

Chapter: Human Resources

Modification No. 002Subject: **Volunteers and Interns**

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- I. Montgomery College recognizes the importance of individuals who perform services in support of the College's mission without expectation or receipt of compensation, benefits or consideration for the services provided. The College also recognizes important elements of business and industry which cannot be adequately taught within the confines of the laboratory or the classroom and the benefit of providing short-term supervised internships for students.
 - II. It is the policy of the Board of Trustees that volunteers and interns may not be used in full-time, long-term assignments. Volunteers and interns are not to be used to eliminate the need for, or take the place of, paid staff. Volunteer activities are expected to be part-time, sporadic, or of limited duration. Volunteers will perform supplemental tasks that generally would not be completed without volunteer assistance. Internships are expected to be of limited duration and sponsored by an external educational program with or without academic credit.
 - III. Volunteers and interns will be screened based on the nature and duration of their assignment. Volunteers and interns must comply with all applicable college policies and procedures related to their volunteer assignment. Volunteers and interns serve at the pleasure of the College, which at any time reserves the right to dismiss them with/without cause or prior notice.
 - IV. Volunteers and interns are not considered employees for any purpose and are not eligible for compensation or other related benefits. To be covered by worker's compensation or the College's liability protection, volunteers and interns must be authorized to serve in a volunteer capacity on behalf of the College and suffer injury arising out of and in the course and scope of their volunteer duties.
 - V. Volunteers and interns serving with College affiliated organizations that are covered by separate liability insurance (MC Foundation, PIC-MC Foundation and the alumni board of governors) do not fall under this Policy or accompanying Procedure. Internship arrangements covered by other existing College MOUs are exempt from this policy, but may be subject to additional requirements. External internships provided to Montgomery College students do not fall under this Policy or accompanying Procedure.
 - VI. The President is authorized and directed to establish procedures to implement this policy.

Board Approval: May 15, 2017; December 10, 2018.

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- A.** These procedures are intended to help promote a productive, safe, and mutually beneficial environment for college volunteers and interns by setting appropriate expectations and clarifying roles and responsibilities for the volunteers, interns, and their sponsoring departments or programs.
- B.** A volunteer is defined as a person who performs a service in support of the College's mission without expectation or receipt of compensation, benefits or consideration for the services provided. To ensure that an individual performing volunteer services is not an employee for the purposes of the Fair Labor Standards Act (FLSA), all of the following criteria must be satisfied:
 - 1. The services provided are intended to be voluntary and rendered without compensation.
 - 2. The services must constitute a bona fide effort of the individual to volunteer for humanitarian or public service purpose or for the benefit of education, training, or professional experience.
 - 3. Individuals volunteer their time for their own personal motives, without promise or expectation of compensation or employment.
 - 4. Volunteers must not be used in ways that displace or replace regular employees in the performance of their normal duties.
- 5. An intern is defined as an individual who wishes to volunteer for the purposes of educational or professional interest as part of a formal or informal educational program. Internships must meet the following criteria:
 - 1. The internship is similar to training that would be given in an educational environment.
 - 2. The internship experience is for the benefit of the intern.
 - 3. The intern does not displace regular employees, but works under close supervision of existing staff.
 - 4. The College derives minimal or no immediate advantage from the activities of the intern and on occasion its operations may be temporarily impeded.
 - 5. The intern is not entitled to a job at the conclusion of the internship.
 - 6. The employer and the intern understand that the intern is not entitled to wages for the time spent on the internship unless specified in the internship agreement.

II. Scope and Applicability

- A.** These procedures apply to all Montgomery College volunteers and interns and the departments that utilize their services. These procedures do not apply to College affiliated organizations that operate under separate liability insurance.
- B.** Volunteers and interns and the departments that utilize them must comply with all applicable college policies and procedures pertaining to computers or other

electronic resources, key issuance, use of College vehicles, and other policies or procedures related to the volunteer or internship assignment. Violations may result in dismissal of the volunteer and intern and/or disciplinary action for employees.

- C. These procedures do not apply to the following:
1. College employees performing job related duties.
 2. Guest speakers and invited lecturers.
 3. Members of the Board of Trustees, or individuals who serve on any Board in support of the College.
 4. Any member of the public serving on an institutional committee or advisory board.
 5. College employees who are performing services for another entity even if the volunteer opportunity takes place in college facilities.
 6. Montgomery College students or employees who may be participating in internship opportunities external to the College.

III. Qualifications for Volunteers and Interns

- A. Anyone, including retirees, students, alumni, or others may provide volunteer services to the College or participate in an internship, with the following restrictions:
1. The College does not permit volunteers or interns under the age of 16 unless accompanied at all times by a parent or legal guardian.
 2. An individual under the age of eighteen must obtain parental/legal guardian consent to volunteer or participate in an internship.
 3. Employees wishing to volunteer during normal work hours must obtain permission from their immediate supervisor.
- B. Appointment to an internship in and of itself will give no intern, whether an employee of Montgomery College or not, any preferred consideration for future positions that may be available at Montgomery College.

IV. Roles and Responsibilities

- A. Senior staff and department/unit heads are authorized to develop and advertise volunteer and internship opportunities, after obtaining proper clearances and approvals.
- B. When events utilizing volunteers are planned or internship opportunities offered, the senior staff or administrator will be responsible for completing a Volunteer/Intern Registration Form and registering all volunteers and interns using the College's designated Enterprise Resource Planning system.

Registrations must be submitted at least 30 days prior to the event date or start of the internship.

- C. After the event or internship has been registered, the event planner will obtain guidance from HRSTM about any required screening for volunteers.
 - D. It is the responsibility of the senior staff or administrator in charge of the event or supervising the internship to ensure that all volunteers or interns have been registered and screened prior to the start of the volunteer service.
 - E. All completed volunteer and internship applications as well as copies of any attachments will be retained according to the College's record retention schedule.
 - F. It is the responsibility of the department/unit to ensure the volunteer or intern has adequate experience, qualifications and training to perform the agreed upon services.
 - G. When volunteer service or participation in an internship includes interaction with minors (individuals under 18 years old) or when the volunteer or intern is a minor, the department/unit must contact the College's Youth Protection Coordinator at least 30 days prior to the event or start of the internship and complete a Program Registration. Any additional screening and training requirements spelled out in 95005CP will be facilitated by the College's Youth Protection Coordinator.
 - H. If the individual is a returning volunteer or intern but the break in service is greater than one year or if the volunteer or intern assignment has changed, all applicable forms must be completed once again.
- V. Criminal Background Checks
- 1. Volunteers
 - 1. The completion of a background check prior to volunteer service may be required. The unit administrator, or designee, will consult with Human Resources and Strategic Talent Management (HRSTM) to assess the need for and complete any required background checks for volunteers.
 - 2. In general, a background check will be required when the following criteria apply:
 - a. The assignment involves services that include interaction with minors.
 - b. The assignment involves "High Risk Volunteer Services." Volunteer services associated with higher risk due to potential liability issues. These services may include criteria that require review by other departments, such as Environmental Safety, General Counsel, Dean of the Department, etc. Examples include, but are not limited to:

- 1) Volunteering in laboratories or facilities in which biological, chemical material, or other physical hazards are present;
 - 2) Providing professional services (accounting, coaching, construction, landscaping, etc.) or other services that involve financial or confidential matters;
 - 3) Travel of any kind or use of a college or personal vehicle on College business.
 - 4) Services that involve access to minors or vulnerable populations.
 - 5) Repetitive or on-going services for a department or unit, such as mentoring.
 - 6) Any person serving as a volunteer athletic coach.
 - 7) Volunteers who serve for longer than 5 days (or 40 hours) in a calendar year.
3. In general, a background check is not typically required when the following criteria apply:
- a. The assignment involves "Low Risk Volunteer Services." The completion of a background check is generally not required for low risk volunteer services, which are defined as volunteer services that do not meet the criteria of high risk. Examples include greeting, distributing materials, operating a registration table, or speaking at a College-sponsored event.
 - b. Montgomery College students currently enrolled in a class, credit or non-credit, are exempt from completing a background check prior to volunteer service, except when the volunteer work involves interactions with minors.
4. Completion of a background check may be required prior to any volunteer or service regardless of any exemptions stated in this policy as determined by HRSTM.

B. Interns

The completion of a background check prior to the start of any internship will be required for all interns. The direct supervisor and/or any staff interacting with the intern will also be required to complete a background check if the intern is a minor.

C. Additional screening:

1. Volunteers who will be driving College vehicles and/or transporting themselves or others on behalf of the College may be required to undergo an annual driver's license and motor vehicle record verification.
2. Interns are not allowed to drive College vehicles. However, if an intern is transporting themselves or others on behalf of the College, the intern may be required to undergo a driver's license and motor vehicle record verification.

3. Volunteers and interns who will handle money or financial documents may be required to undergo additional screening.

D. The College will assume any costs associated with background checks.

VI. Prohibited Volunteer and Intern Activities

- A. College volunteers and interns cannot replace employee positions or impair the employment of a college position through HRSTM.
- B. Volunteers and interns generally shall not be given access to protected student, personnel, or other data. Limited access may be granted if the information is necessary to the volunteer assignment, the volunteer has been instructed on the requirements of the law and protecting the data, and the volunteer or intern has signed a confidentiality agreement through HRSTM.
- C. Volunteers and interns are also prohibited from performing the following activities, including but not limited to:
 1. Operating heavy equipment
 2. Working with stored energy (e.g. steam, electricity, hydraulics)
 3. Activity considered inappropriate for any employee
 4. Entering into any contract on behalf of the College
 5. Working with infectious or potentially infectious agents

VII. Liability and Coverage

- A. Volunteers and interns are not covered by the Fair Labor Standards Act and are not considered employees for any purpose. They are therefore not eligible for compensation or any related College benefits.
- B. To be covered under worker's compensation or the College's liability protection, volunteers and interns must be authorized to serve in a specified volunteer capacity, have completed a Volunteer Registration Form, and incur injuries arising out of and in the course and scope of their agreed upon volunteer duties.
- C. If a volunteer or intern is involved in an accident, causes harm to a third party or is injured while performing duties, the incident must be reported immediately to the volunteer's supervisor and Safety & Security.

VIII. College-wide Volunteer and Internship Database

The College will develop and maintain a volunteer and internship database. This data will be available for use by college administrators, subject to other College policies and procedures, and include the following:

- A. Name, contact information, duties performed and hours of service of volunteers and interns.

- B. Name and contact information of volunteers or interns who seek to be offered future volunteer opportunities.
- C. Volunteer and internship opportunities.

IX. Education

Education is a key element of this procedure. The College will provide education and information, as appropriate, for students and employees to enhance understanding and increase awareness of the College's Volunteers and Interns Policy and Procedure. Any mandatory education requirements will be announced and posted on the College's website. The President is authorized to provide institutional leadership and guidance for developing education programs to increase knowledge and share information and resources to prevent violations of this policy and procedure. Some goals to be achieved through education are: (a) creating a heightened awareness of the College's Volunteers and Interns Policy; (b) notifying individuals of conduct that is proscribed; (c) informing employees, students, and other members of the college community about the proper use of volunteers and interns; and (d) preventing issues related to the use of volunteers and interns.

Administrative Approval: May 31, 2017; January 22, 2019.