
*A Risk Management and
Legal Services Perspective
on
Service Learning*

Benefits of Service Learning

- ◆ **Combines community service with academic instruction**
- ◆ **Offers valuable hands-on experience**
- ◆ **Provides credit to students for service activities**
- ◆ **Offers a continuum of possibilities--from a single day service to several hours a week for an entire semester**
- ◆ **Supports community partnership efforts**

Risk Management 101

- ◆ **What can go wrong? (Risk identification)**
- ◆ **What can we do so it doesn't go wrong?
(Risk control)**
- ◆ **If it does go wrong, how do we pay for it?
(Risk financing)**

Risk Identification:

What Can Go Wrong?

- ◆ **Identify the hazards that the student could be exposed to at the community partner site.**
- ◆ **Clarify how frequently the exposure is likely to occur.**
- ◆ **Determine the impact (*severity*) that the risk could have on the student and MCCC.**

Risk Control:

What Can We Do So It Doesn't Go Wrong?

Loss Prevention: Implementing activities that reduce the *frequency* of losses.

- ◆ **Clear statements describing standard procedures and what is expected of students.**
- ◆ **Cooperation of all students to ensure that procedures will be followed.**
- ◆ **Monitoring of procedures to make sure that they are effective.**

Risk Control:

What Can We Do So It Doesn't Go Wrong?

Loss Reduction: Activities that are intended to reduce the *severity* of losses when they occur.

- ◆ **Conduct investigations immediately following an incident.**
- ◆ **Good information and documentation are essential for defending claims and lawsuits.**

Contractual Risk Transfer

Transfer the risk to -

***Community Partner:* Community Partner
Placement Agreement.**

- **Indemnification**
- **Insurance Language**
- **MCCCD is only responsible for its negligent acts, errors, mistakes, omissions, work, or service**

Contractual Risk Transfer

Transfer the risk to --

***Student:* Assumption of Risk and Release of Liability Agreement.**

- **Risks of Program Activities**
- **Institutional Arrangements**
- **Independent Activity**
- **Health and Safety**
- **Assumption of Risk & Release of Liability**

Benefits of Risk Management

- ◆ **Protection of District's assets (employees, money, property, citizens).**
- ◆ **Reduces fear of uncertainty about accidental losses making otherwise productive activities more attractive.**
- ◆ **Resources can be focused on our mission-- providing education.**

Shifting the Risk

MCCCD has a standard *Community Partner Placement Agreement* to delineate responsibilities of service learning organization and MCCCD.

<http://www.dist.maricopa.edu/legal/rmi>

Community Partner Placement Agreement Form

- **Form requires partner to provide a safe working environment for the student.**
- **It also requires the partner to provide MCCCD with a certificate of insurance, adding MCCCD as an additional insured, and to indemnify MCCCD for injuries or losses caused by the partner.**

Community Partner Placement Agreement Form

If the trend is for a greater number of community partners to provide transportation of any sort, or housing, MCCCD probably needs to develop an additional agreement form for those situations.

Selecting A Community Partner

- **The law recognizes that MCCCD has some responsibility for the conditions under which the student works at a community site.**
- **MCCCD staff assigning students for placement should, among other things, weigh the known safety risks before making the assignment.**

Selecting A Community Partner

- **MCCCD may not assign students to participate in religious or political activities.**
- **Partner may not limit students assigned to those of a particular religion or political persuasion.**
- **MCCCD shouldn't assign students to partners with broad codes of conduct – particularly where service isn't local - that MCCCD is expected to enforce.**

Processing the Form

- **Check the Legal Department database to see whether MCCCD already has an agreement with the partner.**

<http://www.dist.maricopa.edu/legal/rmi/>

- **Always use the form that is on the website, and complete it electronically. Do not mass duplicate or reduce document size.**

Processing the Form

- **E-mail the completed form to the partner for signature.**
- **Have partner return form to you--along with a certificate of insurance that meets MCCCD's requirements.**
- **Forward the form and the certificate to Chanda Fraulino in the Legal Department.**

Processing the Form

- **If partner makes changes to the form, MCCCCD will need to discuss changes with the partner, but it may result in the partnership not working out.**
- **After the form is signed, two copies will be returned to you (one for your files and one to provide to the partner).**
- **The new partner will then be added to the database.**

Questions/Comments?

Contact: Legal Services Department

Maggie McConnell

480-731-8888

Ruth Unks

480-731-8879

Chanda Fraulino

480-731-8881