

**AMENDMENT NUMBER TWO  
DEPAUW UNIVERSITY 403(B) RETIREMENT PLAN**

BY THIS AGREEMENT, DePauw University 403(b) Retirement Plan (herein referred to as the "Plan") is hereby amended as follows, effective as of October 1, 2021, except as otherwise provided herein:

1. The section of the Adoption Agreement entitled "MATCHING CONTRIBUTIONS (EXCLUDING SAFE HARBOR MATCH AND ADDITIONAL MATCH UNDER SECTION 3.05)" is amended as follows:

MATCHING CONTRIBUTIONS (EXCLUDING SAFE HARBOR MATCH AND ADDITIONAL MATCH UNDER SECTION 3.05)

**(3.03(A))**. The Employer Matching Contributions under Election 6(c) are subject to the following additional elections regarding type (discretionary/fixed), rate/amount, limitations and time period (collectively, such elections are "the matching formula") and the allocation of Matching Contributions is subject to Section 3.06 except as otherwise provided. (Choose one or more of (a) through (h); then, for the elected match, complete (1), (2) and/or (3) as applicable. If the Employer completes (2) or (3), also complete (4), (5) or (6)):

[Note: If the Employer wishes to make any Matching Contributions that satisfy the ACP safe harbor, the Employer should make these Elections under Election 24, and not under this Election 22.]

	(1) Match Rate/Amt [\$/% of Elective Deferrals]	(2) Limit on Deferrals Matched [\$/% of Compensation]	(3) Limit on Match Amount [\$/% of Compensation]	(4) Apply limit(s) per Plan Year ["true-up"]	(5) Apply limit(s) per payroll period [no "true-up"]	(6) Apply limit(s) per designated time period [no "true-up"]
(a) <input checked="" type="checkbox"/> <b>Discretionary</b> - see Section 1.47(B) ( <i>The Employer may, but is not required to complete (a)(1)-(6). See the "Note" following Election 22.</i> )	_____	_____	_____	[ ]	[X]	[ ]_____
(b) <input type="checkbox"/> <b>Fixed</b> - uniform rate/amount	_____	_____	_____	[ ]	[ ]	[ ]_____
(c) <input type="checkbox"/> <b>Fixed</b> - tiered	_____	_____	_____	[ ]	[ ]	[ ]_____
	<u>Elective Deferral %</u>	<u>Matching Rate</u>				
(e.g., up to 3)	_____%	_____%				
(e.g., more than 3 up to 5)	_____%	_____%				
	_____%	_____%				
	_____%	_____%				
(d) <input type="checkbox"/> <b>Fixed</b> - Years of Service	_____	_____	_____	[ ]	[ ]	[ ]_____
	<u>Years of Service</u>	<u>Matching Rate</u>				
(e.g., up to 2)	_____	_____%				
(e.g., more than 2 up to 5)	_____	_____%				
	_____	_____%				
	_____	_____%				
"Years of Service" under this Election 22(d) means ( <i>Choose a. or b.</i> ):						
a. <input type="checkbox"/> <b>Eligibility</b> . Years of Service for eligibility in Election 15.						
b. <input type="checkbox"/> <b>Vesting</b> . Years of Service for vesting in Elections 37 and 38.						
(e) <input type="checkbox"/> <b>Fixed</b> - Based on age at end of period	_____	_____	_____	[ ]	[ ]	[ ]_____
	<u>Age</u>	<u>Matching Rate</u>				
	_____	_____%				
	_____	_____%				
	_____	_____%				
	_____	_____%				
(f) <input type="checkbox"/> <b>Fixed</b> - Job location or classification (must be objectively determinable)	_____	_____	_____	[ ]	[ ]	[ ]_____
	<u>Location or Class</u>	<u>Matching Rate</u>				
	_____	_____%				
	_____	_____%				
	_____	_____%				
	_____	_____%				

- (g)  **Fixed Percent of Compensation.** \_\_\_\_\_% of Compensation provided the Participant's Elective Deferrals equal or exceed \_\_\_\_\_% of the Participant's Compensation.
- (h)  **Describe:** \_\_\_\_\_  
*(e.g., A discretionary match applies to staff members. A fixed match equal to 50% of Elective Deferrals not exceeding 6% of Plan Year Compensation applies to professors.)*

*[Note: A Participant's Elective Deferral percentage is equal to the Participant's Elective Deferrals (or such other amounts specified in this Adoption Agreement) being matched divided by the Participant's Compensation. The matching rate/amount is the specified rate/amount of match for the corresponding Elective Deferral amount/percentage. The Employer under Election 22(a) in its discretion may determine the amount of a Discretionary Matching Contribution and the matching contribution formula or formulas. Alternatively, the Employer in Election 22(a) may specify the Discretionary Matching Contribution formula.]*

**Additional Provisions** *(Choose if applicable)*

**Contributions that are matched.** Matching Contributions are made only with respect to Elective Deferrals (includes Pre-Tax and Roth Elective Deferrals) unless otherwise elected below. *(Choose if applicable):*

- (i)  Matching contributions will only be made with respect to the following *(Choose one or more):*
- (1)  Pre-Tax Elective Deferrals.
  - (2)  Roth Elective Deferrals.
  - (3)  Employee (after-tax) Contributions.
  - (4)  Elective Deferrals made to the following plan: \_\_\_\_\_ *(enter name of plan).*
  - (5)  Describe: \_\_\_\_\_.

**Participating Employers.** The Matching Contributions will be allocated to all Participants regardless of which Employer directly employs them and regardless of whether their direct Employer made Matching Contributions for the Plan Year unless otherwise elected below or specified in a participation agreement. *(Choose if applicable):*

- (j)  The Plan Administrator will allocate the Matching Contributions made by the Signatory Employer and by any Participating Employer only to the Participants directly employed by the contributing Employer.

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The Employer executes this Amendment on the date specified below or as reflected on the electronic signature page.

Employer: DePauw University

Date: [signed electronically]

Signed: [signed electronically]

\_\_\_\_\_  
*[print representative name/title]*

Vendor: \_\_\_\_\_  
*[vendor signature is optional]*

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<b>Document</b>	<b>Document Id</b>
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<b>Signer Name</b>	<b>Role</b>	<b>Date</b>
Angie Nally	Employer	10/01/2021 11:40:17 AM ET