

Best Practices on Student Travel to Countries with Significant Health and Safety Concerns

Introduction

In the past decade, participation in study-abroad programs has risen nationally by 150 percent.¹ At the same time, the destinations to which students are traveling have become increasingly diverse.² As colleges and universities across the country place greater emphasis on study abroad, recognizing the beneficial role it can play in producing well-educated and informed citizens, the benefits of participation must be carefully balanced with concerns for the well-being and safety of students.

In 2008, the National Association of State Universities and Land-Grant Colleges (NASULGC) formed an Ad Hoc Task Force on Safety and Security in Study Abroad. The task force benchmarked the approaches of recognized national leaders and sought to distill a common set of best practices related to safety and security. The elements of these best practices are presented in detail below:

- Committee Oversight
- Criteria for Suspension of Programs
- Special Exemptions to Suspension Decisions
- Mandatory Liability Waivers and Health Insurance Requirements
- Policies on Non-University Programs

Committee Oversight

Conformity with best practices demands that institutions establish a committee responsible for assessing the risk of operating study-abroad programs in countries or regions in which significant health or safety concerns are present.³ These committees operate under various names at different institutions, such as Study Abroad Safety and Responsibility Committee (Indiana University) or Study Abroad Risk and Security Assessment Committee (Michigan State University), but the role and composition of such committees is substantially similar at all institutions with robust and mature study-abroad programs.

Role of Oversight Committee

The role of the Oversight Committee is typically two-fold:

1. First, it decides whether or not to suspend study-abroad opportunities offered by the university in countries in which a significant health or safety concern has been raised;
2. Second, it decides on a case-by-case basis whether or not to grant an exemption due to special circumstances to its decision to suspend opportunities in a given country (e.g., the concern that triggered the suspension decision is confined to a specific area far from the program site).

Composition of Oversight Committee

It is essential that the Oversight Committee has broad expertise from across the university and is comprised of senior faculty and staff, so that its decisions will be accorded the proper measure of respect and institutional authority. At leading institutions, committee members are appointed by the provost or president of the university. Typically, the committee's decisions are not subject to appeal, although some institutions allow for final appeal directly to the provost or president.

¹ Institute of International Education, *Open Doors*, 2007.

² *Id.*

³ Given that circumstances abroad can change rapidly, it is essential that such committees establish procedures to confer quickly (often over breaks or between sessions) in the event of an emergency and/or the issuance of a U.S. Department of State Travel Warning.

Best practices prescribe that such oversight committees should comprise:

- Senior faculty or deans with significant international experience
- Director of risk management
- General counsel or senior legal affairs staff
- Senior health affairs/medical staff (especially where health concerns are central)
- Senior academic affairs/dean of students staff
- Senior public affairs staff
- Chief international officer
- Director of study abroad (often in a non-voting, *ex officio* capacity)⁴

Criteria for Suspension of Programs

Circumstances around the globe change constantly. Universities must regularly monitor information relevant to the safety of students and should have clear policies and procedures in place for prompt suspension of study-abroad opportunities when health or safety conditions in a given country or region warrant such action.

Relevant information about health and safety conditions should be gathered from a number of sources, including but not limited to: the [U.S. Department of State](#); governmental health organizations (e.g., [the Centers for Disease Control and Prevention](#) and the [World Health Organization](#)); the [Overseas Security Advisory Council](#); private security or emergency response firms with personnel stationed in-country (e.g., [International SOS](#)); university faculty who travel frequently to and have extensive experience in the given country or region in question⁵; and experts from peer institutions with students or programs located in the country or region in question.

U.S. Department of State Travel Warnings

While best practices dictate gathering health and safety information from a wide variety of sources and making decisions to suspend programs based on all relevant information, the existence of a travel warning issued by the U.S. Department of State is considered dispositive; when a [U.S. Department of State travel warning](#) exists for a country in which an institution operates programs, all programs whose participants have yet to depart for that country should be suspended automatically.⁶ Occasionally, it may be appropriate to allow a university program in a country subject to a travel warning to proceed due to special circumstances. Accordingly, universities should have well-established processes in place for evaluating written requests for “special exemptions” to a suspension decision on a case-by-case basis and according to well-defined criteria (see, *infra*, **Special Exemptions to Suspension Decisions**).

Should a travel warning be issued or updated once a program is underway, the university Oversight Committee should review programs in the affected country promptly to determine whether conditions warrant immediate suspension or alteration of the program and departure of students and staff from the host country.

⁴ Often the Director of Study Abroad is responsible for promoting and increasing participation, as well as for enhancing student safety and security. Given the possible appearance of a potential conflict between these two duties, many institutions limit the role of the Director of Study Abroad in making decisions to suspend programs or grant exemptions to suspension decisions.

⁵ When consulting with faculty, care must be taken to avoid any potential conflicts of interest or the appearance thereof. Decisionmakers must decide what weight, if any, to give faculty recommendations when the faculty member offering the recommendation is directly involved with the operation of an affected program.

⁶ Several legal and insurance-related considerations support the automatic suspension of university programs located in countries with a U.S. Department of State travel warning in effect. For example, the evacuation and repatriation provisions of many insurance policies are automatically void for countries under U.S. Department of State travel warnings; typically it is possible to negotiate coverage in these countries despite a travel warning at an additional expense in order to cover participants.

Special Exemptions to Suspension Decisions

Once the Oversight Committee has suspended programs in a given country, either due to a State Department travel warning or other factors, a process should be in place whereby the committee will consider written requests for exemptions to suspension decisions due to special circumstances and according to well-defined criteria. Such criteria should include but need not be limited to the following:

- the nature and scope of the travel warning, if one is in effect;
- the experience of the faculty program leaders and in-country staff and the strength of the in-country infrastructure;
- the specific steps taken to inform students about known risks;
- the specific steps taken to mitigate known risks and their likely effectiveness;
- the academic purpose of the program for which the exemption is being sought;
- whether the opportunity is for undergraduate, graduate, or professional training;
- the educational, research, or professional training importance of the opportunity in relation to the students' academic program;
- the political and physical conditions in-country;
- travel conditions and the ability to evacuate students, if necessary; and
- the manageability of legal risk to the institution.

Best practices also stipulate that there should be a written record of all Oversight Committee deliberations, indicating committee members present, major factors discussed and considered in reaching a decision, and the committee's final disposition on questions of suspension or exemptions.⁷

Mandatory Liability Waivers and Participant Insurance Requirements

All participants in study-abroad opportunities offered by the institution should be required to sign a waiver of liability approved by the institution's office of general counsel or legal affairs as a condition of participating in the opportunity. In addition, all participants in study-abroad opportunities offered by the institution should be required to show proof of international health insurance coverage that meets minimum coverage requirements as established by the institution's risk management office.

Policies on Non-University Programs

Most institutions allow students to participate in certain programs administered and operated by third-parties. Typically, university study-abroad offices provide students interested in such programs with considerable support, including assistance with program selection and application, assistance with the transfer of academic credit, maintaining enrollment at the home institution, and the ability to apply financial aid and scholarships toward the cost of the experience. When such third-party programs are located in a country in which the Oversight Committee has suspended the university's own programs, however, students may be exposed to serious risk and institutions to significant legal liability. For this reason, best practices indicate that institutions not provide any support to students who wish to participate in non-university programs located in countries in which the university has suspended its own programs, either due to a State Department travel warning or other factors.

⁷ As with other university records, such records are subject to open records requests and/or are discoverable in the event of litigation.