



LEGAL RISK
REDUCTION



PROELIUM LAW^{LLP}

Specialist Skills, Complex Environments, High Risk Professions

Legal Risk Reduction for
Higher Education Bodies
Expanding Overseas

IN A WORLD CHARACTERISED BY GLOBALISATION, THERE IS AN INCREASING NUMBER OF UNIVERSITIES GOING INTERNATIONAL.

WHILE THE INTERNATIONAL SPHERE IS A POSITIVE ONE FOR HIGHER EDUCATION IN SUCH AREAS AS RESEARCH AND COLLABORATION, 'GOING GLOBAL' IS ALSO ATTACHED TO LEGAL RISK. THE GOOD NEWS IS, THAT RISK CAN BE MITIGATED.



Overseas expansion has accelerated in recent years across the board and the results of such expansion for the education sector is testament to the positive nature of globalisation; with breakthroughs in scientific research, the advancement of technology and the increasing dependence on institutions of education as advisory bodies, there is more incentive for universities to step onto the international stage.

MITIGATING LEGAL RISK

As with any entity expanding their business overseas and into new jurisdictions, there are considerations to take into account to mitigate legal risk:

Are you aware of the local national laws that you will have to comply with, in addition to the domestic laws of where your institution is based?

Once overseas, you are bound by both laws.

Are you aware of the UNESCO Higher Education values of 1997?

Formally titled the Recommendation concerning the Status of Higher Education Teaching Personnel, it lays out a university's core values, including independence. It is then the foundation for constructing a Memorandum of Understanding (MoU) – an agreement between higher education institutions and their host nations and/or other institutions. You should be aware of what an MoU is and how formulating one can aid your overseas relationships.

Have you heard of the forthcoming General Data Protection Regulation (GDPR)?

It aims to harmonise data protection laws within the EU, making it easier for citizens to access their data. It becomes directly binding and applicable on the 25th May 2018. It is highly advisable to read into this new

regulation and make the necessary changes to your policies before its implementation.

Are you aware that the UK Bribery and Corruption act, as well as the US Foreign and Corrupt practices act, may apply to you?

These acts are powerful and far-reaching. If you are employing staff in a new country they will almost certainly apply to you, and you really don't want to fall foul of them.

Are you at risk of money laundering?

There is a lot of emphasis around money laundering, especially in the context of counter-terrorist financing. This is not an area to get wrong, even inadvertently.

Are you aware of your duty of care to your staff and consultants?

With an increasing movement of personnel, in today's climate it is paramount that an institution is aware of the duty of care it owes its staff and consultants, for the protection of both them and the university.

Do you have adequate insurance?

As with your duty of care, you must look into being adequately insured as expansion also means a higher level of risk, in areas that may not have been dealt with before.

LEGAL RISK MAP®

In order to function effectively and within the laws and regulations of both the home and host nations, a university must have in place the relevant standards and policies. One way to check how ready your institution is to go global is to undertake the *Proelium Law Legal Risk Map*®.

For further information please visit www.proeliumlaw.com/legal-risk-map or contact us for a no obligation discussion.

WHO WE ARE

Proelium Law LLP offers internationally focused legal advice and support centred on high-risk and complex jurisdictions.

Proelium Law LLP brings over 130 years' experience of high-risk jurisdictions and complex environments, and is staffed by experts in those fields.

With its deep expertise in conflict environments and risk, Proelium has established itself as the sector's pre-eminent law firm.

We keep you informed about issues that might affect your business, viewing our relationship as an enduring partnership.

Compared to other law firms, Proelium is uniquely well qualified to offer advice on matters pertaining to failed, failing and complex environments.

Proelium Law, along with its sector-leading partner, Harrison Clark Rickerbys, can offer the full range of legal services.

HOW WE CAN HELP

Our approach is to speak the language of the sectors we serve. We're a non-traditional law firm that cuts through the noise, as we have deep personal experience of working and living in high-risk jurisdictions.

That, along with our low overheads, keeps prices down and means also that we understand the importance of giving a personal service, 24/7, to people who frankly have more important things to worry about.

TO DISCUSS THE LEGAL RISK MAP AND PROELIUM LAW'S OTHER SERVICES, CONTACT US:

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difficult things in
tough environments*

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