



Board of Trustees

Policy Statement
University Policy Library

Functional Area:	University Governance
Responsible Executive:	President
Responsible Office:	General Counsel's Office
Effective:	January 1, 2019

Freedom of Expression

University Governance

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I. Introduction

- A. **Authority:** The First Amendment to the United States Constitution and Article II, Section 10 of the Colorado State Constitution guarantee individuals the right to freedom of expression. C.R.S. § 23-54-102 *et seq.* (2018) authorizes the Trustees of Metropolitan State University of Denver (MSU Denver) to establish rules and regulations to govern and operate the University and its programs. The Trustees retain authority to approve, administer, and interpret policies pertaining to University governance. The Trustees authorize the President of MSU Denver to approve, administer, and interpret policies pertaining to University operations.
- B. **Purpose:** This policy affirms the Board of Trustees' commitment to freedom of expression at MSU Denver.
- C. **Scope:** This policy applies to MSU Denver students, employees, and visitors. This policy addresses expression that occurs on MSU Denver campuses but not that occurs in the course of instruction or research, which is addressed in the Board of Trustees' policy on academic freedom.



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II. Roles and Responsibilities

- A. **Responsible Executive:** President
- B. **Responsible Administrator:** General Counsel
- C. **Responsible Office:** Office of General Counsel
- D. **Policy Contact:** General Counsel, 303-615-0099

III. Policy Statement

MSU Denver values the principle of freedom of expression embodied in the First Amendment to the United States Constitution and Article II, Section 10, of the Colorado State Constitution. The University community, defined as students, faculty, staff, administrators, officers, trustees, and invitees, are responsible for protecting the University as a forum for the free expression of ideas.

A. Rights

MSU Denver welcomes diverse and divergent perspectives in its governance and decision-making processes. Therefore, MSU Denver students and employees have the right to assemble peacefully, to communicate ideas freely, and to discuss any issue affecting the University community without fear of institutional discipline or retaliation.

B. Definition of *Free Expression*

1. *Free expression* means the unrestricted exchange of ideas, regardless of topic or medium. Free expression includes, but is not limited to, all forms of peaceful assembly, protests, verbal communication, holding signs, circulating petitions, and distributing printed or digital materials.



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2. *Free expression* does not include expression that is not within the First Amendment's protection, including speech or conduct that is a credible threat, fraudulent, harassing, obscene, defamatory, or otherwise unlawful; that violates the privacy or confidentiality rights of students or employees; that is primarily for commercial purposes, including the sale, promotion, or distribution of products or services; or that violates other University policies, including policies governing employee and student conduct.

IV. Related Information

- A. First Amendment to the United States Constitution
- B. Article II, Section 10 of the Colorado State Constitution
- C. MSU Denver Academic Freedom Policy
- D. MSU Denver Employee Code of Conduct
- E. MSU Denver Global and Mandatory Email Policy
- F. MSU Denver Political Activity and Lobbying Policy
- G. MSU Denver Social Media Policy
- H. MSU Denver Student Code of Conduct
- I. AHEC Advertising/Posting on Campus Policy
- J. AHEC Event Services Policy

V. Policy History

- A. **Effective:** January 1, 2019
- B. **Review Schedule:** This policy will be reviewed every five years or as deemed necessary by University leadership.



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VI. Policy Approval

12/11/18

Janine Davidson, Ph.D.
President, Metropolitan State University of Denver

Date

1/9/19

John Paul Pogge, Esq.
Chair, Board of Trustees, Metropolitan State University of Denver

Date