



Connecticut State University System

Developing a State of Minds

Rescinds 90-19  
92-182

BR#99-47



RESOLUTION

concerning

AMENDED LETTERS OF AGREEMENT  
BETWEEN  
THE CONNECTICUT STATE UNIVERSITY SYSTEM  
CENTRAL CONNECTICUT STATE UNIVERSITY  
EASTERN CONNECTICUT STATE UNIVERSITY  
SOUTHERN CONNECTICUT STATE UNIVERSITY  
WESTERN CONNECTICUT STATE UNIVERSITY  
AND  
THEIR CORRESPONDING PRIVATE FOUNDATIONS

October 7, 1999

WHEREAS, The Board of Trustees for the Connecticut State University System, as the authorized state agent, is responsible for the oversight of the general relationships between CSU, the CSU campuses, and their corresponding private development foundations, in accordance with Sections 4-37e through 4-37i of the Connecticut General Statutes, and Board Resolution #97-71, and

WHEREAS, In accordance with Section 4-37f of the Connecticut General Statutes, as amended by Public Act 99-285, and section II. A. of the Addendum to Board Resolution #97-71, the Board is responsible for approving the letters of agreement between CSU, the CSU campuses, and their corresponding private development foundations, and

WHEREAS, The letters of agreement between the CSU, the CSU campuses, and their corresponding private development foundations have been amended to reflect the addition of a requirement of the foundations to establish and adhere to an investment policy and a spending policy that are consistent with sections 45a-526 to 45a-534, inclusive, as required by Public Act 99-285, and

WHEREAS, The revised agreements must be approved by the Board of Trustees before each university's share of the endowment fund state grant can be transferred to the foundations, and

WHEREAS, The Executive Committee of the Connecticut State University System Board of Trustees granted approval of the amended letters of agreement on August 27, therefore be it

RESOLVED, That the Board of Trustees hereby ratifies the action of the Executive Committee to approve the amended letters of agreement between:

The Connecticut State University System and the Connecticut State University System Foundation Inc.;

Central Connecticut State University and the CCSU Foundation, Inc.;

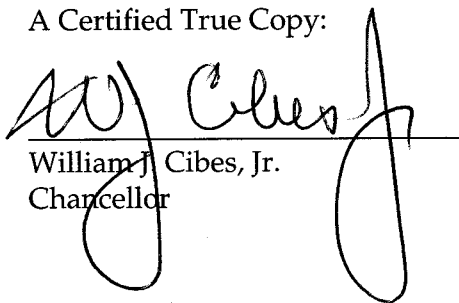
Eastern Connecticut State University and the ECSU Foundation, Inc.;

Southern Connecticut State University and the SCSU Foundation, Inc.;

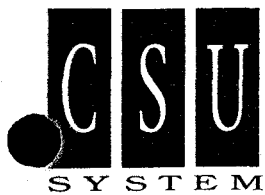
and

Western Connecticut State University and the Western Connecticut State University Foundation, Inc.

A Certified True Copy:



William J. Cibes, Jr.  
Chancellor



Connecticut State University System

*Developing a State of Minds*



## CONNECTICUT STATE UNIVERSITY SYSTEM

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### LETTER OF AGREEMENT

#### **Between Connecticut State University and the Connecticut State University System Foundation, Inc.**

The following letter of agreement and the attached Board Resolution # 97-71 and the non-discrimination contract language pursuant to Public Acts 88-351 and 89-253 establish the relationship between Connecticut State University, hereinafter referred to as the University, and The Connecticut State University System Foundation, Inc., hereinafter referred to as the Foundation, in accordance with the Connecticut General Statutes, as revised, including Public Act 99-285. Both the University and the Foundation agree to adhere to the law and policies cited above and to the provisions contained herein until such time as this letter of agreement is rescinded or modified by consent of all parties and approved by the Board of Trustees.

#### **FACILITIES AND RESOURCES**

The University shall make available office space, storage space, office furniture and equipment, utilities, photocopying services, computer systems and space for the maintenance of the books and records of the Foundation. The reimbursement policies outlined below will be in place for those expenses that otherwise would not be incurred by the University as a result of Foundation operations.

The maintenance of such books and records at the University shall not cause them to be deemed public records nor shall such records be subject to disclosure pursuant to the provisions of section 1-210 of the Connecticut General Statutes.

#### **REIMBURSEMENT**

The Foundation shall reimburse the University for expenses, including the costs of personal services, which are incurred as a result of Foundation operations and which would not have been incurred otherwise by the University by customary University operations.

#### **INVESTMENT AND SPENDING POLICY**

The Foundation shall establish and adhere to an investment policy and a spending policy that are consistent with sections 45a-526 to 45a-534, inclusive, of the Connecticut General Statutes.

**LIABILITY**

Neither the University nor the Board of Trustees for Connecticut State University shall be liable for the obligations, acts or omissions of the Foundation.

**DISSOLUTION**

Should the Foundation cease to exist or cease to be a foundation, as defined in section 4-37e of the Connecticut General Statutes, it shall

- (1) Be prohibited from using the name of the University;
- (2) Make available to the University, its records, or copies of such records provided that such records or copies thereof shall not be deemed to be public records and shall not be subject to disclosure pursuant to the provisions of Section 1-210 of the Connecticut General Statutes; and
- (3) Transfer title of all of its remaining assets to the Board of Trustees for the benefit of the University, specifying applicable restrictions and in accordance with Section 10a-150 of the Connecticut General Statutes and Board Resolution 95-11.

Signature *W. J. Ciba*  
Title *Chancellor*  
Date *July 19, 1999*

Signature *[Handwritten Signature]*  
Title *CSUSF Board president*  
Date *July 23, 1999*

# CCSU FOUNDATION, inc.

## AGREEMENT

Between Central Connecticut State University and the CCSU Foundation, Inc.

The following letter of agreement and the attached addenda (Board Resolution #97-71 and the non-discrimination contract language pursuant to Public Acts 88-351 and 89-253) establish the relationship between Central Connecticut State University, hereinafter referred to as the University, and the CCSU Foundation, Inc., hereinafter referred to as the Foundation, in accordance with Sections 4-37e through 4-37i of the Connecticut General Statutes as amended by Public Act No. 99-285. Both the University and the Foundation agree to adhere to the law and policies cited above and to the provisions contained herein until such time as this letter of agreement is rescinded or modified by consent of all parties and approved by the Board of Trustees.

### Facilities and Resources

The University shall make available office space, storage space, office furniture and equipment, utilities, photocopying services, computer systems and space for the maintenance of the books and records of the Foundation. The reimbursement policies outlined below will be in place for those expenses that otherwise would not be incurred by the University as a result of Foundation operations.

The maintenance of such books and records at the University shall not cause them to be deemed public records nor shall such records be subject to disclosure pursuant to the provisions of section 1-210 of the Connecticut General Statutes.

### Reimbursement

The Foundation shall reimburse the University for expenses, including the costs of personal services, which are incurred as a result of Foundation operations and which would not have been incurred otherwise by the University by customary University operations.

### Liability

Neither the University nor the Board of Trustees for Connecticut State University shall be liable for the obligations, acts or omissions of the Foundation.

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serving

CENTRAL CONNECTICUT STATE UNIVERSITY

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## Investments

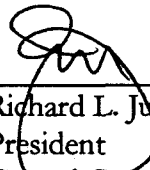
Decisions concerning investment of properties, funds, and other real assets of the Foundation shall be made by the Board of Directors in support of the purposes of the Foundation, as set forth in its Certificate of Incorporation. The Foundation shall adopt and adhere to an Investment and Spending Policy which is consistent with sections 45a-526 to 45a-534 inclusive of the Connecticut General Statutes.

## Dissolution

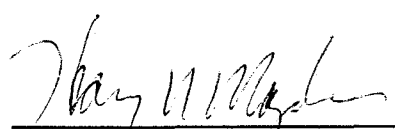
Should the Foundation cease to exist or cease to be a foundation as defined in Sections 4-37e of the Connecticut General Statutes, it shall

- (1) Be prohibited from using the name of the University;
- (2) Make available to the University, its records, or copies of such records provided that such records or copies thereof shall not be deemed to be public records and shall not be subject to disclosure pursuant to the provisions of Section 1-19 of the Connecticut General Statutes; and
- (3) Transfer title of all of its remaining assets to the Board of Trustees for the benefit of the University, specifying applicable restrictions and in accordance with Section 10a-150 of the Connecticut General Statutes and Board Resolution 87-192.

Signature

  
Richard L. Judd  
President  
Central Connecticut State University

Signature:

  
Harry N. Mazadoorian  
Chairman  
CCSU Foundation, Inc.

Date

8/12/94

Date:

8-4-95

# Letter of Agreement

Between Eastern Connecticut State University and the ECSU Foundation, Inc.

The following letter of agreement and the attached addenda (Board Resolution #97-71 and the non-discrimination contract language pursuant to Public Acts 88-351 and 89-253) establish the relationship between Eastern Connecticut State University, hereinafter referred to as the University, and the ECSU Foundation, Inc., hereinafter referred to as the Foundation, in accordance with Public Act 96-244. Both the University and the Foundation agree to adhere to the law and policies cited above and to the provisions contained herein until such time as this letter of agreement is rescinded or modified by consent of all parties and approved by the Board of Trustees.

## **Facilities and Resources**

The University shall make available office space, storage space, office furniture and equipment, utilities, photocopying services, computer systems and space for the maintenance of the books and records of the Foundation. The reimbursement policies outlined below will be in place for those expenses that otherwise would not be incurred by the University as a result of Foundation operations.

The maintenance of such books and records at the University shall not cause them to be deemed public records nor shall such records be subject to disclosure pursuant to the provisions of section 1-210 of the Connecticut General Statutes.

## **Reimbursement**

The Foundation shall reimburse the University for expenses, including the costs of personal services, which are incurred as a result of Foundation operations and which would not have been incurred otherwise by the University by customary University operations.

In addition to such specific reimbursement, the Foundation shall provide an annual general reimbursement of \$400 to cover overhead costs.

## **Investment and Spending Policy**

The Foundation shall establish and adhere to an investment policy and a spending policy that are consistent with sections 45a-526 to 45a-534, inclusive, of the Connecticut General Statutes.

## **Liability**

Neither the University, the Board of Trustees for Connecticut State University nor the Foundation shall have any liability for the obligations, acts or omissions of the other party.

Other

The Foundation shall insure that any monies received by the Foundation and defined in Section (3) of Public Act 89-267 as funds that should be deposited at the University are transferred to the University in a timely manner.

To the extent that it can do so, consistent with U.S. Postal Service Statutes and Regulations, the Foundation may use the University intra-campus mail system.

The Foundation shall be responsible for retaining and compensating the independent auditing firm that is required by Section 2 (7) of Public Act 89-267.

Dissolution

Should the Foundation cease to exist or cease to be a Foundation as defined in Section 4-37e of the Connecticut General Statutes, it shall

- (1) Be prohibited from using the name of the University;
- (2) Make available to the University its records, or copies of such records provided that such records or copies thereof shall not be deemed to be public records and shall not be subject to disclosure pursuant to the provisions of Section 1-210 of the Connecticut General Statutes; and
- (3) Transfer title of all its remaining assets to the Board of Trustees for the benefit of the University, in consultation with the University and consistent with donor intent. The Foundation shall specify applicable restrictions and transfer title in accordance with Section 10a-150 of the Connecticut General Statutes and Board Resolution 87-192.

Signature David A. Carter

Title: President, ECSU

Date July 23, 1999

Signature [Handwritten Signature]

Title: Pres., ECSU Foundation, Inc.

Date 7/29/99

cc: William Cibes, Chancellor, CSU System





# Southern Connecticut State University

501 Crescent Street  
New Haven, CT 06515 -1355



## ***LETTER OF AGREEMENT BY AND BETWEEN SCSU AND SCSU FOUNDATION, INC.***

The following Letter of Agreement and the attached addenda (Board Resolution #97-71 and the non-discrimination contract language pursuant to Public Acts 88-351 and 89-253) establish the relationship between Southern Connecticut State University, hereinafter referred to as the University, and the Southern Connecticut State University Foundation, Inc., hereinafter referred to as the Foundation, in accordance with Public Act 96-244. Both the University and the Foundation agree to adhere to the law and policies cited above and to the provisions contained herein until such time as this Letter of Agreement is rescinded or modified by consent of all parties and approved by the Board of Trustees.

### 1. Facilities and Resources

The University shall make available office space, storage space, office furniture and equipment, utilities, photocopying services, computer systems and space for the maintenance of the books and records of the Foundation. The reimbursement policies outlined below will be in place for those expenses that otherwise would not be incurred by the University as a result of Foundation operations.

The maintenance of such books and records at the University shall not cause them to be deemed public records nor shall such records be subject to disclosure pursuant to the provisions of section 1-210 of the Connecticut General Statutes.

### 2. Reimbursement

The Foundation shall reimburse the University for expenses, including the costs of personal services, which are incurred as a result of Foundation operations and which would not have been incurred otherwise by the University by customary University operations. In addition to such specific reimbursement, the Foundation shall provide monthly general reimbursement of \$100.00 to cover overhead costs, and reimbursement for the use of the services of an employee in an amount not to exceed \$2,400 annually in accordance with the terms outlined under a university assistantship covering the period from February 16, 1999 through February 15, 2000.

### 3. Investment and Spending Policy

The Foundation shall establish and adhere to an investment policy and a spending policy that are consistent with sections 45a-526 to 45a-534, inclusive, of the Connecticut General Statutes.



A Campus of the Connecticut State University System  
An Equal Opportunity University

4. Liability

Neither the University nor the Board of Trustees for Connecticut State University shall be liable for the obligations, acts or omissions of the Foundation. Likewise, the Foundation shall not be liable for the obligations, acts or omissions of either the University or the Board of Trustees for Connecticut State University.

5. Dissolution

Should the Foundation cease to exist or cease to be a foundation as defined in section 4-37e of the Connecticut General Statutes, it shall:

- (1) be prohibited from using the name of the University;
- (2) make available to the University, its records, or copies of such records provided that such records or copies thereof shall not be deemed to be public records and shall not be subject to disclosure pursuant to the provisions of section 1-210 of the Connecticut General Statutes; and
- (3) after payment of all its liabilities and obligations, transfer title of all its remaining assets to the Board of Trustees for the benefit of the University in accordance with section 10a-150 of the Connecticut General Statutes and Board Resolution 87-192, EXCEPT to the extent there is restriction on an asset which prohibits the transfer of such asset to the University or where the University does not want the asset, in which case such asset shall be distributed by the Foundation, upon the approval of its Board of Governors, to any non-profit, charitable or educational organization that promotes purposes similar to the Foundation.

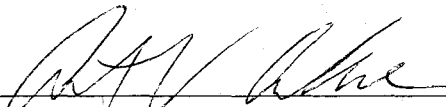
AGREED AND ACCEPTED:

**SOUTHERN CONNECTICUT STATE UNIVERSITY**

  
By its President

Date: August 19, 1999

**SOUTHERN CONNECTICUT STATE UNIVERSITY FOUNDATION, INC.**

  
By its Chairman

Date: August 19, 1999

# Western Connecticut State University Foundation, Inc.

P.O. Box 2392  
Danbury, CT 06813

## Letter of Agreement

Between Western Connecticut State University and The Western Connecticut State University Foundation, Inc.

The following letter of agreement and the attached addenda (Board Resolution #97-71 and the non-discrimination contract language pursuant to Public Acts 88-351 and 89-253) establish the relationship between Western Connecticut State University, hereinafter referred to as the University, and the Western Connecticut State University Foundation, Inc., hereinafter referred to as the Foundation, in accordance with Public Act 96-244. Both the University and the Foundation agree to adhere to the law and policies cited above and to the provisions contained herein until such time as this letter of agreement is rescinded or modified by consent of all parties and approved by the Board of Trustees.

### Facilities and Resources

The University shall make available office space, storage space, office furniture and equipment, utilities, photocopying services, computer systems and space for the maintenance of the books and records of the Foundation. The reimbursement policies outlined below will be in place for those expenses that otherwise would not be incurred by the University as a result of Foundation operations.

The maintenance of such books and records at the University shall not cause them to be deemed public records or be subject to disclosure pursuant to the provisions of section 1-210 of the Connecticut General Statutes.

### Reimbursement

The Foundation shall reimburse the University for expenses, including the costs of personal services, which are incurred as a result of Foundation operations and which would not have been incurred otherwise by the University by customary University operations. In addition to such specific reimbursement, the Foundation shall provide and annual general reimbursement of \$1,500 to cover overhead costs.

Also, effective October 1, 1989 the Western Connecticut State University Foundation shall donate to the libraries at Western Connecticut State University \$2,000 annually. This donation is made to cover expenses which may be incurred through Foundations members' use of the libraries.

Liability

Neither the University nor the Board of Trustees for Connecticut State University shall be liable for the obligations, acts or omissions of the Foundation.

Investment and Spending Policy

The Foundation shall establish and adhere to an investment policy and a spending policy that are consistent with sections 45a-526 to 45a-534, inclusive of the Connecticut General Statutes.

Dissolution

Should the Foundation cease to exist or cease to be a foundation as defined in section 4-37e of the Connecticut General Statutes, it shall

1. Be prohibited from using the name of the University;
2. Make available to the University its records, or copies of such records provided that such records or copies thereof shall not be deemed to be public records and shall not be subject to disclosure pursuant to the provisions of Section 1-210 of the Connecticut General Statutes; and
3. Transfer title of all of its remaining assets to the Board of Trustees for the benefit of the University, specifying applicable restrictions and in accordance with Section 10a-150 of the Connecticut General Statutes and Board Resolution 87-192.

Signature James R. Roach  
James R. Roach

Title President, WCSU

Date 8-19-99

Signature Gerard J. Robilotti  
Gerard Robilotti

Title Acting Chair, WCSU Foundation

Date 8/19/99

**ITEM**

Amended letters of agreement between the Connecticut State University System, the four universities of the CSU System, and their corresponding private development foundations

**BACKGROUND**

The Board of Trustees for the Connecticut State University System, as the authorized state agent, is responsible for the oversight of the general relationships between CSU, the CSU campuses, and their corresponding private development foundations, in accordance with Sections 4-37e through 4-37i of the Connecticut General Statutes, and Board Resolution #97-71. As part of this responsibility, the Board is responsible for approving the letters of agreement between these parties.

**ANALYSIS**

An Act Concerning Higher Education was passed in the 1999 Legislative session and subsequently signed by the Governor. Among other things, the Act permits a portion of the endowment fund state grant and a portion of earnings on the grant to be transferred to each university endowment fund, provided that the provisions of section 4-37f of the Connecticut General Statutes (CGS), as amended by the Act, were satisfied.

The amendment to section 4-37f of the CGS contained in the Act requires that the letters of agreement between the universities and their respective foundations contain a requirement of the foundation to establish and adhere to an investment policy and a spending policy that are consistent with sections 45a-526 to 45a-534, inclusive. The letters of agreement have been amended to reflect this additional requirement.

The revised letters of agreement must be approved by the Board of Trustees before each university's share of the endowment fund state grant can be transferred to its foundation. Because the next meeting of the Board of Trustees did not occur until October 7, and in order that these funds be made available as soon as possible, the Executive Committee of the Board of Trustees, acting on behalf of the Board, granted approval of the amended letters of agreement at their August 27 meeting.

**CHANCELLOR'S RECOMMENDATION**

Ratification of the action of the Executive Committee approving the amended letters of agreement between the Connecticut State University System, the four universities of the CSU System, and their corresponding private development foundations.