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!