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Contracting with a Global Reach

As the University continues to expand its reach across the globe, international contracts are becoming more common in nearly every department across campus. International contracts can involve the provision of services outside the United States, collaboration with entities outside the United States, or provision of services to persons or entities from outside the United States. Specific examples include student and faculty exchanges with foreign institutions, short-term educational travel abroad, service learning trips, semester study-abroad trips, student recruiting, consulting for a foreign entity, and instructional program delivery, among many others. Contract review is an important part of risk management for these international activities.

To best protect the University from risks and liabilities resulting from international activities, it is important that the University has agreements in writing and that those agreements go through the proper channels for review. Namely, all international contracts must be sent to the Office of General Counsel (OGC) for legal review prior to signing. And often, the Office of International Programs (OIP) and/or the Office of Research & Sponsored Projects (ORSP) also should review or assist in developing international contracts. The University Contracts PPM Chapter 3070 and the PreAward Services PPM Chapter 7010 provide general guidance on processing University contracts.

International contracts pose numerous issues distinct from domestic contracts. For example, certain federal laws such as export control laws and the Foreign Corrupt Practices Act limit interactions and exchanges with persons in

foreign countries. There also may be registration requirements, withholdings, and mandatory benefits required by foreign governments, just as the United States government requires of persons doing business here. Likewise, as a public university and instrumentality of Kansas, certain limits on which laws apply and where disputes can be litigated are of utmost importance in contracts with foreign entities. As universities across the United States continue to expand their activities into other countries, foreign governments are paying more attention, requiring stricter compliance with their laws, and at times imposing large penalties for failure to do so.

Because of the unique issues, extra planning time often is needed for international contract development, negotiation and review. When persons from the United States travel abroad, they must comply with the laws of that foreign country and applicable local laws. These laws are not always known to — or even intuitive to — persons in the United States. Therefore, the commonly accepted best practice is to first obtain the opinion of local counsel about applicable foreign employment, business, tax, and contract laws, as necessary. This step takes a little bit of time, but enables the University to best protect itself and its employees from unknown liabilities. The OGC handles this step, in consultation with the office that is pursuing the contract.

Bottom line: international contracts present extraordinary opportunities, but they also involve added complexities and risks. When contemplating international engagements, therefore, it is important to allow for the extra time and expense needed to have appropriate safeguards in place in order to make the best of those opportunities.

Honor and Integrity System

The mission of K-State's Honor and Integrity System is to uphold academic standards, promote integrity, address dishonesty, and help

students develop and maintain ethical reasoning and behaviors in their academic endeavors.

The policies and procedures of the Honor
continued on back



Honor and Integrity System continued

and Integrity System apply to all students enrolled in undergraduate and graduate courses on campus, off campus, and online. The Honor Pledge applies to all assignments, examinations, and other course work undertaken by students. It states:

“On my honor, as a student, I have neither given nor received unauthorized aid on this academic work.”

This means that all academic work should be accomplished individually, unless otherwise permitted by the instructor. In addition, plagiarism must be avoided through appropriate citation and attribution.

Faculty should address academic integrity with students in an educational and preventive manner. And if it occurs, faculty should report plagiarism and other forms of academic cheating as set out in the Investigation and Adjudication Procedures.

The Honor and Integrity System website provides faculty tips, student tips, a sample statement for inclusion in syllabi, a violation report form, information on the Development and Integrity Course, and a wealth of other information in addition to the official policies and procedures.

For more information, visit k-state.edu/honor.

Resource Reminder

Because it is part of the Kansas Board of Regents (“KBOR”) system, K-State is obligated to comply with policies established by KBOR. While most KBOR policies are also reflected in K-State policy, it is useful to be aware of KBOR policies and to

review them when considering taking an action, particularly if it is one that may need approval from KBOR. The KBOR Policy Manual can be found on the Office of General Counsel website at k-state.edu/generalcounsel/resources/.

Featured FAQ

Q: Are my communications with the Office of General Counsel confidential?

A: The attorney/client privilege exists between our office and our client, the University. The client holds the privilege, and can waive the privilege by sharing the communication with anyone outside the attorney/client relationship. Since administrators acting as agents of the University communicate with our office regarding legal matters of the University, those communications generally are confidential and privileged attorney-client communications as to entities outside the University.

Privileged advice from the Office of General Counsel should be maintained in confidence and not shared with anyone who is not another officer of the University with a need to know. In order not to waive the privilege, you must not forward emails with advice from the Office of General Counsel or share other legal communications with third parties outside of the University, or to individuals within the University who are not relevant administrators. Such actions may waive any privilege that would have been attached to the advice.

For more FAQs, please visit our website at k-state.edu/generalcounsel/faq.

Visit our website:

k-state.edu/generalcounsel

Our website gives an introduction to the services we provide and addresses frequently asked questions. It also houses a list of resources for easy access to laws and policies applicable to University operations.

Dear Atty

“Atty” receives and answers legal questions you have about conducting business on behalf of the University. Please send your questions for publication to attys@k-state.edu, including Dear Atty in the subject line. We may reword questions for conciseness or clarity, and we will always publish questions anonymously.

Dear Atty,

What responsibilities do registered student organizations and University departments have for events they sponsor on campus?

– Wanda Noe

Dear Wanda,

Groups and departments are responsible for obtaining approval before using University

space for events. There can be any number of logistical and safety issues that need to be addressed before an event can be approved, such as food safety, fire safety, security, services, liability releases, and so on. In order to protect the campus community and University property, the University has policies in place to coordinate and approve campus events. See “Use of KSU Buildings and Grounds” in the Policy and Procedures Manual at: <http://www.k-state.edu/policies/ppm/7800/7840.html>

Quote of the Day

“If there is any one secret of success, it lies in the ability to get the other person’s point of view and see things from that person’s angle as well as from your own.”

– Henry Ford

About this Publication:

This newsletter is designed to serve as a practical informational tool, bringing you topics of interest and practical tips. It should not be relied on as a substitute for legal advice. Laws, regulations and policies change frequently, and legal advice requires careful consideration and application of all relevant facts. If you have legal questions or need legal advice concerning any University matter, please contact the Office of General Counsel directly at 785-532-5730 or attys@k-state.edu