

DIKEMBE MUTOMBO FOUNDATION

DOCUMENT RETENTION AND DESTRUCTION POLICY

This Document Retention and Destruction Policy (the "Policy") sets guidelines for the length of time that various documents – ranging from contracts to employment agreements to vendor receipts – will be held in the files of the Dikembe Mutombo Foundation (the "Foundation"). This Policy identifies the record retention responsibilities of staff, volunteers, members of the Board of Directors, and outsiders for maintaining and documenting the storage and destruction of the Foundation's documents and records.

Terms for Retention:

1. Retain **permanently**:

Governance records - Charter and amendments; Bylaws; other organizational documents; and governing board and board committee minutes.

Tax records - Tax records include, but may not be limited to: filed state and federal tax returns/reports and supporting records; tax exemption determination letter and related correspondence; files related to tax audits; documents concerning payroll, expenses and proof of contributions made by donors; accounting procedures; and other documents concerning the Foundation's revenues.

Intellectual property records - Copyright and trademark registrations and samples of protected works.

Financial records - Audited financial statements; and attorney contingent liability letters.

2. Retain **for ten (10) years**:

Pension and benefit records -- Pension (ERISA) plan participant/beneficiary records; actuarial reports; related correspondence with government agencies; and supporting records.

Government relations records - State and federal lobbying and political contribution reports and supporting records.

3. Retain **for three (3) years**:

Employee/employment records - Employee names, addresses, social security numbers, dates of birth; INS Form 1-9; resume/application materials; job descriptions; dates of hire and termination/separation; evaluations; compensation information; promotions; transfers; disciplinary matters; time/payroll records; leave/comp time/FMLA; engagement and discharge correspondence; documentation of basis for independent contractor status (retain for all current employees and independent contractors and for

three (3) years after departure of each individual). Retirement and pension records should be kept permanently.

Lease, insurance, and contract/license records - Software license agreements; vendor, and service agreements; independent contractor agreements; employment agreements; consultant agreements; and all other agreements (retain during the term of the agreement and for three (3) years after the termination, expiration, non-renewal of each agreement).

4. **All other records**: Consult legal counsel before disposing of any records not listed above.

Exception for Litigation Relevant Documents. If the Foundation records are relevant to litigation, or potential litigation (i.e., a dispute that could result in litigation), then the Foundation must preserve 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.

Other Exceptions. Exceptions to these rules and terms for retention may be granted only by the President of the Foundation.