

EDUCATION ABROAD

AND REGULATORY COMPLIANCE



When students are sexually assaulted in their dorm rooms or stalked on campus, then universities must report the activity in daily crime logs and an annual security report. But what about when sexual harassment, sexual violence, intimidation or hate crimes occur during a study abroad program? The nuances surrounding regulatory compliance may be more difficult to discern, but universities still need to adhere to the law and protect their students.

“We spend a significant amount of time in higher education working to empower students on campus,” says Dr. Katie Roller, Associate Director of International Programs for The California State University. “I think there’s often less of an understanding of how laws are interpreted once someone leaves the country. But we certainly want students to feel protected and supported if something nefarious happens while they are overseas.”



U.S. REGULATIONS
REGARDING
CAMPUS SAFETY
OFTEN EXTEND
BEYOND CAMPUS
TO WORLDWIDE
LOCATIONS THAT
ARE PART OF STUDY
ABROAD PROGRAMS.



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THREE KEY PIECES OF LEGISLATION

In some circumstances, laws that govern universities in the U.S. apply overseas as well. “In cases where students are participating in programs that are sponsored by institutions in the United States that receive federal funding from the government, the reach of the law goes beyond the borders of the U.S.,” says Roller.

There are three critical pieces of campus safety legislation that universities must be cognizant of and adhere to in relation to education abroad risk management: Title IX, the Clery Act and the Campus SaVE Act.



- **Title IX** – This part of the Education Amendments Act of 1972 states that no person shall be subjected to discrimination on the basis of sex under any educational program or activity that receives federal financial assistance. While the main purpose of the act was equal access to college athletics, its interpretation has broadened to all programs, including study abroad. Schools must respond quickly and effectively to sexual harassment and sexual violence.

- **The Clery Act** – Passed in 1990, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires that campuses keep and disclose information about crimes on or near campuses to current and prospective students, parents and employees. It also requires that campus security and safety procedures be developed and made accessible. Universities have Clery reporting obligations if they own or control property overseas as part of study abroad programs.

- **The Campus SaVE Act** – The Campus Sexual Violence Elimination Act (SaVE), passed in 2013, amends the Clery Act in several ways. It adds offenses involving domestic violence, dating violence and stalking to crimes that must be reported. It also expands categories of reportable hate crimes to include those based on gender identity and national origin.

While reporting requirements may seem burdensome, they safeguard students. “It’s not as though we are trying to extend the long arm of the law beyond what is appropriate and necessary, but it’s our due diligence and duty of care to make sure students feel comfortable participating in these programs,” says Roller.

ADVICE FOR ADHERING TO THE LAWS

For most staff in study abroad offices, the idea of becoming an expert in campus security legislation and associated reporting regulations sounds daunting. Fortunately, they don't have to. "Study abroad professionals should be aware of the regulations, but they certainly don't have to be experts in their office," says Roller. "They can work in collaboration with campus partners."

Roller offers this advice to international education offices to help ensure regulatory compliance:

Work with your Campus Security Authorities (CSA)

Under the Clery Act, every campus must have designated CSA. Roller recommends either joining the team or meeting regularly with the CSA to make sure you are following the law. She encourages having conversations about both American students studying abroad, as well as international students coming to your campus, who may be unfamiliar with U.S. laws and regulations.

Talk to the team that produces the annual security report

Members of the team will know what situations that occur overseas need to be included in the report. For instance, if you repeat international education programs in the same locations for a certain amount of time, they may be included in the reporting. There's also a requirement to compile crime statistics, which include criminal offenses or hate crimes. "Broach the conversation with professionals on campus who do this all day, every day," says Roller. "Inquire about what sorts of information would be helpful for them to make their reporting inclusive."



4 RESOURCES ON REGULATORY COMPLIANCE

Several online resources offer details on Title IX, the Clery Act and other campus safety legislation, including the following:

- The White House Task Force to Protect Students from Sexual Assault published ["Intersection of Title IX and the Clery Act"](#) in 2014 to help clarify reporting requirements and resolve concerns about any apparent conflicts between the two laws.
- A Risk Research Bulletin from EduRisk™ by United Educators entitled ["Responding to Sexual Assaults in the Study Abroad Setting"](#) addresses institutions' obligations for responding to sexual violence on study abroad programs.
- The U.S. Department of Education's ["Handbook for Campus Safety and Security Reporting"](#) provides step-by-step guidance for complying with the Clery Act and the Higher Education Opportunity Act.
- ["A President's Guide to the Clery Act"](#) by the American Council on Education offers an overview for university presidents and other senior administrators who will be held responsible for ensuring the act's requirements are met.

Dr. Katie Roller will give presentations on the topic of regulatory compliance and education abroad at upcoming regional conferences for the University Risk Management & Insurance Association (URMIA) in Chicago (February 27-28) and Providence, R.I. (April 25-26).





Develop a communication plan

“Create a phone tree so if things happen abroad, those involved know who to call,” says Roller. Emergency response plans for international programs typically mirror university emergency response plans and include communication with senior international officers, study abroad directors and advisors, deans of student affairs, public relations officers, risk managers, campus counsel, university police, Title IX coordinators, counseling services and university presidents. Be sure that people running the program know who to call for immediate assistance and to report the situation appropriately.

Empower students to be safe and understand their rights

“In light of all the conversation that’s happening at a national level outside of international education, I think we are going to see more and more attention focused on the empowerment of people to get access to the resources they need,” says Roller. “Study abroad professionals should speak with students about safety and security, particularly sexual harassment, during pre-departure orientation programs. Many campuses also offer bystander training so students can learn to help each other if situations arise.”

Programs such as [Sexual Assault Support](#) and [Help for Americans Abroad](#) offer advice on staying safe while overseas and getting help if a sexual assault occurs. [Capptivation](#) developed a smart phone app that serves as a resource guide for campus sexual assault. “Situations of sexual assault and hate crimes are frightening enough,” says Roller. “Access to the resources students need afterward shouldn’t be onerous.”

International education offices need to collaborate with campus partners to make sure they adhere to all reporting requirements. But more importantly, they need to view regulatory compliance as a way to protect their most important asset—the students they are sending abroad.



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