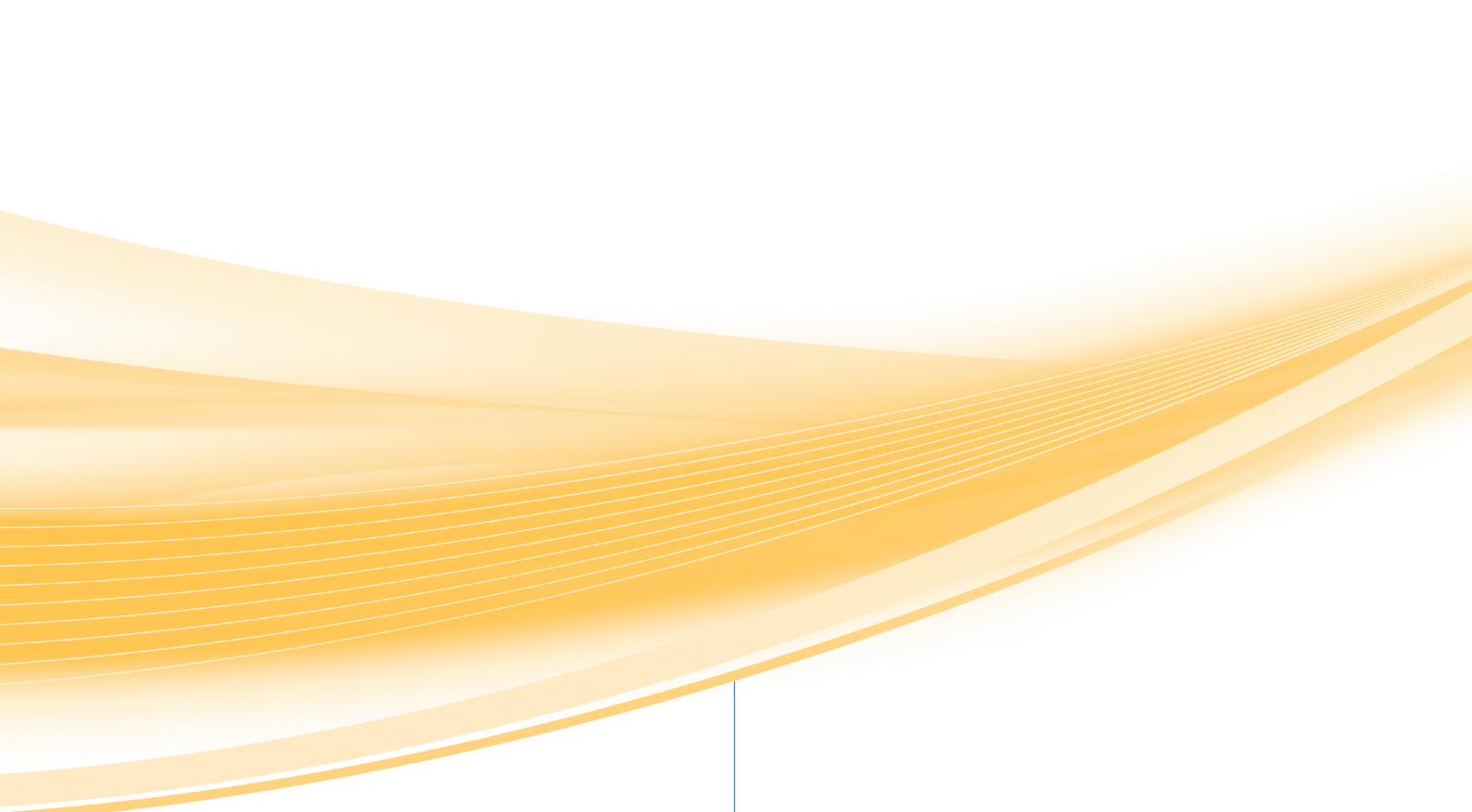


Duty of Care Scholastic Sector



An employer's Duty of Care
is the obligation of
organizations to assume
responsibility for protecting
their employees from
“foreseeable” risks and
threats when working
around the world.

Introduction

Duty of Care is the obligation of an organization to assume responsibility for protecting its employees from “foreseeable” risks and threats when working around the world. Foreseeable risk relates to a risk that a reasonable person should be able to anticipate based on existing knowledge or given circumstances. The responsibility of organizations to look after their employees is now widely, although not uniformly, protected by legislation in many countries.¹

The 2011 *Duty of Care and Travel Risk Management Global Benchmarking Study*² surveyed 628 companies worldwide across different industries. The sample included 27 leaders from the scholastic sector with global activities, with responses from multiple departments within the educational sector’s administration. Due to the relatively small sample size, these results have to be viewed as exploratory. The scholastic sector includes educational institutions such as international schools, colleges and universities. The purpose of this special report is to take a closer look at how the scholastic sector takes care of its traveling and global populations using responses from the *Global Benchmarking Study*.

The *Global Benchmarking Study* explored three fundamental questions:

1. What types of Duty of Care activities are organizations currently undertaking?
2. How do global organizations benchmark against each other in regard to these activities?
3. What does this concept really mean to organizations needing to apply their obligations to employees?

¹ Lisbeth Claus, *Duty of Care of Employers for Protecting International Assignees, their Dependents, and International Business Travelers*. London: AEA International Pte. Ltd., 2009.

² Lisbeth Claus, *Duty of Care and Travel Risk Management Global Benchmarking Study*. London: AEA International Pte. Ltd. 2011. The first comprehensive and authoritative research publication on the topic which is available for download at www.internationalsos.com/dutyofcare. Hereafter referred to as *Global Benchmarking Study*.

Duty of Care in the Global Scholastic Sector

The scholastic sector operates in a global environment and its students, faculty, administration and staff travel, live, study and work worldwide in the pursuit of educational activities. In addition, the student and faculty populations that educational institutions attract are becoming more geographically diverse. This engenders a great deal of inbound and outbound travel bringing greater health, safety and security risks and challenges to the scholastic sector to protect their constituency from harm.

It was anticipated that given increased globalization of the educational sector, administrators of that sector would be aware of their Duty of Care obligations and the reputational risk associated with Duty of Care incidents. Yet, the data show that the educational institutions are lagging behind other industries in ensuring they understand and meet their Duty of Care obligations. Compared to other industries, the scholastic sector operates below the worldwide Duty of Care baseline. The data within this industry subsector indicate that when it comes to the health, safety and security of students, faculty, staff and administrators crossing borders, the scholastic sector ranks last compared to other industries in terms of Duty of Care awareness and readiness. This should be a wake-up call for administrators of educational institutions and provide opportunities for improvement for the scholastic sector as a whole in assuming its Duty of Care obligations.

In addition to the common challenges that all industries face, international schools, colleges and universities that make up the scholastic sector have a number of additional challenges when it comes to implementing Duty of Care processes and practices. The global scholastic sector shares six common characteristics, including a growing international presence, expansion of international scholarly travel, a very differentiated traveler base, poor Duty of Care performance, institutional barriers and high reputational risk.

1. Growing International Presence of Educational Institutions

Similar to other organizations, educational institutions have been riding the globalization wave by increasingly establishing international schools, developing exchange agreements with other institutions around the world and setting up branch campuses in other parts of the world.

International schools are serving local and international students around the world including the educational needs of a globally mobile workforce, who take their families (and school age children) with them on assignment. International student populations are also composed of school age children of employees in international organizations such as foreign embassies, missions and non-governmental organizations. The number of international schools has shown “phenomenal growth” in the last 10 years and the student population is estimated to be around the three million mark.³ International schools are found in almost all parts of the world and are expanding rapidly in emerging markets with greater safety, security and medical risks. As international schools are staffed largely by expatriate faculty and staff, they should be viewed as international assignees, who bring their dependents to the host country.

To remain competitive with students who desire an international curriculum and experience, many universities have been pressured to develop exchange agreements with other institutions around the world. This gives students an opportunity to study abroad under the international joint venture agreements of their universities. While most universities prepare students for this cultural living experience abroad, they often “hand-off” their students to the partner university. With regard to Duty of Care, this can create problems if they fail in their due diligence. In addition, they risk liability for negligent failure to foresee risk and plan effectively for the health, safety and security of their students living and studying abroad.

Many universities have also established their own branch campuses abroad not only to send their home country students but to also serve local student populations. The growth of these borderless campuses requires a great deal of transfer of staff, faculty and students to host countries where risks are quite different from the home campus. It is estimated that US-based universities alone have about 2,000 expatriate faculty and staff working and living abroad in these campuses, often in high-risk areas.⁴ The safety and security risks associated with these international campuses (mostly in Asia and the Persian Gulf region) are also a special area of concern when it comes to Duty of Care.⁵

Finally, international exchange programs for faculty and student exchanges are being supported by governmental and non-profit organizations at all levels of education (e.g., American Field Services, Youth for Understanding, Rotary, People to People, International Students Exchange Program, Fulbright, Erasmus program). These organizations promote the intercultural and experiential learning experiences for the future generation of workers, who need to develop their global competencies and are usually involved in student selection and placement procedures. Many of them provide cultural preparation training that involves safety and security content. Yet, in terms of Duty of Care, these intermediaries often overlook that they are part of the Duty of Care supply chain and that their responsibilities do not end when the student is placed in the host country.

³ <http://www.telegraph.co.uk/education/expateducation/9159942/International-schools-now-more-than-three-million-children-get-a-global-education.html>

⁴ R. Devore, H. Hammad, D. Hathaway and C. Kipp, *Branch Campuses: Capturing a Growing Opportunity*. Portland, OR: Unpublished Willamette University MBA Integrative Project, 2009.

⁵ http://www.nafsa.org/_/File/_/ie_novdec11_branch.pdf

The growing international presence of the students, faculty and staff of the scholastic sector brings many risks to these populations in addition to taking care of common Duty of Care activities such as transportation safety, crime and violence prevention, access to quality medical care and evacuations due to medical emergency, natural disasters and political instability.

2. Expansion of International Scholastic Travel

In today's global environment, the opportunity to travel and study or work abroad is considered a valuable component of global education. Such international experiences are highly valued by employers and often required by universities as part of the graduate's course of study. The growing internationalization of educational programs also requires a globally-educated and experienced faculty. With increased international travel for educational purposes, there is also a greater probability of students and faculty traveling, living, studying and working in environments with increased health, safety and security risks. Another major concern is the increase in prevalence of mental health issues among college and university students—domestically and internationally—which can be aggravated when they need adaptation to a new environment when studying abroad.

3. Differentiated Scholastic Traveler Base

Travelers in the scholastic sector consist of students, faculty, administration and staff. It is interesting to note that students are not employees but important customers of the educational employer. The faculty often has a different employment status than the administration and staff of an educational facility. In addition, the constituents of educational institutions travel abroad for different reasons and circumstances (see Figure 1). A rule of thumb, at a minimum, is to consider that all the travel the university requires as a course of study or provides funding for to anyone of these constituencies as being subject to Duty of Care liability.

In order to plan for Duty of Care, organizations must assess employee-location specific risks including the places where employees travel and the (changing) risk of these locations and the employee characteristics.⁶ The different travelers of the scholastic sector each have specific risk profiles due to their demographics and experience levels and travel to different countries with varying medical, security and political risk profiles. Because students tend to be younger (and often impetuous and inexperienced) they are at greater risk, and there is greater need for preparation and restrictive behavior policies. This complicates the risk assessment, planning and implementation of Duty of Care activities for the scholastic sector.

Figure 1

Reasons for Scholastic International Travel	
Individual students	<ul style="list-style-type: none"> ■ International internships; ■ Study abroad exchange programs; ■ Volunteer work; ■ In-bound international students; ■ Extending vacation to study abroad program.
Group students with faculty/staff	<ul style="list-style-type: none"> ■ Sport team competitions; ■ Cultural performances; ■ Study trips; ■ Experiential learning trips; ■ Volunteer work.
Faculty	<ul style="list-style-type: none"> ■ Faculty with students; ■ Research collaboration and/or data collection; ■ Conference attendance; ■ Sabbatical leaves; ■ Speaking engagements on behalf of the university; ■ Faculty extending vacations to university trip.
University administrators and staff	<ul style="list-style-type: none"> ■ Recruiting trips; ■ Conference attendance; ■ Speaking engagements; ■ Visits to university international partners; ■ General university business; ■ Administrators extending vacations to university trip.
Dependents of faculty, staff, student and administration	<ul style="list-style-type: none"> ■ Accompanying faculty, staff or administrator, student.

⁶ L. Claus and E. Giordano, Employer Duty of Care Claus, L. and Giordano, E. (2013) Global employer duty of care: Protecting the health, safety, security and well-being of employees crossing borders. Pp. 279-299 in Claus, L. (ed.), *Global HR Practitioner Handbook*. Silverton, OR: Global Immersion Press.

4. Poor Duty of Care Performance

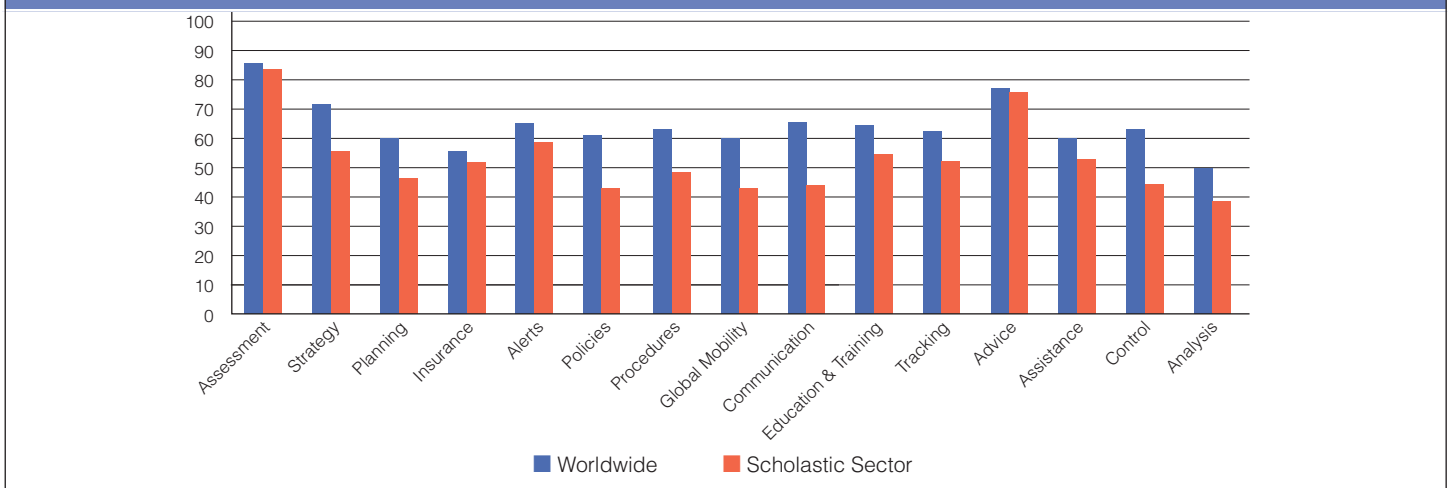
The findings from the scholastic sector in the *Global Benchmarking Study* reveal that educational institutions have extremely poor Duty of Care performance. Key findings indicate that educational institutions and its decision-makers, compared to other sectors and industries, have lower risk perceptions, awareness of Duty of Care, ratings on all Duty of Care practices and the lowest Duty of Care overall baseline.

Risk Perception: The respondents from the scholastic sector have significantly lower risk perceptions than other industries and sectors for 28 of 37 Duty of Care risk factors assessed in the *Global Benchmarking Study*, such as:

- Terrorism, kidnapping, hijacking, piracy;
- Lawlessness, violent crimes, threats, opportunistic crime;
- Organized crime, imprisonment;
- War, insurgency, political upheaval, coups, civil unrest;
- Natural disasters;
- Illness, infectious diseases and pandemics;
- Travel-related infections;
- Lack of air quality, rural isolation, language and cultural estrangement;
- Traffic accidents and airline catastrophes;
- Hotel fires;
- Common travel problems (luggage, passport, delays, pickpockets);
- Lack of legal/administrative compliance (visa, country entry, immigration).

Figure 2

Scholastic Sector Duty of Care Indicators versus Worldwide



Awareness of Duty of Care: The scholastic sector in general and its decision-makers in particular have significantly lower awareness of Duty of Care than other organizations:

- Key decision-makers (HR, travel, operations, university presidents) have lower awareness than their counterparts in other sectors/industries.

Duty of Care Indicators: The scholastic sector rates lower than other industries or sectors on each of the 15 Duty of Care indicators (see Figure 2).

Duty of Care Baseline: The scholastic sectors rates below the worldwide Duty of Care baseline and rates the lowest of all industries and sectors (see Figure 3).

Duty of Care Practices: The scholastic sector rates low on Duty of Care practices that are common for companies operating in other sectors and industries (see Figure 4).

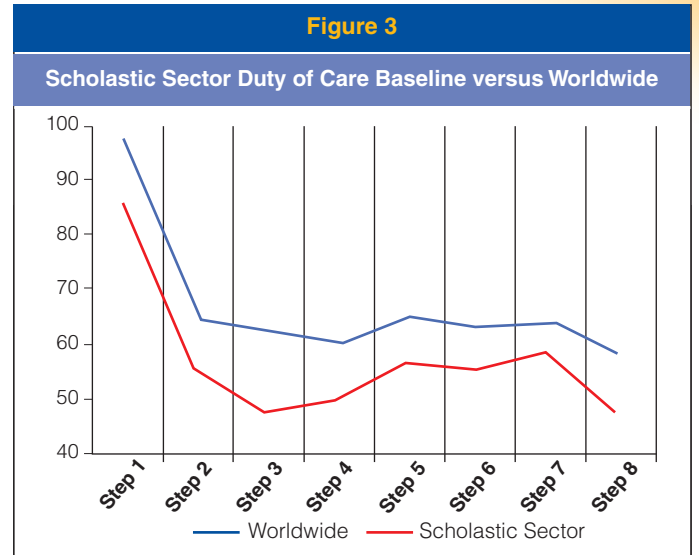


Figure 4

Selected Duty of Care Best Practices in the Scholastic Sector



*Percent of educational institutions in the sample indicating that they have adopted this practice.

5. Institutional Barriers

While all organizations must deal with a lack of Duty of Care awareness among stakeholders, have difficulty mobilizing and coordinating the different stakeholders involved in Duty of Care implementation and face issues of cost and control, the scholastic sector deals with additional Duty of Care challenges

due to certain institutional barriers. First, the focus of universities in recent years has been on campus safety. While educational facilities increasingly focus on student risk (and campus and for student trips), they tend to overlook the risk associated with international travel of their employees (faculty, staff and administrative)—travel that they for the most part endorse through funding (i.e., conference attendance and sabbaticals).

Second, university administrators rely heavily on insurance for all types of risks that students and faculty may encounter. While insurance is absolutely prudent and necessary, it is not sufficient in assuming one's Duty of Care obligations. Third, educational institutions are often structured with a dual line of authority, namely making an administrative and academic line implementation of any change in policies and procedures much more difficult. Finally, educational institutions must deal with a highly governance-driven and independent faculty, who often decide to play by their own rules and prefer to make independent decisions.

6. High Reputational Risk

From a public relations standpoint, incidents associated with international travel and the recruitment of international students pose new challenges for educational institutions. The importance of international travel of faculty and students and the quality of the experience for students, faculty and staff can greatly affect the reputation of an educational institution. International emergencies and missteps in communications can result in long-term or even permanent damage to the institution's reputation and image.⁷

These factors combined contribute to the observed variation and problematic results in Duty of Care, as reported by survey participants at educational institutions. The findings that the scholastic sector is, as a whole, below the baseline and has the least Duty of Care protection compared to other industry sectors call for concerted strategic and tactical intervention from the leaders of educational facilities to protect the health, safety and security of students, faculty, staff and administration when they cross borders.

⁷ L. Claus and R. Yost, *A Global View of the University's Duty of Care Obligations*. *URMIA Journal*, 2010, 29-36.

Duty of Care Best Practices Applied to the Scholastic Sector

The Global Benchmarking Study suggested that global organizations follow 10 best practice recommendations derived from the important Duty of Care gaps worldwide across industries (see Figure 5). While these best practices apply to all employers, the scholastic sector is so lacking in Duty of Care that for educational institutions that have no Duty of Care activities, following all best practices would be overwhelming at first. Hence, we recommend that educational institutions new to Duty of Care focus on five best practices that would show the greatest potential for baseline operations and continuous improvement.

1. Increase Awareness and Know-How of Duty of Care at the Administration Level

The scholastic sector must focus on increasing awareness of employer Duty of Care throughout the value chain. Yet due to the significant awareness gap in the scholastic sector when it comes to Duty of Care, raising awareness should start with the administration.

Compared to industry employers, educational institutions seem rather unaware of the legal and fiduciary scope of their Duty of Care obligations. It is simply not yet on their radar screen. Getting the attention of the presidents of educational institutions and developing the "know-how" is a first step. Once a strategic and tactical plan is developed with regard to Duty of Care for traveling constituencies of the educational institution, awareness can be cascaded down through the administrative and professional structural lines of authority and include faculty and students.

An essential part of Duty of Care is taking care of a company’s “community within”– the employees, families and partners who make up the core of the institution. Finally, the deans, department and program heads must be aware of the Duty of Care obligations and incentivized to implement the programs and processes related to Duty of Care. Otherwise, they will not effectively mitigate risk and achieve the desired outcomes.

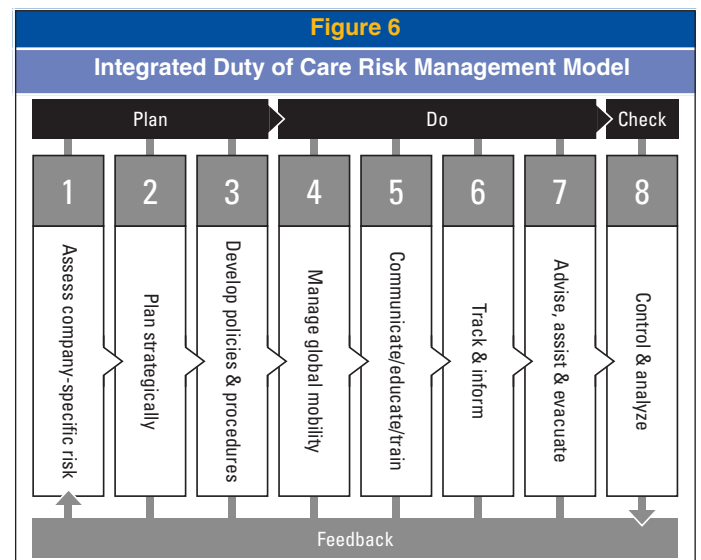
Figure 5

Duty of Care Best Practices	
All Organizations	Educational Institutions New to Duty of Care
1. Increase awareness.	1. Increase awareness and know-how of Duty of Care at the administration level.
2. Plan with key stakeholders.	2. Bring a team together and assess the educational institutions vulnerabilities.
3. Expand policies and procedures.	3. Establish and ensure compliance with Duty of Care policies and procedures.
4. Conduct due diligence.	
5. Communicate, educate and train.	
6. Assess risk prior to every departure.	
7. Track traveling employees at all times.	7. Track traveling students, faculty, staff and administrative employees at all times.
8. Implement an employee emergency response system.	8. Implement an emergency response notification system for faculty, staff and students.
9. Implement an employee emergency response system.	
10. Ensure vendors are aligned.	

2. Bring a Team Together and Assess the Educational Institution’s Vulnerabilities

Getting the internal stakeholders together is crucial in developing plan-do-act steps of the Integrated Duty of Care Risk Management Model (see Figure 6). Duty of Care stakeholders of educational institutions include heads of university administration, public relations, human resources, campus safety and security, international programs, campus travel, the deans of the various schools, program directors and risk managers.

Figure 6



3. Establish and Ensure Compliance with Duty of Care Policies and Procedures

Educational institutions must have a robust set of Duty of Care policies and procedures regarding:

- Individual and group student travel;
- Faculty, staff and administration travel;
- Travel reimbursement;
- Prohibited risky behaviors;
- Travel authorizations and restrictions;
- Accommodations;
- Transportation;
- Rest breaks;
- Notifications.

Compliance must be measured and rewarded and non-compliance should be enforced with serious consequences for students, staff and faculty.

4. Track Traveling Students, Faculty, Staff and Administrative Employees at all Times

While less than half of the organizations in the *Global Benchmarking Study* track traveling employees, travel tracking is a basic requirement in order to be able to assess changing risk when traveling and properly advise and assist the students, faculty and staff. Tracking traveling employees must go beyond knowing where they are at all times and include informing employees of changing risk while traveling.

Due to the potentially risky nature of the travel locations, educational institutions should take special travel precautions as standard operating procedures:

- Adopt a flexible travel management system;
- Require approval for all student and faculty travel;
- Require booking through an approved travel provider;
- Have travel approval procedures that include risk assessment;
- Assess current medical and security risk of the route;
- Brief student and faculty travelers on travel risk, check in and out protocols;
- Provide appropriate hand-off to transportation and accommodation vendors;
- Required check in on both ends—departing and arrival;
- Know where they are going and what provisions they need and check that they have them;
- Provide a road map of expected behaviors and then implement it;
- Link travel reimbursement to compliance with travel policies and procedures.

5. Implement an Emergency Response Notification System for Faculty, Staff and Students

While campus lockdown procedures are becoming more common, few educational institutions have a notification policy in place in case of emergency (also called “I’m Okay” policy). With the medical, safety and security risks that are especially in some high-risk locations, employers of educational institutions should be able to immediately assess whether their students, faculty and staff are okay and/or need special assistance and evacuation (i.e., both a pull and push system).

Educational institutions have many tech savvy students and faculty, usually good at frequent and diverse means of communication (especially social media), which lends itself well to implementing and testing such a notification system using multiple communication platforms.

Conclusion

The scholastic sector faces extraordinary challenges compared to other industries as a result of the diverse customer/employee base and the institutional culture. There are many areas for continuous improvement surrounding the 10 best practices based on the *Global Benchmarking Study*. There is limited awareness of Duty of Care both from a strategic and tactical perspective. This makes educational institutions especially vulnerable to fully mitigate foreseeable risk of its travelers be it security or medical. The poor Duty of Care performance of the scholastic sector and its failure to understand and assume its Duty of Care obligations can have dramatic consequences in terms of legal liability, reputational risk and even educational program continuity.

Employer Duty of Care—and for that matter Duty of Loyalty (meaning that employees, who travel abroad have to engage in the policies and procedures that their employer has put in place to protect them)—has not yet become a central feature of responsibility of educational institutions. Sustainable management requires more than just attracting the right student and faculty talent. It also encompasses “doing the right thing” in protecting their health, safety, security and well-being especially when they are traveling on behalf of the university.

Duty of Care is important because it's about “doing the right thing” and taking care of the scholastic community. It is also about complying with increasingly stringent regulations. By protecting its assets (students, faculty, staff and administration) first, the educational sector may also realize that it is less costly to prevent and manage risk than having to take care of incidents that tarnish its reputation and sustainability goals. Organizations that effectively manage and mitigate business, financial and reputational risks are in a position to develop smart, sustainable business operations. This constitutes an ideal “sweet spot” where the needs of students and faculty also meet the needs of the educational institution.

The Global Benchmarking Study Methodology

In the *Global Benchmarking Study*, respondents identified perceived *high-risk locations* where their companies currently operate around the world, and the perception and occurrences of threats that their employees face when they travel and work abroad. The respondents also reported the various levels of *Duty of Care awareness* that employers have within their company and industry, among various stakeholders and for different areas of *Duty of Care responsibility*. In exploring who has *Duty of Care ownership* in companies, a distinction was made between primary, coordination and decision-making responsibilities. In terms of benchmarking, the extent to which companies engage in 100 different *Duty of Care practices*, these results were reported by 15 different *Duty of Care indicators* and for the eight Plan-Do-Check steps of the Duty of Care Risk Management Model, allowing for the development of a Duty of Care baseline. Finally, employer motivation for assuming Duty of Care responsibility was explored and contrasted with the legal and moral obligations for these responsibilities.

Sample Profile and Methodology

Of the 718 employees surveyed around the world, 27 of them represent the scholastic sector. The respondents came from educational administrators working in different countries around the world. A benchmarking instrument was developed and validated to compare employer Duty of Care activities, based on a checklist of 100 Duty of Care practices. These 100 practices

were subsequently grouped into 15 indicators, which rolled up into the eight steps of the Integrated Duty of Care Risk Management Model, and overall company scores. These scores created a Duty of Care baseline, which allows for benchmarking based on company and respondent characteristics. In this report, the baseline for the educational sector (overall Duty of Care score of 55) is compared with the worldwide benchmarking score (63) operating not only below the baseline but the lowest of any sector. For the detailed benchmarking methodology, please refer to the *Global Benchmarking Study*.



About The Author

Lisbeth Claus, Ph.D., SPHR, GPHR, is a Professor of Global Human Resources at the Atkinson Graduate School of Management of Willamette University in Salem, Oregon (USA).

Dr. Claus has been published widely in academic and professional journals on subject matters related to global HR. She specializes on the implications for global organizations when their employees cross borders. She is editor-in-chief of the *Global HR Practitioner Handbook* (volumes 1 and 2).

Considered a global expert on employer Duty of Care, she traveled to four continents to inform employers of their obligation to protect their business travelers, international assignees and dependents. She is the author of the 2009 *Duty of Care White Paper*—viewed today as a major impetus for putting Duty of Care on the map for global organizations. She authored the 2012 *Duty of Care and Travel Risk Management Global Benchmarking Study*—the first empirical study on Duty of Care. She also published several other articles on the subject of Duty of Care in academic and professional journals.

Acknowledgements

The author is grateful for the feedback provided by Erin Giordano.

International SOS Foundation

Launched in March 2012, the International SOS Foundation—Ambassadors for Duty of Care—www.internationalsosfoundation.org has the goal of improving the safety, security, health and welfare of people working abroad or on remote assignments through the study, understanding and mitigation of potential risks.

The escalation of globalization has enabled more individuals to work across borders and in unfamiliar environments; exposure to risks which can impact personal health, security and safety increases along with travel. The foundation is a registered charity and was started with a grant from International SOS. It is a fully independent, non-profit organization.

Our mission is to:

- Study the potential health, safety and security risks linked to international and remote assignments
- Provide information to governments, employers, workers and contractors on the aforementioned risks
- Encourage employers to develop and strengthen their corporate social responsibility in areas in proximity to their worksite
- Encourage the development of an international instrument to address the prevention and mitigation of the aforementioned risks as well as guidance on what should be done when an accident, illness or security situation occurs
- Provide a means of wide-spread dissemination of information on the aforementioned risks using communications including: leaflets, web-based publications, scientific articles, books, films, meetings and seminars
- Conduct other activities in furtherance of the goal as determined by the board of the foundation.

We will accomplish our aims through research, analysis and study to better understand the risks and improve wellbeing.

A recent example of our work includes “Global Framework—safety, health and security for work-related international travel and assignments.” For more information visit www.internationalsosfoundation.org or contact us at info@internationalsosfoundation.org.

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