



Document Retention Policy (9.18.2024)

Purpose:

The purpose of the Document Retention Policy (“the Policy”) is to establish standards for document integrity, retention, and destruction and to promote the proper treatment of Good Sports records.

In general, records are not to be kept if they are no longer needed for the operation of the business or required by law. The cost of maintaining paper and electronic records is an expense that can grow unnecessarily if good housekeeping is not maintained. Good Sports expects all employees, directors, and officers to fully comply with published retention and destruction policies and schedules.

Scope:

These policies provide for the systematic review, retention, and destruction of records received or created by Good Sports, Inc. in connection with the transaction of business. These policies cover all records, regardless of physical form, and contain guidelines for how long certain records should be kept and how records should be destroyed.

These policies ensure compliance with federal and state laws and regulations, eliminate accidental or innocent destruction of records, and facilitate Good Sports operations by promoting efficiency and freeing up valuable storage space. Included in the federal laws necessitating compliance with these policies is the Sarbanes-Oxley Act ("The American Competitiveness and Corporate Accountability Act of 2002"). Section 802 of the Sarbanes-Oxley Act makes it a crime to knowingly alter, destroy, conceal, or falsify any record or document with intent to impede, obstruct, or influence a federal investigation or the administration of any other federal matter. If you believe or are informed by Good Sports, that any corporate documents are relevant to ongoing litigation or potential litigation, then you must preserve those records regardless of the policies and schedules until the litigation has been resolved or it is determined that those records are no longer needed.

These policies apply to all records in any form, including electronic documents. A record is any material that contains information about Good Sports plans, results, policies, or performance. Anything that can be represented with words or numbers is a business record for the purpose of this policy. Electronic documents must be retained as if they were paper documents. Therefore, any electronic files, including information received online, that fall into one of the document types on the schedule must be maintained for the appropriate amount of time.

Financial Operations	Page: 2
Human Resources	Page: 3
Operations	Page: 3
Partnerships/Program & Business Development	Page: 3
Waivers & Releases	Page: 4
Incorporation & Governance	Page: 4
Notes	Page: 4-5

FINANCIAL – Responsible Party: Financial Controller

Document(s)	Retention	Vendor Platform*	Paper	SharePoint	NetSuite
Business Insurance Workers Comp (including audits of); Umbrella; Workers Comp; Theft; Employment; D&O; Inventory; Cyber	Permanent			X	
401k Savings Plan Document(s)	Permanent	X		X	
Property/Facility Leases	7 years after expiration			X	
Deeds, Bill of Sale	Permanent			X	
Tax Returns (990)	Permanent	X	X (2003-2018)	X	
Audit Worksheets	Permanent			X	
Audited Financial Statements	Permanent	X	X (2003-2018)	X	
Checks (AR)	7 years				X
Checks (AP)	7 years	X	X (2015-2020)		
Financial Statements	Permanent			X	X
Fixed Asset Records (including depreciation)	Permanent			X	X
Donation Tax Receipts (cash and in-kind)	7 years	X	X (2015-2020)	X	
Charitable Solicitation Renewals (financial)	Permanent			X	
Invoices and Inventory Records	7 years				X
AP Ledgers & Schedules	7 years			X	X
Credit Card Receipts	7 years	X		X	
Bank Statements & Reconciliations	3 years			X	X
Fundraising Event Sales Records	7 years	X			X
Employee Expenses Reports	7 years		X (2015-2022)	X	X
1099s	7 years			X	
Grant and other Financial Donation Checks/Letters/Receipts	7 years				X
Financial Policy(s)	Permanent			X	
General Correspondence and Emails	10 years		X	X	

HUMAN RESOURCES - Responsible Party: Director, HR

Document(s)	Retention	Vendor Platform*	Paper**	SharePoint	NetSuite
Payroll Tax, W2, & Withholding	7 years after employee term date	X	X (< 2022)	X	
Personnel	7 years after employee term date	X	X	X	
Employee Timesheets	7 years after employee term date	X		X (< 2021)	
Summary of Benefits (health & wellness)	6 years	X		X	
Broker Agreements	6 years	X		X	
Job Descriptions	1 year	X		X	
HR Policies & Procedures	3 years			X	
I9 Form/Verification	Permanent	X	X	X	
Background Check	7 years after employee term date	X	X	X	
Terminated Employee Release of Claims	Permanent			X	
Employee Media Release	Permanent	X		X	
Employee Termination Records	7 years after employee term date	X	X	X	
Non-Hired Employee Applications	5 years after date of application	X			

OPERATIONS – Responsible Party: VP, Operations

Document(s)	Retention	Vendor Platform*	Paper**	SharePoint	NetSuite
IT Contracts/ Vendors (Hardware and Software)	6 years after contract end	X		X	
General Facility Vendors (Services and Supply)	6 years after contract end			X	
Warehousing Equipment Leases and Service Vendors	6 years after contract end			X	
Warranty(s)	6 years after warranty end			X	
OSHA/Office Safety Records	Permanent			X	
Certificates of Insurance (COI)	Permanent			X	

PROGRAM/BUSINESS DEVELOPMENT – Responsible Party: Director, Program & Sr. Director, Development

Document(s)	Retention	Vendor Platform*	Paper**	SharePoint	NetSuite
Partnership (All) Proposals and Agreements	7 years after contract/agreement end			X	

Marketing and Donor Platform Vendor/Partner Agreements	7 years after contract/agreement end			X	
Impact Reports	6 years after contract end			X	

WAIVERS & RELEASES – Responsible Party: VP, Operations and Director, Program

Document(s)	Retention	Vendor Platform*	Paper**	SharePoint	NetSuite
Volunteer Waiver & Media Release (adult)	Permanent			X	
Volunteer Waiver & Media Release (minor)	Permanent			X	
Equipment Donation Waiver	Permanent			X	
Event: Recipient Participant Waiver & Media Release (minor)	Permanent			X	
Event: Recipient Participant Waiver & Media Release (adult)	Permanent			X	

INCORPORATION, GOVERNANCE & CORPORATE COMPLIANCE – Responsible Party: CEO

Document(s)	Retention	Vendor Platform*	Paper**	SharePoint	NetSuite
Incorporation	Permanent	X	X	X	
Bylaws	Permanent			X	
IRS Determination	Permanent		X	X	
Board of Directors (Materials, Resolutions)	Permanent			X	
Board of Directors Meeting Minutes	Permanent		X	X	
Annual Filings (Secretary of State)	Permanent	X		X	

FOOTNOTES:

**If documents are retained solely on a vendor platform, any change in vendor will necessitate a download/transfer of records that fall within the retention guidance before terminating service.*

***If documents do not require that a paper original to be maintained, any existing paper should be transferred to electronic storage for the duration of retention guidance.*

OTHER:

Document destruction for paper records shall be done only by using an approved company-contracted recycling/shredding vendor. All documents are to be properly disposed of in locked vendor-provided bins which are retrieved by a vendor representative on a monthly basis and brought to vendor facility for secure recycling and shredding.

Section 802 of the Sarbanes-Oxley Act makes it a crime to knowingly alter, destroy, conceal or falsify any record or

document with intent to impede, obstruct, or influence a federal investigation or the administration of any other federal matter. Unlike most provisions of the Act, the applicability of the document retention provision is not limited to companies that report under the Securities and Exchange Act of 1934, and hence likely applies to nonprofit organizations as well. Violations of this provision are punishable by fines or imprisonment of up to 20 years.

Most of the provisions of the Act are expressly limited to publicly-traded corporations. However, whether by design or ambiguous drafting, two provisions dealing with document retention and retaliation against whistle blowers also apply to nonprofit organizations. In addition, the Act and the general sentiment that inspired its passage -- that corporate boards should be both aware of and accountable for the acts of their corporations - are leading state lawmakers around the country to propose and pass legislation extending similar good governance requirements to charitable and nonprofit corporations.

Many nonprofit organizations, particularly those with paid employees, would benefit from having a document retention/destruction policy that would enable them to comply with various existing state and federal laws (such as the Fair Labor Standards Act, which requires that payroll records be kept for a certain minimum period of time) and to maintain useful evidence for potential lawsuits. Section 802's likely applicability to nonprofit organizations provides one more reason to adopt a written policy.

For most nonprofit organizations, particularly those with smaller budgets or staff sizes, a succinct and straightforward policy should suffice. Such a policy should set forth the timelines for maintaining various categories of documents (financial, fundraising, personnel, contracts, leases, etc.) in accordance with applicable state and federal requirements and should cover electronically held materials such as e-mails and voice mails as well as printed documents. Including rules requiring destruction at the end of the retention period is advisable, as it would be useful in defending against an alleged violation of Section 802 and in demonstrating that materials were purged in the ordinary course of business.

The Whistle Blower Provision

Three sections of the Sarbanes-Oxley Act relate to protection for corporate whistle blowers; one requires audit committees to establish procedures for dealing with complaints about suspicious accounting and auditing practices, another provides for a civil cause of action at the Department of Labor for whistle blowers who have faced retaliation, and the third makes it a crime to retaliate against whistle blowers. Of these, only the latter (Section 1107) is not limited by the Act's terms to publicly-traded companies.

Minors

Nonprofits serving minor children may need to retain certain records at least until the child reaches majority age, plus the time allowed by the state statute of limitations for the now-adult to bring a claim against the nonprofit.