



TO: Tod A. Laursen, Provost

FROM: Sandra Casey, General Counsel-in-Charge

SUBJECT: Internships During COVID-19 Crisis

DATE: May 26, 2020

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We have been asked in Counsel's Office to provide guidance regarding internships for students during the COVID-19 crisis. The specific questions are as follows:

- 1) **What should Campuses do regarding internships during the Covid-19 Crisis?**
- 2) **Should students be discouraged or prevented from attending traditional in-person internships?**
- 3) **What steps should be taken to protect students and the Campus?**

### **Applied Learning Internships**

As defined in the "Guide to Applied Learning at the State University of New York: SUNY Works, SUNY Serves, SUNY Discovers and TeachNY,"<sup>1</sup> applied learning, refers to:

An educational approach whereby students learn by engaging in direct application of skills, theories and models. Students apply knowledge and skills gained from traditional classroom learning to hands-on and/or real-world settings, creative projects or independent or directed research, and in turn apply what is gained from the applied experience to academic learning. The applied learning activity can occur outside of the traditional classroom experience and/or be embedded as part of a course.

Internships are a common type of applied learning experience:

Applied learning experiences for which a student may earn academic credit in an agreed-upon, short-term, supervised workplace activity, which may be related to a

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<sup>1</sup> [https://www.suny.edu/media/suny/content-assets/documents/applied-learning/ppt-files/Affiliation-Guide\\_1-25-17.pdf](https://www.suny.edu/media/suny/content-assets/documents/applied-learning/ppt-files/Affiliation-Guide_1-25-17.pdf)

student's major field or area of interest. The work can be full or part time, on or off campus, paid or unpaid. Some institutions offer both credit and non-credit bearing internships. Internships integrate classroom knowledge and theory with practical application and skills developed in professional or community settings. This definition does not include internships that are required components of a registered program leading to NYS licensure or certification (e.g., teacher preparation, social work, dental hygiene). An internship is distinct from community service or service learning.

While this guidance specifically references internships, the considerations and expectations for student safety apply to any in-person applied learning experience taking place during the current COVID-19 crisis.

### **Remote Experiences Preferred**

During the crisis, most Campuses and students have preferred to pursue remote internship opportunities. The advantages to this approach are self-evident during this period in which social distancing is encouraged. Therefore, System Administration encourages students and Campuses to explore remote-based options whenever feasible.

However, not all programs are appropriate for remote experiences. Furthermore, some students may have a strong preference for in-person internships regardless of program. For this reason, there is no blanket SUNY System-wide prohibition on in-person internships. Below are recommendations and guidance for situations that don't lend themselves to remote internships.

*Most important*, students should not feel pressured to participate in on-site internships. The students should be provided with alternatives including postponement and/or remote based learning if at all feasible.

### **On-Site Experiences**

There are steps a Campus should take in those instances that do not lend themselves well to remote based internships or when a student has a strong preference for an on-site experience.

First, internship sites should consist only of those that have completed internships within the past few years so that there is an established relationship with SUNY System and the site is aware of internship requirements. In addition, each Campus should do a brief review of each site to make sure it is appropriate and not unreasonably dangerous. Keep in mind that what is appropriate at one internship may not be appropriate at another and some internship opportunities are inherently more susceptible to risk than others. At a minimum, this would include contacting the site supervisor and discussing the environment and precautions. No site will be risk free in these uncertain times, but the Campus should at least make sure that the site is following local Department of Health protocols and students are not being sent

into an untenably dangerous situation (for example, large scale interaction with the public or at-risk populations, ineffective or unavailable PPE, etc.).

Second, to the extent permitted by the State Education Department and any applicable accreditation body, the Campus should come up with a “Plan B” that allows the student an alternative to participating in the internship even after an in-person commences should the student feel at risk. The Campus should be prepared to work with a student to arrange for a future placement of some sort, but it could also include remote instruction options if those are available. As mentioned above, the idea is that no student should feel unduly pressured to go to an internship site at this time. This is also necessary to make any waiver valid.

Third, the Campus should ask students to acknowledge that they have been presented with alternatives and are voluntarily choosing to participate in an on-site internship. In a best-case scenario, this acknowledgement would also include an assumption of risk clause ensuring that the student acknowledges the known risks involved with participation. The idea is that students are willingly assuming the risk of participation after having been given other options.

Finally, while SUNY affiliation agreements already include indemnification and insurance language, Campuses should strongly consider adding the following language:

“[Partner] represents and warrants that it is currently, and for the term of this Agreement will continue to be, in compliance with all applicable laws and regulations regarding social distancing, PPE and all other applicable safety protocols associated with the COVID -19 crisis. Failure to comply with this provision will be considered a material breach of this Agreement.”

### **First Amendment and Academic Criteria**

During the crisis, some students may choose to exercise their First Amendment rights in a variety of ways, including at on-site internships. Campuses should inform students of the consequences for violation of local Department of Health protocols.

For example, if a mask is required and a student removes it within the internship site, as a form of political expression to protest government mandates, the student may be protected by the First Amendment’s protection of free speech but may also be in violation of the internship site’s policies and SUNY academic and conduct policies. Such acts may have consequences that are not insulated by First Amendment protection, including removal from the internship site (and program) and negative academic implications for failure to abide by student codes of conduct or other Campus policies.

*Specific inquiries regarding this document should be directed to campus counsel.*