

Differences in risk management approaches to study abroad: A comparative case-law analysis of Japan, the United Kingdom, the United States, and Australia

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INTRODUCTION

Study abroad and overseas educational travel have expanded rapidly in recent decades as globalization accelerates the international mobility of students. Alongside this growth, incidents involving injuries, illnesses, and fatalities during overseas programs have raised concerns regarding the safety management responsibilities of schools, travel agencies, and related institutions. Ensuring that young people can learn abroad without preventable harm is essential not only for individual well-being but also for the long-term development of global society.

This study aims to clarify the differences in risk management approaches related to study abroad between Japan and three major English speaking destinations—the United Kingdom, the United States, and Australia. Specifically, it examines how courts in these jurisdictions interpret the duty of care owed by educational institutions and travel organizers, and how responsibility is allocated among domestic and overseas actors. By analyzing judicial decisions, the study identifies structural divergences in legal reasoning and risk governance that shape the safety frameworks of international educational mobility.

METHOD

A comparative case-law analysis was conducted using judicial databases in Japan and English-speaking countries. Japanese cases were collected through the Courts in Japan Database (https://www.courts.go.jp/app/hanrei_jp/search1). A search for “Duty of Care” yielded 2,476 decisions, from which 34 education-related cases were identified. After further screening, 11 cases directly relevant to educational travel and study abroad were selected for detailed analysis. These cases span from the 1990s to the 2024s and include incidents involving fatalities, water accidents, injuries, and disputes over the scope of institutional responsibility.

Judicial decisions from the United Kingdom, the United States, and Australia were collected using Lexis+ (accessed February 10, 2026). Searches combining “Duty of Care” with “Educational Tour,” “Study Abroad,” “School Trip,” and related terms produced more than 10,000 initial results. Through systematic filtering, 74 cases directly relevant to educational travel were selected (UK: 16; US: 45; Australia: 13). Among these, 8 cases involved study-abroad programs or homestay arrangements.

Based on prior research on study abroad and overseas educational travel, this study adopted the following analytical framework for examining judicial decisions: (1) the scope of institutional control, (2) the allocation of responsibility between domestic and overseas actors, (3) the treatment of student self-responsibility, (4) the standard of foreseeability, and (5) the extent of the duty of care imposed on schools and travel organizers. These categories were not derived from the case law itself but from existing theoretical and empirical studies on risk management in international educational mobility.

FINDINGS

1. Japan: Responsibility Concentrated on Domestic Institutions

Japanese courts consistently place primary responsibility on domestic schools and travel agencies that arrange overseas programs. Even when incidents occur abroad, liability is generally assessed based on whether Japanese institutions exercised adequate supervision, provided appropriate information, and selected safe host organizations. In the Boston training program injuries sustained in a dormitory abroad. In contrast, in the Utah homestay fatality case, the court held that the school was not responsible because the accident occurred during activities outside the school’s control. Across cases, Japanese courts rarely

extend liability to foreign host families, overseas schools, or local operators, instead treating Japanese institutions as the primary bearers of safety obligations.

2. UK, US, and Australia: Multi-Layered Accountability Including Overseas Actors

In English-speaking jurisdictions, courts more readily recognize the potential liability of overseas schools, homestay providers, and local travel operators. For example, in the UK case *XVW v Gravesend Grammar School*, the court examined the responsibilities of both the school and the local operator in Belize. In Australia's *Preti* case, both the travel company and the park authority were held liable for a fatal accident during an overseas tour. This reflects a structural difference: English speaking jurisdictions conceptualize duty of care as extending across all actors who directly influence student safety, regardless of national boundaries.

3. Greater Emphasis on Student Self-Responsibility in English-Speaking Countries

Courts in the UK, US, and Australia frequently consider the student's own conduct and decision-making. In *Chittock v Woodbridge School*, the UK court attributed 50% contributory negligence to the student. In the US case *Mayer v Cornell University*, the court found no liability because the snorkeling activity was outside the planned program and not under university control. The age at which students bear legal responsibility varies by country, influencing judicial outcomes.

4. Free-Time Activities Generally Excluded from Institutional Liability

Across all jurisdictions, incidents occurring during unsupervised free time or outside the scope of the planned program were generally not attributed to the organizing institutions. This principle appears consistently in both Japanese and English-speaking case law.

IMPLICATIONS

The findings reveal significant structural differences in how risk is allocated in study-abroad programs. Japan's inward-focused model concentrates responsibility on domestic institutions, reflecting a legal culture that prioritizes the protection of students through centralized oversight. In contrast, English-speaking jurisdictions adopt a multi-layered approach that distributes responsibility among all actors involved, including overseas partners and the students themselves.

The study also highlights the limited presence of "Care Risk Management," a concept identified in Japanese literature that emphasizes empathy, cooperation, and interpersonal support as mechanisms for risk reduction. While this approach appears in some domestic Japanese educational travel cases, it is largely absent from foreign case law. These findings suggest that enhancing cross-border collaboration, clarifying shared responsibilities, and integrating non-legal risk-mitigation strategies may contribute to safer international educational mobility in both Japan and English-speaking countries.

REFERENCES

- Barr Feldman Terri. (2013). Utilizing student affairs professionals to enhance student and faculty experiences and mitigate risk in short-term, faculty-led study abroad programs. *Journal of International Education in Business*, Vol. 6, Issue 2, p136-147.
- Clifford M. Kirsten, Brander W. Robert, Trimble S. & Houser C.. (2018). Beach safety knowledge of visiting international study abroad to Australia. *Tourism Management*, 69, p487-497.
- Forbes-Mewett Helen. (2010). International student security: A view from Beijing. *International Studies in Sociology of Education*, Vol. 20, No. 4, p355-373.
- Furukawa, A.. (2022). Factors and relationships in risk management for overseas educational travel. *Risk and Insurance Management*, 3, p148-165.
- Furukawa, A. (2023). *Importance of "care risk" for overseas educational travel risk*. The Open University of Japan.
- Hartjes, L. B., Baumann, L. C., & Henriques, J. B. (2009). Travel health risk perceptions and prevention behaviors of U.S. study abroad students. *Journal of Travel Medicine*, 16(5), 338-343.
- Kimble Matthew Flack Jr., William F. & Burbridge Emily. (2012). Study abroad increases risk for sexual assault in female undergraduates. *Psychological Trauma, Theory, Research, Practice, and Policy*, Vol. 5, No. 5, p426-430. American Psychological Association.



- Pedersen R. Eric, LaBrie W. Joseph, Hummer F. Justin, Larimer E., Mary & Lee M. Christine. (2010). Heavier drinking American college students may self-select into study abroad programs: An examination of sex and ethnic differences within a high-risk group. *Addictive Behaviors*, Vol. 35, Issue 9, p844-847.
- Ritchie, W. B. (2006). *Managing educational tourism*. Viva Books.
- Ryoo Seungbum & Cheung Chongsoo. (2021). International students' perceptions of safety level and safety education needs in Korea. *International Journal of Disaster Risk Reduction*, Vol. 55.

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