

MN Health and Safety Legislation



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Boston

Who are we?

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Who are you?



Outline

- I. Best Practices/Standards
- II. History/Overview of Legislation
- III. Implications for our field
- IV. Conclusion/Questions

Best Practices/Standards

Resources, Emergency Response, Data Collection and Reporting

Resources on Best Practices

Forum Standards & Interassociational Good Practices

- Institution/Provider due diligence and risk assessments
- Orientation ongoing reviews/evaluations/assessments
- Participant screening
- Insurance
- Training (staff, faculty, etc.)
- Incident response protocols
- Disclose risks!
- Compliance with US and foreign law/regulation

Inter-Associational Advisory Committee on Safety and Responsibility in Study Abroad
Responsible Study Abroad: Good Practices for Health and Safety (2002 Report)

<http://www.nafsa.org/resourcelibrary/default.aspx?id=16949>

Forum Standard 8 (updated 2015)

<http://www.forumea.org/resources/standards-of-good-practice/standard-8>

History/Overview

Minnesota Legislation

The 2014 MN Bill

- Clear Cause founder approached two MN legislators to sponsor legislation
- University of Minnesota offered to meet with the Bill's sponsors to share information and help make the legislation meaningful, informative, feasible
- Initial drafts required reporting of:
 - Deaths
 - Accidents/Illnesses
 - Sexual Assault
 - Involvement by students abroad in criminal acts (whether as victims or perpetrators)

Minnesota Study Abroad Professionals (MSAP)

- Long-standing professional group with monthly meetings and a listserv
- Members established an informal Working Group
 - representing public, private, university systems, providers
 - held several meetings, corresponded extensively by email
 - met with legislators
 - corresponded with legislative staff
 - engaged with university/college gov't relations teams
 - shared updates with MSAP listserv and at meetings
...and, after the bill's passage...
 - met with the Office of Higher Education (OHE) on definitions and implementation
 - held a workshop to train other institutions on compliance

Requirements of the Law

1. Annual Reporting of death and hospitalizations to State Office of Higher Education (OHE)
2. Institution's Program Materials must include a link to OHE website
3. Institutions must affirm they are committed to complying with Forum Standards

1. The Annual Report

- MN Institutions receiving Title 6 financial aid
 - Study abroad programs outside the U.S. and for which credit has been pre-approved
 - Deaths and hospitalizations that occur during and as a result of program participation
- Applies to students enrolled at MN institutions (grad or undergrad, degree or non-degree) for *more than just the term of study abroad.*

The Annual Report (cont.)

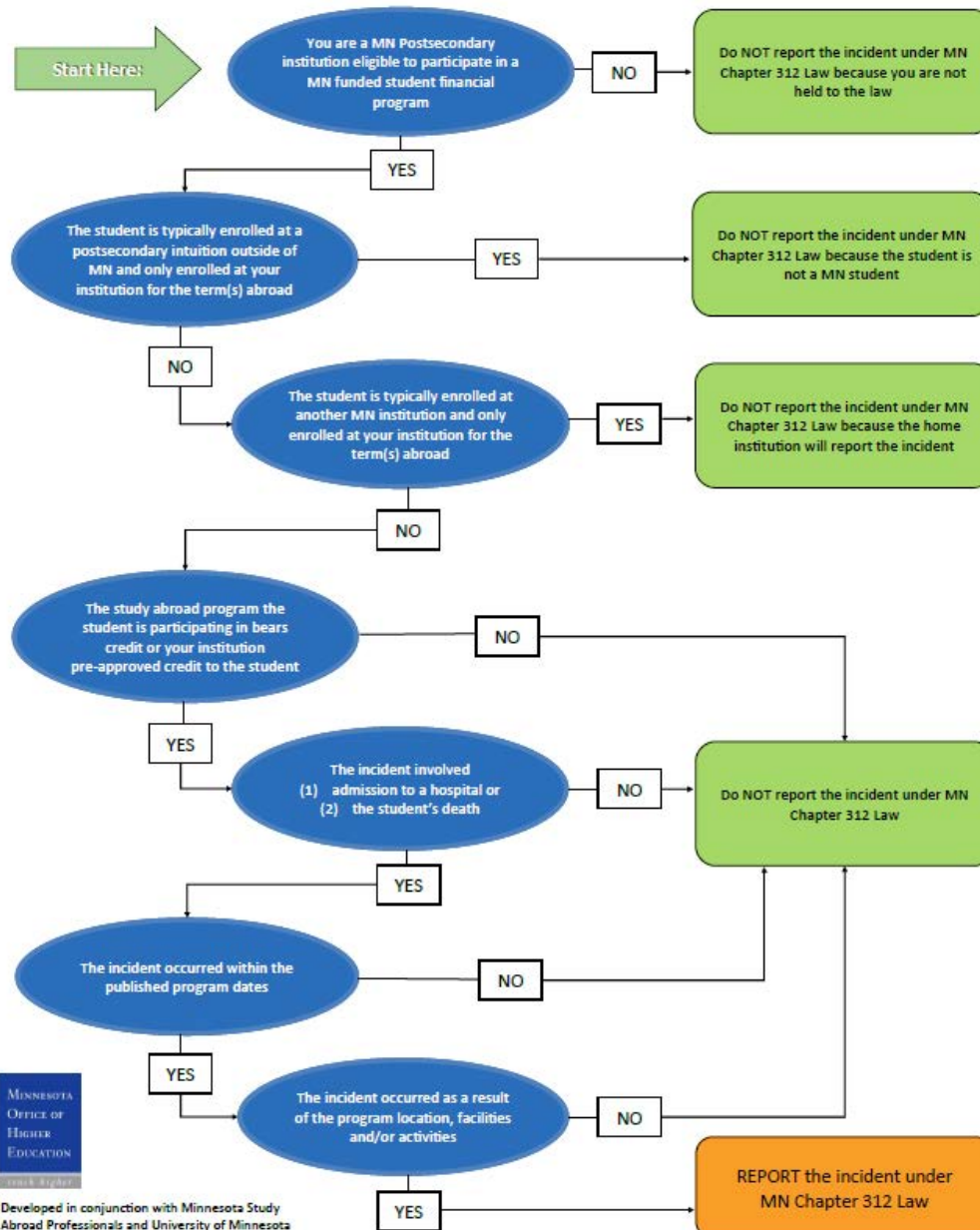
- Will report:
 - Total study abroad students in the country
 - Incident count
 - Incident Type (hospitalization or death)
 - Country
 - Program Type (not included on public report)
- OHE Website for the [institution to report](#)
- OHE [Public Website](#)

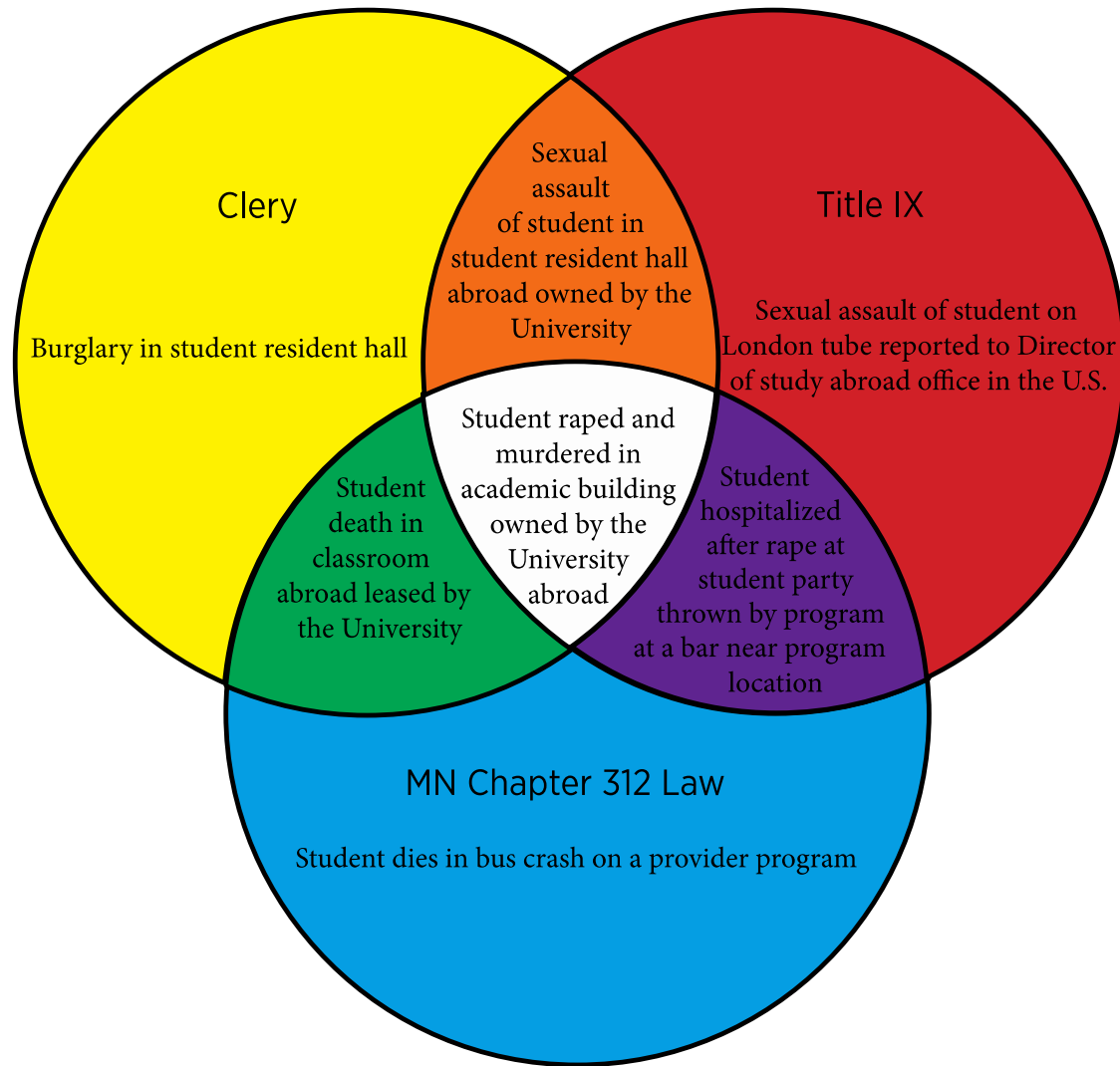
Implementation Questions

- Who will be responsible for data collection?
- What enrollment and incident reporting procedures already exist on our campuses? Are changes needed?
- How will data be collected, stored, and retrieved for reporting? Who will submit the report?
- How will contracts with partners/providers need to be amended?
- How will faculty/staff be instructed to comply?
- How might student waivers/forms need to be amended?

Is a Student Incident Abroad Reportable Under Minnesota Chapter 312 Law?

Data Collection Period
8/1/14-7/31/15





2. Program Material Requirement



- Each institution “must include in its written materials provided to prospective program participants a link to the OHE Website stating that program health and safety information is available at the OHE Website.”

3. Forum Standards

Standard 8 Health, Safety, Security, and Risk Management:

The organization prioritizes the health, safety, and security of its students through policies, procedures, advising, orientation, and training.

- The organization prioritizes health, safety, and security in program development, implementation, and management, conducting appropriate risk assessments for program sites and activities, maintaining written emergency plans and protocols, and identifying and leveraging relevant authorities, networks and resources.
- Staff are trained to anticipate and respond responsibly to student health, safety, or security issues; students are trained to responsibly manage their own health, safety, and security while abroad; and measures are in place for ongoing monitoring of and advising on health, safety, and security issues through a range of U.S. Department of State and other appropriate resources.
- The organization maintains appropriate kinds of insurance at recommended levels, operates in compliance with local laws, and follows best practices in reporting on critical incidents.

2015 OHE Report – February 2015

- 2014 law: OHE *shall...assess the appropriate state regulation of postsecondary study abroad programs.*
- 3 key recommendations:
 1. require institutions to request, but not mandate, incident disclosure from students
 2. require reporting by program name and program host
 3. expand the types of incidents reported (injury, fire, theft, robbery, sexual assault etc.)

OHE Report Results: 2015 Amendments

- 2015 bill would require:
 - Incident data by category
 - Program Type
 - Primary Program Host
 - Country
 - Post-program student survey/request for incident disclosure
- K-12 legislation also drafted in both MN House and Senate

Implications for the Field

Looking Forward

- ClearCause/parents are lobbying for laws in other States and at the Federal level
- NAFSA leading the national effort in partnership with Forum, Alliance, URMIA, NACUBO, etc.
- U.S. House of Representatives bill in 2014 failed & letter from three Senators to the Department of Higher Education is yet unanswered
- 2015 federal draft to come

Lessons Learned in MN

- Start with the goal/issue to remedy & return to this place whenever possible
- Coordinate with all those involved/impacted
- Slow down and consider all the implications as well as the implementation realities

Good Practice

- Collect all incidents to
 - Inform decision making (programmatic, staffing etc.)
 - Track trends (orientation, risk mitigation etc.)
 - Report
 - Clery
 - MN Law
 - Within your institution
 - Need not be high tech!

Affiliates/Third-Party Providers

- Vetting Providers
 - Health and safety policy, practice, history of incidents, housing, transportation, emergency plan/communications
 - References
- Contracting
 - Schools: Require incident notification!
 - NOT just MN law, Clery etc.
 - Providers: Be proactive and communicate

Questions?

