

**WASHINGTON AND LEE UNIVERSITY**  
**Office of General Counsel**

**Q&A Guidance for Faculty and Career Development Staff  
on Undergraduate Student Internships (2014)**

Student internships raise a number of questions for faculty and career development staff -- questions about academic credit, paid/unpaid positions, as well as the university's responsibility for the student's actions and/or for injuries or damages the student may experience while on an internship. We hope that this Q&A will provide helpful basic guidance to faculty and staff assisting students with internships.

**Q1: The organization with which a student will be doing an internship is requiring W&L to sign a form indemnifying it for any damages, including attorney's fees, caused by the student and confirming that the university will maintain liability insurance to cover any damages caused by the student. Should I sign such a form?**

**A1: NO.** W&L cannot indemnify host organizations and faculty shouldn't sign such forms unless the terms have been negotiated by the Office of General Counsel. W&L cannot insure for potential losses over which it has no control. In most cases, the organization will waive such a requirement if faculty simply write or type on the bottom of the form that, "Washington and Lee University does not execute indemnification clauses as part of student internships." If the organization balks at the refusal, faculty should send the form to the Office of General Counsel for negotiation of acceptable terms. Faculty may wish to inform students before they begin applying for internships that W&L will not sign indemnifications, so they are not surprised later in the process.

**Q2: What determines whether an internship must be paid or can be unpaid?**

**A2: Students doing internships with private "for-profit" businesses have the legal right to be paid unless the business satisfies six specific criteria provided by the U.S. Department of Labor (DOL).** In a nutshell, interns for "for profit" organizations may lawfully work without pay only when the program is similar to that offered in an educational environment, benefits the student, does not displace a regular employee, does not entitle the student to a job, both the organization and the student agree that the student is not entitled to wages, and when the employer derives "no immediate advantage" from the student's work. See DOL Fact Sheet #71 regarding internships in the "for profit" private sector ([www.dol.gov/whd/regs/compliance/whdfs71.htm](http://www.dol.gov/whd/regs/compliance/whdfs71.htm)). In other words, DOL does not allow private, "for-profit" business to use unpaid "volunteers" unless the internship criteria are satisfied. The most difficult of these criteria for many private organizations to satisfy is that the organization derives "no immediate advantage" from the intern's work. Where, for example, an intern is merely shadowing, observing, and doing "mock" assignments, or where a supervisor spends significant time collaborating with and supervising the intern on work product, this criterion may be satisfied. However, where, for example, an intern is collecting data, doing research, and preparing work product that generally is of the same type as regular staff, the private organization may be deriving an advantage from the intern's work. Whether an internship is properly paid or unpaid for purposes of the Fair Labor Standards Act is an issue for the host business, not W&L. Students should be aware that unless the DOL criteria are satisfied, they have the legal right to be paid, though they may choose to go ahead with an unpaid internship for purposes of gaining experience or networking opportunities with an employer.

**Q3: Can a student “volunteer” to participate in an unpaid internship for a government agency or non-profit (charitable, educational, humanitarian) organization?**

**A3: YES.** DOL does allow government and non-profit organizations to have individuals volunteer without pay.

**Q4: Does W&L award credit for student internships?**

**A4: W&L awards academic (degree) credit for undergraduate internships only in certain situations.** Some organizations require their interns to receive academic credit for an internship. Sometimes, this requirement can represent an attempt to avoid interns being classified as employees for payment of wages. W&L currently gives undergraduate academic (degree) credit only for internships that are specified by departments listing internship experiences as a 450-level course. However, the university will award a student one non-degree credit per summer (maximum three) for high quality internship programs approved in advance by the Career Development Center in accordance with university policy and procedures. For specific information on degree and non-degree credit for internships, see the Undergraduate Internship Policies at [go.wlu.edu/internship-policies](http://go.wlu.edu/internship-policies).

**Q5: If academic credit is awarded for an internship with a private, “for-profit” employer, does this mean the intern does not need to be paid?**

**A5: NO.** Unless the internship satisfies the DOL criteria for an unpaid internship set forth in A1 above, the law entitles an intern to be paid at least minimum wage, regardless of whether academic credit is also awarded.

**Q6: Are there any particular restrictions that could impact international students in accepting paid or unpaid internships?**

**A6: YES.** International students need to obtain work authorizations for paid internships, as well as any unpaid “volunteer” internships that do not qualify under the DOL guidelines. Failure to do so could jeopardize a student’s visa status. If the student has not done so, encourage him/her to check with Amy Richwine in the Center for International Education before pursuing any internship.

**Q7: Does W&L provide insurance coverage for students doing internships?**

**A7: Not in most situations.** As well, unpaid student interns should realize that they will not likely be covered under the host organization’s worker’s compensation policy while participating in the internship. W&L’s General Liability coverage could apply in certain situations if a student is injured while participating in a W&L-sponsored internship. With regard to housing for such off-campus trips, if a student is living in a property of his/her own choice that is not owned, managed, contracted, or recommended by W&L, coverage likely would not apply. However, there might be coverage under the university’s policy if W&L arranged the housing with a third party.

**Q8: Does W&L have other obligations in cases where the university provides funding or other significant support/control for an off-campus internship program (for example, Shepherd internships, or Johnson Opportunity Grants)?**

**A8:** The University’s obligations and potential risks will depend upon the level of involvement and control it has over the internship site, selection of the intern, supervision of the intern, funding for the intern, and knowledge of any unsafe conditions or inappropriate situations associated with the internship. Students should be advised to familiarize themselves with applicable policies and

procedures at their host organization so that they can report to their site supervisor or other site official any concerns they have about safety issues or harassment/discrimination or other issues, and report to appropriate W&L officials any such concerns not promptly resolved, so that W&L may assist with resolution. Where W&L provides funding or housing or other significant support for an internship, the student should sign an Agreement of Responsible Travel, acknowledging and assuming the risks associated with the off-campus travel and internship (the Office of General Counsel can provide this form).

**Q9: Should I advise students to provide emergency contact information to any University office before they begin an internship?**

**A9: Yes.** In order to have a complete database of internship sites for W&L students for compliance with federal and/or state authorization compliance obligations, as well as for prudent risk management in case of emergency at locations where W&L students are on internships, students should notify the Undergraduate Office of Career Development of their internship (location/employer/dates) and their emergency contact information (address during internship, cell phone number, and emergency contact individual with cell phone number and email).