

Conflict of Interest Code



I. Adoption

In compliance with the Political Reform Act of 1974, California Government Code Section 87100, et seq., Yu Ming Charter School hereby adopts this Conflict of Interest Code (“Code”), which shall apply to all governing board members and all other designated employees of Yu Ming Charter School (“Charter School”), as specifically required by California Government Code Section 87300.

II. Definition of Terms

As applicable to a California public charter school, the definitions contained in the Political Reform Act of 1974, the regulations of the Fair Political Practices Commission, specifically California Code of Regulations Section 18730, and any amendments or modifications to the Act and regulations are incorporated by reference to this Code.

III. Designated Employees

Employees of this Charter School, including governing board members and candidates for election and/or appointment to the governing board, who hold positions that involve the making or participation in the making, of decisions that may foreseeably have a material effect on any financial interest, shall be “Designated Employees.” The Designated Employees’ positions are listed in “Exhibit A” attached to this policy and incorporated by reference herein.

IV. Statement of Economic Interest: Filing

Each Designated Employee, including governing board members and candidates for election and/or appointment to the governing board, shall file a Form 700 Statement of Economic Interest (“Statement”) at the time and manner prescribed by California Code of Regulations, title 2, section 18730, disclosing reportable investments, interests in real property, business positions, and income required to be reported under the category or categories to which the employee’s position is assigned in “Exhibit A.”

An investment, interest in real property or income shall be reportable, if the business entity in which the investment is held, the interest in real property, the business position, or source of income may foreseeably be affected materially by a decision made or participated in by the Designated Employee by virtue of his or her position. The specific disclosure responsibilities assigned to each position are set forth in “Exhibit B.”

Statements Filed With the Charter School. All Statements shall be supplied by the Charter School. All Statements shall be filed with the Charter School. The Charter School’s filing officer shall make and retain a copy of the Statement and forward the original to the County Board of Supervisors.

V. Disqualification

No Designated Employee shall make, participate in making, or try to use his/her official position to influence any Charter School decision which he/she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family.

VI. Manner of Disqualification

A. *Non-Governing Board Member Designated Employees*

When a non-Governing Board member Designated Employee determines that he/she should not make a decision because of a disqualifying interest, he/she should submit a written disclosure of the disqualifying interest to his/her immediate supervisor. The supervisor shall immediately reassign the matter to another employee and shall forward the disclosure notice to the Charter School CEO, who shall record the employee's disqualification. In the case of a Designated Employee who is head of an agency, this determination and disclosure shall be made in writing to his/her appointing authority (i.e. the Board).

B. *Governing Board Member Designated Employees*

The Charter School shall not enter into a contract in which a director directly or indirectly has a material financial interest (nor any other corporation, firm, association, or other entity in which one or more of the corporation's directors are directors and have a material financial interest).

In governmental decisions that do not involve a contract, Governing Board members shall disclose a disqualifying interest at the meeting during which consideration of the decision takes place. This disclosure shall be made part of the Board's official record. The Board member shall refrain from participating in the decision in any way (i.e., the Board member with the disqualifying interest shall refrain from voting on the matter and shall leave the room during Board discussion and when the final vote is taken) and comply with any applicable provisions of the Charter School bylaws.

EXHIBIT A

Designated Positions

- I. Persons occupying the following positions are designated employees and must disclose financial interests in all categories defined in “Exhibit B” (i.e., categories 1 and 2).
 - A. Members of the Governing Board and their alternates (if applicable)
 - B. Officers (Chair, Vice-Chair, Treasurer, Secretary, if not already included in Category A above)
 - C. Chief Executive Officer
 - D. Principal
 - E. Chief Operations Officer
 - F. Chief Academic Officer
 - G. Director of Student Support Services
 - H. Director of Academics
 - I. Any Other C-level or Director-level Position
 - J. Consultants¹

- II. Persons occupying the following positions are designated employees and must disclose financial interests defined in Category 3 of “Exhibit B.”

EXHIBIT B

¹ The CEO may determine, in writing, that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The CEO’s determination is a public record and shall be retained for public inspection in the same manner and location of interest code.

Disclosure Categories

Category 1

Designated positions assigned to this category must report:

- a. Interests in real property located in whole or in part within two (2) miles of any facility utilized by Yu Ming Charter School, including any leasehold, beneficial or ownership interest or option to acquire such interest in real property.
- b. Investments and business positions in business entities, or sources of income (including receipt of gifts, loans, and travel payments) that engage in the purchase or sale of real property or are engaged in building construction or design.

Category 2

Designated positions assigned to this category must report:

Investments and business positions in business entities or sources of income (including receipt of gifts, loans, and travel payments) from sources that are contractors engaged in the performance of work or services, or sources that manufacture or sell supplies, instructional materials, machinery or equipment of the type to be utilized by Yu Ming Charter School.

Category 3

Designated positions assigned to this category must report:

Investments and business positions in business entities or sources of income (including receipt of gifts, loans, and travel payments) from sources that are contractors engaged in the performance of work or services, or sources that manufacture or sell supplies, instructional materials, machinery or equipment of the type to be utilized by the designated position's department.