



**A RESOLUTION  
FACULTY COUNCIL**

**Board of Regents Violations of Open Meeting Law Provisions (CRS 24-6-402)**

**WHEREAS**, Regent Sharkey's notes, as well as additional information revealed by the Denver Post on October 22, 2020, make clear that a majority of the Board of Regents repeatedly violated the spirit, and at times the letter, of key provisions of Colorado's Open Meetings statute (hereafter CRS 24-6-402, sections appended); and,

**WHEREAS**, it has become clear that the Board of Regents continues to violate key provisions of CRS 24-6-402 by not providing adequate public notice of all meetings and by not promptly recording minutes of all meetings, including committee meetings, and making these minutes open to public inspection; and,

**WHEREAS**, revelation of the multiple violations of CRS 24-6-402 in 2018 as well as ongoing violations have resulted in a loss of faith in our elected public officials; therefore,

**BE IT RESOLVED THAT**, Faculty Council demands our Board of Regents immediately work to restore faith in its commitment to the principle that the formation of public policy is public business in the following ways:

- Publicly acknowledge the violations of CRS 24-6-402; and
- Commit to providing adequate public notice of *all* meetings including specific notice to Faculty Council, Staff Council, and the Inter-Campus Student Forum; and,
- Immediately and hereafter promptly record the minutes of all meetings at which public business is discussed, including committee meetings, and make those minutes available on BoardDocs no later than one week after the meeting has occurred with the exception of meetings that are video recorded where the video and transcript are both made publicly available on BoardDocs thus serving as minutes; and
- Formalize a process by which Regents will be publicly sanctioned when they have been found to be meeting without full and timely notice to the public to consider the adoption of any proposed policy, position, resolution, rule, regulation or formal action or meeting when a majority of the body is in attendance.

**Adopted October 26, 2020**

**From CRS 24-6-402**

(1)(d)(I) "State public body" means any board, committee, commission, or other advisory, policy-making, rule-making, decision-making, or formally constituted body of any state agency, state authority, governing board of a state institution of higher education including the regents of the university of Colorado, a nonprofit corporation incorporated pursuant to section 23-5-121 (2), C.R.S., or the general assembly, and any public or private entity to which the state, or an official thereof, has delegated a governmental decision-making function but does not include persons on the administrative staff of the state public body.

(2)(a) All meetings of two or more members of any state public body at which any public business is discussed or at which any formal action may be taken are declared to be public meetings open to the public at all times.

(2)(c)(I) Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. In addition to any other means of full and timely notice, a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the local public body no less than twenty-four hours prior to the holding of the meeting. The public place or places for posting such notice shall be designated annually at the local public body's first regular meeting of each calendar year. The posting shall include specific agenda information where possible.

(2)(d)(I) Minutes of any meeting of a state public body shall be taken and promptly recorded, and such records shall be open to public inspection. The minutes of a meeting during which an executive session authorized under subsection (3) of this section is held shall reflect the topic of the discussion at the executive session.

In the executive session section:

(3)(a) The members of a state public body subject to this part 4, upon the announcement by the state public body to the public of the topic for discussion in the executive session, including specific citation to the provision of this subsection (3) authorizing the body to meet in an executive session and identification of the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized, and the affirmative vote of two-thirds of the entire membership of the body after such announcement, may hold an executive session only at a regular or special meeting and for the sole purpose of considering any of the matters enumerated in subsection (3)(b) of this section or the following matters; except that no adoption of any proposed policy, position, resolution, rule, regulation, or formal action, except the review, approval, and amendment of the minutes of an executive session recorded pursuant to subsection (2)(d.5)(I) of this section, shall occur at any executive session that is not open to the public:

(3)(b)(I) All meetings held by members of a state public body subject to this part 4 to consider the appointment or employment of a public official or employee or the dismissal, discipline, promotion, demotion, or compensation of, or the investigation of charges or complaints against, a public official or employee shall be open to the public unless said applicant, official, or employee requests an executive session. Governing boards of institutions of higher education including the regents of the university of Colorado may, upon their own affirmative vote, hold executive sessions to consider the matters listed in this paragraph (b). Executive sessions may be held to review administrative actions regarding investigation of charges or complaints and attendant investigative reports against students where public disclosure could adversely affect the person or persons involved, unless the students have specifically consented to or requested the disclosure of such matters. An executive session may be held only at a regular or special meeting of the state public body and only upon the announcement by the public body to the public of the topic for discussion in the executive session and the affirmative vote of two-thirds of the entire membership of the body after such announcement.