

CHESTER STREET FOUNDATION

Form 1023 Attachments

EIN 82-1952603

EXHIBIT 10



CHESTER STREET FOUNDATION

A Texas Non-profit Corporation

DOCUMENT RETENTION AND DESTRUCTION POLICY

General

The Document Retention and Destruction Policy identifies the record retention responsibilities of CHESTER STREET FOUNDATION's staff, advisers, volunteers, officers, members of the board of directors, and outsiders ("Foundation workers") for maintaining and documenting the storage and destruction of the organization's documents and records.

The Foundation records include essentially all records the Foundation workers may produce through, whether paper or electronic. A record may be as obvious as a memorandum, an e-mail, a contract or a case study, or something not as obvious, such as a computerized desk calendar, an appointment book or an expense record.

The Foundation expects all Foundation workers to fully comply with any published records retention or destruction policies and schedules, provided that all employees should note the following general exception to any stated destruction schedule: If you believe, or the Foundation informs you, that Foundation records are relevant to litigation, or potential litigation (i.e., a dispute that could result in litigation), then you must preserve those records until Foundation's legal counsel determines the records are no longer needed. That exception supersedes any previously or subsequently established destruction schedule for those records. If you believe that exception may apply, or have any questions regarding the possible applicability of that exception, please contact the Governance Committee Chair, Victoria F. Nemeth.

From time to time the Foundation establishes 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 bear special consideration are identified below. While minimum retention periods are suggested, 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 identified above, as well as any other pertinent factors.

The Foundation staff, advisers, volunteers, officers, members of the board of directors, committee members and outsiders (independent contractors via agreements with them) are required to honor the following rules:

- (a) Tax Records. The Foundation should retain permanent copies of all tax records. Tax records include, but may not be limited to, documents concerning payroll, expenses, proof of deductions, business costs, accounting procedures, and other documents concerning the Foundation's revenues.
- (b) Audit Records. The Foundation should retain permanent copies of all paper and electronic documents as required to comply with government auditing standards (Single Audit Act).
- (c) Year-End Financial Statements. The Foundation should retain permanent copies of all Year-end financial statements.
- (d) Insurance Records - The Foundation should retain permanent copies of all insurance records, current accident reports, claims, policies, and so on (active and expired)
- (e) Employment Records/Personnel Records. State and federal statutes require the Foundation to keep certain recruitment, employment and personnel information. The Foundation should also keep personnel files that reflect performance reviews and any complaints brought against the Foundation or individual employees under applicable state and federal statutes. The Foundation should also keep all final memoranda and correspondence reflecting performance reviews and actions taken by or against personnel in the employee's personnel file. Employment and personnel records should be retained for six years.
- (f) Board and Board Committee Materials. The Foundation should retain permanent copies of all meeting minutes in the Foundation's minute book.
- (g) Press Releases/Public Filings. The Foundation should retain permanent copies of all press releases and publicly filed documents under the theory that the Foundation should have its own copy to test the accuracy of any document a member of the public can theoretically produce against the Foundation.

- (h) Legal Files. Governance Committee or outside 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.
- (i) Marketing and Sales Documents. The Foundation 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.

- (j) Development/Intellectual Property and Trade Secrets. The Foundation should retain permanent copies of all development documents are often subject to intellectual property protection in their final form (e.g., patents and copyrights). The documents detailing the development process are often also of value to the Foundation and are protected as a trade secret where the Foundation:

- (i) Derives independent economic value from the secrecy of the information;
- (ii) the Foundation has taken affirmative steps to keep the information confidential

- (k) Contracts. Final, execution copies of all contracts entered into by the Foundation should be retained. The Foundation should retain copies of the final contracts for at least four years beyond the life of the agreement, and longer in the case of publicly filed contracts.

- (l) 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.

- (m) Paper or electronic documents indicated under the above terms will be transferred and maintained by the Executive Committee and/or the Office of the President;

- (n) No paper or electronic documents will be destroyed or deleted if pertinent to any ongoing or anticipated government investigation or proceeding or private litigation

(check with Governance Committee Chair, legal counsel or the human resources department for any current or foreseen litigation if employees have not been notified);
and

- (o) No paper or electronic documents will be destroyed or deleted as required to comply with government auditing standards (Single Audit Act).

Failure to comply with this Document Retention Policy may result in punitive action against the employee, including suspension or termination. Questions about this policy should be referred to the Governance Committee Chair, who is in charge of administering, enforcing and updating this policy.