

The University of Tennessee at Chattanooga

Unpaid Student Workers on Sponsored Programs

UTC students benefit from our campus' robust research ecosystem which includes both sponsored (funded by a grant or contract) and non-sponsored research activities. Students participate in sponsored program activities in a variety of ways. Sometimes they are participants and may receive a stipend or scholarship support from grant funds. Sometimes the purpose of a sponsored program is to enhance learning in a particular course, major, or field of study or improve the learning environment through improved instrumentation or laboratory resources. In these instances, students would be considered beneficiaries or participants because the focus of their involvement is for learning and training purposes. **In contrast to student participants/beneficiaries, an “unpaid student worker” is a student that serves in an unpaid capacity in a role that, if included in the budget, would be considered a “personnel” role.**

These students may be enrolled in / recruited from a specific course or research group but within the scope of a sponsored program, they are participating in a personnel role rather than a participant/beneficiary role. **ORSP encourages faculty, wherever possible, to budget for student workers as part of their sponsored program budget either at an hourly rate or via a Graduate Assistantship including both the tuition remission and stipend.** This benefits the student financially and also ensures equitable access to these opportunities for all students – including those who may not have the financial means to “work for free.” Engaging students as unpaid workers in roles for which other students are being paid can create real or perceived issues of unfairness given the power differential between students and sponsored program PIs. In addition, including students on payroll avoids the challenges and potential pitfalls associated with having unpaid students working in what would be considered “personnel” roles.

While UTC values the potential learning experiences that unpaid students may accrue from working in personnel roles on sponsored activities, we also acknowledge the significant risks to the institution, PIs, and unpaid students themselves. See below for an overview of potential risks & challenges. In many cases, the risks may be slight and be far outweighed by the potential benefits to students. **Ultimately, it is the responsibility of the Principal Investigator / Project Director to determine the relative risks and benefits of including unpaid workers on sponsored projects.** If you have questions or would like advice, ORSP is glad to assist. Please contact Meredith-Perry@utc.edu or Angie-Johnson@utc.edu to discuss.

Potential legal issues

- **Student Liability Risks** – Under the Tennessee Claims Commission Act, UT cannot assume liability for anyone other than employees. This means that unpaid students are assuming full liability for anything that may occur in the course of their unpaid duties. Students are unlikely to understand the potential scope & consequences of some research compliance issues such as disclosure of confidential information or export control violations which can include significant financial & legal penalties. UT cannot provide legal advice to non-employees. Therefore, UT cannot advise unpaid students whether anything in a contract is a good or bad idea for them or even what the contract means.
- **Intellectual Property Implications** – UT has no rights to intellectual property generated by non-employees. If an unpaid student works on a federally funded project and is an inventor, it could inhibit UT's ability to comply with the Bayh-Dole Act because we can't make the unpaid student provide the information required by sponsors on patent disclosures. Under Bayh-Dole, inventors are entitled to royalties. If an unpaid student is an inventor, they are entitled to share in any licensing royalties resulting from the inventions, which means UTRF can't handle everything on its own because this third party (the unpaid student) has their own rights.
- **Confidentiality & Non-Disclosure Requirements** – UT has no authority over non-employees to require them to comply with the terms of an agreement. UT can only accept accountability for individuals who

are on payroll. Unpaid students cannot be held accountable for keeping information confidential, returning or destroying data if required under the terms of an award or agreement, sharing materials with third parties, adhering to publication restrictions or publication requirements.

Potential compliance issues

- **Export control** – If the PI is using unpaid students, which the University has no way to track, they could potentially inadvertently share export controlled information with a foreign national who should not have access to it.
- **IRB and IACUC** – IRB and IACUC protocols apply to the entire project. If we have unpaid students that we can't require to comply with the contract terms (see above), we could potentially breach IRB or IACUC protocols.
- **Foreign National or Other Personnel Restrictions** – Some grant awards include restrictions on who can perform work on the project (paid or unpaid). Including individuals who are not on payroll or registered in IRIS could result in inadvertent non-compliance with award requirements that could have significant legal and financial ramifications for UTC and the PI.