



Division of Finance & Administration

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Date: August 21, 2026

To: Chancellors
Chief Business Officers

From: Julie Gordon, Vice President for Finance and Administration
Universities of Wisconsin

A handwritten signature in blue ink, appearing to read 'Julie', is placed over the name 'Julie Gordon' in the 'From' field.

Re: Additional Guidance for Implementation of Regent Policy Document (RPD) 21-9,
Institutional Relationships with Foundations

This memo is intended to provide additional guidance regarding RPD 21-9, *Institutional Relationships with Foundations*, related to the time periods in which the Memorandum of Understanding (MOU) and operational agreement with the Foundation are reviewed and renewed. In January 2026, the Office of Internal Audit issued a report that included recommendations that UW Administration provide guidance in these areas.

RPD 21-9 includes Appendix A, which contains a checklist for necessary provisions of the MOU and operational agreement between the University and the Foundation, including:

- The MOU between the University and Foundation is to be “periodically reviewed, assessed, and adapted in keeping with changing circumstances and the passage of time.”
- The operational agreement, which is an optional document that includes specific details regarding the services and support provided respectively by the Foundation and the University, is to be “reviewed and renewed annually.”

The Internal Audit report raised concerns whether this language was sufficiently clear to address the potential risk and liability that may result from perpetual contract duration, outdated contract terms, or an undefined process for formalizing the agreements. To address these concerns, the following additional guidance is provided.

First, the term of the MOU should be no longer than five (5) years and should be updated more frequently as circumstances dictate. To implement this guidance, universities should consider including the following or similar language in the MOU: “The University and Foundation will review this MOU and enter into a new, updated, or extended agreement in writing and signed by the parties at least every five years.” Universities and foundations may choose to include a lesser number of years, as appropriate for their situations.

Second, if the University has entered into an operational agreement with the Foundation, an updated or extended agreement should be executed and signed by both parties annually to document that it has been reviewed and renewed per the requirements in RPD 21-9. To implement this guidance, universities should consider including the following or similar language in the MOU: "The University and Foundation will review this operational agreement and enter into a new, updated, or extended agreement in writing and signed by the parties annually."

Third, both the MOU and operational agreement should not include automatically renewing terms. Following the guidance above will ensure terms of these agreements do not renew automatically.

As a reminder, all Universities must submit their MOU and operating agreement to the UW Administration Office of General Counsel through their intake process or their respective Office of Legal Affairs for review in advance of execution. Please be mindful of providing sufficient time for review in advance of the end of the term. Once executed, please submit final copies to Sarah Ebben in the UW Administration Office of Finance and Administration. Maintaining copies of these documents will allow UW Administration to provide assurance to the Board of Regents regarding compliance with RPD 21-9, as well as to provide reminders to Universities when renewal deadlines are approaching.

Please let us know if you have any questions.

cc: President Wachter
Chris Patton
Quinn Williams
Josh Smith
Provosts
Foundation/Advancement Directors