

# **Student Internships**

**Original Implementation:** July 29, 2014

**Last Revision:** July 21, 2020

## **Purpose**

This policy describes the process to place or employ a student intern at SFA and to determine whether the internship must be paid or unpaid.

## **General**

The Fair Labor Standards Act (FLSA) defines the term “employ” very broadly as “to suffer or permit to work.” When it is determined that SFA employees meet that broad FLSA definition, those employees must be compensated for the services they perform.

## **Volunteer (Unpaid) Internships**

There are some circumstances whereby 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 seven factors must be applied when making this determination:

- The extent to which the intern and the employer clearly understand that there is no expectation of compensation; any promise of compensation, express or implied, suggests that the intern is an employee—and vice versa;
- The extent to which the internship provides training that would be similar to that which would be given in an educational environment, including the clinical and other hands-on training provided by educational institutions;
- The extent to which the internship is tied to the intern’s formal education program by integrated coursework or the receipt of academic credit;
- The extent to which the internship accommodates the intern’s academic commitments by corresponding to the academic calendar;
- The extent to which the internship’s duration is limited to the period in which the internship provides the intern with beneficial learning;
- The extent to which the intern’s work complements, rather than displaces, the work of paid employees while providing significant educational benefits to the intern;
- The extent to which the intern and the employer understand that the internship is conducted without entitlement to a paid job at the conclusion of 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 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;
- 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.

### **Placements**

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 unlawfully discriminate against interns on the basis of race, color, religion, national origin, sex, age, disability, genetic information, citizenship, veteran status, sexual orientation, gender identity, or gender expression.

Those who are selected for a student internship are required to submit to a criminal history check and complete any position specific training. All 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 be supervised by a relative, nor can a family member make decisions about an internship placement or the terms and conditions of the placement (See policy 11.16, Nepotism).

### **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 Office 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.

### **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:** 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 Committee

**Revision History:** July 25, 2017