



**SUBJECT** ENDOWMENT VARIATION REQUEST: McTAVISH OLSON AWARD IN ATHLETICS

**MEETING DATE** APRIL 13, 2017

Forwarded to the Board of Governors on the Recommendation of the President

**APPROVED FOR SUBMISSION**

Santa J. Ono, President and Vice-Chancellor

**DECISION REQUESTED**

IT IS HEREBY REQUESTED that *the UBC Board of Governors approve: (a) the renaming and variation of the McTavish Olson Award in Athletics Endowment Fund (the "Original Fund") to create the "Spence McTavish Rugby Award Endowment Fund" (the "McTavish Fund") and the "Shawn Olson Football Award Endowment Fund" (the "Olson Fund"); (b) splitting the Original Fund evenly between the McTavish Fund and the Olson Fund; and, (c) amended and restated endowment documentation, as recommended by University Counsel.*

**Report Date** March 10, 2017

**Presented By** Hubert Lai, Q.C., University Counsel

**EXECUTIVE SUMMARY**

Due to the complexity of administering the Original Fund, the Department of Athletics requests approval to amend the endowment trust agreement for the Original Fund and split the capital into two funds, one supporting rugby and one supporting football, one to be named the McTavish Fund and the other to be named the Olson Fund, and to approve the amended and restated endowment documentation for the two funds.

**INSTITUTIONAL STRATEGIC PRIORITIES SUPPORTED**

- Learning
  - Research
  - Innovation
  - Engagement
  - International
- (Internal / External)

or  Operational

**DESCRIPTION & RATIONALE BACKGROUND:**

In 2012, Peter Bull (the "Donor") made a gift of \$100,000 to the University to establish the Original Fund to support awards for athletic achievement in football and rugby, in honour of the achievements of UBC head coaches Spence McTavish and Shawn Olson, team captains, Provincial and National champions, national and international players and university coaches of character. The terms of the Fund

provide for awards for athletes in the varsity football and rugby programs with an emphasis on multi-sport athletes who have the potential to be captain.

Due to the complexity of administering the Original Fund for both rugby and football students, the Department of Athletics and Recreation, with the Donor's support, requests approval to split the Original Fund equally into the two funds, and to amend the terms of the Original Fund's Endowment Trust Agreement to create the Olson Fund and the McTavish Fund to ensure the awards can be administered more easily for each of rugby and football.

The awards supported by the Olson Fund and the McTavish Fund will each be for students who have leadership skills and good academic performance, with a preference for multi-sport athletes. Where the University is not able to identify eligible multi-sport students, then single sport (rugby in the case of the McTavish Fund, and football for the Olson Fund) awards will be given.

**APPROVAL REQUESTED:**

The Department of Athletics and Recreation, together with the support of the Donor, requests that the Endowment Trust Agreement for the Original Fund be amended to:

- (a) create the McTavish Fund and the Olson Fund; and
- (b) encroach on the capital of the Original Fund and split it equally between the McTavish Fund and the Olson Fund.

The Office of University Counsel supports this request.

**LEGAL AUTHORITY:**

The Board's authority to vary the terms of the Original Fund is in Section 7 of the Endowment Trust Agreement for the Original Fund:

"If, as a result of the Donor's wishes or other circumstances, the Board of Governors is of the opinion that it would be advisable to vary one or more terms of this Endowment Trust Agreement, keeping in mind the original spirit of the Gift, the Board of Governors may vary the term[s]."

The Board's authority to encroach upon the capital of the Original Fund is in section 6 of the Endowment Trust Agreement for the Original Fund:

"Although very uncommon, circumstances may arise where it is advisable for the University to encroach on the Fund. The University may encroach on the Fund in such circumstances but only if that encroachment is recommended by the President to the Board of Governors and is approved by the Board of Governors."

**ADDITIONAL MATERIALS:**

The blacklined amended endowment trust agreements are attached to this report.



THE UNIVERSITY OF BRITISH COLUMBIA

**MCTAVISHSHAWN OLSON FOOTBALL AWARD IN ATHLETICS**

**ENDOWMENT  
TRUST AGREEMENT**

**Amended and Restated as of \_\_\_\_\_, 2017**  
**(Varies the original Endowment Trust Agreement for the McTavish Olson Award**  
**in Athletics Endowment Fund approved June 12, 2012)**

**Background:**

A. On June 12, 2012, the gift of \$100,000 (the “Gift”) from Peter M. Bull (the “Donor”) was used to establish the McTavish Olson Award in Athletics Endowment Fund (the “Original Fund”), which supported awards for athletic achievement in football and rugby.

B. In 2017, the Board of Governors approved variations to the terms of the Original Fund to split the Original Fund evenly into two new funds, approve new names and vary the purpose so that there is one fund to support awards for achievement in football and one to support awards for achievement in football.

**1. Name of Fund**

The gift Original Fund is varied and continued with respect to half of \$100,000 (the “Gift”) from Peter M. Bull (Original Fund as the “Donor”) will be used to establish the McTavish Shawn Olson Football Award in Athletics Endowment Fund (the “Fund”). The other half of the Original Fund is described under a separate endowment trust agreement known as the Spence McTavish Rugby Award Endowment Fund.

The name of the Fund may be changed at the request of the donor, but subject to the approval of the Board of Governors of the University of British Columbia (the “University”).

**2. The Endowment Pool**

The University manages a large number of endowment funds in its Endowment Pool (the “Endowment Pool”), of which the Fund will be one. All of the endowment funds that make up the Endowment Pool are governed by the University’s policies, including the Endowment Management Policy and its associated procedures, as amended from time to time (the “Policies”).

**3. Purpose of the Fund**

The purpose of the Fund is to provide awards support award(s) for student athletes on the football team who have demonstrated leadership skills and maintained good academic standing, with a preference for students who also play on another athletics team at the

University ~~as set out in greater detail in Schedule A to this Endowment Trust Agreement~~ (the “Purpose”).

The University will hold the Fund in trust and will use and manage the Fund in accordance with the Policies to support the Purpose. Without limiting the generality of the foregoing, the University will:

- (a) make an annual allocation based on the spending rate established under the Endowment Management Policy and credit the annual allocation to the Fund’s spending account; and
- (b) use the funds in the spending account to support the Purpose.

#### 4. Investment of the Fund

The University may:

- (a) invest and reinvest the Fund in such investments as the University decides and in making those investments the University is not limited to the investments authorized by the *Trustee Act* of British Columbia or any other law relating to trust funds; and
- (b) invest and maintain the Fund as part of the Endowment Pool.

#### 5. Additional Contributions

The University may accept or make further contributions to the Fund, from any source, whether by gift, Will or otherwise, provided that any further contributions will be governed by the trust terms established in this Endowment Trust Agreement.

#### 6. Encroachment on the Fund

Although very uncommon, circumstances may arise where it is advisable for the University to encroach on the Fund. The University may encroach on the Fund in such circumstances but only if that encroachment is recommended by the President to the Board of Governors and is approved by the Board of Governors.

#### 7. University Policy

Decisions, financial and otherwise, with respect to the award, including the continuing eligibility of a holder of the award, or to obtain a renewal thereof, as well as any matters relating to the investment, management, use or administration of the Fund will be made in accordance with the Policies.

If, as a result of the Donor’s wishes or other circumstances, the Board of Governors is of the opinion that it would be advisable to vary one or more terms of this Endowment Trust

Agreement, keeping in mind the original spirit of the Gift, the Board of Governors may vary the term[s].

8. **General**

- (a) **Headings.** The use of headings is for convenient reference only and will not affect how this Endowment Trust Agreement is interpreted.
- (b) **Counterparts.** This Endowment Trust Agreement may be signed by original or by facsimile and executed in any number of counterparts, and each counterpart will be considered to be an original. All executed counterparts taken together will constitute one agreement.

- (c) **Entire Agreement.** This Agreement constitutes the entire agreement between the parties with respect to the matters set out herein and the Donor acknowledges that there are no terms or conditions governing the University's use of the Fund other than as expressly set out in this Agreement.

TO EVIDENCE ~~THEIR AGREEMENT the Donor and~~ THE TERMS OF THE FUND the University ~~have~~has executed this Endowment Trust Agreement on the ~~date~~date appearing below.

~~SIGNED by the Donor in the presence of:~~ )  
 )  
 )  
 \_\_\_\_\_ )  
 {Signature} )  
 )  
 )  
 \_\_\_\_\_ ) Signature of Donor  
 {Print Name} )  
 )  
 )  
 \_\_\_\_\_ )  
 {Address} )  
 )  
 )  
 \_\_\_\_\_ )  
 {Occupation} )  
 )  
 )  
 \_\_\_\_\_ )  
 )  
 \_\_\_\_\_ )  
 Date

**The University of British Columbia**  
 by its Authorized Signatory:

\_\_\_\_\_  
~~Stephen~~Santa J. ToopeOno  
 President and Vice-Chancellor

\_\_\_\_\_  
 Date

Approved as to form by the Office of the  
 University Counsel:

\_\_\_\_\_  
 Date: \_\_\_\_\_

**~~Schedule A – The Purpose of the McTavish Olson Award in Athletics.~~**

~~The McTavish Olson Award in Athletics will support one or more awards, ranging from a minimum value of \$500 to the maximum allowed under player eligibility requirements for inter-collegiate sports at UBC. The award recipients will be selected on recommendation of the President's Athletic Awards Committee from among nominees identified by head coaches of the UBC varsity football and UBC varsity rugby programs. The President's Athletic Awards Committee will select:~~

- ~~• first, from those students who are on both UBC football and UBC rugby teams and if there are insufficient candidates from this group of students then;~~
- ~~• second, from those students who are on either the UBC football or UBC rugby teams and who is also a member of another UBC athletics team and if there are insufficient candidates from this group of students, then;~~
- ~~• third, from those students who are on or are recruits to either the UBC football or UBC rugby teams who have the potential to be a team captain.~~



# THE UNIVERSITY OF BRITISH COLUMBIA

## SPENCE MCTAVISH OLSON RUGBY AWARD IN ATHLETICS

### ENDOWMENT TRUST AGREEMENT

Amended and Restated as of \_\_\_\_\_, 2017  
(Varies the original Endowment Trust Agreement for the McTavish Olson Award  
in Athletics Endowment Fund approved June 12, 2012)

#### Background:

A. On June 12, 2012, the gift of \$100,000 (the "Gift") from Peter M. Bull (the "Donor") was used to establish the McTavish Olson Award in Athletics Endowment Fund (the "Original Fund"), which supported awards for athletic achievement in football and rugby.

B. In 2017, the Board of Governors approved variations to the terms of the Original Fund to split the Original Fund evenly into two new funds, approve new names and vary the purpose so that there is a separate fund supporting awards for achievement in rugby.

#### 1. Name of Fund

The gift Original Fund is varied and continued with respect to half of \$100,000 (the "Gift") from Peter M. Bull (Original Fund as the "Donor") will be used to establish the Spence McTavish Olson Rugby Award in Athletics Endowment Fund (the "Fund"). The other half of the Original Fund is described under a separate endowment trust agreement known as the Shawn Olson Football Award Endowment Fund.

The name of the Fund may be changed at the request of the donor, but subject to the approval of the Board of Governors of the University of British Columbia (the "University").

#### 2. The Endowment Pool

The University manages a large number of endowment funds in its Endowment Pool (the "Endowment Pool"), of which the Fund will be one. All of the endowment funds that make up the Endowment Pool are governed by the University's policies, including the Endowment Management Policy and its associated procedures, as amended from time to time (the "Policies").

#### 3. Purpose of the Fund

The purpose of the Fund is to provide awards support award(s) for student athletes on the rugby team who have demonstrated leadership skills and maintained good academic standing, with a preference for students who also play on another athletics team at the University as set out in greater detail in Schedule A to this Endowment Trust Agreement (the "Purpose").



The University will hold the Fund in trust and will use and manage the Fund in accordance with the Policies to support the Purpose. Without limiting the generality of the foregoing, the University will:

- (a) make an annual allocation based on the spending rate established under the Endowment Management Policy and credit the annual allocation to the Fund's spending account; and
- (b) use the funds in the spending account to support the Purpose.

#### 4. **Investment of the Fund**

The University may:

- (a) invest and reinvest the Fund in such investments as the University decides and in making those investments the University is not limited to the investments authorized by the *Trustee Act* of British Columbia or any other law relating to trust funds; and
- (b) invest and maintain the Fund as part of the Endowment Pool.

#### 5. **Additional Contributions**

The University may accept or make further contributions to the Fund, from any source, whether by gift, Will or otherwise, provided that any further contributions will be governed by the trust terms established in this Endowment Trust Agreement.

#### 6. **Encroachment on the Fund**

Although very uncommon, circumstances may arise where it is advisable for the University to encroach on the Fund. The University may encroach on the Fund in such circumstances but only if that encroachment is recommended by the President to the Board of Governors and is approved by the Board of Governors.

#### 7. **University Policy**

Decisions, financial and otherwise, with respect to the award, including the continuing eligibility of a holder of the award, or to obtain a renewal thereof, as well as any matters relating to the investment, management, use or administration of the Fund will be made in accordance with the Policies.

If, as a result of the Donor's wishes or other circumstances, the Board of Governors is of the opinion that it would be advisable to vary one or more terms of this Endowment Trust Agreement, keeping in mind the original spirit of the Gift, the Board of Governors may vary the term[s].

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~~SIGNED by the Donor in the presence of:~~ )

\_\_\_\_\_  
(Signature) )

\_\_\_\_\_  
(Print Name) )

\_\_\_\_\_  
(Address) )

\_\_\_\_\_  
(Occupation) )

\_\_\_\_\_  
Date )

\_\_\_\_\_  
Signature of Donor

**The University of British Columbia**  
by its Authorized Signatory:

\_\_\_\_\_  
Stephen Santa J. Toope Ono  
President and Vice-Chancellor

\_\_\_\_\_  
Date

Approved as to form by the Office of the  
University Counsel:

\_\_\_\_\_  
Date: \_\_\_\_\_

**Schedule A – The Purpose of the McTavish Olson Award in Athletics.**

The McTavish Olson Award in Athletics will support one or more awards, ranging from a minimum value of \$500 to the maximum allowed under player eligibility requirements for inter-collegiate sports at UBC. The award recipients will be selected on recommendation of the President's Athletic Awards Committee from among nominees identified by head coaches of the UBC varsity football and UBC varsity rugby programs. The President's Athletic Awards Committee will select:

- first, from those students who are on both UBC football and UBC rugby teams and if there are insufficient candidates from this group of students then;
- second, from those students who are on either the UBC football or UBC rugby teams and who is also a member of another UBC athletics team and if there are insufficient candidates from this group of students, then;

third, from those students who are on or are recruits to either the UBC football or UBC rugby teams who have the potential to be a team captain.