CAL STATE EAST BAY | EDUCATIONAL FOUNDATION BOARD

CALIFORNIA EDUCATION CODE
TITLE 1. GENERAL EDUCATION CODE PROVISIONS
DIVISION 8. CALIFORNIA STATE UNIVERSITY
CHAPTER 7. AUXILIARY ORGANIZATIONS
Article 1. General Provisions 89900-89912

Conflict of Interest Sections

89906. No member of the governing board of an auxiliary organization shall be financially interested in any contract or other transaction entered into by the board of which he is a member, and any contract or transaction entered into in violation of this section is void.

89907. No contract or other transaction entered into by the governing board of an auxiliary organization is void under the provisions of Section 89906, nor shall any member of such board be disqualified or deemed guilty of misconduct in office under said provisions, if the circumstances specified in the following subdivisions exist:

(a) The fact of such financial interest is disclosed or known to the governing board and noted in the minutes, and the governing board thereafter authorizes, approves, or ratifies the contract or transaction in good faith by a vote sufficient for the purpose without counting the vote or votes of such financially interested member or members, and
(b) The contract or transaction is just and reasonable as to the auxiliary organization at the time it is authorized or approved.

89908. The provisions of Section 89907 shall not be applicable if the circumstances specified in any of the following subdivisions exist:

(a) The contract or transaction is between an auxiliary organization and a member of the governing board of that auxiliary organization.

(b) The contract or transaction is between an auxiliary organization and a partnership or unincorporated association of which any member of the governing board of that auxiliary organization is a partner or in which he is the owner or holder, directly or indirectly, of a proprietorship interest.

(c) The contract or transaction is between an auxiliary organization and a corporation in which any member of the governing board of that auxiliary organization is the owner or holder, directly or indirectly, of 5 percent or more of the outstanding common stock.

(d) A member of the governing board of an auxiliary organization is interested in a contract or transaction within the meaning of Section 89906, and without first disclosing such interest to the governing board at a public meeting of the board, influences or attempts to influence another member or members of the board to enter into the contract or transaction.

89909. It is unlawful for any person to utilize any information, not a matter of public record, which is received by him by reason of his membership on the governing board of an auxiliary organization, for personal pecuniary gain, regardless of whether he is or is not a member of the governing board at the time such gain is realized.

Resolved, that the Cal State East Bay Educational Foundation adopt as its Conflict of Interest Policy California Education Code Sections 89906 through 89909. (December 3, 2008)
Last Modified May 2025

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CALIFORNIA STATE UNIVERSITY, EAST BAY EDUCATIONAL FOUNDATION
CERTIFICATION OF NON-CONFLICT OF INTEREST

I have read California Education Code Sections 89906, 89907, 89908, and 89909 as provided, and I am not involved financially, through employment or family connections with any business, firm, vendor, or service bureau doing business with this corporation.

Should I find in some future contractual matter before the Board of Directors that there may be the potential of a conflict of interest, I shall disclose that potential conflict and abstain from voting, as prescribed in Education Code, Section 89907.

_____

Name

_____

Signature

_____

Date

Resolved, that the Cal State East Bay Educational Foundation adopt as its Conflict of Interest Policy California Education Code Sections 89906 through 89909. (December 3, 2008)
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