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My Way or the Highway: Navigating the Complexities of International Agreements

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Session Agenda

- Brief introductions
- Impetus for the session
- Approaching the agreement
- Explaining desires, needs, requirements & laws
- Bringing the agreement to fruition
- Small group discussion

Introductions

- **Kristi Hubbard**, Assistant Director of Planning, Northwestern University (formerly Senior Associate Director Global Strategy & Initiatives, Emory University)
- **Liz Greenfeld**, Assistant Director of Global Program Support Services, Georgetown University
- **Elizabeth Decherd**, University Counsel, Georgetown University
- **Tania Lima**, Director of Global Engagement, King's College London



Impetus for the session

- Why propose this session?
 - MOUs/Agreements are large part of global offices
 - Increasing concerns over nature of partnerships
 - Inter/cross-cultural concerns not a priority but can be huge stumbling block
- Benefits of today's presentation:
 - Multiple presenter perspectives
 - Time for discussion
 - Take-aways for university leaders



Approaching the Agreement

- Defining MOU vs. Activity Agreement
- Determining where legal clauses belong
- Anticipating non-negotiables on both sides
- Drafting agreements using templates
- Setting a realistic timeline

Desires/Needs/Requirements/Laws

- Drivers for a formalized agreement
- Partner's perspective
- Balancing risk
- Legal / policy requirements vs. nice-to-haves
 - Institutional policy and practice
 - U.S./federal laws and regulations
 - Laws of other institution's home country
- U.S. institution vs. international partner
 - U.S. and UK institutions: how we compare?



Desires/Needs/Requirements/Laws

- Anti-corruption (e.g., Foreign Corrupt Practices Act)
- Sanctions and anti-boycott laws
- FERPA
- Title IX
- Non-discrimination
- Jurisdiction for resolving disputes; governing law
- Indemnification, insurance, force majeure
- Official language of the agreement



Desires/Needs/Requirements/Laws

- Different and/or competing priorities within the institution
 - Timing – need to sign it quick!
 - Due diligence/ QA / Finance / Committee approvals
 - Role of an international strategy and internal networks
- Different and/or competing priorities between partner institutions
 - Understanding review process and signature authority at each other's institutions



Bringing the Agreement to Fruition

- Additional challenges and concerns
- Best practices:
 - Combining templates
 - Understanding priorities
 - Laying out non-negotiables
 - Communicating over phone or skype
 - Importance of staff exchanges to improve institutional understanding and sharing of best practices



Discussion

- Have you had troubles with creating partnership agreements due to seemingly unresolvable incompatibility, such as disagreement over clauses to include or a misunderstanding of intent for inclusion of certain clauses?
- Are there patterns of certain clauses in agreements that seem to cause problems over and over with international partners?
- How do you show respect for international and cultural differences when trying to codify a partnership through the written documentation of an MOU or agreement?
- How did you resolve the situation? What tips do you have for your colleagues here today?



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Thank you!