

# New York University

## UNIVERSITY POLICIES

**Title:** Unpaid Internship & Volunteer Policy – New York, District of Columbia, & California  
**Effective Date:** November 3, 2021  
**Supersedes:** January 18, 2019  
**Issuing Authority:** Executive Vice President  
**Responsible Officer:** Human Resources

### **Statement of Policy**

This Policy addresses unpaid internships and volunteer opportunities at New York University in New York, Washington, D.C., and California (hereinafter, “NYU” or “the University”).

### **To Whom the Policy Applies**

Subject to the terms and conditions of Section I below, this Policy applies to:

- any unpaid internship (including any unpaid research affiliation) at NYU that is *not* part of a requirement for a degree or course offered at NYU (hereinafter, “Intern” or “Internship”); and
- any unpaid volunteer opportunity at NYU that is *not* part of a requirement for a degree or course offered at NYU (hereinafter, “Volunteer” or “Volunteer opportunity”).

Visiting Scholars, Visiting Research Professors, or Visiting Exchange Professors at NYU are not subject to this Policy. For more information, please contact the Office of Academic Appointments at 212.998.2282 or the Office of the Provost at [provost@nyu.edu](mailto:provost@nyu.edu).

### **Policy and Procedures**

#### **A. Role of Internship and Volunteer Coordinator**

Each Department seeking to offer an Internship or Volunteer opportunity shall have at least one person designated to serve as an Internship and Volunteer Coordinator (the “Coordinator”). In choosing a Coordinator, the Department must consult with, and receive approval from, the appropriate School or Unit Human Resources (HR) department. The School or Unit HR may reserve the right to designate its HR Officer/HR Business Partner (“HRO”) as the Coordinator for the Department.

The Coordinator must:

- (1) educate members of the Department regarding this Policy;
- (2) oversee and facilitate the process for requesting Internship or Volunteer opportunities in accordance with Section B below;

- (3) evaluate (in consultation with the appropriate HRO, as necessary, where the HRO is not the Coordinator) whether the proposed Internship or Volunteer opportunity is permissible in accordance with Section C below;
- (4) receive final approval from the appropriate HRO (where the HRO is not the Coordinator) regarding the proposed Internship or Volunteer opportunity and, where approved, have the prospective Intern or Volunteer complete and submit the appropriate agreement(s) and other documentation, in accordance with Section D below;
- (5) oversee and facilitate the process for renewing Internship or Volunteer opportunities, as applicable, in accordance with Section E below;
- (6) confirm that the approved Intern or Volunteer received the proper training in accordance with Section F below, as appropriate;
- (7) authorize appropriate NYU identification cards for each approved Intern or Volunteer in accordance with Section G below;
- (8) ensure that the School or Unit HR preserves the completed and signed questionnaires and agreements in the manner set forth in Section H below; and
- (9) monitor Internship or Volunteer opportunities, and otherwise ensure compliance with this Policy, on an on-going basis.

## **B. Requesting Internship or Volunteer Opportunities**

To request approval for an Internship (including Research Affiliations\*) or Volunteer opportunity, a Sponsor\*\* shall complete Parts 1 and 2 of the “Request” section of the NYU Unpaid Internship/Research Affiliation Questionnaire or the NYU Unpaid Volunteer Questionnaire, as applicable, with Part 1 to be completed in consultation with the prospective Intern or Volunteer, and Part 2 to be completed in consultation with the appropriate Coordinator. The Sponsor shall submit the completed questionnaire to the appropriate Coordinator at least two (2) months (or as soon as is otherwise possible) prior to the proposed start date of the Internship or Volunteer opportunity.\*\*\*

\***Research Affiliates.** Visiting students from other colleges or universities who are seeking to work on their own thesis or projects at NYU should be classified as requests to be Research Affiliates. All other requests to develop skills and/or obtain educational experience or professional preparation should be classified as requests to Intern. Requests for Internships and Research Affiliations shall be evaluated under the same standards as set forth below for Internships.

\*\***Sponsors.** For Internships/Research Affiliations taking place in a laboratory (or similar research setting), the Sponsor must be a full-time professor overseeing the laboratory (or similar research setting). For all other Internship or Volunteer opportunities, the Sponsor must be a full-time professor or administrator.

\*\*\***Partnering.** Departments and faculty shall not enter into any agreements with other organizations, entities, or individuals on behalf of NYU for any proposed Internship or Volunteer opportunity without first following the procedures set forth in this Policy.

Please also take note that, before submitting the questionnaire, the Sponsor shall confirm that: (i) NYU students on a J-1 visa have consulted with the University’s Office of Global Services, and (ii)

that non-NYU students have consulted with the international student advisor at his or her school with regard to any immigration-related issues, as applicable.

### **C. Evaluating Requests for Internship or Volunteer Opportunities**

In accordance with this Policy, the Coordinator shall evaluate (in consultation with the appropriate HRO, as necessary, where the HRO is not the Coordinator), each request for an Internship or Volunteer opportunity to make a determination as to whether the request fits within the framework set forth below. As part of that evaluation, the Coordinator shall review Parts 1 and 2 of the applicable questionnaire submitted by the Sponsor and then complete the “Analysis” section of the form.

#### **Internships**

The determination of whether an Internship (including Research Affiliations) is *not* an employment relationship and may be unpaid depends upon the facts and circumstances of each opportunity. The following criteria shall be considered when determining whether the proposed opportunity qualifies as an unpaid internship:

1. The internship is similar to training which would be given in an educational environment;
2. The internship experience is for the benefit of the intern;
3. The intern does not displace employees, but is under close supervision of existing staff;
4. The Department derives no immediate advantage from the activities of the intern; and on occasion its operations may actually be impeded;
5. The intern is not necessarily entitled to a job at the conclusion of the internship;
6. The Department and the intern understand that the intern is not entitled to wages for the time spent in the internship (*Note: The Department may reimburse interns for a reasonable approximation of expenses incurred by the intern in connection with his or her internship.*);
7. Any training is performed under the supervision and direction of people who are knowledgeable and experienced in the activity;
8. Interns do not receive benefits reserved for employees, unless otherwise required by law;
9. Training is general, and qualifies interns to work in any similar business. It is not designed specifically for a job with the Department;
10. The screening process for the internship program is not the same as for employment; and
11. Advertisements, postings, or solicitations for any internship opportunity clearly discuss education or training, rather than employment. (*Note: Any advertisements for an Internship (or Volunteer opportunity) must be approved in advance by the respective Coordinator.*)

### **Volunteer Opportunities**

A Volunteer is one who freely performs services: (1) for public service or humanitarian objectives; (2) without contemplation or receipt of compensation; and (3) typically, on a part-time basis, without displacing employees or performing work that would otherwise be performed by employees.

A paid employee of the University cannot volunteer to provide the same type of services to the University that he or she is employed to provide.

Volunteers should *not*:

1. Replace paid staff to do the work of paid staff;
2. Do anything but tasks traditionally reserved for volunteers;
3. Be required to volunteer certain hours;
4. Be required to perform duties involuntarily; or
5. Be paid for their services (except for reimbursement for expenses).

### **Placement of Minors**

In order to host an Intern or Volunteer under the age of 18 who is not a matriculating NYU student, the Department also must comply with the terms and conditions of NYU's Protection of Minors Policy, if and as applicable, and thereafter confirm compliance with the Coordinator.

### **Placement of Members of Same Family or Household**

An Intern or Volunteer cannot be placed in the same Department with a member of the same family or household without approval from the appropriate HRO. Furthermore, a member of the same family or household cannot supervise an Intern or Volunteer, nor can a member of the same family or household make decisions about the placement (or terms and conditions of the placement) of the Intern or Volunteer, unless approved by the appropriate School/Unit head.

\*Note: "Member of the same family" includes a: child (biological, adopted, foster child, step child, legal ward, child of an employee standing in place of a parent); grandchild; great-grandchild; spouse or registered domestic partner; parent (including step-parent or guardian); grandparent; great-grandparent; sibling (including a half, adopted or step sibling); child, sibling, parent, or grandparent of an employee's spouse or registered domestic partner; spouse of an employee's child, sibling, parent, or grandparent; or aunt, uncle, niece, or nephew.

### **D. Approval of Requests for Internship or Volunteer Opportunities**

If the Coordinator initially determines that the proposed Internship or Volunteer opportunity is permissible, he or she must then obtain final approval from the applicable HRO (where the Coordinator is not the HRO) by submitting the completed questionnaire to the HRO for review and approval.

*Please take note that, as a general matter, an Internship/Volunteer opportunity may only be approved for a period of 3 months at a time and may only be renewed for up to a total period of 1 year.*

If approved by the applicable HRO, the Coordinator shall ensure that the proposed Intern or Volunteer completes and submits the appropriate agreement (click on the respective links for the Intern Agreement, Research Affiliate Agreement, and Volunteer Agreement) and, if the Intern or Volunteer is under the age of eighteen (18), completes and submits the appropriate agreement (click on the respective links for the Minor Intern Agreement and Minor Volunteer Agreement, both of which include a parental consent form).

The Coordinator also shall obtain any necessary approval from Insurance and Enterprise Risk Management for the placement of Interns and Volunteers.

#### **E. Renewal of Requests for Internship or Volunteer Opportunities**

Should a Department seek to renew an Internship or Volunteer opportunity, the Sponsor must submit an updated questionnaire to the Coordinator at least one (1) month (or as soon as is otherwise possible) before the conclusion of the Internship or Volunteer opportunity. Renewal requests must be reviewed and evaluated in accordance with the procedures set forth in this Policy. If the renewal is approved, the Coordinator must ensure that the Intern or Volunteer executes a new agreement for the renewal time period.

#### **F. Training**

The Department shall ensure that the Intern or Volunteer completes any necessary training and thereafter confirm the completion of any such training with the Coordinator.

***Sexual Harassment Prevention.*** All Interns shall complete the course entitled “OEO 150D: NYU Sexual Harassment Prevention Training for Non-Employees” by the start of their Internship, and on an annual basis thereafter (in the event that the Internship extends beyond one (1) year).

***Safety.*** Any Internship or Volunteer opportunity that requires services to be performed in a lab, health care facility, or any other setting where the Intern or Volunteer may be exposed to hazardous materials, machinery, or health-related situations shall be evaluated and approved by NYU Environmental Health and Safety (EHS) prior to the commencement of the Internship or Volunteer opportunity. As applicable, the Intern or Volunteer must complete safety training prior to performing any covered activities. Moreover, any plan or guidelines developed by EHS for a specific Internship or Volunteer opportunity must be implemented and followed or the Intern or Volunteer opportunity must cease. Please contact EHS ([ehs@nyu.edu](mailto:ehs@nyu.edu)) for further details.

***FERPA.*** All Interns or Volunteers that will have access to non-directory student information must complete NYU’s online tutorial on the Family Educational Rights and Privacy Act (“FERPA”) prior to the commencement of the Internship or Volunteer opportunity. Please refer to: <https://www.nyu.edu/apr/ferpa.tutorial/>.

***HIPAA.*** All Interns or Volunteers, who in the course of their Internship or Volunteer opportunity at an NYU health care facility will have access to patient or other health care information, must be educated on the Health Insurance Portability Insurance and Accountability Act (“HIPAA”) and execute a HIPAA acknowledgment form prior to commencement of the Internship or Volunteer opportunity. Please refer to: <http://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/hipaa-policies.html>.

### **G. University Identification**

An Intern or Volunteer shall be issued an NYUCard (*i.e.*, a University ID) after the approval process and requisite paperwork have been completed, and the Coordinator (or his or her designee) has informed NYUCard Services that the Intern or Volunteer has been approved.

### **H. Document Retention**

The appropriate HRO shall preserve the completed and signed questionnaire and agreement, including any renewal questionnaires and agreements, for a period of six (6) years following the conclusion of the Internship or Volunteer opportunity.

### **I. Other Student Opportunities**

This Policy does *not* apply to:

- Paid Internship Opportunities at NYU: A paid internship opportunity at NYU is where an intern receives a monetary benefit that exceeds the reimbursement for the reasonable approximation of expenses incurred by the intern in connection with his or her Internship. For more information on Paid Internships at NYU, please contact the Wasserman Center for Career Development at (212) 998-4730 or [career.development@nyu.edu](mailto:career.development@nyu.edu);
- Student Clubs: Please contact the appropriate student club for opportunities related to student clubs (*e.g.*, dramatics, student publications, glee clubs, bands, choirs, debating teams, radio stations, intramural and interscholastic athletics, and other similar student clubs); or
- Paid or Unpaid Internship Opportunities Outside of NYU: For paid internship opportunities outside of NYU, please contact the Wasserman Center for Career Development at (212) 998-4730 or [career.development@nyu.edu](mailto:career.development@nyu.edu), and for unpaid internship opportunities outside of NYU, please contact the appropriate school or department administrator.