

January 6, 2021

ITEM 198-103-R0122

Revision to BOR 901.9 – Campus-Affiliated Foundations; Montana University System Foundation

THAT

The Board of Regents adopts the recommended revisions to Board of Regents Policy 901.9.

EXPLANATION

The Board of Regents is responsible for ensuring the public interest is served by organizations established to support the campuses within the Montana University System. Pursuant to Board of Regents Policy 901.9, which governs campus-affiliated foundations, each campus must maintain an operating agreement with its affiliated foundation. These agreements are reviewed by the Board of Regents every two years and must include terms that clearly establish the relationship between the campus and the foundation. The operating agreement must also appropriately balance the needs and priorities of the campus against the foundation's status as an independent 501(c)(3) organization.

Except for provisions authorizing the university system to establish a foundation, Policy 901.9 has not been substantially updated since 2004. The proposed revisions update the policy and provide for additional clarity around the role and responsibilities of the Board of Regents, the campuses, and the campus-affiliated foundations. Proposed revisions to the policy include:

1. Clarifying that input will be sought from the campus and the foundation before the campus defines the major needs and priorities for consideration by the foundation;
2. Clarifying that the campus CEO will have regular and ongoing opportunities to discuss campus needs, priorities, and any other foundation-related matters with the foundation board and the foundation chief executive officer;
3. Providing that fundraising will be consistent with the goals and priorities of the campus and that gifts will not be solicited or accepted that are inconsistent with such goals;
4. Requiring a provision that foundation assets will be transferred to the campus upon dissolution of the foundation;
5. Clarifying that the foundation must invite input from the campus CEO prior to the appointment of new foundation board members;
6. Clarifying the role of the Board of Regents and providing that a campus-affiliated foundation must be officially recognized to receive certain MUS-provided services or use the name, logo, or any other insignia identified with the MUS or an MUS campus;
7. Providing that noncompliance with Board of Regents Policy 901.9 could result in revocation of an affiliated foundation's recognized status.

ATTACHMENTS

Attachment #1: Proposed Revisions to Policy 940.1.