

**DOCUMENT RETENTION POLICY**  
**for**  
**Alpha State Texas Educational Foundation** (January 2012)

**Article I**

The purposes of this document retention policy are for Alpha State Texas Educational Foundation (ASTEFL) to enhance compliance with the Sarbanes-Oxley Act and to promote the proper treatment of corporate records of ASTEF.

**Article II**

**Section I**      **General Guidelines.**      Records should not be kept if they are no longer needed for the operation of the business or required by law. Unnecessary records should be eliminated from the files. The cost of maintaining records is an expense which can grow unreasonable if good housekeeping is not performed. A mass of records also makes it more difficult to find pertinent records.

From time to time, ASTEF may establish retention or destruction policies or schedules for specific categories of records in order to ensure legal compliance, and also to accomplish other objectives, such as preserving intellectual property and cost management. Several categories of documents that warrant special consideration are identified below. While minimum retention periods are established, the retention of the documents identified below and of documents not included in the identified categories should be determined primarily by the application of the general guidelines affecting document retention, as well as the exception for litigation relevant documents and any other pertinent factors.

**Section 2.**      **Exception for Litigation Relevant Documents.**      ASTEF expects all officers, directors, and employees to comply fully with any published records retention or destruction policies and schedules, provided that all officers, directors, and employees should note the following general exception to any state destruction schedule: If you believe, or ASTEF informs you, that ASTEF records are relevant to litigation, or potential litigation (i.e.) a dispute that could result in litigation), then you must preserve those records until it is determined that the records are no longer needed. That exception supersedes any previously or subsequently established destruction schedule for those records.

**Section 3:**      **Minimum Retention Periods for Specific Categories.**

- (a) **Organizational Documents.** Organizational records include ASTEF's articles of incorporation, by-laws, IRS Form 1023, Application for Exemption, Organizational records should be retained permanently. IRS regulations require that the Form 1023 be available for public inspection upon request
- (b) **Tax Records** Tax records include, but may not be limited to, documents concerning payroll, expenses, proof of contributions made by donors, accounting procedures, and other documents concerning ASTEF's revenues. Tax records should be retained for at least seven years from the date of filing the applicable return.
- (c) **Employment Records/Personnel Records.** State and federal statutes require ASTEF to keep certain recruitment, employment and personnel information. ASTEF should also keep personnel files that reflect performance reviews and any complaints brought against ASTEF or individual employees under applicable state and federal statutes. ASTEF should also keep in the employee's personnel file all final memoranda and correspondence reflecting performance reviews and actions taken by or against personnel. Employment application should be retained for three years. Retirement and pension records should be kept permanently. Other employment and personnel records should be retained for seven years.

- (d) Board and Board Committee Materials. Meeting minutes should be retained in perpetuity in ASTEF's minute book. A clean copy of all other Board and Board Committee material should be kept for no less than three years by ASTEF.
- (e) Press Releases/Public Filings. ASTEF should retain permanent copies of all press releases and publicly filed documents under the theory that ASTEF should have its own copy to test the accuracy of any document a member of the public can theoretically produce against ASTEF.
- (f) Legal Files. Legal counsel should be consulted to determine the retention period of particular documents, but legal documents should generally be maintained for a period of ten years
- (g) Marketing and Sales Documents. ASTEF should keep final copies of marketing and sales documents for the same period of time it keeps other corporate files, generally three years.

An exception to the three-year policy may be sales invoices, contracts, leases, licenses, and other legal documentation. These documents should be kept for at least three years beyond the life of the agreement.

- (h) Development/Intellectual Property and Trade Secrets. Development documents are often subject to intellectual property protection in their final form (e.g., often also of value to ASTEF and are protected as a trade secret where ASTEF
  - (i) Derives independent economic value from the secrecy of the information: and
  - (ii) has taken affirmative steps to keep the information confidential.ASTEF should keep all documents designated as containing trade secret information for at least the life of the trade secret.
- (i) Contracts. Final, execution copies of all contracts entered into by ASTEF should be retained. ASTEF should retain copies of the final contracts for at least three years beyond the life of the agreement, and longer in the case of publicly filed contracts.
- (j) Correspondence. Unless correspondence falls under another category listed elsewhere in this policy, correspondence should generally be saved for two years.
- (k) Banking and Accounting. Accounts payable ledgers and schedules should be kept for seven years. Bank reconciliations, bank statements, deposit slips and checks (unless for important payments and purchases) should be kept for three years. Any inventories of products, materials, and supplies and any invoices should be kept for seven years.
- (l) Insurance. Expired insurance policies, insurance records, accident reports, claims, etc. should be kept permanently.
- (m) Audit Records. External audit reports should be kept permanently. Internal audit reports should be kept for three years.

**Section 4. Electronic Mail.** E-mail that needs to be saved should be either:

- (i) Printed in hard copy and kept in the appropriate file; or
- (ii) downloaded to a computer file and kept electronically or on disk as a separate file.

The retention period depends upon the subject matter of the e-mail, as covered elsewhere in this policy.

**WHISTLEBLOWER POLICY**  
**for**  
**Alpha State Texas Educational Foundation** (January 2012)

If any employee reasonable believes that some policy, practice, or activity of Alpha State Texas Educational Foundation (ASTEFL) is in violation of law, a written complaint must be filed by that employee with the Executive Director or the Board President.

It is the intent of ASTEF to adhere to all laws and regulations that apply to the organization and the underlying purpose of this policy is to support the organization's goal of legal compliance. The support of all employees is necessary to achieving compliance with various laws and regulations. An employee is protected from retaliation only if the employee brings the alleged unlawful activity, policy, or practice to the attention of ASTEF and provides ASTEF with a reasonable opportunity to investigate and correct the alleged unlawful activity. The protection described below is only available to employees that comply with this requirement.

ASTEFL will not retaliate against an employee who is good faith, has made a protest or raised a complaint against some practice of ASTEF or of another individual or entity with whom ASTEF has a business relationship, on the basis of a reasonable belief that the practice is in violation of law, or a clear mandate of public policy.

My signature below indicates my receipt and understanding of this policy. I also verify that I have been provided with an opportunity to ask questions about the policy.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

**ALPHA STATE TEXAS EDUCATIONAL FOUNDATION, Inc.  
(ASTEFL)**

**Conflict of Interest Policy**

The Alpha State Texas Educational Foundation, Inc. (ASTEFL) its officers and directors shall avoid any conflict between their own respective personal, professional or business interest and the interests of ASTEF, in any and all actions taken by them on behalf of ASTEF in their respective capacities.

In the course of meetings or activities, any officer and director, shall disclose any direct or indirect interest in, or relationship with, any individual, or organization which proposes to enter into any transaction with ASTEF, including but not limited to transactions involving:

- a. The sale, purchase, lease or rental of any property or other asset;
- b. Employment, or rendition of services, personal or otherwise;
- c. The deposit for investment of any ASTEF funds

Such person shall give notice of such interest or relationship and shall thereafter refrain from discussing or voting on the particular transaction in which she has an interest, or otherwise attempting to exert any influence on ASTEF or its components to affect a decision to participate or not participate in such transaction. Such person shall be subject to any other action or condition set by the Board without such person voting thereon.

Signature \_\_\_\_\_ Date \_\_\_\_\_

## **ASTEF DONOR BILL OF RIGHTS** January 2012

**PHILANTHROPY** is based on voluntary action for the common good. It is a tradition of giving and sharing that is primary to the quality of life. To assure that philanthropy merits the respect and trust of the general public, and that donors and prospective donors can have full confidence in the not-for-profit organizations and causes they are asked to support, we declare that all donors have these rights:

1. To be informed of the organization's mission, of the way the organization intends to use donated resources, and of its capacity to use donations effectively for their intended purposes.
2. To be informed of the identity of those serving on the organization's governing board, and to expect the board to exercise prudent judgment in its stewardship responsibilities.
3. To have access to the organization's most recent financial statements.
4. To be assured their gifts will be used for the purposes for which they were given.
5. To receive appropriate acknowledgement and recognition.
6. To be assured that information about their donations is handled with respect and with confidentiality to the extent provided by law.
7. To expect that all relationships with individuals representing organizations of interest to the donor will be professional in nature.
8. To be informed whether those seeking donations are volunteers, employees of the organization or hired solicitors.
9. To have the opportunity for their names to be deleted from mailing lists that an organization may intend to share.
10. To feel free to ask questions when making a donation and to receive prompt, truthful and forthright answers.

### **DEVELOPED BY**

American Association of Fundraising Counsel (AAFRC)  
Association for Healthcare Philanthropy (AHP)  
Council for Advancement and Support of Education (CASE)

### **ENDORSED BY**

(In Formation)

Independent Sector

Association of Fundraising Professionals (AFP)  
National Catholic Development Conference (NCDC)  
National Committee on Planned Giving (NCPG)  
United Way of America  
CFRE International