

## **UTR7.285 - MELBOURNE HUMANITIES FOUNDATION**

### Recitals-

- A. The faculty of Arts ('faculty') proposed the establishment a fund, to be called the 'Melbourne Humanities Foundation' ('foundation'), to receive donations and bequests for the general purposes of humanities programs within the faculty, including teaching and research, purchase of equipment and facilities and for the support of general humanities initiatives.
- B. Overall stewardship of the foundation is to be provided by an advisory board, the membership of and purposes for which are part of the administrative arrangements determined by the University as set out herein.
- C. In 2012, the University applied \$800,000 to establish the foundation, and that sum became the initial capital subject to the trusts establishing the foundation ('capital sum').
- D. In establishing the foundation, the terms need to provide sufficient scope for the dean of the faculty ('dean'), as the accountable officer on behalf of the University, to determine what are the general purposes of humanities programs within the faculty, with scope also for the creation of sub-funds under this trust record or the creation of separate trust funds otherwise referable under other trust records to these terms, and which may also require or permit:
  - (1) expenditure of capital for a particular purpose within such humanities programs; or
  - (2) application of income for a particular purpose within such humanities programs.
- E. This University trust record is the means by which the University records -
  - (1) the trusts upon which the University as trustee holds trust property, including the capital sum; and
  - (2) the administrative arrangements for the implementation and ongoing performance of those trusts, as determined by the University from time to time.

It is provided as follows-

### **Name of the fund**

- 1. The capital sum, all income arising from the capital sum, and any accumulations and additions thereto together form a fund called the 'Melbourne Humanities Foundation' ('fund' or 'foundation', as the case may be).

### **Investment of the fund**

- 2. The fund is to be paid into one or more investment common funds and remain there until Council directs otherwise.

### **Trust terms**

3. (1) As trustee of the fund, the University is required to apply the capital and income of the fund for the general purposes of humanities programs within the faculty, including teaching and research, purchase of equipment and facilities, and for the support of general humanities initiatives.
- (2) The dean is authorised to determine what specific purposes come within the parameters of the foundation as described in paragraph (1) above, having first consulted with the faculty executive and with any advisory board for the foundation as established in accordance with section 4(1).
- (3) Subject to any applicable trust terms, the dean may also determine, having first consulted as provided in paragraph (2) above, whether specific trusts are to be created as sub-funds and recorded as such in a schedule to this trust record, or as separate trust funds which may otherwise be referable under the applicable trust records to the terms of this trust record, and also listed for that purpose in the schedule.
- (4) The purpose of any sub-fund under the foundation must come within the general purposes of the foundation as described in paragraph (1) above, and accurately reflect the trust terms applicable to that particular gift or bequest, with the applicable capital and income from that sub-fund being applied exclusively for the prescribed purpose.
- (5) The terms of any sub-fund created under this trust record may also require or permit:
  - (a) expenditure of capital for a particular purpose within the relevant humanities programs; or
  - (b) application of income for a particular purpose within such humanities programs.

### **Administrative arrangements**

4. Until its further determination, and in order to implement the trust terms, the University has determined-
  - (1) that there is an advisory board for the foundation ('foundation board') comprising-
    - (a) the dean,
    - (b) a chair of the foundation board ('chair'), who is appointed by the dean in consultation with the vice-chancellor, the vice-principal (advancement) and the faculty executive, and who is not to be employed by the University,
    - (c) up to six other members appointed by the dean,

- (d) up to six members appointed by the foundation board,  
provided that at least four members are not employed by the University;
- (2) although referable to issues extending beyond the trust terms governing the foundation, that the role of the foundation board will include providing leadership to the faculty for fundraising in relation to humanities programs, contributing to campaign planning and strategy development for the humanities, advice for attracting and honouring acts of benefaction, and otherwise providing recommendations and strategic counsel to the dean and faculty executive on related matters;
  - (3) to expend the capital and income of the foundation as determined by the dean after consultation with the faculty executive and the foundation board, subject always to any trust terms pertaining to a particular gift or bequest restricting the expenditure of capital;
  - (4) that any unexpended income from the foundation in any year may be added to the capital of the foundation or accumulated as income for expenditure in a subsequent year, provided that a proportionate amount is credited to any sub-fund referable to such unexpended income; and
  - (5) that the dean, after consultation with the faculty executive and any foundation board is to determine each year for the purpose of section 4(4) what is to be done with unspent net annual income of the foundation, if any.
5. The dean is authorised to apply the capital and income of the foundation on behalf of the University, in accordance with this University trust record.
  6. Any costs incurred in fundraising for the purposes of the foundation are not payable from the foundation without the prior approval of the faculty executive and any foundation board.
  7. The dean is to submit an annual report to Council on the activities of the foundation, including any sub-funds, and separate trust funds governed by other trust records and which otherwise operate by reference to the terms of this trust record, as reflected in the schedule.

[New UTR certified 12/2/2013]

**Schedule of sub-funds or separate trust funds referable to the terms of this trust record**