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Facilitating Internship Partnerships Through Formal Agreements

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Internships are a critical part of the educational experiences of college and university students, as they allow students to explore the “world of work,” while developing professional and interpersonal skills. However, for many higher education administrators, the process of navigating internships is complicated by the nuances of internship agreements. This extended abstract summarizes topics discussed during a roundtable discussion at the 49th Annual Virtual Conference of the National Society for Experiential Education. In this abstract, the purpose and utility of internship agreements, memoranda of understanding, affiliation agreements, and other signed agreements helpful in solidifying relationships with external partners are explored. This abstract is intended to facilitate a community of support for the higher education professionals who manage and review these documents and will provide a framework for identifying practices that advance student learning while aligning with the needs, philosophy, and risk tolerance of your institution.

Institutional Processes

The landscape governing experiential learning is becoming increasingly

risk-averse and potentially litigious. For that reason, many institutions of higher education rely upon signed agreements with both domestic and international partners to facilitate internships, student teaching, clinical placements, and other forms of experiential learning. Many times, the professionals who manage the review and negotiation of documents supporting these relationships are doing so in addition to several other professional responsibilities and lack a legal background. Little scholarly knowledge is available about internship agreements and affiliation agreements, particularly outside the context of medical training programs. Similarly, practitioner-oriented content providing high level guidance on how to craft or think about these documents is scarce.

It is important to understand how your institution supports this scope of work. The approach towards these agreements will differ between a small, private institution and the process of a larger, multi-campus public institution. Is the process centralized across your college or university? Does an approved template for an internship agreement or affiliation agreement already exist? Or do

you need to create a template and seek approval through the relevant leaders of your institution? The answers to these questions are best answered by senior leadership. In addition, you could reach out to your career services center or general counsel for guidance and support. Conversations with colleagues in these roles is vital for understanding your institution's approach to risk and how they will protect students and the institution if experiential learning activity goes awry.

Types of Agreements

To formally establish partnerships that will facilitate learning opportunities for students, staff must understand the purpose of the documents that will outline the roles and responsibilities of each party. Whether managed by faculty, staff, or administrators, it is important that student learning is balanced with risk management and academic compliance expectations, where applicable. Many kinds of agreements govern experiential learning. Some examples include community partnership agreements, internship agreements, memoranda of understanding, and affiliation agreements. Community partnership agreements (CPAs) are often used to document the parameters of and stakeholders for community engagement activities such as volunteer work and service learning. Memoranda of understanding (MOUs) may be used similarly to document formal relationships between the institution and external partners. Affiliation agreements (AAs) are likely the most robust agreement and are often vetted by general counsel at the site and the institution; these are typically used in clinical settings and for schools and school districts.

Internship agreements document the intended learning outcomes of the activity; the timeframe of the activity; and the level of compensation, if any. A key difference between an IA and AAs is the IA is primarily negotiated between, and ultimately signed by, the student and the site. In contrast, AAs, MOUs, and CPAs are negotiated and signed between the site and the institution. It is uncommon for a student to sign the document. For all types of agreements, the agreement sets the stage for what the student and site are responsible for and ensures everyone agrees on the intended learning outcomes and assessment of the learning activities. The more aligned the student, site, and college/university are, the greater the chance of successful experience outcomes.

Common Challenges

Several challenges in the internship space often present as pain points for sites and institutions. Common topics to address in a formal agreement include, but are not limited to, student supervision, data privacy, onboarding protocols, liability, the implications of immigration status, etc.

Experiential Learning in Other Locations

Many institutions encourage students to participate in experiential learning that occurs outside the state of the home institution. For students engaged in student teaching, clinical placements, and internships in the health professions, an affiliation agreement is often required between the site and the institution. A challenge of agreements that govern experiences outside the home state are the implications of local labor laws. The state in which the internship

is located could shape whether the site and the institution view student interns as employees. New Hampshire, for example, has extremely specific rules and regulations around unpaid internships, which must be approved by and reported to the Department of Labor by both the school and the host organization. When it comes to virtual experiences, institutions still need to be aware of the regulations based on the home location of the internship site. For example, if a student is completing a virtual experience with a company based in a foreign country, you still need to be sure your institution has the proper steps in place to allow the experience to occur legally.

COVID-19 Considerations

Several institutions issued specific guidance to their staff during the COVID-19 crisis. For most colleges and universities, students and campuses were encouraged to explore remote internship options. However, not all internships could be effectively converted into remote experiences. In addition, some students expressed a strong preference for in-person internship experiences. As a result of these factors, for some institutions, there was no universal prohibition on in-person internships.

The following recommendations might inform your institutional approach to on-site internship experiences during a crisis like the COVID-19 global pandemic. For programs governed by accreditation standards and/or leading to certification or licensure, consult with the professional association

or accrediting body to see what is permissible, especially for remote or other alternative experiences. As a best practice, it might be helpful to maintain the continuity of on-site internships only with those sites who have hosted students within recent years and have a valid IA or AA already in place. COVID-19, however, does create an opportunity to establish new partnerships with sites who have the capacity and willingness to host a meaningful remote internship experience.

It is recommended that campuses conduct a review of each site to make sure it is appropriate and not unreasonably dangerous. At a minimum, this might include contacting the site's supervisor and discussing the environment and precautions implemented, including that the site complies with local department of health protocols and that students are not sent to an untenably dangerous situation (for example, engaging in a large-scale interaction with the public or at-risk populations or the site failing to provide effective, personal protective equipment). To the extent permitted by the state education department and applicable accreditation bodies, campuses should offer students alternative arrangements to participating in the internship, including remote options if available, even after the in-person experience commences should any students feel at risk.

From a legal perspective, no student should feel unduly pressured to go to an internship site; free will is necessary to make a student acknowledgement waiver, if adopted, valid. The content

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of a student acknowledgement waiver might request that students acknowledge, or agree, they have been presented with alternative internship options.

Should they choose to go on-site, students are voluntarily choosing to participate in an on-site internship and are assuming the known risks involved with participation. Existing IAs and AAs may need to be amended to specifically include warranties that sites will continually maintain compliance with all applicable laws and regulations associated with the COVID-19 crisis. Colleges and universities should remain in contact with sites to ensure these warranties are maintained and appropriate protocols are followed. In addition, campuses should inform students of the consequences for violations of local department of health protocols. This might include a removal from the internship site (and program), and the possibility of negative academic implications for failure to abide by the student code of conduct or campus policies not insulated by First Amendment protection.

Other Provisions to Consider

There are many questions to consider when drafting and negotiating the terms of a formal agreement. Below is a non-exhaustive list of questions to consider:

- Who is the approved institutional signatory?
- What is the timeline for document review?
- Does the site require compensation (i.e. an honorarium) of any kind? If so, will my institution agree to this?

- How long is the agreement valid?

- Have your legal/compliance/risk management experts been consulted, including to assess the enforceability of the agreement?

- Are students required to sign agreements? What are the consequences to their participation if they do not agree to sign?

Ideally, internship agreements and affiliation agreements will reflect mutually beneficial terms that are amenable to all stakeholders. In closing, it is advisable to involve a legal counsel, risk management, and other senior administrators in preparing agreements to review their validity and enforceability. This is especially important when these agreements are required to be signed by students for their participation in internships and other experiential learning experiences. ■