

**MEMORANDUM**

DATE: September 2, 2016

TO: Faye Gallant
President, UAF Staff Council

FROM: Scott Taylor
Philanthropic Advisor

SUBJECT: Carolyn Sampson UAF Staff Council Memorial Scholarship Endowment

The subject fund was created and named by the UAF Staff Council in 1990 using proceeds of a raffle held by the Council and through gifts from individuals. The endowment memorializes a past executive secretary in the UAF Governance Office.

When the Council established the scholarship, its President, Grant Matheke, signed an agreement setting out the restrictions on the scholarship. That agreement is attached. One of the restrictions (paragraph 9.F.) provides that in selecting the recipients of the scholarship "preference will be given to a single female or male who is the single head of household."

The Foundation is currently reviewing all of its scholarships with the goal of removing any restrictions that are in violation of the Foundation's and University's anti-discrimination policies. The second attachment to this memo contains the Foundation's (and within it, the University's) policy in this regard. As is evident from that document, scholarship recipients may not be selected based on whether they are single or not. Thus the restriction in the Sampson agreement ruins afoul of the non-discrimination policy in that it must be awarded to a person based on their marital status (single).

While there are several mechanisms by which we may remove the preference, they are all made easier when the donors (the UAF Staff Council in this case) are informed and agreeable to the change. That is the reason for this memo. I am seeking the UAF Staff Council's approval of the following suggested resolution or motion at their next meeting:

"The UAF Staff Council hereby approves of changes to the Agreement governing the Carolyn Sampson / UAF Staff Council Memorial Scholarship, entered into by Staff Council President Grant Matheke in 1990, such that the restriction in paragraph 9.F., expressing a preference for scholarship recipients to be single (as opposed to married), is removed. All other restrictions should remain intact."

Thanks very much to you and the Staff Council for considering this request. Without the Council's action, we would have to take a much more expensive and circuitous route through the courts or the Attorney General's Office to remove the restriction. If you have questions or need further information in this regard, or if you wish me to meet with the Council to speak to this action, please let me know.

Attachments

Cc: Anne Doyle, Donor Relations Officer, UAF

UNIVERSITY OF ALASKA FOUNDATION
Endowment Award
Administrative Agreement

1. NAME OF ACCOUNT: **Carolyn Sampson / UAF Staff Council Memorial Award**
2. CORRESPONDENCE REGARDING THIS PROGRAM SHOULD BE DIRECTED TO:

Executive Director University of Alaska Foundation 910 Yukon Drive, Suite 208 Fairbanks, AK 9775-5240	President, UAF Staff Council 312 Signers' Hall University of Alaska Fairbanks Fairbanks, AK 99775
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3. DATE ESTABLISHED: **June, 1990**
4. DATE EFFECTIVE:

Commencing when agreement is signed by the Executive Director and Treasurer of the University of Alaska Foundation, and the Chancellor, UAF.
5. PURPOSE OF THE PROGRAM:

This scholarship is dedicated in memory of Carolyn Sampson, former Executive Secretary in the UAF Governance Office. Carolyn was instrumental in obtaining support services for Staff Council and provided support for Faculty Senate and Academic Council while employed at UAF.

The intent of this award is to provide new career paths or retraining to applicants wishing to re-enter the job market or whose work activity may be threatened by economic, health or other factors.
6. AMOUNT AVAILABLE:

Depends on distributed spendable earnings available from the principal. The minimum award amount shall be \$500.
7. SELECTION PROCESS:

Recipients of the Carolyn Sampson / UAF Staff Council Memorial Scholarship will be selected by the UAF Standing Scholarship Selection Committee.

Should the Committee deem it appropriate, an outstanding student may qualify for multi-year funding. The student will, however, be required to reapply for each year.
8. UNDERSTANDING PERTAINING TO THE ADMINISTRATION OF THE PROGRAM:
 - A. Candidates for this fund must submit applications to the appropriate University of Alaska Fairbanks Financial Aid Office by February 15th for Fall Semester consideration.
 - B. If the UAF Standing Scholarship Selection Committee determines that interest earnings are insufficient to provide awards(s), it has the authority to allow the earnings to flow back into the principal for a given period of time for the express purpose of increasing the endowment principal available to be invested.

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- C. An award recipient selected for assistance in a forth coming semester will forfeit the scholarship if he or she:
 - (1) Does not enroll in the semester in which the award is to be in effect.
 - (2) Is placed on academic probation.
 - D. The Executive Director of the University of Alaska Foundation will notify the President of the UAF Staff Council annually concerning the amount available for the purposes of this fund.
 - E. This fund will be accounted for as a restricted fund until such time as it attains a principal balance of \$5,000 or the current endowment minimum in accordance with the directives of the Treasurer. Once attaining endowment status, the principal of the fund will remain inviolate and in perpetuity. Only spendable earnings as defined by the Foundation's Endowment Investment Policy are available for expenditure. Earnings in excess of this amount will be used to increase the principal balance quarterly.
 - F. Investment of endowments funds shall be in accordance with investment policies of the Foundation and directives of the Treasurer.
 - G. If, after one year following the establishment of this fund or following the last award made under this agreement, the funds in the account are insufficient to allow an award under the terms of this agreement, the UAF Staff Council will be notified of the status of the account. At that time the UAF Staff Council may elect to:
 - (1) Solicit or make additional contributions to the interest portion of the fund in order to bring it up to a level which will allow an award to be made as specified by this agreement.
 - (2) Authorize the Foundation to award all funds separately or as part of a larger scholarship award.

If the Foundation is unable to establish contact with the UAF Staff Council as outlined above, the funds will be automatically used as specified in option number 2.
 - H. Should it become apparent, after a period of years, that the purpose described herein is no longer feasible, either because of lack of a suitable recipient or because of the changing concerns of education or society, then the income for the support of this fund shall be used in support of a program that reflects the original intent of the fund which shall be determined by the Chancellor of the University of Alaska Fairbanks, advising the UAF Staff Council prior to making a decision.
9. QUALIFICATIONS PERTAINING TO THE RECIPIENTS:
- A. Recipient should demonstrate motivation, academic and leadership potential.
 - B. Recipient must be in good academic standing with a minimum cumulative 2.00 GPA.
 - C. Recipient must be a full-time or part-time student attending the University of Alaska Fairbanks.
 - D. The primary consideration in awarding the scholarship will be on the basis of need.


- E. In accordance with the original intent of the fund, recipients of this award should be seeking new career paths or retraining to re-enter the job market.
- F. Preference will be given to a single female or male student who is the single head of household.



Scott Taylor
Executive Director, UA Foundation

5/25/90

Date



Brian Rogers
Treasurer, UA Foundation &
Vice President for Finance, UA

5/18/90

Date



Patrick O'Rourke
Chancellor, UAF

5/15/90


Date



Grant Matheke
President, UAF Staff Council

4/24/90

Date



Karen Cedzo
Director, University Relations, UAF

5/7/90

Date



University of Alaska Foundation

Acceptance of Gifts and Administration of Funds with Race, Gender or Other Restrictions Related to Protected Classes

The Board of Regents of the University of Alaska has recognized the University of Alaska Foundation as the entity to manage private gifts made to support all campuses of the University of Alaska system including scholarships.

Awards of scholarships to individual students are made by each university. As a public institution of the State of Alaska and an institution that receives federal funds, the University of Alaska is required to administer its programs and funds in accordance with law and Board of Regents policy.¹

The Foundation will not accept contributions for scholarships that are contrary to Board of Regents Policy and/or state and federal law. Specifically, the Foundation will not accept a gift with a restriction or preference that it, or the income derived from it, be used to provide awards to, or otherwise benefit students, faculty, or any other individual based (in whole or in part) on one or more of the characteristics specified in the Board of Regents Non-Discrimination Policy. This includes gifts made to existing Foundation funds that were established with such preferences or restrictions.

Under certain circumstances, a gift made to support an existing, approved University program may be acceptable despite the fact that it may provide benefits based on one or more of the characteristics outlined in the Non-Discrimination Policy. For example, a gift made to support a Women's Basketball Team would be acceptable by the Foundation if the gift can be administered in accordance with Title IX, 20 U.S.C. 1681.

The effective date of this Policy is December 2, 2014.

¹ Alaska Statute 14.40.050 (Discrimination because of sex, color, or nationality prohibited) provides as follows:

A person may not be deprived of the privileges of the University of Alaska because of sex, color, or nationality.

The University of Alaska Board of Regents Policy on Nondiscrimination (P01.02.020) reads as follows:

"It is the policy of the board that in accordance with federal and state law, illegal discrimination against any individual because of race, color, religion, national origin, age, sex, sexual orientation, veteran status, physical or mental disability, marital status, pregnancy or parenthood is prohibited. Decisions affecting individuals shall be based on the individual's qualifications, abilities and performance, as appropriate."