Managing Global Risks

A Strategy for Effective Risk Management

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Objectives

- Understand the business, legal and compliance risks associated with an institution’s expansion into the global market
- Describe some of the problems that can arise with international activities
- Identify the most critically needed tools to help higher education risk managers identify and mitigate international exposures
Globalization

Geo-political, economic and technical forces dramatically reshaping the world in the past several decades ---

We have seen continued growth of multinational companies, increases in the number of cross-border workers and consumers, and an ever-increasing amount of imported goods and services ---

These factors have had profound effects on higher education institutions – challenging them to become more transnational, as students, faculty & staff have become more involved in international travel and activities, and the institutions seek to prepare students for an inter-dependent world in which global competence is a necessary skill.

Renewing the Covenant: Learning, Discovery, and Engagement in a New Age and Different World, Kellogg Commission’s Final Report; Expanding the International Scope of Universities, A Strategic Vision Statement for Learning, Scholarship, and Engagement in the New Century, National Association of State Universities and Land-Grant Colleges
According to the Institute of International Education, in 1996/1997 the U.S. was sending fewer than 100,000 students abroad – the leading destinations were UK, Italy, Spain & France.

By 2008/2009, more than 260,000 U.S. students studied abroad. (Open Doors 2010 Report, Institute of International Education)

And, according to the Open Doors 2013 Report the upward trend continues as: 283,332 students studied abroad during the 2011/12 academic year. (Open Doors Report on International Educational Exchange, Institute of International Education. 2013)
Study-Abrroad Facts

Though UK, Italy, France & Spain were still the leading individual destinations in 2011/12, there is also a trend for American students to head to less traditional places:

Host Region – Percentage of total

<table>
<thead>
<tr>
<th></th>
<th>2000/01</th>
<th>2008/09</th>
<th>2011/12</th>
<th>11-yr Chg</th>
</tr>
</thead>
<tbody>
<tr>
<td>Africa*</td>
<td>2.9</td>
<td>5.3</td>
<td>4.5</td>
<td>55.1 %</td>
</tr>
<tr>
<td>Asia</td>
<td>6.0</td>
<td>11.4</td>
<td>12.4</td>
<td>106.6 %</td>
</tr>
<tr>
<td>Europe**</td>
<td>63.1</td>
<td>54.5</td>
<td>53.3</td>
<td>- 15.5 %</td>
</tr>
<tr>
<td>Latin America</td>
<td>14.5</td>
<td>15.4</td>
<td>15.8</td>
<td>8.9 %</td>
</tr>
<tr>
<td>Middle East*</td>
<td>1.1</td>
<td>1.4</td>
<td>2.5</td>
<td>127.0 %</td>
</tr>
<tr>
<td>North America</td>
<td>0.7</td>
<td>0.5</td>
<td>0.6</td>
<td>- 14.2 %</td>
</tr>
</tbody>
</table>

* North Africa was moved from the Africa category to the Middle East category in 2010/11.
** Cyprus and Turkey were previously classified in the Middle East category but were moved to the Europe category in 2004/05.

* Within the Middle East
  * Israel still hosts the largest number of U.S. students in region (3,189 in 2011/12)
    * But, its percentage actually decreased by 7.3% in 2011/12

* Whereas, the following saw significant increases:
  * Jordan -- 33.5%
  * Oman -- 41.7%
  * Qatar -- 125.4%
  * Saudi Arabia -- 38.9%
  * United Arab Emirates -- 39.5%

(Open Doors 2013 Report)
International Delivery Alternatives

There are a variety of methods through which international programs are being delivered to students -- and that faculty members are obtaining greater internationalization:

* Independent study, service learning, & internships
* Faculty / student exchange programs
* Direct enrollment into foreign institutions
* Research partnerships
* Faculty research & sabbaticals
* Joint ventures with foreign institutions
* Home campuses abroad
As with any increased institutional activity on or off campus, **ALL** international programs bring an increase in risks that must be managed.

Colleges & universities must gain a broad understanding of the associated risks of international education programs, and adopt policies & procedures that will allow them to best manage such risks, while still allowing them to promote and encourage travel abroad among their various constituents.

*(Managing the Risks, at Preface, Pg. 2, College & University International Education Programs, Gallagher Higher Education Group, 2007)*
Higher Risk International Programs

Although all international programs present increase in risks that must be managed some are higher risk than others. For example:

- Joint ventures with foreign institutions
- Home campuses abroad

Right now there are 200 international branch campuses, a 23 percent increase from just three years ago.

Within the next two years, a total of 37 more such branches are expected to open, stamping some of the most highly selective brands in American academia over a wider-than-ever range of classrooms, settings, and countries.

(Should Top U.S. Colleges Expand Overseas? By Anya Kamenetz, 3/19/2013
www.newsweek.com/education)
Some examples:

* NYU Abu Dhabi - Research university
* NYU Shanghai - 1st Chinese/Am. Jt. Venture Univ.
* Education City in Doha, Qatar hosts mini-branches of Weill Cornell Medical College, Georgetown, Northwestern, Texas A&M, Carnegie Mellon & several others
* Duke - Kunshan, China, Ministry of Ed approved 09/2013
* Yale-NUS College: “autonomous liberal-arts college” (rather than branch campus) with Nat’l Univ. of Singapore
* Nat’l Univ. of Singapore has also had joint ventures with Duke, NYU, and Johns Hopkins
* Arab Emirates hosts 39 foreign university branches - more than any other country.

(Should Top U.S. Colleges Expand Overseas? By Anya Kamenetz, 3/19/2013
www.newsweek.com/education)
Risk Management Considerations
International Contracts

- The nature, scope, and structure of the activities under consideration
- How the prospective affiliation/contract will benefit the institution and advance its mission
- The institution’s capacity and ability to conduct and manage the contemplated activities without diverting resources or detracting from other established priorities
- The extent of the institution’s investigations into the suitability, reliability, and past dealings of the prospective foreign partner, including any relevant information on its finances and organizational and management structure
Health & Safety Risks

- Crime (rape, pick pocketing, robbery, sexual harassment, assault)
- Kidnap/Ransom/Extortion
- Fire
- Natural catastrophes
- Civil and political unrest
- Injury/Illness/Disease
Crisis Planning & Communication

- Registration with local US embassy
- Emergency communication plan
- Evacuation procedure
  - Medical emergency
  - Security
  - Natural catastrophe
Excursions

- Nature, frequency & duration of activities
- Lodging
- Security
- Transportation
- Risk assessment
- Participant training
- Waivers & releases
Transportation

- Air, Land, Water
- Owned
- Hired/Non-owned
  - Rental
  - Charter
- Public transportation
Real Estate

* Own v. Lease space – office, classroom / lab, housing (staff, students)
* Execution of lease documents
* Building codes & ordinances
* Security
* Personal property
* Risk assessment
Expatriate Employees

* Establishing legal status in-country
* Immigration status in host country
* ADA
* ADEA
* Title VII
* Duty of Care
Foreign National Employees

- Establishing legal status in-country
- Withholding and other taxation issues
- Separation / termination restrictions
- Independent contractor status
- Benefits
- Range of compensation restrictions
- Visa Restrictions on travel to U.S. for foreign national University employees
- Local employment law / local counsel
Banking, Cash Management & Tax Liability

- Funding source
- Field advances
- Bank account
- Currency exchange
- Corporate income tax
- Employment tax (local, expatriates, independent contractors)
- Internal controls
Is the institution registered or otherwise qualified to do business in this country?

Direct Registration, Branch Office, Wholly Owned Subsidiary, Local NGO

Are there any US Government restrictions on conducting activities in this country (e.g. Cuba, Iraq)?
Other Compliance Considerations

Risk: Running Afoul of U.S. Laws Extra-Territorially Applied

- Foreign Corrupt Practices Act
- U.S. Export Controls
- U.S. Embargo / Sanctions Programs
- Anti-Boycott Regulations
- Anti-discrimination & ADA
- Title IX
- Clery Act
- Data Privacy
- Numerous others
The University of Texas System

A Strategy to Mitigate International Risk
**Key Concepts**

- Risk management is about exploiting opportunities as well as preventing problems (upside and downside risks).
- It is tied to academic, research and service objectives and strategies – and supports them.
- It applies to all levels of the organization and to all activities.
- Efforts are focused on risk intelligent decision making.
Things I’ve Heard

- “We’re bulletproof... we have sovereign immunity”
- “Our faculty have it under control”
- “It’s OK, the third party provider carries all the liability”
- “Background checks... we don’t need no stinkin’ background checks”
- “My health insurance provider will get me back home if I need them”
- “All I’m doing is flying in a chartered helicopter over Kenya counting Rhinos.... What’s the big deal?”
- “We don’t rent vehicles when traveling abroad”
- “We’re fine, they signed a waiver”
- “When the students are on free time, they aren’t my responsibility”
Questions from Executive Leadership

1. Does the UT System know where its students, faculty and staff are?

2. Are all students, faculty and staff required to register their travel with the institution prior to departure? How is this enforced?

3. Do all students have international health insurance coverage?

4. Have all students signed waivers and covenants not to sue?

5. Have all students, faculty and staff registered with the Emergency Assistance Service Provider and U.S. Embassy in host country?

6. How do you identify and assess risks associated with international travel and related activities? Who is involved and how often are you reassessing these risks?

7. Are specific risk management and oversight procedures in place for student, faculty and staff travel to countries or regions that pose heightened health/safety risks (e.g., countries with State Department Travel Warnings)?

8. Are there campus international emergency response teams? Published policies & procedures?
Chancellor’s Directive

* Inventory of Travel & Related Activities
* International Oversight Committee (IOC)
* Review all Travel to regions with State Department travel warnings
* Suspension of travel pending review by IOC
* Mandatory registration with Emergency Assistance Service Provider
Travel Inventory

* Data request to all institutions (*spreadsheet*)
* Institution and country-specific
* Number of trips greater or less than 30 days
* Number of students
* Number of employees

* Activity & Purpose of Trip
* Number of car rentals, charters, etc.
* Owned / leased properties
* Similar information for federal contracts
<table>
<thead>
<tr>
<th>Institution</th>
<th>Total Travelers*</th>
<th>Total Student Travelers</th>
<th>Total Employee Travelers</th>
<th>Car Rental</th>
<th>Bus Rental</th>
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<tbody>
<tr>
<td>UT System</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>0</td>
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<tr>
<td>UT Arlington</td>
<td>967</td>
<td>263</td>
<td>704</td>
<td>4</td>
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<tr>
<td>UT Austin</td>
<td>8,742</td>
<td>3,711</td>
<td>5,031</td>
<td>185</td>
<td>46</td>
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<tr>
<td>UT Brownsville</td>
<td>27</td>
<td>9</td>
<td>18</td>
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<tr>
<td>UT Dallas</td>
<td>1,241</td>
<td>506</td>
<td>735</td>
<td>19</td>
<td>13</td>
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<tr>
<td>UT El Paso</td>
<td>529</td>
<td>278</td>
<td>251</td>
<td>2</td>
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<tr>
<td>UT Pan Am</td>
<td>250</td>
<td>186</td>
<td>64</td>
<td>0</td>
<td>0</td>
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<tr>
<td>UT Permian Basin</td>
<td>62</td>
<td>52</td>
<td>10</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>UT San Antonio</td>
<td>1,356</td>
<td>495</td>
<td>861</td>
<td>0</td>
<td>14</td>
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<tr>
<td>UT Tyler</td>
<td>77</td>
<td>33</td>
<td>44</td>
<td>0</td>
<td>2</td>
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<tr>
<td>UT Southwestern</td>
<td>720</td>
<td>38</td>
<td>682</td>
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<td>UTMB Galveston</td>
<td>353</td>
<td>64</td>
<td>289</td>
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<td>0</td>
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<tr>
<td>UTHSC Houston</td>
<td>522</td>
<td>108</td>
<td>414</td>
<td>7</td>
<td>0</td>
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<tr>
<td>UTHSC San Antonio</td>
<td>603</td>
<td>56</td>
<td>547</td>
<td>6</td>
<td>0</td>
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<tr>
<td>UT MD Anderson</td>
<td>1,672</td>
<td>16</td>
<td>1,672</td>
<td>16</td>
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<tr>
<td>UT HSC Tyler</td>
<td>18</td>
<td>0</td>
<td>18</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>UTIMCO</td>
<td>60</td>
<td>0</td>
<td>60</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Academic Institutions</strong></td>
<td><strong>13,251</strong></td>
<td><strong>5,533</strong></td>
<td><strong>7,718</strong></td>
<td><strong>211</strong></td>
<td><strong>75</strong></td>
</tr>
<tr>
<td><strong>Health Institutions</strong></td>
<td><strong>3,888</strong></td>
<td><strong>266</strong></td>
<td><strong>3,622</strong></td>
<td><strong>30</strong></td>
<td><strong>0</strong></td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td>62</td>
<td>0</td>
<td>62</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>FY 2013 TOTAL</strong></td>
<td><strong>17,201</strong></td>
<td><strong>5,799</strong></td>
<td><strong>11,402</strong></td>
<td><strong>241</strong></td>
<td><strong>75</strong></td>
</tr>
<tr>
<td><strong>FY 2012 TOTAL</strong></td>
<td><strong>16,721</strong></td>
<td><strong>5,022</strong></td>
<td><strong>11,699</strong></td>
<td><strong>283</strong></td>
<td><strong>42</strong></td>
</tr>
</tbody>
</table>

*One “Traveler” is defined as each country visited. For example, if a traveler visits three countries on a single trip, they are counted as three travelers.
Travel Length

Total Travelers < 30 Days: 14,010
Total Travelers > 30 Days: 3,191
Travel Destinations by Region

- Europe: 8,056
- North and Central America: 2,788
- East and Southeast Asia: 2,775
- South America: 1,278
- Middle East: 744
- Africa: 652
- South Asia: 373
- Central Asia: 322
- Australia - Oceania: 177
- Central Asia: 36

- Antarctica: 36
Examples of International Activities

**Faculty/physicians/staff/graduate students**
- Field research
- Teaching, Consultative services
- Conference attendance
- Project work
- Clinical trials
- Federal contracts & grants

**Study Abroad**
- Faculty-led programs
- Internships/Externships
- Direct enrollment
- Provider
- U-operated study centers
- Independent research

**Undergraduate-sponsored travel**
- Research assistance
- Conference attendance
- Overseas satellite campuses
- Alternative spring break (official)
How Are We Mitigating Risk?

* International Oversight Committee
  * Academic Deans/Associate Deans/Senior Faculty with significant international experience
  * University Medical Officer
  * Senior Student Affairs staff
  * Senior Public Affairs staff
  * Senior International Officer
  * Director of Travel Office
  * Representative from Provost’s Office
  * Representative from University Counseling Center
  * Ex-Officio (non-voting) Members
    * Senior Legal Affairs staff / General Counsel
    * Office of Study Abroad Director
    * Business Officer / Risk Manager

* Medical & Security Evacuation Services

* Insurance Coverage
  * Student Travel Accident & Sickness
  * Foreign Voluntary WC
  * Defense Base Act
  * Auto
  * General Liability
  * Local policies where compulsory
Committee Responsibilities

- Historical focus on health, safety, and security
- Evaluate information presented by responsible party
- Restrict or suspend international travel to countries/regions with heightened health, safety, and/or security concerns
- Grant exceptions to decision to restrict or suspend travel due to special circumstances
- Manage/respond to critical incidents abroad, including decisions on emergency evacuations and emergency policies and protocols
- Expand role to address broader international risks & exposures
Risk Management Context

- Mission, goal, and objectives of your institution’s international program(s)
- Primary activities
- Key stakeholders
- External influences
- Coordination and collaboration
- Planning and direction

Intent and Scope of the Plan
- Health and safety
- Student activities
- Employment activities
- Independent contractors
- Crisis planning and communication
- Ownership / leasing of real estate
- Institution liability
- Banking/cash management
- In-country registration / legal status
- Transportation
Risk Management Action Plan

- Risk inventory & assessment
- Action taken to treat each risk
- Completion date
- Responsible party
- Resources necessary
<table>
<thead>
<tr>
<th>Likelihood</th>
<th>Insignificant</th>
<th>Minor</th>
<th>Moderate</th>
<th>Major</th>
<th>Catastrophic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Almost Certain</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Likely</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Possible</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unlikely</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rare</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- **Extreme Risk**: Immediate action required
- **Significant Risk**: Urgent attention or investigation required
- **Moderate Risk**: Require specific attention
- **Low Risk**: Manage through routine procedures
# Process for Travel To Restricted Regions

## 2013 REQUEST PROCESS FOR TRAVEL TO RESTRICTED REGIONS

<table>
<thead>
<tr>
<th>Category 1: Extreme Risk</th>
<th>Category 3: Medium Risk</th>
<th>Category 4: Variable Risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>FACULTY/STAFF (Individual travel)</td>
<td>FACULTY/STAFF (Individual travel)</td>
<td>FACULTY/STAFF (Individual travel)</td>
</tr>
<tr>
<td>Traveler completes online registration (oversseen by Travel Mgmt.) Review by Chair/Unit Head &amp; Dean/VP (as delegated by IOC).</td>
<td>Student submits request package to IOC for review. A. Complete RR Request form, including • All required signatures • Printed copies of relevant ISOS and US Department of State content B. Signed Release &amp; Indemnification Agreement Step 1: Student submits request package to IOC for review. A. Complete RR Request form, including • All required signatures • Printed copies of relevant ISOS and US Department of State content B. Student letter addressing academic rationale and safety preparedness • With details of ISOS Travel Security Briefing C. Departmental letter of support and explanation of academic rationale D. Signed Release &amp; Indemnification Agreement Step 1: Student submits request package to IOC for review. A. Complete RR Request form, including • All required signatures • Printed copies of relevant ISOS and US Department of State content B. Student letter addressing academic rationale and safety preparedness • With details of ISOS Travel Security Briefing E. Signed Release &amp; Indemnification Agreement Step 1: Student submits request package to IOC for review. A. Complete RR Request form, including • All required signatures • Printed copies of relevant ISOS and US Department of State content B. Student letter addressing academic rationale and safety preparedness • With details of ISOS Travel Security Briefing E. Signed Release &amp; Indemnification Agreement</td>
<td></td>
</tr>
<tr>
<td>No IOC restrictions. Faculty &amp; staff may proceed with planned travel.</td>
<td>If necessary, case goes to IOC subcommittee for final decision. (Post-approval: Study Abroad provides all IOC-required ISOS guidance and collects Release &amp; Indemnification Agreements)</td>
<td>Step 2: Risk Analyst &amp; Study Abroad meet to review travelers in UT databases and discuss concerns (ahead of time or as needed). Select cases may be required to complete some or all components of the Category 1, 2, 3 request package.</td>
</tr>
</tbody>
</table>

### Graduate Students (Individual travel)

- Step 1: Student submits request package to IOC for review. A. Complete RR Request form, including • All required signatures • Printed copies of relevant ISOS and US Department of State content B. Student letter addressing academic rationale and safety preparedness • With details of ISOS Travel Security Briefing C. Departmental letter of support and explanation of academic rationale D. Signed Release & Indemnification Agreement E. Planned attendance at a UT-Austin facilitated safety and security session* Step 2: IOC subcommittee reviews & makes final decision. |

### Undergraduate Students (Individual travel)

- Step 1: Student submits request package to IOC for review. A. Complete RR Request form, including • All required signatures • Printed copies of relevant ISOS and US Department of State content B. Student letter addressing academic rationale and safety preparedness • With details of ISOS Travel Security Briefing C. Departmental letter of support and explanation of academic rationale D. Signed Release & Indemnification Agreement E. Planned attendance at a UT-Austin facilitated safety and security session* Step 2: IOC subcommittee reviews & makes final decision. |

*Approval may be granted for a specific date range or for an initial 1-year period. After an initial 1-year approval, activities/programs may then be considered for 3-year IOC approval.

Revised: Nov. 2012

International Oversight Committee
<table>
<thead>
<tr>
<th>Country</th>
<th>Category 1</th>
<th>Category 2</th>
<th>Category 3</th>
<th>Category 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td>All other areas of Afghanistan</td>
<td>Badakhshan, Bamian, Daykundi, Ghor, Jowzjan, Panjshir, Samangan, Saripul and Talhar provinces</td>
<td>Main urban centres (Algiers, Oran, Mostaganem, Tlemcen, Annaba, Skikda, Setif); southern oil-producing areas</td>
<td></td>
</tr>
<tr>
<td>Algeria</td>
<td></td>
<td>All other areas of Algeria</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Angola</td>
<td>North-east of Cabinda exclave</td>
<td></td>
<td>All other areas of Angola</td>
<td></td>
</tr>
<tr>
<td>Azerbaijan</td>
<td>Armenian border areas and Nagorno-Karabakh</td>
<td></td>
<td>All other areas of Azerbaijan</td>
<td></td>
</tr>
<tr>
<td>Bangladesh</td>
<td>Chittagon Hill Tracts; Dhaka</td>
<td></td>
<td>All other areas of Bangladesh</td>
<td></td>
</tr>
<tr>
<td>Brazil</td>
<td>Deprived areas of Rio de Janeiro and Sao Paulo *</td>
<td></td>
<td>All other areas of Brazil</td>
<td></td>
</tr>
<tr>
<td>Burma/Myanmar</td>
<td></td>
<td>Chinese, Thai and Bangladeshi border areas</td>
<td>All other areas of Burma/Myanmar</td>
<td></td>
</tr>
<tr>
<td>Burundi</td>
<td>Bujumbura Rural province</td>
<td>Cibitoke, Bubanza provinces; peripheral suburbs of Bujumbura</td>
<td>All other areas of Burundi</td>
<td></td>
</tr>
<tr>
<td>Cameroon</td>
<td>Bakassi peninsula: Extreme north</td>
<td></td>
<td>All other areas of Cameroon</td>
<td></td>
</tr>
<tr>
<td>Central African Republic</td>
<td></td>
<td>All other areas of Central African Republic</td>
<td>Bangui</td>
<td></td>
</tr>
<tr>
<td>Chad</td>
<td></td>
<td>Entire country of Chad</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Colombia</td>
<td></td>
<td>Cali; remote rural areas; border areas with Venezuela, Ecuador</td>
<td>All other areas of Colombia</td>
<td></td>
</tr>
<tr>
<td>Congo (DRC)</td>
<td>North Kivu province</td>
<td>All other areas of DRC</td>
<td>Kinshasa, Lubumbashi</td>
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<tr>
<td>Côte d’Ivoire</td>
<td>Western border region</td>
<td>All other areas of Côte d’Ivoire</td>
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<td></td>
</tr>
<tr>
<td>Ecuador</td>
<td></td>
<td>Colombian border areas</td>
<td>All other areas of Ecuador</td>
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<tr>
<td>Eritrea</td>
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<td>Ethiopian, Sudanese, Djiboutian borders</td>
<td>All other areas of Eritrea</td>
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<tr>
<td>Ethiopia</td>
<td></td>
<td>Somali region and areas bordering Ethiopia, Kenya, South Sudan, Sudan</td>
<td>All other areas of Ethiopia</td>
<td></td>
</tr>
</tbody>
</table>

*Does not apply to faculty and staff.*
Summary

1. Define risk broadly
2. Recognize both the opportunities and downsides of risk
3. Simplify the risk identification and assessment process
4. Utilize disciplined risk intelligence process when making strategic decisions
5. Be nimble and flexible
6. Increase risk awareness through communication and collaboration
Questions?