Seven Steps for Effective Study Abroad Risk Management

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After this webcast, you will be able to assess your study abroad risk management preparedness and improve your operations accordingly.
Seven Steps for Effective Study Abroad
Risk Management

Session Overview

- Understanding the state of study abroad today
- Seven steps to manage study abroad risk
- Lessons learned from Japan and Egypt
- Additional resources

UNDERSTANDING THE STATE OF STUDY ABROAD TODAY
SEVEN STEPS TO MANAGE STUDY ABROAD RISK

• Student participation
• More institutions offering programs
• Change in destinations
• What students do abroad
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FOR EFFECTIVE STUDY ABROAD RISK MANAGEMENT

STEP #1
DEVELOP POLICIES

Higher education is a unique industry.
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Sending Students Abroad Is a Unique Business Venture

In contrast to other higher education programs and activities, risk is increasing with the number of students traveling to developing parts of the world.

Sending Students Abroad Is a Unique Business Venture

Program organization -- or disorganization -- and emerging trends in program duration have increased related risk factors.
An Evolving Legal and Risk Landscape for Both

- The times they are a changin’
- Rapid and continuous growth
- Proliferation of federal laws and regulations
- Changing student demographics

Higher Education Was Once a Protected Industry

- Traditionally, few legal requirements
- Colleges regulated themselves
- Anthony v. Syracuse
Now Treated Like Any Other Business
• By judges, juries and creative plaintiffs’ attorneys
• Colleges and universities — and, in particular, revenue producing programs -- are now viewed as “ordinary commercial enterprises.”

The Trend Regarding Legal Duty
• Courts moving away from “no duty”
• Focus on:
  - “reasonableness”
  - “foreseeability”
  - “special relationship”
Reasonableness

• The reasonable person standard
• A person has acted negligently if he or she has departed from the conduct expected of a reasonably prudent person acting under similar circumstances

Foreseeability

• Reasonable anticipation of the possible results of an action
Special Relationship

Courts determine if, under the particular circumstances, there is a special relationship between the student and the institution that establishes a “duty”

Concepts Have Been Applied to Study Abroad Program Lawsuits

• There has not been a lot of litigation over study abroad related legal claims
• Many controversies have been settled before they reached the courtroom
• However, study abroad cases have followed the trend away from “no duty”
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#1

**Grisar v. St. Mary’s College**
Prince George’s County Cir. Ct. 2001

The College “knew or should have known” that the Pacific Highway was “extremely dangerous . . .”
— “They hired a bus with the word ‘turismo’ on it . . . [which] lacked a cellphone, two-way radio, or other means of calling for help.”

**Fay v. Thiel College**

• The court determined that a “special relationship” existed between the College and the student and that this special relationship created a duty.
• Court inferred “special relationship” from waiver of liability/consent form.
Model Policies, Procedures and Protocols Are Necessary:

- To protect the health, safety and welfare of students
- of faculty and staff
- To protect the health, welfare and reputation of our colleges and universities

Risk management is the art and science of anticipation.
NACUBO and URMIA Define Risk:

“Any issue that impacts an organization’s ability to meet its objectives.”

Risk Can Be...

- Physical
- Reputational
- Emotional
- Financial
- Facilities
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Responses to Risk

- Accept some or all consequences
- Avoid/ignore
- Reduce, mitigate, control
- Transfer to a third party

Benefits of Risk Management

- Proactive, not reactive
- Safe, healthy, secure programs
- Assets preserved
- Reputation intact
- Saves money, time, stress (and possibly litigation)
Effective Risk Management Is a Study Abroad Program Mandate

• Acknowledges that some programs and activities have inherent risk
• Not isolated from comprehensive planning
• Risks may be know and obvious - or not
• Students, faculty and staff must be educated

From a Macro Perspective

Study Abroad program policies, procedures and protocols must:

– Anticipate and manage risk and threats
– Anticipate and manage legal issues and liabilities
– Protect everyone, including the institution
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From a Micro Perspective, Risk Management Needs to Include:

- Prescreening of students
- Training for faculty and staff
- An infrastructure to respond to emergencies and student conduct issues
- A chain of command and communication channels for the expected and unexpected

And, in Today’s Environment, Perhaps Much More:

- Internal or external database to track travel itinerary of students, faculty and staff
- Kidnapping and ransom insurance
- Emergency health care and evacuation resources and/or insurance
- Comprehensive intercultural training
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For the institution, this means:

• Policies that determine how new programs are developed
• Application, selection, and enrollment policies for students
• Clear expectations for faculty, staff, and students that are involved

How are policies developed?

• Committee review
• Involve multiple constituencies
• Should parallel campus policies (with some obvious exceptions)
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SEVEN steps
FOR EFFECTIVE STUDY ABROAD RISK MANAGEMENT

#1

What does this look like?

Example of Kalamazoo College study abroad handbook –


STEP #2

TRAIN STAFF AND ORIENT STUDENTS

ACADEMIC IMPRESSIONS
Faculty/ Staff: Start with the basics

- This isn’t amateur sport!
- Job description – clear expectations
- Enforcing policies before and during program – and how to document

Faculty/ Staff: On the road...

- Recognize when students are in trouble
- Role in emergency/crisis response
- Communication – who, what, when, how
- Provide way for them to contact campus
#2

**Faculty / Staff: In the event of a crisis...**

- On-site orientation:
  - Local emergency numbers
  - Faculty cell phone numbers
  - Buddy system and phone tree
  - Primary and secondary meeting place
  - Safety reminders

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**Faculty / Staff training - Topics**

- Counseling Center
- Campus Health Center
- Emergency and Crisis: Student Support and College Expectations
- Legal Issues and study abroad
- Roundtable discussions, case studies
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As for the students...

• Bring expectations closer to reality
• Reinforce academic, behavior, and cultural expectations – and the consequences if not followed
• Best to provide in a session, provide in written format (or web) and then once again on-site

Students need to be told...

• How to access physical and mental health resources on program
• Cultural information – including perceptions of US American students
• Alcohol and drugs – focus on behavior
• Local resources on site
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#2

Students should also know...

- Emergency procedures
- Safety information – including traveling during breaks
- Responding to physical and sexual assault
- When parents will be contacted

Student Orientation

<table>
<thead>
<tr>
<th>Orientation Session</th>
<th>Topics Covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Region Specific</td>
<td>Academic credits, role of RD or on-site staff, emergency procedures, housing</td>
</tr>
<tr>
<td>Site Specific</td>
<td>University culture, Role of on-site staff, emergency procedures, housing</td>
</tr>
<tr>
<td>Health and Safety</td>
<td>Student responsibilities, Physical and emotional health, dealing with culture shock and safety issues (assault, drugs, and alcohol)</td>
</tr>
<tr>
<td>Identity Shifts and SA</td>
<td>Cross-cultural expectations, stereotypes, gender relations</td>
</tr>
<tr>
<td>Past participant session</td>
<td>Meet with past participants – topics are open!</td>
</tr>
</tbody>
</table>
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STEP #3

IMPLEMENT STRATEGIC ARTICULATION AGREEMENTS

Models for Study Abroad Programs

• Institutional
• Consortium
• Agreement with domestic or foreign institution
• Contract program provider
• Permissive
• Blended
Each Model Raises Questions

- Which and whose policies, procedures and protocols apply and control?
- Who is responsible for risk and threat assessment – and crisis management?
- Who is the ultimate “decider”?
- Have all the bases been covered?

Do MOUs and Contractual Agreements Fully Address Possible Issues:

- Regarding their students who are participants in your program(s)?
- Regarding your students who are participants in their program(s)?
- Disclosure of specific, and to the best of the institution’s ability, the foreseeable risks associated with the particular programs?
Holes Are Most Often Discovered When:

- A health or safety emergency arises
- A serious misconduct situation or disciplinary issue exists
- Unanticipated and unforeseen resources are needed
- Common sense goes missing

To Protect Your Institution:

- Clearly articulate each party’s legal obligations and responsibilities.
- Allocate risk and legal liabilities and specific insurance requirements.
- Use appropriate waivers and indemnification provisions.
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When selecting a partner, consider:
• Relationships, not transactions
• Is it a good academic fit?
• What is student support like?
• How will the program be structured?
• Who will be responsible for the components of the program? (orientation, logistics)

STEP #4
INVOLVE THE ENTIRE CAMPUS
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Who should be involved?

- During application process
- During orientation and pre-departure
- During an emergency/crisis
- After the resolution

<table>
<thead>
<tr>
<th>Stage in Study Abroad Process</th>
<th>Who Should Be Involved</th>
</tr>
</thead>
</table>
| Application process                 | • Student development
                                            • Academic advisor
                                            • Campus judicial board
                                            • ADA officer                                               |
| Orientation and pre-departure       | • Student Health Center
                                            • Student Counseling Center
                                            • Study abroad office
                                            • Faculty (if applicable)
                                            • Campus insurance provider                                 |
| Emergency/crisis situation          | • On-campus crisis management team
                                            • Higher administration
                                            • Student development
                                            • Security/campus police
                                            • Public relations
                                            • Insurance provider                                         |
| After the resolution                | • On-campus crisis management team
                                            • Student development
                                            • Counseling Center
                                            • Public relations                                           |
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STEP #5

RESPOND TO DOS TRAVEL WARNINGS AND ALERTS

U.S. Department of State

• Country specific information
• Travel Warning
• Travel Alerts
• Worldwide Caution
Country Specific Information
• Available for every country
• Gives general information and history
• Specific information about crime, road safety, access to medical facilities
• Read before you design a program!
• Available here:

Alert/Warning/Caution Guide

<table>
<thead>
<tr>
<th>DOS Warning/Alert</th>
<th>What It Is</th>
<th>When Issued</th>
<th>How To Respond</th>
</tr>
</thead>
</table>
| TRAVEL ALERTS     | • Issued in response to short-term situations  
                   • Most have 90-day expiration dates | • Election-related violence  
                   • Regional sporting events | • Share this information with students, parents and faculty/staff on-site |
| TRAVEL WARNINGS   | • Protracted, long-term situations where it is deemed unsafe for U.S. citizens to travel  
                   • Suspension of consular operations | • May be prompted by evacuation of non-essential U.S. DOS personnel and families  
                   • Encourage students to sign up for alerts at the DOS website: https://travelregistration.state.gov/ibrui/ | • Remind them what a travel alert, travel warning or WWC is – a reminder, not a reason to panic! |
| WORLDWIDE CAUTION | • Issued to alert U.S. Citizens around the world to be alert and aware of their security | • Response to terrorist threats | |

ACADEMIC IMPRESSIONS
Also consider...

- Does your institution know more than the DOS?
- Develop a process of review
  - Form a committee to review DOS travel warnings, travel alerts and world wide caution issuances
- Other sources of information:
  - The Overseas Advisory Council (OSAC)  
    [https://www.osac.gov/Pages/Home.aspx](https://www.osac.gov/Pages/Home.aspx)
  - Private companies (Red 24; SOS) offer information on a subscription basis

### STEP #6

CREATE FORMAL EVALUATION PROCESSES
As You Prepare The Program

• New program proposals should include information on health and safety – and consider all students who may participate (US passport holders and those with US student visas)
• Check insurance policies for exclusions
• Use the DOS Country Information Sheets

Create Formal Evaluation Processes

• Get feedback from students – and review and respond accordingly
  – If third party program, ask for the evaluations or reports from on-site staff
• Review program locations regularly
• Require on-site staff/faculty to write a report
Evaluate Emergency Procedures & Protocols: 4 Key Steps

- **Review** emergency procedures
- **Train** all staff on emergency procedures
  - Drill on a regular basis
- **Share** emergency procedures with campus-wide emergency committee
- **Compare** with benchmark institutions - do they fit industry practices?

The Debrief

After responding to an emergency, debrief:
- What went well?
- What could have been done better?
- What procedures should be changed, if any?
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STEP #7

REVIEW PROCEDURES

Policy Assessment and Review Must Be an Ongoing Process

• Review and incorporate best practices and respond to changing risk scenarios:
  – NAFSA
  – Forum on Education Abroad
  – URMIA
• Focus on what other institutions are doing
Provide Training Opportunities for Staff

• Regional conferences
• Webinars
• Listservs
• Internal training programs focused on emerging and trending issues
• Do not allow faculty to escape!
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Your Approach Must Be Safety, Security and Solutions Oriented
At the end of the day, both you and your college or university’s study abroad programs and related decisions and actions will be judged on whether you made the “right decisions” in the best interests of individual students, others involved with the programs and the institution itself.

LESSONS LEARNED FROM JAPAN AND EGYPT
Lessons Learned from Japan

- How to reach students during break?
- How to make decisions with multiple sources of (somewhat) contradicting information?
- Does the campus have a back up plan when students must return early (or defer participation)?

Lessons Learned from Egypt

- Do not go down to the riot!
- How to make decisions with multiple sources of (somewhat) contradicting information?
- Does the campus have a plan for the arrest of a student? Who is responsible?
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QUESTIONS AND DISCUSSION

ADDITIONAL RESOURCES
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Resources:

NAFSA: The Association of International Educators
http://www.nafsa.org/resourcelibrary/default.aspx?catId=429104
The Forum on Education Abroad
http://forumea.org/standards-index.cfm
The U.S. Department of State
http://travel.state.gov/
The Overseas Security Advisory Council
https://www.osac.gov/Pages/Home.aspx
Association for Safe International Road Travel
http://www.asirt.org/
SAFETI Clearinghouse- Center for Global Education
http://www.globaled.us/

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Disclaimer

This program, along with the resource materials provided, was designed and intended to provide accurate and authoritative information regarding the subject matter covered. However, it does not constitute legal or consultative advice. Please consult with your institution’s legal counsel and/or other appropriate professional support staff regarding the specific facts and circumstances associated with any related legal question, policy or procedural issue, matter or case.

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Thank you!

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