POLICY

Effective Date: June 28, 2016
Approved By: President Bruce Shepard
Authority: RCW 28B.35.120

See Also:
- POL-U1600.02 Ensuring Equal Opportunity and Prohibiting Discrimination and Retaliation
- POL-U1600.04 Preventing and Responding to Sex Discrimination Including Sexual Misconduct
- POL-U1600.03 Accommodating Persons with Disabilities
- POL-U2105.01 Traveling Outside the United States
- POL-U4520.03 Patent and Copyright Policy
- POL-U5315.21 Protecting Children and Vulnerable Adults and Reporting Concerns of Safety or Welfare
- POL-U5348.05 Reviewing and Approving University Contracts
- POL-U5315.01 Conducting Employee Background Checks
- POL-U5950.01 Health, Safety and Environmental Protection
- WAC 516-21 Student Conduct Code
- RCW 28B.10.660 Insurance or Protection — Premiums — Health benefits for graduate student appointees — Students participating in studies or research outside the United States.

POL-U2100.03 MANAGING THE RISKS OF OFF-CAMPUS EXPERIENTIAL LEARNING PROGRAMS

Maintaining high quality experiential learning programs is necessary in order to foster and promote life-long learning and success in an ever changing world. This policy applies to faculty, staff, and students who are engaged in off-campus experiential learning programs, establishes roles and responsibilities for managing risk, and allows for the installation of flexible practices to accommodate the specific context and resources of each program.

Definitions:

Affiliation Agreement: A written, legal contract between the Host Site and University that describes each party’s respective responsibilities, expectations, and liability relating to an Experiential Learning Program. An affiliation agreement may also be called a memorandum of understanding (MOU), memorandum of agreement (MOA), or something similar.

Department Head: Academic department chairs and deans, directors of academic and non-academic units, and others who have direct oversight responsibility for Experiential Learning Programs.

Experiential Learning Program: A University program that integrates the resources of the
University with the resources of an off-campus Host Site in order to provide students with an opportunity to gain supervised practical experience by applying their classroom knowledge, theory, and skills at an off-campus Host Site. Experiential Learning Programs may include internships, applied learning, practica, service learning, student teaching, or similar kinds of student placements that satisfy a University requirement for academic credit or otherwise. For the purposes of this policy, Experiential Learning Programs do not include fieldwork or field courses involving student research in a natural environment under the supervision of University faculty or staff.

**Host Site**: An off-campus organization (such as a business, not-for-profit, educational institution, or non-governmental organization) used by an Experiential Learning Program and its students.

**Host Site Evaluation**: An evaluation by a University Advisor and/or student of a Host Site’s overall acceptability for meeting the objectives of an Experiential Learning Program, and whether it will provide adequate supervision, onsite orientations, necessary training, and a supportive learning environment.

**Host Site Supervisor**: Individual at a Host Site who liaises with the University Advisor, supervises the student, and manages the Host Site’s share of responsibilities during an Experiential Learning Program.

**Learning Plan**: A written plan, syllabus, practicum description, or other guiding course document regarding a student’s placement that outlines learning/service objectives and activities and individual roles and responsibilities for the student, Host Site Supervisor, and University Advisor.

**University Advisor**: University faculty or staff member who advises the student or manages the academic and/or administrative aspects of an Experiential Learning Program for a department.

1. **University Recognizes Mutual Benefits of Experiential Learning Programs**

   The University recognizes that the student, Host Site, and University receive long-term, mutual benefits from Experiential Learning Programs. Students gain practical experience, Host Sites have the opportunity to fill future positions, and academic curricula are enriched and serve to fulfill the University’s strategic plans.

2. **University Recognizes Mutual Responsibilities for Liability and Insurance**

   The student, Host Site, and University share the risk of liability for their actions under an Experiential Learning Program. Host Sites and the University are legal entities with legal representatives such as Host Site Advisors and University Advisors, respectively. College students are legal adults, unless they are minors under the care of a parent or guardian, so they are expected to assume any liability resulting from their own actions.

   Additionally, each of the three parties are expected to be individually responsible for their own
liability insurance coverage.

3. **Department Heads Ensure Compliance with University Policies**

Department Heads are responsible for ensuring that their department’s Experiential Learning Programs comply with this and other applicable University policies.

This policy is designed to provide flexibility to accommodate the diverse range of Experiential Learning Programs at the University. Department Heads should evaluate the provisions of this policy and implement them to the extent possible within the context and resources of their department’s programs.

Other policies include, but are not limited to, the Students Rights and Responsibilities Code, health and safety policies, unlawful discrimination and sexual harassment policies, reasonable accommodation policies, and others identified elsewhere in this policy.

4. **University Advisors Manage the Experiential Learning Program**

   a) Inform students of Experiential Learning Program requirements

   University Advisors are responsible for ensuring that students are informed of program requirements and applicable University policies. University Advisors provide students with copies of or access to (e.g. online) relevant documents.

   b) Administer written agreements and forms

   University Advisors oversee written agreements and forms that may be used for an Experiential Learning Program.

      i. Learning plans – University Advisors shall consider developing and using written Learning Plans for student placements. If such plans are used, a copy should be given to the student, Host Site Supervisor, and University Advisor. A Learning Plan may be formalized with signatures.

      ii. Affiliation agreements – University Advisors should consider the use of an Affiliation Agreement in light of program needs, importance of a particular Host Site to the program, and protecting student, faculty, staff, and University interests to the extent possible. Either party may request the use of an Affiliation Agreement. If proposed, Affiliation Agreements will be vetted by University’s Contract Administration and signed by an authorized University signatory.

      iii. Host site forms – Forms provided by the Host Site for student, faculty, or staff signature, such as nondisclosure agreements (NDA), waivers, releases, and hold harmless forms, will be vetted through the University’s Contract Administration.
c) **Assign host site evaluations**

   University Advisors assign the responsibility for Host Site Evaluations to themselves, to students, or collaboratively, as part of the Experiential Learning Program. University Advisors will reevaluate a Host Site for continued use by a program when they have been notified of Host Site problems by students or otherwise.


d) **Encourage host site orientations for students**

   University Advisors encourage Host Site Supervisors to provide students with an onsite orientation prior to the start of the program. Topics for Host Site orientations may include, but are not limited to, applicable Host Site policies and procedures, emergency and accident procedures, health and safety procedures, and reporting procedures for concerns about health and safety, unlawful discrimination, and sexual harassment.


e) **Consult with risk management**

   University Advisors may consult with Western’s Risk Manager for assistance related to managing their department’s Experiential Learning Programs.

5. **Host Site Responsible for Employment Matters Related to Students**

   a) **Determine student eligibility for workers’ compensation benefits**

      A Host Site covered under [RCW 51.12.170](https://laws.wa.gov/RCW/51.12.170) may elect to include student volunteers or unpaid students as employees for the purposes relating to workers compensation medical aid benefits under [RCW 51.36](https://laws.wa.gov/RCW/51.36). University Advisors are encouraged to inquire about such benefits with the Host Site Supervisor on behalf of their students.

   b) **Comply with FLSA**

      Host Sites that are “for-profit” private sector employers are responsible for determining whether student interns must be paid the minimum wage and overtime under the Fair Labor Standards Act (FLSA) for the services they provide to the employer.

6. **Students Responsible for Program Elements**

   a) **Comply with Experiential Learning Program requirements**

      Students are responsible for complying with Experiential Learning Program requirements and applicable University policies.

   b) **Report injuries and discrimination to university advisors**

      Students who are injured during an Experiential Learning Program must report the injury to their University Advisor within 24 hours of the incident. The University Advisor
completes the University’s accident reporting procedures.

Students who experience unlawful discrimination or sexual harassment during a program must report the discrimination or sexual harassment to their University Advisor as required under POL-U1600.04 Preventing and Responding to Sex Discrimination Including Sexual Misconduct.

University Advisors must report to Western’s Title IX Coordinators when any form of suspected or known sexual misconduct has occurred, including sexual harassment, sexual assault, or sexual violence, sexual intimidation, sexual coercion or rape.

c) Use of personal vehicles

Students who use their own personal vehicles for Experiential Learning Programs are not considered to be driving for official state (University) business.

7. Programs Involving Children or Vulnerable Adults Follow Additional Requirements

University Advisors and students who work with children (minors under age 18) or vulnerable adults (adults of any age who lack the functional, mental, or physical ability to care for themselves, including persons who are developmentally disabled) as part of an Experiential Learning Program must comply with additional University policies and procedures that apply to programs serving these groups of individuals, in particular POL-U5300.21 Protecting Children and Vulnerable Adults and Reporting Concerns of Safety or Welfare.

8. Programs Involving International Travel Follow Additional Requirements

University Advisors and students engaged in international Experiential Learning Programs must comply with additional University policies related to study abroad activities, in particular POL-2105.01 Traveling Outside the United States.