Re-working AMS Policy 2011-03, “UBC Policy 69, ‘Student Safety Abroad’”

1. Overview

AMS External Policy 2011-03 was passed June 22, 2011, and expired June 22, 2014. This policy, titled “UBC Policy 69, Student Safety Abroad,” was made to encourage “UBC Go Global, appropriate members of the Senate of UBC Vancouver and any other involved campus units to review and revise UBC Policy 69, ‘Student Safety Abroad,’ with significant student consultation.” Policy 2011-03 also references significant perceived deficiencies with Policy 69.

The office of the AMS VP Academic and University Affairs has reviewed Policy 2011-03 to determine whether it should be renewed, which has included consultation with Go Global and an investigation of the context in which it was created. This report summarizes the findings of these investigations; it identifies strengths of and recommendations for improvement to Policy 69 as well as strengths and weaknesses of Policy 2011-03; based on these, it proposes a new AMS External policy to replace 2011-03.

2. Background Context

The following will be referenced throughout this report, and it will assume a basic familiarity with them:

- UBC’s Policy 69 can be found at http://universitycounsel.ubc.ca/files/2010/08/policy69.pdf.
- AMS Policy 2011-03 can be found in the AMS’s External Policy Manual at http://www.ams.ubc.ca/studentsociety/code-constitution/external-policies/.¹
- DFAIT refers to Canada’s Department of Foreign Affairs and International Trade, which has since been renamed the Department of Foreign Affairs, Trade, and Development (DFATD). This report will use the new acronym DFATD, but the old acronym DFAIT will be used interchangeably when quoting relevant sections of Policies 2011-03 and 69. The DFATD website is http://www.international.gc.ca/international/index.aspx.
- DFATD keeps a registry containing “official information and advice from the Government of Canada on situations that may affect [traveler’s] safety and well-being abroad,” which can be found at http://travel.gc.ca/travelling/advisories. Through this registry, DFATD shares what they have assessed to be risk levels for Canadians travelling in foreign countries. There are four risk

¹ Policy 2011-03 references several events. The “Chilean earthquake incident” refers to the large earthquake that struck Chile in February 2010: http://en.wikipedia.org/wiki/2010_Chile_earthquake. The policy also refers to “UBC’s response to student travel... in Japan,” referencing UBC’s decision to cease University Activity in Japan in 2011 after the country was struck by an earthquake and tsunami which resulted in large-scale nuclear meltdowns. The Ubyssey reported that this decision caused UBC to fund 19 students’ returns home, several of which felt UBC’s decision to halt all University Activity in Japan was too rash: http://ubyssey.ca/news/ubc-students-evacuated-out-of-japan/. Finally, the policy also refers to UBC’s response to student travel in Iran; Go Global communicated that this is likely a reference to a UBC decision to prohibit a group of Applied Science students from university-sponsored travel to a robotics competition in Iran, based on DFATD’s risk assessment of the country.
levels, ranging from “Exercise Normal Security Precautions” to “Avoid All Travel.” This report will refer to these risks ratings as “Level 1” through “Level 4,” as UBC does. Policy 69 specifies that, except with special permission in exceptional circumstances, UBC will not sponsor University Activity in Level 3 or 4 regions.

3. Policy 69: Strengths

It should be noted that by creating Policy 69, UBC has instituted several practices that will be of great value to students participating in University Activity abroad.

Go Global now oversees a Student Safety Abroad program, created based on Policy 69, which offers a comprehensive range of supports for students. This program administers the Student Safety Abroad Registry, in which all students travelling abroad must now register. Prior to the creation of this registry, it was much more difficult to track down and contact students travelling abroad in a timely manner if an emergency situation arose. Now, if a country’s DFATD risk rating goes up, Go Global has a much more streamlined way of finding out which students might be affected. In addition to requiring that students fill out a central registry, the policy mandates that students must complete various online safety training, depending on the risk level of their destination.

Policy 69 is also useful in that it explicitly specifies how DFATD’s risk ratings influence UBC’s willingness to sponsor University Activity abroad, and the processes by which students can apply to conduct University Activity in areas with higher DFATD ratings. It also mandates that Go Global will support and advise students and academic units about DFATD ratings, including providing assistance to them if DFATD ratings increase while students are abroad. Even though DFATD already exists to assist Canadians travelling abroad in higher risk areas, UBC’s policy on this matter allows UBC students to receive more personalized and immediate support from Go Global if a large-scale emergency arises while they are travelling abroad on University Activity, and it also ensures that UBC’s International Students, who don’t fall under the same priority for DFATD, receive the same level of support.

There are thus many pieces of this policy which contribute to creating a culture of safety for students abroad at UBC. By leading to the creation of the Safety Abroad Registry and various pre-departure resources and workshops, this policy has become a central reference point that holds UBC and Go Global to certain standards in supporting students abroad. As noted on the Safety Abroad website, the policy allowed UBC to very quickly and efficiently contact the 84 students that were travelling in Japan at the time of the 2011 earthquake.

4. Policy 69: Weaknesses and Recommendations for Improvement

2 [http://safetyabroad.ubc.ca/](http://safetyabroad.ubc.ca/).

3 [https://registry.safetyabroad.ubc.ca/](https://registry.safetyabroad.ubc.ca/)

4 [http://safetyabroad.ubc.ca/online-safety-learning-modules](http://safetyabroad.ubc.ca/online-safety-learning-modules)
While there are undeniable strengths of Policy 69, there have been several weaknesses identified by the AMS both at the time of the creation of Policy 2011-03 and after the 2014 review. This section will highlight those weaknesses, and will recommend ways to improve Policy 69 that should be outlined into a new AMS External Policy.

### 4.1. Compensating Students Instructed to Return

The Procedures of Policy 69 state that:

7.1. Should the DFAIT Travel Advisory Risk Rating of a country or region of a country be increased while Students are participating in University Activities, Go Global will advise Students registered in the Student Safety Abroad Registry and the appropriate Head of Unit. In this situation Students are required to follow the direction of the University, and leave the region or country if instructed by the University to do so. Students who refuse to follow the instructions of the University will be considered to be on unauthorized travel and will be subject to the provisions of Article 8 of the Procedures.

Articles 8.1 and 8.2 subsequently state that students who decide to stay abroad when a risk rating increases despite the University’s instructions to return will be considered to be travelling as private citizens no longer on University Activity. This means that they will no longer be able to use University funding or resources, or be considered to be travelling on University business. Thus, if a student is instructed to return home because risk ratings increase, he or she has no choice other than to follow UBC’s instructions or to stay abroad as a private citizen without University funding. Given that students travelling on University Activity are likely to be dependent on University funding or resources in some way, and given that continuing to study abroad as a private citizen is thus likely to be prohibitively costly because it would involve paying international student tuition, the likely effect is that most students will be forced to cease their travels if UBC instructs them to do so.

However, despite this, under “Travel Planning and Responsibilities,” Policy 69 states (emphasis added):

3.7. The University has no control over international events, and will not be responsible to refund any costs or losses, including the loss of timely academic progress, associated with Student travel or the cancellation of Student travel. This will be the case whether:

3.7.1. the Student travel is not authorized pursuant to this Policy; or

**3.7.2. authorization for travel is revoked pursuant to this Policy; or**

3.7.3. the Student doesn’t travel because of concerns for personal safety.

Article 3.7.2 explicitly states that UBC is not responsible for recouping the losses that students face once they have been instructed to cease University Activity abroad. This means that, although Article 7.1 of the Procedures effectively gives the University the ability to force students to cease their travels, the University nevertheless is not obligated to refund financial or academic losses involved once students have been so forced. It is clearly problematic that this policy gives UBC the power to force a student to leave their work abroad against their will, while not being obligated to compensate costs incurred because of this.
It should be noted that after the 2011 Japanese earthquake, UBC funded the returns of students asked to leave, and worked with them to minimize disruption to their academic progress. However, despite this response, Policy 69 still nevertheless leaves open the possibility that future situations will not be handled in this way.

**Recommendations:** Based on the findings of s. 4.1, it is recommended that Article 3.7.2 under “Travel Planning and Responsibilities” be removed from Policy 69. Furthermore, it is recommended that an Article be added to the policy specifying that, if students are forced to cease their travel abroad pursuant to Policy 69, and if this results in extra costs to the student—whether financial, academic, or otherwise—the University has a responsibility to recoup these costs.

**4.2. UBC Independently Assessing Risk**

Policy 69 makes it clear that UBC relies on DFATD’s risk level assessments when determining if a student should travel to or stay in a foreign country. This is true in almost all cases, except for cases covered by the following clause in the policy’s Procedures:

> 7.2. The Go Global Office may, when it is in receipt of compelling information that a country or region of a country presents a material increased risk to travelers, may determine that a country or region of a country has a higher risk Level for the purposes of this Policy, notwithstanding that DFAIT has not done so. In such cases this Policy will apply as if such country or region of country has such higher risk Level, and Go Global shall take steps to communicate this decision to appropriate persons in the University community. Nothing in this Article 7.2 shall act to create an obligation on the part of the University to independently assess risk levels in other countries in any particular case.

In reviewing this policy, no past instances have been found in which UBC has assessed risk level of a country independently of DFATD.

Nevertheless, Article 7.2 has the effect that UBC can tell a student travelling abroad that his or her safety has become jeopardized, regardless of DFATD’s assessment and regardless of whether the student personally believes themself to be safe. In this case, because of Article 7.1, UBC can then mandate that the student ceases all University Activity abroad. As seen in the case of the 2011 Japanese earthquake, this may involve UBC recovering the student’s financial and academic losses where possible.

On the other hand, if a student personally decides that his or her own safety has been jeopardized but neither DFATD’s nor UBC’s risk level assessments have increased, the student is not likely to have access to the same level of institutional support from UBC as they would if the University had decided he or she was unsafe and had to cease travel. It is not in dispute that Go Global makes considerable efforts to provide assistance to any students who feel unsafe while travelling abroad. However, it remains the case that if a student makes a personal decision to cease their travel due to feeling unsafe, UBC would not be as likely to compensate them for financial and academic costs as they would if the University had mandated ceasing travel, or at least not to the same extent.

Thus, giving UBC the ability to make its own decision about when risk levels increase creates a power imbalance between the University and its students: UBC has the ability to make an arbitrary decision based on its own criteria that students abroad are not safe and should return home, while students
cannot make this decision for themselves and expect UBC to legitimize it with as high a level of financial and/or academic support. This essentially sends the message that UBC has more control over deciding whether students abroad are safe than students have over deciding their own safety for themselves.

One solution to eliminate this imbalance would be to give students who are travelling abroad the ability to re-assess their own risk level independent of DFATD’s assessment, and expect the same type of support they would receive if UBC had done its own re-assessment. However, while it would eliminate the imbalance in question, this solution would give yet another party, the student, the ability to make arbitrary assessments at their own discretion.

A better solution would be to eliminate UBC’s ability to make independent assessments of risk levels, and to instead mandate that UBC should rely solely on DFATD’s assessments. This leaves assessment up to an objective third party, and eliminates potential arbitrariness and redundancy of UBC making its own assessments. It also places responsibility for assessing risk solely on a department that is equipped with a higher level of information, resources, and expertise than Go Global, which reduces the possibility of mistaken assessments.

**Recommendation:** Based on the findings of section 4.2, it is recommended that Article 7.2 be removed from the Procedures of Policy 69.

### 4.3. The Need for a Specified Appeals Process

Policy 69’s Article 10 specifies that all students wishing to travel abroad to undertake University Activity must comply with the following “General Travel Procedures”:

10.1. Any Student who travels for a University Activity abroad must register in the Student Safety Abroad Registry maintained by the Go Global Office and comply with any other requirements issued by the Go Global Office.

10.2. All Students with Canadian citizenship are required to register in the DFAIT “Registry of Canadians Abroad” system prior to undertaking travel outside of Canada for a University Activity. Students who hold other citizenships can still register in this system, and may also wish to register with the consulate of their home country.

10.3. Students traveling outside of Canada for a University Activity to destinations with a Level 1 Travel Advisory are required to complete the online pre-departure health and safety checklist offered through the Go Global Office.

10.4. Students traveling outside of Canada for a University Activity to locations with a Level 2 “Exercise High Degree of Caution” Travel Advisory are required to complete the online pre-departure health and safety workshop, offered through the Go Global Office and must sign the Level 2 Student Mobility Agreement.

As per the following Article, students who conduct University Activity abroad without completing the above list of Travel Procedures in full would be considered to have undertaken unauthorized travel:
3.3. Prior to participating in University Activities outside of Canada Students must register their travel plans with the University through the Go Global Office and obtain any authorizations to travel that are required in the Procedures to this Policy.

Article 8 outlines the consequences for students who undertake unauthorized University Activity abroad. Any students who do not complete all of the General Travel Procedures listed above, or who continue to University Activity once their authorization has been revoked, are thus subject to the following measures:

8.2. No University resources can be used, or University sponsorship provided, in support of unauthorized Student travel for a University Activity. In the event the University becomes aware of such unauthorized travel the Head of Unit may, at his or her discretion, take any of the following measures:

8.2.1. suspend or cancel the University Activity or the Student’s participation in the University Activity;

8.2.2. suspend or cancel any funding to the Student from sources controlled by the University;

...

8.2.4. if the Head of Unit is the head of an academic unit;

8.2.4.1. with the approval of the Dean of the relevant Faculty, withdraw the Student from registration in, or place the Student on leave from, any course or program related to the travel;

8.2.4.2. with the approval of the Dean of the relevant Faculty, decline to award academic credit for activities undertaken while travelling;

8.2.4.3. determine that any research conducted while traveling may not be used as a means of meeting a degree requirement at the University.

8.2.5. impose such other restrictions as the Head of Unit feels are warranted by the situation.

Article 8.2 specifies that any of the specific penalties listed can be imposed on students undertaking unauthorized travel at the discretion of the student’s Head of Unit. Article 8.3 goes on to state that, “When making a decision pursuant to Article 8.3, a Head of Unit must consider any information that has been received by the Head of Unit from the Student.” Together, these clauses have the effect that there is some leeway when dispensing penalties for unauthorized travel, presumably so that penalties can be made commensurate to the unauthorized travel undertaken and to the degree to which a student has violated the procedures laid out in Article 10.

However, there is nevertheless still potential for students undertaking unauthorized University Activity to have unwarranted academic or financial losses imposed on them pursuant to Article 8. The following is excerpted from the AMS Council minutes of April 7, 2010, at which a councillor raised these concerns
after a presentation on Policy 69 by Janet Teasdale, Managing Director of Student Development and Services:

“But I have a concern with Article 8, which includes punishments for unauthorized travel. Trips can be cancelled; funding cut; students could be suspended or expelled. Graduate students might drive down to Seattle and could have their funding cancelled. The concern is that this might be badly implemented; students could be subject to financial or academic penalty.”

The concern was raised that, since University Activity is considered unauthorized anytime a student so much as crosses a border to conduct activity in some way sponsored by the University without properly completing every piece of the regulations in Article 10, there could be very harsh penalties as listed in Article 8 imposed on students who do not commit very serious infractions.

This potential for unwarranted penalties is most problematic due to a lack in Policy 69 of a specified appeals process for students who receive penalties not dispensed by the head of an Academic Unit. Article 8.4 states, “Decisions made pursuant to Article 8.2.4 may be subject to appeal within the Student’s Faculty and can be ultimately appealed to the appropriate committee of Senate that has jurisdiction.” This, however, is the only reference to an appeals process in the policy, and no process is given for penalties dispensed pursuant to Articles 8.2.1 and 8.2.2. The policy should make it clear how a student can appeal these decisions, rather than implying that all final decisions about these matters are left solely up to the discretion of the student’s Head of Unit.

**Recommendations:** Based on the findings of section 4.3, it is recommended that Article 8.4 of Policy 69 should be adapted to specify that penalties dispensed pursuant to Articles 8.2.1 and 8.2.2 can be appealed through a student’s Faculty and the appropriate committee of Senate.

### 5. Policy 2011-03: Strengths and Weaknesses

Due to the recommendations made above in s. 4, it is clear that the AMS should continue to have a policy that specifies that Policy 69 should be reviewed and improved upon. This section will discuss the recently expired Policy 2011-03, and will identify strengths that should be retained in creating a new policy and weaknesses that should be improved upon.

#### 5.1. Strengths of Policy 2011-03

Overall, the goal of Policy 2011-03—that Policy 69 needs to be improved—is warranted, given the weaknesses of Policy 69 outlined above in section 4. Certain specific clauses also express sentiments that should be retained in a new policy, including the following:

- **UBC substituting its risk assessment for DFATD’s.** As noted above in s. 4.2, there are worries regarding UBC assessing risk independently of DFATD.
- **Incommensurate penalties for unauthorized travel.** As noted above in s. 4.3, there is potential that penalties could be dispensed that are incommensurate to unauthorized travel undertaken.

#### 5.2. Weaknesses of Policy 2011-03
There are several respects in which Policy 2011-03 could be improved, and each of these should be taken into account when crafting a new AMS policy on Policy 69.

- **Reactionary and rooted in specific events.** The weaknesses of Policy 69 are apparent regardless of the way the policy is implemented. However, Policy 2011-03 seems to have been created very much in reaction to the specific events referenced in the second clause. Given that the weaknesses of Policy 69 transcend the way it has been implemented during specific events, a new policy should be such that future AMS leaders don’t need to have a knowledge of these past events in order to understand why Policy 69 needs improvement.

- **Error in first clause.** The first clause of Policy 2011-03 states that Policy 69 “was created in the context of the Chilean earthquake incident to address immediate issues of student safety abroad.” Consultation with Go Global has revealed that this is an error; Policy 69 was passed in February 2010, which is the same month that the Chilean earthquake took place. Since the policy went through an extensive drafting process leading up to its publication, it cannot be more than a coincidence that its passing coincided with the Chilean earthquake.

- **Implying that Go Global is redundant.** The third clause aptly identifies that Policy 69 should not specify that Go Global can substitute its own risk assessments for DFATD’s. However, this clause also seems to imply that Go Global doesn’t need to be involved in supporting students travelling abroad when emergencies arise, stating that DFATD “has established contingencies to address dangerous situations as they arise.” However, as identified above in section 3, there are various reasons why it is ideal for Go Global to have its own procedures for dealing with emergency situations that arise while students are travelling abroad on University Activity.

- **Vague clauses.** Without any accompanying report or research about the creation of Policy 2011-03, several of its clauses are quite vague. The fourth and fifth clauses reference deficiencies in Policy 69, but it is unclear specifically which parts of Policy 69 were found to be at issue. This has resulted in confusion and lack of clarity for current AMS staff, who have had to engage in a lengthy review process in order to determine exactly why it was deemed necessary to create Policy 2011-03 in 2011. The final, “Be it resolved” clause also comes across as vague in that it gives no direction for how Policy 69 should be improved.

### 6. New Policy to Replace 2011-03

Like Policy 2011-03, this new proposed policy is meant to indicate that UBC should consult with students to improve Policy 69, and to indicate specific areas for improvement. It should also improve upon the weaknesses of Policy 2011-03 identified in this report in s. 5.2.

UBC’s reaction to jeopardized student safety in Japan shows that the University is willing to give students a high degree of financial and academic compensation when they are asked to cease University Activity abroad. Since Policy 69 was passed, UBC has also never exercised its ability pursuant to Policy 69 to assess risk levels independently from DFATD. Given the ways that Policy 69 has been implemented so far, and given that the University likely will not be reviewing Policy 69 until several years from now, at this time there is no urgency for the AMS to create a new external policy that urges immediate advocacy on this issue. However, the proposed policy below is meant to remind future AMS leaders when it comes time for UBC to review Policy 69 which areas have been identified as problematic, and where improvement can be made.
Proposed new Policy:

1. Whereas the office of the AMS VP Academic and University Affairs has provided a report which identifies strengths and weaknesses of UBC’s Policy 69, and which makes specific recommendations on how this policy can be improved in a way that makes it more equitable for students, and;

2. Whereas these recommendations outline serious concerns including, but not limited to, the lack of an outlined appeals process, potential academic and financial penalties for students, and UBC’s risk assessment outside of the DFATD rating mechanism;

3. Be it resolved that the AMS VP Academic and University Affairs continue to monitor the implementation of Policy 69 to gauge whether it is having significant negative impact on students;

4. Be it further resolved that the AMS VP Academic and University Affairs advocate for this policy to be reviewed as soon as possible;

5. Be it further resolved that, when UBC conducts a review of Policy 69, the VP Academic and University Affairs ensures that the AMS is involved in this review process, and works to encourage strong reform of Policy 69 based on the recommendations outlined in the aforementioned report, as well as any additional recommendations identified through future consultation.