

J-1 EXCHANGE VISITOR PROGRAM: PHYSICIAN PROGRAM INCIDENT REPORTING RUBRIC

This reporting rubric should be used by Department of State-designated sponsors as a general guideline for reporting incidents to the Department of State (DOS) pursuant to 22 CFR 62.13(d). The examples provided below are not meant to be exhaustive (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 DOS, the Exchange Visitor Program, or the sponsor's exchange visitor program into notoriety or disrepute), and this guidance is subject to change. Please provide the Physician team in the Office of Private Sector Exchange Program Administration (OPA) with an incident report emailed to: Teacher_Physician@state.gov. An incident report is preferred 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	
<ul style="list-style-type: none">• Actual or Potential Negative Press (i.e., incident expected to bring DOS, sponsor, or the Exchange Visitor Program into notoriety or disrepute)• Employment and Contract Issues (e.g., host hospital out of compliance with contract, exchange visitor out of compliance with contract, disciplinary action taken against exchange visitor, unauthorized employment)• Exchange Visitor Death• Exchange Visitor Missing, Absconder, or Overstay (e.g., whereabouts unknown, intentionally left the program without notifying sponsor)• Foreign Government Involvement (including foreign embassy or consulate involvement)• Fraud (e.g., visa, immigration, or financial fraud or scam)• Incident Involving Child Protective Services• Incident Involving the Criminal Justice System (e.g., arrest, charges, incarceration, detention, or other law enforcement involvement)• Litigation (lawsuits) or Other Legal Actions (related to the Exchange Visitor Program, in which a sponsor, site of activity, or exchange visitor may be a named party)	<ul style="list-style-type: none">• Lost or Stolen Immigration Documents (e.g., lost or stolen passport and visa or stolen Form DS-2019)• Public Safety Incident or Natural Disaster Directly Impacting Exchange Visitor Safety (e.g., bombing, shooting, other acts of violence, civil unrest, fire, flood, hurricane, or tornado)• Serious Behavioral Problems (e.g., substance abuse, bullying, or harassment)• Serious Medical Issues (e.g., cancer diagnoses, surgery, or any condition requiring hospitalization of 48 hours or more)• 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)• Sexually Related Incident or Abuse (e.g., incident or allegation involving sexual exploitation, harassment, assault, or misconduct)• Sponsor Violations (e.g., self-recognition of errors in vetting, oversight, or staffing)• Unsuitable Working Conditions (e.g., hostile work environment, workplace bullying, sexual harassment, or discrimination)

PHYSICIAN PROGRAM REQUIREMENTS

Sponsors should report any serious situation that has had or could have the effect of endangering the health, safety, or welfare of an exchange visitor. The following federal regulations (22 CFR Part 62) pertain to the sponsors' responsibility to inform DOS of serious problems or incidents, and cooperate with inquiries and investigations:

- **22 C.F.R. § 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 C.F.R. § 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.
- **22 C.F.R. § 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 C.F.R. § 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 C.F.R. § 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.