appropriate, non-strenuous, volunteer capacities for no more than six (6) hours in any given week and only to the extent that the Volunteer is directly supervised at all times by at least two University approved adult volunteers or ECU Employees, and/or at least one approved Volunteer, parent or guardian of that child. Additional hours during the non-school year will require prior approval for youth under age 18 years of age.

5.1.5. A non-US citizen who does not possess a valid work authorization is not eligible to volunteer. Related individuals who are not eligible to work in the United States are not eligible to volunteer.

5.1.6. A Retiree, who falls under the Teachers & State Employees Retirement System, may not serve as a Volunteer

within the first six (6) months of retirement if the Volunteer assignment could lead to permanent employment. Such an assignment could put the individual's retirement benefits at risk.

5.1.7. The Volunteer may not displace or serve as a substitute for any regular employee position.

5.1.8. The Volunteer cannot be offered any promise of future employment.

5.1.9. The Volunteer must be sponsored by a unit that is willing to supervise him/her.

6. Sponsoring Unit Responsibilities, Documentation and Procedures

6.1. It shall be the duty of the unit sponsoring a Volunteer to provide appropriate supervision and to instruct the Volunteer on all applicable rules, regulations and policies, including safety policies. The unit shall designate at least one (1) faculty or staff member to be the point of contact with the Volunteer for the purposes of instructing the Volunteer and otherwise complying with this Policy.

6.2. The unit shall provide the Volunteer with a copy of this policy, shall make sure that the Volunteer meets all of the requirements of this Policy, and shall comply with the following procedures:

6.2.1. If the Volunteer will provide services on three (3) or more days in any given semester (or 3 or more days over the course of a summer), the Volunteer shall be required to complete the Volunteer Agreement prior to beginning service.

6.2.2. The auxiliary organizations who may need to have volunteers with access to "Confidential and/or Sensitive Information" will be excluded from this regulation.

6.2.2.1 "Confidential and/or Sensitive information" may include but is not limited to the following: Student Records and information from Student Records (including GPA, Class schedule, grades, Banner number, exam scores, etc.), Social Security Numbers or employer taxpayer identification numbers; Driver's License information, State Identification Cards; Passport Numbers; Digital Images; Dates of Birth; Home Addresses; Home Telephone Numbers; Checking and Savings Account Information; Credit Card Information; Debit Card Information; Passwords; Protected Health Information (Any information that identifies a patient and their treatment); Proprietary Information (research, patent, legal, compliance, etc.); and Personnel File Information of employees.

6.2.3. If the potential Volunteer is under eighteen (18) years of age, his/her legal guardian must also sign the Volunteer Agreement.

6.2.4. A template Volunteer Agreement can be found at the link above. Each unit may make non-substantive modifications to the template to accommodate differences in program operations. Substantive changes may not be made without the consent of the Associate Vice Chancellor for Human Resources or his/her designee after consultation with the Office of University Counsel.

6.2.5. The unit shall at all times maintain documentation of the names, addresses, contact information, dates of service, and emergency contact information of each person who is performing Volunteer services for that unit. A copy of this information, and copies of all current Volunteer Agreements, shall be provided by the unit to HR as new volunteers are processed by the department. A volunteer termination report (documenting the termination of the services of any volunteers during the last quarter) should be forwarded to HR on a quarterly basis.

6.2.6. The unit shall maintain all Volunteer documentation consistent with the applicable University document destruction policy but in no case for fewer than three (3) years after the Volunteer has ceased rendering services for the unit.

6.2.7. The unit shall also determine whether the Volunteer must undergo a background check according to the criteria in section 15 below, and proceed accordingly.

7. Criminal Convictions Obtained While Volunteering at ECU

7.1. Each Volunteer is required to report any criminal convictions to his/her sponsoring unit immediately after the

criminal convictions.

8. Volunteer Responsibilities and Rights

8.1. Each Volunteer shall abide by all applicable ECU policies, state and federal laws and regulations, including, but not limited to, those relating to ethical behavior, safety, confidentiality, protected health and student information, computer use, financial responsibility, and drug use.

8.2. A Volunteer is not an ECU employee, nor does he/she have the authority to officially represent the University. A Volunteer is not eligible for University privileges including, but not limited to wages, salary, or any ECU benefits.

9. Prohibited Activities

9.1. An ECU Volunteer is prohibited from performing any of the following activities in the course and scope of his/her authorized activities:

9.1.1. Operating heavy equipment;

9.1.2. Operating University or State owned or leased vehicles, golf carts, and/or boats;

9.1.3. Working with hazardous materials, including stored energy (e.g. steam, electricity, hydraulics);

9.1.4. Entering into contracts on behalf of ECU and;

9.1.5. Transporting minors in personal vehicles.

10. Nepotism

10.1. A Volunteer shall not be supervised or evaluated by any individual within the definition of "Related Persons," as defined by the UNC Anti-Nepotism Policy. Exceptions to this requirement may be made, in the discretion of the unit manager, for short term events where protective measures are put in place to ensure that no improper favoritism is likely to occur.

11. Liability and Indemnification

11.1. A Volunteer who is acting within the course and scope of authorized activities as an agent on behalf of the University may be covered by the Defense of State Employees Act and the North Carolina Tort Claims Act pursuant to Governor's Executive Order 48 (see link above). This means that the State may accept legal responsibility for the torts committed by an ECU Volunteer that occurs under those circumstances, to the extent permitted by law. Additionally, and, at the discretion of the North Carolina Attorney General, the State 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.

12. Notice of Non-Discrimination

12.1. ECU prohibits discrimination and related retaliation against students, employees, applicants, and visitors (including Volunteers) on the basis of any University protected class as outlined in the Notice of Nondiscrimination and Affirmative Action Policy. Harassment is a form of discrimination. Sexual misconduct is a form of sex discrimination that includes sexual harassment and sexual violence.

12.1.1 Each Volunteer must complete an educational module about prohibited sexual misconduct, as defined in the University's Notice of Nondiscrimination and Affirmative Action Policy, at the time he/she begins his/her volunteer service and every five years thereafter. To complete the educational module, please contact the Office for Equity and Diversity, via phone (252) 328-6804, email oed@ecu.edu, or the Internet (www.ecu.edu/oed (<https://www.ecu.edu/oed/>)). Please note that an exception may be made for an incidental Volunteer who will serve in certain capacities for two days or fewer.

13. Special Needs and Requirements of Certain Units

13.1. To the extent they are consistent with this regulation, each unit may develop additional requirements,

guidelines or rules for its Volunteers as may be appropriate to its circumstances or as required by law or regulation. For example, units within the Division of Health Sciences may be required to apply additional health and safety policies and procedures to protect the Volunteer or others from exposure or harm.

14. Computing and Network Usage

14.1. ECU units may request computer and network accounts for their Volunteers. The request must be written and signed by an authorized representative of the sponsoring unit. The request must have Vice Chancellor or designee approval. In addition, the ECU unit employee assigned to serve as the point of contact with the Volunteer may be required to sign a statement accepting responsibility for the actions of the Volunteer with regard to computer and network usage. The authorization will be valid up to one year. It is the responsibility of the unit to notify ITCS when the account should be deactivated if this occurs before the authorization expiration date.

15. Criminal Background Checks Required for Volunteers with Unsupervised Access to Sensitive Populations, ECU Students, and/or Liquid Assets of the University

15.1. In addition to satisfying all the other applicable requirements of this regulation, the following types of Volunteers must consent to and complete a background check satisfactory to the University prior to commencement of any Volunteer services. Criminal background checks will not be paid from the respective academic department's operating budget.

15.1.1. Each potential Volunteer who will have Unsupervised Access to either (a) Sensitive Populations; (b) ECU students or (c) Unsupervised Access to cash, checks or other forms of liquid assets of the University. Any such Volunteer who does not consent to and pass a criminal background check is disqualified from serving a Volunteer ..

15.1.1.1. "Sensitive Populations" is defined as (i) all persons under 18 years of age; (ii) patients receiving care in any clinical setting; (iii) persons with substantially diminished mental or physical capacities; and (iv) all other individuals entitled to enhanced supervision or protection based on University practice or State or Federal law.

15.1.1.2. "Unsupervised Access" means that the Volunteer will, for any period of time, have access to either Sensitive Populations, ECU Students, or liquid assets of the University without the physical presence and physical observation of at least one supervising University employee.

15.1.2. The ECU Department of Human Resources (Employment Unit) will perform the background check upon request of the sponsoring unit and after receipt of the required consent signed by the potential Volunteer. The background check will be of the type performed on new University employees. Human Resources will determine, in consultation with the sponsoring unit, whether the results disqualify the potential Volunteer or otherwise impact his/her services.

15.1.2.1. The following types of criminal convictions will normally render an individual ineligible to work or volunteer in a Covered Program:

15.1.2.1.1. Drug distribution activity or felony drug possession;

15.1.2.1.2. Sexual offenses, including stalking;

15.1.2.1.3. Crimes of violence involving physical injury to another person

15.1.2.1.4. Child abuse, molestation, child pornography, or other crimes involving child endangerment, including neglect and abandonment

15.1.2.1.5. Murder;

15.1.2.1.6. Kidnapping; and/or

15.1.2.1.7. Any other crime involving moral turpitude.

15.1.2.2. All authorized volunteers who are not ECU employees, and who are subject to this policy shall not be

eligible to participate in a covered program unless they have undergone a satisfactory background check within one (1) calendar year of the start of volunteer assignment. A new background will be required if after 1 year, there is a break in service greater than 90 days. 15.1.3. In order to facilitate the background check, the sponsoring unit must timely submit to HR (Employment Unit) the potential Volunteer's email address; and first and last name.

15.1.4. A parent or legal guardian must consent to a background check for any Volunteer under eighteen (18) years of age who is required to have a background check as indicated by the criteria above.

15.2. Without exception, each person required by this section (15) to undergo and pass a background check must also fill out and sign the Volunteer Agreement referenced in section 6 above, and the sponsoring unit shall comply with all other applicable provisions of section 6.

15.3. Exception to Criminal Background Check Requirements for Volunteers who Would Normally be Required to Complete a Background Check

15.3.1. The Associate Vice Chancellor for Human Resources or his/her designee may approve exceptions to the background check requirement, in whole or part, that are deemed to be consistent with the goals of this Policy, in ECU's best interests, and where no unreasonable risks are identified after consultation with the appropriate University offices and/or outside agencies. Please note that exceptions will not be approved for situations that would require contact with any special populations, cash handling, and/or contact with sensitive data.

16. Contact

Comments or questions? Email the Employment Unit at: employment@ecu.edu

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