

## Risk Analysis- Lit Review

Risk	Strategic Planning	Risk Management	WIL- defined	Challenges
<p>Program risk is a type of legal risk that relates to the conduct of universities, host organizations and students before, during and after a WIL placement as well as the personal characteristics of students that can expose the university to legal risk (Cameron, Freudenberg, Giddings &amp; Klopper, 2018, abstract).</p>	<p>The strategic opportunities that WIL presents for universities cannot be achieved without taking on avoidable legal risks (Cameron, Freudenberg, Giddings &amp; Klopper, 2018, abstract).</p>	<p>These research findings may be applied by university lawyers, academic disciplines and university management to evaluate and improve risk management in WIL programs (Cameron, Freudenberg, Giddings &amp; Klopper, 2018, abstract).</p>	<p>Work Integrated learning (WIL) is risky business in higher education. (Cameron, Freudenberg, Giddings &amp; Klopper, 2018, abstract).</p>	<p>Health was the academic discipline that university lawyers received the most inquiries for legal work (Cameron, Freudenberg, Giddings &amp; Klopper, 2018, p. 69).</p>
<p>Legal risks can have serious financial and reputational consequences (Cameron, Freudenberg,</p>	<p>WIL is recognized as having strategic value for universities (Cameron, Freudenberg, Giddings &amp; Klopper, 2018, p. 67).</p>	<p>University lawyers can provide advice about legal risk and risk management in:</p> <ul style="list-style-type: none"> <li>• WIL programs</li> <li>• Draft and review WIL documents</li> </ul>	<p>WIL is a curriculum design which combines formal learning with student exposure to real professional, work or other practice settings (Jackson, 2015; Smith, 2012 as cited by Cameron, Freudenberg, Giddings &amp; Klopper, 2018, p. 67).</p>	<p>Very hard to negotiate these two risks- facilitating student participation in the workplace</p>

## Risk Analysis- Lit Review

<p>Giddings &amp; Klopper, 2018, p. 68).</p>		<ul style="list-style-type: none"> <li>○ Agreements</li> <li>○ Policy</li> <li>● Educate WIL staff (Cameron &amp; Klopper, 2015 as cited by Cameron, Freudenberg, Giddings &amp; Klopper, 2018, p. 68).</li> </ul>		<p>may expose patients to harm, but failure to provide reasonable adjustments may lead to claims of disability discrimination for the student (Cameron, Freudenberg, Giddings &amp; Klopper, 2018, p. 71).</p>
<p>Legal risk is defined as an event or circumstance that exposes the university to the possibility of liability or non-compliance with external or internal rules and regulations (Cameron, Freudenberg, Giddings &amp;</p>	<ul style="list-style-type: none"> <li>● Positive influence on student generic skills (Blackwell et al., 2001)</li> <li>● Student understanding of the work envirt and employer expectations (Wilton, 2012)</li> <li>● Career awareness,</li> </ul>	<p>The voice of university lawyers is virtually non-existent in prior studies of legal risk in WIL programs (Cameron, Freudenberg, Giddings &amp; Klopper, 2018, p. 68).</p>	<p>Other terms used to describe WIL include:</p> <ul style="list-style-type: none"> <li>● Internship</li> <li>● Cadetships</li> <li>● Cooperative education</li> <li>● Placement</li> <li>● Practicum</li> <li>● Clinical rotations/program/internship/clerkship</li> <li>● Sandwich course/year</li> <li>● Professional practice</li> <li>● Experiential learning</li> <li>● Field work</li> </ul> <p>(AWPA, 2014; Cooper, Orrel &amp; Bowden, 2010 as cited by Cameron,</p>	<p>However, a question that requires the student to judge their own condition may expose the student and patients to harm (Cameron, Freudenberg, Giddings &amp; Klopper, 2018, p. 73).</p>

## Risk Analysis- Lit Review

Klopper, 2018, p. 68).	progression and direction (Patrick et al., 2008) (Cameron, Freudenberg, Giddings & Klopper, 2018, p. 67).		Freudenberg, Giddings & Klopper, 2018, p. 67).	
	Generic and career skills can improve the work readiness of students on graduation and are in demand by employers (Freudenberg, Brimble & Cameron, 2010 as cited by Cameron, Freudenberg, Giddings & Klopper, 2018, p. 67).	The findings of this research can highlight the program risks associated with WIL and can be applied by stakeholders to evaluate and improve existing frameworks designed to manage legal risk (Cameron, Freudenberg, Giddings & Klopper, 2018, p. 68).	The programs examined in this study relate to 'placement-based' WIL (Smith & Worsfold, 2014 as cited by (Cameron, Freudenberg, Giddings & Klopper, 2018, p. 68).	
Program risk is a type of legal risk that relates to the conduct of universities, host organizations and students before, during and after a WIL	Many universities have formally recognized WIL as a strategic objective (Cooper et al., 2010 as cited by Cameron, Freudenberg, Giddings & Klopper, 2018, p. 67).	This advice about legal risks includes: <ul style="list-style-type: none"> <li>• Disciplinary action</li> <li>• Insurance</li> <li>• Indemnities</li> <li>• Confidentiality</li> <li>• Student misconduct</li> <li>• Student payments</li> </ul>	Leading areas of legal work ( a proxy for legal risk) and future legal risk in relation to WIL were contracts, intellectual property, confidentiality and privacy law, university policy and workplace health and safety (Cameron, Freudenberg, Giddings & Klopper, 2018, p. 69).	

## Risk Analysis- Lit Review

<p>placement as well as the personal characteristics of students that can expose the university to legal risk (Cameron, Freudenberg, Giddings &amp; Klopper, 2018, p. 68).</p>		<ul style="list-style-type: none"> <li>• Discrimination</li> <li>• Workplace health and safety</li> <li>• Policy</li> <li>• Sexual harassment (Cameron &amp; Klopper, 2015 as cited by Cameron, Freudenberg, Giddings &amp; Klopper, 2018, p. 69).</li> </ul>		
		<p>The university lawyers' views, as reported in the case study findings that follow, are their personal views on legal risk and are not necessarily those of their university employer (Cameron, Freudenberg, Giddings &amp; Klopper, 2018, p. 70).</p>	<p>Health may be a substantial source of legal risk because WIL programs in this discipline are mandatory and thus have a significant student participation in WIL (Cameron, Freudenberg, Giddings &amp; Klopper, 2018, p. 69).</p>	
		<p>A direct question about the student's medical condition or disability may contravene discrimination laws, whereas a question framed in terms of</p>	<p>Process-based is a type of WIL in which students have regular contact with the host organization's clients, with potentially serious consequences if harm occurs to the student, host, organization or client</p>	

## Risk Analysis- Lit Review

		<p>whether there are any issues that may impact on the student's ability to complete the requirements of the WIL placement is more appropriate (Cameron, Freudenberg, Giddings &amp; Klopper, 2018, p. 72).</p>	<p>(Cameron, Freudenberg, Giddings &amp; Klopper, 2018, p. 69).</p> <p>The scope of WIL programs addressed during the interviews was limited to WIL placements in Australia (Cameron, Freudenberg, Giddings &amp; Klopper, 2018, p. 70).</p>	
		<p>University lawyers discussed how the legal risk of sexual harassment and bullying of students by host organization personnel are compounded if WIL staff do not handle student complaints appropriately (Cameron, Freudenberg, Giddings &amp; Klopper, 2018, p. 74).</p>		