



Analysis of S. 1572/H.R. 2875- The Ravi Thackurdeen Safe Students Study Abroad Act

International educators understand the incredible benefits of a quality educational experience abroad. And students can only realize those benefits if they feel safe and secure during those study abroad programs. Professional organizations create resources, guidelines, tools, and trainings for safe study abroad, and higher education institutions spend significant time and resources developing health and safety policies and procedures that are appropriate for their student populations and types of study abroad programs offered.

The primary goal of any policy, regulation, or legislation on study abroad health and safety should be ultimately to increase a student’s safety and security while studying abroad. The analysis below of the Ravi Thackurdeen Safe Students Study Abroad Act is intended to inform policymakers and stakeholders as they consider study abroad legislation.

Subsection (a) - Reporting of Crime Statistics

This section of the bill would remove the geographic designation for reporting crime statistics under the Clery Act by requiring institutions to report certain crime statistics “without regard to whether the institution owns or controls a building or property at such location.” Removing the “own or control” designation for study abroad programs fundamentally changes the foundation for reporting crime statistics under the Clery Act from a geographic basis to a programmatic basis in a way that would be difficult, if not impossible, to implement.

Stretching the Clery Act to fit an international framework has already proven to be an ineffective and inefficient mechanism to determine if an overseas location is safe. Under the current regulations, institutions are being asked to seek out and report crime statistics for specific international locations from foreign law enforcement agencies, which often ignore the request and are unlikely to provide meaningful data when they do respond. The Clery Act was written for U.S. institutions and U.S. law enforcement in a domestic setting. As was outlined in the American Council on Education’s *Report of the Task Force on Federal Regulation of Higher Education*, U.S. institutions have struggled with the Clery requirement to collect meaningful data from foreign law enforcement entities for overseas non-campus property:

“...institutions expend significant time and resources tracking these myriad locations and gathering crime data annually, only to have to settle for incomplete data ... The mandate that colleges and universities must collect data from foreign entities is particularly troublesome. Apart from the administrative burdens that such regulations create, many foreign law enforcement authorities often simply ignore requests from institutions.” (pg. 28 of the report)¹

¹ Task Force on Federal Regulation of Higher Education. “Recalibrating Regulation of Colleges and Universities: Report of the Task Force on Federal Regulations of Higher Education.” Accessed July 16, 2019. <https://www.acenet.edu/news-room/Documents/Higher-Education-Regulations-Task-Force-Report.pdf>.



Because of this, the report found, “The definition of “noncampus property” should be clarified and narrowed to focus more directly on property that is a core part of a college or university. At a minimum, it should exclude all foreign locations as well as short-term stays in domestic hotels.”

Under this new provision, U.S. institutions would be asked to report more data they do not have access to: this has not proven to be useful to improving student safety.

Subsection (b)- Additional Reporting for Programs of Study Abroad

This subsection creates a number of new study abroad reporting requirements for institutions and requires institutions to take specific actions, including biennial reviews, student orientations, and debriefings. Study abroad programs today are diverse and complex. Higher education study abroad programs and private study abroad providers develop programs that meet the unique academic, cultural, linguistic, logistical, and personal goals of their students and partners. There is no one-size-fits-all study abroad program. As written, the bill would be difficult to apply to positive effect across such a diversity of programs.

- The bill would mandate a biennial review of the programs of study abroad approved for credit by an institution. Programs can change frequently or only be offered every two or three years. Some of the most innovative study abroad programs are dynamic and take advantage of unique opportunities that may only be available one time to provide students with specialized programming that fits a particular academic or research need. The blanket requirement for a biennial review does not fit with the changing and flexible nature of today’s study abroad programs.
- The bill also requires a pre-program orientation for every student who is interested in study abroad and an individual post-program debriefing for every returning student. Mandating an orientation for every student “interested” in study abroad is unrealistic. It is a best practice for institutions to require a pre-departure orientation, to include health and safety discussions, for students who have been *admitted* to a study abroad program. Similarly, requiring every student attend individual post-program debriefings would require substantial resources particularly for larger institutions sending thousands of students abroad each year and could lead to negative consequences for those students still unable or unwilling to comply. An analysis from an R1 research institution in the Midwest indicated that individual post-program debriefings for every student would require 900 hours or 22.5 weeks of one FTE. Many institutions already have policies in place that encourage post-program debriefings and have found it difficult to force compliance from all students, especially students that have graduated or who are working in addition to taking classes full-time.

- The bill includes several terms that are vague and will likely lead to confusion when implemented, including (but not limited to):
 - Hospitalizations- The bill would require institutions to report on “the accidents and illnesses occurring during program participation that resulted in hospitalization.” In the United States “hospitalization” generally refers to a serious injury or illness that requires substantial medical care. That is not the case in many international contexts. In many countries, hospitals are the *recommended* place for routine health care needs. Institutions would also need to be careful to comply with HIPPA regulations to insure a student’s privacy rights are maintained.
 - Program participation- The bill would require institutions to report certain incidents that occur “during program participation.” There is a wide variation in the amount of structured program activities within different study abroad programs. Short-term, faculty-led type programs typically provide structured “program-time” for the students while exchange programs typically provide students with more flexibility to build their own academic and social schedules. Institutions would likely define “program participation” differently according to the type of programs they have. Incidents can also occur outside of a program’s academic schedule or activities coordinated by an institution, such as on a student’s independent travel after a program has concluded, or during activities that students schedule themselves, apart from the group itinerary.
- The language of the bill requires institutions to adopt a policy to protect students against “crime and harm” that may occur while participating in a study abroad program. The bill further requires that this policy be shared with students during a pre-departure orientation. This specific language may have a chilling effect on student interest in study abroad as the language implies that studying or traveling abroad is an inherently dangerous activity. Studies have shown that studying abroad is no more dangerous than studying on campus.² Further, it would hold institutions to a higher duty of care to “protect” students from crime and harm while studying abroad. Language that promotes the “health and safety” of students studying abroad would align with current standards for an institution’s duty of care as well as institutional policies and practices. Institutions should have health and safety policies for study abroad programs and share this information with students prior to departure.

² The Forum on Education Abroad. “Insurance Claims Data and Mortality Rates for College Students Studying Abroad.” March 2016. Accessed July 16, 2019. https://forumea.org/wp-content/uploads/2016/04/ForumEA_InsuranceClaims_MortalityRateStudentsAbroad.pdf



To serve the national need for greater levels of international competencies, we should strive to increase the number and diversity of U.S. study abroad participants. Legislation should help to promote student interest in study abroad overall and encourage schools with low study abroad rates to facilitate access to safe, quality abroad experiences.

Providing healthy and safe study abroad opportunities is the goal of international educators across the country and any legislation or additional regulations should have the expectation that it will increase student safety while increasing student capacity to participate in meaningful and educational study abroad programs.