GROUNDING THE “JETFIGHER” PARENT

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10:45 AM to 12:15 PM

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The Forum on Education Abroad: 2nd Annual Health and Safety Institute
Northwestern University - Evanston, IL
PARENTAL EXPECTATIONS: SETTING THE STAGE

- Baby-On Board=Parents on Board

- Millennial Generation students are special!

- New technology = parents remain in close contact with students anytime, anywhere

- Consumer mentality = parents expect same level & type of services when child is abroad
THE WORLD IS THE CAMPUS

- The Program is the World
  - Not limited to the program site, student’s housing, or even the host city or country

- The Program Runs 24/7
  - Not limited to class meetings, excursions, or activities

- The Program Encompasses Entire Time Student is Away
  - Starts when student leaves for the airport; ends when student returns home
  - Includes breaks (even if taken in different countries) and personal travel before or after program
The reality is that parents today play a more active role in all aspects of the college experience, including study abroad.

......So how do we manage parental expectations before a crisis???
MANAGING PARENTAL EXPECTATIONS

Manage student expectations

+ Treat them as adults, not children
+ Make clear they have to take responsibility for themselves
+ Establish a pattern of communicating primarily with student – not parents!

Share information with students beforehand and ensure they share with parents

+ Emergency contact info
+ Emergency plan info
+ Different standards, conditions, and cultural norms abroad

Israel
IN LOCO PARENTIS

- Latin for "in place of a parent"
- A person or institution that assumes parental rights and duties for a minor*

The pendulum swings in constant motion

* http://www.legal-dictionary.org
APPLICABLE LAW

- Common Law
  - Case law, judge-made law, reliant on precedent
  - Definitions are found in cases

- Civil Law
  - Statutes, regulations and ordinances enacted by legislative bodies such as Congress, state legislatures, county, and city officials
  - Concerned with the relationship between individuals
  - In Higher Education many such “wrongs” are identified as violations of contracts or a failure of professional duty
  - Usually the claim will be for compensation

- Criminal Law
  - Governs crimes (felonies and misdemeanors)
  - Crimes are offenses against the state
  - Punishment is usually in the form of fines, probation, and/or incarceration
In tort law, a **duty of care** is a legal obligation imposed on an individual requiring that they adhere to a standard of reasonable care while performing any acts that could foreseeably harm others.

A **reasonable person** is a hypothetical person in society who exercises average care, skill, and judgment in conduct and who serves as a comparative standard for determining liability.

The test is the defendant’s actions compared to that of a reasonable person under similar circumstances.

In most cases, **specialists** (persons with greater than average skills, or with special duties to society), are held to a higher standard of care.
When an institution, organization or individual fails to meet parental expectations in a significant way:

- Damage to reputation
- Negative publicity
- Loss of contracts or agreements
- Low morale
- Decreased enrollment
- Lawsuits
  - Breach of Contract
  - Federal Claims (ADA, Title IX)
  - Breach of Duty
  - Negligence

What is the number one reason for families of deceased patients sue the hospital?
A LACK OF SYMPATHY IS SHOWN BY THE TREATING PHYSICIANS OR PHYSICIANS (NOT FROM PERCEIVED WRONGDOING)
LAWSUITS: WHO, WHAT, AND HOW

- **WHO:** In general, the “aggrieved” must bring suit
  - Student

- **WHAT:** Typical suit brought by student
  - Negligence
    - Requires duty, breach, causation, damages

- **WHAT:** Typical suit threatened by parents
  - Negligence Infliction of Emotional Distress
    - Requires tangible injuries
  - Negligence Infliction of Emotional Distress of a Bystander
    - Must be within the ‘zone of danger)
  - Wrongful Death

- **HOW:** “Complaint” filed by attorney to show the required elements of the claim are met and that the one bringing suit as “standing” to file
MISUNDERSTANDING: LAW V. POLICY

- **Policy**: A plan or course of action, as of a government, political party, or business, intended to influence and determine decisions, actions, and other matters.

- **Law**: The body of rules and principles governing the affairs of a community and enforced by a political authority; a legal system.

- **Source**: American Heritage Dictionary

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Top of Mt. Kilimanjaro, Tanzania
SEQUENCE AND PREPARATION

- Gather all facts from the faculty, resident director, student, insurance company, authorities, etc.
- Prepare a “briefing” – who, what, when, where, why, how
- Include culturally relevant information
- Anticipate questions
- Establish follow-up communication protocols
- Take 5 minutes to practice your ‘spiel’

South Korea
TALKING TO JETFIGHTER PARENTS

- Give respect, but expect respect, too
- Be confident and explicit about your authority and experience
- Confirm shared understanding
- Dispel myths or faulty information
- Repeat parents’ concerns/wishes
- Clarify expectations
- Do not overpromise
- Give parents a task
- Share next steps
- Set time for follow-up call
- E-mail helpful resources, but limit e-mail conversations to the basics

Nicaragua

- Let them cry or vent
- Acknowledge their fears
- Express care and concern - empathize
- Never raise your voice

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DIVORCED PARENTS

Assuming the student has listed both parents as emergency contacts (and this is an emergency – a FERPA exception), consider these opening questions.

- Is Sally’s father (or mother) able to be on the line with us?
- If not, are you able to keep him or her informed of our conversations or progress?

Can’t tell whether parents are married or not? Look at the home phone numbers to see if they are the same.
EMERGENCY PLANS: PHONE TREE

Incident Occurs On-Site

On-Site Director or Other assists/takes all information

Notifies

Director of Office of International Programs

Notifies

Dean of Students; Parents; Other OIP Staff; Risk Management Team; Insurance Company; Risk Management Team; Other Key Staff
AND THEN WHAT???

- Is there one primary contact at the College to talk with the parents?
- Who will relay information to the parent from the On-Site Director, Insurance Company, Doctors, Etc.? Does this change if the parents are in the U.S. or on-site?
- What will the parents expect the College to do (from the home campus or abroad)?
  + Pay for their trip to the site?
  + Pay for their accommodation & meals?
  + Coordinate medical treatment?
  + Choose a medical provider or lawyer?
  + Provide an interpreter?
  + “Make” insurance company/hospital act?

It can be very difficult to clarify expectations in the midst of a crises – how can you do this in addition to dealing with a crisis?

What do you do when the parents derail the crisis management?
HOW IT MAY GO: CONTROL THE CIRCLE

Parents

On-Site Director / Others On-Site

Insurance Company / Drs. / Etc.

OIP Director

Other College Officials

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FERPA BASICS

The Family Educational Rights and Privacy Act is a Federal law dating to 1974 and it is
- Designed to protect the privacy of educational records
- Establishes the right of students to inspect and review their records
- Provides guidelines for correcting inaccurate data through informal and formal hearings

The Act is enforced by the Family Policy Compliance Office of the US Department of Education

Key points include required annual notification, written permission for disclosure, exceptions from written permission, and parental disclosure
FERPA AND PARENTS

- FERPA limits disclosure of educational records
  - Unless directory information
  - The student has consented
  - Permitted exception without the student’s consent
- Language in FERPA permits disclosure to parents in four circumstances:
  - With the student’s written consent
  - If student is a dependent for federal tax purposes
  - Violation of law for possession or use of alcohol or a controlled substance
  - Health and safety emergency

Greece
FERPA’S HEALTH AND SAFETY PROVISION

Permits disclosure “to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the students or other individuals.”

Steps in health and safety disclosures

- Initially limited to individuals trained for particular circumstance
  - Student emails resident assistant that he/she has a contagious disease
  - Student expresses suicidal ideation
- Asking student for permission to disclose, if appropriate
- Contacting parent(s)/listed emergency contact with or without student’s consent in an emergency
TRANSPARENCY OF DISCLOSURE

- What do students know about FERPA and their rights?
- What do parents know or understand about how FERPA will affect your communications with them?
- How are you informing students and parents about your institution’s or organization’s policies on disclosure?
SO WHAT DOES ALL THIS MEAN?

Your institution has a policy for information sharing and disclosure:

- Differences between public and private institutions
- Campus/organization culture

Your institution has a policy for making exceptions for disclosure:

- Who can make exceptions and how do they do that (process)?
- Documentation for exceptions

No one has ever had their federal funding withdrawn because of FERPA (not a lawsuit, but a Department of Education investigation of FERPA violation)
HIPAA AND PARENTS

The Health Insurance Portability and Accountability Act of 1996:

- Addresses the Confidentiality of Health Records
- Encourage programs to request a signed HIPAA release from students prior to departure on a study abroad program
- Release should include specific types of Protected Health Information (PHI) to be shared – critical medical situation, inpatient hospitalization
- Names, persons or organization who will receive the PHI - study abroad program, insurance assistance partner, designated family member
- Include a expiration date or event - duration of program/extended travel

Kenya

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Clearly define the communication flow during an overseas medical emergency consistent with your campus culture

- Designated campus/org. official
- Parent/family direct
- Local coordinator/faculty leader
- Fellow student
PARENTAL RELATIONSHIPS

Mother Knows Best????

- Implied lack of trust with insurance companies – assumption that money is controlling the decisions
- Emotional reaction to a son or daughter's medical emergency
- Stress related to lack of control over the situation
- Little or no experience with overseas travel/education
- No experience with overseas medical emergency – one is a lifetime experience

Senegal
HELPING UNIVERSITY PARTNERS COMMUNICATE WITH JETFIGHTER PARENTS

- Clearly define communication plan
- Confirm parents’ concerns/wishes
- Manage knee-jerk reaction to bring the student home – parental control issues
- Confirm shared understanding
- Dispel myths or faulty information
- Clarify expectations
- Regular ongoing communication

Source: Julie Friend, JD, Michigan State University
QUALITY OF CARE OUTSIDE THE US

- Perception of care may not reflect actual quality
- Blood supply
- Role of nurses in health care delivery system
- Many locations have standard of medical care that is equal to or better than the US
  - Bangkok, Thailand
  - Nairobi, Kenya
  - Singapore
  - Mexico City, Mexico
  - Johannesburg, South Africa
  - Quito, Ecuador
“I want my child moved to the Rome American Hospital”

- Top 24 hour emergency rooms/A&E may be located at public hospitals
- Top specialist care most often available at public, university affiliated hospitals, i.e., orthopedics, burn unit, etc.
- Public hospital room accommodations may be in multi-person ward vs. semi-private room
- Length of stay outside the US may be longer than the US – cultural differences dictate patients must be healthy to return to their normal activities upon discharge
- Level of nursing care varies
- Assistance partner has expertise to navigate local medical and identify most medically appropriate options
AIR AMBULANCE VS. STANDARD FLIGHT

- Top priority is to stabilize the patient
- Air ambulance home not always the best option
- Potentially unsafe to move a patient by any means of transportation until he/she is stable
- If transportation is medically necessary, plan is developed based on nearest appropriate care according to the patient’s medical condition
- Commercial flight accompanied by medical team often more comfortable and medically appropriate
COMMUNICATIONS CHALLENGES

- Lack of English language resources
- Strict privacy issues
- Cultural differences in verbal communication – “you must” vs. “let me explain”
- Role of physicians in social hierarchy outside of the US - patients don’t challenge the doctors
- Role of nurses in healthcare delivery system
- Physician may consider patient transfer as a threat to his/her professional credibility
Insurance partners can be found at several levels:
- Organization’s property/casualty/liability
- Mandatory or opt-in health and accident coverage
- Students’ and families’ individual policies

How reporting flows and any mandated reporting should be clearly delineated

How do you make sure a student has access to all coverages (or how do you provide information to allow student/family to have access)?
PARTNERSHIP IN COMMUNICATION

- What are the steps you are asking the parent to take?
  - Who, what, where, when
  - How are you receiving information back from the parent?
  - What are the steps you are planning to take?

- How do you monitor in case additional action is needed?

- Agreeing to a communications plan with contact information

- How do you see case to completion or resolution?

Argentina
1: DERAILMENT BY PROTECTIVE PARENT

Set-up

- A female student reports to that resident director that she was raped by a local businessman. She receives medical treatment, files a police report and seeks counseling. She request anonymity.
- The police investigation conflicts with victim’s report.
- The student’s father learns of the attack and phones you for an explanation.
- Student recants and returns home. Maintains rape report with father, but not with institution. Student asks institution not to speak with father, yet father demands action and answers.

Next Steps

- Who do you talk to next? Student or father? How do you talk with each?
- What are your legal or ethical considerations?

Outcome/
Lessons Learned

Costa Rica
**Set-up**

- A student on a program in Capri (Italy) is hit by a scooter. The student suffers serious injuries and is transported by helicopter to a large public hospital in Naples.
- The parents arrive. Upset by the hospital's conditions, they become agitated, hostile and unreasonable. They demand the student be moved to a private, American hospital far away although this is against medical advice.
- The father physically assaults the Resident Director and verbally assaults the insurance representative and Study Abroad Director. He also threatens to sue. He accuses everyone involved of being incompetent.
- The student has successful surgery in Naples, but the parents lose it when told the student will have to wait a few days to return home (commercial air/medical escort). They plan to organize his return themselves through an events planner.

**Next Steps**

- What are your legal, ethical and personal considerations?
- How would you manage the parents?
Set-up

- Student enrolled in a short-term faculty-led program to Scotland. She discloses pre-existing condition, but deceived staff as to its severity.
- Ends up in hospital on-site. Learn condition is terminal. Student refuses to return to States. The medications make her argumentative and combative.
- Emergency contact notified – requested assistance from the father, which was denied. Mom is recovering from a stroke.
- There is a real possibility the student will die on-site, and the program is to end soon. The faculty leaders are burned out.

Next Steps

- What are your immediate concerns?
- What do you do next?
Sources

Articles

- William P. Hoye, & Gary M. Rhodes, An Ounce of Prevention is Worth...the Life of a Student: Reducing the Risk in International Programs, 27 J.C.& U.L. 151 (Summer 2000).

Texts

- The Rights and Responsibilities of a Modern University by Bickel and Lake
- Risk Communication by Lundgren and McMakin
- Managing Liability and Overseas Programs by Weeks
- A Legal Guide for Study Abroad Professionals by Kaplan and Lee
- Study Abroad in Higher Education: Program Administration and Risk Management by Tribbensee (NACUA)

Web Resources

- MSU Statement of Responsibility – https://osa.isp.msu.edu/statementofresponsibility