

STEPHEN F. AUSTIN  
STATE UNIVERSITY

Office of the General Counsel

**POLICY SUMMARY FORM**

**Policy Name:** Student Internships

**Policy Number:** 11.29

**Is this policy new, being reviewed/revised, or deleted?**    Review/Revise

**Date of last revision, if applicable:**

**Unit(s) Responsible for Policy Implementation:** Vice President for Academic and Student Affairs

**Purpose of Policy (what does it do):** Policy sets forth the guidelines for approving and providing oversight of volunteer workers.

**Reason for the addition, revision, or deletion (check all that apply):**

- ☒ Scheduled Review      ☐ Change in law      ☐ Response to audit finding  
☐ Internal Review      ☐ Other, please explain:

*Please complete the appropriate section:*

**Specific rationale for new policy:**

**Specific rationale for each substantive revision:** Policy was changed to clearly delineate between a paid and non-paid student internship. Language was added to allow departments to partner with academic departments to provide meaningful internships to SFA students and non-SFA student for majors not offered at SFA. The policy offers guidance on selecting student internships to SFA departments.

**Specific rationale for deletion of policy:**

*Additional Comments:*

Reviewers:

Loretta C. Doty, Director of Human Resources  
Danny Gallant, Vice President for Finance and Administration  
Damon Derrick, General Counsel

## Student Internships

**Original Implementation:** July 29, 2014

**Last Revision:** ~~None~~ July 25, 2017

This policy describes the process to *place or employ a student intern at SFA* ~~determine and determine~~ whether ~~student~~ the internships at SFA must be paid or unpaid. The Fair Labor Standards Act (FLSA) defines the term “employ” very broadly as ~~including~~ “to suffer or permit to work.” ~~When it is determined that SFA employees~~ ~~Those who meet that broad FLSA definition, those employees~~ are “suffered or permitted” to work must be compensated ~~under the law~~ for the services they perform.

### ***Volunteer (Unpaid) Internships***

~~If the test below is not met, the individual is required to be paid at least the minimum wage and overtime compensation for hours worked over forty in a work week.~~

### **Definition**

There are some circumstances ~~whereby under which~~ a student who participates in an internship or training program may do so without compensation. The determination of whether an internship or training program meets this exemption from pay depends upon all the facts and circumstances of each such program. The following six criteria must be applied when making this determination:

- The student internship, even though it includes actual operation of the facilities, is similar to training which would be given in an educational environment (*This often occurs where a college or university exercises oversight over the internship program and provides educational credit.*);
- The internship experience is for the benefit of the intern;
- The intern does not displace regular employees, but works under close supervision of existing staff;
- The employer that provides the training derives no immediate advantage from the activities of the intern; and on occasion its operations may actually be impeded;
- The intern is not necessarily entitled to a job at the conclusion of the internship; and
- The employer and the intern understand that the intern is not entitled to wages for the time spent in the internship.

If all the factors listed above are met, an employment relationship does not exist under the FLSA, and the minimum wage and overtime rules do not apply to the intern. The intern may be unpaid.

## ***Liability and Indemnification***

*Volunteer interns are required to execute the intern release form or other form approved by the general counsel prior to the start of their internship. If the university intern is a minor, the form must be signed by a parent or legal guardian.*

*Volunteer interns at SFA are not covered under the university's workers' compensation insurance program and are encouraged to secure a personal health insurance policy.*

*Volunteer interns are prohibited from performing any of the following activities in the course and scope of their authorized activities:*

- *Operating heavy equipment;*
- *Operating university or state-owned vehicles (including golf carts) except with the express written permission of a university official;*
- *Working with hazardous materials, including stored energy (e.g. steam, electricity, hydraulics) prior to completing appropriate training from the Department of Environmental Health, Safety, and Risk Management; and*
- *Acting as a representative of the university, including but not limited to entering into any contract on behalf of the university, making public statements on behalf of the university, or incurring financial obligations.*

## ***Safety Evaluations***

*Any volunteer intern placement at SFA that requires services to be performed in a lab, health care facility, or any other setting where the intern may be exposed to hazardous materials, machinery, or health-related situations must be evaluated and approved by the director of environmental health, safety, and risk management, or their designee, prior to the commencement of the intern services. In such cases, safety training must be completed prior to the initiation of any activities with potential for hazardous materials exposure. Any plan or guidelines developed by the Department of Environmental Health, Safety, and Risk Management must be implemented and followed or the intern situation must terminate.*

## ***Paid Internships***

There are, ~~however,~~ advantages for providing compensation to the interns, such as:

- Being able to attract skilled interns;
- Increasing intern commitment and reward for contribution;
- Reducing financial burdens that may require a student to work a second job during their internship ~~(or limit internship opportunities to only those students who can afford them);~~

- *Providing flexibility for departments to allow intern to support duties and responsibilities of regular workers during peak periods.*

*A department that offers paid internships must fund or secure funding for those paid student internships. The hiring process must follow the same procedural and approval process used for other student assistant positions.*

## **Placement**

Departments wishing to place a student intern *whether paid or unpaid* must follow the procedures provided by the Department of Human Resources. *Departments are allowed to partner with university schools and colleges to provide internships in fields of study applicable to the department.*

## **Policy Compliance**

Consistent with SFA's policy on non-discrimination, university employees shall not illegally discriminate against interns on the basis of race, color, religion, national origin, sex, age, disability, genetic information, citizenship, ~~and~~ veteran status, *sexual orientation, gender identity, or gender expression.*

*Those who are selected for a student internship* ~~Once selected for an internship at SFA, the intern will be~~ required to submit to a criminal history check and complete any position specific training.

*All* ~~P~~paid interns will complete appropriate new employee paperwork, and comply with appropriate procedures required by the Department of Human Resources.

## **Placement of Relatives**

*Neither a paid or unpaid intern can* ~~An intern cannot~~ be supervised by a relative, nor can ~~such a~~ family member make decisions about an *internship* placement or the terms and conditions of the placement (See policy 11.16, Nepotism).

## **Safety Evaluations**

~~Any intern placement at SFA that requires services to be performed in a lab, health care facility, or any other setting where the intern may be exposed to hazardous materials, machinery, or health related situations must be evaluated and approved by the director of environmental health, safety, and risk management, or their designee, prior to the commencement of the intern services. In such cases, safety training must be completed prior to the initiation of any activities with potential for hazardous materials exposure. Any plan or guidelines developed by the Department of Environmental Health, Safety, and Risk Management must be implemented and followed or~~

~~the intern situation must terminate.~~

## **Issues for International Students**

International students seeking an internship need to obtain work authorization for paid internships, as well as any unpaid internships that do not qualify under the U.S. Department of Labor guidelines. Failure to do so could jeopardize a student's visa status. Departments selecting an international student should check with the Department of International Programs before pursuing any internship for an international student to be sure of what authorization will be required.

## **Responsibilities and Rights**

~~Interns shall abide by all university policies and external laws and regulations that govern their actions including, but not limited to, those relating to ethical behavior, safety, confidentiality, protected health and student information, computer use, financial responsibility, and drug use.~~

~~Interns are prohibited from performing any of the following activities in the course and scope of their authorized activities:~~

- ~~• Operating heavy equipment;~~
- ~~• Operating university or state-owned vehicles (including golf carts) except with the express written permission of a university official;~~
- ~~• Working with hazardous materials, including stored energy (e.g. steam, electricity, hydraulics) prior to completing appropriate training from the Department of Environmental Health, Safety, and Risk Management; and~~
- ~~• Acting as a representative of the university, including but not limited to entering into any contract on behalf of the university, making public statements on behalf of the university, or incurring financial obligations.~~

## **Liability and Indemnification**

~~Interns are required to execute the intern release form or other form approved by the general counsel prior to the start of their internship. If the university intern is a minor, the form must be signed by a parent or legal guardian.~~

~~Interns at SFA are not covered under the university's workers' compensation insurance program and are encouraged to secure a personal health insurance policy.~~

## **Termination**

An intern's service may be terminated at any time and without prior notice *whether the service is as a volunteer or paid.*

**Cross Reference:** Discrimination Complaints/~~Sexual Harassment~~ (2.11); Nepotism (11.16); U.S. Department of Labor Wage and Hour Division Fact Sheet #71: Internship programs Under the Fair Labor Standards Act; Fair Labor Standards Act, 29 U.S.C. § 203(g)

**Responsible for Implementation:** Vice President for Finance and Administration

**Contact for Revision:** Human Resources

**Forms:** Student Internship Release Form

**Board Committee Assignment:** Academic and Student Affairs