



---

## Internal Audit Report

---

# VOLUNTEERS – VOLUNTEER SUPPORT GROUPS

Report No. SC-13-09  
January 2013

Brigitte Desouches  
Senior Auditor

**Approved**  
Barry Long, Director  
Internal Audit & Advisory Services

**This page intentionally left blank**

---

## Table of Contents

---

<b>I. EXECUTIVE SUMMARY .....</b>	<b>2</b>
<b>II. INTRODUCTION</b>	
Purpose .....	3
Background .....	3
Scope .....	3
<b>III. OBSERVATIONS REQUIRING MANAGEMENT CORRECTIVE ACTION</b>	
A. Governance and Guidelines for the UCSC Volunteer Program .....	6
B. Minors in the Volunteering Process .....	9
C. Waivers of Liability .....	12
D. Volunteers in Research Laboratories .....	14
<b>APPENDICIES</b>	
A. Summary of Work Performed and Results .....	16
B. Location of Campus Volunteer Activities .....	20
C. Results from Survey – Types of Volunteers & Approximate Volume per Year .....	20
D. Results from Survey – Application/Registration Process .....	20
E. Results from Survey – Management of Volunteers .....	20
F. Results from Survey – Assessment & Management of Risks .....	20
G. UCLA “Administrative Guidelines for the Use of Volunteers” .....	20

---

## I. EXECUTIVE SUMMARY

---

Internal Audit & Advisory Services (IAS) has completed an audit of campus volunteers and volunteer support groups to evaluate the extent of volunteer activity on campus, and the risks and controls in place related to their use.

Overall, there was a considerable amount of rich and diverse volunteer activity occurring on campus; however, the administration of these activities was heavily decentralized, and managed by individual campus units and departments, without the benefit of an institutional program and volunteer guidelines.

The following issues requiring management corrective action were identified during the review:

**A. Governance and Guidelines for the UCSC Volunteer Program**

UCSC does not have a formal Volunteer Program. Governance over volunteers is decentralized; there is no single point of accountability and no central monitoring over volunteers; and there are insufficient guidelines over their use.

**B. Minors in the Volunteering Process**

There are a number of volunteer positions that include participation with minors. These positions are not sufficiently evaluated to determine whether or not appropriate screening measures in the on-boarding of volunteers would be appropriate or even mandatory.

**C. Waivers of Liability**

There was a general lack of clarity and guidelines over the use of liability waivers. Campus units were often unaware of which type of waiver of liability, if any, volunteers should sign; and when Workers' Compensation Coverage should be provided.

**D. Volunteers in Research Laboratories**

Except for one academic division, there was no formal protocol to administer and monitor the presence of volunteers in research facilities.

Management agreed to all corrective actions recommended to address risks identified in these areas. Observations and related management corrective actions are described in greater detail in section III of this report.

---

## II. INTRODUCTION

---

### Purpose

The purpose of this audit was to evaluate the extent of volunteer activity on campus, and the risks and controls in place related to their use.

### Background

Each year, a large number of students, members of the community, staff and faculty donate their time, energy and expertise to the campus through a variety of volunteer activities. Many of these activities are listed on the UC Santa Cruz (UCSC) website under “Volunteer Opportunities” and in the A-Z Index. Volunteers can participate in many other ways independently of these groups; for example, they could help at a fundraiser, become a trained adviser in some capacity to students, assist in the sign up of participants for an outreach event on campus, or be an assistant coach in river rafting week-end trips. The opportunities are numerous.

Up until the consolidation of the divisional service centers in 2005, each local service center oversaw the volunteer process for the staff and faculty of the unit they were serving. Service Centers provided the administrative sign-up, ensured compliance with regulatory requirements and served as hubs for the volunteers during the time of their participation. Staff Human Resources, although not directly involved in this process posted on its website a one page overview of the volunteer sign-up process with links to two forms: the *Volunteer Agreement Letter and the Workers’ Compensation & Release/Waver* form. These documents are still available.

At the time the service centers were dissolved, oversight of the volunteer process was not assigned to any particular unit. As a result, the administration and oversight of volunteers became the responsibility of individual departments, who did not always have the resources or experience to carry out this responsibility.

The amount of information available to assist staff and faculty using volunteers is limited. A few documents reside on the Staff Human Resources website; additional information on workers’ compensation and several release/waiver forms and guides are included on the Office of Risk Services website.

Senior campus leadership from Staff Human Resources Employment & Operations, and Campus Life and Dean of Students had both expressed interest in having the topic of volunteers reviewed by our office and both units engaged in our efforts throughout the review process.

### Scope

For the purpose of establishing a common understanding of the term volunteer for this review, we considered a volunteer as one who is participating in a university activity that is not related to their employment duties or their studies, without compensation. The time scope of the audit was the academic year 2011-2012.

In the absence of a formal campus volunteer program, we reviewed volunteer programs and guidelines used at other UC campuses', and in particular, The UC Los Angeles (UCLA) "Administrative Guidelines for the Use of Volunteers", which is used by several other UC campuses as a model.

We contacted each of the campus divisions in order to locate their volunteer activities. From these initial contacts, we learned that the level of knowledge about their volunteers was limited. As a result, we expanded our research and inquiry efforts in order to locate and identify a sufficient representation of the volunteer population.

For the second part of the review, we used a combination of one on one interviews with units or volunteer groups (33) and of on-line surveys (17). We contacted 38 departments; 8 of the 12 Friends Groups and 4 of the 10 other Volunteer Opportunities groups, for a total survey of 50 different formats of volunteer activities.

Given the decentralized and generally unmanaged nature of volunteer programs use on campus, it is difficult to estimate the total number of volunteers. We provided the results of volunteer counts from very rough estimates made by the units we contacted. Because we did not identify or contact all volunteer activities, these counts may not include all campus volunteers. In addition, the range of support and capacity of a volunteer spans from a few hours each year to various ongoing engagements throughout the year and therefore, some of the numbers of volunteers included in Table 1 below may have been counted multiple times.

**Table 1: Estimated Number and Type of Campus Volunteers (compiled through survey and unit provided estimates.)**

Type of volunteers	Estimated Total Number of Volunteers during 2011-2012 Academic Year	Estimated Number of Friends Group Volunteers (included in previous column total)
Community	2,700	1,000
Students*	1,600	70
Staff	200	110
Faculty	50	6
Minors	118	1

\*Not counting Registered Student Organizations and Student Government activities

Some campus groups are in an established and fully functioning volunteer program. For example, the Friends Groups, who provide assistance to the university in fundraising and public outreach, follow the UC Office of the President (UCOP) and UCSC guidelines and submit a yearly report to UCOP through the University Relations Division. We have included Friends Groups in this review and shown their estimated number in a separate column of the above table.

Other groups have their own status and governance framework, such as the Registered Student Organizations (RSO) and the Student Government, including Engaging Education (E2) and the Campus Sustainability Council. We did not include their use of volunteers in the scope of this review, except for the work of E2 with minors and the RSO students involved in the KZSC radio station. Minors also were identified as a group who volunteered this year on campus. Exposure of risk to the campus increases with the use of volunteer minors, from a safety and labor law perspective.

In addition, the Student Volunteer Center orients campus students to volunteer in the community. For this reason, it was not included in our audit of volunteering in UCSC activities, except for the possible liability held by the university for its student engagement.

Finally, we have provided in appendices C-F detailed survey results for each of the units contacted. Most of this information dates from June to August 2012 and might have changed since then. We captured what we understood as explained to us, but could not conduct testing in the units. The appendices are more to be used as a whole to show the areas of the volunteer program for which units need the most guidance and support, rather than a report on their performance

**III. OBSERVATIONS REQUIRING MANAGEMENT CORRECTIVE ACTION**

<b>A. Governance and Guidelines for the UCSC Volunteer Program</b>		
UCSC does not have a formal Volunteer Program. Governance over volunteers is decentralized; there is no single point of accountability and no central monitoring over volunteers; and there are insufficient guidelines over their use.		
<b>Risk Statement/Effect</b>		
Without clear roles, responsibilities, and accountabilities over the administration and the use of volunteers, the campus may not be maximizing the efficiency of their use; not ensuring volunteers are in a position that could be harmful to themselves, others, or detrimental to the campus; and not minimizing the risk of litigation to the university.		
<b>Agreements</b>		
<b>A.1</b>	Executive Vice Chancellor will either assign the UCSC volunteer program stewardship to a specific campus unit or direct the establishment of a UCSC volunteer program workgroup. In either case, the charge will be to:	Implementation Date
		5/1/2013
		Responsible Manager
		Executive Vice Chancellor
	<ol style="list-style-type: none"> <li>1) Develop formal guidelines for a UCSC volunteer program; and,</li> <li>2) Establish a governance structure for the administration and oversight of campus volunteers.</li> </ol> <p>Individuals contributing to the creation of the UCSC volunteer program should be representative of campus volunteerism, diversity, and have experience in this area.</p>	

**A. Governance and Guidelines for the UCSC Volunteer Program – Detailed Discussion**

There are many risks associated with using volunteers on campus. At the present time, the campus is unable to provide a consistent and stable administration of volunteers to enable adequate protection to the volunteers and to the university. Other campuses, such as UCLA have formal guidelines for the use of volunteers. Below is a list of elements or questions that could not always be answered by units during our review, and should be considered as part of any formal volunteer program:

- Definition of a volunteer
- Restrictions for using volunteers
- On-boarding volunteers and nature of the agreement
- When to use Worker’s Compensation
- Assessing risks in working with minors
- When background checks are necessary



- Confidentiality issues
- Office of record
- Contact points

Some other UC campuses do not apply their guidelines to Friends Groups or Alumni. It is unclear whether or not a formal volunteer program guideline would apply to unpaid interns or students from RSOs and Student Government entities and other such groups of people. These groups presently volunteer their time in what seems to be their own established structures.

During our interviews, units expressed an interest in having a more formal institutionalized campus volunteer program that could provide them with needed support and guidance. In absence of a single campus unit assigned the stewardship of such a program, the idea of the creation of a workgroup to draft guidelines surfaced and was well supported, as long as this workgroup would be representative of campus diversity and include members holding expertise in the area of volunteers. UCLA's *"Administrative Guidelines for the Use of Volunteers"* could be used as a starting point in the development of campus guidelines.

However, units were also concerned that any new volunteer program could to be stymied if it were too rigid and tailored after a one-size-fit-all program. We concur that taking into consideration the abundant diversity of the volunteer population and its activities when formalizing the volunteer program would benefit the campus. Otherwise, in the long run, it would be met with a withering participation and the rich culture of volunteerism on this campus would be discouraged. Units were also concerned about the establishment of an official and arduous protocol difficult or even impossible to follow given the decreased workforce and the lack of funds.

Considering the current budget environment and the true variety of volunteers and activities on campus, it would be prudent to establish a hierarchy of critical risks of using volunteers and mitigating actions that could be addressed over a period of time. The highest risk areas could be established as mandatory areas to be addressed at the institutional level, and lower risk areas could be labeled as optional at the divisional level. For example, keeping up to date records of volunteer participation is of a lower risk category, but might be very useful in the case of an incident to increase the chances of insurance coverage and to prevent financial burden on the division.

Refer to Table 2 below, for a list of critical points, sorted by high risk and including suggestions for level of governance.

**Table 2 – Critical Risk Elements of Volunteer Program**

Critical Risk Area	Risk (H-M-L)	Possible Level of Risk and Governance (Institutional vs. Divisional Requirements)
Minors	H	Institutionalized requirements with guidance for discernment of situations
Workers’ Comp & Waiver of Liability	H	Institutionalized requirements as to whether or not Workers’ Compensation is to be offered to all volunteers. If offering not mandatory, institutionalized guidelines for divisions to make an informed choice
Volunteering in Community	H	Institutionalized protocol for all activities of UCSC students and/or other volunteers volunteering in the community to clearly delineate liability issues
On-boarding Volunteers	M	Institutionalized minimum requirements for different types of volunteering, including one time volunteers. Divisional requirements for anything above and beyond
Research Lab Volunteer	M	Institutionalized minimum requirements for registration, including the UC Patent Agreement

*Monitoring/Accountability*

In addition to established guidelines, a certain level of centralized administration of a campus volunteer program seems to be necessary.

The concern was raised about the efficiency of guidelines if procedures were not in place to ensure some level of consistency in their application. It was felt that these procedures should not only be created but also monitored at a centralized level. Since no unit on campus has overall accountability for volunteers, having a central decision point regarding volunteer background check requirements, as is in place for staff employment, could help greatly reduce the campus liability in the most critical areas of risk.

<b>B. Minors in the Volunteering Process</b>		
There are a number of volunteer positions that include participation with minors. These positions are not sufficiently evaluated to determine whether or not appropriate screening measures in the on-boarding of volunteers would be appropriate or even mandatory.		
<b>Risk Statement/Effect</b>		
Without a sufficient screening of volunteers, there is a risk that a minor could be harmed, Campus could be liable if a minor is harmed particularly when these volunteers occupy positions that would be considered critical positions for employees; and/or when circumstances indicate to a reasonable person that a screening should be conducted.		
<b>Agreement</b>		
<b>B.1</b>	Executive Vice Chancellor will charge the newly formulated UCSC volunteer program workgroup or designated campus unit (refer to Agreement A.1) with the development of guidelines and a governance model for monitoring units with volunteers interacting with minors and/or having minors volunteering, as its highest priority. Staff with expertise in legislation related to minors could be invited to contribute to this segment of the guidelines.	Implementation Date
		Implementation Date
		5/1/2013
		Executive Vice Chancellor
<b>B.2</b>	The Associate Vice Chancellor of Campus Life and Dean of Students will carefully review and acknowledge/endorse the measures taken by the Athletics department, SOAR, and possibly other Campus Life departments to protect high school students and other minors participating in programs and camps.	Implementation Date
		7/1/2013
		Responsible Manager
		AVC Campus Life & Dean of Students (or designee)

**B. Minors in the Volunteering Process – Detailed Discussion**

In a variety of UCSC programs and activities, campus volunteers interact with minors on or outside campus. The university, in its own interest to avoid legal liability, has a duty to develop practices to protect these minors. Most minors involved with volunteers are participating in mentorship, outreach/educational or sports/athletic programs. They are middle school or high school age students but the minor population could also be freshmen under 18. The fall of 2012 will welcome 604 of such students, and there is no current mechanism in place to identify their status as minors.

During the course of our review we found units were generally aware of the potential risks associated with adult volunteer engagement with minors and the need for adequate procedures. However, we believe some of the potential risks were considerably overlooked. In many cases, units were reluctant

to request background checks on their volunteers, due to the lack of available resources (staff time and funding).

We observed that volunteers who had contact with minors have generally had less background screening than an employee in the same situation. We concur that it may be unreasonable to require that all volunteers in contact with minors undergo a background check; however currently, in the higher education field, requirements are being added for background checks for coaches and volunteers working with minors. Paid employees in contact with children are background checked prior to employment; subsequently the thought is growing that volunteers involved in and or with similar activities should be screened as well. Staff HR website provides guidelines for determining critical position functions with the related required background checks for employees.

A variety of activities involving interactions between adults and minors exist that by their nature provide more control than others and therefore can reasonably mitigate the risks; for example family events when minor children are with their parents, group activities, college fairs and half day volunteers' presentations.

However, a greater risk of harm to minors from adults could arise in the following situations: any one-on-one mentorship, counseling or project; any situation when on-going relationships are formed setting the minor in a position of trust towards the adult; any types of day camps and overnight camps; or any situation when a volunteer is alone with a minor. These situations should serve as red flags indicating a potential need for a background check. Institutions where there are large areas open to the public represent inherent risk to minors. Additional discussion could take place identifying specific open sites on campus that might present specific risks for minors.

- *One-on-one counseling, mentorship, coaching*  
The Smith Renaissance Society has a mentorship program of young students from the community; the University Interfaith Council, if providing one-on-one counseling with freshmen under 18 years of age, would also fall in this category. The Career Advice Network is a group of adults signing up online to be available to students; the university has no control over possible meetings between these adult volunteers and eventual freshmen minors. Sports coaching could bring in one-on-one situations. More remotely, student volunteers trained as advisors to other campus students in varied capacities, in the case of minor freshmen and negligent settings.
- *Overnight camps on or off campus*  
By the nature of their structure, day camps running over several days and overnight camps present a risk to the participating minors. The Athletics department runs soccer camps for high school students with the most likely presence of un-screened volunteers. E2 runs several overnight programs for high school students on campus every year; these are regulated by the Student Organization Advising and Resources (SOAR) own procedures. Other overnight programs such as those offered by the Office of Education, Recreation and Sports (OPERS) could include freshmen minors without anyone being aware of it. Seymour Marine Discovery Center presents day programs for young students. One of these programs includes one overnight each year under staff leadership.

- *Large Campus Space Open to Public*  
The Arboretum, the Seymour Marine Discovery Center, the Farm or maybe even Lick Observatory all offer large spaces where children come to attend presentations, programs or visit. Typically these children are accompanied by their parents, but volunteers are also in this space unscreened.
- *Other*  
There are other situations where volunteers come into contact with minors, more so as a group and in a more or less prolonged and engaging ways, such as the outreach programs from Admissions Outreach, the Educational Partnership Center, the Service for Transfer and Re-Entry Students, and the Student Family Housing. Although never inexistent, the risk in these situations seemed to be quite low and adequate controls to be in place.

In order to consider the shortage of staff and lack of funds, a prioritization needs to be established, not only by activity, but also by type and length of engagements. This priority could include examples of mitigating controls if background checks are not applied.

“Minors in the volunteer process” is in our opinion the first area in which to create campus guidelines. This could be the first priority of the workgroup drafting UCSC volunteer program guidelines.

#### *When Minors Volunteer on Campus*

In addition to focusing on the presence of volunteers with children, there is also the situation of minors volunteering on campus. During FY12, UCSC had at least 100 children volunteers. When this occurs, units need to pay additional attention:

- A minor should not volunteer without a parental authorization attesting their knowledge and consent to have their child volunteer. The units we spoke with were having parents sign their consent in one form or another.
- The State of California may have specific requirements to maximize the potency of parental waivers, such as describing the details of activities the release is signed for.
- Often States are particularly observant of child volunteers and may have stricter laws than actual employment would dictate.

Units using volunteer minors should be made aware of all relevant legislations.

<b>C. Waivers of Liability</b>		
There was a general lack of clarity and guidelines over the use of liability waivers. Campus units were often unaware of which type of waiver of liability, if any, volunteers should sign; and when Workers’ Compensation Coverage should be provided.		
<b>Risk Statement/Effect</b>		
Units that do not use a waiver of liability when appropriate expose the University to claim or lawsuit settlements that later arise. Without guidance for when a volunteer should sign a waiver or when the volunteer should be covered by Workers’ Compensation, the university assumes the risk of insufficiently protecting its volunteers, or alternately over subscribing volunteers with coverage inappropriate to the type or value of volunteer services provided.		
<b>Agreement</b>		
<b>C.1</b>	Risk Services will develop a section of the Volunteer Program Guidelines related to the use of waivers of liability for volunteers and the appropriateness of extending Workers’ Compensation coverage to any volunteer, and provide distribution to the campus.	Implementation Date
		7/1/2013
		Responsible Manager
		Risk Services Director

**C. Waivers of Liability – Detailed Discussion**

The Volunteer Agreement Letter, published on the Staff HR website for many years, includes a link to the “Election of Workers’ Compensation Coverage” form. This form fulfills two objectives: to protect the volunteer in case of injury and to protect the university from possible legal action on the part of the volunteer. Anyone signing this form is accepting the Workers’ Compensation coverage and also waiving his/her right to legal actions against the university.

The State Administrative Manual – 2580.3 states:

*“By law, workers’ compensation benefits for volunteers are not required. A volunteer who does not receive compensation for his or her own work is not entitled to workers’ compensation benefits, unless the agency for which the volunteer works chooses to provide these benefits... ”*

It is interesting to note that when a volunteer signs the workers’ compensation coverage form, it also relinquishes his/her right to sue the State of California.

Office of the President Risk Services provides another type of waiver system-wide, the “Elective/Voluntary Activity Waiver” for individuals (including students) participating in university activities that are not required for a degree or academic program. This type of waiver does not offer the Workers’ Compensation coverage, but does protect the university from legal action. By

encouraging departments to only offer Workers' Compensation to volunteers who offer services that substantially benefit the university because of the volunteer's unique or otherwise difficult to obtain expertise and to have other volunteers sign the *"Elective/Voluntary Activity Waiver"*, UCSC Risk Services has provided a mechanism to save the campus on the cost of Workers Compensation and reduce the risk of litigation against the university.

On its webpage *"UCSC Guide to Waivers"*, Office of the President Risk Services states:

*"Anyone who refuses to sign a waiver should not be allowed to participate in the activity. Departments that do not use waivers and releases when appropriate may have to contribute to claim or lawsuit settlements that arise as a consequence"*

The university has no official pronouncement on which form is to be used and when. Lacking campus guidance, units have diverged in their practices using one of these two types of waivers or none. Even without official guidance it seems prudent to have volunteers sign one of the two types of waivers. As to which one to use and in what circumstances, these are the types of questions that should be answered by the campus volunteer program guidelines.

In addition, criteria should be given to the units when making their choice, as well as clarification on the correct protocol to follow for both types of waivers. For example, Workers' Compensation Coverage forms are not always signed before the injury, copies are not regularly sent to Risk Services, and there is no clear guidance on the renewal period for either form. These details could have important consequences at the time of an incident as the more the volunteer activity is being properly documented the stronger the chances to either obtain coverage for the injury or to obtain protection against litigation.

We also have found units who, although they used the Workers' Compensation version of the waiver, were not aware of the directives of where to take the volunteer in case of injury.

<b>D. Volunteers in Research Facilities</b>	
Except for one academic division, there was no formal protocol to administer and monitor the presence of volunteers in research facilities.	
<b>Risk Statement/Effect</b>	
Without a formal process accommodating volunteers in research facilities, there is a risk that volunteers may be accepted by faculty without anyone else knowing of their presence, and may not possess adequate awareness and training of safety and compliance elements required in a research facility.	
<b>Agreement</b>	
<b>D.1</b>	Executive Vice Chancellor will assign responsibility and accountability for the development of guidelines over volunteers in research facilities, to be included within the newly established formal UCSC Volunteer guidelines (Refer to Agreement A.1), in two areas:
	1) Safety of volunteers in laboratories on or off campus; and,
	2) Appropriate application of the UC Patent Policy for research facilities volunteers.
	It might be prudent to seek Chief Campus Counsel advice on both subjects.
	Implementation Date
	5/1/2013
	Responsible Manager
	Executive Vice Chancellor

**D. Volunteers in Research Facilities – Detailed Discussion**

Volunteers are often visiting students or academics working under a professor. Except for the Baskin School of Engineering, discussed below, volunteers are often accepted and used by faculty or graduate students without the involvement of the departmental staff. Department managers indicated that, unless they receive documentation on volunteers from faculty/researcher working in a research facility, they may not have knowledge of who is volunteering. As a result, volunteers residing in academic divisional research facilities, on or off campus, were difficult to identify.

During the review, two questions developed regarding a volunteers’ presence in research facilities:

- Should they sign the UC Patent Agreement?
- What precautionary measures should be taken regarding their safety?

*UC Patent Policy*

The UC Patent Policy II.A states:

*“An agreement to assign inventions and patents to the University, except those resulting from permissible consulting activities without use of University facilities, shall be mandatory for all employees, **for persons not employed by the University but who use University research facilities**, and for those who receive gift, grant or contract funds through the University.”*



Volunteers participating in research facilities could very well fall in the category of “persons not employed by the university but who use university research facility”. We did not identify any campus guidelines available to academic units in this respect. It may be prudent to seek Chief Campus Counsel’s advice before formulating instructions in this matter.

### *Safety*

The issue of safety is very real when working in research facilities and it is critical that it be addressed for volunteers admitted in such facilities.

Given the risk of untrained or uninformed volunteers occupying a campus laboratory, the UCSC Vice Chancellor of Research (VCR) has suggested that any volunteer program adopt a policy of not allowing volunteers in any campus research laboratories unless the department has issued explicit guidelines on the appropriate and required training for its laboratories in advance, as well as specifics on the documentation of the training. In addition, departments would need to proactively state laboratories where safety training is not needed, thus ensuring that the departments have reviewed the safety risk for all their laboratories.

A volunteer safety protocol per academic department certainly makes sense. Academic divisions and departments have already addressed the safety issue for their employees on and off campus. Efficient guidelines need to be created in order to engage the departments’ laboratories in implementing protocols to preserve best the volunteers’ safety.

### *Volunteers within the Baskin School of Engineering (BSOE)*

BSOE has made a point to refrain from using the volunteer status, but rather to have these visitors go through the recruitment process and be entered in the Payroll system with an academic appointment “without salary”. The advantages of this approach are that it helps ensure:

- verification of the ability to legally work in the US, which even volunteers would not need per se, but might be useful to reveal restrictions of access even to a volunteer.
- volunteers have gone through the appropriate safety trainings
- proper restriction of volunteer access to systems and information according to business needs
- signature of the UC Patent Acknowledgement form

In cases where employment is not possible, BSOE made the signature of this later form mandatory by the volunteer before accessing the laboratories. Some divisions do not appear to be dealing with this issue while others are trying to balance the risk with the effort necessary to bring someone on board as an employee. The workgroup working on UCSC volunteer program policies could review the model used by BSOE when assessing and recommending the appropriate administrative process for use of volunteers.

\*\*\*

**APPENDIX A – Summary of Potential Risks if not Addressed/Mitigated**

Observations	Potential Risk if not Addressed/Mitigated	Additional Comments
<b>Minor Volunteers Parental Consent Forms</b>		
<p>We found that units having minors volunteering did not all use the same forms to obtain parental consent. Some were having parent and child both sign the Volunteer Agreement and the Workers’ Compensation coverage form that includes a liability waiver. Others had the parents sign the Elective/Voluntary Liability waiver.</p>	<p>As stated in Section B of this report, we understand that often States are particularly observant to protect children volunteering. The forms used by campus units for a child volunteer are the same as those used for other volunteers. It may be prudent to research their adequacy.</p>	<p><b>UCSC guidelines for the use of volunteers could provide for campus use, only one format of parental consent and waiver forms that, given California State law, would seem the most adequate to protect the child and the university.</b></p>
<b>University Liability for Students Volunteering in the Community</b>		
<p>There was no disclaimer on the Student Volunteer Center (SVC) website indicating that the university is not liable for students volunteering in the community agencies listed.</p>	<p>Although the community agencies were sponsoring the volunteer activities listed by SVC, the participating students and their parents could easily assume that they were under university’s sponsorship and therefore its liability. Such incidents have happened in other educational institutions.</p> <p>Legal Counsel had raised concerns on this issue which revolves around whether or not the university was communicating clearly enough that it was not responsible for the students’ activities in the Community.</p>	<p><b>We suggested to Campus Life that they could improve communication of responsibility by posting a notice and disclaimer on the SVC website stating: “You are leaving the university Website and UCSC Sponsored Activities”.</b></p>
<p>There was no clarity on the university sponsorship status of volunteer projects in community agencies when funded by SVC grants (\$2K to \$3K each year).</p>	<p>If not aware of where the responsibility lies, Campus Life is unable to warn students and parents of the non-involvement of the university. And in case the university would be liable, Campus Life could not implement an adequate monitoring of these activities.</p>	<p><b>We encouraged Campus Life to consult with Campus Counsel on this matter and follow-up on recommended action.</b></p>
<p>Websites for the Center for Agroecology and Sustainable Food Systems (CASFS) and Life Lab were configured in such a way that it did not clearly communicate that, although on the university grounds,</p>	<p>In case of incident, any Life Lab participant could claim in good faith that from looking at the CASFS website, he/she thought the event or class was sponsored by the university through Life Lab, which would derive</p>	<p><b>After discussing with the CASFS Executive Director the need and feasibility of adding to their website a warning of Life Lab's sole responsibility for all Life Lab activities and therefore of its</b></p>

<p>Life Lab was not part of the university of California.</p> <p>Life Lab is a nonprofit organization, independent of the university, but located on the CASFS grounds. Both websites are linked and we even found Life Lab events listed on a CASFS webpage, without any mention of Life Lab being a separate entity.</p>	<p>in possible risk of litigations directed towards the university.</p>	<p><b>independence from the University, the Director thought relatively easy modifications could be made that should clear up the potential risk.</b></p>
<p>We learned of other instances of students volunteering in the community through their colleges or through STARS and of other programs, such as the educational programs in local schools offered by the Arboretum. A few Mathematics, Engineering, Science Achievements (MESA) volunteers regularly choose to stay on and mentor high school children throughout the year. We were not sure if the delineation of responsibility was made clear to all parties. There could be many situations for which the liability of the university had not been well-defined ahead of time.</p>	<p>Whatever the circumstances maybe, the university makes itself vulnerable to possible litigations each time volunteers are involved with the community without having the university’s responsibility be stated in explicit terms.</p>	<p><b>UCSC guidelines for the use of volunteers should include Chief Campus Counsel advice, on the proper requirements that units engaged in some way with volunteering in the community, should follow.</b></p>
<p><b>One Time Volunteers</b></p>		
<p>Many volunteers participated in activities on a one time basis that may or may not have been repeated during the year. The protocol used varied from department to department; some followed strict procedures of volunteer sign-up including waivers, but a good number of them were only implementing a few or even none of these procedures. For some units, these volunteers were not even considered “volunteers”.</p>	<p>Having volunteers on a one-time at a time basis is more conducive to having more relaxed administrative procedures.</p> <p>However, with no application protocols followed by departments for one-time volunteers, volunteer activities would be irregularly recorded and the absence of these records could diminish substantially the chances of insurance coverage in case of injury. Similarly if no waivers had been signed by the volunteers, the university would be left unprotected.</p>	<p><b>The campus guidelines for the use of volunteer could indicate the requirements of documentation for one-time volunteers and waivers, as well as give guidance for when to offer Workers’ Compensation to the volunteers. These guidelines could take into account the realism of the one-time volunteer situation and propose simple and appropriate procedures.</b></p>
<p><b>Confidentiality Agreement</b></p>		
<p>Some volunteers had access to other people’s information, such as donors’ personal information, personal</p>	<p>While volunteering and representing the university, volunteers could overlook their responsibility of</p>	<p><b>The campus guidelines for the use of volunteers could include requirements for volunteers</b></p>

<p>confidence given by students to advisors, or any other type of information considered as confidential. Although most units requested the volunteers to sign a Confidentiality Agreement, some others did not.</p>	<p>keeping restricted, confidential and sensitive information they might be exposed to and/or of regarding this information as strictly for university use.</p> <p>While signing a Confidentiality Agreement would in most cases reasonably secure the volunteer’s due diligence in this area, it is conceivable that some volunteer positions may even require a prior background check.</p>	<p><b>having access to confidential or sensitive information, including possible background checks.</b></p>
<p><b>Handling of Cash</b></p>		
<p>Some volunteers had cash handling responsibilities, most of them for one event under staff supervision. Except for one department, none of the others had volunteers handling cash background checked</p>	<p>We have found these volunteers handling cash to be one event cashiers, with low amount of cash at stake. This, added to staff supervision and sometimes reconciliation of cash, amounted to what we saw as a low risk operation. We did not consider these to be a high priority risk.</p>	
<p><b>Application Process &amp; Management of Volunteers</b></p>		
<p>The departments we interviewed followed to varied degrees the following procedure steps of signing-up a volunteer: filling out a volunteer agreement letter, and in some case a prior application to volunteer; outlining of the specifics of the agreement: beginning and ending time of the agreement, schedule if necessary; signature of either a waiver of activity liability and/or Workers’ Compensation coverage.</p>	<p>It seemed that one of the first responsibilities of the university would be to have on records as thoroughly as possible, how many people volunteered, who they were, where they volunteered and for how long. The absence of such records, added to the possible failing to offer workers’ compensation when it should have been offered, or failing to have waivers of liability and/or confidentiality agreements signed, would make a weak case for the university to show due diligence in case of litigations.</p>	<p><b>The campus guidelines for the use of volunteers could include a clear procedure with procedure steps, forms and requirements for the volunteer application process.</b></p>
<p>The departments we interviewed inconsistently adhered to a volunteer management process such as: having formulated job descriptions describing the role and tasks required from the volunteer; training including safety training if needed for the assigned tasks; tracking of hours and records keeping on file, and so forth.</p>	<p>For the same reasons cited above, it would be important for the university to have adequate records of the volunteer activities and be able to show that the volunteer was given clear instructions on the task to accomplish. Incidents may happen when the information on when and where the volunteers were and what</p>	<p><b>The campus guidelines for the use of volunteers could include a clear procedure with procedure steps, forms and requirements for the volunteer management process.</b></p>

	<p>they were doing might be necessary to provide the best chances of satisfactory resolution.</p>	
<p><b>Non-Exempt Employees Volunteering in their Line of Work</b></p>		
<p>In one of the units interviewed we learned that one of the non-exempt employees would sometimes “volunteer” extra time to her own work without overtime. She did so in a spirit of generosity and of helping out her unit. The staff shortage experienced by this unit had undoubtedly prompted her to offer her time. We suspect that this might happen in informal and spontaneous ways in other places.</p>	<p>Under the Fair Labor Standards Act, University of California employees may not perform hours of volunteer service in the same capacity as their regular duties. This applies only to non-exempt employees.</p> <p>Violations of this Act, if providing temporary help to the university, does place campus at risk of breaking the law.</p>	<p><b>We have spoken since with this particular employee and learned she not only is recording her overtime, but has also passed on the information to some of her non-exempt colleagues. The campus guidelines for the use of volunteers could include a statement about the mandatory compliance to the Fair Labor Standards Act and the need for all staff supervisors to show diligence in that respect and request their non-represented staff to record their overtime.</b></p>
<p><b>Areas with Adequate Controls</b></p>		
<p>The following are risk areas for which we found across the board among the units little cause for concern, an awareness and understanding of the risks, and measures taken to mitigate them:</p> <ul style="list-style-type: none"> <li>• Supervision of volunteers by UCSC employees</li> <li>• Access to keys</li> <li>• Risk to misrepresent the university</li> <li>• Access to campus financial accounts, funds, or systems</li> <li>• Exposure to hazardous substances or dangerous equipment</li> <li>• Instances of the volunteer job to include driving</li> </ul>		<p><b>The campus guidelines for the use of volunteers could include all of these areas with safety and risk mitigation guidelines.</b></p>

**Appendices B-G provided to local management**