

# University Foundation Committee Ordinance

**The Council of the University of Tasmania makes this Ordinance  
under the *University of Tasmania Act 1992*.**

## **1) Commencement and purpose**

1.1 This Ordinance takes effect on 1 May 2018 and confirms the establishment of the University Foundation Committee (UFC) as a Committee of the Council of the University of Tasmania.

1.2 The purpose of this Ordinance is to enable the University Foundation Committee and the University to build and grow the important work of the University of Tasmania Foundation Incorporated and its Board established in 1994.

## **2) The University of Tasmania Foundation and the UFC**

2.1 The UFC is established as a committee of the Council and will operate in a manner which is consistent with the mission and strategic plan of the University.

2.2 The UFC is a Council committee reporting directly to Council.

2.3 The University shall register the business name 'University of Tasmania Foundation' and permit the use of that name by the UFC for the purposes of this Ordinance and philanthropy directly concerned with assisting the University to fulfil its mission and goals and the establishment and administration of trusts and funds for education, research and other purposes of the University.

2.4 All monies and other assets held in the financial records of the University in the name or on behalf of the University of Tasmania Foundation Incorporated ('the Foundation') are by this Ordinance vested in the University as beneficiary but subject to all such trusts, agreements, understandings, bequests and arrangements as were imposed by the persons who or corporations which provided those monies and assets.

2.5 All monies and other assets received by the Foundation or gifted or donated howsoever to the Foundation or to the University after the commencement of this Ordinance are to be held by the University subject to such trusts, agreements, understandings, bequests and arrangements as were imposed by the persons who or corporations which provided or donated those monies or assets.

2.6 For the purpose of facilitating the transfer and vesting of monies and other assets referred to in clause 2.4 and 2.5 in the University, such monies and assets shall continue to be separately identified in the financial records of the University and any transactions will be authorised and processed in accordance with University delegations.

- 2.7 Where the purpose for which monies or assets were provided ceases to exist or becomes impossible to perform, the UFC must wherever possible confer with the donors or their representatives to agree a similar purpose or instruct the University to apply to the Supreme Court of Tasmania for directions.

### **3) Mission of the UFC**

- 3.1 The mission of the UFC is to ensure that the University's philanthropy practices and policies are consistent with its mission and goals and that trusts and funds provided through philanthropy are compliant with the wishes of donors, used for educational, research and other purposes of the University.

### **4) Objectives and Functions of the UFC**

The UFC is required to:

- 4.1 Oversee the University's philanthropy practices and policies, including details of and compliance with the wishes of donors, through endowed trusts and arrangements and directions for the use of non-endowed gifts, as well as alignment with advancement and gift acceptance review policies.
- 4.2 Provide advice to Council on an appropriate gift acceptance and review framework that aligns with University objectives and on the overall management and administration of philanthropic funds and income at the University and recommend the settlement of policies within the University for gift acceptance and administration.
- 4.3 Consider and endorse financial performance reports and report annually to Council on the overall management and administration of philanthropic funds and income at the University, and to make those annual reports available to donors on request.
- 4.4 Receive reporting on the investment performance of philanthropic funds and enable that performance to be made available to donors to the Foundation and the University on request.
- 4.5 Monitor the performance of the University in meeting endowed trust fund obligations and non-endowed gift expectations for compliance with the expressed wishes of donors.
- 4.6 Oversee University stewardship of donors including the maintenance of a register which records details of donations, bequests, agreements and memoranda of understanding pertaining to any donation of funds held by the University through regular review processes and, where necessary, responding to individual donors.
- 4.7 Consider any matters referred to it by Council relating to trusts and endowments, and refer issues to Council that require decisions by Council as they arise.

### **5) UFC Membership and meetings**

- 5.1 The UFC shall have a minimum of 7 and a maximum of 9 members:
- a) The Vice Chancellor or nominee and the Chief Operating Officer or nominee shall be appointed from within the University.

- b) The remainder shall be independent members :-
- (1) at least 2 (and a maximum of 3) shall be nominated by Council, one of whom will be Chair who must be a member of Council.
  - (2) one shall be nominated by the Alumni Committee
  - (3) at least 2 (and a maximum of 3) of whom shall be nominated by the Friends of the University (see clause 9).

5.2 In nominating or appointing members to the UFC every endeavour should be made to identify members with experience or skills in one or more of the following areas:-

- a) philanthropy and charitable foundations;
- b) business management and investment;
- c) public relations and marketing;
- d) trusts and trust management;
- e) alumni relations and community engagement.

5.3 A Committee member holds office , subject to this Ordinance, for a term not exceeding three years and is eligible for reappointment, with a maximum total term of six years unless Council determines otherwise in any particular case. Initial terms of office of members shall be staggered to ensure continuity with up to two members retiring each year.

5.4 The Committee shall meet at least twice a year, or as required.

5.5 A quorum of the Committee for any meeting is 4 if the membership of the Committee is 7 and 5 if the membership is more than 7.

5.6 A member of the Committee vacates office when their term of appointment expires, or that member resigns by giving one month's notice to the Council of their intention to do so or by direction of the Council, such direction to be given in writing.

5.7 At its first meeting the UFC shall determine the terms of each of its members for the purposes of clause 5.3.

## **6) Reporting to Council**

6.1 The UFC shall provide a written report to Council annually on the outcomes of matters considered by the Committee. The Chair of the UFC and the Council's other appointed member(s) will speak to the report and convey any Council concerns to the UFC.

## **7) Investment Advisory Panel**

7.1 The University's Investment Advisory Panel shall provide a copy of its fund performance report for the year to the UFC.

## **8) Indemnities and Insurance**

8.1 Each member of the Board of the Foundation. and the UFC is indemnified as set out in section 22 of the *University of Tasmania Act 1992* for acts or things done or omitted in good faith in their capacity as a Board or committee member.

8.2 The University will insure each member of the Board of the Foundation and the

UFC against liability for acts done or omissions made in good faith and for a proper purpose in their capacity as director or committee member.

## **9) Friends of the University**

- 9.1 The Council shall appoint a minimum of 10 and a maximum of 15 persons as Friends of the University (Friends).
- 9.2 The Governors of the Foundation shall, initially, nominate 10 persons to Council for appointment to the Friends. Thereafter Council shall appoint Friends who are either nominated by the Friends or directly appointed by Council.
- 9.3 Friends will be appointed in recognition of their exemplary contribution to the University either financially or in kind, for their close interest in, support of and engagement with the University in furtherance of its goals and tertiary education in Tasmania and for their positions of influence within the community.
- 9.4 Each Friend shall be appointed for a term not exceeding 5 years, which may be extended by Council for one further term, also not exceeding 5 years.
- 9.5 The Council shall appoint one of the Friends to the role of Chair and that person shall act as spokesperson for the Friends and arrange meetings and other activities of the Friends as necessary.
- 9.6 The Friends shall nominate persons for appointment to the UFC pursuant to clause 5.1.
- 9.7 The UFC may use the Friends as a consultative forum on matters concerning philanthropy and fundraising within the community and the Friends may advise the UFC on matters concerning philanthropy and fundraising.
- 9.8 The UFC shall meet with the Friends annually and present its annual report to them.

## **10) Winding up of the University Foundation Inc**

- 10.1 The University will take all necessary steps to wind up the University of Tasmania Foundation Incorporated.

## **11) Amendment and Review**

- 11.1 This Ordinance may only be amended or repealed by resolution of a majority of Council at a duly convened meeting of the Council to which proper notice of the proposed amendment or repeal has been given.
- 11.2 Council shall, when necessary, undertake a review of the operation of the provisions of this Ordinance and effect such amendments to this Ordinance or changes to the operation thereof as are deemed, within the scope of the provisions of 11.1, as necessary to give full effect to the purpose of this Ordinance.

### [Version history](#)