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Guidance Directive 2009-04

Secondary School Student Program: Sponsor Reporting Requirements

I take this opportunity to again remind all sponsors of secondary school student exchange visitor programs of their obligations to report certain incidents or events to the Department:

- 22 CFR 62.13(b) states: “Sponsors shall inform the Department of State *promptly* by telephone (confirmed promptly in writing) or facsimile of any serious problem or controversy which could be expected to bring the Department of State or the sponsor's exchange visitor program into notoriety or disrepute.” (emphasis added)
- 22 CFR 62.25(m)(1) states: “Sponsors must *immediately* report to the Department any incident or allegation involving the *actual or alleged* sexual exploitation or abuse of an exchange student participant. Sponsors must also report such allegations as required by local or state statute or regulation. Failure to report such incidents to the Department and, as required by state law or regulation, to local law enforcement authorities shall be grounds for the summary suspension and termination of the sponsor's Exchange Visitor Program designation.” (emphasis added)

Examples of the types of incidents that sponsors must report pursuant to 62.13(b) include, but are not limited to: accidents, deaths, program abandonments, arrests, or convictions. Occasionally an incident may at first seem to be a matter involving notoriety or disrepute which requires prompt reporting. However, additional review may identify a sexual or abuse component that requires immediate reporting to both the Department and local authorities. In determining whether an incident is reportable pursuant to either section, sponsors are encouraged to interpret the language broadly and inclusively.

Incidents of a sexual nature are reportable *immediately* once the sponsor is aware of an alleged or actual event. As the conduct and performance of agents acting on a sponsor's behalf are imputed to sponsors, this reporting obligation is effective once anyone representing your organization is informed of the alleged event. It is incumbent upon sponsors that their field staff be properly instructed to report allegations of an even minimally suspicious nature *immediately* through the chain of command so that the Responsible Officer can comply with the *immediate* reporting obligation of the regulations.

All fifty states and the District of Columbia have adopted mandatory child abuse and neglect reporting laws pursuant to the requirement of the [Child Abuse Prevention and Treatment Act \(CAPTA\)\(Jan. 1996 version\)](#), 42 U.S.C. 5101, *et seq.* They also have hotlines for reporting abuse and neglect. The Department recommends that all sponsors review and understand the information found

on the [Child Welfare Information Gateway](#), a website maintained by the Department of Health and Human Services, the authority responsible for CAPTA enforcement.

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