



## ***Keeping Our Students Safe: Exchange Student Safety Guidelines***

### **Introduction**

The safety and well-being of foreign exchange students is of the utmost priority when conducting an international youth exchange program. The Council on Standard for International Educational Travel (CSIET) has developed this set of guidelines to inform best practices for the youth exchange program community. To ensure the continued care and supervision of these young and impressionable exchange visitors, the youth exchange community adheres to a complex set of existing regulations, guidelines and standards that have been developed over 60 years. These practices have been shaped by dedicated practitioners and volunteers in the education and exchange communities, along with steady oversight by Federal regulators.

Working to inspire and educate youth in any context can be one of the most rewarding callings to answer. However, this work can also be particularly challenging in terms of the supervision of adolescents. For youth exchange program managers, the dynamic is further complicated by the international context and cultural sensitivities that are inherent in international exchange programming. The CSIET *Keeping Our Students Safe* guidelines are meant to provide a set of best practices for the youth exchange program community to ensure the continued safety and well-being of high school exchange students. Recognizing that program obstacles and unforeseen complications will occur despite the most careful oversight, we have prepared this guidance to help prevent what is preventable and to establish best practices to follow when placing and supervising international exchange students.

*(Note: All Federal J-Visa Regulations and CSIET Standards are cited throughout this document)*

### **Criminal Background Checks and Screening Procedures**

In 2006, the CSIET Standards and the J-Visa Regulations governed by the U.S. Department of State were both amended to require that youth exchange programs conduct criminal background checks when screening prospective host families, program volunteers and staff that have direct personal contact with exchange students.

According to the U.S. State Department, “this change [in the regulations] is consistent with requirements that have been adopted nationwide for volunteers and employees of organizations serving youth populations.”<sup>2</sup>

The specific screening requirements detailed below were implemented by the youth exchange community starting with the 2006/07 program cycle:

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<sup>2</sup> U.S. Department of State Public Notice: 5360, Title: Secondary School Student Exchange Programs, Federal Register, Federal Register / Vol. 71, No. 64 / Tuesday, April 4, 2006 / Rules and Regulations, Page 16696.

**CSIET Standard 6 – Student Placement (Std. 6.A.6)**

For programs that include a homestay, the organization shall: Vet all adult members of the U.S. host family residing in the home through a national criminal background check in the United States.

**CSIET Standard 7 – Operations (Std. 7.E)**

The organization shall maintain an effective system of screening (including a national criminal background check for U.S. representatives with direct in-person contact with student participants), selecting, training, and supervising program representatives and group leaders.

**J-Visa Regulation - Host Family Selection [22 CFR Sec. 62.25 (j)(7)]**

Sponsors must adequately screen and select all potential host families and at a minimum must: verify that each member of the host family household eighteen years of age and older has undergone a criminal background check.

**J-Visa Regulation – Program Administration [22 CFR Sec. 62.25 (d)(1)]**

Sponsors must ensure that all officers, employees, representatives, agents, and volunteers acting on their behalf: (1) Are adequately trained and supervised and that any such person in direct personal contact with exchange students has been vetted through a criminal background check.

CSIET supports the use of criminal background check vendors that provide extensive criminal data histories based on full name and social security information. These services are widely used by youth-serving programs in the non-profit sector. Utilizing a data gathering process that includes state and local law enforcement reporting, these vendors are able to rapidly supply comprehensive criminal data.

**Data Review and Analysis**

CSIET recommends that organizations establish a formal process for the review and analysis of criminal history data. The National Center on Missing and Exploited Children (NCMEC) has developed a useful system that utilizes a list of criterion offenses and organizes data into three levels of consideration based on this list. Each applicant’s criminal history (or lack of) is reviewed and classified into the follow three categories:

Red Light	Does Not Meet the Criteria
Yellow Light	May Not Meet the Criteria
Green Light	Meets the Criteria

Child protection advocates, youth-serving non-profits, and government entities conclude that when screening, any crimes against children, regardless of the circumstances should be automatically disqualified. The U.S. Department of Justice asserts that, “Automatic disqualification of a potential worker or volunteer is appropriate when screening indicates that the individual as an adult perpetrated any crime involving a child...regardless of how long ago the incident occurred.”<sup>3</sup>

Review Process

<sup>3</sup> “Guidelines for the Screening of Persons Working with Children the Elderly and Individuals With Disabilities In Need of Support” U.S. Department of Justice, 1998 (page 15).

CSIET recommends the establishment of internal review committees to evaluate the suitability of an applicant with a criminal history that requires further review. Such review processes should consider the following guidelines:

- The age of the individual at the time of the conviction and the amount of time elapsed
- The nature, severity, number and consequences of the incidents
- The likelihood that the conviction would prevent the applicant from performing his or her responsibilities in a manner consistent with the safety and welfare of the students
- The applicant's effort and success at rehabilitation
- The role of the individual in the host family and the responsibilities he/she is charged with in the family.

CSIET recommends that if a host family applicant with a criminal record has been vetted and found to be a suitable host, program sponsors should inform the natural parents of this decision and seek their consent.

### **Host Family Vetting** [22 CFR Sec. 62.25 (j) & CSIET Standard 6]

In addition to the aforementioned criminal background checks – which include a check of the relevant sex offender registries – all prospective and repeat host family applicants are required to be screened utilizing the following:

- a comprehensive application form that must be signed and dated
- an in-person interview with all family members residing in the home
- a home inspection to ensure that the host family is capable of providing a comfortable and nurturing home environment
- two personal references, from the school or community, attesting to the host family's good reputation and character

As host families often repeat hosting commitments, CSIET recommends that all host family members are screened each academic year they decide to host.

### **Program Volunteer and Staff Vetting**

All program officers, employees, representatives, agents, and local volunteers in direct personal contact with exchange students are also required to be vetted through a criminal background check process. CSIET recommends that this be done annually. Additionally, these individuals should be screened utilizing a standard application, including two personal references.

### **Local Supervision of Exchange Students** [22 CFR Sec. 62.25 (d) & CSIET Standard 7]

Utilizing local and community networks, youth exchange programs are able to maintain close supervision of all exchange students and host families. Existing federal regulations and CSIET standards detail the required proximity of student placements to program representatives. Further, youth exchange programs are required to conduct monthly contacts with exchange students and their host families.

**J-Visa Regulation – Program Administration [22 CFR Sec. 62.25 (d)(2)&(4)]**

Sponsors must ensure that all officers, employees, representatives, agents, and volunteers acting on their behalf:

(2) Make no student placement beyond 120 miles of the home of a local organizational representative authorized to act on the sponsor's behalf in both routine and emergency matters arising from an exchange student's participation in the exchange visitor program;

(4) Maintain, at minimum, a monthly schedule of personal contact with the student and host family, and ensure that the school has contact information for the local organizational representative and the program sponsor's main office

**CSIET Standard 7 – Operations (Std. B)**

Local representatives of the organization shall maintain regular personal contact with students and host families. (Contact should be initiated by the organization's representative at least once a month be it by telephone, a visit to the home, personal contact at a gathering or other means. E-mail alone is not considered sufficient personal contact. Regular monthly contact is to include separate communication with the student and the host family in order to provide each with the opportunity to discuss issues they might not raise in the presence of the other. CSIET expects that there be formal documentation of this contact such as a monthly form, written journal, written log, etc. This is not to imply that representatives have to record every interaction. Rather it is to provide a record for the organization's office of the pattern of student and host family adjustments, activities, and relationships through at least monthly contact with each student and host family.)

## **Preventative Training, Orientation and Reporting Requirements**

The J-Visa Regulations require the following orientation for exchange students:

**J-Visa Regulation – Student Orientation [22 CFR Sec. 62.25 (g)]**

In addition to the orientation requirements set forth at § 62.10, all sponsors must provide exchange students, prior to their departure from the home country, with the following information:

- (1) A summary of all operating procedures, rules, and regulations governing student participation in the exchange visitor program along with a detailed summary of travel arrangements;
- (2) Age and language appropriate information on how to identify and report sexual abuse or exploitation;
- (3) A detailed profile of the host family in which the exchange student is placed. The profile must state whether the host family is either a permanent placement or a temporary arrival family;
- (4) A detailed profile of the school and community in which the exchange student is placed; and
- (5) An identification card, which lists the exchange student's name, United States host family placement address and telephone number, and a telephone number which affords immediate contact with both the program sponsor, the program sponsor's organizational representative, and Department of State in case of emergency. Such cards may be provided in advance of home country departure or immediately upon entry into the United States.

In 2006, the U.S. State Department added the requirement to include information on reporting abuse to help prevent abuse, and to prepare students in the event that inappropriate behavior occurs. In the regulatory notice, the U.S. State Department explains this new regulation as follows: "The [U.S. State] Department concludes that such information is well advised given the youth of the participants and cross cultural differences that may contribute to a reluctance to speak out regarding such matters."<sup>4</sup>

Additionally, youth exchange programs must immediately report to the U.S. State Department any incident of allegation involving the actual or alleged sexual exploitation or abuse of an exchange student participant. Program sponsors must also report such allegations as required by local or state statute regulation. Failure to report such incidents to the U.S. State Department and,

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<sup>4</sup> U.S. Department of State Public Notice: 5360, Title: Secondary School Student Exchange Programs, Federal Register, Federal Register / Vol. 71, No. 64 / Tuesday, April 4, 2006 / Rules and Regulations, Page 16696.

as required by state law or regulation, to local law enforcement authorities shall be grounds for the summary suspension and termination.<sup>5</sup>

### Promotional and Website Guidelines

CSIET has long-standing, established policies to ensure that youth exchange programs promote and recruit without compromising the safety of all participants involved, with an emphasis on the well being of the exchange students. Specifically, Standard 4 governs the promotional and advertisement procedures (including print and on-line media) as follows:

**CSIET Standard 4 – Promotion (Std 4.A-D)**

- A. The organization’s promotional materials shall professionally, ethically, and accurately reflect its purposes, activities, and sponsorship.
- B. The organization shall not publicize the need for host families via any public media with announcements, notices, advertisements, etc., that:
  - a. are not sufficiently in advance of the student’s arrival
  - b. appeal to public pity or guilt
  - c. imply in any way that a student will be denied participation if a host family is not found immediately
  - d. identify photos of individual students and include an appeal for an immediate family.

Following are guidelines for public media advertisements:

CSIET has found the following words or phrases to be unacceptable:

*“Urgently Needed, Don’t let me be homeless, This is an emergency...”*

CSIET has found the following words or phrases to be acceptable:

*“Open your hearts and homes, Host a foreign Exchange Student...”*

It is permissible to use a picture of a student, a first name, age, country of origin, and a composite or generic listing of interests in an advertisement in order to demonstrate the personal nature of the program and the types of interests that students have. It is not permissible to identify that specific student as needing a home, nor is it permissible to refer to a student’s athletic ability or accomplishments. Written waivers must be obtained for the use of any student photographs.

- C. The organization shall not promote or recruit for its programs in any way that compromises the privacy, safety or security of participants, families or schools. Specifically, programs shall not include personal student data or contact information (including address, phone or email addresses) on websites or other promotional materials.
- D. All promotional materials/activities shall distinguish the program and the sponsoring organization from others operating under:
  - a. affiliated or related corporate structures
  - b. the same or similar names or symbols.

### Program Website and On-line Student Databases

With the advent of on-line media, social networking and promotional websites, the youth exchange community is increasingly utilizing the internet to attract host families and local volunteers and to provide an idea of the kinds of students the organization represents. In doing so, programs must always maintain privacy and safeguards when sharing potentially sensitive student information. CSIET Standard 7.K. states the following:

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<sup>5</sup> J-Visa Regulation, 22 CFR Sec. 62.25 (m)(1)

**CSIET Standard 7 – Operations (Std 7.K.)**

To prevent online access to sensitive student information by unauthorized persons, program databases need to be secured by an initial screening prior to issuance of a unique username and password.

The use of on-line student/program databases varies greatly among youth exchange programs. Some programs develop “public” versions of their databases to share with the general public. These databases must only provide a composite of the prospective exchange student application along with a photo. No contact information (including, but not limited to, the students’ last name, email addresses, physical addresses, including cities/towns, or telephone numbers) should be included. For these types of databases, CSIET does not require password protection.

However, when an on-line program/student database includes detailed personal or contact information, CSIET requires programs to conduct a full screening, as described in this document, prior to granting access. The general public may not be granted access to full student applications on-line. More specifically, if a prospective host family wants to review student applications on-line, the program must review a completed host family application with references and conduct an in-home interview and criminal background screening prior to granting access to full student applications on line.

The internet is a formidable tool when reaching out to prospective host families and volunteers. However, it can also be problematic when safeguarding the well-being of exchange students. CSIET expects the youth exchange community to continue using its best judgment in terms of the nature of student information that is publicly shared. Whether the promotional information is relayed via newspaper advertisements, program websites or on-line postings, the same judgment should be used in terms of what is in the best interest of the exchange student.

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**J-Visa Regulations:** [http://csiet.org/publications-resources/docs/J-Visa\\_Final\\_Rule.pdf](http://csiet.org/publications-resources/docs/J-Visa_Final_Rule.pdf)

**CSIET Standards:** <http://csiet.org/about/standards.html>