



# Risk Management and Liability in Higher Education Service-Learning

Source: Tanis V. Mihalynuk and Sarena D. Seifer, *Community Campus Partnerships for Health*, February 2003, updated February 2008

**Disclaimer:** *This fact sheet is not intended to be a legal document nor to take the place of legal advice and consultation. Use this document as a basic guide to navigate you in the area of common liability and risk management issues in higher education service-learning experiences. Be sure to contact a legal advisor at your academic institution for other pertinent information.*

## Risk Management and Liability -Overview

Risk management is *'the formal process by which an organization establishes its risk management goals and objectives, identifies and analyzes its risks, and selects and implements measures to address its risks in an organized fashion'* (Young and Tomski, 2002). Today's risk management process encompasses more than just insurance, work safety and health and legal liability management. It also includes an ongoing and complex process of evaluating and minimizing inherent, enduring organizational risks - in this case, those of the academic institution, students, community agencies, community members and others involved in the service-learning experience. To avoid health and legal liability, risk management procedures need to be considered before starting any service-learning experience. If all participants are adequately informed and oriented, the risk management process will only serve to strengthen community-campus partnerships by furthering mutual trust and understanding.

## Getting Started - Conduct a Risk and Liability Assessment

Conduct a thorough review of potential risks before embarking upon the service-learning experience. Discuss your questions and concerns with your community agency partners and campus colleagues. This assessment might include such questions as:

- *What are the potential risks to service-learners of having contact with agency clients?*
- *What are the potential risks to service-learners of traveling to and from their homes, the campus and the agency?*
- *What are the potential risks to agency staff and clients of having student service-learners on-site, and how might they be minimized?*
- *How is risk and liability insurance provided to cover service-learners?*
- *How is confidentiality of students, agency staff, and clients assured?*

## The Components of a Risk Management Program

Consider having the following policies, procedures and processes in place for your service learning program:

**Site Visits:** Visit with your community partner and talk through the questions posed above. Meet with your community partners after the service-learning experience has ended, to "debrief" about the experience from the risk management and liability standpoints - what would you do differently next time?

**Supervision:** Having adequate supervision on-site and in the community - whether an agency staff member, volunteer, campus faculty or campus staff - will help to create a safe environment for service-learning.



*Orientation:* Risk management and liability issues should be covered in your program's orientation for participating students, faculty and community partners. When orienting students and community partners, provide a summary handout or handbook with check-lists, appropriate forms, and emergency contact information.

*Communication:* Open, frequent and clear lines of communication are key to reducing risks in service-learning. Frequent communication with your community partners should help to identify any issues or concerns and to address them early in the process.

*Transportation:* Campuses will often state that they are not liable for students getting to and from community sites in an informed consent form. When the vehicle is either university-owned or operated, or community agency-owned or operated, these practices can minimize risks: screen all drivers, follow safety precautions, develop and implement training for all drivers, ensure all vehicles are safe, provide policies for passenger behavior. When using public transportation, determine the risks of bus, train, subway, walking, etc. and take actions to minimize these risks.

*Risk Management Policy and Procedures Manual.* We recommend developing a risk management policies and procedures manual that contains these documents:

- a. *Mission, goals and objectives* of the service-learning program.
- b. *Mission, goals and objectives* of the risk management program
- c. *Relevant policies and procedures.* For example, liability policies, sexual harassment policies, human subjects protection policies, campus or community vehicle policy, state and federal laws and regulations.
- d. *Contact information* for campus and community partner staff dedicated to the process of risk management and liability.
- e. *List of approved service-learning and volunteer placements with contact information*, highlighting any site-specific forms that need to be completed (i.e., fingerprinting, policy background checks).
- f. *Service-learning agreement or contract.* This form should explicitly state the legal roles and responsibilities of community and campus participants engaged in service-learning.
- g. *Student-related documents:* A checklist of forms that students need to review and/or complete, and copies of those forms.
- h. *Community partner related documents:* A checklist of forms that community partners need to review and/or complete, and copies of those forms.
- i. *"Do's and don'ts" safety and risk management tips* for service learners-this list should be developed from the voices of both the community and campus.

*Loss Reporting File:* Often overlooked, this file should include records of accidents, safety violations, training and orientation sessions and participant sign-up sheets. It also should include any relevant maintenance schedules (i.e., for campus vans used to transport service-learning students); reports of recommended corrective actions; claims reports, etc.

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*For a more detailed discussion, including references and documentation, see the complete online fact sheet at*

[http://www.servicelearning.org/instant\\_info/fact\\_sheets/he\\_facts/risk\\_mgmt/expanded.php](http://www.servicelearning.org/instant_info/fact_sheets/he_facts/risk_mgmt/expanded.php)

Suggested Citation: Mihalynek, Tanis V. and Sarena D. Seifer. *Risk Management and Liability in Higher Education Service-Learning*. Scotts Valley, CA: Learn and Serve America's National Service-Learning Clearinghouse, 2005/2008.

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