



COMMENTS BY THE EUROPEAN CENTER FOR NOT-FOR PROFIT LAW TO DRAFT LAW ON VOLUNTEERING OF THE REPUBLIC OF MOLDOVA, ARTICLE 16

The European Center for Not-for-Profit Law (ECNL) is pleased to have the opportunity to provide its feedback to the Moldovan draft Law on Volunteering, version of December 2009 as registered with the Parliament (hereinafter “draft law”).

These comments in particular address the provisions of Article 16 of the draft law on Volunteering that regards incentives for pupils and students.

According to the Article 16, “A volunteer may, under the law, get special credits for professional training.” Higher education institutions are prescribed under the law to grant special credits for volunteering activities carried out by the student in addition to the credits provided for in the curriculum (art.16, para. 4). These special credits may also be extended to the volunteering activities carried out abroad (art.16, para. 5).

ECNL attended a meeting of the working group on the draft law with NGOs and Ministry officials and was asked to identify practices of offering internships in international and more specifically European educational institutions. One of the main concerns expressed by the Ministry of Education was the compliance with the Bologna process and methodology for granting academic credits for volunteering. The NGOs believe that the opportunity of receiving academic credits for volunteering experience is an important incentive for young people, pupils and students, to engage in volunteering activities. Below we would like to address the key questions raised during the discussions.

Are internships considered volunteering?

As we elaborated in our comments on the draft Law of November 2009 *conceptually, internships and apprenticeships are similar but distinct from volunteering*. The approach of equaling volunteering and mandatory internships and/or apprenticeships may be counterproductive to the whole concept of volunteering as it will create confusion in its application in the practice.

First, volunteering is considered as an activity undertaken by free will and without any coercion. In another words, if a person decides not to volunteer he or she will not loose anything. Or if a volunteer decides to stop volunteering, then again this will probably not be to his disadvantage. This is important difference from apprenticeship or internships for credit. If a person does not complete the apprenticeship or do an internship he will not be able to qualify for a profession or earn the credit.

Second, the credit for internship creates a certain benefit for the person. Volunteering, in general, does not assume a direct benefit or reward for a volunteer. As noted above, internships and apprenticeships are usually undertaken for the purposes of professional development and involve a personal gain for the individual, e.g. receiving credits and earning a degree. Whilst through their assistance volunteers may develop transferable

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skills and knowledge, it does not mean that it necessarily happens for each volunteer as the volunteering activities and commitments will differ. This will also make it hard to assess whether certain volunteering can be qualified for a credit

Further, internships have an elaborate structure with the purpose to be part of the academic curriculum towards achieving a certain professional degree. They can be mandatory or optional, but optional internships usually do not entail an academic credit (see below). Sometimes internships are referred to *as volunteering opportunity for credit*; which indicates that this arrangement has features similar to volunteering. However, we are not aware of any examples from Europe or beyond, when they are regulated through a law on volunteering directly.

How are such relationships regulated?

It is not unusual to provide academic credits for volunteering in Europe under the Bologna Process. For example, the UK National Report 2005-2007 on the Bologna Process states: „The undergraduate curriculum frequently includes placements, projects, skills and enterprise modules, simulations and other work-related components to generate higher level skills. Extra-curricular activities are also widely supported, such as volunteering and work experience, for which credit or additional certification is frequently available.”¹

This is mentioned under the measures taken by the Government to enhance employability of higher education graduates.

“Enhancing the employability of graduates is a key part of the Government’s White Paper ‘The future of higher education’ (Cm 5735) which states that ‘as well as improving vocational skills, we need to ensure that all graduates, including those who study traditional academic disciplines, have the right skills to equip them for a lifetime in a fast changing work environment’. To improve both graduate employability and the relevance of graduate skills to the economy, all universities are embracing the skills agenda, recognizing the key part they have to play both in preparing the technical and professional workforce of the future, but also in terms of continuing professional development.” (From the UK National Report 2005-2007 on the Bologna Process)

Although due to the short time and language constraints we did not find a similar statement from other EU countries, it is clear that this arrangement is present as a tool to enhance key principles and objectives of the Bologna process (e.g. student mobility and employability).² At the same time it has to be recognized that such arrangements are outlined and regulated in government programs, policies and regulations specific to the field (higher education) rather than in a law on volunteering.

¹ http://www.aic.lv/bolona/2005_07/Nat_reps/UKWNINationalReport1.pdf

² It does seem, however, that due to cultural and traditional reasons, this practice is more widespread in the US and the UK than in continental Europe.

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We consider that it would be very difficult for the draft law to establish and apply consistently a requirement for Universities to grant academic credits for volunteering with NGOs, considering that different Universities have different curricula and credit requirements. This will be especially troublesome in case volunteering activities were carried out abroad as schools will have even fewer opportunities for assessing the volunteering experience and its value for professional development (art.16, para. 5).

How does it look like in practice?

In Europe and in the US, schools usually include internship in their academic curriculum when the internship program complies with a number of academic and other additional requirements. Generally, there is no standardized systematic approach on granting academic credits for internships. Requirements for gaining credits for an internship program vary from school to school and even within the same school from department to department. In cases when credits are offered they usually are provided upon successful completion of a combination of academic curriculum and the practical experience of the internship. The academic component in this case provides a general framework for conceptualizing the internship experience and building students' professional skills.

In case internships are required by a school they are usually considered as professional training necessary for achieving a degree, e.g. the Central European University in Budapest has a credited internship for Legal Studies Department students when they are required to accomplish a certain number of hours during internship at an NGO or a law firm. In such cases an academic mentor at the University or school sets the criteria for internship, monitors the process and evaluates the acquired skills and knowledge. Academic mentoring can be provided through a specially designed course that embraces topics relevant for the internship or through in-person consultations. At the end of the internship students may be asked to prepare a final written report where they need to describe accomplishments and lessons learnt at the host organization.

In some cases, the academic mentor is required to work in cooperation with the internship supervisor from a specific organization where the student is placed to prepare a learning agreement, e.g. Washington University in St. Louis (<http://careers.wustl.edu/documents/AcademicCredit.pdf>). The learning agreement outlines the scope of work and intern's responsibilities, as well as host organization's commitment to supervision.

The University may choose to run its own internship program through one of its units. For example the Central European University (CEU) has a professional training program that is arranged through the University's sub-unit Human Rights Student Initiative (HRSI) (<http://ceu.bard.edu/summerprogram.html>). HRSI places students almost entirely within NGOs. While internship is a condition of completing the course, students receive credits for the academic component of the internship program, the so called "core seminar", but not for the internship itself. Senior undergraduate students can earn two credits for the core seminar, given that they engage in a full time internship for at least 35 hours a week for 8 weeks.

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There are cases when the internship curriculum is developed and managed not by schools, but by intermediaries, e.g. Washington Center for Internships and Academic Seminars (<http://www.twc.edu/default.shtml>). Such intermediaries, however, are established and operate if there is a sufficient interest for internships and apprenticeship placements. They provide logistical and coordination support to the interns, universities and hosting organizations, but do not grant credits. The credits can be arranged for through special affiliation agreements with the University where the student comes from and are calculated based on the methodology applied by the educational institution.

Conclusions

All these said, universities should be encouraged to accept NGOs as hosting organizations for interns when NGOs are in the position to provide relevant professional training and express interest in hosting interns. The internship can be regarded for credit if it complies with the necessary academic and any additional requirements established by the University and/or the Ministry of Education. In terms of the Bologna process, such requirements will be laid down in the National Qualification Framework Requirements; therefore NGOs should aim to participate in the development of these policies. As part of the process, NGOs will have to demonstrate how the skills and experience gained through internships at their organizations contribute to the development of those qualifications and enhance the broader goals of the Bologna Process (e.g. employability and competitiveness, life-long learning, knowledge based society etc).

Based on the international and European experience, while reference to the potential of such practice could perhaps be made, these relationships would not need to be regulated on the level of the Law on Volunteering. To encourage such cooperation the Ministry of Education may choose to develop Recommendations or Regulations to encourage internship placements at non-governmental organizations. Such legal document would indeed be a pioneering initiative for the region.