

## **SUMMER WORK TRAVEL (SWT) INCIDENT REPORTING RUBRIC**

This reporting rubric should be used as a general guideline for reporting incidents to the U.S. Department of State pursuant to 22 CFR 62.13(d). The examples provided below are not meant to be exhaustive and this guidance is subject to change (e.g., there may be other serious situations, not listed below, that have or could have the effect of endangering the health, safety, or welfare of an exchange visitor or otherwise could be expected to bring the Department of State, the Exchange Visitor Program, or the sponsor's exchange visitor program into notoriety or disrepute). Please provide the Summer Work Travel (SWT) team in the Office of Private Sector Exchange Administration (OPA) with an incident report emailed to: [SWTSponsors@state.gov](mailto:SWTSponsors@state.gov). An incident report is required in all situations, but an e-mail regarding an evolving situation, to be followed later by an incident report, is acceptable.

### **Nature of Incident or Allegation**

- **Exchange Visitor Death**
- **Exchange Visitor Missing, Absconder, or Overstay** (e.g., whereabouts unknown, or intentionally left the program without notifying sponsor)
- **Serious Medical Issues** (e.g., cancer diagnosis, surgery, or any condition requiring hospitalization for 48 hours or more)
- **Litigation (lawsuits) or Other Legal Action** (related to the Exchange Visitor Program, in which a sponsor, site of activity, or an exchange visitor may be a named party)
- **Serious Mental Health Concerns** (e.g., suicidal ideation or attempt, eating disorder, self-harm, psychiatric hold, or early program end due to mental health concerns)
- **Incident Involving the Criminal Justice System** (e.g., arrest, charges, incarceration, detention, or other law enforcement involvement)
- **Incidents Involving Child Protective Services**
- **Sexually Related Incidents or Abuse** (e.g., incident or allegation involving sexual exploitation, harassment, assault, or misconduct)
- **Lost or Stolen Immigration Documents** (e.g., lost or stolen passport/visa or stolen Form DS-2019)
- **Actual or Potential Negative Press** (i.e., incident expected to bring DOS, the sponsor, or the Exchange Visitor Program into notoriety or disrepute)
- **Foreign Government Involvement** (including Foreign Embassy or Consulate Involvement)
- **Public Security Incident or Natural Disasters Directly Involving Exchange Visitor Safety** (e.g., bombing, shooting, other acts of violence, civil unrest, fire, tornado, flood, or hurricane)
- **Serious Behavioral Problems** (e.g., substance abuse, bullying, and harassment)
- **Dangerous or Unsuitable Living Conditions** (e.g., unvetted people in the home, theft, pest infestations, mold, filth, fire hazards, inadequate food, etc.)
- **Work Hour and Wage Violations** (e.g., work hours and/or wage-related complaints to sponsor, etc.)
- **Unsuitable Host/Work Conditions** (e.g., hostile work environment, workplace bullying, sexual harassment, discrimination, etc.)
- **Sponsor Violations** (e.g., self-recognition of errors in vetting, oversight, staffing, etc.)
- **Fraud** (e.g., visa, immigration, or financial fraud or scam)

To better aid in reporting, listed below are additional considerations for deciding whether to report injuries, illnesses, and crimes involving exchange visitors in the SWT Program.

<p>You should report the <u>injury or illness</u> if it resulted in . . .</p> <ul style="list-style-type: none"> <li>- Surgery.</li> <li>- Overnight hospitalization.</li> <li>- Adjustment of work duties to accommodate the injury/illness.</li> <li>- Changing to different position to accommodate the injury/illness.</li> <li>- Missing working for a 24-hour period or longer.</li> <li>- Ending program early.</li> </ul>	<p>You should report the <u>crime</u> if it resulted in . . .</p> <ul style="list-style-type: none"> <li>- An exchange visitor becoming victim of a crime (e.g., theft, assault).</li> <li>- A report to the police.</li> <li>- The involvement of any law enforcement authorities, including federal authorities.</li> <li>- The exchange visitor being terminated from his/her job placement.</li> <li>- The exchange visitor being moved to another placement.</li> <li>- Ending the exchange visitors' program early or terminating the exchange visitor's program.</li> <li>- Physical harm to another person.</li> </ul>
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### **SUMMER WORK TRAVEL MONITORING AND REPORTING REQUIREMENTS**

The regulations under 22 CFR Part 62 pertain to the sponsors' responsibility to inform the Department of serious problems or incidents and to 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:
  - (2) Monitor the physical location (site of activity), and the progress and welfare of the exchange visitor 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 62.10(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.