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Reference: *Education Code Sections 72401, 87010, 87011, and 88249;*  
*Government Code Section 3119.5*

Each individual providing volunteer service in the District is subject to the screening process set forth in this administrative procedure with the following exceptions:

- Volunteers serving in single day college or District events
- Individuals serving as volunteers in Associated Student Body officer positions at the colleges. Associated Study Body officers are not entitled to defense and indemnity by the District.

The Chancellor or designee may authorize suspension of the screening process when it is determined that the process is not necessary for the volunteers serving in the particular event.

The District may enter into agreements with outside organizations to provide volunteers to work at District locations. Such agreements shall contain appropriate defense and indemnification language to protect the District from liability in connection with the volunteer services.

Volunteers serve the District in an "at will" capacity. The District may terminate a volunteer's services for any reason or no reason at all.

Pursuant to Government Code Section 3119.5, no person aged 60 years or older may be excluded from volunteer service if the person is physically, mentally, and professionally capable of performing the services involved. A person shall be deemed "professionally capable" if the person can demonstrate reasonable proficiency or relevant certification and performs the professional duties in accordance with laws, regulations, or the technical standards that govern the area of volunteer responsibility.

Volunteers may not be used in lieu of classified employees. The District may not refuse to employ a person in a vacant classified position and use volunteers instead, nor may it abolish any classified positions and use volunteers instead.

#### Screening Process

The District shall use a volunteer application form that requires, at a minimum, the volunteer's name, address, phone number and history of convictions.

A volunteer's service record shall be maintained by the District.

Subject to the limitations of this procedure, employees assigned to other positions within the District may serve as volunteers during off hours.

Fingerprints of each volunteer may be required. Volunteers with ongoing assignments and volunteers who interact with minors shall be required to provide a complete set of fingerprints for the purpose of running a criminal background check.

No person may serve as a volunteer in the District if:

- The person has been convicted of or has charges pending which pertains to any sex offense (as defined in Education Code Section 87010), or controlled substance offense (as defined in Education Code Section 87011).
- The person has been convicted of a crime and the Associate Vice Chancellor of Human Resources or designee determines that:
  - The nature of the crime is too serious to serve as a volunteer;
  - The crime was too recent; and/or
  - The crime is inconsistent with obligations in performing assigned duties as a volunteer
- The person has a health condition that would preclude the person from satisfactorily performing essential duties of the position.
- The person makes a false statement or omits a statement as to any material fact on the application form.

Persons serving without pay as volunteers may receive reimbursement for incidental expenses.

Volunteers are employees of the District only for the purpose of worker's compensation benefits for injuries sustained while engaged in the performance of any service under the direction and control of the District. With the exception of worker's compensation (Education Code Section 72401), volunteers shall serve without any type of compensation or any other benefits granted to District employees. Volunteers shall not be entitled to defense and indemnity from the District.

Date: 02/22/2023