

Internship & Liability Information for Advisors & Students

(January 2009)

Advisors and students often have questions concerning the many forms related to registration, liability, academic credit, etc. for which employers require UC signatures before students can secure their internships. What are the implications? Who has authority to sign?

With students' increasing interest in internships (paid or unpaid) and employers' frequent requests for liability waivers or other documentation prior to awarding internships, it is important to remember some key points:

- The University has liability insurance which automatically covers faculty and staff within the scope of their employment. It does not have such insurance for students because Regents' regulations only allow coverage for those things over which it has control.
- There is, however, a limited University program of liability coverage for students with internships when the internship situation meets all of the following criteria:
 - the student is enrolled while participating in the internship
 - the student is receiving academic credit during the same semester as the internship
 - the internship is a required part of the course
 - the course is not an independent study
 - there is a written document between the course instructor and the internship host accurately defining the student's responsibilities
 - the student's responsibilities conform with ethical standards applicable to the profession

The above coverage only includes property damage and injury to others. Personal injury coverage is the responsibility of the student.

- If students receive academic credit for internships, employers may classify them as volunteers (paid or unpaid) rather than regular employees. Thus, employers may not have to cover them for liability or grant them other rights of employee status.

Guidelines for advisors:

The University has a clear delegation of authority over who has the right to sign liability-related documents on its behalf. Indemnification agreements on behalf of the University may not be signed by individuals without written delegated contracting authority. Academic advisors do not have this authority. Proposed indemnification agreements and similar liability related contracts should be referred to the office of Business Contracts for processing: 6701 San Pablo Ave., 642-3128 <http://businessservices.berkeley.edu/contracts>

Signing such documents exposes advisors to the possibility of personal liability.

Advisors may, however, sign forms to confirm that a student will be receiving academic credit for an internship and/or that they are a registered student at that date. Example: "Registered as of -DATE- per the University's on-line BearFacts system."

Guidelines for students:

If students have questions regarding legal aspects of internship commitments they should consult with the Division of Student Affairs' Office of Student Legal Services, 102 Sproul Hall, 642-5171 <http://students.berkeley.edu/osl/osl.asp?id=233>

Questions related to employers' request for waivers of liability should be referred to UC's Office of Risk Management, 131 University Hall, risk@berkeley.edu or 642-5141. <http://riskmanagement.berkeley.edu/>