

MN Health and Safety Legislation

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Introduction

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Activity One: Introduction





Outline

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



Best Practices/Standards

Emergency Response, Data Collection and Reporting

Forum Standards (2015)

- **Standard 8:** 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.

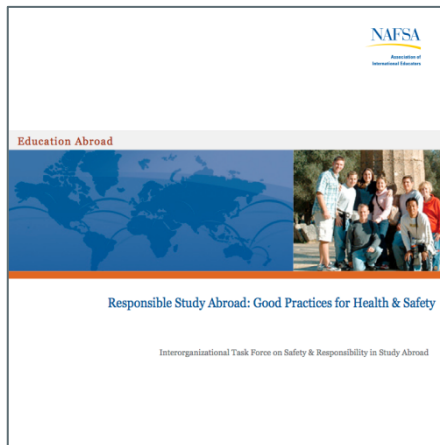
<http://www.forumea.org/resources/standards-of-good-practice/standard-8>

Good Practices for Health & Safety

- Responsibilities of the Program Sponsor
- Responsibilities of the Participant
- *Recommendations* to Parents/ Guardians/
Families

-Interassociational Advisory Committee on Safety and Responsibility in Study
Abroad 2003

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





Best Practice

Forum Standards & Interassociational Good Practices

- Program/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

Activity Two: Good Practice/ Standards





History/Overview

Minnesota Legislation



The 2014 MN Senate 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 (victims and perpetrators)

Minnesota Study Abroad Professionals (MSAP)

- MSAP group represents public, private, UMN and MNSCU, providers in and out of MN
- Working Group met several times and also corresponded extensively by email
- Reports sent out on the MSAP listserv to keep members up to date on progress



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 confirm their compliance with Forum Standards



Law to Implementation

- MSAP and OHE members met several times and corresponded by email over the summer to more precisely define key terms in the legislation and reporting requirements
- OHE created draft web pages for submission of data and publication of data by institution

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](#)

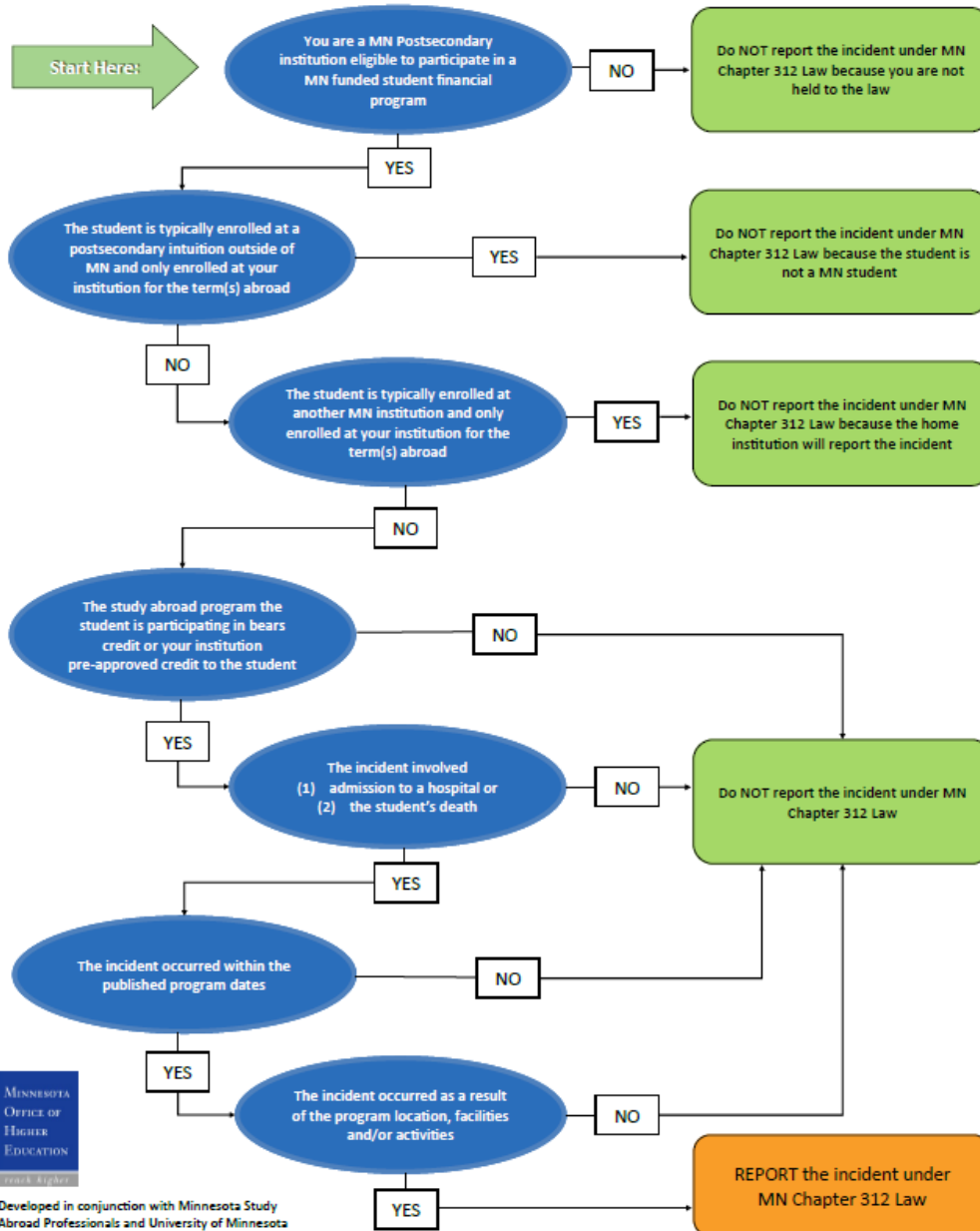


Implementation Questions

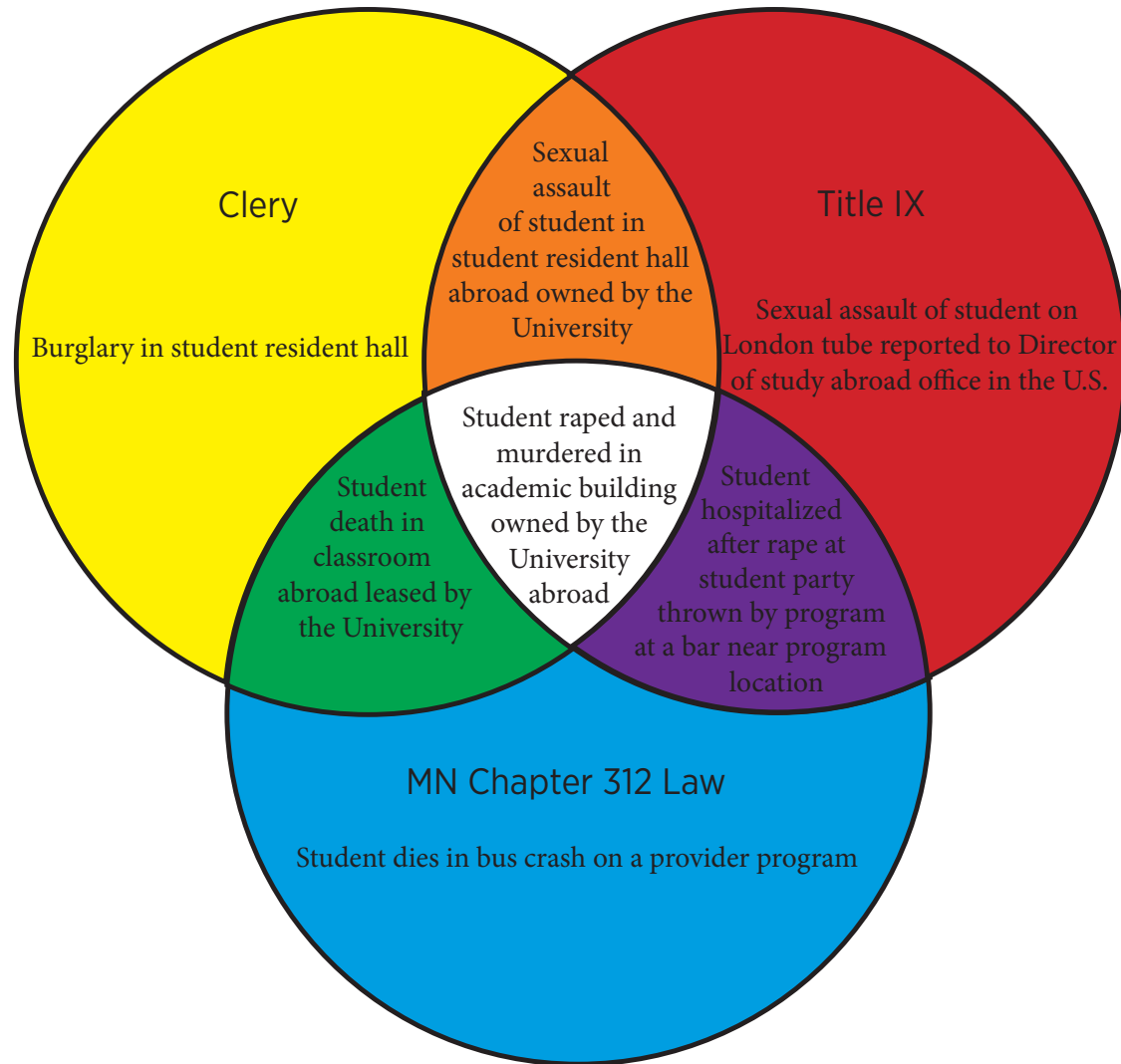
- Who will be responsible for data collection?
- What enrollment and incident reporting procedures already exist on your campus? Are changes needed?
- How will data be collected, stored, and retrieved for reporting? Who will submit the report?
- How will contracts with partners/providers need to be amended?
- 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



Developed in conjunction with Minnesota Study Abroad Professionals and University of Minnesota



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 Web site.”

3. Forum Standards

Is your institution committed to complying with the [health and safety standards](#)  of the Forum on Education Abroad? *check all that apply*

Note: This list of standards is subject to change when the Forum on Education Abroad officially publishes the 5th Edition

- 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.
- 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

- OHE “shall... assess the appropriate state regulation of postsecondary study abroad programs.”
- Published 2/15 with 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 (cont.)

- 2015 Senate Bill would add:
 - Incident Data
 - Program Type
 - Primary Program Host
 - Post program survey/Request for data
- 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.
- House 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

Activity Three: MN Law & Beyond



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

Advocacy and Communication



Conclusion/Questions

