

Records Retention Policy

Introduction	First Graduate has adopted this Records Retention Policy (this “Policy”) to help it manage its records efficiently, report its performance accurately, and comply with applicable laws relating to preservation and confidentiality of such records. These laws include the Internal Revenue Code, the Sarbanes-Oxley Act, other statutes, and court rules of procedure.
General policy	First Graduate is committed to compliance with legal requirements relating to document integrity, document retention, and privacy. First Graduate will retain documents as necessary to comply with law and as needed for operations, but will seek to retain them no longer than as needed for such purposes (e.g. credit card numbers are not retained after a gift is processed). First Graduate may establish retention schedules for specific categories of records; several such schedules are set out in the table below. While the table reflects minimum retention schedules for certain categories of records, retention of a document, whether or not identified in the table, and of documents not identified in the table, should be determined primarily by application of the general principles of this Policy and the specific requirements below relating to litigation-relevant materials.
Legal proceedings	First Graduate will not alter, destroy, mutilate, conceal, cover up, falsify, or make a false entry in a record, or attempt to do so, with the intent to impair the record’s integrity or availability for use in a legal proceeding (defined below) or impede, obstruct, or influence a legal proceeding. If First Graduate learns of, or reasonably anticipates, a claim that may give rise to a legal proceeding, First Graduate will take appropriate actions, including cessation of destruction of records, to ensure safeguarding of records relevant to the legal proceeding. “Legal proceeding” means any investigation, civil or criminal litigation, official proceeding or any proper administration of any matter within the jurisdiction of any department or agency of the United States or of any state or local government.
Coverage	This Policy covers documents in electronic as well as hard copy format. First Graduate will seek to maintain e-mail and other electronic documents in the same manner as those in hard copy format. This Policy covers First Graduate’s directors, officers, employees, volunteers and, as appropriate, vendors and other outside providers.
Administration	The [Executive Director/Director of Operations] is responsible for administering this Policy in a manner that is reasonably attainable given First Graduate’s resources and administrative capacity. Those responsibilities include (i) setting standards for document integrity, such as guidelines for handling electronic files, backup and archiving procedures, document retention in case of an emergency, and checkups of system reliability; (ii) consulting with First Graduate associates about storage and destruction of specific categories of documents; (iii) overseeing protocols for compliance with privacy laws and First Graduate’s own privacy policies; (iv) issuing instructions with respect to litigation matters; and (v) reviewing arrangements with volunteers and outside providers. The Board of Directors may amend this Policy at any time.
Noncompliance	Failure to comply with this Policy, including, particularly, disobeying any destruction halt order, could result in possible civil or criminal penalties including fines and imprisonment, contempt orders, litigation sanctions, disciplinary action for individual employees, and increased costs and inefficiencies.
Relationship to laws and contracts	This Policy is intended to supplement and not supersede any applicable federal and state laws, or any contracts to which First Graduate is party, relating to retention and confidentiality of specific documents and information.

In the event there are co-officers, all references in this Policy to the singular officer shall refer to both co-officers.

Retain permanently:

Nonprofit Tax Exemption Documents

Federal and state income tax exemption applications	State and local sales tax exemption documents
Determination letters from the IRS and CA Franchise Tax Board	Correspondence with the IRS or CA Franchise Tax Board during the determination process
Contribution records	Documents evidencing terms of gifts

Corporate Governance Documents

Articles of Incorporation (and all amendments)	Bylaws (and all amendments)
Minutes of the Board and committees (including all waivers of notice of meetings)	Resolutions and written consents
Director resignations	Records of any relationships with affiliated organizations

Tax Returns

Federal and state tax returns and schedules	Filings with the Attorney General
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Financial Records

Audited and unaudited financial statements	Annual reports
Special canceled checks, such as loan repayment	General ledger

Other

Property, D&O, workers' compensation, and general liability insurance policies, and insurance claim records	Records supporting ownership of assets (e.g. deeds, patent and trademark records, capital stock records)
Licenses and permits	Legal correspondence

Retain for active period, plus ten years:

Financial Records

Revenue and expense records	Budget and expense reports
Accounts payable and receivable records	Bank statements, reconciliations, and deposit slips
Investment reports	Routine canceled checks
Audit reports and workpapers	Asset depreciation schedules
Any other records relating to preparation of financial statements	Purchase, procurement, and sale agreements and contracts and real property leases

Other

Governance and other corporate policies	Litigation records
Grant records, applications, and contracts	Records relating to loans
Leases for equipment	Contracts (including employment and contractor), MOUs
Environmental audits	Project records
Fundraising records and materials	Educational publications
Inventory management records	Tax records
Student records	

Retain for active period, plus six years:

Employee benefits records (e.g., 403(b) plans, pensions, group insurance records, benefit claims, COBRA records, benefits descriptions)	Employee medical records (relating to workers' compensation, Family Medical Leave Act, Americans with Disabilities Act, leaves of absences)
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Retain for active period, plus three years:

Employment records (e.g., payroll, applications, evaluations, and travel and expense reports)	Records supporting federal and state tax return income, deductions, and credits
Credit card receipts	Correspondence or internal memos re routine matters
