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Jeanne Simonelli

Learning, logistics, and liability are the three "I's" which define off-campus experiential programs. For those planning these experiences, the liability component, including safety issues, legal concerns, and ethical responsibility to the communities we work in, can threaten program viability and overshadow educational objectives. A service focus increases these difficulties, and demands specialized preparation by all involved.

Service Learning Abroad: Liability and Logistics

"The road is better ahead. This was the ugliest part, that's what the military said. The road is better ahead."

I am talking with the driver of one of the 2 VW vans carrying nine American women into the rainforest of Chiapas, Mexico. The sky is gray, winter persistent showers; we're in the rain forest, what did you expect? Around another curve, and the road is out. Fifty men, working with machetes, shovels, picks, axes, no bridge: ugly. We bring the vans to a halt. We're past due in the Maya community of Nahá, where we are headed to do a service project with the Lacandon people. Roberto climbs out, keys still in the ignition, the windows are down. At the river; I see the men stop work, look up, talk together; begin to come towards us, wondering....

We are surrounded by men, curious, laughing, joking, hassling. Roberto is back. Try to cross through this mud hole. We're stuck. The men push us, rocking the van to dislodge the mired wheels, leaning into open windows, curious, laughing, joking, hassling... The wheels spin, digging in deeper; catch finally, and we back up; stop. Roberto steps down again.

"No te preocupes..."

I am preocupado. Big time worried. The men are back, surrounding the van. We've rolled up the windows, and they are rocking it, side to side, side to side. This time no wheels are mired in anything; they are just rocking it. Faces at the windows, the van rocks. I am thinking... nothing, no thoughts, no negative energy, mandated blankness. It only takes one in fifty, a little loco...

Roberto is back. What is happening?

"No te preocupes, todo es tranquilo." Don't worry. Everything is okay.

But this time, he takes the car keys, moves to stand, arms folded, next to his van, his life. The men move back, and it seems okay; they are working to make a place for us to pass.

Fear. Fear of my own construction.

Experiential Learning: Why Go?

In the eleven years since I started doing experiential programs, building on a model set out by one of my own professors, the stakes have changed. These programs have always been work intensive, requiring arduous planning, but leading to unparalleled growth for all involved. They are life changing experiences for those who participate, a chance to link classroom with the global and local community, to make teaching an interaction between the teacher, the learner and what is being taught, an intricate quadrille where the dancers change places as the set progresses. Lately, they've been heavily women-filled, because women feel safer traveling this way. So whole new sets of problems have cropped up, as well as added safety issues. Some, such as rape and robbery, are sad, but realistic possibilities in a world where resource and power inequity prevails. Others, such as in the vignette above, can be specters of our own worst-case scenarios. In addition, the social activities that were once normal parts of being in the field as students, and with students, are now all suspect. Potential litigation lurks behind each logistical and program decision.

Regardless of the study site, we fit our programs into national and international settings beset by their unique political, economic, and social problems. We also bring with us students with their own life-stage cultural agendas. Adding service to experiential learning multiplies the liability concerns, since student and faculty enthusiasm about wanting to "help" the "needy" sometimes loses sight of whose needs are actually being met. Our programs can become more of a liability to others than they are to us.

In the past decade, participation in study abroad programs has doubled. Regardless of the model used or the study site, all programs must deal with issues of alcohol and drug use, sexual liaisons, and the potential for robbery, rape and other violence. In some regions, there can also be the potential for civil and political unrest. Though Europe remains the preferred destination for students, there has been a marked increase in programs in countries once considered too risky. As a result, colleges must come to a compromise between learning and liability. If they rule out any location with health or safety levels below those found in gated communities in the United States, overseas study will eventually be limited to a handful of western European countries.

In fact, even western European countries have led to liability cases. Austria and England join India, Israel, Bolivia, Kenya, and Guatemala as study abroad locations that have resulted in litigation. Colleges and programs can be sued under a variety of types of law, often including the notion that institutions act *in loco parentis*. Fear of litigation has led to a proliferation of liability waivers, some requiring legal assistance to decipher (Kast, 1998).

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Before leaving campus, my students sign brief waivers of liability. We all know that, legally, any waiver is absolutely useless, serving only to remind students and parents that this is not a game. In the final analysis, the college, the teachers, and anyone attached to the program through consortium relationships can all be found culpable if something goes wrong. This can destroy spontaneity and camaraderie, leaving you sitting in a van wondering if you've asked all the right questions of all the right people before leaving.

Design for Learning and Service: The Chiapas Project

In the fall of 1996, Kate O'Donnell, professor of sociology at Hartwick College began designing the Chiapas Project. Chiapas, the southernmost state of Mexico, has one of the richest resource bases in that country, with the highest levels of poverty, among a population that is largely Maya Indian. For more than a decade, the people of the region have been actively struggling to put an end to injustice and resource inequity, resulting in a situation of continued conflict. Consequently, the design of this service-based program required special consideration of the sensitive relationship between service donor and proposed recipient, yet the issues raised are equally important in programs where the political implications are less acute.

Hartwick, a small private liberal arts college in rural New York, had been offering a January term experiential learning program in Chiapas for several years. When Kate O'Donnell agreed to take over the program, she was following a route laid out in years of inquiry into rural poverty, years of activism in sociology and women's studies, semesters of taking students out of the classroom and into the community. I joined her, first as a consultant and then as faculty representing the State University of New York at Oneonta. I brought to the project a decade of experiential teaching in anthropology, including on-the-road programs in the American southwest and northern Mexico. Consequently, the Chiapas model for service learning abroad incorporated techniques tested locally and nationally.

The Chiapas Project was facilitated by a Luce Foundation grant at Hartwick, an incentive designed to take first semester freshmen to learn and study abroad. Preliminary trips to Chiapas laid the groundwork, allowing us to make program connections and begin to ask questions about Maya struggle and continuity that linked back to our own past work and the goals for the project. Though the tense political climate of Chiapas accentuates the need for vigilance and planning, the situations we faced as program directors mentoring students are as probable in a housing project in Liverpool, a literacy program in Jamaica, or an alternative spring break in inner-city New York.

There are several models that project directors use in designing and carrying out off-campus experiential learning programs. They differ in the amount of pre-travel preparation that takes place, and in the way students are housed and monitored during the actual field stay. On one end of the continuum, the "drag and drop" model uses minimal amounts of on-campus training, meets many of the students for the first time at the airport, and houses them in individual homestays. Students and directors come together daily or periodically to cover academic content and to consult on independent student projects. While the homestay model has obvious advantages for language learning

and cultural exchange, students are on their own for a good part of the time and the liability potential escalates.

The Chiapas Project was situated at the opposite extreme. A full semester preparation course helped our students to have an understanding of what they would see and experience, and placed the Chiapas conflict into a global perspective. Our months together before departure helped us to know and judge each other's strengths and weaknesses; in fact, a full day's challenge workshop culminated in a contract for cooperation. As program directors we had a good sense of what group interactions would be like even before we arrived in Mexico.

Basing the group in the city of San Cristobal de las Casas, we chose to house the students together at Na Bolom, a museum-hotel-study center. We traveled and attended presentations as a group, ate meals together, and met in the evenings for reflection sessions. The entire program had at its heart a series of goals developed by Kate for her service learning courses in the United States.

Connecting College to Community through Service Learning

In the last decade, Hartwick College and SUNY-Oneonta recognized a growing need to foster an interaction between students at the colleges and the people of the communities of which they are part. Volunteerism became a critical aspect of that interaction, and more specifically, service learning classes, which are a first step in helping our students recognize the need to connect with surrounding communities, and to develop a sense of responsibility toward them.

Service learning differs slightly from volunteerism in that its purpose is both immediate and long term. While the service component (volunteerism) provides immediate benefits to both donor and recipient, the intent of the learning aspect is long-term, and includes the following ideals (O'Donnell, 1993):

- To clarify values by examining the choices we make individually, locally, and globally;
- To help students grow through action on projects which are designed and implemented in conjunction with community groups and facilitators;
- To encourage team building through these cooperative learning projects;
- To foster interaction between individuals from all parts of the community who share concern for, and commitment to, working on major social issues;
- To strengthen the sharing of resources between the colleges and related communities; and
- To empower students and community members to be informed, involved, and compassionate creators of humane communities both locally and globally.

The first year's program was a study in flexibility and caution. Following the fall preparation course at Hartwick, the group left for Chiapas, just three weeks following the massacre of 45 Mayas in the village of Acteal. As we arrived in San Cristobal de

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las Casas, the project's service learning focus took us to a women's health and economic program for Guatemalan refugees, and a learning center for Maya street children in San Cristobal. Because of the tenuous and often dangerous political situation, a trip to the Lacandon rainforest village of Nahá would not be possible until the next field season.

The following year the course brought together students from both Hartwick College and from the State University of New York at Oneonta. Consequently, the group of eight students came from divergent economic backgrounds and had to make initial cultural adjustment to each other. Jointly taught, the class coupled learning about Chiapas with fundraising activities to support planned service projects. Stages of preparation included:

1. *Learning about issues of hunger and resource distribution through local participant-observation in meal programs.* Project members volunteered and ate at local congregate feeding programs. This cultural experience provided an opportunity to interact with people unlike their own peer and family groups. It is through understanding both the process and rewards of volunteering and the problems of the local community that they began to make the connections that would result in quality service on a global level. Classroom reflection sessions helped the group to assess their individual reactions to being "the other" in this local situation.
2. *Sharing what they learned about the history, culture, and lives of the people of Mexico and Chiapas with members of our communities.* Project members made presentations to local civic and church groups as a means of promoting understanding and interaction. This helped students determine if they truly understood the political and cultural situation in which they would be living.
3. *Raising funds and supplies, with the help of community facilitators/advisors, to take to the people.* Project members held bake sales and other fund raising events to help purchase supplies for grassroots development and health programs.

Sex, Drugs, and Rock and Roll: Potential Liability in the Field

Whether off-campus programs abroad are travel learning experiences or include a service component, they are comprised of young people who bring a certain set of attitudes about the nature of their world to the travel experience. One of these self-perceptions includes the invincibility of youth. This is particularly evident in outdoor settings, when students are hiking in canyons, climbing on ruins, or swimming in raging waterfalls. The drive to be the first to get to the top, regardless of trail conditions or ambient temperatures, is one that must be short-circuited at the outset.

As directors, we are constantly admonishing our students to connect their own drive "to have fun" to an assessment of how an injury or illness might effect the whole group. This attempt to instill a sense of communal responsibility is an important facet of the learning experience in experiential programs.

A second, more subtly dangerous student attitude is the idea of the inalienable nature of American rights, coupled with the culture-bound notion of appropriate behavior. Social relationships take on new dimensions when they occur cross-culturally in a program of limited duration. We often locate our programs in small communities or circumscribed neighborhoods, where students frequent the same bars, restaurants, or recreational locations. The women can become willing participants in a "love boat" rotation of short-term dating. While the women in our program could all recite the risks of unprotected entanglements and sex, there was something about the finite limits of the program stay that made them suspend good sense.

Though these encounters were fraught with health and emotional dangers, they paled in the face of the cultural implications of young men sleeping with even younger Mexican women, especially if they were indigenous. The consequences extended beyond obvious possibilities of statutory rape, as defined under American law. Even if the liaison occurred with the girl's consent, closed community definitions of rape are extremely broad. In this place, where conventional courts are generally unresponsive, justice often takes place outside the system. Though we had gone over these issues in program preparation, we were forced to reiterate often while traveling, stressing the risks to the program as a whole that individual behavior engenders.

While culture-bound behavior can be dangerous, or just plain stupid, the notion of inalienable rights is an even greater liability. On the day we arrived in Mexico, we talked at length about safety issues and American behavior in Chiapas. A repeating refrain was stressed: there is little due process in Mexico; there are limited constitutional rights; we can't help you if there is a problem. We thought we made our point.

We knew that the local police had been using informers to sell drugs in San Cristobal bars. It was just one of the ways of dealing with the foreign presence in Chiapas, another way to eliminate it. Yet one of the students bought drugs on the first night in town. At the same time, he identified himself in public as part of the project. He was putting the entire group into serious jeopardy, as well as violating a specific aspect of our program liability waiver.

Kate conferred with the Hartwick director of international education. He supported our decision to ask the student to leave the program. He could return home or remain in Mexico at his own risk. He signed a statement confirming that he understood why he was being dismissed, which we faxed back to the United States.

As directors, Kate and I also had no choice in our decision. To have allowed the student to remain with us would have jeopardized the group's safety and offended those students not involved in the incident. In addition, to bring illegal drugs or alcohol into the communities where we planned to work violated their behavioral norms and put the entire service component into question.

Liability and Service

Illegal drugs, sexual liaisons, and dangerous fun can get you a fast and unexpected end to program activities in any off-campus experience, and open faculty and colleges up to litigation. Even with months of pre-trip preparation and careful student screening, incidents like those just described do happen. By adding a service component to the

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Chiapas project, we opened another realm of liability, one in which our notions of helping became ethical questions and forced us to consider issues of political alliance and community structure.

The logistical component of any experiential program requires directors to rely heavily on networks of support in the study area. This is especially true with service learning, since it is only those present in the area on a regular basis who can know the social and political climate in an agency or community. While this is no less true in our own communities, it is particularly important in a place like Chiapas, where perceived political alliances can derail otherwise good intentions. Consequently, it is essential to set up placements long in advance of programs, to be able to fully trust those working on your behalf in the host community, and to be open to last minute change.

Meeting Community Needs Through Service

As applied social scientists who have witnessed the evolution of the practical branch of our respective disciplines, Kate and I were both aware of the fact that our service project needed to meet the needs of a particular community, as they saw them. In addition, there are practical limitations to service in programs of short duration, since the amount of time it takes to develop trust between strangers simply isn't there.

Our desire to work directly with the people of Chiapas during the January 1998 program was curtailed by the massacre at Acteal. Our original plan was to divide the students, taking half to the Lacandon community of Nahá, where representatives of Na Bolom would act as liaisons, and half to work with a program concerned with reproductive health and economic empowerment for Guatemalan refugees in Chiapas. When students returned to San Cristobal, the sequence would be reversed. Each of these placement choices had both logistical and liability concerns. Nahá was located about five hours from San Cristobal, on dirt roads that crossed through areas of conflict. Though tourist groups sometimes went into the tiny village where 300 of the remaining 700 Lacandon Maya lived, there had never been a visit by an organized student group. Moreover, while visitors were usually interested in Maya culture and artisan production, the idea of a group who wanted to do work for the community met with considerable skepticism. The refugee communities were only slightly more accessible. The communities were not structured in a way that could easily absorb overnight stays by a group of American visitors, so we would have to travel for six hours each day to get back and forth to the locations. Even there, our contacts felt that the protracted presence of a group of Americans in that area could have unforeseen repercussions for the communities of campesinos (Simonelli, 2000). We could visit and speak with the groups, and interact with the women and children superficially, but we could not undertake a service project. In 1998, the students were disappointed about not being able to spend time doing actual projects in the communities, and did not seem to understand that in any situation trust can only be acquired through sensitive and repeated visits. Just as we must invest large amounts of time establishing service placements when we work in our home communities, and return to venues that have welcomed students in the past, the same type of nurturing must take place in service learning abroad. Because most faculty cannot invest the time required to establish rapport in host communities, we are doubly dependent on our contacts in the field.

Who Represents the Community?

The 1999 project included returns to the refugee communities and a four-day stay in Nahá. In the latter locale, our contact at Na Bolom met with Lacandon elders at a community meeting prior to our arrival. Again, the community received our service proposal with skepticism. Finally, they decided that they would be willing to let us help with a general clean up of the grounds surrounding the tiny primary school, as well as the excavation of a drainage ditch around the building. Both projects were aimed at eliminating the breeding grounds for malaria-bearing mosquitoes.

The population of the Lacandon village at Nahá was small and its elders/leaders were few in number. We could be relatively sure that our liaisons met with people who articulated the wishes of the bulk of the people. But among larger communities, it is often difficult for outsiders to determine who really represents the group, and if those who meet with us are truly the leadership or just those with the ability to negotiate with outsiders. Consequently, there is always the possibility that our well-intentioned aid can become the tool of a factional dispute, our contact aligned with only one piece of the overall population. This kind of community factionalism has several potential risks.

- Our alliances can threaten us. If we inadvertently provide a service for one set of families or meet only one set of agendas, we can put our own group at risk by alienating the rest of the population.
- Our alliances can threaten the community. In a climate of factionalism and fear, appearing to favor one project above another or one community above another can cause the communities to become targets in a larger conflict. This risk is present in the tenuous political situation in Chiapas, and it certainly was in the case with aid projects in neighboring Guatemala in the 1980s.
- Our presence can threaten the community or overall project. We must be cognizant of the ethical implications of our presence among a group. Those who host us must understand who we are, what our alliances are, and the intent of our service. In all likelihood, those who have come to help in the past have represented church groups or national and international governmental agencies. Whether in rural New York, on the Navajo reservation, or in Chiapas, the people we serve have no reason to trust the intent of the group. Even the recent plethora of non-governmental service bodies seldom comes without political alignments.
- Just as we must know whom the community represents or supports; they must know whom we represent. This concern extends beyond the community or agency to the larger power structure. In the final analysis, for the communities, one group of do-gooders looks much like another. Conversely, for the authorities, one group of meddlers looks just like another.

Making Service Symmetrical

The sight of nine American women limply swinging machetes and wielding pick axes was a source of amusement to the fifteen Lacandon men who worked beside us.

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Though the students commented often about how good it was to work up a sweat, the community could not share our enjoyment of that aspect of their routine duties, nor did a good sweat sufficiently explain our desire to work beside them.

Volunteer activities have long been accompanied by an asymmetry in power and status between those who come to work and the communities in which they work. Consequently, it is important to make it clear that there is reciprocity in the exchange. In Chiapas, we had to stress the long-term educational benefit that cross-cultural understanding would bring to our lives. Whether paying \$2000 per student to get blisters and a case of burrowing mites made sense or not, our service served us as much, or more, as it did the Lacandon community.

Our 1999 stay in Nahá was relatively brief. While there, we realized that many of the children and women could use sweaters to ward off the January chill. Returning to San Cristobal, we contracted with a women's knitting cooperative to make thirty sweaters for the Lacandon, paying for these with donation money. In addition, we purchased twenty new machetes for the men. In two separate trips, our Na Bolom liaison delivered these goods, keeping our contact open in the community during the months when we could not return. An invitation now stands for a revisit to do additional service, a chance to construct a more in-depth project when we go back.

Is It Worth The Risk?

What can I say about today, besides reinforcing the fact that this trip is getting better by the minute," reflected an Oneonta senior in her journal. "Each day I wake up feeling slightly more accustomed to this strange place, a little more comfortable with not knowing where I am a lot of the time. Then, by the end of the day, I've gone through military checkpoints, through a stampede of men, and into a rainforest hours from a phone among the most traditional culture left in this entire country and I am back to square one. But it was so worth it.

A Hartwick junior made similar observations, noting,

I am different, not physically, but mentally, in my heart and eyes. I have seen so many wonderful, devastating and upsetting situations in a four-week period.

Do our students' growth and learning experiences justify taking them out of the protected environments of on-campus education and bringing them to work with people in locations where there may be risks to all involved? Most faculty would respond with a resounding, "Yes!" To my knowledge, no one has polled the communities we work in about their perception of the exchange. Our service remains a service only if it does not create more problems than our activities are worth. We teach our students that we have an informed responsibility to other members of our human family. A piece of that responsibility is the careful design of a service learning program.

- Plan projects well in advance.
- Screen students carefully.

- Keep talking and reflecting while traveling.
- Have reliable and informed field contacts.
- Be flexible and open to program changes.
- Be aware of power relationships.
- Understand the way your initiative fits into the political ecology of the area.
- Expect to build trust slowly.
- Make the relationship symmetrical.

It is only with this kind of knowledge and care that we can reduce the liability to ourselves and to the communities in which we work, putting true learning into the service experience.

Suggested Readings

- Kast, R. C., "Liability Issues in International Studies Programs," *International Educator* (Winter, 1998): 27-32.
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