



University of Colorado

Boulder | Colorado Springs | Denver | Anschutz Medical Campus

BOARD OF REGENTS

LAWS OF THE REGENTS

ARTICLE 1: UNIVERSITY OF COLORADO LEGAL ORIGIN, MISSION, POLICY FRAMEWORK AND ETHICAL CONDUCT

Part A: Establishment and Location

1.A.1 Constitution of 1876

The University of Colorado was originally established as a territorial university by act of the Council and House of Representatives of the Colorado Territory on November 7, 1861. Upon Colorado's admission to the Union in 1876, the Constitution of the State of Colorado declared the territorial institution of the "University at Boulder" to be an institution of the State.

[See section 5 of article VIII of the State Constitution.]

1.A.2 Constitutional Amendments of 1923

Section 5 of article VIII of the State Constitution was amended in 1923 to authorize the Regents of the University to operate all or any part of the departments of medicine, dentistry, and pharmacy at Denver. Also, nothing in section 5 was to be construed to prevent the university or other state educational institutions from giving temporary lecture courses in any part of the state, or conducting class excursions for the purpose of investigation and study.

1.A.3 Constitutional Amendments of 1972

In 1972, section 5 of article VIII of the State Constitution was further amended to:

- (A) describe the university as being "at Boulder, Colorado Springs, and Denver";
- (B) extend the University of Colorado Anschutz Medical Campus provision to include all or any part of the schools of medicine, dentistry, nursing, and pharmacy of the university, together with hospitals and supporting facilities and programs related to health; and
- (C) make clear nothing in section 5 was to be construed to prevent any state institution of higher education, with prior approval of the General Assembly, from "establishing, maintaining, and conducting or discontinuing centers, medical centers, or branches in any part of the state."

1.A.4 Location and Administration of Four Campuses

The University of Colorado shall consist of a president's office and four campuses, each of which shall be headed by a chancellor. The campuses shall operate at several principal sites located and referred to as follows:

- (1) at Boulder, "the University of Colorado Boulder";
- (2) at Colorado Springs, "the University of Colorado Colorado Springs";
- (3) at Denver, "the University of Colorado Denver";
- (4) at Aurora, "University of Colorado Anschutz Medical Campus."

Part B: Mission of the University of Colorado

The University of Colorado is a public research university with multiple campuses serving Colorado, the nation, and the world through leadership in high-quality education and professional training, public service, advancing research and knowledge, and state-of-the-art health care. Each campus has a distinct role and mission as provided by Colorado law.

Part C: University of Colorado Policy Framework

The University of Colorado promulgates a structure for describing and ranking the law and policies applicable to the university community. The structure (see Exhibit 1) represents the hierarchy of University of Colorado policy documents in order of precedence (1 – 8). To the extent that any document lower in the hierarchy is inconsistent with a higher document, the higher document prevails.

- [1] The University of Colorado is a public entity recognized in the Colorado Constitution. As a public entity, the Regents of the University of Colorado and the University of Colorado are subject to the requirements of the United States Constitution and applicable federal laws as interpreted by the United States Supreme Court and the Tenth Circuit Court of Appeals.

The University of Colorado is subject to the requirements of the Colorado Constitution and laws enacted by Colorado's General Assembly as interpreted by the Colorado Supreme Court and Colorado Court of Appeals. In construing laws enacted by the General Assembly, the University of Colorado shall be guided by the principle that any such legislation operates to divest the Regents of the University of Colorado of the constitutional grant of supervision and control of the university only when the legislation demonstrates a clear legislative intent to displace the Board of Regents' presumptive authority to govern the University of Colorado.

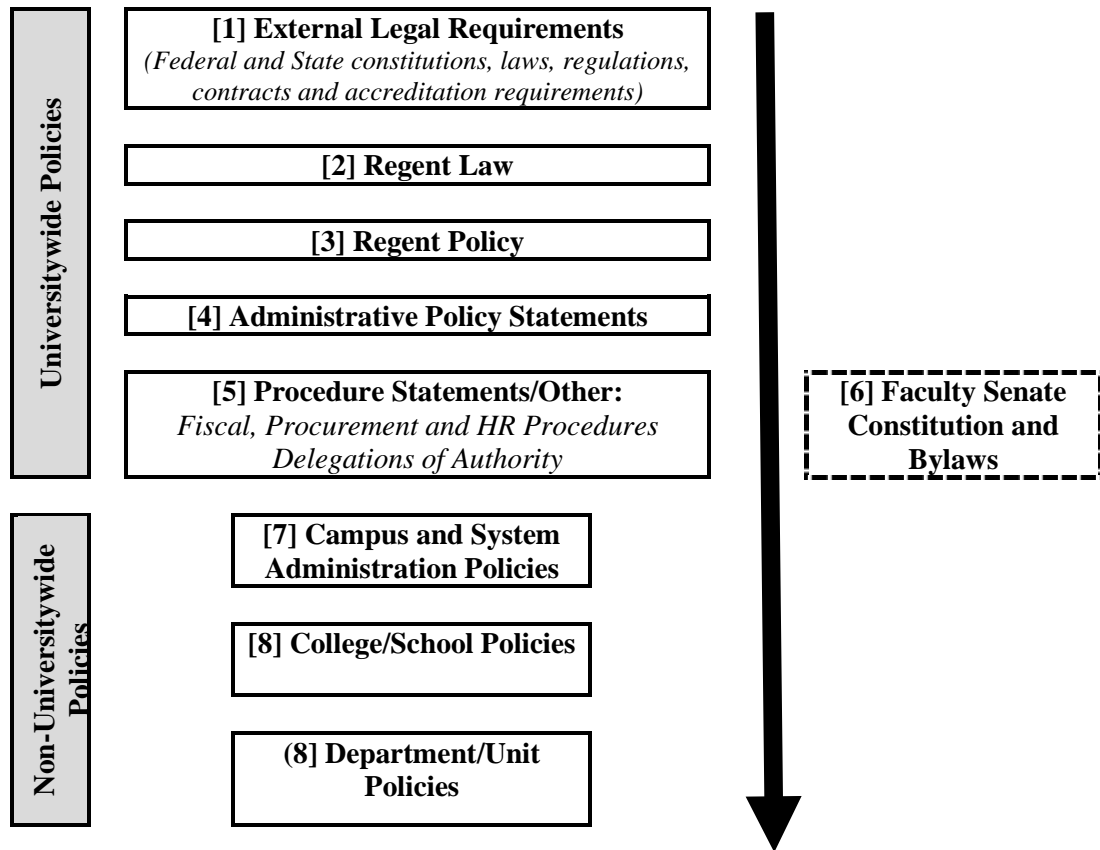
- [2] The Laws of the Regents are the highest source of authority within the University of Colorado, establish how the University of Colorado is organized and governed, and are binding upon the Regents of the University of Colorado and the university community.
- [3] Regent Policies are enacted by the Regents of the University of Colorado to operationalize the Laws of the Regents, direct the operation of functions for which the Board of Regents retains ultimate responsibility, and delegate authority to officers of the university and the administration.

- [4] Universitywide administrative policy statements (APS) are enacted by the president of the university in accordance with defined processes to provide operational requirements to the entire university community and delegate authority to officers of the university and the administration.
- [5] Universitywide procedure statements include detailed information on rules and how to complete specific tasks within functional areas including, but not limited to, finance, procurement, human resources, risk management and university relations.
- [6] The Faculty Senate Constitution and Bylaws provides a system for participation of faculty in the governance of the university as specified in the Laws of the Regents of the University of Colorado, which enumerate the rights, privileges and responsibilities of the faculty.
- [7] System administration policies are enacted by the president of the university in accordance with defined processes to provide operational requirements to the members of the university community of the system administration and to delegate authority to officers of the system administration.

Campuswide policies are enacted by the chancellor of a University of Colorado campus in accordance with defined processes to provide operational requirements to the members of the university community of the campus and to delegate authority to officers of the campus administration.

- [8] Unit policies are enacted by departments, divisions, schools, colleges, institutes, or programs and do not have universitywide or campuswide application.

Exhibit 1: University Policy Framework and Hierarchy



Part D: Ethical Conduct of the University of Colorado Community

In pursuing the mission of the University of Colorado, all members of the university community, including regents, officers, faculty, and staff, are responsible for understanding and upholding the highest standards of legal and ethical conduct. The Board of Regents' policies and related university policies describe principles of ethical behavior that articulate a basic ethical framework for the decisions, actions and behavior of all members of the University of Colorado community. These "Principles of Ethical Behavior" (Board of Regents' Policy 1.C) and the university's Code of Conduct (Administrative Policy Statement 2027) define the underlying expectations for the conduct and activities of the university community.

Part E: Freedom of Expression

1.E.1 Governing Principles

The University of Colorado is committed to the principle of freedom of expression embodied in the First Amendment to the United States Constitution and Article II, Section 10 of Colorado's State Constitution. The University of Colorado has an obligation to uphold the principle of freedom of expression. All members of the university community, defined as the Regents of the University of Colorado, the officers

of the university and the administration, and the university's faculty, staff, and students, have a responsibility to protect the university as a forum for the free expression of ideas.

The University of Colorado is an institution of higher education and its campuses are devoted to the pursuit of learning and the advancement of knowledge through the free exchange of ideas. The free exchange of ideas includes not only the right to speak, but the right to listen.

The university community must strictly adhere to the principle of viewpoint neutrality, meaning that the university shall not prohibit or restrict speech based upon either the substantive content of the speech or the message it conveys or because of the reaction or opposition of others to such expression.

Speech related to political, academic, artistic, and social concern serve vital purposes, both in society and within the university itself. Speech related to these topics is within the boundaries of free expression, even when others construe that speech as wrong or insensitive. The proper response to ideas that members of the university community find offensive or unwarranted is to challenge those ideas through the exercise of reason and debate, rather than attempt to interfere with or suppress them.

1.E.2 Scope of Regent Law

This article of the Laws of the Regents addresses speech that occurs on University of Colorado campuses, but not speech occurring in the course of research or in the classroom instructional environment. Speech in research and teaching is governed by Article 5, Part D and Article 7, Part C of the Laws of the Regents.

1.E.3 Definition of Free Expression

Free expression encompasses verbal and written means by which individuals may communicate ideas to others, including all forms of peaceful assembly, protests, speaking verbally, holding signs, circulating petitions, and distributing written materials. Free expression includes voter registration activities but does not include speech that is primarily for a commercial purpose, including the promotion, sale, or distribution of any product or service.

Free expression does not include speech or conduct that is not within the First Amendment's protections, including speech or conduct that is a true threat, fraudulent, harassing, obscene, defamatory, or otherwise unlawful.

1.E.4 Authority to Enact Lawful Regulations

As described in Regent Policy 3.A and 3.B, the Board of Regents authorizes the president and the chancellors to enact regulations in accordance with university policy and applicable law to promote free expression on the University of Colorado campuses and property, while simultaneously protecting the university environment, establishing lawful standards of conduct, and preventing disruption of university activities.

History:

- Adopted: February 11, 2010.
- Revised: January 22, 1998; April 5, 2018, September 14, 2018 (Added Article 1.E: Freedom of Expression and revised Article 1.D: Ethical Conduct of University of Colorado Employees).
- Last reviewed: September 14, 2018.