

TERRADOTTA RISK SUMMIT

CHARLOTTE, NC • JANUARY 18-20, 2015

Duty of Care: Best Practices for Risk Management Issues



TERRADOTTA

“Duty of care is, quite simply: The duty of a person or business to act toward others and the public with vigilance, caution, and prudence.

Those who fail to live up to that standard are considered negligent and may be sued for resulting damages.”

Legal Information Institute. Cornell University Law School



Who Cares?



Who Should Care?

- Who is responsible?
 - Trustees
 - President
 - Chief Legal Counsel
 - Risk Manager
 - Travel Risk Manager
 - Study Abroad Manager



Who are you responsible for?

- Students
 - Study Abroad
 - Faculty/Staff-Led Programs
 - Group Travel
 - Independent Travel
- Faculty and staff
- Alumni
- Community Members
- Dependents



Why

- What kind of responsibility?
 - Legal
 - Moral
 - Social
 - Other

The duty of a person or business to act toward others and the public with vigilance, caution, and prudence



Consequences

What kind of consequences might your institution suffer when you fail to exercise your duty of care and something bad happens to a member of the community while abroad?

- Civil litigation
- Criminal action
- Reputation/PR
- Loss of future income



In the chaotic aftermath of the 2011 tsunami in Japan, one Terra Dotta client was able to establish communication with 95% of its students overseas and then prioritize its efforts to contact the remaining 5%. Within one day, it was able to account for all of its students and employees in the country and communicate a plan to recover them.

That university was able to act quickly during the emergency because of the planning it did before the students and employees left the campus to go overseas. Had they not planned things out beforehand, the result could have been much different.



What?

- Fire
- Automobile Accident
- Serious Injury
- Accidental Death
- Murder
- Kidnapping
- Terrorism
- Drug & Alcohol-related Accidents
- Natural Disaster
- Disease
- Common Carrier Accident
- Loss of Property
- Imprisonment
- Assault
- Sexual Assault

How do we mitigate the university's risks?

- Make sure the traveler knows the risk
- Documenting that the traveler understands and assumes the risk
- Insurance - What kind?
- Emergency Preparedness Plan - Who plans? What to include?
- Know where they are
- Monitor the world
- Evacuation Plans



Just Say No?

- When do we forbid travel?
- Who gets to say so?
- What do we give up by not allowing travel?



Where is all of this going?

- How is your institution's approach to International Travel evolving?
- Has it become more or less in focus over the past year?
5 Years?
- Does Attention to International Travel risk follow a smooth curve, or does it spike when there is an incident and then recede?



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