

**Stetson University College of Law**  
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**Law and Policy Issues Associated with Service-Learning Programs**

By Linda J. Major<sup>1</sup>, Allen J. Bova<sup>2</sup> and Deborah C. Brown<sup>3</sup>

**Introduction**

Service-learning links community service with structured reflection to promote academic learning. It can take place in co-curricular service projects or within formal courses. In recent years, institutions of higher education have embraced many forms of experiential learning, including service-learning programs. This program will explore emerging legal and policy issues associated with service-learning projects, which almost always have significant off-campus components. Examples of topics that will be discussed include IHE's liability for injuries that occur in the program; effective risk-management techniques, including training for students, advisors, and volunteers and site-visits to areas in which students will be working; and related issues. These materials reflect an effort to lead the reader through a series of issues, followed by an overview of a service learning model used successfully at University of Nebraska-Lincoln, and concluding with a comprehensive resource list to assist readers in further exploring this subject.

**Discussion Issues**

A. Institutional Mission

- Key starting point
- Understanding what definition of service learning is being considered, and the options available
- Defining student learning goals and how they relate to the larger picture
- Examining value relative to resource requirements

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<sup>1</sup> Linda Major is the Assistant to the Vice Chancellor, Director, Student Involvement, and Project Director, NU Directions at University of Nebraska-Lincoln.

<sup>2</sup> Allen J. Bova, MBA, ARM, DRM, is the Director of Risk Management and Insurance for Cornell University.

<sup>3</sup> Deborah C. Brown is the Associate Vice President for Legal Affairs and Human Resources at Stetson University College of Law.

## B. Defining Scope of Service Learning

- Academic “for credit” experiences
  - Paid externships
  - Community service and unpaid service experiences
  - Community based research

## C. Administration

- Centralized/Decentralized models
- Isolated faculty endeavors
- Managing the administration (i.e., forms, third party contracts and relationships, insurance verifications, etc...)
- Communication

## D. Risk

- Little in life in risk-free
- Varying issues and degrees of responsibilities depending on type
- Challenges in managing risk when control may be limited and the policy choices this can cause
- Issues to consider
  - ✓ Legal compliance (FERPA, discrimination and accommodation, wage and hour, OSHA, other...)
  - ✓ Workers compensation and other insurance
  - ✓ Accreditation requirements in “for credit” programs
  - ✓ Provider screening requirements
  - ✓ Program interruption/cancellation liability
  - ✓ Emergency planning and risk management as applied in third party settings
  - ✓ Issues unique to international programs (insurance, evacuation, repatriation of remains, etc...)
  - ✓ Institutional v. individual student commitments to program requirements (like confidentiality)

## E. Framework for Managing Programs Effectively

- Use of contracts with service learning provider
- Risk disclosure and education
- Training
- Use of participation releases (particularly for programs with unusual risk, like water, construction, etc....)

## University of Nebraska-Lincoln Model

Below is an overview of the framework used at the University of Nebraska-Lincoln, Student Involvement Office to manage student learning. Items marked with an asterisk (\*) reflect materials included in the appendix to these materials.

1. Student Involvement's Service and Service Learning Program -
  - a. Philosophy
    - i. Linked to General Education Program
      1. Learning outcomes lend themselves to the service learning pedagogy
    - ii. Definitions
      1. Curricular Service Learning
        - a. Academic service-learning is a pedagogy, which integrates service in the community with academic study (theory/curriculum). Faculty, in partnership with representatives of non-profit, community organizations, design service-learning projects that meet identified community needs to advance the student's understanding of course content and which help to strengthen the community. Strong reflective components are built into the course to help students consider relationships between their service, the curriculum of the class, and its impact on their personal values and professional goals. Ex: Problems in International Relations – Refugees and Human Rights; International Relations – Focus on Vietnam; Construction Management – Church Renovation
      2. Co-curricular Service Learning
        - a. Co-curricular service-learning is distinguished from academic service-learning in that it is not anchored in a specific course, but rather is a part of the student's life experiences such as residential life, career development, and residential learning communities. The pedagogical framework of co-curricular service-learning cultivates student reflections upon the intersection of the needs and concerns of their communities with their personal values and professional goals. Ex: EITC, Community Challenge, The Big Event, Alternative Service Breaks
      3. Research Service Learning
        - a. Research service-learning combines service-learning with the mission of research universities. The pedagogical framework of research service-learning integrates service in the community with academic study (theory/curriculum)

and research to generate new knowledge. Students, in partnership with faculty and representatives of non-profit, community organizations, examine and research a question of collective interest. Research service-learning advances the students understanding of academic knowledge, ethics, and civic leadership and provides tangible research (problem analysis, synthesis, and conclusions) to benefit service provided by the community partner. Structured reflection components are built into the process to cultivate critical analysis in order to further the student's comprehension and definition of the research question and develop a deeper understanding of research methods, community issues, social responsibility, and civic engagement. Ex: Teacher Education – Improving Children's Life Chances

iii. Differentiating between service and service learning\* (continuum)

iv. S.E.R.V.E. Model

1. The S.E.R.V.E Model was developed at the University of Nebraska to outline the important elements of a quality service-learning project. Five Steps to service-learning:  
[S]elect a service  
[E]ducate and inform  
[R]espond to need  
[V]alue significance and reflect  
[E]valuate and celebrate

b. Staffing

- i. Program Director – Joint appointment between academic and student affairs
- ii. Managerial/Professional FTE – Responsible for agency development, co-curricular service learning and Alternative Service Breaks (ASB)
- iii. Graduate and undergraduate student employees
- iv. Key campus partners
  1. Office of Undergraduate Studies
  2. Undergraduate Research Program
  3. Honors Program
  4. Various academic colleges
  5. Risk Management Office

c. Midwest Consortium for Service Learning in Higher Education

- i. 25 member consortium funded by the Corporation for National and Community Service

- ii. Sub-grants allocated to member campuses to support faculty development, research and infrastructure
- 2. Agency Service Learning Designation
  - a. Curricular
  - b. Co-curricular
- 3. Agency Directory
  - a. Requirements negotiated with agency
- 4. UNL Service-Learning Agreement and Service-Learning Placement Agreement\*
  - a. Criteria specific to academic curriculum
    - i. Academic Service-Learning Criteria\*
  - b. Specified learning outcomes
  - c. Based on Memorandum of Understanding
  - d. Research Service-Learning – Additional risk protection offered through IRB, modified learning agreement to accommodate data collection
  - e. Student Code of Conduct in force
- 5. Participant Release of Claims for Participants 19 Years and Older/Under 19 Years of Age\*
  - a. Designed for co-curricular service learning
  - b. No learning outcomes identified
  - c. Based on Memorandum of Understanding
- 6. Alternative Service Breaks (ASB)
  - a. ASB Participant Application and Faculty/Staff Trip Leader Application\*
  - b. UNL Guide to Planning Alternative Service Break Trips\*
    - i. Medical Insurance
      - 1. Student proof of individual insurance plus field insurance
      - 2. Informed about health insurance alternatives (cannot go without)
    - ii. Personal Health Risk
      - 1. Local site helps determine immunizations to mitigate environmental conditions
      - 2. Institution provides limitations
      - 3. Institution provides safety equipment
    - iii. Risk Release
    - iv. Alcohol and Other Drug Release
    - v. Image Release
  - c. Individual department not responsible for workman's compensation should faculty/staff be injured
  - d. Training
    - i. Information meeting
    - ii. General pre-trip training
    - iii. Daily on-site training
    - iv. Daily debrief

- e. Student Code of Conduct in force

### **Resource List**

Learn and Serve America's National Service-Learning Clearinghouse (NSLC), available at <http://www.servicelearning.org/index.php>

Campus Compact, available at <http://www.compact.org/>

Listing of State Compact Offices, available at <http://www.compact.org/state/list>

Corporation for National and Community Service, available at <http://www.nationalservice.org/>

University of Nebraska-Lincoln, Service Learning and Volunteer Services, available at [http://si.unl.edu/service\\_learning/](http://si.unl.edu/service_learning/)

University of Nebraska-Lincoln, Service Learning and Volunteer Services Agency Directory, available at [http://si.unl.edu/service\\_learning/](http://si.unl.edu/service_learning/)

*Best Practices for Managing Risk in Service Learning*, by Kara Perkins, CSU Office of the Chancellor, available at <http://www.floridacompact.org/resources/legal/BestPracticesForManagingRisks.pdf>

*Serving Safely — A Risk Management Resource for College Service Programs*, by Sharon A. Joyce, Ph.D. and Elaine K. Ikeda, Ph.D., Preface by Richard E. Cone, Ed.D., available for purchase at <http://www.sfsu.edu/~cacc/resources/publications/serving.html>

*Beyond the Classroom — Managing Risks Maximizing Rewards*, by Gallagher Higher Education Practice Group, available at [https://www.ajg.com/portal/server.pt/gateway/PTARGS\\_0\\_21938\\_558233\\_0\\_0\\_18/Beyond](https://www.ajg.com/portal/server.pt/gateway/PTARGS_0_21938_558233_0_0_18/Beyond)

*A Legal Handbook for Nonprofit Corporation Volunteers*, by James D. DeWitt, available for purchase at <http://www.iciclesoftware.com/vlh7/>

*Risk Management and Liability in Higher Education Service-Learning Fact Sheet*, available at <http://www.floridacompact.org/resources/legal/RiskManagement.pdf>

*Negligence Liability Issues for Florida's Service-Learning Programs*, by Lorraine D. Yeomans, (Florida Campus Compact, March 2004) available at <http://www.floridacompact.org/resources/legal/NegligenceLiability.pdf>

*A Risk Management and Legal Service Perspective on Service Learning*, available at [http://www.indianacampuscompact.org/Portals/0/RMI\\_Svc\\_Learning.pdf](http://www.indianacampuscompact.org/Portals/0/RMI_Svc_Learning.pdf)

*Service-Learning Programs — CAS Standards and Guidelines* (April 2005), by Council for Advancement of Standards in Higher Education, available at [http://www.kon.org/S-LP\\_standards.pdf](http://www.kon.org/S-LP_standards.pdf)

*Service-Learning Companion*, by Dawn Duncan and Joan Kopperud, available for purchase at <http://www.amazon.com/Service-Learning-Companion-Dawn-Duncan/dp/0618758984>

Minnesota State University — Moorhead, list of online links at [http://www.mnstate.edu/asl/online\\_asl\\_resources.cfm](http://www.mnstate.edu/asl/online_asl_resources.cfm)

University of Maryland Service Learning Resources, available at <http://www.csl.umd.edu/resources/faculty.htm>

U.S. Department of Labor Opinion Letter FLSA 2006-12 (4/6/06), available at <http://www.dol.gov/esa/whd/opinion/flsa.htm>

*Learning Outside the Classroom: Managing Experiential Program Risks* (United Educators Safety Dispatch, July 2001), available at <http://www.ue.org/> (member restricted)

Butler, Kathleen Connolly, *Shared Responsibility: The Duty to Legal Externs*, 106 W.Va.L.Rev. 51 (Fall 2003)

Lake, Peter F., *Private Law Continues to Come to Campus: Rights and Responsibilities Revisited*, 31 J.C.&U.L.621 (2005)

### **Appendix of Additional Materials**

- FURCO Service – Service-Learning Continuum
- UNL Service-Learning Agreement
- Service-Learning Placement Agreement
- Academic Service-Learning Criteria
- Participant Release of Claims for Participants 19 Years and Older
- Participant Release of Claims for Participants Under 19 Years of Age
- ASB Participant Application
- ASB Faculty/Staff Trip Leader Application
- UNL Guide to Planning Alternative Service Break Trips