

SECONDARY SCHOOL STUDENT PROGRAM INCIDENT REPORTING RUBRIC

The reporting rubric is to be used as a general guideline for reporting incidents to the U.S. Department of State (DOS). Please inform the Office of Private Sector Exchange Administration (OPA) of the following by emailing an incident report to the OPA mailbox: HighSchoolExchanges@state.gov. The following federal regulation (22 CFR 62 Exchange Visitor Program: Subpart B - Specific Program Provisions) pertains to the sponsors' responsibility to inform DOS of serious allegations or incidents:

- **22 CFR 62.25(n)(1) Reporting requirements.** Sponsors must immediately report to the Department any incident or allegation involving the actual or alleged sexual exploitation or any other allegations of abuse or neglect of an exchange student. Sponsors must also report such allegations as required by local or state statute or regulation. Failure to report such incidents to the Department and, as required by state law or regulation, to local law enforcement authorities shall be grounds for the suspension and revocation of the sponsor's Exchange Visitor Program designation;

Nature of Incident or Allegation*

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| <ul style="list-style-type: none">• Sexually Related Incidents or Abuse (incident or allegation involving actual or alleged sexual exploitation or any other allegations of abuse)• Incident Involving the Criminal Justice System (police, child protective services, law enforcement, etc.)• Exchange Visitor Death• Exchange Visitor Missing• Threat of Negative Press, Foreign Government, or Embassy Involvement (incident expected to bring DOS or the exchange visitor program into notoriety or disrepute)• Public Events or Natural Disasters Directly Involving Student Safety (school shooting/violence/stabbing, earthquake, tornado, flood, etc.) | <ul style="list-style-type: none">• Sponsor Violations (self-recognition of errors in vetting, oversight, staffing, etc.)• Patterns of Behavior Problems (substance abuse, aggressive physical contact, severe bullying, etc.)• Host Parent Substance Abuse• Mental Health Issues (eating disorder, cutting, suicidal ideation, suicide attempt, planned program termination due to mental health concerns, etc.)• Dangerous and Unsuitable Living Conditions (non-vetted people in the home, theft, inappropriate relationship, pest infestations, mold, filth, etc.)• Life Threatening Health Condition (traumatic brain injury, severe burn, debilitating heart condition, major surgery, seizure disorder, etc.) |
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*Reporting depends on the level of seriousness, the impact to the health, safety, and welfare of the exchange student, and the impact to the surrounding community. It is a Department of State **best practice** for sponsors to report particularly serious matters within 24 hours, and other matters within 72 hours, depending on the seriousness of an incident.

SECONDARY SCHOOL STUDENT PROGRAM REPORTING REQUIREMENTS

Sponsors are required to report any serious situation that has or could have the effect of endangering the health, safety, or welfare of an exchange visitor. An incident report is preferred in all situations, but a quick e-mail regarding an evolving situation, to be followed later by an incident report, is acceptable. The following federal regulations (22 CFR 62 Exchange Visitor Program: Subpart A - General Provisions and Subpart B—Specific Program Provisions) pertain to the sponsors' responsibility to inform DOS of serious problems or incidents, and cooperate with inquiries and investigations:

- **22 CFR 62.10(d)(1-2) *Monitoring of exchange visitors.*** Exchange visitors' participation in their exchange program must be monitored by employees of the sponsor. Monitoring activities must not include any retaliation or discrimination against exchange visitors who make adverse comments related to the program. No sponsor or employee of a sponsor may threaten program termination, remove from the program, ban from the program, adversely annotate an exchange visitor's SEVIS record, or otherwise retaliate against an exchange visitor solely because he/she has filed a complaint; instituted or caused to be instituted any proceeding; testified or is about to testify; consulted with an advocacy organization, community organization, legal assistance program or attorney about a grievance or other work-related legal matter; or exercised or asserted on behalf of himself/herself any right or protection. Sponsors must:
 - (1) Ensure that the activities in which exchange visitors are engaged are consistent with the category and activity listed on their Forms DS-2019;
 - (2) Monitor the physical location (site of activity), and the progress and welfare of exchange visitors to the extent appropriate for the category;
- **22 CFR 62.10(e) *Requests by the Department of State.*** Sponsors must, to the extent lawfully permitted, furnish the Department of State within the Department-requested timeframe all information, reports, documents, books, files, and other records or information requested by the Department of State on all matters related to their exchange visitor program. Sponsors must include sponsor's program number on all responses.
- **22 CFR 62.10(f) *Inquiries and investigations.*** Sponsors must cooperate with any inquiry or investigation that may be undertaken by the Department of State or the Department of Homeland Security.
- **22 CFR 62.13(g) *Retention of records.*** Sponsors must retain all records related to their exchange visitor program and exchange visitors (to include accompanying spouse and dependents, if any) for a minimum of three years following the completion of each exchange visitor program.
- **22 CFR 62.13(d) *Serious problem or controversy.*** Sponsors must inform the Department of State on or before the next business day by telephone (confirmed promptly in writing by facsimile or email) of any investigations of an exchange visitor's site of activity or serious problem or controversy that could be expected to bring the Department of State, the Exchange Visitor Program, or the sponsor's exchange visitor program into notoriety or disrepute, including any potential litigation related to a sponsor's exchange visitor program, in which the sponsor or an exchange visitor may be a named party.