

University Foundation Committee Ordinance

Version 2 – Commenced 10 September 2022

1) Commencement and purpose

- 1.1 This Ordinance first took effect on 1 May 2018 and confirmed 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 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 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 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, those monies and assets must continue to be separately identified in the financial records of the University and any transactions must be authorised and processed in accordance with University delegations.

- 2.7 Where monies or assets were provided and the purpose for them has ceases to exist, or becomes impossible to perform, the UFC will monitor the University's performance and, wherever possible, confer with the donors or their representatives, to agree a similar purpose, or recommend to the University that it 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 and practices within the University for gift acceptance and administration.
- 4.3 Receive, consider and note financial performance reports; report annually to Council on the overall management and administration of philanthropic funds and income at the University, and; ensure annual reports are provided to donors.
- 4.4 Receive and consider reporting on the investment performance of philanthropic funds and enable that performance to be made available to donors.
- 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 the University's stewardship of donors including: its maintenance of records of donors, donations, bequests, agreements and memoranda of understanding pertaining to any philanthropic donation given to the University; through regular review processes and, where necessary, advising on responses to individual donors.
- 4.7 Provide support and advice to the Advancement Office (or equivalent) generally and the Executive Director (or equivalent) specifically, that a) helps grow philanthropic income in support of the University primarily through engagement with alumni, other individuals, companies, trusts, foundations and other not-for profit organisations, and; b) represents the interests of donors, past and present.

4.8 Consider any matters referred to it by Council relating to Clause 4, and refer issues to Council that require decisions by Council as they arise.

5. UFC Membership and meetings

5.1 The UFC must have a minimum of 8 and a maximum of 10 members:

- a) The Vice Chancellor or nominee, and the Chief Operating Officer or nominee, and where there is a nominee, they must be appointed from within the University.
- b) The remainder must be independent members:-
 - (i) at least 2 (and a maximum of 3) must be nominated by Council, one of whom will be Chair who must be a member of Council.
 - (ii) one of whom will be an external representative of the University of Tasmania's Menzies Institute for Medical Research.
 - (iii) one of whom must be nominated by the Alumni Committee
 - (iv) at least 2 (and a maximum of 3) of whom must be nominated by the Friends of the University (see clause 9).
- c) All members of the Committee are encouraged to be regular donors to the University and, ideally, at least 3 members (if the membership is 8) or 4 (if the membership is 10) should be major donors (i.e. members of the Vice Chancellor's Circle, or equivalent) at any one time.

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 must be staggered to ensure continuity with up to two members retiring each year.

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

5.5 A quorum of the Committee for any meeting is 5 if the membership of the Committee is 8, and 6 if the membership is 9 or more.

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 in writing to the Council of their intention to do so, or by direction of the Council, the direction must be given in writing.

6 Investment Advisory Panel

6.1 The University's Investment Advisory Panel shall provide a copy of its fund

performance report for the year to the UFC.

7 Indemnities and Insurance

7.1 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.

7.2 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.

8 Friends of the University

8.1 The Council shall appoint a minimum of 10 and a maximum of 15 persons as Friends of the University (Friends).

8.2 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.

8.3 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.

8.4 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.

8.5 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.

8.6 The Friends shall nominate persons for appointment to the UFC pursuant to clause 5.1.

8.7 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.

8.8 The UFC shall meet with the Friends annually and present its annual report to them.

9 Winding up of the University Foundation Inc

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

10 Amendment and Review

- 10.1 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.
- 10.2 Council must undertake a review of the operation of the provisions of this Ordinance, from time to time, and effect any amendments to this Ordinance or changes to the operation as are deemed, to give full effect to the purpose of this Ordinance within the scope of the provisions of 10.1.

Approved by Council on 10 September 2021, commenced 10 September 2021

[Version history](#)