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RISK VS. LIABILITY ASSOCIATED WITH OFF-CAMPUS STUDENT EXCURSIONS

Prof. Francis J. Hopcroft, Wentworth Institute of Technology

Francis Hopcroft is a professor of Civil and Environmental Engineering and an institute leader in International Service Learning initiatives in Peru and other areas of South and Central America.

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Introduction

There is a growing perception that Americans are becoming increasingly more prone to filing lawsuits over the most trivial of matters. The theory suggests that filing a lawsuit over anything in which any potential liability may be perceived, regardless of fault on the part of the Plaintiff or the Defendant, is likely to result in monetary compensation. This perception is enhanced by insurance companies that take the short-term view that claims which are below a certain threshold are more expensive to litigate than to settle. Consequently, every institution, specifically including institutions of higher education, is becoming proportionately concerned about potential litigation and the possibility of resulting liability. Even when litigation results in a win for the defendant institution, there is a perception of damaged reputation resulting from court exposure.

This fear of potential litigation has begun to adversely affect the way that colleges and universities conduct Service Learning and Semester Abroad programs. The approach taken is often to eliminate liability exposure by not doing the projects at all. This approach is further enhanced by parents who insist that students must be "protected" by the university or college against the negative consequences of actions taken by the students. Moreover, parents expect colleges and universities to enact rules and regulations that prohibit potentially harmful activities and to then supervise legally adult students to ensure that those students do not undertake the prohibited actions.

The negative consequence of this growing fear is the deliberate decisions by a growing number of colleges and universities to drastically curtail Service Learning and Semester Abroad Programs. While the global economy is growing and the growth of international work is expanding at an exponential rate, the isolationism of the university student is also increasing at a time when global opportunities need to be expanded for the global education of the student. A student poorly prepared to interact with foreign nationals is detrimental to the student, to the economy of the United States and to the development of world peace.

Service Learning Projects

Service Learning Projects, in general, require the interface of students who have the need to develop or utilize various technical skills with community partners who have a need or use for those same skills. The student, either singly or in groups of various sizes, exercises certain skills

learned in school for the betterment of the community partner. These opportunities can occur in any major and can be exercised by students with different levels of expertise in the requisite skills to produce results of variable quality, but generally of a quality satisfactory to the needs of the community client. A clear understanding between the university and the client is important up front to specify the nature of the students who would be assisting the client, the outcomes expected by the client, and the outcomes expected by the students and the university.

Recent projects known to the Author include income tax preparation assistance offered by Business majors, Art Therapy offered by an Art History class in the Humanities Department, Preparation of an oral history of an old community neighborhood and filming of that oral history for the neighborhood association by a film-making class, assistance to high school classes with robotics competitions and other competitions, construction of a handicap access ramp and associated deck for a non-profit health center, evaluation of a building for the ability to add two additional floors to an existing structure owned by a non-profit, design of a water treatment system for a remote village on another continent, and the architectural design of major renovations to a community and cultural center in that same remote village.

It is at the interface of the student and the client that most administrators become concerned. Whatever activity is undertaken, it is too often seen to be fraught with risks that can lead to liability and rather than address the risk issue, the university chooses far too often to simply limit or curtail the activity.

Risk vs. Liability

The use of the term ‘liability” in most of the prior discussion, was deliberately changed to the term “risk” in the previous paragraph. The terms are inextricably intertwined and one does not generally occur without the other being close by. They are most definitely not the same thing, however. Risk leads to liability. Liability does not lead to risk.

Risk is the potential for harm to occur, while liability is the responsibility for the consequences of the event occurring. Risk can be thought of as the probability of getting an outcome other than the expected outcome - with an emphasis on something negative happening. One common measure of risk is the probability of a loss, for example.

Every decision has some risk in it and every decision has some expected value or return inherent in it. The job in any problem analysis is to sort these out in order to exercise the decision that leads to maximizing the return while minimizing the risk. This is an impossible task, in the end, of course, but a necessary exercise to optimize the decision-making process.

It is noted here that the return may be minimized by the presence of a liability. When the final analysis is completed, if the probability of a negative outcome exceeds the probability of a positive outcome, then significant risk is present. If the value of the potential benefits, in whatever terms they are measured, is exceeded by the potential liability of the outcomes, and the probability of success is evaluated low, then the activity is generally ill-advised. Alternatively, if the risk can be managed, such that the returns may be lower, but the probability of an adverse outcome is lowered in greater proportion, then an activity may be able to be undertaken, even when there is a risk of failure (or a risk of potential liability).

"People react to the risk of hazards as they are perceived. If the perception is inaccurate, the responses will also be inappropriate. Such an inappropriate response may be harmful, or even disastrous; hence the need for risk assessment to identify the hazards and measure the frequency of occurrence and the magnitude of the consequences." [8]

Assessment of Risk

"Risk is a measure of the probability and severity of adverse effects." [5]

Risks come in all shapes and sizes. It is important not only to be able to identify potential risks, but also to be able to quantify those risks in some fashion in order to judge the overall risk associated with a specific activity or program. A method is proposed here to do that based, rather loosely, on the format used by the National Fire Protection Association for classifying risk to structures. That is used to determine how much water should be made available to fight fires in those structures. This system is designed to determine how much risk management to make available to mitigate risks for specific activities.

Consider the following formula.

R = TR + TL + H + B + WA + LT + FW + D + L + E + U

Where:

R = Risk Number
TR = Transportation Risk Factor
TL = Travel Risk Factor
H = Housing Risk Factor
B = Behavioral Risk Factor
WA = Work Activity Risk Factor
LT = Leisure Time Risk Factor
FW = Food and Water Risk Factor

D = Disease Risk Factor
L = Location Risk Factor
E = Emergency Services Risk Factor
U = Local Unrest Risk Factor

Each of these factors needs to be assigned a value of 1 to 5 depending on how significant that risk is relative to the currently proposed activity. For example, if the plan is to take 10 students across the street to visit a local museum in an urban area, they will likely walk and the transportation risk would be zero. On the other extreme, if the plan is to take 50 students to the Antarctic for a visit to the science station in the winter, the transportation risk is rather high because weather can change plans in an instant, landings are treacherous, at best, and return flight schedules are not at all firm. That risk might well be seen as a 5. Most transportation Risk Factors are expected to fall in the 0.5 to 2 category depending on how many plane, bus, or train changes are involved and whether international transfers are required.

Transportation Risks include missed or cancelled flights, delayed flights and missed connections, and also include the risk of transportation accidents. For domestic flights of short duration, where a delayed or missed flight or travel connection can be relatively easily overcome with a good back-up plan, this factor would be very low; probably less than 1. For international travel involving more than one airline or ship, several transfers to busses or taxis in foreign areas, and difficult to reach locations, that factor would be higher; perhaps around 2 or 3 in some extreme cases.

Travel Risks include the risk of lost, stolen or damaged baggage and/or luggage, lost or stolen travel documents, such as visas or passports, and redirected travel to unanticipated locations for any reason from which new travel arrangements need to be made. On domestic travel itineraries, these risks are generally low because even if luggage is lost, it is usually found fairly quickly and travel companies do make a good effort to reunite lost baggage and luggage to its rightful owner as quickly as possible. On international trips this may be much more problematic, particularly when traveling on non-US carriers.

Housing Risks are associated with lost or missing reservations, facilities not meeting expectations for cleanliness or comfort, changes in rates upon arrival, hotels and other facilities closing, without warning, just prior to arrival, or during the period of the stay, fire and emergency escape capabilities not being adequate, etc. It can also include unforeseeable changes to home stay accommodations, or sudden emergencies at the home stay location that make it impossible to accommodate the traveler planning to stay there. Fire, earthquake, or other disaster that damages a residence, either a home stay or commercial facility, preventing continued use of the facility, is also a risk in this category.

Behavior risk is associated with the travelers. Students are known to act differently when traveling than when together in small groups at their home university. That change in behavior can be positive or negative depending on the student and his/her upbringing. The Author's experience has been quite positive to date, although all visits have been with very small groups (5 or 6 students) and the students were carefully screened in advance. The larger the group is, the greater the risk that someone in the group will act foolishly while outside the campus walls. The risk is greater on international travel than on local travel programs because the excitement of the new place can overwhelm the sense of responsibility some students normally exhibit.

Work Activity risk is associated with what the students will be doing during the learning portions of their day. Visiting museums, art galleries, and historic structures, or touring great international cities to examine their architecture, for example, is a relatively low risk activity. Visiting a construction project where there are several large cranes doing steel erection, large excavators digging big foundation holes and huge buckets of concrete being swung around to build foundations, etc. presents much greater risks to students who suddenly find themselves immersed in an information overload mode and have no ideas where to look to avoid dangers that experienced engineers find commonplace. If students are doing construction activities with power tools, or working in remote areas of the world on slippery slopes or unstable embankments, etc., the risks are also greater than for those cleaning out debris from an unused neighborhood warehouse so that it can be converted to a positive use.

Leisure time risks are challenging, at best. Teachers never want to so restrict the activity of students, particularly those over the age of 18, such they cannot fully experience the culture of the area visited, whether that is domestic or foreign, but it is also necessary to ensure their safety when they do explore. Students have been known to go off with local students, described as their new best friends, to explore the local drug culture, to go to beer halls where they have been known to become drunk and disorderly, or even to run off with a local student to willingly engage in sexual activities of high risk. International venues often present a higher risk in this area than domestic venues and longer stays increase the risk in many cases.

Food and water risks are associated with the way food and water are handled or treated in the area being visited, as well as the nature of the water in that area, even if it is biologically safe for consumption. Disease is transmitted easily from person to person by food preparers who do not follow responsible rules of personal sanitation, where food is not properly stored to eliminate contact by flies and vectors, or where undercooked and raw meats, poultry and seafood are served. Often local populations are immunized through daily contact with various disease organisms that do not affect them, but cause very serious intestinal malfunctions in visitors. Street vendors are a significant source of these risks, while commercial establishments catering to travelers are usually the least risky venues. The water may contain higher concentrations of

various minerals that the local population drinks with no effect, but which can cause serious adverse intestinal issues for visitors, as well.

Disease in general is also an issue when travelling. Some students come with pre-existing conditions that can be fatal if not properly handled and which they often fail to mention before the trip starts for fear of being excluded as a result. Many students carry inhalers to prevent sudden closure of breathing passages as a result of an allergic reaction to certain types of pollen. Many students need to carry antihistamine injectors to prevent death from bee stings or other insect bites, other students require daily insulin injections or other medications that can create issues when boarding airplanes or other modes of public transportation unless certain in-country documents are obtained in advance. Students also sometimes 'forget' to carry their medications with them on short excursions outside the hotel or residence hall and can get into serious difficulty as a result. Insect bites can also cause disease in otherwise healthy travelers, such as malaria, dengue fever, yellow fever, and plague from mosquitoes, etc., and rabies from wild animal bites. Travel in cities is less worrisome in this area, while travel to remote jungle regions or wet tropical locations can increase these risks significantly. Local conditions need to be examined closely prior to travel to avoid these risks.

Location risks include many of the things already discussed, but some destinations can carry with them certain inherent risks not associated with other destinations. Cities, for example, have higher risks from jaywalking, pick-pockets, armed and unarmed robbery, motor vehicle accident, etc. while remote areas have higher risks associated with wild animal attacks, insect and water-borne disease vectors, etc. Even streams and beaches where locals swim and fish routinely, can be infected with parasites that the traveler is not able to cope with, but the locals can safely ignore.

Emergency service risks include the proximity, or lack thereof, to quality medical assistance when and if needed. Certainly working next to a world class hospital, and having three trained doctors on the team, provides great comfort in this area, while working in a remote rain forest location with only a medic available within a 1 ½ hour response time is more risky. There is also the need to consider emergency evacuation from remote areas for medical reasons and a plan needs to be in place to accomplish that in a reasonable time frame – typically hours, not days, to get to a certified medical facility. Sometimes helicopters cannot land in remote areas due to elevation, mountainous terrain, or other factors and arrangements need to be made in advance for fixed wing aircraft to access a suitable location as close as possible to the destination for emergency evacuation.

Unrest risks are usually associated with political unrest and include riot, insurrection and war, whether declared or not. These are normally associated with cities and larger population centers and often are associated with universities in foreign countries. Where the political system is

reasonable stable and opposition factions have a legitimate outlet for raising objections to political activities of the ruling party, the risk in this area is significantly reduced. Remote areas are also less affected by these activities because the cost to the rebel for a very small potential gain is not justified and often the populations of remote areas are overwhelmingly supportive of the party in power in the region and are not prone to supporting those who disrupt the life of the village.

Once all these factors have been quantified, it is necessary to add them together to generate a total risk factor for the activity. This total factor could, at least theoretically, be anywhere between zero and 55. It is most commonly going to be about 4 to 7 for most domestic activities in which overnight travel is involved and about 15 to 18 for international activities and values within or below those ranges should normally be considered acceptable. It is important to consider the presence of well-thought-out risk management plans in place to mitigate the risks when assigning risk factors. Those risks that can be effectively managed should be rated low while those for which no effective management plan is available or possible should be rated more highly.

Two illustrative examples follow.

Consider first the case of a class of 10 students traveling across the country, with a chaperone, to compete in a design competition. The travel involves one airline, with one stopover and one plane change, a three night stay at a local hotel, part of a national chain, and building a working scale model of an industrial wastewater treatment plant under time constraints as part of the competition.

The factors might be rated as follows.

TR = Transportation Risk Factor – 1.0

This activity involves only one airline, but does involve a change of plane along the way. That has a low risk factor due to the single domestic carrier, but an increased risk due to the change of airplane which can be affected by various factors outside the control of this group. There is also a need for a taxi at the destination locations and the same modes and risks for the return trip three days later. These are all normal risks associated with domestic travel, however, and are not considered worrisome.

TL = Travel Risk Factor – 1.0

Travel within the continental United States does not involve difficult to recover travel documents and lost luggage is almost always returned to the traveler very quickly. US airlines try hard not to

annoy passengers more than any other airline and do a good job of timeliness in schedules and rapid responses to difficulties. Even in the event of cancelled flights for any reason, airlines do a good job of rebooking whenever possible.

H = Housing Risk Factor - 0.5

The stay will be at a national chain hotel in the host city, close to the competition venue. Good restaurants abound near-by and the risk of not being accommodated, or being forced out to another venue by fire or disaster is very low. In the event of forced relocation for any reason, there are lots of options available within the same general area.

B = Behavioral Risk Factor – 1.0

If the students are properly screened prior to departure, they all have a relatively short time in which to prepare for and deliver their competition entry and their time is planned for doing that, they will generally remain focused and not exhibit inappropriate behavior over a two or three day visit. The respect they must have for the chaperone is also critical in this regard and the need to plan specific downtime activities is also important. The group must be and act as a team in all things.

WA = Work Activity Risk Factor – 1.5

In this case the students have a specific activity planned and they have specific preparatory activities that need to be accomplished. They have spent considerable time raising money to go on this trip and know that others back home, including family and friends, are counting on them to do well in the competition. Consequently, they can remain focused on the problems at hand, deal with issues that arise as a result of the competition and minimize the risks they might face by identifying them in advance and planning to avoid them. The tools they will need are cordless saws and drills, hammers and screwdrivers, some lumber and plastic buckets. They design the activities well, each knows exactly what each of the others will be doing, where they will be and what they will be working with and each is carefully trained to use the tools they are assigned. Consequently, the dangers and risks associated with the work activity are very low. It is assigned a 1.5 because of the need to use power tools under time constrained competition conditions.

LT = Leisure Time Risk Factor – 0.5

Leisure time is going to be limited on this short duration trip due to the travel time there and back and the intensity of the competition schedule. Nevertheless, some down time needs to be planned in and identifying specific safe activities is important. Planning ahead for group activities minimizes the potential for harm even when allowing students to walk around the area

and explore what the city has to offer on their own. Tight time and reporting in schedules can control these activity risks while still allowing the students some freedom of action to help them grow as young adults.

FW = Food and Water Risk Factor – 0.1

Given the location in a domestic city, the risk from food and water is extremely low, although it is never zero. Students need to be warned about the risks from street vendors of food and unbottled beverages, but even that risk is low in most US cities today.

D = Disease Risk Factor – 0.1

Disease from mosquitoes and vectors is always present and cold and flu germs are ubiquitous in the world. The risk is the same in the travel location as it is at home, but is increased slightly by the proximity to crowds during travel and while engaged in the competition.

L = Location Risk Factor – 0.1

Any modern US city location will present risks to travelers similar to those they face walking about in their home city. The language is the same, the transportation systems are the same, and there will be both "good" and "bad" areas of the city to be aware of. However, this location provides no increased risk beyond that of just getting lost in the big city and needing help finding one's way back to the hotel.

E = Emergency Services Risk Factor – 0.1

There are usually several hospitals within close proximity to anywhere in a big city and emergency response teams, staffed by certified EMTs and on-call 24/7 are available at the push of a couple cell phone buttons. The risk of emergency service delays is extremely low in this case.

U = Local Unrest Risk Factor – 0.1

There is a potential for riot and insurrection in any city in the world at any time and terrorist activities are no longer confined to foreign soils. The risk in any city is generally the same as in any other city in this regard. Absent any direct and identified threat, the risk is also no greater here than at home.

This leaves a total R factor as follows.

R = T + TL + H + B + WA + LT + FW + D + L + E + U
R = 1.0 + 1.0 + 0.5 + 1.0 + 1.5 + 0.5 + 0.1 + 0.1 + 0.1 + 0.1 + 0.1
= 6.0

A similar analysis follows for a trip involving 10 students traveling with a chaperone to a remote rain forest village in a foreign country. It will take three days to reach their destination, including two overnight stays in larger cities, and then they will remain in the remote village for up to three weeks or more, before returning home by the same route.

Those risk factors might be rated as follows.

TR = Transportation Risk Factor – 2.5

This activity involves only one airline, but does involve a change of plane along the way. That has a low risk factor due to the single domestic carrier, but an increased risk due to the change of airplane which can be affected by various factors outside the travel of this group. There is also a need for a taxi at the interim destination locations, a 23-hour domestic tour bus trip, and two taxi rides to get to the destination. Taxis in the developing parts of the world typically mean a pick-up truck with six or seven people jammed into it and their entire luggage stacked in the back. The same modes and risks for the return trip three weeks later are anticipated. The risks of cancelled bus trips, delayed travel by taxi (one taxi ride is about 4 ½ hours long and the second about 1 ½ hours long) due to bad roads, animals in the way, accidents, etc. are much higher than with domestic travel in the U.S., but are not unusual for remote area travel. Use of local bus lines and street taxis is avoided to minimize the risks associated with those modes of transportation.

TL = Travel Risk Factor – 2.0

Travel outside the continental United States can involve significant difficulty in recovering lost or stolen travel documents and lost luggage is seldom returned to the traveler very quickly, if at all. US Airlines try hard not to annoy passengers more than any other airline and do a good job of timeliness in schedules and rapid responses to difficulties. Even in the event of cancelled flights for any reason, US airlines and bus companies do a good job of rebooking whenever possible. This is not necessarily the case with foreign modes of transportation, which typically have limited competition and no incentive to worry a lot about the foreign traveler. In-country tour bus companies and other traveler transportation companies do have incentives to do a good job because there is local competition for those services. Local taxis, however, are often disdainful of the foreigner, particularly the US traveler, because they believe the US traveler is, by definition, extremely wealthy and should not be arguing about the cost of doing business like a local. Therefore they tend to try to overcharge the visitor and may become angry when the visitor negotiates strongly in return.

H = Housing Risk Factor – 2.0

The stay will be at a national chain hotel in the larger city, or in hotels designed to attract the foreign visitor. These are often not 4 or 5 star hotels, but do provide comfortable and clean accommodations, they are selected and recommended by the host community representative and can be trusted. Good restaurants abound near-by and the risk of not being accommodated, or being forced out to another venue by fire or disaster is very low. In the event of forced relocation for any reason, there are lots of options available within the same general area.

At the final destination accommodations are expected to be much more rustic. A partially completed community center will be used as a dormitory. It has a leaky tin roof and tents are to be erected on the second floor under this roof to protect against rain. There is no glass in the windows, so insect netting is a must. A couple of shaky beds are available for the intrepid and they also need insect netting over them.

B = Behavioral Risk Factor – 0.5

If the students are properly screened prior to departure, they will be sufficiently focused on their mission to avoid major issues. The stay in the main cities will be deliberately short enough to avoid the potential for significant wandering and the group will travel together outside the hotel. Plans can be made in advance with the in-country host for social activities in safe environments. The respect the students must have for the chaperone is also critical in this locale and the need to plan specific downtime activities is also important. The group must be and act as a team in all things.

There is very little opportunity to behave badly in the destination community. It is such a small village that everybody knows everybody else and everybody looks out for everybody else. There is a good sense of community and togetherness present in the community and behavior of the residents and the students is not an issue.

WA = Work Activity Risk Factor – 1.5

In this case the students must have specific activities planned and they must have specific preparatory activities that need to be accomplished. They have spent considerable time raising money to go on this trip and know that others back home, including family and friends, are counting on them to do well and to learn as much as possible. There are cultural differences to be understood and ways of doing engineering that are much different from those methods used at home. They need to think through problems more thoroughly and develop much more creative solutions. Consequently, they can remain focused on the problems at hand, deal with issues that

arise as a result of their mission and minimize the risks they might face by identifying them in advance and planning to avoid them. The tools they may need are going to be computers, handmade tools for design activities, and good thinking skills. Cordless saws and drills, hammers and screwdrivers, some lumber and plastic buckets, perhaps some concrete may be needed if they get into construction activities. The activities are well planned, each knows exactly what each of the others will be doing, where they will be and what they will be working with and each is carefully trained to use the tools they are assigned. Consequently, the dangers and risks associated with the work activity are low. It is assigned a 1.0 because of the need to create some of the tools and to use tools that are more primitive than those to which they are accustomed and an additional 0.5 due to the remote location in which they will be working.

LT = Leisure Time Risk Factor – 1.5

Leisure time is going to be a challenge on this trip due to the travel time there and back and the slow pace of the community in which they will be working. The local residents do play volleyball and soccer almost every afternoon and the students can expect to be invited to join in. That raises the risks of ankle and extremity injuries and muscle strains. These risks are no greater than they would be playing similar games on the campus quadrangle at home. Nevertheless, some down time needs to be planned in and identifying specific safe activities is important. Planning ahead for group activities minimizes the potential for harm even when allowing students to walk around the area and explore what the local community has to offer on their own. Tight time and reporting in schedules can control these activity risks while still allowing the students some freedom of action to help them to intermingle with the local residents and to grow as young adults.

FW = Food and Water Risk Factor – 1.5

In the larger city, the risk from food and water is extremely low, although it is never zero. Students need to be warned about the risks from street vendors of food and unbottled beverages, but the risk from food and water in restaurant and hotels is generally good in tourist-driven economies in the larger cities.

Food at the destination locale is provided by a caretaker arranged by the community host. It is the same food served to her own family and is quite wholesome, if bland in taste. There are no street vendors in this location but there are a lot of fresh fruits available for plucking from the trees. Care must be taken to properly wash food that is eaten without cooking. Reasonable care with food hygiene will eliminate most of these risks. Potable water is a major issue, however, and the local supply is known to be infected with a variety of parasites. The local population drinks the water anyway and essentially everyone in town suffers from water-borne parasitic

diseases. Proper filtration and disinfection of water, or the use of imported bottled water, is required for safe consumption of water in this area.

D = Disease Risk Factor – 1.0

Disease from mosquitoes and vectors is always present and cold and flu germs are ubiquitous in the world. The risk in the city is the same in the travel location as it is at home, but is increased in the host community by the presence in the area of malaria, although this community is at the edge of that zone, dengue fever, for which there is no immunization available, and other similar mosquito-borne diseases. Parasites do abound in the local river and swimming is not advised for foreigners. Neither dengue, malaria, nor any other mosquito-borne disease is prevalent in the area, but all are known to exist. Reasonable precautions can be taken to minimize this risk.

L = Location Risk Factor – 1.0

Any modern US city location will present risks to travelers similar to those they face walking about in their home city. The same risks in foreign cities are present and somewhat increased by the foreign traveler status of the group. Most travelers are not able to easily conceal their traveler status and that tends to increase their vulnerability to attack from pick-pockets and robbers. The language is likely to be a barrier to effective communications in many cases, the transportation systems are more crowded and much less secure than typical US systems, and there will be both "good" and "bad" areas of the city to be aware of. Within the village itself there is very low risk due to the knowledge everyone has of each other and their ability to know when something is amiss. They are very good at policing their own neighborhood, even in the absence of a formal police department or personnel.

E = Emergency Services Risk Factor – 2.5

There are usually several hospitals within close proximity to anywhere in the larger city. Access to ambulance services may be a slow process in the event of accident and accidents tend to be sorted out at the curb, rather than relying on insurance claims and law suits. The risk of emergency service delays is higher in this case than in others. Within the destination village there is a medic, but no doctor or hospital. The nearest doctor is about ½ hour away by motor vehicle, of which there are precious few in the village, or an hour away by foot (then a second hour for the doctor to walk back to the village). The nearest medical clinic is in the same location as the doctor, but the nearest hospital of any size is about 6 ½ hours away by motor vehicle over very bad roads. An emergency medical evacuation plan is required to visit this area to allow access to a hospital within 1 to 2 hours of an emergency.

U = Local Unrest Risk Factor – 0.1

There is a potential for riot and insurrection in any city in the world at any time and terrorist activities are no longer confined to foreign soils. The risk in any city is generally the same as in any other city in this regard. Absent any direct and identified threat, the risk is also no greater here than at home. The local community is so remote and so small that there is little value to any insurrectionist group to carrying out any activity in the region. There is also no history of such activity to be concerned with.

This leaves a total R factor as follows.

R = T + TL + H + B + WA + LT + FW + D + L + E + U
R = 2.5 + 2.0 + 2.0 + 0.5 + 1.5 + 1.5 + 1.5 + 1.0 + 1.0 + 2.5 + 0.1
= 16.1

Clearly, these assigned values are very subjective and will depend a lot on the risk aversion capability of the decision maker. The Author tends to be a risk taker, but not a gambler. That allows for a more liberal view of risk, with a conservative approach to risk mitigation.

There are lots of other models and simulation programs that could be used to help decide between options. They are all beyond the scope of what can be considered here. Risk analysis is a study and an art unto itself that people spend decades trying to study and understand.

Risk Associated with Service Learning

Risks associated with local Service Learning Projects are quite different from those associated with international Service Learning projects and both are quite different from international semester abroad programs. The differences lie in the mode of transportation to and from the site, the nature of housing arrangements, the nature of the work/study site, possibly the general location of the work/study site relative to highly populated areas or areas of risk, and other factors. A few of the more common areas of concern are explored here.

Locally

Local Service Learning projects have a lot of inherent advantages for the student and the university. They are generally easy to get to, they are usually in the general neighborhood of the university, which means a neighborhood known to university officials, faculty and students, they often involve projects for community clients with whom the university has enjoyed a long-standing relationship, and they do not involve large expenditures for travel, meals or housing.

They also come with some inherent risks, however, that need to be recognized. These include criminal activities in the neighborhoods visited that may have nothing to do with the project or the client, but which could adversely affect the safety of the students and faculty visiting the neighborhood. The activities often involve community service projects, such as cleaning up debris inside buildings prior to renovation work or interior construction and that work involves risks of unknown materials, unseen biological, animal or physical dangers, weak structural members or floors and the potential collapse of structures if renovation work is not properly supervised, etc.

Just getting to a neighborhood site may involve crossing several busy streets with relatively large groups of students, taking public transportation, or students driving motor vehicles, carrying other students, to a site. The tools needed to do a project are often not available at the client location and power tools may be needed with which many students may not be familiar.

Internationally

International Service Learning projects involve all of the same risks as for local projects; sometimes to a much lesser degree, but often to a greater degree. For example, work in remote locations minimizes the risk of criminal activity because everyone in the village knows everyone else and any criminal activity is instantly recognized and the perpetrator known. Local responses to criminal behavior are often far more harsh than state managed responses. The more remote the village, in fact, the lower the risk from criminal behavior tends to become. This is tempered, of course, by the reality that in areas of less developed civilization involving projects of first contact or seminal investigation, local inhabitants, as a whole, may be uncomfortable with the intrusions into their lives and may take it upon themselves, as a village, to actively discourage the service projects through intimidation or assault.

There are also numerous additional issues of risk associated with international travel, particularly to areas that do not have large populations who speak the English language with sufficient fluency to communicate well and the travelers have limited expertise in the native language. Transportation issues, health care issues, emergency evacuation or responses issues, housing and hotel issues and general travel throughout the country can all be daunting problems that give rise to serious risks of injury or loss if not properly managed.

Both domestic and foreign travel outside the university walls, particularly those projects that involve travel overnight away from the university, also come with the risk of students becoming separated from the group in an unfamiliar area and being taken advantage of, students acting foolishly through the use of excessive alcohol or drugs, becoming involved in illegal activities with local residents, or running off with local students for unsupervised activities of any kind.

Travel in those areas involving motor vehicles, including motor scooters and motor bikes, is also rife with risk which an unprepared student may encounter.

Management of Risk

"Risk management is the identification, assessment, and prioritization of risks, followed by coordinated and economical application of resources to minimize, monitor, and control the probability and/or impact of unfortunate events or to maximize the realization of opportunities" [6]

Risk Management has also been defined by "Young and Tomski, 2002" and reported by ETR Associates as "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." [2]

Effective risk management involves identifying and quantifying the risks, as outlined above, and then developing appropriate plans, strategies and policies to mitigate those risks. These include, among others, such thing as "Waiver of Liability" forms, medical examination and inoculation completion forms, Risk Identification and Acceptance forms, various policies on the use or motorized vehicles, including motorcycles, motor scooters, and automobiles, drug and alcohol use policies, standards of behavior policies, safety tips and guidance documents, and emergency contact information forms.

The screening of student participants presents certain challenges that are difficult to manage at times. Students may not generally be prohibited from engaging in these sorts of activities due to medical conditions or handicaps. Colleges and universities have a legal obligation to provide open and complete access for all students to all academic and social activities supported or promoted by the institution for any of its students. However, many foreign locations are not wheelchair accessible, for example. May, or should, an institution prohibit travel by student groups to those locations? If a student applies for a trip in which they are incapable of participating safely, must the institution abandon those plans for a different locale that can accommodate the handicapped student, even when the educational value of the secondary venue is significantly less for all the students? If a location is not accessible to all students, but provides significant educational value to those who can go, must, or should the institute prohibit the travel anyway and/or should that be done only if a student applies who is not capable of taking part in the travel, in essence making that student a "spoiler"?

Those are issues for another paper on another day, but they are issues that need to be considered in any discussion of risk and risk mitigation.

Management of Liability

This paper starts out with the assertion that there is no liability associated with off-campus student excursions; only risks that need to be managed. It then goes on to identify some of the risks associated with those activities and provides a mechanism for assessing those risks. It does not, however, delve into the liability issue in any significant detail. While some may find that to be capricious or disingenuous, it is done deliberately. It is the position of the author that there is no liability associated with these activities UNLESS reasonably foreseeable risks are not identified and managed.

It is the failure to manage reasonably foreseeable risks from which liability arises.
The management of liability, then, comes from the management of risk and the presence of liability come from the failure to manage those risks effectively. To be sure, there are risks that can be identified, planned for, protected against and insured against which will still occur. Life is not risk free and virtually nothing that humans do is risk free. The 10 students walking across the street to the local museum could just as easily be run over by a speeding motorist in any city in the United States as they could in any city in any other part of the world. Indeed, those students in the US might be more at risk for this event because of the comfort of familiarity and the laxness of attention in a comfortable environment. Similarly, a rabid animal can attack in the US just as easily as anywhere else in the world, but travelers often take preventive inoculation measures against this disease when traveling to foreign countries, which they do not do in the US. Depending on the travel destination, the nature of the wild animal may be different, and the consequences of a negative encounter with such an animal may be different, but there are deadly snakes and poisonous frogs all over the world and there are safe animals all over the world. The keys to safety are to know the area to be visited, to identify the risks inherent with travel to that area, and to prepare a management plan that mitigates or eliminated those risks. The key to liability management is effective risk management.

Bibliography

1. Abrahan, Janice. "Students and Risk: Eight Critical Areas." Trusteeship Magazine (2010): 2 - 5.
2. Associates, ETR. National Service Learning Clearinghouse. 2012. 10 October 2012 <http://www.servicelearning.org/instant_info/fact_sheets/he_facts/risk_mgmt>.
3. Compact, NC Campus. Civic Engagement Liability and Risk Management. 2012. 10 October 2012 <http://www.elon.edu/e-web/org/ncccc/LiabilityandRiskManagement.xhtml>.
4. CompelledtoAct.com. Colleges' Civil Liability Exposure Relatd to Student Safety. 2000. 10 October 202 <http://compelledtoact.com/Involvement_pages/Litigation/>.

5. Conway, Richard A. Environmental Risk Analysis for Chemicals. Van Nostrand Reihkold Company, 1982.
6. Hubbard, Douglas. The Failure of Risk Management: Why It's Broken and How to Fix It. John Wiley and Sons, 2009.
7. University, The California State. Managing Risk in Service Learning. 2010. 10 October 2012 <http://ww.calstate.edu/cce/resource_center/servlearn_risk.shtml>.
8. Wentz, Charles A. Safety, Health and Environmental Protection. McGraw-Hill Companies, 1998.