

March 10-11, 2022

**ITEM 199-1031-R0322**

**Request for Authorization to Renew Operating Agreement between University of Montana-Missoula and University of Montana Foundation, Inc.; University of Montana**

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**THAT**

Consistent with Board of Regents Policy 901.9, the Board of Regents authorizes the University of Montana-Missoula to enter into a new agreement with the University of Montana Foundation. This agreement replaces the existing agreement dated January 18, 2020.

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**EXPLANATION**

The Board of Regents Policy 901.9: Campus-Affiliated Foundations requires that MUS campuses and their affiliated foundations enter into a public, written operating agreement that (1) outlines the relationship between the two entities; (2) incorporates an appropriate balance of foundation independence and Board of Regents' oversight; and (3) defines appropriate foundation activities. The policy also requires that the agreement be reviewed and approved by the Board of Regents at least every two years.

The proposed agreement is similar to the existing agreement except for the following:

- Under Section 2, paragraphs 1, 5 and 8, language updated to align with modified MUS policy 901.9.
- Under Section 2, paragraph 9, clarifies that the Foundation President and CEO is responsible for setting Foundation staff compensation.
- Under Section 3.5, Development Officer Cost Sharing, removed specific language regarding what funds are to be used for development officer cost sharing.
- Under Section 3.8, Information Technology Services, several paragraphs were updated to describe changes in support and access to technology services as alumni and donor data is transitioned to a new CRM and different vendors are being utilized by the University and the Foundation.
- Under Section 3.9, Alumni Records, an addition notes that the University and the Foundation are likely to revise the Alumni Foundation Database policy as alumni and donor data is transitioned to a new CRM.
- Under Section 4.1, Fundraising, paragraphs 2 and 3, language updated to align with modified MUS policy 901.9.
- Under Section 4.1, Fundraising, paragraph 4, reference to the University's policy regarding receipt and administration of external fundraising was added.
- Under Section 4.6, item 6, Information Technology Services, reference to the address verification service has been updated to reflect a change in software vender.
- Under Section 4.9, Other Responsibilities, paragraph 2, language updated to align with modified MUS policy 901.9
- Under Section 4.9, Other Responsibilities, two paragraphs were deleted as they were duplicative of language found in Section 2.
- Under Section 5, Confidentiality and Access to Information by Other than Foundation Employees, several Foundation documents were added to the list of documents that are available to the public.
- Under Section 6, Other Matters, the last sentence was deleted as it was replaced with language in Section 8 that aligns language with modified MUS policy 901.9
- Section 7, Resolution of Disputes was added to provide clarity on dispute resolution
- Section 8, Foundation Dissolution was added to align with modified MUS policy 901.9

- Under Appendix B, item 5, additional language was added to provide clarity on funding needed for assignment and recruitment of development staff.
- Under Appendix B, a 6<sup>th</sup> item was added to note that the Foundation will not charge the University for any costs without the expressed prior agreement of the University.

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## **ATTACHMENTS**

Attachment #1: Proposed Operating Agreement between the University of Montana-Missoula and the University of Montana Foundation Item Attachments