

CREATE FOUNDATION

Document/Records Retention Policy

This policy addresses the retention and destruction of business records and documents and follows the guidelines of The Sarbanes-Oxley Act of 2002. It is important for all personnel to know the length of time records should be retained.

This information is intended as a guideline for retention of records rather than a comprehensive list of all types of records CREATE might have. In addition, some individual records within a given category will have more significance than others, depending on the circumstances, and may warrant retention beyond the time period indicated below. In each case, records should be retained for the **longer** of the periods specified in the “Legal Purposes” and the “Business Purposes” columns. Records may be kept either electronically or in hard copy form at the discretion of the staff. Any questions related to document retention should be directed to the Audit Committee of the Board of Directors.

This policy is designed to conform with (a) the charitable laws of Mississippi which gives the Secretary of State and the Attorney General five (5) year statute of limitations within which to bring an action for breach of charitable trust and (b) the IRS tax regulations.

Legal Holds

From time to time, the President or Chief Financial Officer may issue a notice, known as a Legal Hold, suspending the destruction of records due to pending, threatened or otherwise reasonably foreseeable litigation, audits, government investigations or similar proceedings. No records specified in any Legal Hold may be destroyed, even if the scheduled destruction date has passed, until the hold is withdrawn in writing by the President or CFO.

CREATE takes very seriously its obligations to preserve information relating to litigation, audits, and investigations. It is a federal offense to destroy, alter or mutilate any record under federal investigation. The consequences of failing to retain items subject to a Legal Hold can be serious, including possible criminal and civil sanctions against CREATE and its employees, and possible disciplinary action against responsible individuals (up to and including termination of employment). Each employee has an obligation to contact the President and CFO immediately in the event the employee obtains knowledge of any potential or actual litigation, external audit, investigation, or similar proceeding involving CREATE.

Compliance

Failure on the part of employees to follow this policy can result in possible civil and criminal sanctions against CREATE and its employees and possible disciplinary action against responsible individuals. The President and Board President will periodically review these procedures with legal counsel or UCHS’s certified public accountant to ensure that they are in compliance with new or revised regulations.

Electronic Records

This policy applies to all electronic records. Staff should determine whether a document should be held in paper or electronic format, if it exists in both. Either the paper version should be destroyed and the electronic version maintained for the time requirements of this policy, or

CREATE FOUNDATION

Document/Records Retention Policy

the electronic version deleted and the paper version maintained for the time requirements of this policy. Duplication of records in both electronic and paper format is unnecessary and cumbersome.

If an employee has performed CREATE-related work on his or her home computer, any records or documents should be transferred at the earliest possible time to a CREATE-owned computer and deleted from the home computer. This ensures that the document will be maintained under this policy.

E-mail correspondence which falls under one of the protected types of documents addressed in this policy should be saved by saving an electronic copy of same for the period specified in the policy. E-mail correspondence which does not directly fall under one of these categories may be kept as long as the staff member believes it is necessary but no more than one year. For example, a request from the President to prepare a report or notification from the CFO that an entry has been posted are not required to be kept. However, a response to a request for information from legal counsel or an opinion from the auditors would fall under the protected document classes and should be maintained in accordance with this policy.

CREATE currently uses a voice mail system with a limited amount of memory available for archiving voice messages. All voice mail messages should be deleted within one week of receipt.

Electronic records will be backed-up on a regular basis to recordable media. The period between back-ups will be no more than one week.

Emergency Planning

CREATE's records will be stored in a safe, secure, and accessible manner. Documents and financial files that are essential to keeping CREATE operating in an emergency will be duplicated or backed up at least every week and maintained off-site.

Unnecessary Documents

Those documents whose continued preservation serves no useful purpose and may, in fact, expose CREATE to storage costs and liability shall be promptly and systematically deleted and destroyed by the employee who generated them. These include, but are not limited to, personal e-mails and correspondence unrelated to CREATE matters; preliminary drafts of letters and memoranda if a final version has been retained; brochures and newsletters received by CREATE unrelated to its activities; and any "junk mail" received by CREATE. However, any of the above documents relevant to or discoverable in pending or potential litigation and other legal and official proceedings shall be retained.

CREATE Records Retention Schedule				
Category of File	Item	Retention Period (Legal Purposes)	Retention Period (Business Purposes)	
Corporate Records	Articles of Incorporation	Permanent	Permanent	
	Bylaws	Permanent	Permanent	
	Board meeting agendas & materials	Permanent	Permanent	
	Board and committee meeting minutes	Permanent	Permanent	
	Conflict of Interest and Nondisclosure Statements	7 years	7 years	
Network	Electronic copy of network	Permanent – updated daily	Permanent- updated daily	
	Tape copy of network	Permanent – store last five business days	Permanent – store last five business days	
Finance	Accounting records – paper	7 years	7 years	
	Audit, audit management letter, annual report	Permanent	Permanent	
	Bank statements with cancelled checks and deposit tickets with supporting documents	7 years	7 years	
	Contracts & agreements	7 years after all obligations end	Permanent	
	Correspondence – general	7 years	7 years	
	Equipment files & maintenance records	7 years after disposition	7 years after disposition	
	<i>Insurance files:</i>			
		Policies	7 years	Permanent
		Accident reports, if applicable	7 years	7 years
		Insurance claims, if applicable	7 years after end of benefits	7 years
Investments	Annual Investment performance reports	7 years	Permanent	
	Investment manager correspondence	7 years	7 years	
	Investment manager contracts	7 years after all obligations end	Same as legal requirement	

CREATE Record Retention

Real Estate	Leases and legal binder for properties used for charitable purposes	7 years after all obligations end	Permanent
	Deeds, mortgages, notes, security agreements for real estate held for sale	Permanent – in donor file	Permanent – in donor file
Regulatory	Tax returns	Permanent	Permanent
	IRS exemption determination & related correspondence	Permanent	Permanent
	Correspondence with legal counsel regulators, accountants, not otherwise listed	7 years after return is filed	Permanent
	State registrations	Permanent	Permanent
Philanthropic Services	Fund agreements and fund files	Permanent	Permanent
	Fund correspondence relating to terms of the fund	Permanent	Permanent
	Gift acknowledgments	7 years	Permanent
	Gift solicitations	7 years after final distribution of funds received in response to solicitation	Permanent
	Trust agreements and files	7 years after termination of trust	Permanent
Communications	Annual reports	7 years	Permanent
	Other publications	7 years	Permanent
	Photos	7 years	Permanent
	Press clippings and releases	7 years	Permanent
	Research reports/surveys	n/a	7 years
Grants	Approved grants – all documentation supporting grant payment, including applications, recommendations, due diligence, grant agreement letters, and grant transmittal letters. Post-grant reporting information, outcome analysis.	7 years after completion of funded program, or date of grant if general operating support	Permanent in electronic format
	Declined and/or withdrawn grant applications	7 years	7 years
	Records from committees, including minutes, if any and lists of grants recommended for approval.	Permanent	Permanent
	Scholarship grant records, including applications if CREATE participates in selection decisions	7 years	Permanent in electronic format

CREATE Record Retention

Human Resources	Payroll records including W-2 and 1099 forms	7 years	7 years
	Personnel files	7 years	7 years
	Employee Manual	Permanent	Permanent - electronic
	Employee and Board orientation & training materials	7 years after use ends	Same as legal requirement
	Workers comp claims (after settlement)	7 years	7 years
	Consultant's contracts	7 years	Permanent
Technology	Software including licenses and support agreements	7 years after all obligations end	Same as legal requirement

Periodic Destruction

Documents from the preceding list will periodically be destroyed after the time requirement has been met. In each case, records should be retained for the longer of the periods specified in the "Legal Purposes" and the "Business Purposes" columns. The CFO will be responsible for this schedule.