



# **Volunteer Standards of Conduct – Ethics Training**

# Why do we have Ethics Training?

- The mission of the VITA/TCE return preparation program is to assist eligible taxpayers in satisfying their tax responsibilities by providing free tax return preparation.
- To establish the greatest degree of public trust, volunteers are required to maintain the highest standards of ethical conduct and provide quality service.
- Annually all VITA/TCE volunteers (**whether paid or unpaid**) must pass the Volunteer Standards of Conduct (VSC) certification test and agree that they will adhere to the VSC by signing and dating *Form 13615, Volunteer Standards of Conduct Agreement – VITA/TCE Programs*, prior to volunteering at a VITA/TCE site.
- In addition, return preparers, quality reviewers, coordinators, and tax law instructors must certify in Intake/Interview and Quality Review and tax law before signing the form.
  - These certifications are also required for volunteers who answer tax law questions.

# Why do we have Ethics Training?

- Often volunteers face ethical issues, which arise in unexpected situations requiring quick decisions and good judgment.
- In many cases, the volunteer will react to unusual situations and not realize until later that it was, in fact, an ethical dilemma.
- IRS-SPEC defines unethical as not conforming to agreed standards of moral conduct, especially within a particular profession.
- In most cases, unethical behavior is acted upon with the intent to disregard the established laws, procedures, or set policies.
- Do not confuse an unethical action with a lack of knowledge or a simple mistake.

# Volunteer Standards of Conduct

All VITA/TCE volunteers must pass a VSC certification test with a score of 80% or higher. The VSC Training will provide:

- An explanation of the six Volunteer Standards of Conduct defined on Form 13615
- Information on how to report possible violations
- Consequences of failure to adhere to the program requirements
- Examples of situations that raise questions on ethical behavior
- An overview of the components included in a complete Intake/Interview and Quality Review Process

# Six Volunteer Standards of Conduct

As a volunteer in the VITA/TCE program, you must adhere to the following Volunteer Standards of Conduct:

- **VSC #1** - Follow the Quality Site Requirements (QSR).
- **VSC #2** - Do not accept payment, ask for donations, or accept refund payments for federal or state tax return preparation from customers.
- **VSC #3** - Do not solicit business from taxpayers you help or use the information you gained about them (taxpayer information) for any direct or indirect personal benefit for yourself or any other specific individual organization.
- **VSC #4** - Do not knowingly prepare false returns.
- **VSC #5** - Do not engage in criminal, infamous, dishonest, notoriously disgraceful conduct, or any other conduct considered to have a negative effect on the VITA/TCE programs.
- **VSC #6** - Treat all taxpayers in a professional, courteous, and respectful manner.

# VSC #1 - Follow all Quality Site Requirements (QSR)

The purpose of the ten Quality Site Requirements (QSR) is to ensure the quality and accuracy of tax return preparation and consistent operation of sites.

- **QSR #1** - Certification
- **QSR #2** - Intake/Interview and Quality Review Process
- **QSR #3** - Confirming Photo Identification and Taxpayer Identification Numbers (TIN)
- **QSR #4** - Reference Materials
- **QSR #5** - Volunteer Agreement
- **QSR #6** - Timely Filing
- **QSR #7** - Civil Rights Information
- **QSR #8** - Correct Site Identification Number (SIDN)
- **QSR #9** - Correct Electronic Filing Identification Number (EFIN)
- **QSR #10** - Security

# QSR #1, Certification

## QSR #1, Certification

- Volunteers must complete their certifications using the IRS electronic tests through Link & Learn Taxes.
- All VITA/TCE volunteers must pass a VSC certification test and Intake/Interview & Quality Review certification test with a score of 80% or higher.
- Coordinators and alternate coordinators must complete site coordinator training annually.
  - Must also pass the Site Coordinator Test certification with a score of 80% or higher prior to performing any site coordinator duties.

# QSR #2, Intake/Interview and Quality Review Process

## QSR #2, Intake/Interview and Quality Review Process

- All sites must use Form 13614-C, Intake/Interview & Quality Review Sheet, for every tax return prepared by an IRS-certified volunteer.
- All returns must be quality reviewed and discussed with the taxpayer.
  - Reviews conducted by a designated reviewer or a peer-to-peer review follow this requirement.
  - Self-review is not an approved method.
- Volunteers must answer all questions in Parts I-V including any applicable “To be completed by a Certified Volunteer Preparer” shaded area questions.



## QSR #3, Confirming Photo Identification and Taxpayer Identification Numbers (TIN)

- Coordinators must have a process in place to confirm taxpayers' identities.
- All volunteers must follow validation procedures prior to tax return preparation and before a taxpayer signs a VITA/TCE prepared tax return and receives a copy of the return.
- This process must include using acceptable documents to confirm taxpayers' identities by reviewing:
  - Photo identification (ID) for primary and secondary taxpayers; and
  - Social Security Numbers (SSN) or Individual Taxpayer Identification Numbers (ITIN) for everyone listed on the tax return.

# QSR #4, Reference Materials

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- All sites are required to have, in paper or electronic form, the following reference materials available for use by VITA/TCE volunteers:
  - Publication 4012, Volunteer Resource Guide
  - Publication 17, Your Federal Income Tax for Individuals
  - Publication 4299, Privacy, Confidentiality, and Civil Rights – A Public Trust
  - Volunteer Tax Alerts (VTAs) and Quality Site Requirement Alerts (QSRAs) or CyberTax Alerts issued by Tax-Aide

# QSR #5, Volunteer Agreement

## QSR #5, Volunteer Agreement

- All volunteers (coordinators, return preparers, quality reviewers, greeters, screeners, client facilitators, etc.) must complete the Volunteer Standards of Conduct (VSC) certification, annually.
  - This includes signing and dating Form 13615, Volunteer Standards of Conduct Agreement –VITA/TCE Programs, agreeing to follow the VSC.
  - Volunteers' names and addresses in Link & Learn taxes must match their government issued photo identification.

# QSR #6, Timely Filing, and QSR #7, Civil Rights

## QSR #6, Timely Filing

- All coordinators must have a process in place to ensure every tax return is timely electronically filed or delivered to the taxpayer.

## QSR #7, Civil Rights

- Title VI of the Civil Rights Act of 1964 information must be available to all taxpayers who seek services at all VITA/TCE sites.
- Taxpayers must have access to the civil rights information even if they do not have a tax return prepared.

# QSRs #8 and #9, Correct SIDN and Correct EFIN

## **QSR #8, Correct Site Identification Number (SIDN)**

- It is critical that the correct Site Identification Number (SIDN) is reported on all tax returns prepared by VITA/TCE sites

## **QSR #9, Correct Electronic Filing Identification Number (EFIN)**

- The correct Electronic Filing Identification Number (EFIN) is required to be used on every tax return prepared.

# QSR #10, Security

## QSR #10, Security

- Sites must follow all security, privacy, and confidentiality guidelines as outlined in *Publication 4299, Privacy, Confidentiality, and Civil Rights – A Public Trust*.
  - A copy (paper or electronic) of this publication must be available at every site and used when referring to security, privacy, confidentiality, and civil rights issues.

# VSC #2 - Payments and Donations

**Do not accept payment, ask for donations, or accept refund payments for federal or state tax return preparation from customers.**

- “Free” means we do not accept payment for our services from the clients we serve.
- Donation or tip jars located in the return preparation or taxpayer waiting area are a violation of this standard.
- A client may offer payment, but always refuse with a smile and say something like, “Thank you, but we cannot accept payment for our services.”
- Taxpayers can make cash donations to the sponsoring organization, but not in the tax preparation area.
- Refer taxpayers who are interested in making cash donations to the appropriate website or to the coordinator for more information.
- Taxpayers’ federal or state refunds must not be deposited into VITA/TCE volunteers’ or any associated partners’ personal or business bank/debit card accounts.

# VSC #3 - Soliciting Business and Consent

**Do not solicit business from taxpayers you help or use the information gained about them (taxpayer information) for any direct or indirect personal benefit for yourself or any other specific individual or organization.**

- Volunteers must properly use and safeguard taxpayers' personal information and keep taxpayer and tax return information confidential.
- Volunteers may not use confidential or nonpublic information to engage in financial transactions.
- They cannot allow improper use of taxpayer information to further their own or another persons' or organizations' private interests.
- Under Internal Revenue Code § 7216, all volunteer sites using or disclosing taxpayer data for purposes other than current, prior, or subsequent year tax return preparation must secure a consent from the taxpayer.
  - There are several types of consents: Global Carry Forward Consent, Relational EFIN Consent, and Use and Disclosure Consents



# VSC #4 - Do not knowingly prepare false returns.

- While it can be a temptation for a volunteer to bend the law to help taxpayers, this will cause problems down the road for the taxpayers.
  - Volunteers must not knowingly prepare false returns.
- Fraudulent returns can result in unwanted taxpayer interaction with the IRS.
  - The taxpayer may be required to pay additional tax, plus interest and penalties, resulting in an extreme burden.
- Nationwide, identity theft continues to grow at an alarming rate.
  - Unfortunately, there are instances of unscrupulous volunteers using information they have obtained at a VITA/TCE site to steal the identity of taxpayers.
  - Any suspicion of identity theft occurring at a VITA/TCE site will be reported to IRS Criminal Investigation (CI) and Treasury Inspector General for Tax Administration (TIGTA).

# VSC #5 - Criminal and Dishonest Conduct

**Do not engage in criminal, infamous, dishonest, notoriously disgraceful conduct, or any other conduct considered to have a negative effect on the VITA/TCE program.**

- Volunteers must take care to avoid interactions that discredit the program.
- If you have information indicating that another volunteer has engaged in criminal conduct or violated any of the Volunteer Standards of Conduct, immediately report such information to your coordinator and e-mail SPEC headquarters at [WI.VOLTAX@irs.gov](mailto:WI.VOLTAX@irs.gov) and copy the partner and the local SPEC territory office as appropriate.
- Volunteers performing egregious activities are barred from volunteering for the VITA/TCE program and may be added to a registry of barred volunteers.

# VSC #6 - Treatment of Taxpayers

## **Treat all taxpayers in a professional, courteous, and respectful manner.**

- All volunteers are expected to conduct themselves professionally in a courteous, businesslike, and diplomatic manner.
- Taxpayers are often under a lot of stress and may wait extended periods for assistance.
  - Volunteers may also experience stress due to the volume of taxpayers needing service.
  - This situation can make patience run short.
  - It is important to remain calm and create a peaceful and friendly atmosphere.

# Due Diligence

- By law, tax return preparers must exercise due diligence in preparing or assisting in the preparation of tax returns.
  - Due diligence is defined as the degree of care and caution reasonably expected from, and ordinarily exercised by, a volunteer in the VITA/TCE program.
- You must do your part when preparing or quality reviewing a tax return to ensure the information on the return is correct and complete.
- Generally, you may rely in good faith on information from a taxpayer without requiring documentation as verification.
- Part of due diligence requires volunteers to ask a taxpayer to clarify information that may appear to be inconsistent or incomplete.
  - When reviewing information for its accuracy, volunteers need to ask themselves if the information is unusual or questionable.

# Failure to Comply with the Standards of Conduct

If an unethical situation is discovered at a site:

- If a coordinator determines a volunteer has violated the Volunteer Standards of Conduct, the coordinator needs to immediately remove the volunteer from all site activities and deactivate their access to tax preparation software.
- Report violations that raise substantial questions about another volunteer's honesty, trustworthiness, or fitness as a tax preparer using the external referral process (VolTax) by emailing SPEC headquarters at [WI.VOLTAX@irs.gov](mailto:WI.VOLTAX@irs.gov)
- Any person who knowingly aids, assists, procures, counsels, or advises in the preparation or presentation of a materially false or fraudulent return is subject to criminal punishment.

# Failure to Comply with the Standards of Conduct

## Volunteer Registry:

- Volunteers and partners released from the VITA/TCE program for egregious actions and willful violations of the Volunteer Standards of Conduct, can be added to the IRS-SPEC Volunteer Registry.
  - Volunteers and/or partners on this list are unable to participate in VITA/TCE program **indefinitely**.
- Egregious actions include, but are not limited to, one or more of the following willful actions:
  - Accepting payments for return preparation at VITA/TCE sites
  - Using taxpayer personal information for personal gain
  - Knowingly preparing false returns
  - Engaging in criminal, infamous, dishonest, notorious, disgraceful conduct
  - Any other conduct deemed to have a negative impact on the VITA/TCE program

# Failure to Comply with the Standards of Conduct

Failure to comply with these standards could result in, but is not limited to, the following for the volunteer, tax site or sponsoring organization:

- Removal from all VITA/TCE programs;
- Inclusion in the IRS Volunteer Registry to bar future VITA/TCE activity indefinitely;
- Deactivation of your sponsoring partner's site EFIN (electronic filing identification number);
- Removal of all IRS products, supplies, loaned equipment, and taxpayer information from your site;
- Termination of your sponsoring organizations partnership with the IRS;
- Termination of grant funds from the IRS to your sponsoring partner;
- Referral of your conduct for potential TIGTA and criminal investigations;
- Disallowing use of IRS logos; and
- Holding partner responsible for stolen refunds or other losses due to fraudulent acts at a site.

# Taxpayer Review and Acknowledgement

- After the return is completed, an IRS tax law-certified volunteer must briefly discuss the filing status, dependents, income, adjusted gross income, credits, taxes, payments, and the refund or balance due with the taxpayer.
- **Volunteers must remind taxpayers that when they sign the return (either by signing Form 1040, U.S. Individual Income Tax Return or signing Form 8879, IRS e-file Signature Authorization), they are stating under penalty of perjury that the return is accurate to the best of their knowledge.**



# Volunteer Protection Act

- Public Law 105-19, Volunteer Protection Act of 1997 (VPA) generally protects volunteers from liabilities if they were acting within the scope of the program and harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer.
- A “volunteer” is an individual performing services for a nonprofit organization or a governmental entity (including as a director, officer, trustee, or direct service volunteer) who does not receive for these services more than \$500 total in a year from the organization.
- Although an individual may not fall under the VPA definition of a “volunteer,” which means they may not be protected under the VPA, they are still considered volunteers by the VITA/TCE program.
- Volunteers must only prepare returns that are within their tax law certification level, their site’s certification level, and the level of certification under the VITA/TCE program.

# Intake/Interview & Quality Review Process

**More in depth training on intake/interview is to follow. For now know you are required to:**

- Make sure the taxpayer (and/or spouse, if married filing jointly) brought photo identification with them to show the return preparer and/or the quality reviewer and verify they have SSN cards and/or ITIN letters or cards, or other acceptable verification, for everyone on the return.
- Explain the Intake/Interview & Quality Review Process so that the taxpayers understand that they are expected to:
  - Complete Form 13614-C prior to having the return prepared
  - Be interviewed by the return preparer and answer additional questions as needed
  - Participate in a quality review of their tax return by someone other than the return preparer
- Identify the required tax law certification level for each question. The levels are identified as B (Basic), A (Advanced), and M (Military) and determine the potential certification level required for the tax return based on how the intake sheet was completed.