

## University of Melbourne Foundation and Trusts Committee

### 1. Preamble

The University of Melbourne Foundation and Trusts Committee is a committee of the University of Melbourne Council. It assists Council in overseeing and administering philanthropic funds from donors to any part of the University.

The Committee ensures the appropriate and effective acceptance and use of any gift, bequest and pledge ('gift') received and supports the work of existing foundations, funds, boards and advisory groups associated with such gifts.

The Committee also oversees the University's stewardship of endowments and trusts.

### 2. Membership

Chair (external member of Council with financial and/or legal expertise) appointed by Council	The Hon. Justice John Middleton <b>(Chair)</b>
Chancellor (or nominee)	Chancellor Allan Myers AC QC
Vice-Chancellor (or nominee)	Professor Margaret Sheil
Vice-Principal Administration and Finance and CFO	Mr Allan Tait
Vice-Principal Advancement	Mr Nick Blinco
Three persons appointed by Council, at least one of whom is a Council member or Council elected member.	Ms Jane Hansen Professor Marilyns Guillemain Dr Daniel Halliday
Up to three additional external members co-opted on the basis of relevant experience in gift acceptance.	Mr Harrison Young Ms Louise Gourlay
A Dean of a Faculty or Graduate School or Head of other University body, appointed by Council on an annual basis with a view to rotating amongst Faculties, Graduate Schools and other University bodies that receive gifts.	Professor John Fazakerley

<b><i>In attendance:</i></b>	
General Counsel and Executive Director Legal and Risk	Ms Kylie Gould
Director of Development or nominee	Mr Alex Furman
Head of Research and Prospective Donor Management	Edwina Kenrick

The Quorum for the Committee is three members.

### 3. Terms of Reference

The functions of the University of Melbourne Foundation and Trusts Committee are to:

### *Oversight of philanthropic framework and reporting*

- 3.1 Oversee University philanthropy practices and policies ensuring compliance with the wishes of donors and adherence to the Advancement Policy.
- 3.2 Report annually to Council and donors on the management and administration of philanthropic income at the University.
- 3.3 Receive reports on the investment performance of philanthropic funds, under management by Finance Committee, and ensure that appropriate information is provided to donors of the University.

### *Gift acceptance*

- 3.4 Provide advice to Council on an appropriate gift acceptance and review framework that aligns with the University's objectives.
- 3.5 Receive and consider referrals from the Vice-Principal Advancement or from the Vice-Chancellor of any gift where he or she believes there may be conflict with any of the principles set out in the Advancement Policy and determine whether the gift will be accepted by the University.
- 3.6 In making the decision whether a gift will be accepted by the University, the Committee must consider whether, in the light of all available information, the best interests of the University of Melbourne are served in accepting or declining the gift in question.
- 3.7 Review any concern raised about a gift that has already been accepted by the University and decide whether it is appropriate to retain the existing gift, to return the gift to the donor (where possible at law) or to take any other action in relation to the gift.

### *Trusts*

- 3.8 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.
- 3.9 Review and approve for recommendation to Council all proposals for the establishment of any new trusts (or amendments to existing trusts) as proactive fundraising trusts.
- 3.10 Receive reports from all University trusts which have been established as proactive fundraising trusts.<sup>i</sup>
- 3.11 Provide advice to Council on the policy and practices that the University is to apply in relation to the proper administration and performance of trusts and other funds involving fiduciary obligations, including the proper content and form of University instruments recording trust obligations and related administrative arrangements.
- 3.12 Review and provide such advice to Council as the committee considers appropriate on the report to be provided annually by the Vice-Chancellor on the administration and performance of trusts and other funds.
- 3.13 Recommend to Council for approval the gift level chart as outlined in the Advancement Policy or when changes to the chart are considered desirable by the Vice-Principal Advancement.

## **4. Frequency of Meetings**

At least four times a year, or as required.

## **5. Reporting to Council**

The Chair will provide a written report on the outcomes of matters considered by the Committee. The report will be considered at the first meeting of Council held after the Committee meeting.

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<sup>i</sup> Proactive fundraising trusts mean philanthropic fundraising entities that raise funds for the University as a whole, or generally for a faculty, school or other unit within the University (eg. foundations for particular faculties, schools or other units at the University). This

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definition does not include small scale, specific, one-off appeals (i.e. appeals for named scholarships or appeals to honour individuals).