

MISSOURI ENA ANTITRUST POLICY

- To ensure monitoring of organization activities in order to prevent violations of the antitrust laws.

Approved: 11/2011

Policy

- A. ENA will adhere to federal and state antitrust laws and regulations applicable to 501(c)(3) organizations.

Standards/Criteria

- B. Under federal and state antitrust laws, an association may be held liable for action that constitutes a restraint of trade.
- C. Accordingly, ENA must exercise extreme caution regarding its business decisions and will not engage in any activity that may result in an unreasonable restraint of trade.
- D. ENA will base business decisions on stated, reasonable criteria that are applied objectively, consider all potential vendors and document the basis for decisions.

Operational Procedure

1. ENA legal counsel will inform the Board of Directors as to the importance of compliance with antitrust laws and regulations and identify potential antitrust issues.
2. ENA legal counsel will approve in advance all new programs or changes in existing programs that have potential antitrust implications.
3. Legal counsel may be present at Board of Directors meetings and at any other meeting at which sensitive, legal or corporate issues will be discussed.
4. Minutes of all ENA meetings should accurately reflect the business conducted and reflect ENA's policy of complying with the antitrust laws.
5. An ENA staff member who has concerns regarding antitrust should speak immediately to the Executive Director. The Executive Director will speak with legal counsel about concerns as warranted. The Executive Staff may consult with legal counsel on matters where confidentiality may have been violated.