



# Colorado State University System

Colorado State University ■ Colorado State University – Pueblo

## Office of the General Counsel

410 Seventeenth Street, Suite 2440  
Denver, CO 80202  
(303) 534-6290  
FAX: (303) 534-6298

To: The Colorado State University System Community

From: Loretta P. Martinez, General Counsel

Date: June 11, 2007

Re: Amendment 41

State voters last November approved Amendment 41 to the Colorado Constitution, which included language imposing strict limitations on state employees in terms of accepting money, gifts, or other items of value. Last week, a Denver District Court judge issued a preliminary injunction blocking the enforcement of two sections of the amendment that deal with this “gift ban.”

In her ruling, the judge noted the particular impact of Amendment 41 on institutions of higher education and on faculty, staff, and student employees. She cited the hardships imposed on faculty in not being able to accept reimbursement to attend professional conferences and seminars or testify before governmental bodies, to continue legitimate private practice activities outside of their faculty responsibilities, to sit on external boards and commissions, to accept academic awards or prizes, and to receive instructional materials from publishers. The ruling also discussed concerns by state employees regarding their children’s ability to accept scholarships or other financial aid to attend college.

With the judge’s actions, the provisions of Amendment 41 banning Colorado State University employees from soliciting, accepting or receiving money, gifts, or things of value from persons, corporations or other entities outside of the University are no longer in effect, and this will continue either until the outcome of a trial or appeal is final, or until voters approve a new ballot measure addressing these issues.

While the restrictions of Amendment 41 no longer govern individual Colorado State University System employees, the System and its universities continue to have high expectations for faculty and staff in terms of ethical, responsible, and professional behavior. Colorado Governor Ritter and Attorney General Suthers

have stated similar expectations in a June 4, 2007 memorandum, which advised state employees as follows:

“Thursday’s court ruling does not, in any way, roll back the existing code of ethics and other statutory provisions governing the conduct of public officials and government employees. For example, existing Colorado law prohibits government employees from accepting gifts that would improperly influence a public official or government employee to depart from an impartial discharge of his or her duties. Colorado law also prohibits disclosing or using confidential information acquired in the course of official duties to further personal financial interests. Furthermore, there are criminal sanctions for offering, soliciting, or accepting a bribe or other benefit from an outside source in exchange for performing an official act.”

As employees of a public university system, we each have a responsibility to uphold the public trust and to provide conscientious stewardship of public resources that are entrusted to our care. Existing state statutes specifically address ethical expectations related to standards of conduct, corrupting influences, conflict of interest, and prohibited activities for state employees. Additionally, numerous policies contained in each campus’ Faculty, Administrative Professional, and State Classified employee handbooks and manuals address the ethical policies and procedures applicable to individual employees. I encourage you to re-familiarize yourself with such laws and policies by visiting relevant state and campus websites as well as the Office of General Counsel website [http://www.welcome.colostate.edu/index.asp?url=gen\\_counsel](http://www.welcome.colostate.edu/index.asp?url=gen_counsel). If you have questions on any of these issues or would benefit from additional information, I encourage you to consult with your supervisor or department head. The Office of General Counsel will also continue in the future to provide Colorado State University System faculty and staff with additional information and guidance on ethical questions and obligations.

Thank you for your attention to this important matter.