Compliance Worldwide: Institutional Approaches to International Compliance

February 16, 2022
Welcome!

Use the Chat box for questions.

Recording, Slide Deck, and Resources will be available next week on the WCET|SAN website.

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Who we are

The State Authorization Network (SAN) empowers its members to successfully resolve postsecondary regulatory compliance challenges.

We provide expert analysis, resources and training to prepare for emerging issues, collaborate on compliance strategies, develop solutions and evaluate their efficacy.

Our members are digital learning and compliance professionals representing 800+ institutions and organizations nationally and across all sectors.

@wcet_info    #wcetSAN    wcetsan.wiche.edu
Questions from the Audience

Please do not hesitate to use the chat box for questions and comments as we move through today’s event.
Agenda

01 Overview
02 Presentation from Embry-Riddle Aeronautical University
03 Presentation from University of Kentucky
04 Panel Discussion
05 Questions
Key Points

• Similar to authorization in the United States, institutions that offer courses and activities outside of the United States should determine if the activity is regulated in the country where the activity occurs.

• An expansion of the institution’s out-of-state/country footprint may increase its regulatory obligations pursuant to the respective country’s procedures and laws.

• Issues to consider may include, but are not limited to:
  • institutional approval, professional licensure, consumer protection, marketing/recruiting, website accessibility, export controls, recognition of degrees, taxes, data privacy
Check out these resources for implementation tips, strategies, and discussion!

- **Doing your homework when offering online programs internationally** (March 25, 2020) - Hogan Lovells US LLP
- **International online education programs: A global regulatory perspective** (May 19, 2020) - Hogan Lovells US LLP
- **Online Education and Digital Services Tax: A Mexico Case Study** (July 1, 2020) - Hogan Lovells US LLP
- Institutions may wish to seek outside counsel to assist. Here is one option: [Education GOES International](#) - service available by Hogan Lovells.
- SAN members, by membership login, may wish to review the contact list of the SAN collated [International Ministries of Education](#) for countries worldwide.
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<tr>
<th>Office Name</th>
<th>Source for…</th>
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<tbody>
<tr>
<td>General Counsel</td>
<td>Legal questions, interpretation of regulations, sourcing of local legal representation, etc.</td>
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<tr>
<td>International Admissions</td>
<td>SEVIS rules, sanctioned countries, internships outside the U.S., university international student policies, etc.</td>
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<td>Controller’s Office</td>
<td>Tax questions, consumer protection regulations, etc.</td>
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<td>IT Security</td>
<td>Data privacy, GDPR, firewalls, access to course materials, OPM vetting, etc.</td>
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<td>State Authorizations / Compliance Office</td>
<td>Professional licensure, certification, disclosures, recognition of degrees.</td>
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<td>Registrar</td>
<td>Transfer of credit, evaluation of international credentials, etc.</td>
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<td>Study in the States by the DHS</td>
<td><a href="https://studyinthestates.dhs.gov/">https://studyinthestates.dhs.gov/</a></td>
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Presenters

Rachel Durrance
Associate Director
State Authorizations & Workforce Development
Embry-Riddle Aeronautical University

Bree Meinberg
Director
State Authorizations & Workforce Development
Embry-Riddle Aeronautical University
Assessing Your Scope of Activities

• Online or on-site activities?
• If on-site are they U.S. Military or Non-Military?
Getting Started

- GOOGLE is your friend!

- First step is to identify the educational oversight body. For most of the countries submitted in advance of the webinar, we will provide a handout that has identified the oversight body and a POC at each.

- Try to translate the page if it is not in English.

- If POC is non-responsive, make several efforts, and document those efforts.
  - If in-person, do not proceed without express approval.
  - If strictly seeking confirmation that online is ok, then consult your General Counsel, but our practice is to send an inquiry specifically stating that “x” activity will begin on “x” date unless they formally object.
Helpful Hints

• English language pages will often not be available.
  • As a starting point, you can just use the “translate this page” option.
  • But the best cost-free translation resource you have is your faculty members.

• Utilize all your available resources if you’re on a small team with limited resources. We even have student assistants conduct the initial research to find the ministry(s) of education for batches of countries, and then a senior staff member do the higher-level research.

• Watch for sanctions. Found at Federal Regulation Section 214.5 (8 C.F.R. 214.5). Check with your international admissions office for tips.

Example:
German Federal Ministry of Education & Research
Presenters

Compliance for 200+ programs

80 licensure programs, both online and face-to-face

Tracking International Authorization for over 100 countries

University of Kentucky Distance Learning Compliance

Christina S. Walker, Esq., J.D.
Compliance Analyst

Emily Woods, MSEd
Compliance Coordinator
International Authorization
Rationale, Processes, & Considerations

01 Rationale/why?
COVID-19 Summer; Educational Access

02 Research; Barriers Encountered
Research of over 100 countries; barriers (language, lack of laws/regulations directly on point, impediments)

03 Approaches to Risks
Collaboration w/ UK Legal Counsel (Developed 3 statuses/categorizes)

04 Publishing & Disseminating Info

05 Current Improvements
Decision-making committee; planning clear procedures & policies in collaboration with other departments & offices; further collaboration needed

Educational Campaign; International Distance Learning Dashboard

University of Kentucky Distance Learning Compliance
Panel Discussion
+
Your Questions!
Resources for those new to the topic

How it Works - Resources

Are you relatively new to compliance requirements for out-of-state activities? Start Here!

- Foundational Principles for State & Federal Out-of-State Activity Compliance - One page overview
- State Authorization and Crossing State Borders, Part 2: Additional Approvals and Professional Licensure
- 10 Steps You Can Take to Begin the State Authorization Process
- State Institutional Approval Quick Chart - Chart to start research of state requirements.
- Professional Licensure Disclosures - Implementation Handbook & Flowchart
- WCET & SAN Webcast: Professional Licensure Notifications Now Required! See the recording, transcript, and Webcast Summary Document
- Out-of-State Student Complaint Options White Paper & Chart
- SAN Virtual Seminar 2020 HEA & Federal Rulemaking: The Impact on Institutional Compliance
- SAN Virtual Seminar 2018

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Resources by topic

- Research
- Regulation summaries
- Handbooks
- Talking points
- Sample tools
- More

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Upcoming Events

Open Forum – March 8, 2022

- Open Forum is an opportunity for a 30 min Q & A with the expert(s) and is not recorded. 2nd Tuesday of each month. Time: 10AM Alaska, 11AM Pacific, Noon Mountain, 1PM Central, 2PM Eastern.
- **March Topic**: Considerations for Internships – State Department of Labor Requirements

NASASPS Conference in Collaboration with SAN - April 24-27, 2022

- The conference will be held in New Orleans, LA; Opportunity to learn with the state regulators! SAN half day meeting included! SAN member rate available. Several SAN members are presenting sessions! [Register and review more about the conference here](#).

Look for future events on cybersecurity, the foundations of state authorization, and more!

More information available on the [SAN website](#)!
Thank you to our speakers Rachel Durrance, Bree Meinberg, Christina S. Walker, Emily Woods, and to all our attendees today!
Contact Us

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Note: The information and resources presented are for consideration when an institution wishes to develop a process to manage compliance. The information should not be considered legal advice. Legal questions should be directed to general counsel.