

## House Resolution 678

By: Representatives Fleming of the 117<sup>th</sup>, Burkhalter of the 50<sup>th</sup>, Keen of the 179<sup>th</sup>, Smith of the 113<sup>th</sup>, Hembree of the 67<sup>th</sup>, and others

## A RESOLUTION

1 Urging the Board of Regents of the University System of Georgia to consult with  
2 representatives of the Association of Governing Boards; and for other purposes.

3 WHEREAS, the Board of Regents of the University System of Georgia (the "Board of  
4 Regents") is the governing body that is responsible for the operation and oversight of the 34  
5 University System of Georgia educational institutions (the "Institutions"); and

6 WHEREAS, many of the Institutions have affiliated independently incorporated 501(c)(3)  
7 nonprofit organizations (the "Foundations") created for the purpose of stimulating voluntary  
8 private support from alumni, friends, foundations, and corporations and to manage and  
9 distribute resources to support the various missions of the Institutions; and

10 WHEREAS, the various boards of directors of the Foundations (the "Foundation Boards")  
11 are bound by the terms, conditions, and restrictions of their governing articles and bylaws  
12 and as established by donors of the Foundations; and

13 WHEREAS, the Foundation Boards are legally responsible for the performance and  
14 oversight of all aspects of the Foundations, including compliance with Internal Revenue  
15 Service regulations and state and federal laws; and

16 WHEREAS, the Foundations were established to support the Institutions for the betterment  
17 of the State of Georgia; and

18 WHEREAS, there have been questions in other states about the relationship of organizations  
19 similar to the Foundations and the governing bodies of the educational institutions of such  
20 other states; and

21 WHEREAS, the Association of Governing Boards ("AGB") and the Council for the  
22 Advancement and Support of Education ("CASE") established a national committee to study

1 the relationship between university foundations and the applicable university governing  
2 bodies; and

3 WHEREAS, the study committee was comprised of nationally known individuals, including  
4 university presidents, foundation presidents, a federal judge, and foundation trustees; and

5 WHEREAS, the AGB and CASE study committee worked two years to develop a national  
6 model agreement entitled the "AGB-CASE Illustrative Memorandum of Understanding" (the  
7 "Model MOU") which contains a proposed framework for agreements to clarify the  
8 relationship between university foundations and the applicable university governing bodies;  
9 and

10 WHEREAS, the Model MOU has been introduced in other states.

11 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that  
12 this body hereby urges the Board of Regents of the University System of Georgia to consult  
13 with representatives of the Association of Governing Boards concerning the appropriate  
14 relationships between university foundations and university governing bodies.

15 BE IT FURTHER RESOLVED that the Clerk of the House is authorized and directed to  
16 transmit copies of this resolution to the Board of Regents of the University System of  
17 Georgia.