

September 9, 2020

Dear Internship Course Faculty,

Some faculty members have expressed concerns about students signing the "Release of Liability, Promise not to Sue, Assumption of Risk and Agreement to Pay Claims" form. The Interim Vice Provost, Dr. Fu, has been in contact with the Chancellor's Office to provide us more clarity concerning this matter. Specifically, he consulted with Dr. Wrynn on September 2, 2020. She instructed that we are to continue using a waiver form if we have used one prior to COVID-19, which was indeed the practice at Fresno State. Therefore, we are continuing with a waiver form this fall, with the updated language provided to us by the Chancellor's Office.

This additional language was explained in the CO policy dated July 31, "California State University Experiential Learning during the COVID-19 pandemic", which can be found at <https://calstate.policystat.com/policy/8388232/latest/>. Specifically, Item 4 of the policy states:

**"To the extent that campuses already required participants to sign Hold Harmless waivers for certain activities or programs (pre-COVID-19 pandemic), they should continue to do so consistent with California State University Use of Approved Waiver of Liability Policy (EO 1051). Please use the attached updated waiver.** Questions for exceptions should be addressed to the campus risk management officer or campus counsel. If a student will be attending a "higher risk" placement, the campus should consult with their campus risk manager regarding the need or advisability of obtaining a COVID-19 specific waiver from the student. A "higher risk" placement is defined as one in which it is known that the student will be working or coming into contact with individuals who are known to have been infected with COVID-19."

With regard to the requirement of that waiver, EO 1064 states:

**"If the internship placement is not required as part of the student's academic program, the student must complete the liability waiver form (see Executive Order 1051)".**

Therefore, with the help of Interim Undergraduate Dean, Dr. Muscat, I have reviewed all the courses that fall under EO 1064. Attached is a list of those courses and whether they are a requirement for graduation. Students in courses that are listed as required for graduation **will not be required** to complete the "Release of Liability, Promise not to Sue, Assumption of Risk and Agreement to Pay Claims" form. Students in internship courses that are not required for graduation or are an option for a degree requirement are required to complete the "Release of Liability, Promise not to Sue, Assumption of Risk and Agreement to Pay Claims".

To summarize, per the July 31, 2020 CO policy referenced above,

1. **All students completing internships at the internship site are to complete the COVID-19 Acknowledgement of Risk.**
2. **All students in on-site internship courses that are not required for graduation or are an option for a degree requirement are required to complete the "Release of Liability, Promise not to Sue, Assumption of Risk and Agreement to Pay Claims" form with the updated language provided by the Chancellor's Office.**

The required Documentation for those courses that are using the DocuSign process that I developed have been updated to reflect these changes. For those who do not use the DocuSign process, I've attached the updated forms for faculty to manage and store the required documentation pursuant to EO 1064.

These forms are:

1. A Learning Plan Agreement, signed by the student, the internship site supervisor and the internship course faculty. The Learning Plan Agreement addresses the work to be provided by the student, the learning outcomes, and the placement logistics (including hours and pay).
2. An Emergency Contact Form.
3. If the internship placement is not required as part of the student's academic program, the student must complete the liability waiver form (see Executive Order 1051);

Concerning the retention of these documents, EO 1064 states:

The campus is expected to retain documents related to each internship consistent with systemwide and campus document retention guidelines. See Executive Order 1031.

It is recommended that the instructional agenda, name and contact information for the internship site, student information, and executed liability waiver be retained together after the conclusion of the semester/quarter during which the internship took place. Electronic copies of the documents are permissible. See technical letter RM 2011-01 and the accompanying Release of Liability Handbook.

I will, and have been, retaining the documents for courses using the DocuSign process to ensure the university's compliance with EO 1064 and will supply those documents when audited by the Chancellor's Office. Those courses not using the process can retain their own documentation or send their documents to me electronically for retention.

If you have any questions regarding your course, please feel free to contact me at [mwillis@csufresno.edu](mailto:mwillis@csufresno.edu) or by phone at 559.278.4207.

Thanks for all you do for our students!

Mary

**Mary Willis**

University Internship Coordinator  
California State University, Fresno