



## RECOMMENDED ASSOCIATION POLICIES FOR COMPLIANCE WITH THE SARBANES-OXLEY ACT<sup>1</sup>

### DOCUMENT DESTRUCTION PROHIBITED

No officer, director, employee or agent of the Association shall knowingly destroy a document with the intent to obstruct or influence the investigation or proper administration of any matter within the jurisdiction of any government department or agency or in relation to or contemplation of any such matter or case.

### RETALIATION AGAINST WHISTLEBLOWERS PROHIBITED

No officer, director, employee or agent of the Association shall take any harmful action with the intent to retaliate against any person, including interference with employment or livelihood, for providing to a law enforcement officer any truthful information relating to the commission or possible commission of any offense.

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<sup>1</sup> The above-referenced provisions track and comply with the express language of the federal Sarbanes-Oxley Act, which imposes only these two narrow requirements on non-publicly held organizations. The provisions above do not necessarily comply with stricter state laws, nor do they seek to anticipate other "best practices" that may or may not be advisable for non-profit associations under current law.

With regard to whistleblowers, though not required by Sarbanes-Oxley, there is no harm in adopting a policy such as the following *optional additional language*: [Nor will any officer, director, employee or agent take any harmful action with intent to retaliate against any employee or member of the Association for reporting to an appropriate senior management or elected official of the Association the suspected misuse, misallocation or theft of any association resources.]

#### Disclaimer ¶

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