

# NACUA April 2008 One-Day CLE Workshop

## Legal Issues in Organizing and Operating Overseas Programs

April 11, 2008 · The Peabody Hotel · Memphis, TN

### Workshop Schedule

#### Friday, April 11, 2008

7:00am – 8:00am

#### Continental Breakfast

*South Mezzanine*

8:00am – 8:15am

*Continental Ballroom*

#### Introduction to the Program

**Henry L. Cuthbert**, President, NACUA, Associate General Counsel, Duke University

**Kathleen Curry Santora**, CEO, NACUA

**Barbara Lee**, Chair, NACUA Legal Education Committee Planning Group, Professor, School of Management and Labor Relations, Rutgers University

8:15am – 9:30am

*Continental Ballroom*

#### 01. Getting Started: Overview of Issues to Consider When Planning Overseas Programs and Research

- Overseas programming models - which are right for your institution and why?
- Doing business and registration of academic programs in host countries
- Identifying suitable “partners” for overseas activities including understanding potential legal concerns early on, and advising university clients
- Special issues in international contracting
- Setting up research operations: structure, MOU's, liability protection, and intellectual property concerns
- Meeting expectations of Federal sponsors, monitoring compliance remotely, regulatory and ethical concerns associated with research overseas

**Henry L. Cuthbert**, (Moderator) Duke University

**William Ferreira**, Hogan & Hartson, Washington, DC

**Peter F. May**, World Learning

**Caroline O'Neill**, The George Washington University

9:30am – 10:45am

*Continental Ballroom*

#### 02. Student Issues in Overseas Programs

- Safety and security
- Health and medical issues; insurance issues
- Contingency planning for emergencies
- Whose students are these—yours or the local institution's?
- Participation by host country students

**Lee Smith**, (Moderator) University of Texas – Austin

**Robert H. Avery**, Roger Williams University

**Kathleen A. Wasch**, Georgia Institute of Technology

10:45am – 11:15am

#### Break

11:15am – 12:30pm

*Continental Ballroom*

#### 03. Employment Issues in Overseas Programs

- Extraterritorial application of state and federal U.S. employment laws
- Hiring and monitoring foreign nationals
- Expatriate employment issues
- Duty to defend employees in civil or criminal suits overseas

**Alexander Dreier**, (Moderator) Hogan & Hartson LLP

**Rafael Durand**, Director of International Human Resource, International Paper

**Jim Goh**, Holland & Hart

12:30pm – 1:30pm

#### Luncheon

*Skyway Ballroom*

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1:30pm – 2:45pm	<p><i>Grand Ballroom D &amp; E</i></p> <p><b>04A. Immigration, Compensation and Contract Issues</b></p> <ul style="list-style-type: none"><li>• Benefits for U.S. faculty</li><li>• Benefits for local nationals</li><li>• Tax and currency issues</li><li>• Visa and immigration issues</li><li>• Host country employment regulations</li><li>• Employment contract and termination issues</li></ul> <p><b>Cathryn Rolfe</b>, (Moderator) Vanderbilt University <b>Michael S. Mizell</b>, Waller, Lansden, Dortch &amp; Davis, LLP Nashville, TN <b>Art Bartlett</b>, Bridgestone Corporation</p>	<p><i>Continental Ballroom</i></p> <p><b>04B. Legal Ethics Issues and Potential Conflicts</b></p> <ul style="list-style-type: none"><li>• Applying the Rules of Professional Responsibility in overseas programs</li><li>• Retention and supervision of local counsel</li><li>• Role of U.S. counsel in negotiating contracts</li><li>• Ethical issues in advising overseas employees</li><li>• Counsel's role when employees or students are arrested or sued overseas</li></ul> <p><b>David Aronofsky</b>, (Moderator) University of Montana <b>Mary C. Daly</b>, Dean, St. Johns University School of Law, New York City</p>
<p>2:45pm – 3:00pm <b>Break</b></p>		
3:00pm – 4:15pm	<p><i>Grand Ballroom D &amp; E</i></p> <p><b>05A. Conducting Research and Sponsored Programs Overseas</b></p> <ul style="list-style-type: none"><li>• Application of federal grant requirements</li><li>• Foreign Corrupt Practices Act issues</li><li>• Export control issues</li><li>• IRB involvement at home and abroad</li><li>• Intellectual property compliance abroad</li></ul> <p><b>Edward A. Silver</b>, (Moderator) Columbia University <b>Maria A. Garner</b>, Vanderbilt University <b>William Ferreira</b>, Hogan &amp; Hartson, Washington, DC</p>	<p><i>Continental Ballroom</i></p> <p><b>05B. Risk Management Issues</b></p> <ul style="list-style-type: none"><li>• Responsibilities of provider or leader</li><li>• Legal/Risk Audit of Study Abroad program</li><li>• Resources for institutions, faculty, staff, students and parents</li><li>• Program leader issues and training</li><li>• Outreach materials and their promises</li><li>• Evaluating study abroad programs</li><li>• Recent incidents and related legal issues</li></ul> <p><b>Kenneth Andre McKanders</b>, (Moderator) Eastern Michigan University <b>Gary Rhodes, Ph.D.</b>, SAFETI Clearinghouse, Los Angeles, CA <b>Julie Anne Friend</b>, Michigan State University</p>
<p>4:15pm – 4:30pm <b>Break</b></p>		

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4:30pm –  
5:30pm

*Grand Ballroom D & E*

## **06A. China: Opportunities and Challenges**

- Relevant laws and regulations
- Cultural differences and their challenges

**Alexander Dreier**, (Moderator) Hogan & Hartson LLP

**David Aronofsky**, University of Montana

**Steven N. Robinson**, Hogan & Hartson, LLP, Shanghai, China

*Continental Ballroom*

## **06B. Student Affairs Overseas**

- Student discipline
- Criminal charges
- Harassment and assault services
- Health and disability services
- Student orientation

**Barbara Lee**, (Moderator) Rutgers, The State University of New Jersey

**Peter F. May**, World Learning

**Nancy E. Tribbensee**, Board of Regents, Arizona University System

5:30pm – 6:30pm

## **Reception for Workshop Speakers and Participants**

*Forest*

6:30pm

**Adjourn**