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Historical and Legal Considerations in Development of a For-Credit Internship Program

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Abstract

Background: This research outlines important factors in the development of a for-credit internship program. This work provides a historical context of internship work dating back to the original case of *Walling v. Portland Terminal* (1947), which outlined acceptable non-paid work of trainees, to more current applications of these labor laws in *Wang v. Hearst* (2016) and *Glatt v. Foxlight Pictures* (2016) then connects those legal precedents with current research in best practices. **Purpose:** The purpose of this research was to examine legal implications on for-credit internship programs and create recommendations based on United States law. **Methodology:** This work uses peer-reviewed research to support recommendation in internship development, implementation, and evaluation. **Findings/Conclusions:** Recommendations for programmatic implementation are made to avoid potential litigation against higher education institutions, faculty, staff, students, and internship placement organizations. **Implications:** These legal cases inform higher education and considerations in change to organizational policies and practices as it relates to fair labor, program development, and oversight of experiential education.

Keywords: experiential education, experiential learning, community settings, college & professional education, higher education

Historical and Legal Considerations in Development of a For-Credit Internship Program

In the late 1970's, a college student from California State University decided to complete an internship at the Great Lakes Theatre Festival in Cleveland, Ohio. The internship taught the student the fundamentals of theatre production while building confidence in the profession. That singular internship turned into an experience that eventually landed the student six Academy Award nominations including two wins for best actor (Biography, 2021, January 19). The actor also received a Tony Award nomination, 12 primetime Emmy nominations (seven wins), an American Film Institute Life Achievement Award, the Presidential Medal of Freedom, and most recently the Golden Globe Cecil B. DeMille Award (Biography, 2021, January 19). This successful career began with a singular internship which introduced the actor to the world of theatre and brought the venerable, Tom Hanks.

Internships are a valuable piece of a student's education as the student is able to transfer and practice skills they learn in the classroom into a work environment. Internships can be labelled as service learning, experiential learning, industry-based learning, apprenticeships, residencies, co-operative education, professional practice, or work-integrated learning (Eady et al., 2021; Itano-Boase et al., 2021). The National Association of Colleges and Employers (2018) defined internships as "a form of experiential learning that integrates knowledge and theory learned in the classroom with practical applications and skill development in a professional setting" (para. 7). This research outlines historical and legal implications of for-credit internship programs. Notably, the authors of this piece hail from a regional, comprehensive mid-size university in positions related to internship management within a communication and media program as well as higher education leadership and law. We fully recognize internships occur in

a variety of ways, within a plethora of content areas, and amongst varying institution types. The research also only considers legal practices specific to the United States.

Internships are a unique three-way partnership that involves the student, the business/organization, and the university (Lei & Yin, 2019). The joint employment theory defines the sharing of an employee (in all respects) between two or more organizations (*Schumann v. Collier Anesthesia*, 2015). This theory sets forth five factors to consider in development and management of internships: control over wages, hours, working conditions; supervision; right to hire and fire; ownership of work facilities; and investment and pay-roll decisions. While these factors normally apply to a paid employee, they are often used to decipher between paid and non-paid employment status which helps to further delineate an internship experience from regular employment.

An internship is an experience designed to immerse students into the working world to learn the skills of their eventual career. While some students choose to complete internships for experience alone, many internships connect to a formal academic program. There are both benefits and challenges to the incorporation of experiential education into the formal curriculum (Roberts, 2018) that must be considered in program development and oversight.

Benefactors of the Internship

The student, higher education institution, and organization all receive benefits from the internship partnership. Students apply classroom learning and practice their communication skills in real work situations (Roberts, 2018), while networking with industry professionals. This makes students more attractive to recruiters (Taylor, 1988) and decreases the amount of time and effort it takes to obtain full time work (Knouse et al., 1999). Participation in internships holds potential to increase students' awareness of skills, attributes, and personal qualities (Lei & Yin,

2019). In addition, internships allow students an opportunity to realize their strengths and weaknesses (Lei & Yin, 2019).

Experiential education also facilitates students' transition into the world of work after degree completion. For example, Gillespie et al. (2020) conducted a review of 42 studies and found student participation in internships allowed students to renegotiate their "identity project" (Popov, 2020). A student's identity project is essentially what helps young people make a successful transition from their educational institution to a work organization by redefining their self from student to worker. As students enter this transition phase, Binder et al. (2014) found robust evidence that internships strengthen a student's academic prowess. Even when excluding previous academic achievement, students who engaged in internships saw their grades increase an average increase of 3.3 percentage points (Binder et al., 2014) in their final year.

Experiential education also benefits the institution. The exposure to real-world learning counters the public perspective that institutions of higher education do not prepare college students for the world of work (Roberts, 2018). This yields what Roberts likened to a return on investment. Even further, students' work in the community may complement the mission of the institution and yield good public relations (Roberts, 2018). Internships can also help faculty stay connected with professionals in the field; thus, resulting in curriculum current with the most cutting-edge trends within specific fields of study.

Last, organizations benefit from internships as part of this triadic relationship. They may find future employees from their intern pool and current employees who choose to mentor interns can develop stronger leadership skills as they take time to teach and train young people. Additionally, interns can bring a fresh perspective and improve the work environment by bringing youthfulness and energy which may, in turn, increase visibility of an organization's

products and services. Moreover, the Society of Human Resource Management lists several reasons why an internship program can benefit an organization as well as how to attract quality candidates (Rockwood, 2020). First on the list to attract the best candidates is that programs must be well-planned. A well-planned internship program is a necessity for all stakeholders. Knowing and abiding by existing legalities protects the organization, student, and educational institution not only from litigation but from substandard programming. An internship that is well planned not only follows legal premises, but clearly outlines expectations and connects to an academic program.

Historical Legal Context

This paper outlines important factors in the development of a for-credit internship program in three ways. First, this work provides a historical context of internship work dating back to the original case of *Walling v. Portland Terminal* (1947) which outlined acceptable non-paid work of trainees to more current applications of these labor laws in *Wang v. Hearst* (2016) and *Glatt v. Foxlight Pictures* (2016). Additionally, historical context will be provided from cases that provide guidance on harassment such as *Rinsky v. Trustees of Boston University* (2010) and *Nova Southeastern University v. Gross* (2000) and issues pertaining to supervisors and coursework in *Clifton-Davis v. State* (1996) and *Rinsky v. Trustees of Boston University* (2010). Finally, this historical context will inform both implications for higher education and considerations for change to organizational policies and practices.

As internship agreements are made between the student, higher education institution, and organization, laws and regulations must be consulted and guide the internship agreement, process, and work. *Walling v. Portland Terminal* (1947) is a seminal case that first outlined expectations of work in which students or trainees were allowed to engage as it relates to the Fair

Labor Standards Act. In this case, the U.S. Supreme Court decided that workers were not required to be paid if the work does not displace any regular employees and the work does not expedite the business, but likely impedes or slows the work. These findings became more apparent in *Schumann v. Collier Anesthesia* (2016) when the courts wrote about the impact of slowing down the work of the organization. The court found “those who run internship programs, particularly in regulated industries, would have carte blanche to ‘maximize their benefits at the unfair expense and abuse of student interns’” (*Schumann v. Collier Anesthesia*, 2016, p. 6).

As was found in *Glatt v. Foxlight Pictures* (2016), “the purpose of a bona-fide internship is to integrate classroom learning with practical skills development in a real-world setting” (p. 536). This integration is what sets for-credit internships apart from part-time employment or internships without credit. For-credit internship programs must consider the student as the primary beneficiary of the work. Both *Wang v. Hearst* (2016) and *Glatt v. Foxlight Pictures* (2016) legal cases cited the Primary Beneficiary Test which has three features: 1) what the intern receives in exchange for work, 2) the economic reality between the intern and employer, and 3) a comparison between intern-employer relationship and employer-employee relationship as the intern enters the relationship believing they will receive educational or vocational benefits (*Glatt v. Foxlight Pictures*, 2016).

Labor Law

The first legal consideration to be made is the labor students provide in an internship experience as well as the accompanying conflict regarding that labor. In 1967, the Department of Labor issued guidance on trainees and this guidance largely came from the *Walling v. Portland Terminal* (1947) case. This case set out the first four guidelines of non-paid trainees/interns: 1)

trainees did not displace any regular employees, 2) trainees did not expect to receive compensation and would not be guaranteed work upon completion, 3) training was like that offered by a vocational school, and 4) the employer received no advantage from the work completed by the trainee. The second guideline was eventually split into two: the worker did not receive compensation and would not be guaranteed work upon completion of the program. In 2010, the Department of Labor refined that list to include a sixth criteria by adding that the internship experience is for the benefit of the intern.

In *Glatt v. Fox Searchlight Pictures* (2016), Glatt et al. sued Foxlight Pictures for unpaid work on the film, *Black Swan*. In the court's decision, the guidelines were again amended, to include that the internship must accommodate the intern's academic requirements by following the corresponding school's academic calendar. The seven guidelines are now referred to as "Glatt's Seven" and underpin more recent findings in labor cases such as *Wang v. Hearst* (2016) and *Schumann v. Collier Anesthesia* (2016). The Glatt's Seven (*Glatt v. Fox*, 2016) features include that extent to which: (a) the intern and the employer clearly understand there is no expectation of compensation, (b) the internship provides training that would mimic an educational environment, including the clinical and other hands-on training provided by education institutions, (c) the internship is tied to the intern's formal education program by integrated coursework or the receipt of academic credit, (d) the internship accommodates the intern's academic commitments by corresponding to the academic calendar, (e) the internship's duration is limited to the period in which the internship provides the intern with beneficial learning, (f) the intern's work complements, rather than displaces, the work of paid employees while providing significant educational benefits to the intern, and (g) the intern and the employer

understand that the internship is conducted without entitled to a paid job at the conclusion of the internship.

The touchstone of the relationship between the intern and internship placement organization is often referred to as the economic reality of the relationship (*Glatt v. Fox*, 2015; *Schumann v. Collier Anesthesia*, 2016). The opinion in *Schumann v. Collier Anesthesia* (2016) helps explain economic reality and the problematic relationship that may result as some employers take advantage of the work of student interns. Indeed, judgement testimony proved that interns were used instead of paid professionals to keep the business's payroll cost down. Other legal issues can arise that expand beyond labor law.

Discrimination and Harassment

As in any workplace, discrimination and harassment can be a significant issue. Three cases that showcase the responsibility of higher education when it comes to these issues include *Rinsky v. Trustees of Boston University* (2010), *Nova Southeastern University v. Gross* (2004), and *Schumann v. Collier* (2016).

In the case of *Rinsky v. Trustees of Boston University* (2010), Rinsky's internship was a requirement of the Master's of Social Work degree. The student reported harassment from a client within the senior center in that the patient, "force[d] himself on [her] physically, hugging her, touching her, and otherwise making physical contact with her person, including touching her breasts and rear end" (*Rinsky v. Trustees of Boston University*, 2010, p. 4). When supervisors were made aware of this harassment, Rinsky was told it was a "learning experience for her career in social work and that she should just go with it" (p. 4). As the internship progressed, Rinsky continued to alert supervisors to the harassment. The result of reporting the harassment was increasingly negative evaluations of the intern's work.

Rinsky was told that continual complaints would be seen as a “lack of commitment to the social work profession” (*Rinsky v. Trustees of Boston University*, 2010, p. 4). Eventually, the plaintiff brought 10 charges against the city (where the senior center was located), the center supervisor, Boston University (BU), and the BU internship supervisors Zimmerman, Perlstein, and Kraus. The judge allowed for the following charges to move forward: BU for a violation of the Massachusetts Civil Rights Act (MCRA), negligence, and a violation of Title IX and Boston University employees Zimmerman, Perlstein, and Kraus for violating the MCRA and negligence.

The result of these charges BU and the BU employees were held liable for the violation of the MCRA because the suit was within an educational environment and even though Rinsky was encouraged to file a complaint the student was also, “chastised for her expressing her discomfort” (p. 18) and the “inference is that her evaluations would suffer, which would impact her job prospects” (*Rinsky v. Trustees of Boston University*, 2010, p. 18). The motion to dismiss the charge of negligence against both BU and the employees was denied because Judge Gertner found the university employees have a duty to ensure students are not in an internship that endangers them, “a reasonably prudent school supervisor would not knowingly continue to assign her students to a program where she would be harassed and assaulted” (*Rinsky v. Trustees of Boston University*, 2010, p. 21).

Finally, the violation of Title IX was upheld. Rinsky clarified she sued under the hostile environment theory which requires five elements: the plaintiff is a student, subjected to harassment, based on sex, the harassment created an abusive educational environment, and a “cognizable basis for institutional liability exists” (*Rinsky v. Trustees of Boston University*, 2010, p. 22). The court found Rinsky satisfied the first four conditions while the defendant only focused on the fifth. Rinsky had also given notice to the internship supervisors that she was

regularly subjected to sexual harassment, so it was found that their failure to speak with the internship supervisor or move the student to a new internship seemed unreasonable.

In a similar case, Gross attended Nova Southeastern University and was working in an internship that was part of the doctoral psychology program. Gross' internship was at a hospital in a neighborhood known to be dangerous. Upon leaving the site one night, the intern was criminally assaulted. The case noted:

She had just started her car when he tapped on her window with a gun. Pointing the weapon at her head, the assailant had [Gross] roll down the window. [She] was subsequently abducted from the parking lot, robbed, and sexually assaulted. (*Nova Southeastern University v. Gross*, 2004, p. 87)

Gross argued the school had a duty of minimal care to be sure students were placed in safe off-campus internships. Gross sued the university for tort liability for assigning the student to a dangerous internship and the courts found in favor of the university because ultimately, the student chose the location of the internship. This finding carries forward in current practice and placement of interns.

Finally, in *Schumann v. Collier Anesthesia* (2016), students were “subjected to verbal abuse and inappropriate physical contact” (p. 7). This case was brought forth by 25 former student registered nurse anesthetists who were enrolled in Woford College, a for-profit college which owned Collier Anesthesia. While there was not a judgement directly related to the harassment, the harassment claim fit under a larger umbrella of unjust treatment in an internship. In this case, the motions were denied because the case failed to meet all seven of the Glatt Factors.

Placement and Supervision of Students

Since internships could be considered joint employment, the process of gaining internship credit varies from institution to institution. In general, students decide which internship they are interested in and then work with a faculty member (or career services professionals) to secure academic credit for the internship. This decision-making process should not only consider the tasks assigned at the placement site, but also the location of the internship, the availability of hours, the historical success of the placement, and the student's access to transportation to the internship site. These variables become part of what makes institutions liable for litigation.

In *Rinsky v. Trustees* (2010), it was noted, “the senior center was simply one of several programs on a list of potential internships. Indeed, it was Rinsky who ultimately selected the senior center. Therefore, Rinsky’s claim against the University fails also under the nexus/joint actor test” (p. 4). Likewise, in the *Nova Southeastern University v. Gross* (2000) case,

Nova provides each student with a listing of the approved practicum sites, complete with a description of the type of experience offered at each site. Each student selects six internships from the list and is placed by Nova, at one of the selected sites. (p. 3)

Both cases negated the ideal of in loco parentis which places the school in the parental role. In fact, the *Rinsky v. Trustees* (2010) decision outlines this ideal in determining:

A student could “fairly” assume that a contract between her and her educator implied that she will be free of the sex discrimination that Title IX prohibits or that she will be protected and cared for by a school acting in loco parentis. However, here, Rinsky offers no fact to support such an allegation (p. 10).

Even though Rinsky’s counsel simply did not make the correct argument, the idea of in loco parentis is outdated as outlined by Alexander and Alexander (2017) who stated, “The influence

of the in loco parentis doctrine in higher education has become exceedingly inapplicable and impractical . . . and the parent metaphor is ill-suited to current social conditions” (p. 150).

Completion of Degree/Courses

If an internship is part of an academic program, it is likely a required component of graduation. This factor can complicate progress towards a degree in two ways: a student does not complete the internship successfully because of personal qualities and characteristics or a student does not complete the internship successfully because of issues out of their control. *Clifton-Davis v. State* (1996) showcases the first idea. In this case, the student completed coursework with grades satisfactory to fulfill degree requirements. However, the student did not successfully complete the internship due to dismissal from two internship opportunities. The internship was a requirement for graduation. The student claimed the university had breached a contract because the student was not allowed to graduate.

In the second case *Rinsky v. Trustees of Boston University* (2010), the student was informed the internship performance evaluations were lower than required and the student was dismissed from the program. In both cases, the court engaged in judicial deference to academic decisions. In *Board of Curators of the University of Missouri v. Horowitz* (1977), the United States Supreme Court found courts should, “intrude as little as possible into the academic affairs of higher education” (as cited in Alexander & Alexander, 2017, pp. 197-198). Indeed, this ideal was clearly upheld in the *Clifton-Davis v. State* (1996) case where the court found, “case law also consistently has recognized the nature of decision-making concerning students’ academic status and progress and has placed almost absolute discretion for tough decision making squarely with the university” (p. 1).

Implications for Higher Education

An understanding of legal precedents is imperative to the creation, implementation, and administration of internship programs. When developing an internship program, higher education officials must have a thorough understanding of labor laws. After the program is developed, deans and department heads must work with faculty members and career services staff to develop a process for application, placement, and registration. Finally, faculty who oversee interns in these learning opportunities must formulate materials that provide clear expectations to students.

Fair Labor

When developing an internship program, an agreement between the university, place of internship, and student must exist. University counsel should be involved in preparing these agreements. The agreement must show all involved parties agree upon the terms and conditions of the internship. These terms and conditions should use current labor laws resulting from *Wang v. Hearst* (2016), *Glatt v. Fox Searchlight* (2015), and *Clifton-Davis v. State* (1996) decisions. These agreements should be fully housed and managed by staff within career services units, so the agreements remain consistent across academic departments. Specifically, the agreement should demonstrate that internships meet Glatt's seven conditions.

Once this agreement has been developed, the university should also respond to the organization with a letter certifying the student is earning academic credit for the experience. This should be completed in good faith to protect participating organizations from student-generated litigation. Additionally, whether the higher education institution is public, private, or for-profit makes a difference when developing internship programs. If the program is developed in a private or for-profit institution, the complexity of the case increases as the program must be held to more specific Fair Labor Standards Act designations. In the case of private institutions,

courts have found they meet “state action requirements only in rare circumstances” (*Rinsky v. Trs of Boston*, 2010, p. 6). However, for-profit institutions have a greater risk of litigation.

In *Schumann v. Collier* (2016), the school, Woford College, had a single purpose to train nurse anesthetists. The college also happened to be owned by Collier Anesthesia. This conflict of interest certainly impacted the unpaid status of their internship (or residency) program. As found in *Schumann v. Collier Anesthesia* (2016), “the focus on making a profit provides, in turn, a great incentive to elevate shareholders’ financial interests over students’ educational experience, particularly where the entity running the internship program also owns the for-profit institution supplying the student interns” (p. 48). Therefore, taking advantage of free student labor from the students who are paying tuition created a profit for the company and was found to be in opposition of several Glatt factors. It violated the sixth factor which stated the work of the intern must not displace work of a paid employee; not to mention the unethical nature of double profiting from students.

Application, Placement, and Registration

The application process for internship credit should involve career services staff insofar as making sure agreements between the university, organization, and student are mutually agreed upon and signed for verification. The university and organization have the right to refuse any internship opportunity where Glatt’s seven components are not agreed upon. Once an organization has been approved, the faculty member should become involved in the process.

The faculty member should review the organizational details because it was found in *Nova Southeastern Univ. v. Gross* (2000) faculty have the duty to act with reasonable care and responsibility to students in that “a reasonably prudent school supervisor would not knowingly continue to assign [her] student to a program where she would be harassed and assaulted” (p.

30). In addition, faculty should review internship task descriptions to verify the student will be engaged in meaningful work which coincides with ideals and requirements put forth by their academic department.

The university, career services staff, or faculty members should refrain from placing students into internship opportunities. As learned in *Rinsky v. Trustees* (2010), this puts the university at risk for litigation. In this case, the student chose the placement location, and the senior center was simply one of several programs on a list of potential internships. Indeed, it was Rinsky who ultimately selected the senior center. Therefore, Rinsky's claim against the University defendants failed under the "nexus/joint actor test" (*Rinsky v. Trustees*, 2010, p. 9). In this case, the courts found in favor of the university; however, had the university placed the student directly without student choice, the fault would have been found with the university.

While the legal precedence shows why the responsibility to choose an internship must lie firmly and only with the individual student, it is also in the student's best interest to practice the job search process. As Lehman (2019) discovered in research focused on students attaining their first job, "better-connected and more privileged peers may enjoy advantages in the social and personal capital they are able to mobilize in their job search" (p. 352). Searching for an internship allows students from working class families to hone their application and interview skills before many enter the full-time job search. Once the student has identified an agreeable placement, they should be registered for the internship to adhere to Glatt's third requirement. The internship is tied to an academic program of study where the student will receive credit and engage in reflection and integrated coursework.

Course Materials

After the internship program has been developed in consideration of current labor laws and a process for placement has been established, the faculty member must set out clear expectations for students. One reason for developing this resource is that student voices are key to enhancing the educational quality of internships (Bovill et al., 2011) and providing this information sets out clear expectations and feedback loops for students to provide feedback about their experience within the organization. In the case of *Rinsky v. Trs. of Boston University* (2010), a handbook was used during litigation to clarify expectations of the internship. It was found “statements in handbooks, policy manuals, brochures, catalogs, advertisements, and other promotional materials can form the basis of a valid contract” (*Rinsky v. Trs. of Boston University*, 2010, p. 34). Several cases have centered on the handbook or assignment materials during litigation. As a result, prior case law dictates minimal expectations within a handbook. The following describes relative expectations and court rulings that precipitate the necessity of these written expectations.

Workplace Expectations and Behaviors

As a premier component, the handbook must be kept up to date and outline workplace expectations and behaviors, and the relationship between work hours and credit hours. In *Schumann v. Collier* (2016), there was disagreement on how the number of academic hours corresponded to work hours. This must be clearly defined. The handbook should also encompass an explanation of Glatt’s Seven Points and course of action if students feel their labor efforts have been violated.

Discrimination and Harassment

Roberts (2018) emphasized the need for greater focus on issues of diversity and inclusion as it relates to experiential education. While there is little data collected on the impact of

diversity within internship experiences (Itano-Boase, et al. 2021), there is general consensus that students who come from marginalized communities often face the same struggles in the workplace as that of the higher education systems and the workplace. For instance, ciswomen may feel gender discrimination in science, technology, engineering, and math (STEM) related internships due to their under-representation in that specific workforce. In 2019 only 27% of workers in STEM reported as ciswomen (Martinez et al., 2021). Although not based in the United States, Itano-Boase's (2021) research discovered students often did not disclose their special needs to organizations out of fear of losing a placement or make complaints due to fear of retribution; essentially the research "identified multiple systematic barriers for diverse students" (p. 263). Similarly, Stirling (2021) found students searching for internships have concerns about harassment and discrimination that "are omnipresent and characteristic of the Western, Eurocentric and ableist frame within which society and higher education systems, structures, and learning pedagogies, such as WIL [work-in-learning], were developed" (p. 272).

Therefore, discrimination and harassment are such issues that warrant careful attention by the educational institution. The handbook must outline and define discrimination and harassment and resolve if a student experiences either or both. Lack of this content can leave the institutional liable. It was determined in prior case law that "an educational institution is deliberately indifferent when its "response to the harassment . . . is clearly unreasonable in light of the known circumstances" (*Rinsky v. Trs. of Boston University*, 2010, p. 38). In *Rinsky*, the court stated the student "could fairly assume that a contract between her and her educator implied that she will be free of the sex discrimination that Title IX prohibits or that she will be protected and cared for by a school" (p. 34). The handbook should clearly outline the complaint process regarding the student's experience. Moreover, Title IX information and contact information for the campus

Title IX Coordinator should be in the handbook in addition to a statement from the university's office of compliance and equity management regarding non-discrimination in employment and education.

Required Assignments

Assignments that are required of interns must be clearly outlined with assignment descriptions, expectations, and due dates. Reflective assignments are an imperative part of the learning that takes place within internships. Hora et al.'s (2020) conducted a longitudinal study of student-interns. The researchers surveyed 3,385 students and included 57 in a focus group, one of the key insights was the necessity of having students reflect on their work. The reflections provided two distinct benefits; one, self-reflection as a step towards personal growth and two, that the reflective ideas can help faculty and staff tailor future opportunities to specific students. Also, the course description, verbatim from the course catalog and course objectives must be defined by faculty or the academic department. The assignments might include a work journal, written reports, demonstrations, presentations, employer evaluations, student self-evaluations, a site visit, or academic papers (Lei & Yin, 2019; Wang v. Hearst, 2017). When assignments are not clear, the institution may be legally bound as in *Schumann v. Collier* (2016) with a disagreement about oral, written, and clinical assignments.

Guidelines and Assessment

The handbook must provide clear guidelines for official matters in gaining internship credit. First, on how and when the intern will be assessed. This is important for both students and organization representatives as it communicates the quality of the internship itself and the intern's work back to the university.

Second, expectations of completion for graduation and/or how the internship course fits within the academic program must be clear. For example, in *Clifton-Davis v. State* (1996), the student failed the internship and thus was not permitted to graduate. The school was sued for breach of contract. Although the school won, it is a case to keep in mind as handbooks are created.

Implications for Organizational Policy/Change in Practice

Before beginning a for-credit internship program, an institution of higher education should consult university counsel and their career services division, as well as inform academic departments and faculty of the legal issues that can impact the success of a program and become a liability to the university and/or employees. Cook (2021) synthesized results from 466 articles which focused on higher education, curricula, and career education to find nearly all researchers agreed, “institutional and programmatic evaluations should be designed to meet the requirements of related systemic evaluation” (p. 226) therefore, a regular review of internship programs is advised, the following is a recommended list of items to review.

University Counsel/Contracts

University counsel should conduct a review of past and impending legal cases surrounding internship and experiential learning opportunities. A brief of those cases and their implications should be provided to those administering internship programs. This may involve career services staff, deans, department heads, and faculty members. These updates should be provided annually, even if there is no new litigation to report. Legal research should not be an expectation of faculty or staff; however, this knowledge sharing is imperative to ensure all players in the internship process understand and abide by legalities.

Contracts and/or agreements with organizations where students are placed should be reviewed and renewed annually. These contracts should clearly outline Glatt's Seven Points. A central housing agency (e.g., career service offices) for these contracts would be recommended. A central clearing house would allow each organization to sign one contract even if they are hosting multiple interns from across academic departments. This central clearing house would help to maintain consistency across campus and serve as a central reporting agency for potential university reports. In addition to Glatt's Seven Points, the documents should list a supervisor name(s), contact information, and a detailed outline of student responsibilities and expectations as an intern.

Internship Faculty

Hora et al. (2020) research found students raised concerned about “the ability of and support systems for staff at postsecondary institutions . . . to adequately mentor and advise students” (p. 63). Faculty members who oversee internships should have well-developed communication skills, be adept at diffusing conflict, and lead consensus building. They are the point of contact for the organization and need to be aware of their multi-faceted role in the internship process. The faculty member will need to be able to view a situation through the lens of the student, the organization, their home academic department, career services personnel, and even university counsel.

A positive faculty-student relationship is imperative. The faculty member ensures students have an internship experience that provides knowledge and benefits. This may mean upholding standards of work, making sure the student is conducting themselves in the most professional way possible, and advising students on placement choices. At the same time, the faculty member is also responsible for a fair awarding of grades, so objectivity must be

maintained. They should continuously update the handbook and be able to fully inform students of their rights and responsibilities within internships. It may be helpful to have students sign an acknowledgement of understanding to reduce risk of future litigation.

Faculty members should be able to work with organizational supervisors and have the skills to diffuse difficult situations. They must serve as a point person in contacting potential organizations on behalf of a student or the university as well as informing an organization of their rights and responsibilities. Assuring a positive, engaged relationship with organizational supervisors can be a benefit to the university from the recognition of potential guest speakers to potential external funding sources. Additionally, this positive relationship will enable organizations to understand legal expectations and, hopefully, ensure the university is held harmless from potential litigation.

Academic departments depend on faculty members to manage these multifaceted internship programs. Internship program faculty members are invaluable to the organization as they have their finger on the pulse of what is happening in the industry. They can be the point of contact for guest speakers or discover information about the success of the curriculum and student efficacy via internship evaluations completed by supervisors.

A close working relationship with career service staff will enable organizational contracts to be as up to date as possible. Having a positive relationship also enables faculty members to educate students about the services offered within these offices. Career service divisions help students prepare for their transition into the world by reviewing resumes, offering job search assistance, helping with mock interviews, and organizing career fairs.

Faculty responsibility for supervising students in internships should also have a relationship with university counsel. This relationship should be proactive, not reactive. While

faculty members should not be responsible for conducting the legal research in addition to all the other expectations, they should be responsible for reaching out to legal counsel at the first sign of difficulty.

Conclusion

It was an internship program that hooked Tom Hanks into the world of acting. While the benefits of an internship program certainly outweigh the risks, numerous stakeholders in the process have legal responsibilities that cannot be ignored. Case law proves certain actions and policies must be employed to avoid risk and litigation for all parties. If done correctly, internship programs have the power to change lives by providing college students experiences that can alter the trajectory of a career. The best internship programs are well-structured and professionally staffed to enable students to shift their paradigm of thinking from focusing on a finite career to an infinite path stemming from a perpetual pursuit of a passion.

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References

- Alexander, K. & Alexander, K. (2017). *Higher education law: Policy and perspectives*. Routledge. <https://doi.org/10.4324/9781315616827>
- Binder, J., Baguey, T., Crook, C. & Miller, F. (2015). The academic value of internships: Benefits across disciplines and student backgrounds. *Contemporary Educational Psychology, 41*, 73–82. <https://doi.org/10.1016/j.cedpsych.2014.12.001>
- Biography. (2021, January 19). Tom Hanks biography (1956-). A&E Television Networks. <https://www.biography.com/actor/tom-hanks>
- Bovill, C., Cook-Sather, A., & Felten, P. (2011). Students as co-creators of teaching approaches, course design, and curricula: Implications for academic developers. *International Journal for Academic Development 16*(2), 133–145. <https://doi.org/10.1080/1360144x2011.568690>
- Clifton-Davis v. State, 1996 OK CIV APP 138, 930 P.2d 833, 1996 Okla. Civ. App. LEXIS 128, 68 O.B.A.J. 122 (Court of Civil Appeals of Oklahoma, Division Four December 10, 1996, Filed).
- Cook, E. (2021). Evaluation of work-integrated learning: A realist synthesis and toolkit to enhance university evaluative practices. *International Journal of Work-Integrated Learning, 22*(2), 213–230.
- Eady, M., Machura, I., Jaidev, R., Taczak, K. Delpalma, M. Mina, L. (2021). Writing transfer and work-integrated learning in higher education: Transnational research across disciplines. *International Journal of Work-Integrated Learning, 22*(2), 183–197.
- Gillespie, I., Zhang, J., & Wolfgram, M. (2020). *Psychological factors and outcomes of college internships: An integrative review*. Center for Research on College Workforce

- Transitions. https://ccwt.wceruw.org/wp-content/uploads/2021/02/CCWT_report_LR-Psychosocial-Factors-and-Outcomes-of-College-Internships.pdf
- Glatt v. Fox Searchlight Pictures, Inc., 811 F.3d 528, 2015 U.S. App. LEXIS 22977, 25 Wage & Hour Case. 2d (BNA) 1716 (United States Court of Appeals for the Second Circuit January 25, 2016, Amended).
- Hora, M. Parrot, E. Her, P. (2020). How do students conceptualize the college internship experience? Towards a student-centered approach to designing and implementing internships. *Journal of Education and Work* 33(1), 48–66.
<https://doi.org/10.1080/13639080.2019.1708869>
- Itano-Boase, M., Wijesingha, R., Cukier, W., Latif, R., Hon, H. (2021). Exploring diversity and inclusion in work-integrated learning: An ecological model approach. *International Journal of Work-Integrated Learning*. 22(3), 253–269.
- Knouse, S. B., & Fontenot, G. (2008). Benefits of business college internship: A research review. *Journal of Employment Counseling*, 45(2), 61–66. <https://doi.org/10.1002/j.2161-1920.2008.tb00045.x>
- Lehman, W. (2019). Forms of capital in working-class students' transition from University to employment. *Journal of Education and Work*, 32(4), 347–359.
<https://doi.org/10.1080/13639080.2019.1617841>
- Lei, S. A. & Yin, D. (2019). Evaluating benefits and drawbacks of internships: Perspectives of college students. *College Student Journal*, 53(2), 181–189.
- Martinez, A., & Christnacht, C. (2021, Jan. 26). *Women are nearly half of U.S. workforce but only 27% of STEM workers*. United State Census Bureau.

<https://www.census.gov/library/stories/2021/01/women-making-gains-in-stem-occupations-but-still-underrepresented.html>

Massachusetts Civil Rights Act. (n.d.) Massachusetts General Laws. Ch. 12, Section 11 H.

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter12/Section11H>

National Association of Colleges and Employers. (2018). *Position Statement: U.S. internships.*

<http://www.naceweb.org/about-us/advocacy/position-statements/position-statement-us-internships/>

Nova Southeastern Univ. v. Gross, 758 So. 2d 86, 2000 Fla. LEXIS 656, 25 Fla. L. Weekly S 243 (Supreme Court of Florida March 30, 2000, Decided).

Popov, J. (2020) Boundary crossing and identity re-negotiation in internship: The integrative, future-oriented and transformational potential of interns' identity project. *Learning, Culture and Social Interaction*, 24. <https://doi.org/10.1016/j.lcsi.2020.100383>

Rinsky v. Trustees. of Boston University. 2010 U.S. Dist. LEXIS 136876, 2010 WL 5437289 (United States District Court for the District of Massachusetts December 27, 2010, Filed).

Roberts, J. (2018). From the editor: The possibilities and limitations of experiential learning research in higher education. *Journal of Experiential Education*, 41(1), 3–7. <https://doi.org/10.1177/1053825917751457>

Rockwood, K. (2020, February 27). *Should you create an internship program?*

<https://www.shrm.org/hr-today/news/hr-magazine/spring2020/Pages/benefits-of-creating-an-internship-program.aspx>

Schumann v. Collier Anesthesia, P.A., 803 F.3d 1199, 2015 U.S. App. LEXIS 16194, 166 Lab. Case. (CCH) P36,379, 25 Wage & Hour case. 2d (BNA) 537, 25 Fla. L. Weekly Fed. C

1613 (United States Court of Appeals for the Eleventh Circuit September 11, 2015, Decided).

Stirling, A., Milne, A., Taylor, A., & Goldman, A. (2021). Understanding barriers to engagement in an unpaid field placement; Applying the transtheoretical stages of behavior change model. *International Journal of Work-Integrated Learning*, 22(3), 271–286.

Taylor, M. S. (1988). Effects of college internships on individual participants. *The Journal of Applied Psychology*, 7 (3), 393-401. <https://doi.org/10.1037/0021-9010.73.3.393>

United States Department of Labor. (n.d.). *About us*. <https://www.dol.gov/general/aboutdol>

United States Department of Labor. (n.d.) *Wages and the Fair Labor Standards Act*. <https://www.dol.gov/agencies/whd/flsa>

Walling v. Portland Terminal Co., 330 U.S. 148, 67 S. Ct. 639, 91 L. Ed. 809, 1947 U.S. LEXIS 2957, 12 Lab. Case. (CCH) P51, 236 (Supreme Court of the United States February 17, 1947, Decided).

Wang v. Hearst Corp., 877 F.3d 69, 2017 U.S. App. LEXIS 24789, 168 Lab. Case. (CCH) P36, 583, 27 Wage & Hour Case. 2d (BNA) 950, 2017 WL 6062241 (United States Court of Appeals for the Second Circuit December 8, 2017, Decided).