



Colorado State University

**Risk Management & Insurance
Internship Guide 2019**

Introduction

CSU as an institution of higher education does on occasion provide for-credit, off-site internships for its students. Some departments also provide informal opportunities for practical learning experiences, which may include not-for-credit opportunities, and volunteer opportunities.

In Colorado, there are certain circumstances where a student engaged in an off-site, for-credit internship may be regarded as a CSU employee for purposes of workers' compensation insurance. These internships are known as **Qualified Internships**. This guide is intended to assist departments outline Qualified Internships that provide high-quality learning experiences, integrating academic knowledge and work experience in professional environments.

We recognize that other learning opportunities are equally valid and important, however, may not be eligible for Workers' Compensation coverage through CSU.

What Defines a Qualified Internship?

To establish uniformity in the use and application of the term “internship,” CSU’s Risk Management recommends the following definition as provided by the National Association of College and Employers (NACE):

An internship is a form of experiential learning that integrates knowledge and theory learned in the classroom with practical application and skills development in a professional setting. Internships give students the opportunity to gain valuable applied experience and make connections in professional fields they are considering for career paths; and give employers the opportunity to guide and evaluate talent

Criteria for Qualified Internship:

To ensure that an experience is a qualified internship, and thus may be eligible for workers’ compensation, all the following criteria must be met:

1. The experience must be an extension of the classroom: a learning experience that provides for applying the knowledge gained in the classroom. It must not be simply to advance the operations of the employer or be the work that a regular employee would routinely perform.
2. The skills or knowledge learned must be transferable to other employment settings.
3. There must be a Learning Agreement between the student, experience provider, and university that clearly outlines and documents the roles and responsibilities of each party to ensure the integrity of the internship experience for all parties.
4. The experience has a defined beginning and end, and a job description with desired qualifications.
5. There are clearly defined learning objectives related to the professional goals of the student’s academic coursework.
6. There is supervision by a professional with expertise, educational and/or professional background in the field of the experience.
7. Internships include an academic component supervised by a CSU faculty member (known as a faculty sponsor) who monitors and evaluates the academic learning and assigns a grade.
8. There is routine feedback by the experience provider supervisor.
9. There is an evaluation by the experience provider and student intern at the end of the internship.

If these criteria are met, then the experience can be considered a qualified internship, and the student may be considered for workers’ compensation. Other experiences/internships may not be entitle the student for Workers’ Compensation benefits.

Qualified Internships Parameters

- One-semester work experience
- Paid or unpaid
- For Academic credit in which the student enrolls
 - Students work approximately 135 hours to earn 3 credit hours
 - *45 hours of work= 1 college credit*
- The company/organization must be a legitimate established business
 - *Home-based businesses shouldn't be approved due to liability and risk issues*
- Interns must be given an orientation to the organization, safety procedures, training, ongoing supervision, and evaluation
- Interns must have an appropriate workspace and tools with which to perform their duties (e.g. access to a computer, software, etc.)
- Interns must be provided with information on any safety risks and potential exposures prior to the start of internship and allowed to make an informed choice regarding the acceptance of the internship
- Interns need to receive any required vaccinations prior to starting the internship
- Interns must be provided and instructed in the use of any needed Personal Protective Equipment (PPE)
- If a confidentiality agreement is required, it must be stated in the job description upon posting
- There are no requirements for the student to pay the employer in any form for any part of the experience

Experiences that DO NOT qualify as Qualified Internships are:

- Commission-based positions
- Internship located in home-based businesses
- Positions in which an intern is unpaid and not registered for academic credit
- Positions that require more than 20% clerical duties when this is not field of academic study
- Volunteer opportunities
- “Independent contractor” relationships that require the intern to set up his/her own business for the purpose of selling products, services and/or recruiting other individuals to set up their own businesses
- Family-owned businesses or positions supervised by a family member
- Telemarketing positions
- Positions in which the employer requires the student to pay a fee or fees in order to work at the organization
 - * *Licensure fees should be covered by employer*
- Internships that are approved retroactively

Non-Qualified/ Non Academic Internships:

- For non-qualified internships please ensure that it is clearly communicated that these experiences are non-qualified internships. For example, be careful how you describe and market the opportunities to students. Instead, call these opportunities “**volunteer opportunities**” or “**non CSU sponsored work experiences**” in order to avoid confusion.
- Not-for-credit learning experiences should be viewed as volunteer opportunities and appropriate waivers signed.

CSU Roles & Responsibilities

The Intern

- Review the internship position description with advisor, faculty sponsor or internship coordinator to ensure that it meets the criteria for an internship within the student's area of academic study
- Submit a Learning Agreement for approval to department/ faculty sponsor/ internship coordinator
- Complete all pre intern requirements that are listed in the job description, created by the department and contained in the learning agreement
- Enroll and register for academic credit
- Complete tasks that fulfill the job description and learning objectives
- Approach the internship in a professional manner that is guided by courtesy, a desire to learn, and a willingness to receive feedback for improvement
- Complete all assignments and academic deliverables
- Observe all safety rules
- Keep in contact with the Faculty Sponsor and/ or internship coordinator

The Faculty Sponsor

- Assist students in creating appropriate learning objectives that must be met during the internship
- Review the position description and ensure that it meets the learning objectives
- Provide students with appropriate academic assignment deliverables related to the internship placement
- Keep in contact with interns throughout the internship in order to appraise progress and address concerns and questions
- Upon request, meet with site supervisors to discuss internship placement
- Review the experience provider's supervisor's evaluation which may be used as part of student's final grade
- Award credit and a final grade based on interns' completion of assignment deliverables
- Address all academic issues related to the internship

The Internship Coordinator (currently Cindy Murillo, Ph.D. cmurillo@colostate.edu)

- Act as primary liaison between the experience provider and CSU
- Review student's eligibility to participate in a qualified internship
- Ensure that all agreements and documents are in place prior to the start of the internship
- Serve as liaison for any issues that arise during an internship – e.g. workplace conflicts or problems with supervisors or co-workers, injuries, not getting the agreed onsite hours, ensuring the opportunity to fulfill the requirements of the internship – number of work hours, learning goals, etc. Collect experience provider's final evaluation and send to the faculty sponsor
- Have an emergency response plan in case an injury occurs. Plan should include who to contact in an emergency; if injury could be compensable under workers' compensation, then what are the protocols for filing a workers' compensation claim. (For filing a workers' compensation claim <http://rmi.prep.colostate.edu/workers-compensation/>)

The Experience Provider's Roles & Responsibilities

- Complete a job description that includes:
 - Learning Objectives & Goals
 - Professional areas the intern will gain exposure to
 - Expected skills to learn
 - Duties and responsibilities of intern
 - Resources, equipment, and facilities provided by the host employer that support the learning objectives/goals.
 - Special qualifications required for the position.
 - Special training or considerations required of the position
 - Dates of internship
 - If a confidentiality agreement is required, stated it in the job description upon posting.
- Disclose all agreements a student will be asked to sign in the internship description
 - * Complete the employer portion of the Internship Learning Agreement prior to the start date
- Provide an orientation for new student/intern
- Provide a safe work environment
- Provide student and CSU staff with information regarding any **Safety Considerations.**
 - Identify the risks of activities the intern may be involved in and identify the required safety training for any tools, specialized equipment, vehicles, physical activities, hazardous chemicals, biologicals or radioactive materials, etc. that are part of their activities.
 - Document training and include a signature that the training was received and understood
 - Provide adequate safety training and provide all Personal Protection Equipment to the student and have them properly fitted prior to the start of internship.
 - Provide CSU with copies of safety and training instructions
- Complete a final evaluation.
- If the student is paid by the experience provider, the experience provider will comply with:
 - State statutes for providing Workers' Compensation
 - Provide CSU with a certificate of insurance naming CSU as additional insured for paid internships.
 - Federal Labor Standards Act (FLSA)
 - IRS and Affordable Care Act, where applicable
- Comply with federal laws prohibiting discrimination on the basis of age, race, creed, color, national origin, sex, gender, disability, religion, genetic information, sexual orientation, gender identity or expression, pregnancy, and/or veteran or military status.
- Keep internship duties within the scope outlined.
- Provide regular feedback to the intern regarding performance.

Any insurance requirements that the experience provider requires from either CSU or the intern must be requested in advance prior to signature of any agreement with the experience provider. There may be some insurance that CSU will not provide, which is the responsibility of the experience provider and/or the individual. For example, CSU does not provide auto liability insurance for personal vehicles; and there may be issues surrounding insurance requirements of international sites.

CSU establishes internships and learning experiences for the academic and professional development of our students. When developing these experiences, please keep in mind that other factors outside of learning experience need to be considered. Experience providers will be responsible for being informed and complying with all federal and state laws that may apply.

Frequently Asked Questions and Concerns

How do international internships work?

An international internship needs to meet the same criteria in order to be a qualified internship, and for that student to be covered under CSU's workers' compensation coverage. In addition, there may be other international host country requirements that would have to be met.

There are established international program providers that make all the necessary arrangements to facilitate internship placements, housing, orientation, onsite support, and sometimes excursions, typically for a fee. Students in international placements need to work with the Office of Education Abroad.

Each internship agreement or relationship with the experience provider may be different and may require review. CSU's International Travel Risk Manager and CSU's Workers' Compensation Manager can assist to determine whether the internship is a qualified internship and whether the student may be considered for workers' compensation coverage.

Please contact Nicole Tobin, Nicole.Tobin@colostate.edu, and Kenda Weigang, Kenda.Weigang@colostate.edu for assistance.

To file a workers' compensation claim see <http://rmi.prep.colostate.edu/workers-compensation/file-an-incident/>

Are there special considerations for out of state internships?

In order for an out of state internship to be a qualified internship, the same criteria will apply. Students injured while completing the duties of an unpaid/non-remuneration qualified internship out of state should file a Workers' Compensation claim at <http://rmi.prep.colostate.edu/workers-compensation/file-an-incident/>

(Note room and board is considered remuneration)

Workers' Compensation coverage for paid, out of state, qualified interns varies from state to state as to what qualifies a person as an employee and when student interns are covered. Students injured in the course and scope of their internship functions should consider filing a claim in both states, one against the employer or host site in the state of internship and one against CSU in Colorado.

CSU Workers' Compensation Program Manager, Kenda Weigang kweigang@colostate.edu, Tel. # (970) 491-4832 should be contacted immediately so that there is coordination of communication with multiple states' adjusters and responsibilities for injury benefits can be assessed and assigned.

Q&A

Are students participating in an internship covered by Workers' Compensation Insurance?

A student participating in a **qualified** internship may be considered for Workers' Compensation coverage if injured while performing the duties of the internship.

Individuals involved in a learning experience, on-the-job training or volunteer experience that does not meet the **qualified** internship criteria are unlikely to be eligible for workers' compensation coverage.

Who is responsible for providing the coverage?

Experience Provider:

Any business that enters into a bona fide cooperative education or student internship program sponsored by CSU for the purpose of providing on-the-job training for students, **for pay**, is considered an employer and potentially responsible for workers' compensation coverage. The employer can be any business, agency, organization or governmental agency.

International experience providers are required to follow the laws of the host country. There may be situations where there is a conflict of laws. Please contact the Office of Risk Management and Insurance for advice on international insurance.

What can be considered as pay for an internship?

Under Colorado statute, if a student receives any kind of remuneration (including room and/or board, salary) from the service provider then the intern may be entitled to workers' compensation benefits from that service provider.

- Companies are able to pay their interns a small stipend and still meet the legal requirements for unpaid internships. Money used solely to offset expenses incurred while performing activities can be considered reimbursement and not considered remuneration for employment, but needs to be appropriately documented as such. I.e. mileage, reimbursement for vaccinations.
- If a stipend payment is associated with work performance or is of more than a nominal amount, it may be considered a wage

When is CSU responsible for providing Workers' Compensation Coverage?

CSU provides Workers' Compensation coverage for students receiving academic credit for a **qualified** internship provided:

1. The internship is unpaid and with a non-CSU entity.
2. That the injury or illness is work-related and deemed in the course and scope of the internship.
3. The internship must be sponsored by CSU and CSU must have placed the student with the employer for purposes of training. Approval by CSU must be in advance of commencement of qualified internships. CSU needs to have oversight of the internship through academic assignment deliverables through which a grade can be awarded, an advising/supervising role in the program and it needs to be for academic credit.
4. Retroactive approvals will not make an experience/volunteer opportunity or non-qualified internship, a qualified internship.
5. **Students serving in unremunerated internships at Colorado State University or one of its entities are not covered by Workers' Compensation Insurance** per the Workers' Compensation Act.

Colorado Workers' Compensation Act provides specific guidance pertaining to liability for student internships.

For complete description of Colorado statutes C.R.S. §§8-40-302(7) (a) and 8-40-202 (1)(a), please go to <https://www.colorado.gov/pacific/cdle/dwc>

If I am in a qualified internship program, am I guaranteed coverage under workers' compensation if I am injured?

Anyone can file a claim for workers' compensation, but nothing is guaranteed. An investigation of the injury, activities involved in at the time of injury and internship requirements will be reviewed to assess whether or not the injury occurred during the course and scope of the internship role. Personal health issues are not covered by workers' compensation.

Can the experience provider be held responsible for injuries incurred during a qualified internship?

Yes, if the experience provider provided an unsafe environment or the actions of an employee of the experience provider caused the event that resulted in the injury, subrogation may be taken against them by CSU or CSU's insurance carrier, if CSU covers the injury.

Can Qualified Internships be approved retroactively?

Risk Management will not provide workers' compensation coverage for any injuries or internships that are set up/approved by the department retroactively. Please ensure that all placements and approvals occur PRIOR to the commencement of the qualified internship.

Does credit for the internship have to occur in the semester that the student is taking the internship to be considered for workers' compensation coverage?

As long as the internship is set up, all forms completed and approved for academic credit **prior** to commencement of the internship, the student can participate in internship activities during school breaks or over the summer and still be considered for coverage. *Signing up for an internship retroactively will not be accepted.* Injuries must reported immediately when they occur to the Internship Coordinator and an injury report completed <http://rmi.prep.colostate.edu/workers-compensation/file-an-incident/>

Are field trips and other learning experiences that are for credit covered by Workers' Compensation?

Field trips, practicums and other learning experiences which do not meet the criteria of a qualified internship are considered academic in nature and are not covered under Workers' Compensation.

Are internships coordinated by CSU covered by CSU's Workers' Compensation?

Only internships that meet the criteria of a qualified internship are covered by CSU's workers' compensation.

Departments often serve as a resource to the students and outside agencies regarding learning opportunities. This doesn't not constitute a sponsored and/or CSU internship.

What safety issues should be considered?

Experience providers are expected to identify the risks of activities and provide for any required safety training for any tools, computers, specialized equipment, vehicles, physical activities, hazardous chemicals, biologicals or radioactive materials, etc. that are part of the student's activities.

Experience providers who do not provide a safe environment for students to work in may be subject to subrogation for injuries sustained by CSU interns and/or CSU employees.

Who should I address insurance questions to?

Any other insurance requirements that the experience provider requires from CSU needs to be requested in advance. There may be some insurance that CSU will not provide, that is the responsibility of the internship site provider and/or the individual. For example, CSU does not provide auto liability insurance for personal vehicles. If professional liability insurance is required there are a number of associates/groups that provide this and the student will need to investigate this with their academic advisor. Please contact Office of Risk Management & Insurance (970) 491-6745 for further assistance.