

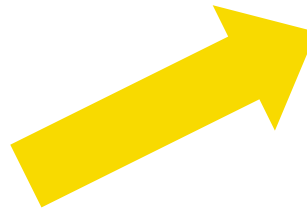


Risks and Liabilities of Off-Campus Travel

Kim Nimmo, Senior Risk Management Consultant

1987

In response to a liability insurance crisis, 59 institutions joined together to create an insurance company providing coverage stability, rational pricing and risk management services to its members.



2011

United Educators is comprised of 1200 member schools, colleges, universities, and other educational institutions... and growing.

Agenda

- Overview of Off-Campus Risks
- The Legal View of Institutional Responsibility
- Risk Management Practices

Hot Topic

- Senior administrators
- The Senator Paul Simon Study Abroad Foundation Act
- Headline news

What is Driving the Foreign Program Surge?

- Emphasis on globalization
- Desire to enhance the college experience
- External organizations recruiting students
- Increase in faculty-led trips

Trends Increasing Risk

- Service learning components
- More faculty led programs and ad hoc trips
- Varied approaches to managing programs
- Inconsistent student health and safety practices

People consistently believe that their personal risk is less than the risk faced by others in the same situation

Claims



Common Emergencies

- Missing students reports
- Assorted injuries
- Physical illness (food/alcohol poisoning)
- Mental illness
- Animal bites
- Group travel interruptions (cancelled flights)
- Stolen property
- Student death

Foreign Travel Claims - Five Year Study

- Total claims: 169

- Sexual Assault Claims: 75 (53%)
- Assault (under the age of 18): 9
- Assault (over the age of 18): 58
- Sexual Harassment: 8

- Alcohol related claims: 24 (17%)
- NOTE: of the 75 sexual assault claims, 14 (19%) of them involved consumption of drugs and/or alcohol

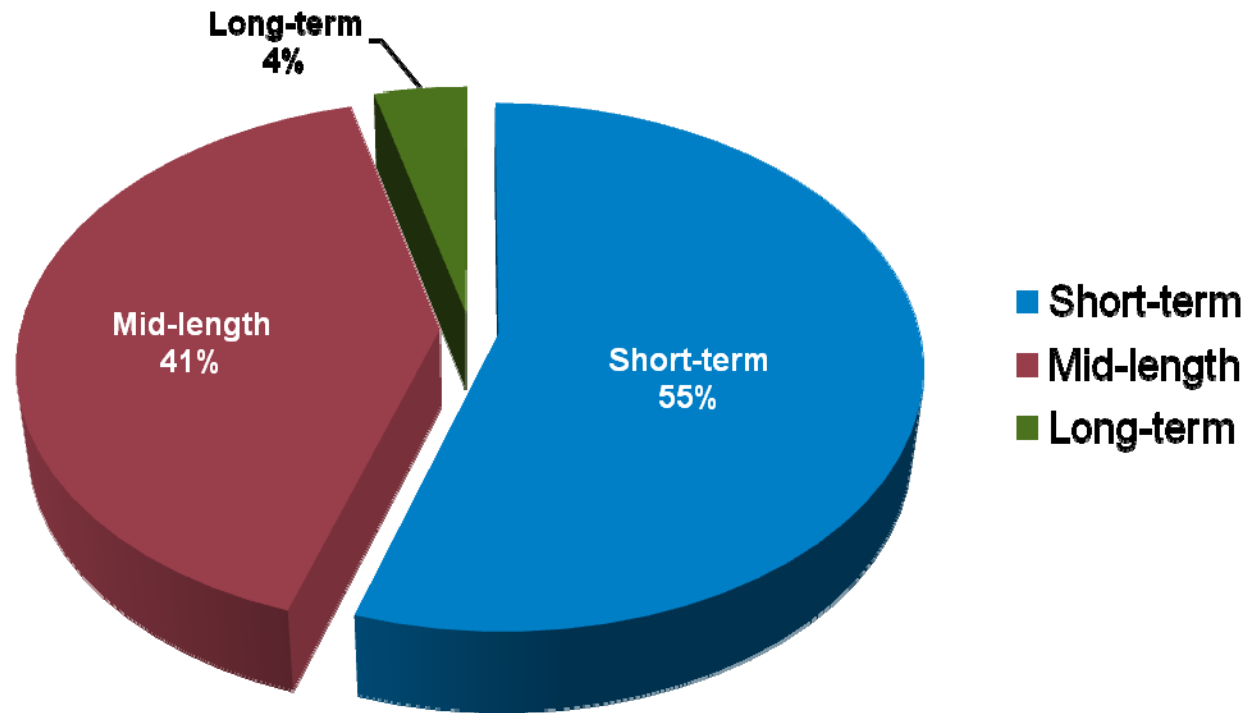
Destinations Trends

- Of the top 25 destinations:
 - 19 are to non-English speaking destinations
 - 14 are outside Europe
- Increase in non-traditional destinations
 - Under-developed regions

SOURCE: Open Doors, Institute of International Education, 2009.

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Program Duration



Summary of Industry Challenges

Exponential growth

Institution size

Turnover

Complex legal arena

Independent providers

International transportation issues

Compliance

Natural and man-made disaster

Campus point person

Governance and oversight

Incident records

Cultural differences

Decentralized campuses

The Legal View of Institutional Responsibility



Duty and Liability

“If I were in court explaining why we did what we did the way that we did it.....”

Elements of Negligence

- Careless performance of a legal duty that causes harm
- Failing to act reasonably when there is a duty to do so
- Conduct below the established legal norm for protecting others

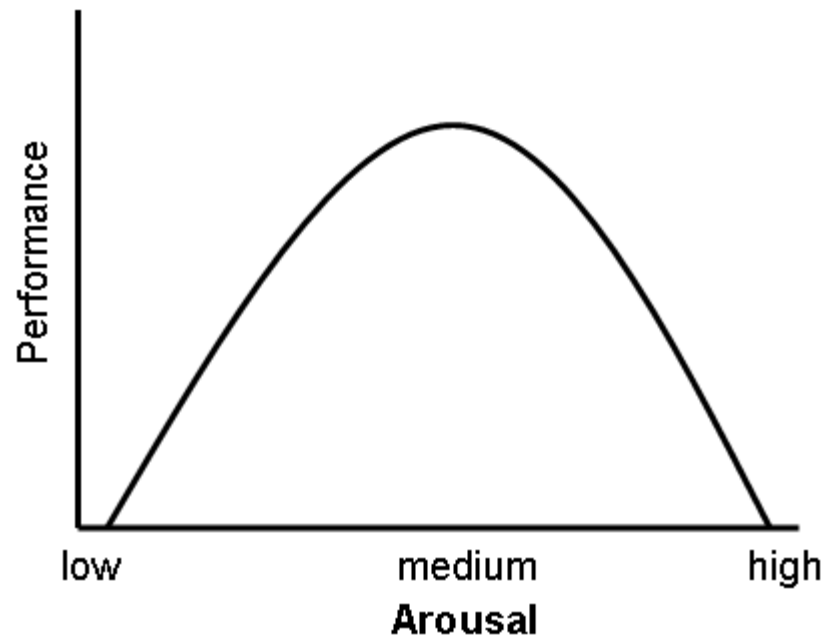
Risk Management



Lost in Translation



Yerkes-Dodson Law



Yerkes-Dodson law

- Moderate amounts of arousal are best for Performance
- Busy days can be too challenging & stressful
- Slow days are often boring
- Moderately busy days are best for attention, concentration and performance

Activity

- Two teams: Black White
- Task:
- Count the number of times the people wearing your team's color pass the basketball back and forth (both with and without bounces)
- Must remain 100% silent and focused to minimize distractions

Students with Mental Health Problems

- Alert counseling center in advance about who's traveling
- Treatment
- Informal support
- Medical care
- Study abroad can exacerbate
- Send home?

Alcohol and Other Drugs

- During programs
- Free time
- Overseas
- Drinking ages
- Acculturation
- Stronger drinks
- Profit off Americans

Harassment

- Policies conveyed in advance
- Responsible & alert leaders
- Leaders can be part of the problem
- Complaint mechanisms
- Effective responses

Transportation Risks

- Explore relative safety of planes, trains, buses, vans, cars
- Pick vendors carefully
- Pick driving routes carefully
- Consider prohibiting students from driving, including mopeds

Emergency Response

- Communication
- Emergency transportation
- Available health care
- Evacuation
- Coordination & supervision
- Institutional concern and support

Waivers

- Effective waivers
 - Explain the specific risks that the activity entails
 - States that the activity is voluntarily
 - Useful in orientations

- Can be helpful in the event of litigation, but...
 - Laws vary from state to state
 - Always seek legal council when drafting waivers
 - Specifics are better than generalities
 - Likely not to be effective for mandatory activities
 - Minors can not waive their own rights

The Big Picture

- Consistency across all programs
- Emergency response
- Open lines of communication
- Notice to students & families
- Alcohol and other drug policies
- Think about minors

Tracking Travelers

- University of Pennsylvania Global Activities Registry
- Studio Abroad®
- Travel Tracker™

Global Activities Registry



Penn's central resource for collecting information about the travel plans and activities of faculty, staff, and students preparing to travel abroad for academic, educational, clinical, research, or University business purposes.



StudioAbroad is software designed to make study abroad offices run more efficiently while easily providing information to students, staff, administrators, and parents.

 **Travel Tracker™**

International SOS is the world's leading international healthcare, medical assistance, and security services company.

Tips

- ☑ Visit <http://travel.state.gov>
- ☑ Smart Traveler Enrollment Program (STEP)
- ☑ Launch a community of interest

Thoughts, Comments, Questions





Education's Own Insurance Company.

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