

## SECONDARY SCHOOL STUDENT PROGRAM INCIDENT REPORTING RUBRIC

This reporting rubric should be used by Department-designated sponsors as a general guideline for reporting incidents to the U.S. Department of State (DOS) 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 DOS, the Exchange Visitor Program, or the sponsor's exchange visitor program into notoriety or disrepute). Please provide the Secondary School Student Program team in the Office of Private Sector Exchange Administration (OPA) with an incident report emailed to: [HighSchoolExchanges@state.gov](mailto:HighSchoolExchanges@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**

- **Actual or Potential Negative Press** (i.e., incident expected to bring DOS, the sponsor, or the Exchange Visitor Program into notoriety or disrepute)
- **Dangerous or Unsuitable Living Conditions** (e.g., non-vetted people in the home, theft, pest infestations, mold, filth, fire hazards, or inadequate food)
- **Exchange Visitor Death**
- **Exchange Visitor Missing, Absconder, or Overstay** (e.g., whereabouts unknown or 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 an exchange visitor may be a named party)
- **Lost or Stolen Immigration Documents** (e.g., lost or stolen passport and visa or stolen Form DS-2019)
- **Public Security Incident or Natural Disaster 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, or harassment)
- **Serious Medical Issues** (e.g., cancer diagnosis, surgery, or any condition requiring hospitalization for 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)

## SECONDARY SCHOOL STUDENT PROGRAM REPORTING REQUIREMENTS

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 62.10(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.
- **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.