Monash University (Faculty of Law) Foundation Regulations

Made by the Monash University Council

1. Short title

These Regulations may be cited as the Monash University (Faculty of Law) Foundation Regulations.

2. Authorising provisions

These Regulations are made under Part 5 of the Monash University Act 2009 and the Monash University Statute.

3. Commencement

These Regulations come into operation on the day on which they are promulgated by being published on the University website.

4. Foundation Establishment

(1) Monash University’s mission is to encourage and promote excellence in education, study, teaching and research.

(2) To lead people in the community to support this mission, Monash University Council hereby establishes the Monash University (Faculty of Law) Foundation (‘the Foundation’).

(3) The work of the Foundation shall be carried out in accordance with and governed by these Regulations.

5. Foundation objectives

(1) The objects of the Foundation are:

(a) to solicit donations, gifts, scholarships and bequests to the University for the benefit of the Faculty of Law; and

(b) to do all or any such things as are incidental or conducive to the attainment of these objects.
6. **Authority**

(1) In carrying out its activities, the Foundation reports to the faculty Dean, and is subject to the ultimate control and direction of the Monash University Council.

(2) The Foundation does not constitute a separate legal entity and members are not subject to the law of directors’ duties and responsibilities set out in the Corporations Act 2001 (Cth) and the common law.

7. **Annual Work Program**

(1) Before the end of the University year, the Executive Director, External Relations Development and Alumni or their delegate will, in consultation with the Dean of the Faculty of Law and the Foundation board, draft an Annual Work Program consisting of three strategic priority fundraising projects that are to form the basis of the Foundation’s activities for the following year.

(2) The Annual Work Program will then be agreed to and signed by both the Dean and the chair of the Foundation board.

(3) Projects referenced in the Annual Work Program shall be aligned with broader strategic vision and goal of both the Faculty of Law and the University. Any project with a multi-year focus may be reviewed annually.

8. **Composition and appointment of the Foundation board**

(1) The Foundation board shall consist of –

(a) a Chair, appointed by the Dean of the Faculty of Law and approved by the President and Vice-Chancellor; and

(b) a Deputy Chair, appointed by the Dean of the Faculty of Law; and

(c) a minimum of five and a maximum of eleven additional members, appointed by the Dean of the Faculty of Law and approved by the President and Vice-Chancellor.

(2) On the appointment of a new member, the Executive Director, External Relations Development and Alumni will send the new member a letter of appointment, welcoming the new member and attaching the charter that sets out the key roles and responsibilities of the Foundation and of board membership as established under these Regulations.

9. **Terms of office**

Each member shall be appointed for a term of three years and would normally serve two terms, totalling six years membership.

10. **Roles and responsibilities of board members**

(1) In assisting the Foundation to meet its objectives, board members shall:
(a) identify, cultivate and aid in the solicitation of major gift prospects by sharing expertise, knowledge, and relevant networks with the Foundation;

(b) work with professional staff in the External Relations, Development and Alumni Division of Monash University in seeking strategic and tactical guidance;

(c) actively solicit donations, gifts, scholarships and bequests to the University for the benefit of the Faculty of Law with reference to the Foundation’s current three annual strategic priority fundraising projects;

(d) personally provide philanthropic support to the University, reflecting capacity;

(e) foster long-term relationships with major supporters of the Foundation; and

(f) motivate other senior volunteers to participate in the achievement of the Foundation’s objectives.

(2) Additional responsibilities of the Chair - drawing on the support of professional staff within the External Relations, Development and Alumni Division of Monash University - are to provide the Dean with:

(a) a quarterly operational performance report on the Foundation;

(b) an annual operational performance evaluation of the Foundation comparing its performance with the requirements of these Regulations;

(c) assistance in the process of replacing outgoing board members; and

(d) assistance in the process of identifying a potential successor as Chair.

(3) Members are expected to be familiar with University policy on bequests, fundraising, gifts acceptance, physical entity naming and potential donor management and will need to work with the designated External Relations Development and Alumni staff member to ensure philanthropic outcomes operate within these policies. A copy of the relevant policies will be provided in induction materials, and copies of any updates to policies will be provided as they arise. The relevant policies can also be located on the University’s website.

11. Financial Management

(1) All moneys raised by the Foundation members on behalf of the Foundation shall be held by the University in an investment common fund, established and operated in accordance with Part 6 Division 3 of the Monash University Act 2009 (“Investment Common Fund”).
(2) The Investment Common Fund is controlled and managed by the Chief Financial Officer, who is responsible for setting the University’s investment policy and monitoring investment performance.

(3) Income earned on the corpus of the fund is held in a faculty foundation account within the Investment Common Fund. Authority to disburse funds in the faculty foundation account and any constituent sub-accounts rests with the Dean.

(4) The Dean must apply the funds towards the objects of the Foundation in accordance with the three priority fundraising projects set out in the Annual Work Program, or in accordance with any express donor wishes.

(5) If any excess funds remain following the allocation of funds, the excess shall be re-invested for use by the faculty into the Investment Common Fund within same financial year.

(6) Any plan for expenditure from the Foundation’s income above $500,000 per calendar year must be approved by the Chief Financial Officer.

(7) An amount in excess of the income earned in any one year may also be applied towards the objects of the Foundation. For this to occur, the Dean must submit a formal proposal setting out the reasons for the capital advance, to be approved by the Chief Financial Officer.

12. Meetings

(1) The Foundation board will formally meet no less than two or no more than four times per year, as determined by the Chair.

(2) The Foundation shall regulate its own proceedings at meetings in accordance with these Regulations.

(3) Minutes shall be recorded of all proceedings.

(4) At each meeting the minutes of the preceding meeting shall –

   (a) be read, unless copies thereof have been previously circulated to members;

   (b) be confirmed or amended; and

   (c) be signed by the presiding Chair as confirmed with or without amendment.

(5) The quorum for the meeting of the board shall be four members.

(6) At any meeting, subject to any rights of the Chancellor, President and Vice-Chancellor or Dean:

   (a) any question shall be decided by a majority of members present and voting;
(b) the Chair shall have a deliberative vote and, in case of an equality of votes, a
second or casting vote;

(c) if a quorum is not present within half an hour after the time appointed the
meeting shall be adjourned to another time.

13. Cessation of the Foundation

The Monash University Council may resolve to cease the activities of the
Foundation. In that event, the expenditure of all moneys held by the University
on behalf of the Foundation in the Investment Common Fund shall be put firstly
towards any objects for which the money was specifically donated, given or
bequeathed, then secondly generally for or towards the objects of the
Foundation or anything incidental or conducive to the attainment of those objects,
and finally towards the general purposes of the University.