1.0 Policy Purpose

Brown University (the University) appreciates that, as an educational institution, its mission includes providing individuals with opportunities to gain practical experience outside of the classroom. This policy provides guidance for unpaid internship and volunteer opportunities at the University, which are shared responsibilities of University Human Resources (UHR) and the department sponsoring unpaid interns and volunteers.

2.0 To Whom the Policy Applies

This policy applies to unpaid interns and volunteers. This policy does not apply paid interns or to individuals who volunteer on research projects involving human subjects, or individuals who volunteer at the University for Commencement or at other University-sponsored events.

3.0 Policy Statement

3.1 Unpaid Internships

Internships provide high school students, undergraduates, recent graduates and others a learning experience under the guidance of an appropriate manager. This allows the intern the opportunity to gain valuable experience and make connections in professional fields they may be considering for career paths.

Unpaid internships at the University may be offered under certain criteria to high school students, undergraduates, recent graduates and others who wish to engage in experiential learning for purposes of educational or professional interest as part of, or to prepare for, a formal educational program. Unpaid internships may not exceed 12 months in duration; must provide a learning experience primarily benefitting the intern; must not replace work that would typically be performed by an employee; and must be reviewed and approved in advance by UHR.

3.1.1 Unpaid Interns:

- Are individuals who wish to engage in experiential learning for the purposes of educational or professional interest as part of a formal or informal education program.
- Do not yet have the requisite knowledge to function as an employee in their chosen field and are at the University to gain experience and develop relevant skills.
- Are required to adhere to all University policies, including required laboratory safety training, if applicable.
- Do not receive compensation and have no assurance the University will offer employment following the internship period.

- Cannot receive any form of compensation, as this would jeopardize their status as unpaid interns under the Fair Labor Standards Act (FLSA).
- Are not eligible for any employment benefits such as workers’ compensation, health benefits, or the ability to file for unemployment insurance compensation.
- Do not typically require a background screening, but a reference check is required.

The determination whether an internship is or is not an employment relationship and whether it may be unpaid depends on the facts and circumstances of each opportunity. The criteria below developed by the U.S. Department of Labor, must be used when determining if the proposed opportunity qualifies as an unpaid internship. This is to ensure the primary beneficiary is the intern and that the University is not benefitting from the internship:

- The extent to which the intern and the employer clearly understand that there is no expectation of compensation; any promise of compensation, express or implied, suggests that the intern is an employee-and vice versa.
- The extent to which the internship provides training that would be similar to that which would be given in an educational environment, including the clinical and other hands-on training provided by an educational institution.
- The extent to which the internship is tied to the intern’s formal education program by integrated coursework or the receipt of academic credit.
- The extent to which the internship accommodates the intern’s academic commitments by corresponding to the academic calendar.
- The extent to which the internship’s duration is limited to the period in which the internship provides the intern with beneficial learning.
- The extent to which the intern’s work complements, rather than displaces, the work of paid employees while providing significant educational benefits to the intern.
- The extent to which the intern and the employer understand that the internship is conducted without entitlement to a paid job at the conclusion of the internship.

Note: Paid internships are governed by the University’s staff hiring policies and processes.

3.2 Volunteer Opportunities

Volunteer work is non-compensable, provide services without the expectation of pay from the volunteer activity, and have no assurance, promise or expectation that the University will offer employment following the volunteer period. Volunteers may not be required to volunteer certain hours or to perform duties involuntarily. All volunteers are required to adhere to all University policies, including required laboratory safety training, if applicable. Background screening requirements are not required for volunteers. Volunteers can include high school students, undergraduates, alumni and members of the Brown community.
To ensure individual performing volunteer services is not an employee for purposes of the FLSA, all of the following criteria must be satisfied in order for the individual to be approved to volunteer:

- The services are intended to be voluntary and be rendered without compensation.
- The services must constitute a bona fide effort of the individual to volunteer for humanitarian, charitable or public service purposes or for the benefit of education, training or professional experience.
- Individuals volunteer their time for their own personal motives without promise or expectation of compensation or employment.
- Volunteers must not be used in ways that displace or replace regular employees in the performance of their normal duties.

### 3.3 Requirements, Limitations and Termination

- Unpaid interns or volunteers cannot receive compensation of any kind (salary, stipend, gift cards etc.).
- Unpaid interns or volunteers must abide by all applicable University and department policies, procedures.
- Unpaid interns or volunteers must be at least 16 years of age.
- Unpaid interns or volunteers between the ages of 16 and 17 must have written consent from parent(s) or legal guardian(s) prior to any activity.
- Individuals between the ages of 16 and 17 may be ineligible to intern or volunteer in certain worksites at the University, including laboratory environments where hazardous materials or select agents are present.
- Unpaid interns or volunteers must not operate motor vehicles or other heavy equipment under any circumstances.
- Payments of any type to an unpaid intern or volunteer, including a “stipend” or gift card at the end of an unpaid internship or volunteer engagement are strictly prohibited (any payment of this type is treated as payment of wages and will remove any exemption from the requirements of the FLSA).
- A University employee who is a member of the same family or household of an intern or volunteer may not recommend or make decisions about the placement of an intern or volunteer at the University. An intern or volunteer may not be placed in the same department as a family or household member, and may not be supervised directly or indirectly by a family or household member.
- Unpaid interns and volunteers may be terminated at any time without cause or prior notice. Brown Card or email account, keys and other equipment issued to an intern or volunteer remain the property of Brown University and must be returned upon termination.

### 4.0 Definitions

For the purpose of this policy, the terms below have the following definitions:

**Internship**: A form of experiential learning that integrates knowledge and theory learned in the classroom and/or laboratory with practical application and skills development in a professional setting.
**Volunteers:** Consistent with definitions and guidance from the U.S. Department of Labor, volunteers are “individuals who volunteer or donate their services, usually on a part-time basis, for public services, religious or humanitarian objectives, without commitment of pay, and who are not considered employees of the religious, charitable or similar non-profit organization that receive their services”.

### 5.0 Responsibilities

All individuals to whom this policy applies are responsible for becoming familiar with and following this policy. University supervisors are responsible for promoting the understanding of this policy and for taking appropriate steps to help ensure compliance with it.

Any proposed engagement of unpaid interns or volunteer must have advance approval from UHR. Unpaid interns or volunteers must complete an Unpaid Internship or Volunteer Opportunity Agreement and Release form; the Unilateral Non-Disclosure Agreement form; and all necessary training prior to commencing placement.

Unpaid interns or volunteers cannot receive compensation of any kind (salary, stipend, gift cards etc.).

### 5.1 Departments are responsible for:

#### 5.1.1 Unpaid Internships

- Submitting a completed Unpaid Internship or Volunteer Opportunity Agreement and Release form and the Unilateral Non-Disclosure Agreement form to UHR in advance of making a commitment to create an internship.
- Ensuring that the selected intern has adequate qualifications, experience, and training appropriate for the activity or tasks, and, if applicable, determining whether a foreign national may participate as an intern so as not to compromise the person’s visa or lawful status.
- Collecting and retaining the completed Unpaid Internship or Volunteer Opportunity Agreement form and the Release and Unilateral Non-Disclosure Agreement form from the intern.
- Obtaining and retaining consent from parent(s) or legal guardian(s) if the intern is between the ages of 16 and 18 prior to any activity.
- Identifying and documenting the learning outcomes for the internship.
- Reviewing all applicable University and department policies and procedures with the intern.
- Ensuring that the intern has appropriate orientation, training and supervision for a meaningful learning experience.
- Providing comprehensive feedback during and at the conclusion of the internship.
5.1.2 Volunteer Services

- Collecting and retaining a completed Unpaid Internship or Volunteer Opportunity Agreement and Release form and the Unilateral Non-Disclosure Agreement form from the volunteer.
- Obtaining and retaining consent from parent(s) or legal guardian(s) if the volunteer is between the ages of 16 and 18 prior to any activity.
- If applicable, determining whether a foreign national may participate as volunteer so as not to compromise the person’s visa or lawful status.
- Reviewing all applicable University and department policies and procedures with the volunteer.
- Ensuring that the volunteer has appropriate orientation, training and supervision.

5.2 Unpaid Interns and Volunteers are Responsible for:

- Reading and signing the Unpaid Internship or Volunteer Opportunity Agreement and Release form and the Unilateral Non-Disclosure Agreement form.
- Between 16-18 years of age, Consent to Intern form must be returned.
- Providing materials, as requested.
- Completing all applicable training and orientation requirements prior to commencing any activity.
- Complying with all required safety and security training protocols.
- Complying with Brown’s Code of Conduct and the rules and expectations of the worksite.
- Safeguarding any Brown property, including research data, and a Brown Card or Email account, if issued.

5.3 University Human Resources is Responsible for:

- Reviewing and approving Unpaid Internship or Volunteer Opportunity Agreement and Release form and the Unilateral Non-Disclosure Agreement form.
- Confirming that Consent forms, if applicable, were completed before intern/volunteer can commence at the University.

6.0 Consequences for Violating this Policy

Failure to comply with this and related policies is subject to disciplinary action, up to and including suspension without pay, or termination of employment or association with the University, in accordance with applicable (e.g., staff, faculty, student) disciplinary procedures or for non-employees may result in the suspension or revocation of the individual’s relationship with Brown University.

7.0 Related Information

This policy is not a legal document. This policy does not confer a term of employment, nor is the language intended to establish a contract of employment, express or implied, between any employee and Brown
University. The University reserves the right to change, amend or terminate any of its human resources policies at any time for any reason.

Brown University is a community in which employees are encouraged to share workplace concerns with University leadership. Additionally, Brown’s Anonymous Reporting Hotline allows anonymous and confidential reporting on matters of concern online or by phone (877-318-9184).

The following information complements and supplements this document. The information is intended to help explain this policy and is not an all-inclusive list of policies, procedures, laws and requirements.

7.1 Related Policies:
   - Employment of Minors Policy
   - Paid Internship Opportunities Policy
   - Presence of Minors in Research Laboratories, Policy on the

7.2 Related Procedures: N/A

7.3 Related Forms:
   - Unpaid Internship or Volunteer Opportunity Agreement and Release

7.4 Frequently Asked Questions (FAQs):
   - To whom in UHR should the completed Unpaid Internship or Volunteer Opportunity Agreement and Release form and the Unilateral Non-Disclosure Agreement form be sent?
     Copy of forms should be sent to the Recruitment & Staffing Operations team; originals remain in department.

7.5 Other Related Information:
   - Fair Labor Standards Act
   - Rhode Island Minimum Wage Law

8.0 Policy Owner and Contact

8.1 Policy Owner: Vice President for Human Resources
8.2 Policy Approved by: Executive Vice President for Finance & Administration
8.3 Contact Information: University Human Resources
   - Telephone: (401) 863-3175
   - Email: universityhr@brown.edu

9.0 Policy History

9.1 Policy Effective Date: February 20, 2020
9.2 Policy Last Reviewed: June 16, 2020