

STATEMENT OF PRINCIPLES REGARDING RELEASE AND INDEMNITY AGREEMENTS

Approved by the Board of the Cooperative Education and Internship Association (CEIA) -Jan. 2003, and submitted for approval by the Board of the National Society for Experiential Education (NSEE)

The Cooperative Education and Internship Association (CEIA) and the National Society for Experiential Education (NSEE) encourage the following for their members with regard to requests by site sponsors for institutional Indemnity and Student Release Agreements.

Background

In recent years, site sponsors have grown concerned about the liability they may encounter by hosting student co-ops or interns. Because of this growing concern, some site sponsors have sought to have colleges/universities sign agreements, which would require the student co-op/intern to release the site sponsor from liability and require the educational institution to indemnify the site sponsor from liability, while hosting a student co-op/intern.

These agreements, sometimes referred to as Hold Harmless Agreements, not only preclude a claim against the site sponsor by the participating student, but also require the college/university to pay any expenses, damages, or claims arising out of the internship arrangement such as claims made by the student co-op/intern (or a person injured by the student co-op/intern) against the site sponsor. In extreme cases these agreements have stated the college/university will cover the site sponsor even when the claim has arisen as a result of site sponsor negligence. Appropriately, colleges/universities have balked at signing such agreements. Indeed, colleges/universities should avoid signing these types of agreements that are unfair and one-sided.

Conduct of Parties

Members of CEIA and NSEE should conduct themselves in a professional manner in all dealings with the represented parties in a work-integrated learning experience such as a co-op or internship.

As a principle of fundamental fairness, we urge all parties to bear responsibility for their own actions, including negligence, should that occur.

To avoid jeopardizing a potential co-op/internship experience, site sponsors should keep the appropriate college/university co-op/internship personnel informed of available opportunities. They should also, in a timely manner, inform the appropriate college/university personnel of their intentions to host a student co-op/intern. Colleges/universities must have sufficient time to consider approval of work-integrated learning experiences that have been arranged with, or without, the assistance of personnel and/or resources of the college/university.

The college/university and the site sponsor should provide access to appropriate work/learning experiences in safe environments, where the students will have adequate supervision and the necessary tools and equipment to perform the work required. The students' work will be rewarded with agreed upon compensation, if any, and agreed upon academic rewards.

The student must be aware of the fact that each chosen career field has established a set of general standards that speak to the professional conduct of people engaged in work within that occupation. It is the student's responsibility to fully understand, and abide by, those professional standards of conduct, as well as those established by their site sponsor, and any standards established by their college or university.

The site sponsor and college/university should carry appropriate insurance, including policies mandated by federal, state, and local law. These include, but are not necessarily limited to general liability, professional liability, and worker's compensation insurance.

In allocating the risk of loss as between participating entities, a core question that each party should ask is, "Who is receiving the greatest benefit from this co-op or internship?" Each should also ask, "Who is in the best position to control and insure against possible risks?"

All agreements should delineate the rights and responsibilities of the parties involved.