

POLICIES OF THE COLORADO STATE UNIVERSITY SYSTEM

POLICY FOR ALL INSTITUTIONS

Elections, Political Activities, and the Colorado Fair Campaign Practices Act	Effective Date: October 1, 2020
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PURPOSE OF THIS POLICY

The Colorado State University System (the System) and the System institutions, including Colorado State University, Colorado State University Pueblo, and Colorado State University Global (collectively, the System Institutions, and individually, a System Institution or University) encourage their students, faculty, staff, and other members of the community to participate in political discourse, enlightenment and action, and welcomes these activities to our campuses. The System and the System Institutions recognize the right under the First Amendment of students, visitors, and employees (when acting in their private capacity) to speak freely and openly about political issues in an environment in which the University community can safely engage in these activities free from governmental influence, as set forth in the Board Policy 129 and System Institutional policies on freedom of speech and peaceful assembly.

As an institution of higher education of the State of Colorado, the System and System Institutions are subject to the limitations of the Colorado Fair Campaign Practices Act (FCPA), which generally prohibits a state public entity from expending any public money for contributions to a campaign for elected office or from urging electors to vote in favor or against any election ballot issue or referred measures. There are limited exceptions to the FCPA, as discussed below. The FCPA provides limitations on the actions of the System and System Institutions, as well as their employees when they are working.

The System and System Institutions are prohibited from donating the use of property or facilities to a candidate or campaign. However, they may allow candidates or campaigns to rent facilities or space on campus, as long as the opportunity is provided on an even-handed basis. The campuses are a frequent stop for campaigns and each University allows equal access to political parties, provided that these groups follow the applicable policies and

processes for reserving space and necessary security services, and they are charged for the usual fees and costs associated with the event.

APPLICATION OF THIS POLICY

This policy applies to the System and the System Institutions, and their students, faculty, and staff. There are no exemptions from this policy.

POLICY PROVISIONS

The Colorado Fair Campaign Practices Act, C.R.S. § 1-45-117, generally limits state entities from making campaign contributions or expending any money to urge voters to vote in favor or against a statewide or local ballot issue or measure. The term “urge” has been defined to mean advocating or demanding earnestly or pressingly. The term “public money” is broad and includes in-kind contributions to support a candidate or election ballot issue through services or non-monetary resources, including: (1) activity during work hours; (2) use of office supplies or equipment; and (3) other university services or resources.

Prohibition on Political Endorsements

The System and System Institutions may not endorse a candidate, provide or solicit financial or other support for candidates or political organizations, or establish political action committees. Likewise, the System and System Institutions cannot favor any candidate or political party over any other in allowing appearances on campus. Anyone acting on behalf of the System or System Institution or engaging in speech in their capacity as an employee and not in their capacity as a private citizen, must avoid directly or impliedly making such endorsements.

The System and System Institutions may expend funds to support the election process, generally, without favor to any particular candidate or ballot measure, such as when providing a polling place or issuing a factual summary that presents arguments for both sides of a ballot issue of official concern (without supporting one side or the other). Only the Chancellor or Institution President may authorize such a use of resources.

Guidelines for Political Events

Use of System or System Institution facilities and resources in support of a political candidate, party, referendum or political action committee (PAC) that could give the appearance that the System or System Institution is supporting one candidate or position over another is not permitted. The following guidelines help to assure that System and System Institutional funds, property, and employee time are not used inappropriately to support politicians, political campaigns, or political groups, as well as to provide guidance to

the campus community and visitors with respect to political campaigning, issue advocacy, promotions, and events.

1. Any University registered student organization (RSO) may sponsor a candidate, officeholder, or political group for a campus visit or event. Subject to University policies on permission and scheduling, RSOs may use University facilities for partisan political purposes, so long as they pay the usual and normal charge at the RSO rate, if any, for the use.
2. If the event is to be held in a normally non-assignable System or University building or space, permission must be obtained, in advance, from the System or University. This includes outdoor areas that are not normally available for use or rent by RSOs. Approval may be denied based on considerations of avoiding disruption of normal campus activities, conflicts with other events, potential injury to persons or property, or other factors that make the requested use of space inappropriate, in accordance with applicable policy and procedures.
3. A political candidate, officeholder or group who seeks a campus visit or wishes to hold an event without being hosted by a RSO should submit their request to the University President's office. The normal charges for use of the assigned space will be assessed. Additional charges may apply for facilities setup and takedown, cleaning, security, traffic control, equipment rental, and the like. The visit or event should be coordinated in advance with the University.
4. The University does not promote political events in advance in its official communications and media, but may take steps to alert the campus community of potential impacts to campus operations, parking, or pedestrian, bike and car traffic.
5. Employees, student organizations or other System or University groups may not solicit funds for political candidates or causes in the name of the System or University.
6. In accordance with applicable policies, University facilities and grounds are not open to the public or to students, employees, and other members of the University community, for fundraising events for any candidate, officeholder, party or political committee, or group promoting a political issue or point-of-view. Nor are such facilities and grounds made available for filming or otherwise producing partisan political advertisements or promotional videos. However, fundraising activities may be held in rented space when the event is open only to invitees of the event organizer.
7. The organizers of the visit or event must make clear in their presentation, discussions, and promotions that the University takes no position with regard to the officeholder, candidate or issue and make clear that the visit or event is not sponsored by the University.
8. The System and University reserve the right to decline any request for a campus visit or event based on availability of space, logistical or safety concerns including public

health or pandemic guidelines or orders, or the appearance of political or partisan bias or endorsement by the System or University.

Action by the Board of Governors, Chancellor, or Presidents

Although the System and System Institutions shall not participate or intervene in any political campaign or event on behalf of, or in opposition to, any candidate for public office, political party, political issue advocacy group or organized partisan political group, or for or against any election ballot measure (except as expressly authorized by law), the Board of Governors may adopt a resolution or take a position of advocacy on any issue, including ballot measures, and System and System Institutional resources may be used to report and distribute the resolution or position.

The Board of Governors, Chancellor, or the President of a System Institution may authorize the expenditure of public moneys to disseminate a “factual summary” on a ballot issue, which must include arguments both for and against the proposal, on any issue of “official concern” before the electorate in the jurisdiction. The summary shall not contain a conclusion or opinion in favor of or against any particular issue. Also, they may spend up to \$50 of public moneys in the form of letters, telephone calls, or other communications or activities incidental to expressing their opinion on a ballot issue of official concern. In addition, the System and System Institutions may host debates or other official events that do not favor one candidate or political party.

Employee Participation in Political Activities

In the interest of the fullest participation in public affairs, in accordance with the First Amendment, System and System Institution employees are free to express opinions speaking or writing as individuals in their personal capacity and not as a representative of the System or System Institution. Employees should take care to indicate that the employee is acting in their personal capacity and not on behalf of the System or System Institution. This responsibility includes avoiding the use of System or System Institution letterhead, logos, and other official System or university marks and designations.

If a member of the faculty or staff is running for political office, it is strongly preferred that no campaign activities be conducted on campus, to avoid the appearance of a System or System Institution endorsement.

Employees must not engage in campaign activities during working hours and may not use public facilities, equipment, or other resources for a campaign. Employees may use personal leave to participate in campaign activities during working hours. Also, employees should not use System or System Institution e-mail accounts or web sites to engage in campaign activities or to urge persons to vote for or against a ballot issue. System and System

Institution employees are reminded of their obligations to comply with relevant provisions of applicable employment manuals and policies with respect to the dedication of their time and effort to political activities.

Student Participation in Political Activities

Students may engage in political expression and activities, except they may not use System or System Institution resources to advocate for or against a campaign or election ballot issue. Funds from student fees or funds generated from the use of University equipment, facilities, or resources are considered public funds and may not be used for campaign or ballot activities.

COMPLIANCE WITH THIS POLICY

Failure to comply with this policy may result in disciplinary action in accordance with applicable policies. In addition, any person who believes that a violation of the FCPA has occurred may file a written complaint with the Colorado Secretary of State no later than one hundred eighty (180) days after the date of the alleged violation. Any violation of the FCPA provisions relating to government money or resources may be subject to penalties, including reimbursement for use of public funds or resources, injunctive relief, or a restraining order to enjoin the continuance of the violation.

REFERENCES

- Guidance what you “Can Do” and “Can’t Do” under the Fair Campaign Practices Act
- Fair Campaign Practices Act statute, C.R.S. § 1-45-117
- Questions about this policy or the Fair Campaign Practices Act should be directed to the Office of the General Counsel of the Colorado State University System

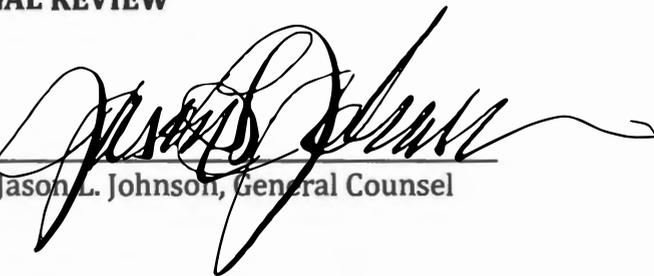
APPROVALS

COLORADO STATE UNIVERSITY SYSTEM

By: 
Anthony A. Frank, Chancellor

Date: 10/1/20

LEGAL REVIEW

By: 
Jason L. Johnson, General Counsel