

SUBJECT	KAM NGAN HO MEMORIAL SCHOLARSHIP ENDOWMENT CLOSING
MEETING DATE	FEBRUARY 15, 2018

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

**APPROVED FOR
SUBMISSION**



Santa J. Ono, President and Vice-Chancellor

DECISION REQUESTED	For Information
Report Date	January 16, 2018
Presented By	Hubert Lai, Q.C., University Counsel

EXECUTIVE SUMMARY

Having received no funds for the Kam Ngan Ho Memorial Scholarship Endowment Fund (the “Fund”), and with no expectation of receiving any funds, this endowment fund account will be closed upon the date of this Board meeting.

Attachments:

1. The Endowment Trust Agreement for the Fund

INSTITUTIONAL STRATEGIC PRIORITIES SUPPORTED

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

DESCRIPTION & RATIONALE In October 2013, Mr. Stephen Cheng pledged to make a \$30,000 gift to the University for the purpose of enabling the University to create the Fund and signed an Endowment Trust Agreement affirming his intention (the “ETA”). The Senate approved an award description for the scholarship to be supported by the Fund in December 2013, and the President of UBC, pursuant to authority designated to the President by the Board of Governors in section 6.1 of the Procedures to Policy #113 Endowment Management, approved the terms for the new Fund by signing the ETA on February 28, 2014. The ETA was submitted to the Board of Governors for information at its April 14, 2014 meeting.

However, Mr. Cheng did not make any contribution to fulfill his pledge, and has confirmed that he will not be fulfilling his pledge.

Therefore, without any funds to settle the endowment trust, the endowment does not legally exist.

This docket notifies the Board that the Fund was not legally settled. The Fund account will be closed upon the date of the Board meeting.



THE UNIVERSITY OF BRITISH COLUMBIA

KAM NGAN HO MEMORIAL SCHOLARSHIP ENDOWMENT TRUST AGREEMENT

1. Name of Fund

The gift of \$30,000 (the “**Gift**”) from **Stephen Cheng** (the “**Donor**”), will be used to establish the **Kam Ngan Ho Memorial Scholarship Endowment Fund** (the “**Fund**”).

2. The Endowment Pool

The University of British Columbia (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 scholarships for students in the Sauder School of Business** at the University (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 any award arising from the Gift, including the continuing eligibility of a person to hold an 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].

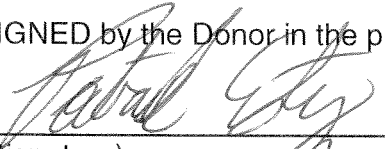
8. **General**

- (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 University have executed this Endowment Trust Agreement on the dates appearing below.


SIGNED by the Donor in the presence of:)

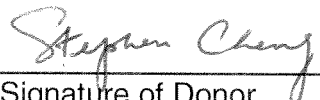

 _____)
 (Signature))


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 (Occupation))


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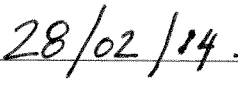


 Signature of Donor
 Stephen Cheng

The University of British Columbia
by its Authorized Signatory:

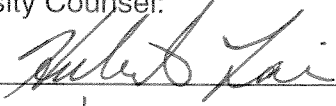


 Stephen J. Toope
 President and Vice-Chancellor



 Date

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



 Date: 