

Yuba CCD Foundation  
Policies and Procedures  
**Conflict of Interest Statement**  
Approved (with modifications) – August 4, 2011

**District Conflict of Interest Policy:**

Board Policy 2710, of the Yuba Community College District Board of Trustees, both provides guidance and takes precedence in determining and/or modifying the Yuba CCD Foundation's Conflict of Interest statement. The YCCD Board of Trustees Conflict of Interest statement is provided verbatim below:

**BP 2710 Conflict of Interest**

***Reference: Government Code Sections 1090, et seq.; 1126; 87200, et seq.; Title 2, Sections 18730 et seq.***

Board members shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as board members.

A board member shall not be considered to be financially interested in a contract if his or her interest is limited to those interests defined as remote under Government Code Section 1091 or is limited to interests defined by Government Code Section 1091.5.

A board member who has a remote interest in any contract considered by the Board shall disclose his or her interest during a board meeting and have the disclosure noted in the official board minutes. The Board member shall not vote or debate on the matter or attempt to influence any other board member to enter into the contract.

A board member shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to his or her duties as an officer of the district. A Board member shall not simultaneously hold two public offices that are incompatible.

Upon leaving the Board, former members shall not, for a period of one year act as an attorney, agent or otherwise represent for compensation others appearing before the Board.

In compliance with law and regulation, the Chancellor shall establish administrative procedures to provide for disclosure of assets of income of board members who may be affected by their official actions, and prevent members from making or participating in the making of board decisions which may have a foreseeable material effect on their financial interest.

Board members shall file statements of economic interest with the Executive Assistant to the Chancellor and Board of Trustees, who is the District's designated filing officer.

Board members are encouraged to seek counsel from the District's legal advisor in every case where any question arises.

*Reviewed and revised: July 14, 2010*

*Revised: 08/06 (Revised in accordance with SB 8 and SB 274)*

*Adopted: July 21, 2004*

## **Yuba CCD Foundation Conflict of Interest Statement:<sup>1</sup>**

**Introduction:** The Yuba CCD Foundation Conflict of Interest Statement applies to Executive Board Members, members of campus-based auxiliary boards, and both the full and part-time staff of the Yuba CCD Foundation office. As noted above, the Yuba Community College District Board Policy (BP 2710) supersedes policies or procedures of the Yuba CCD Foundation.

**Disclosure:** Members and staff affiliated with the operations of the Yuba CCD Foundation are committed to communicating fully with the Foundation regarding any relationship or commitment that could affect the impartial fulfillment of their role in the affairs of the Foundation. This policy refers to such a relationship or commitment as “affiliation”. Affiliation may be defined as the close involvement with a vendor, service provider or grantee on the part of (a) a director or staff member of the Foundation, or (b) the spouse or equivalent, parents or children of a director or staff members. Affiliation includes, but is not limited to, serving as a board member, employee or consultant to a current or potential grantee, service provider or vendor, or doing business with a grantee, service provider or vendor. Antecedent affiliations and indirect associations also warrant disclosure. In principle, extra-foundation affiliations or interests should be disclosed to other participants in the Foundation’s decision-making process whenever there is any doubt about whether disclosure is required.

Disclosures ordinarily should be made to the President by members of the staff and to the Chair of the Board by other members of the Board of Directors. Formal notation of disclosures should be a part of the process.

**Abstention from Foundation Decision-making:** In all situations in which disclosure of affecting relationships should be made, the Foundation-affiliated individual should abstain from decision-taking actions, and that abstention should be formally noted in the Foundation’s minutes. With disclosure to other participants, the work of the Foundation is furthered by the willingness of its employees and Directors, however, interested, to share information bearing upon the matter under consideration. Such participation is encouraged.

**No Return Benefit:** In considering any decision regarding an organization or person with which a Foundation employee or director is affiliated, the Foundation shall avoid any transaction that results in any direct or indirect economic benefit to the affiliated person or that would constitute self-dealing under Internal Revenue Code Section 4941. Incidental and tenuous benefits to affiliated persons, such as name recognition or public acknowledgment are permitted.

**Avoidance of the Appearance of Conflict:** While the substance of integrity is the essence of the Foundation’s approach to these matters, avoiding the appearance of conflict is an important collateral objective. To that end, the Foundation will not customarily make grants to, or contact with, organizations that employ affiliated persons. The President, with the concurrence of the Chair of the Board of Directors, may approve exceptions to this policy when the work of the Foundation will be furthered thereby or where a grant or contract (where applicable) will not affect the job or compensation of the affiliated person in question.

No significant personal benefit of any nature may be derived by any affiliated person from any such organization.

<sup>1</sup> The essence of, and much of the specific language of, this document is derived from the Council on Foundations publication *Conflicts of Interest: Safeguarding Your Foundation*; July/August 2003, Vol. 44(4).

Yuba CCD Foundation  
Conflict of Interest Statement  
Signature Sheet

1<sup>st</sup> Draft – August 28, 2011

I have reviewed the attached Yuba CCD Foundation Conflict of Interest Statement. I agree, as a Foundation Board member, to uphold this policy, and to report any suspected infractions. To the best of my knowledge, I have no interests that would conflict with my role as a Yuba CCD Foundation Board member.

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Date: \_\_\_\_\_