

# 天津茱莉亚学院教育发展基金会专项基金管理制度

(第一届理事会第五次会议通过)

## Tianjin Juilliard School Education Development Foundation Special Fund Management Policy

(Approved on the 5<sup>th</sup> meeting of the 1<sup>st</sup> Board of the TJS Foundation)

**第一条** 为进一步加强天津茱莉亚学院教育发展基金会（以下简称：“本基金会”）专项基金管理工作，规范专项基金有关行为，维护捐赠人、受助人和基金会的合法权益，根据《中华人民共和国公益事业捐赠法》、《基金会管理条例》等法律法规和本基金会章程，结合实际，制定《天津茱莉亚学院教育发展基金会专项基金管理制度》（以下简称“本制度”）。

**Article 1** In order to further strengthen the management of the special fund of the Tianjin Juilliard School Education Development Foundation (hereinafter referred to as the "**TJS Foundation**"), standardize the relevant behavior related to the special fund, and maintain whilst safeguard the legitimate rights and interests of donors, recipients and TJS Foundation, the Tianjin Juilliard School Education Development Foundation Special Fund Management Policy (hereinafter referred to as this "**Policy**"), by taking into account the actual conditions, is formulated in accordance with *the Welfare Donation Law of the People's Republic of China, the Foundation Management Regulations* and other laws and regulations as well as the Articles of Association of TJS Foundation.

**第二条** 本基金会专项基金接受基金会统一管理，不具备独立的法人资格。

**Article 2** The special fund of TJS Foundation shall be under the unified management by TJS Foundation, without being eligible to possess a status of independent legal person.

**第三条** 本基金会不应过于追求专项基金数量的增长和筹款规模的扩大而忽视了事中、事后监管；本基金会对下设专项基金要严格履行监管职责，督促指导专项基金在本基金会的宗旨和业务范围内开展活动；本基金会不能偏离章程规定的公益宗旨和业务范围，不能忽视公开透明，不能背离捐赠人和受助人的需求，更不能为个人和企业谋求私利；本基金会对下设专项基金的所有活动切实承担起主体责任。

**Article 3** TJS Foundation shall not overly pursue the growth in the amount of special funds and the expansion of the scale of fundraising whilst jeopardizing and neglecting supervision pre- and post-; and TJS Foundation shall strictly perform its supervisory duties on the special funds established thereunder, and shall supervise and urge whilst guide the special funds in terms of carrying out activities within

the principles and business scope of TJS Foundation; TJS Foundation shall never deviate from the purposes, principles and business scope of public welfare as stipulated in the Articles of Association, neither shall TJS Foundation neglect openness and transparency, nor shall it deviate from the needs of donors and recipients, nor shall it seek personal benefits for individuals and enterprises. TJS Foundation shall substantially assume major responsibility for all activities of the special funds thereunder.

**第四条** 本基金会应严格把关专项基金设立条件。本基金会要根据自己的管理能力合理适度发展专项基金，明确专项基金设立和终止的条件和决策程序，并严格执行。本基金会应当与发起人以签订协议的方式明确专项基金的设立目的、财产使用方式、各方的权利责任、终止条件和剩余财产的处理等。

**Article 4** TJS Foundation shall carefully and strictly review the conditions for the establishment of a special fund. TJS Foundation shall develop special funds to a reasonable and appropriate extent according to its management capability, and it shall be explicit with the conditions and decision-making procedures for establishing and terminating a special fund, and which also be strictly implemented. TJS Foundation shall execute agreement with sponsors as to specify the purpose of the special fund, the use of the property, the rights and responsibilities of each party, the conditions for the termination and disposal of the remaining property and so forth.

**第五条** 本基金会应规范专项基金的名称使用。本基金会要监督专项基金使用带有本基金会全称的规范名称。专项基金不得以独立组织的名义开展募捐、与其他组织和个人签订协议或开展其他活动；未经党政机关或者其他组织同意，不得以其名义对外宣传或开展业务活动。

**Article 5** TJS Foundation shall standardize the using of the name of the special fund. TJS Foundation shall supervise to use the full name of TJS Foundation by special funds. It is prohibited for special funds to, as an independent organization, to raise donations, execute agreements with other organizations and individuals, or to carry out other activities; and special funds shall not promote or carry out business in their own name without the consent of party and government organs or other organizations.

**第六条** 本基金会应制定具体措施，对专项基金的活动实施全过程监管：

**Article 6** TJS Foundation shall formulate specific measures to supervise the whole process of the activities of the special fund:

（一）完善人员管理制度，对专项基金的人员实施严格管理；

（二）根据专项基金的设立目的，按照捐赠协议的约定管理和使用捐赠财产，专款专用。专项基金列支管理成本时，捐赠协议有约定的，按照其约定；捐赠协议未约定的，除了为实现专项基金公益目的确有必要之外，一般不超过该专项基金年度总支

出的 10%;

(三) 专项基金的收支应当全部纳入基金会账户, 不得使用其他单位、组织或个人账户, 不得开设独立账户和刻制印章;

(四) 专项基金不得再设立专项基金。

(1) Improve the personnel management policies and implement strict management of the personnel of the special fund;

(2) According to the purpose of the establishment of the special fund, manage and use the donated property in accordance with the provisions of the donation agreement, and the funds shall be used exclusively for the determined purposes. When the special fund includes management costs and if there an agreement in the donation agreement, follow the agreement; if the donation agreement does not specify on such matter, it shall generally not exceed 10% of the total annual expenditure of the special fund, unless it is really necessary to achieve the public welfare purpose of the special fund;

(3) The income and expenditure of special funds shall be fully included into TJS Foundation's account, and shall not use the accounts of other units, organizations or individuals, nor shall it open independent accounts nor to engrave seals;

(4) Special funds shall not be established by special funds.

**第七条** 本基金会应做好专项基金的信息公开, 对专项基金的设立和终止信息、管理架构和人员信息、开展的募捐和公益资助项目等信息依照有关法律法规进行全面及时披露。

**Article 7** TJS Foundation shall do the work well in terms of disclosing the information of the special fund, and fully and promptly disclose information of the establishment and termination of the special fund, the management structure and personnel information, fundraising and public welfare funding projects carried out, in accordance with the relevant laws and regulations.

**第八条** 本基金会应按照业务主管单位和登记管理机关的要求, 通过年度工作报告和其他方式就专项基金的情况进行报告、接受监管。

**Article 8** TJS Foundation shall, in accordance with the requirements of the professional supervisory unit and the registration management authority, report and accept supervision on the situation of the special fund through annual work reports and

other means.

**第九条** 本基金会应定期对下设专项基金进行清理整顿，对于长期不开展活动、管理不善的专项基金要及时督促整改，必要时应当予以终止。

**Article 9** TJS Foundation shall periodically clean up and rectify its special funds, and promptly supervise and rectify the special funds that have not carried out any activities for a long time or that are poorly managed, which shall be terminated when necessary.

**第十条** 专项基金终止的，本基金会应当做好后续事宜，妥善处理剩余财产，保护专项基金捐赠人和受助人的合法权益。

**Article 10** Where the special fund is terminated, TJS Foundation shall do a good job of follow-up matters, properly dispose of the remaining assets, and protect the legitimate rights and interests of the donors and recipients of the special fund.

**第十一条** 本制度以中英文两种语言书写。如中英文版本产生歧义，以中文版为准。

**Article 11** This Policy is made in Chinese and English. In the event of a conflict between the two versions, the Chinese version prevails.

**第十二条** 本制度未尽事宜或与有关规定不一致的，按有关规定执行。

**Article 12** If any matters are not prescribed in this Policy or there are contradictions of this Policy to relevant provisions in the laws, regulations, and policies, the relevant provisions of the laws, regulations, and policies shall prevail.

**第十三条** 本制度由天津茱莉亚学院教育发展基金会理事会负责解释。

**Article 13** The TJS Foundation's Board of Director reserves the right of the final interpretation of this Policy.

**第十四条** 本制度自天津茱莉亚学院教育发展基金会理事会审议通过后生效。

**Article 14** This Policy comes into effect upon approval by the TJS Foundation's Board of Directors.