

## CONFLICT OF INTEREST – EMPLOYEES POLICY #208

<b>Policy Administrator:</b>	Executive Director or designee
<b>Authority:</b>	Section 89900 of the Education Code and Section 42400 of Title 5 of the California Code of Regulations
<b>Effective Date:</b>	12/08/11
<b>Updated:</b>	04/25/19 (approved 06/20/19)
<b>Cross References:</b>	Policies #108, #308

**Policy Statement:** The California Education Code has specific requirements for the employees of an auxiliary organization regarding conflict of interest. This policy addresses those requirements.

**§89006:** It is unlawful for any person to utilize any information, not a matter of public record, that is received by that person by reason of his or her employment by, or contractual relationship with, the trustees, the California State University, or an auxiliary organization of the California State University, for personal pecuniary gain, not contemplated by the terms of the employment or contract, regardless of whether the person is or is not so employed or under contract at the time the gain is realized.

**Scope:** This policy applies to directors, managers, supervisors and employees who have significant exposure and/or decision making authority. This policy also applies to any individual who has significant exposure and/or decision making authority related to ASC’s business activities. Such individuals may include, but are not limited to, employees of California State University Fullerton, independent contractors, subcontractors, consultants, etc.

**Disclosure:** When any individual with significant exposure and/or decision making authority, or any member of his or her immediate family, has a conflict of interest, that individual shall promptly report the conflict to the Executive Director. All persons to whom this policy applies are required to annually review the applicable portion of the California Education Code and to confirm that they do not have any conflicting financial interests.

**Conflict Resolution:** The Executive Director will review all reported conflicts of interest and will issue a decision that defines what activities are permissible, not permissible, and any special conditions that must be met. The Executive Director will inform the Executive Committee of all reviews and decisions relative to conflict of interests.

In the event the conflict or potential conflict cannot be resolved by that person and the board or committee taking action, the disputed matter will be reviewed by the Executive Committee. In the absence of resolution, the Executive Committee will refer the matter to the Board of Directors, and the Board of Directors will review and take final action on the matter.

In the event that the conflict cannot be resolved in a manner compliant with the California Education Code, the employee shall be subject to disciplinary action, up to and including discharge.

If the Executive Director has a conflict of interest with ASC business activities, he/she will disclose the circumstances to the Chair of the ASC Board of Directors