

**ICR Governing Board Meeting**  
**November 18, 2019 12:00 – 3:45 pm**  
**Occhiato Student Center**  
**Room: Great Plains (006)**  
**Wi-Fi SSID: Conference**  
**Password: CSUPV1s1on2018!**

**Revised In-Person Meeting Schedule**

Working Lunch 12:00 – 12:30 pm – Occhiato Student Center  
Meeting 12:30 – 3:30 pm – Occhiato Student Center  
Reception 3:45 – 5:45 pm – 6<sup>th</sup> Floor of the University Library

**Meeting Agenda:**

- I. Welcome and brief introductions during working lunch (12:15-12:30pm) Dr. Chad Kinney
  - Attendees stated their name and position
  
- II. Approve minutes from 09/20/19 & 11/01/19 (12:30-12:35pm) Nicole Quartiero
  - No revisions requested
  - Motion to approve (with a second) meetings from 09/20/19 & 11/01/19
  - Unanimous vote to approve minutes from 09/20/19 & 11/01/19
  
- III. Open Meeting Laws (12:35-1:05pm) Jacquelynn Fredericks
  - Summary of OML Rules
    - i. Meetings must be open to the public unless they meet the definition of an executive session
    - ii. Any communications between two or more of the committee members to discussion official business is considered a meeting
    - iii. Meetings must be publicly communicated and minutes must be kept and shared; it is recommended that meetings be advertised at least 5 days prior to the meeting.
    - iv. Meeting announcements must include: date, time and location (specific address required).
    - v. Any form of communication is subject to the Colorado Open Records Act including emails and text messages.
    - vi. The ICR Statue lives within the CSU-Pueblo statute.
  - Conflict of Interest Disclosure
    - i. Board members are subject to conflict of interest reporting requirements
    - ii. Board members must disclose any potential conflicts at least one time per year or if a new conflict arises
    - iii. When the board is discussing anything that is a conflict for any member, the member must recuse themselves from the discussion and any voting.
    - iv. Board completed COI form which will be maintained at the state and in the official ICR Records.
  - Questions
    - i. Group asked for clarification on what would constitute a conflict.
    - ii. It was determined that board members who would be submitting a grant proposal for ICR funds would recuse themselves from any related discussions.
    - iii. The Attorney General staff assigned to this board has offered to attend meetings and provide ad hoc feedback/guidance on any questions related to the Open Meeting Law requirements and COI on an ongoing basis
  - Meeting dates and times – ICR Website Nicole Quartiero
    - i. Review of ICR website and where meeting information will be posted and maintained.
    - ii. It was decided that the board would meet every second Friday of the month from 12pm-1pm with 2-3 in person meetings per year.
  - Meeting Minutes – ICR Website

i. Meeting minutes will be housed on the ICR website as well as emailed to Board members. t.

IV. Governing Board Bylaws and Meeting Structure (1:05-1:25pm)

Dr. Chad Kinney

- Discuss Meeting format and frequency
  - i. The group agreed to meet the second Friday the month from 12pm-1pm
- Review draft Bylaws
- Discuss and take Motions on revisions to the Bylaws
  - i. Bylaws were not discussed in detail, as not all had reviewed in detail and in light of the information shared with respect to the Open meetings Law and Conflict of Interest requirements per the State Attorney General's office.
  - ii. Dr. Hasan requests that the purse opening statement be changed from "oversight" to "oversee"; no additional requests were made at this time.
  - iii. It was recommended by the group that more time be taken to refine the bylaws.
  - iv. It was proposed that a subgroup be formed to manage the refinement of the bylaws to be presented to the larger group at the next meeting. The board approved of this suggestion.
- Identification of subgroup to refine and finalize Bylaws
  - i. The volunteers for the Bylaw subcommittee included: Maureen Leehey, Ann Bennan and Malik Hasan
  - ii. Board members are encouraged to contact the subgroup with any suggested revisions or considerations of the Governing Board Bylaws.

V. Review of HB19-1311 (1:25-1:45pm)

Dr. Cinnamon Bidwell

- Discussion regarding role of Governing Board
  - i. Review of HB19-1311 language with respect to the role of the Board.
  - ii. Some history was given with respect to why certain responsibilities were included.
  - iii. There was discussion regarding the journal of cannabis research as well as its prestige with respect to other academic and medical journals.
  - iv. There was discussion regarding the board's role in reviewing cannabis degree programs that were referred by CCHE. It was agreed that the board needs to come up with a process for this review.
  - v. CSU-Pueblo has proposed a cannabis degree program that was presented to the board. It was agreed that Mr. John Lord would perform a review with some other industry stakeholders and provide feedback to CSU-Pueblo leadership in early December and update the board as needed.
- Discussion regarding the role of the ICR
  - i. Review of HB19-1311 language with respect to the role of the ICR staff.
  - ii. There was a question regarding how the Director is paid and if the host institution should support this expense.
  - iii. There was a question regarding the exclusion of the ICR being responsible for education; during the development of the bill this was a consideration but it was not included in the final version of the bill.

VI. Break (1:45-1:50pm)

VII. Goals and strategy for the ICR (1:50-2:20pm)

Dr. Cinnamon Bidwell

- Long-term strategic goals – Preliminary List Review
  - i. Review of draft goal document
  - ii. Discussion regarding priority of the Board with respect to ICR operations.
  - iii. First priority is to determine what the funding request should be as this will impact upcoming RFA and process.
- Short-term action plan to meet goals
  - i. The board agreed that the ICR needs additional funding to fulfill the mission outlined in the bill with respect to research funding.
  - ii. There was discussion regarding the process for requesting additional funds.

- iii. There was discussion regarding the state limitations with respect to issuing additional funds.
- iv. Some board members felt as though the request should be based on “doubling” the current budget; however, others felt as though the total projected future budget needs should be requested.
- v. Board members provided history on how the current \$1.8M budget was determined with the original bill to create the ICR was passed.
- Appropriateness of Resources to meet goals
  - i. Board agrees that there is currently not enough resources to support the objectives of HB19-1311.
  - ii. Additional ICR funding will be requested through increasing the current state appropriation as well as fundraising efforts.
  - iii. Industry representative John Lord shared the industry companies would be interested in funding research and projects that legitimize cannabis.
  - iv. Other members indicated that careful consideration to perceived conflicts and biases should be given in regards to industry funding to ensure that projects were selected to provide the greatest benefit to public health (risks and benefits of cannabis) and/or economic development of Colorado on the whole.
  - v. It was agreed that fundraising should be used to cover the remainder of the additional budget totals that cannot be supported through the state budget amendment process.
  - vi. It was proposed and agreed upon that a fundraising subcommittee be formed.
  - vii. Volunteers for the fundraising subcommittee include: Sal Pace, John Lord, and Sue Sisley
- Draft initial document
  - i. Draft initial goals and strategy document is an addendum to these minutes; please see following page for details.

#### VIII. ICR Budget Request (2:20-3:20pm)

- Update on process for requesting an increase in appropriation Dr. Chad Kinney
  - i. Three options were presented: a) have a bill sponsored; b) communicate with bill sponsor (Jonathan Singer) regarding details of why a fiscal note was not included with HB19-1311; request a budget amendment.
  - ii. The board agreed that a budget amendment would be the most efficient way to proceed in the near future.
- Discuss proposed FY21 budget and long-term budgets and budget narrative Dr. Chad Kinney
  - i. Review of additional funding request budget details.
  - ii. Not all members had reviewed the budget narrative details so there were questions regarding staff and their roles/value as well as currently funded projects and the support of the Journal of Cannabis research.
  - iii. There was discussion regarding the level of funding for administrative staff and how that compares with other institutions in the state. It was recommended that an evaluation take place before any staff changes occur.
  - iv. The Board would like more information on the staff, their respective role and the impact of their position. The board would also like additional details with respect to currently funded projects. It was recommended that board members review the budget narrative in detail and send specific questions to Drs. Kinney and Bidwell or inquire at an upcoming meeting.
- Discuss and take Motions on revisions to the budget and narrative Dr. Cinnamon Bidwell
  - i. Board was asked what specific changes they wanted to see in the additional funding request before it was shared with state representatives for further discussion.
  - ii. Board agreed to use current additional funding request budget as a starting point for discussions with the state to gather their feedback regarding feasibility of securing that amount via a budget amendment.
- Plan for finalization and approval of request to be made to JBC
  - i. Drs. Kinney and Bidwell will work through the appropriate channels to inquire about the feasibility of the additional funding request by the JBC.

- ii. Drs. Kinney and Bidwell to provide an update of these discussions/inquiry at the December meeting.

IX. Public Comment (3:20-3:30pm)

- No public comments shared.

X. Adjourn

- Motion to adjourn approved unanimously.



# COLORADO STATE UNIVERSITY SYSTEM

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**Johnna Doyle, Deputy General Counsel**

November 18, 2019

To: Institute of Cannabis Research Governing Board  
From: Jacquelynn Rich Fredericks, First Assistant Attorney General  
Skip Spear and Natalie Powell, Senior Assistant Attorneys General  
RE: An Introduction to your Governing Statute

## **THIS DOCUMENT IS SUBJECT TO ATTORNEY-CLIENT PRIVILEGE**

This memorandum is intended to serve as a brief introduction regarding the Institute of Cannabis Research Governing Board's role and responsibilities under Colorado statute. In addition, this correspondence is meant to provide basic background information regarding the general composition of the Governing Board, each member's term length, and clarity around which members may vote and participate during Executive Session(s).

1. The Institute of Cannabis Research ("ICR") is established by statute. *See* §23-31.5-112, C.R.S.
2. The Governing Board ("the Board") is similarly established pursuant to statute and may:
  - Spend the money received from the general assembly for institute personnel, to conduct research, to produce an annual symposium, and or routine facility and administrative costs consistent with federal standards.; and
  - Solicit, accept, expend, and disburse all money collected for the institute...for the purposes of conducting research related to cannabis and to disseminating the results of such research publicly.

*See* §23-31.5-112(4)(a-b), C.R.S.

3. The Board also has the specific power to:

- Oversee the institute and guide its role and mission;
- Advise any Colorado institution of higher education that seeks to develop a cannabis curriculum;
- Provide input to the Colorado commission on higher education on cannabis-related degrees or certifications; and
- Approve the institute's annual budget.

See §23-31.5-112(3)(c-d), and -112(4)(c) C.R.S.

4. The Board has eleven members. See §23-31.5-112(3)(a)(I-IV) and -112(3)(a)(V)(A-B), C.R.S.
  - The seven governor-appointed members serve four-year terms. The first terms have been staggered so that the three industry representatives appointed by the Governor, serve terms through 2021, while the remainder of the appointees will serve through 2023.
  - The remainder of the Board is comprised of the Chancellor of the Colorado State University System, the President of the University of Colorado System, the Executive Director of the Colorado Commission on Higher Education, and the Executive Director of the Department of Public Health and Environment, or each of these persons' respective designees.

Please let me know if I may address any questions relating to this guidance.

*The information and advice contained herein is subject to attorney client privilege and reflects the legal opinions of the particular First Assistant Attorney General and Senior Assistant Attorneys General but is not a formal opinion of the Office of the Attorney General.*



# COLORADO STATE UNIVERSITY SYSTEM

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**Johnna Doyle, Deputy General Counsel**

November 18, 2019

To: Institute for Cannabis Research Governing Board

From: Jacquelynn Rich Fredericks, First Assistant Attorney General

RE: Public Meeting Motion(s) Process Flowchart, adapted from Robert's Rules of Order





# COLORADO STATE UNIVERSITY SYSTEM

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**Johnna Doyle, Deputy General Counsel**

November 18, 2019

To: Institute of Cannabis Research Governing Board  
From: Jacquelynn Rich Fredericks,  
First Assistant Attorney General  
Skip Spear and Natalie Powell,  
Senior Assistant Attorneys General  
RE: Conflicts of Interest

## **THIS DOCUMENT IS SUBJECT TO ATTORNEY-CLIENT PRIVILEGE**

This memo should serve as a guide for how members of Institute of Cannabis Research (“ICR”) Governing Board (“the Board”) can successfully discharge their important duties consistent with the oath taken upon their appointment to the Board, while maintaining the public trust and avoiding conflicts of interest.

### **A. Board Duties.**

As a member of the Board, you make many very important decisions on behalf of ICR, indeed, it is your duty to do so. *See* §23-31.5-112, C.R.S. (establishing the Board and its composition and setting forth the Board’s powers and duties). ICR’s Board is a state agency, which imposes upon the Board’s members certain fiduciary duties. *See* §24-18-102(9), C.R.S. (state agency defined) *and* §24-18-108.5, C.R.S. (rules of conduct for members of boards); *but see* §24-18-102(8), C.R.S. (board members who receive no compensation except for per diem are excluded from definition of public officer).

#### **1. Duty of Care.**

The duty of care requires each Board member to (a) be an active participant in the affairs of the ICR at the level of the Board, i.e., an active participant in Board actions and decisions; (b) be reasonably informed; and (c) act in a responsible,



prudent manner. Regular attendance at Board meetings is a basic element of this requirement. The duty of care also requires each Board member to exercise independent judgment with respect to all decisions made by the Board. Each member has an equal responsibility to share in decisions and to use the powers of the Board rationally and lawfully, for the benefit of ICR as a Colorado state institution.

Each Board member must seek, receive, and review the information reasonably needed to make informed decisions. The duty of care standard allows for the fact that members necessarily rely upon information supplied by the Institute's administration and staff. However, a member should not hesitate to ask that the Board be provided additional information if the member believes that the information supplied is insufficient to inform decisions.

A Board member may prudently rely upon information and reports from external sources the member regards as trustworthy, so long as such sources have been prudently selected and the Board member has reasonably relied on the source.

A Board member is not expected to exercise executive responsibility or run the day-to-day business of the Institute. Normally, an individual Board member is not personally responsible for the acts or omissions of the Director or the Director's appointees. However, the duty of care *does* apply to the Board's responsibility for participation in the selection and evaluation of the Director. A Board member who undertakes to act for the Board unilaterally may expose him or herself and the Board to liability by going outside the scope of Board authority and creating an appearance that the Board member possesses authority that he or she does not possess.

A Board member is expected to be knowledgeable of Board policies and procedures, and to provide for their regular review for effectiveness and compliance with applicable state and federal law.

When the Board acts as a body, even if a Board policy, decision, or action proves to be unwise, the members will generally be protected from individual liability if they acted in good faith, with independent and informed judgment, and in the reasonable belief the action was in ICR's best interest as an institution.

## **2. Duty of Loyalty.**

The duty of loyalty requires that a Board member exercise the Board's authority in what he or she reasonably believes to be the best interest of the Institute, as distinct from the Board member's own interest or in the interest of

another entity or person. This duty also requires the Board member to refrain from personal activities, which would injure or take advantage of the institution.

The most obvious and important principle of the duty of loyalty is that a Board member must not use the position to further the member's personal interest. The member's actions and decisions as a Board member must be for the benefit of the organization only.

## **B. Conflicts of Interest.**

When discharging your significant duties and in particular as members of a state public board, it is imperative both that you avoid actual conflicts of interest, as well as, the appearance of conflicts of interest.

### **1. Mandatory conflict avoidance.**

The Legislature has provided some guidance regarding the necessary avoidance of conflicts of interest. To that end, §24-18-101 *et seq.*, C.R.S. sets forth the code of ethics for your public service as a Board member. In particular, pursuant to §24-18-108.5(2), C.R.S., “[a] member of a board ... shall not perform an official act which may have a direct economic benefit on a business or other undertaking in which such member has a direct or substantial financial interest.” An official act is defined as “... any vote, decision, recommendation, approval, disapproval, or other action, including inaction, which involves the use of discretionary authority.” See §24-18-102(7), C.R.S.

The statutory language discussed above uses the mandatory term “shall” to denote that a Board member will not participate in any Board consideration of his or her own business interests. Therefore, at any point wherein a Board member's outside business or financial interests arise in the context of potential action by the Board, the member should recuse himself or herself from the substantive discussion and from any ensuing vote.<sup>1</sup>

The best practice for effecting the recusal, in order to avoid both an actual conflict, as well as the appearance of a conflict, is for the Board member to physically move from the table during consideration of the matter, to the designated physical location where any other nonmember constituent would present a matter for the Board's consideration. An oral recognition of the physical movement of the

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<sup>1</sup> The Board member may vote on the matter only when: (1) their participation is necessary to achieve a quorum or otherwise enable the body to act; and (2) written disclosure of the conflict is made prior to taking the action.

Board member, coupled with clarification that the Board member is now wearing a different hat, so to speak, should also be made for benefit of the electronic record and a corresponding notation included in the Board minutes. Once the discussion related to the Board member's business or financial interest has concluded, and after any necessary vote has occurred, he or she may resume their usual place at the table for consideration of other Board business.

In addition to the above scenarios, the appearance of a conflict of interest, if not an actual conflict, may occur if the close family member (spouse, sibling, parent, or child) of a Board member owns, works for, or otherwise benefits by the operation of, business which is before the Board for its consideration. In such an instance, the best practice would be for the Board member to recuse himself or herself from any vote or other official action, with such recusal or abstention noted for both the oral and written records.

## **2. Non-mandatory, but recommended, conflict avoidance.**

There are numerous additional provisions within Title 24, Article 18, which are not directly applicable to ICR's Board but with which members' voluntarily compliance aids in preservation of the important public trust placed in them. Two such provisions include the prohibition on significant gifts and the safeguarding of information received in the capacity as a Board member.

It is a best practice for Board members to decline to accept any significant gifts or other substantial benefit from persons or entities over which the Board has oversight. *See* 24-18-109(2)(c); *and see* §24-18-104(1)(b), C.R.S. Generally, Board members may accept unsolicited tokens or awards of appreciation, which are of trivial value or which otherwise, have a fair market value of less than \$53.00. *See* §24-18-104(2-3), C.R.S. Although the statutory language regarding a prohibition on receipt of gifts is not directly applicable to State public body Board members, the best practice would be to voluntarily abide by the prohibition that is mandatorily applicable to public employees.

In addition, Board members should also take care to safeguard that information which they receive in confidence pursuant to their service as a member of a public board. Specifically, Board members should not "[d]isclose or use confidential information acquired in the course of his [or her] official duties in order to further ... [their] personal financial interests." *See* §24-18-104(1)(a), C.R.S. Notably, although this particular provision of Title 24, Article 18 is not mandatory for the Board, there are other authorities which do require members to safeguard material including employee and student information.

### **3. Voluntary disclosure and safe-harbor regarding potential conflicts.**

There is a provision of law that allows a Board member to give notice of a potential conflict of interest and minimize potential liability.

A member of a board ... may, prior to acting in a manner which may impinge on his [or her] fiduciary duty and the public trust, disclose the nature of his [or her] private interest ... all ... shall make the disclosure in writing to the secretary of state, listing the amount of his [or her] financial interest, if any, for the purpose and duration of his services rendered, if any, and the compensation received for the service or such other information as is necessary to describe his [or her] interest. If he [or she] then performs the official act involved, he [or she] shall state for the record the fact and summary nature of the interest disclosed at the time of performing the act.

See §24-18-110, C.R.S. This is the type of process that should be utilized when a member needs to participate in a vote as set forth in fn. 1 to section B(1), above. Utilizing this procedure is vital as a knowing violation of the fiduciary duties set forth in §24-18-108.5, C.R.S., is a criminal act and this mechanism for disclosure “constitute[s] an affirmative defense to any civil or criminal action or any other sanction.”

### **C. Other ethical considerations.**

Former Governor Ritter adopted an executive order on ethics, which remains applicable to all who serve in the executive department.<sup>2</sup> It is broader than the rules of conduct proscribed by statute. It states that those who serve are to do so with integrity, honesty, impartiality, respect, concern, courtesy, and responsiveness to inspire public confidence and trust in government. The memo expressly prohibits:

- Engaging in any activity or business which creates a conflict of interest or has an *adverse effect on the confidence of the public* in the integrity of the government,
- Using your authority to give preference to family members or those in business or social relationships with you,

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<sup>2</sup> This memo does not opine on whether Board members who are appointed by the Governor “serve in the executive department.” Whether or not binding on Board members, the Executive Order sets forth reasonable standards that are designed to increase public confidence and should be observed.

- Using the state property, equipment, or supplies for private gain,
- Knowingly accepting any gift or thing of value from a professional lobbyist,
- Accepting anything of value which would influence faithful and impartial discharge of duties or as a reward for official action, and
- Disclosing, using, or allowing others to use confidential information acquired by state employment for private gain.

Please let me know if I might provide any further information regarding the Board's duties and ethical obligations.

*The information and advice contained herein is subject to attorney client privilege and reflects the legal opinions of the particular First and Senior Assistant Attorneys General but is not a formal opinion of the Office of the Attorney General.*



# COLORADO STATE UNIVERSITY SYSTEM

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**Johnna Doyle, Deputy General Counsel**

## **INSTITUTE OF CANNABIS RESEARCH GOVERNING BOARD CONFLICTS DISCLOSURE STATEMENT**

All Institute of Cannabis Research Governing Board members shall submit this Statement annually on or before June 30. Additionally, all members shall amend this Statement not more than 91 days after any conflict of interest arises.

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

Check one:  ANNUAL FILING       AMENDMENT

### CONFLICTS OR POTENTIAL CONFLICTS OF INTEREST:

If your official actions could in any way harm, benefit, or promote your private interests or the interests of your family, friends, or business associates, you may have a potential conflict of interest. You may also have a conflict of interest if pursuing your own interests is incompatible with or detrimental to the State, or in any way compromises your loyalty to the State and your commitment to your duties.

Examples of conflict of interest (for illustrative purposes only):

- The Institute is hiring the consulting firm in which my brother-in-law is a partner to perform consulting services.
- I am an owner of a company that plans to bid on an Institute contract.

Please describe below all conflicts or potential conflicts of interest that you may have. If you are uncertain whether your situation presents a conflict or potential conflict of interest, contact the Board's Counsel.



# COLORADO STATE UNIVERSITY SYSTEM

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**Johnna Doyle, Deputy General Counsel**

November 18, 2019

To: Institute of Cannabis Research Governing Board  
From: Jacquelynn Rich Fredericks,  
First Assistant Attorney General  
Skip Spear and Natalie Powell,  
Senior Assistant Attorneys General  
RE: Open Meetings and Open Records, a Brief Summary

## **THIS DOCUMENT IS SUBJECT TO ATTORNEY-CLIENT PRIVILEGE**

### **A. Open meetings law pursuant to §24-6-401, *et. seq.*, C.R.S.**

1. Under the Open Meetings Law, **all** meetings of two or more Board members at which public business is discussed or at which any formal action is taken are required to be open to the public. Minutes must be taken which are open to public inspection. *See* §24-6-402(2)(a-d), C.R.S.
2. If a quorum or majority of the Board is expected to be or attends at such a meeting, the meeting can be held only **after** full and timely notice to the public. For the purposes of the Open Meetings Law, a meeting includes any gathering of members convened to discuss public business or take formal action, whether in person, by telephone, electronically, or by other means of communication. *Id.* These requirements do not apply to a chance meeting, or a social gathering, at which discussion of public business is not a central purpose. Any Bylaws the Board develops must be congruent with OML's requirements.
3. Colorado's Sunshine Law is silent as to what constitutes "timely" notice to the public from state public bodies such as the Institute of Cannabis Research Governing Board. However, pursuant to §24-6-402(2)(c), C.R.S., which governs notice given by local public bodies, notice is considered "timely" when it is posted in a designated public place, "no less than twenty-four hours prior to the ... meeting." Accordingly, the general

- preference is for the Institute of Cannabis Research's Governing Board to post notice of any anticipated meeting no less than 24 hours in advance of the meeting. Under the statute, there may be rare exigent circumstances under which a lesser timeline may be defensible. Again, when the ICR develops its Bylaws, these must reflect compliance with the OML's baseline requirements. Thus, while the Board could not set a policy that it will give notice less than 24 hours prior to a meeting, it could agree to abide by a greater time period for giving such notice.
4. It is critical that written notice of meetings is given because if the Board were to act without first properly noticing that agenda item, then, the action taken could be invalidated. *See Hyde v. Banking Bd.*, 552 P.2d 32 (1976).
  5. At any special or regular meeting of the Board, the Board may, by 2/3 vote of its "entire membership," hold an executive session that is not open to the public. *See* §24-6-402(3)(a), C.R.S. The executive session may be held only to discuss specific matters enumerated in the law. *Id.* In order to convene in executive session, under the plain language of the statute, eight of the eleven Board members (representing 2/3 of the "entire membership") must agree to hold the executive session. If an executive session is improperly convened, it could later be determined to be open, and the discussion during the session deemed subject to public disclosure. *See Gumina v. City of Sterling*, 119 P.3d 527 (Colo. App. 2004).
  6. Prior to the Board going into executive session, the gubernatorially appointed Chair must announce the topic(s) to be discussed in executive session and cite the legal basis for such topic(s) to be discussed in executive session. An executive session must be electronically recorded *unless it pertains exclusively to attorney-client privileged advice*. *See* §24-6-402(2)(d.5)(I)(A-B). The executive session recording may be destroyed after 90 days, unless some type of claim is made before destruction with respect to the appropriateness of the executive session. *Id.* at – 402(2)(d.5)(I)(E). If such a claim is made, the recording must be preserved until such claim is resolved.
  7. **No** formal action of the Board may be taken in executive session, except approval of minutes from a previous executive session. This prohibition against votes in executive session encompasses a ban on straw polls or other informal attempts to glean what a public session vote might look like, beyond discussion or the seeking of legal advice related to a particular permitted topic.



8. As a matter of prudence, once an executive session has formally ended and the public session has re-commenced, it is the best practice to engage in discussion or a summary of a matter before proceeding to any vote. This allows the public record to reflect the basis for a particular vote. This is critical because while you may receive legal advice from counsel during executive session(s), it is important for the public record to accurately reflect the Board's non-confidential and non-privileged discussions.
9. Colorado law expressly prohibits the Board from "rubber-stamping" decisions. *See Walsenburg Sand & Gravel Co. v. City Council of Walsenburg*, 160 P.3d 297 (Colo. App. 2007). Therefore, it is imperative that prior to acting on any issue that an adequate record is established via a substantive public discussion.
10. If the Board errs in some respect regarding Paragraph 9 above, the Board is permitted to "cure" a prior violation of the open meetings law. This is accomplished by holding a subsequent compliant meeting, including the necessary substantive public discussion, which is not a mere "rubber-stamping" of the prior decision. *See COHVCO v. Bd. of Parks & Outdoor Rec.*, 292 P.3d 1132 (Colo. App. 2012).
11. Although Open Meetings Law and its requirements can be tedious, it is critical that the Board adhere to the procedures mandated. If the Board is found to have violated Open Meetings Law, **regardless of whether the violation is knowing or intentional**, an aggrieved plaintiff would be entitled to a mandatory award of their costs and attorney's fees in litigation concerning the noncompliance. *See Zubeck v. El Paso County Retirement Plan*, 961 P.2d 597 (Colo. App. 1998).

#### **B. Open records act pursuant to §24-72-101, *et seq.*, C.R.S.**

1. Public records include "**all** writings made, maintained, or kept ..." *See* §24-72-202(6)(a)(I), C.R.S. (emphasis added). Writings consist of "**all** books, papers, maps, photographs, cards, tapes, records or other documentary materials ... including without limitation electronic mail messages ..." *See* §24-72-202(7), C.R.S. (emphasis added).
2. Electronic mail is any electronic message transmitted between computers, regardless of whether the messages are converted to a hard copy format upon receipt. *See* §24-72-202(1.2), C.R.S. **This includes emails between members of the Board about Board business, regardless of which email account it is transmitted from and to.**

3. In general, **all** Board records are presumed to be open to the public, unless they fall within one of the exceptions stated in the Act. Exceptions to the definition of public records are located at §24-72-202(6)(a)(II and IV-XIII), C.R.S. and are fairly specific and narrow. For this reason, when acting on behalf of the Board, you should assume that any documents you author, including your emails, might be public records. This same note of caution would apply to any other electronic messages you may exchange predicate to your service on the Board via messaging apps or text (although as discussed above, Board members should not be texting about Board business in a substantive manner outside of a duly noticed meeting, in order to maintain compliance with OML).
4. Work product, which includes deliberative materials, is one notable exception to public records. *See* §24-72-202(6.5), C.R.S. This is generally referred to as the deliberative process privilege or exception. Notably, although the materials gathered and communicated for the purpose of reaching a decision are work product and thus protected by deliberative process, any final document expressing an opinion or rendering a decision is not work product. *Id.* at (IV)(c-d), C.R.S.

Pursuant to the above, both the meetings that you hold in-person or telephonically, as well as the written communications you exchange, including via email or text messages are generally open to the public for inspection. Open meetings and records rules can be somewhat confusing, in particular with respect to the various exceptions. Please let us know if we might provide further guidance on either or both topics.

*The information and advice contained herein is subject to attorney client privilege and reflects the legal opinions of the particular First Assistant Attorney General and Senior Assistant Attorneys General but is not a formal opinion of the Office of the Attorney General.*



# COLORADO STATE UNIVERSITY SYSTEM

Colorado State University • Colorado State University - Pueblo • CSU - Global Campus

**Johnna Doyle, Deputy General Counsel**

November 18, 2019

To: Institute of Cannabis Research Governing Board  
From: Jacquelynn Rich Fredericks, First Assistant Attorney General  
Skip Spear and Natalie Powell, Senior Assistant Attorneys General  
RE: Executive Session Suggested Script

**THIS DOCUMENT IS SUBJECT TO ATTORNEY-CLIENT PRIVILEGE**

## **SUGGESTED EXECUTIVE SESSION SCRIPT**

**Chair:**

- Do I have a motion to convene in executive session to confer with our Attorney to seek legal advice pursuant to §24-6-402(3)(a)(II), C.R.S, regarding **[you must list the issue to be discussed]**.
  - o The Board will seek legal advice from Counsel on specific legal questions regarding **[Issue]**.
- Someone must “so move”
- Someone else must “second” the motion

**Chair:**

- All in favor say “aye”
- Opposed?
- Any abstentions?

*[2/3 of the Board’s full membership (not merely of those in attendance), which would be 8/11 Board members must vote to convene in executive session. See §24-6-402(3)(a), C.R.S.]*

**Chair:**

- The Motion passes. The Board of Institute of Cannabis Research will convene in executive session with its Attorney to discuss the issues listed.

- *If there are other people the Board wishes to include such other employees, etc., you can add their names or titles when indicating that you will include them in the Executive Session.*
- Please turn off the public session tape.
- Please turn on the executive session tape.

*[Members of the public must leave the room.]*

**Chair:**

- Congruent with its public announcement and pursuant to §24-6-402(3)(a)(II), C.R.S. the Board is now in executive session with its Attorney to receive legal advice on [**list issue to be discussed**].

*[Attorney-Client Privileged Discussion regarding each issue but “no adoption of any proposed policy, position, resolution, rule, regulation, or formal action” is taken until public session resumes. See §24-6-402(3)(a), C.R.S.]*

**Chair:**

- The attorney-client privileged discussion has concluded and this executive session is adjourned.
- Please turn off the executive session tape and mark it with today’s date.
- Please turn on the public session tape.

*[Invite the members of the public to return.]*

*The information and advice contained herein is subject to attorney client privilege and reflects the legal opinions of the particular Assistant Attorneys General but is not a formal opinion of the Office of the Attorney General.*



# COLORADO STATE UNIVERSITY SYSTEM

Colorado State University • Colorado State University - Pueblo • CSU - Global Campus

**Johnna Doyle, Deputy General Counsel**

November 18, 2019

To: Institute of Cannabis Research Governing Board  
From: Jacquelynn Rich Fredericks, First Assistant Attorney General  
Skip Spear and Natalie Powell, Senior Assistant Attorneys General  
Re: Public Meeting Executive Session Process, adapted from the APA

## **Reminders and Recommendations**

Best practice(s) at the conclusion of each Executive Session include:

- ✓ For the attorney to read a statement into the public record affirming the purpose of the Executive Session;
- ✓ For the Members to summarize matters discussed (without revealing confidential or attorney-client privileged information);
- ✓ For the Members to engage in **meaningful** public discussion prior to taking any action (to avoid the appearance that decisions were improperly made in the Executive Session).

**NO** votes may be taken during Executive Session.



# COLORADO STATE UNIVERSITY SYSTEM

Colorado State University • Colorado State University - Pueblo • CSU - Global Campus

**Johnna Doyle, Deputy General Counsel**

**1**

**MOTION:**

Member makes a motion to go into Executive Session. To the extent possible, topics to be covered must be announced publicly.

**2**

**SECOND:**

Second member seconds the motion.

**3**

**VOTE:**

If 2/3 of members vote "aye," an Executive Session is convened.

**4**

**TRANSITION:**

Chair directs public to exit. Chair directs public meeting recorder be turned OFF and Executive Session recorder be turned ON.

**5**

**EXECUTIVE SESSION:**

Confidential and/or attorney-client privileged discussions. Note: When legal advice sought, may turn off recorder. But, attorney must either make statement on-record beforehand or sign written statement after.

**6**

**EXIT:**

Chair announces conclusion of Executive Session (states time). Chair directs Executive Session recorder be turned OFF and public meeting recorder be turned ON. Public invited to return.

## **\*\*FIRST DRAFT for Review\*\***

### **Institute of Cannabis Research Governing Board Bylaws**

#### **Article I: Name**

The name of this board shall be the Institute of Cannabis Research Governing Board (Board).

#### **Article II: Purpose**

##### **1. Board**

The Board has been created to provide certain oversight and support functions for Colorado State University – Pueblo’s Institute for Cannabis Research (IRC). The Board is specifically tasked with overseeing and guiding the mission and spending of the IRC. The Board is to advise Colorado institutions of higher education that seeks to establish cannabis-specific curricula. The Board will advise the Colorado Commission on Higher Education (CCHE) prior to CCHE approving any cannabis related degree or certificate programs. The Board, in consultation with the Director of the IRC, will fund research through an open and competitive process following national best practices. Eligible institutions/entities for research funding through the IRC include: any not-for-profit Colorado based research entity; any Colorado Institution of Higher Education and any research entity associated with such institution; and a research entity that has a Marijuana Research and Development license pursuant to CRS §44-11-408, that is operating in compliance with that section and is conducting the research with a Colorado Institution of Higher Education.

##### **2. Bylaws**

The purpose of these Bylaws shall be to establish the organizational rules and responsibilities of the Board and its relationship to the IRC. The Bylaws shall be reviewed annually at the beginning of the state fiscal year or more frequently depending on the proposed need and will be noted on the document for the purpose of tracking said changes.

#### **Article III: Membership**

##### **1. Appointments**

Board shall consist of the following members:

- The Chancellor of the Colorado State University System or designee
- The Executive Director of the Colorado Commission on Higher Education or designee
- The President of the University of Colorado or designee
- The Executive Director of the Department of Public Health and Environment or designee
- Seven members appointed by the Governor with the consent of the Senate: Three Scientists from relevant fields who have been employed at appropriate research oriented institutions or entities who support the mission of the IRC-P; and Four members associated with cannabis-related industries in Colorado.

## **2. Leadership**

The Governor will name the Chair of the Board with the consent of the Senate.

## **3. Terms**

Board members shall serve for the length of their appointment, until removed by the Governor or the passage of legislation disbanding the Board.

## **Article IV: Meetings**

### **1. Schedule**

The Chair of the Board will call all meetings. As a State Body for purposes of the Colorado Open Meetings Law, it will be the Chair's responsibility to ensure compliance with notice requirements, recordation of meeting minutes and calling of executive sessions.

### **2. Attendance**

Board members are expected to regularly attend and actively participate in Board meetings. Attendance at all meetings shall be a priority, and members are expected to come prepared to discuss agenda items.

### **3. Notices**

Board meeting notices, agendas, and minutes shall be emailed to all Board members through electronic mail at least one week in advance of the meeting date by the Chair.

### **4. Quorum**

At all meetings, seven Board members will constitute a quorum for the transaction of business.

### **5. Board Member Responsibilities**

Board members are to review all distributed meeting materials prior to the pertinent meeting. Board members should come prepared to discuss agenda items and engage in civil, collaborative discourse with board members and ICR Staff?

### **6. Expense Reimbursement**

Board members will be reimbursed for reasonable expenses travel expenses.

- **In State Participants** – you can request to be reimbursed for mileage as well as per diem and a hotel as needed. To reimburse you for these costs we will need to complete the attached forms so that we can establish you as a vendor in the CSU-Pueblo system and complete the reimbursement process. Per diem will be issued per state and federal best practices based on your travel details less any meals that are provided as part of the meeting.
- **Out of State Participants** – you can request to be reimbursed for airfare, a rental car, per diem and a hotel room if needed. To reimburse you for these costs we will need to complete the attached forms so that we can establish you as a vendor in the CSU-Pueblo



system. Also, within 5 business days following the event, please submit a detailed airfare, rental car and hotel receipt along with the travel reimbursement form (details below). Per diem will be issued per state and federal best practices based on your travel details less any meals that are provided as part of the meeting.

## **7. Bylaw Amendments**

These Bylaws may be amended at any meeting of the Board by the affirmative vote of five (6) Voting Members, provided that notice of any proposed amendment shall have been given with the notice of the meeting at which such amendment is scheduled to be voted upon. Any and all provisions of the Bylaws, not otherwise required by law, may be suspended by a vote of two-thirds (2/3) of the Voting Members of the Board present at any meeting of the Board.

### **Article V: Conflicts of Interest**

No Board member shall have at any time, directly or indirectly, an interest in any contract relating to the operations of the ICR nor in any contract for furnishing services or supplies to the ICR unless such contract has been approved by the majority of Board members at a meeting where the fact and nature of such interest is fully disclosed or known to the Board members and the interested party is not present for the vote.

## HB19-1311:

### Governing Board

1. THE GOVERNING BOARD SHALL OVERSEE AND GUIDE THE ROLE AND MISSION OF THE INSTITUTE. THE GOVERNING BOARD SHALL DIRECT THE SPENDING OF THE MONEY RECEIVED BY THE INSTITUTE PURSUANT TO SUBSECTION (4) OF THIS SECTION.

Guide the role, mission, and budget of the ICR.

2. THE GOVERNING BOARD SHALL ADVISE ANY COLORADO INSTITUTION OF HIGHER EDUCATION THAT SEEKS TO DEVELOP A CANNABIS-SPECIFIC CURRICULUM. THE COLORADO COMMISSION ON HIGHER EDUCATION SHALL SEEK INPUT FROM THE GOVERNING BOARD BEFORE APPROVING ANY CANNABIS-RELATED DEGREES OR CERTIFICATION

Advise academic institutions and CCHHE related to cannabis specific curriculum

3. GOVERNING BOARD MAY SOLICIT, ACCEPT, EXPEND, AND DISBURSE ALL MONEY COLLECTED FOR THE INSTITUTE FROM THE SOURCES SPECIFIED IN THIS SUBSECTION (4)(b) FOR THE PURPOSES OF CONDUCTING RESEARCH RELATED TO CANNABIS AND TO DISSEMINATING THE RESULTS OF SUCH RESEARCH PUBLICLY, CONSISTENT WITH THE ROLE AND MISSION OF THE INSTITUTE. SUCH MONEY MAY BE EXPENDED FOR THE PURPOSE OF FUNDING ACTIVITIES INITIATED DURING ANY STATE FISCAL YEAR THAT ARE TO BE COMPLETED IN SUBSEQUENT STATE FISCAL YEARS AND REPORTED ANNUALLY TO THE JOINT BUDGET COMMITTEE.

Fundraise to support research related to cannabis and dissemination of results.

4. THE GOVERNING BOARD SHALL APPROVE THE INSTITUTE'S ANNUAL BUDGET.

Approve ICR annual Budget.

5. **In relation to the Director:** THE GOVERNING BOARD IS THE SEARCH COMMITTEE TO THE HOST INSTITUTION'S CHIEF EXECUTIVE OFFICER, WHO IS THE HIRING AUTHORITY. THE GOVERNING BOARD SHALL PROVIDE FEEDBACK TO THE HIRING AUTHORITY FOR USE IN THE ANNUAL EVALUATION OF THE DIRECTOR.

Board advises Chief Executive Officer of the host institution on the selection of the Director. The Board provides feedback to the Chief Executive Officer of the host institution for use in the annual evaluation of the Director.

6. THE GOVERNING BOARD, IN CONSULTATION WITH THE INSTITUTE'S DIRECTOR:
  - a. MUST FUND RESEARCH THROUGH AN OPEN, COMPETITIVE PROCESS USING NATIONAL BEST PRACTICES; AND

Fund research through a competitive process for research funding using National Best Practices.

- b. MAY AWARD RESEARCH FUNDS TO: **(organizations eligible for research funding)**
    - i. ANY NOT-FOR-PROFIT COLORADO-BASED RESEARCH ENTITY;

- ii. ANY COLORADO INSTITUTION OF HIGHER EDUCATION AND ANY RESEARCH ENTITY ASSOCIATED WITH SUCH INSTITUTION; OR
  - i. A RESEARCH ENTITY THAT HAS A MARIJUANA RESEARCH AND DEVELOPMENT LICENSE PURSUANT TO SECTION 44-11-408, THAT IS OPERATING IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 44-11-408, AND IS CONDUCTING THE RESEARCH WITH A COLORADO INSTITUTION OF HIGHER EDUCATION.
7. THE GOVERNING BOARD SHALL SUBMIT THE ANNUAL REPORT TO THE JOINT BUDGET COMMITTEE AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, AND SHALL COMMENT ON THE ANNUAL REPORT TO ADVISE THE GENERAL ASSEMBLY ON THE EFFICACY OF THE INSTITUTE RELATED TO ITS ROLE AND MISSION.  
[Submit annual report to appropriate committees and advise on efficacy of ICR.](#)
8. THE GOVERNING BOARD SHALL NOTIFY THE JOINT BUDGET COMMITTEE AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, IF IT DETERMINES THAT THE HOST INSTITUTION SHOULD BE RELOCATED. IF THE HOST INSTITUTION IS TO BE RELOCATED, THE GOVERNING BOARD SHALL CONDUCT A SEARCH USING NATIONAL BEST PRACTICES AND COMPLETE THE TRANSITION IN ONE FISCAL YEAR. THE HOST INSTITUTION SHALL CONTINUE TO SUPPORT THE INSTITUTE DURING THE TRANSITION. A NEW HOST INSTITUTION MUST HOST THE INSTITUTE FOR AT LEAST FIVE YEARS BEFORE ANY SUBSEQUENT RELOCATION, UNLESS THERE IS GOOD CAUSE TO CHANGE THE HOST INSTITUTION.  
[Board to advise legislature on appropriateness of host institution for the ICR](#)

## ICR

1. THE ROLE AND MISSION OF THE INSTITUTE IS TO CONDUCT RESEARCH RELATED TO CANNABIS, INCLUDING CLINICAL RESEARCH, BIOTECHNOLOGIES, CLINICAL STUDIES, THE EFFICACIES OF MEDICAL MARIJUANA, AND ECONOMIC DEVELOPMENT ASSOCIATED WITH CANNABIS IN COLORADO, AND TO PUBLICLY DISSEMINATE THE RESULTS OF THE RESEARCH.  
[ICR is to direct research related to cannabis including in the specified areas and to disseminate results.](#)
2. THE INSTITUTE MAY SPEND THE MONEY RECEIVED FROM THE GENERAL ASSEMBLY FOR INSTITUTE PERSONNEL, TO CONDUCT RESEARCH, TO PRODUCE AN ANNUAL SYMPOSIUM, AND FOR ROUTINE FACILITY AND ADMINISTRATIVE COSTS CONSISTENT WITH FEDERAL STANDARDS.  
[ICR is to use funds to support personnel, conduct research, produce an annual symposium \(conference\), and for F&A.](#)
  - a. ENTITY OR INSTITUTION OF HIGHER EDUCATION THAT RECEIVES RESEARCH FUNDING FROM THE INSTITUTE SHALL PRESENT ITS RESEARCH RESULTS AT THE INSTITUTE'S ANNUAL SYMPOSIUM IN THE YEAR AFTER

THE RESEARCH IS CONCLUDED AND SHALL SUBMIT ANY REPORTS  
REQUIRED BY THE GOVERNING BOARD

Organizations receiving funding are to present the results of the work at the  
annual conference and to submit required reports to the Board.

3. THE INSTITUTE MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION. THE INSTITUTE MAY ACCEPT AND EXPEND OTHER REVENUE GENERATED BY THE INSTITUTE, INCLUDING ANY FEES OR INTEREST EARNED ON THE MONEY AND REVENUE GENERATED FROM THE SALE OR LICENSE OF INTELLECTUAL PROPERTY AS APPROVED BY THE GOVERNING BOARD.

ICR may expend fundraised monies and other revenue.

4. THERE IS A DIRECTOR OF THE INSTITUTE. THE DIRECTOR IS AN EMPLOYEE OF THE INSTITUTION OF HIGHER EDUCATION THAT SERVES AS THE HOST INSTITUTION.

Director is the employee of the host institution.

- a. THE DIRECTOR'S RESPONSIBILITIES INCLUDE MANAGEMENT OF THE INSTITUTE'S BUDGET AND OVERSIGHT OF ITS EMPLOYEES, IMPLEMENTATION OF THE RESEARCH FUNDING PROCESS, AND DELIVERY OF THE SYMPOSIUM.

Director supervises staff, RFA process, and annual conference.

- b. THE INSTITUTE DIRECTOR SHALL ANNUALLY PRODUCE A REPORT FOR THE JOINT BUDGET COMMITTEE AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, THAT INCLUDES THE FOLLOWING INFORMATION:

- i. DESCRIPTION OF THE RESEARCH FUNDED THROUGH THE INSTITUTE IN THE PREVIOUS YEAR; AND
- ii. AN ACCOUNTING OF THE INSTITUTE'S SPENDING FOR THE PREVIOUS YEAR.

Director to oversee the annual report that accounts for research funded and spending for the previous year.

### **Roles/Goals of the ICR:**

Bill includes roles as a funder of research and a research/education 'oversight' group and includes the potential for roles as a scholarly outreach group, a group to interact with the industry and the public in order to disseminate research, among others.

**We have a HUGE opportunity to address research and education gaps and elevate the ICR to national and international prominence.** We will likely pick several of the roles for the ICR and may need to have a rank order of priorities. I think we would do our best to focus on 2-3 key goals initially, break down into short and long term, and ask for enough funds to do those very well.

### **Long-term strategic goals:**

1. Increase and expand research expertise and funding across the areas specified in the bill.
  - a. Expand on the number and type of research projects funded
  - b. Incentivize collaborative research and research training across CO institutions
  - c. Incentivize collaborations with industry
  - d. Provide funds for competitive Post-doctoral, graduate, or undergraduate training fellowships to support research
2. Research dissemination and advocacy at state and national levels (State of Colorado, NIH, other cannabis research groups around the U.S., etc.)
  - a. Annual conference
  - b. Engagement with cannabis research institutes at other institutes of higher ed.
  - c. Establishing a larger national/international presence.
3. Budget goals.
  - a. Amount/structure of state request
  - b. Fundraising
  - c. Role for intellectual property to support ICR
3. Support state Higher Ed curriculums through advisory roles outlined in the bill.
  - a. Advise on higher ed curriculums in collaboration with CCHE
  - b. Dissemination of research through improved educational opportunities - students and via paid C.E. programs for clinicians in the community (MDs, PharmDs, nurses, psychologists and other mental health professionals).
4. TBD

### **Short-term priorities to meet these goals:**

- Finalize funding request to the state in the amount of \$3.6M (“doubling approach) to ~\$8M (suggested by Dr. Hasan based on original ask). Any funds needed to fulfill the mission of the ICR per HB19-1311 that cannot be supported with the state appropriated funds will be secured via fundraising efforts.

Item	FY20	FY21	FY22	FY23	FY24	FY25
<b>Personnel</b>						
Chad Kinney - Director (0.78 FTE)	\$ 106,853.26	\$ 110,058.86	\$ 113,360.62	\$ 116,761.44	\$ 120,264.28	\$ 123,872.21
Nicole Quartiero - Assistant Director (0.75 FTE until Dec19; then 1.0 FTE)	\$ 85,955.31	\$ 100,968.71	\$ 103,997.78	\$ 107,117.71	\$ 110,331.24	\$ 113,641.18
Xiao Cui - Data Analyst (1.0 FTE)	\$ 75,333.60	\$ 77,593.61	\$ 79,921.42	\$ 82,319.06	\$ 84,788.64	\$ 87,332.29
Sang Park - Research Scientist (1.0 FTE)	\$ 98,618.40	\$ 101,576.96	\$ 104,624.27	\$ 107,762.99	\$ 110,995.88	\$ 114,325.76
John Williamson - External Research Coordinator (0.25 FTE)	\$ 30,214.01	\$ 31,120.43	\$ 32,054.05	\$ 33,015.67	\$ 34,006.14	\$ 35,026.32
Amy Uhernick - Research Scientist (1.0 FTE)	\$ 75,333.60	\$ 77,593.61	\$ 79,921.42	\$ 82,319.06	\$ 84,788.64	\$ 87,332.29
Wendy Fairchild - Office Manager (0.25 FTE)	\$ 20,279.61	\$ 20,887.99	\$ 21,514.63	\$ 22,160.07	\$ 22,824.87	\$ 23,509.62
Wendy Fairchild - Office Manager (0.25 FTE)	\$ -	\$ 18,736.99	\$ 19,299.10	\$ 19,878.07	\$ 20,474.41	\$ 21,088.64
To Be Named - Grant Manager (1.0 FTE)	\$ -	\$ 85,995.00	\$ 88,574.85	\$ 91,232.10	\$ 93,969.06	\$ 96,788.13
To Be Named - External Fundraising Coordinator (xxx FTE)	\$ -	\$ 72,765.00	\$ 74,947.95	\$ 77,196.39	\$ 79,512.28	\$ 81,897.65
Postdoctoral Fellowship Program	\$ -	\$ 132,300.00	\$ 268,569.00	\$ 276,626.07	\$ 284,924.85	\$ 293,472.60
<b>Operational Costs</b>						
ICR Operating	\$ 45,441.50	\$ 67,598.12	\$ 52,004.12	\$ 35,942.29	\$ 19,398.61	\$ 2,358.62
ICR Operating				\$ 14,057.71	\$ 30,601.39	\$ 47,641.38
ICR Travel/PD	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
Additional Training/PD - Clinical Research	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 20,000.00
Journal	\$ 82,215.00	\$ 82,215.00	\$ 82,215.00	\$ 82,215.00	\$ 82,215.00	\$ 82,215.00
Conference	\$ 43,000.00	\$ 43,000.00	\$ 43,000.00	\$ 43,000.00	\$ 43,000.00	\$ 43,000.00
<b>Curriculum</b>						
Curricular Development - Higher Ed	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00
Curricular Development - Higher Ed	\$ -	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00
Curricular Development - Clinicians and Practitioners	\$ -	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00	\$ 100,000.00
<b>Research - New Projects</b>						
FY21 - Clinical Research Project 1 (Lg)	\$ -	\$ 777,500.00	\$ 777,500.00	\$ 777,500.00	\$ 777,500.00	\$ 777,500.00
FY21 - Clinical Research Project 2 (Lg)	\$ -	\$ 777,500.00	\$ 777,500.00	\$ 777,500.00	\$ 777,500.00	\$ 777,500.00
FY21 - Clinical Research Project 3 (Small)	\$ -	\$ 388,750.00	\$ 388,750.00	\$ -	\$ -	\$ -
FY21 - Clinical Research Project 4 (Small)	\$ -	\$ 388,750.00	\$ 388,750.00	\$ -	\$ -	\$ -
FY22 - Clinical Research Project 1 (Lg)	\$ -	\$ -	\$ 777,500.00	\$ 777,500.00	\$ 777,500.00	\$ 777,500.00
FY22 - Clinical Research Project 2 (Lg)	\$ -	\$ -	\$ 777,500.00	\$ 777,500.00	\$ 777,500.00	\$ 777,500.00
FY22 - Clinical Research Project 3 (Small)	\$ -	\$ -	\$ 388,750.00	\$ 388,750.00	\$ -	\$ -
FY22 - Clinical Research Project 4 (Small)	\$ -	\$ -	\$ 388,750.00	\$ 388,750.00	\$ -	\$ -
FY23 - Clinical Research Project 1 (Lg)	\$ -	\$ -	\$ -	\$ 777,500.00	\$ 777,500.00	\$ 777,500.00
FY23 - Clinical Research Project 2 (Lg)	\$ -	\$ -	\$ -	\$ 777,500.00	\$ 777,500.00	\$ 777,500.00
FY23 - Clinical Research Project 3 (Small)	\$ -	\$ -	\$ -	\$ 388,750.00	\$ 388,750.00	\$ -
FY23 - Clinical Research Project 4 (Small)	\$ -	\$ -	\$ -	\$ 388,750.00	\$ 388,750.00	\$ -
FY24 - Clinical Research Project 1 (Lg)	\$ -	\$ -	\$ -	\$ -	\$ 777,500.00	\$ 777,500.00
FY24 - Clinical Research Project 2 (Lg)	\$ -	\$ -	\$ -	\$ -	\$ 777,500.00	\$ 777,500.00
FY24 - Clinical Research Project 3 (Small)	\$ -	\$ -	\$ -	\$ -	\$ 388,750.00	\$ 388,750.00
FY24 - Clinical Research Project 4 (Small)	\$ -	\$ -	\$ -	\$ -	\$ 388,750.00	\$ 388,750.00
FY25 - Clinical Research Project 1 (Lg)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 777,500.00
FY25 - Clinical Research Project 2 (Lg)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 777,500.00
FY25 - Clinical Research Project 3 (Small)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 388,750.00
FY25 - Clinical Research Project 4 (Small)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 388,750.00
Science & Biotechnologies Project - A	\$ -	\$ 388,750.00	\$ 388,750.00	\$ 388,750.00	\$ 388,750.00	\$ 388,750.00
Science & Biotechnologies Project - B	\$ -	\$ 388,750.00	\$ 388,750.00	\$ 388,750.00	\$ 388,750.00	\$ 388,750.00
Social & Economic Impacts Project - A	\$ -	\$ 388,750.00	\$ 388,750.00	\$ 388,750.00	\$ 388,750.00	\$ 388,750.00
Social & Economic Impact Project - B	\$ -	\$ 388,750.00	\$ 388,750.00	\$ 388,750.00	\$ 388,750.00	\$ 388,750.00
<b>Research - Existing Projects ("ICR Directed")</b>						
Projects lead by ICR Senior Scientist	\$ 20,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00
Project - Annette Gabaldon	\$ 33,581.00	\$ -	\$ -	\$ -	\$ -	\$ -
Project - Neb Jaksic	\$ 54,617.00	\$ -	\$ -	\$ -	\$ -	\$ -
Project - Barabara Brett	\$ 75,190.00	\$ 52,713.00	\$ -	\$ -	\$ -	\$ -
Project - Brian Vanden Heuvel	\$ 233,375.00	\$ 222,933.00	\$ -	\$ -	\$ -	\$ -
Project - Sandra Bonetti	\$ 26,630.00	\$ -	\$ -	\$ -	\$ -	\$ -
Project - Laee Choi	\$ 30,813.00	\$ -	\$ -	\$ -	\$ -	\$ -
Project - Annette Gabaldon	\$ 121,694.00	\$ 133,620.00	\$ -	\$ -	\$ -	\$ -
Project - Kuang-Yung Huang	\$ 43,351.00	\$ -	\$ -	\$ -	\$ -	\$ -
Project - Jeff Smith	\$ 73,888.00	\$ -	\$ -	\$ -	\$ -	\$ -
Project - Karen Yescavage	\$ 41,690.00	\$ -	\$ -	\$ -	\$ -	\$ -
Project - Moussa Diawara	\$ 39,351.00	\$ -	\$ -	\$ -	\$ -	\$ -
Project - Drs. Kim and Park	\$ 27,690.00	\$ 39,760.00	\$ 41,560.00	\$ -	\$ -	\$ -
Project - Partnership Drs. Lee and Park	\$ 18,045.00	\$ -	\$ -	\$ -	\$ -	\$ -
Research Infrastructure	\$ 98,204.00	\$ -	\$ -	\$ -	\$ -	\$ -
TBD ICR Research Directed Projects		\$ 25,974.00	\$ 433,440.00	\$ 475,000.00	\$ 475,000.00	\$ 475,000.00
<b>Other</b>						
RFP Management Software	\$ 18,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
Board Meeting and Travel Costs	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
Other	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Subtotal Direct Costs	\$ 1,674,363.30	\$ 5,654,910.29	\$ 8,129,004.20	\$ 9,711,603.63	\$ 11,297,095.29	\$ 12,893,501.70
Indirects (Current Budget)	\$ 163,636.33	\$ 163,636.33	\$ 163,636.33	\$ 163,636.33	\$ 163,636.33	\$ 163,636.33
Indirects (Additional Funding)	\$ 3,800.00	\$ 404,452.10	\$ 692,608.09	\$ 855,024.03	\$ 1,013,573.20	\$ 1,173,213.84
TOTAL	\$ 1,837,999.63	\$ 5,818,546.62	\$ 8,292,640.53	\$ 9,875,239.96	\$ 11,460,731.62	\$ 13,057,138.03
Current Appropriation	\$ 1,800,000.00	\$ 1,800,000.00	\$ 1,800,000.00	\$ 1,800,000.00	\$ 1,800,000.00	\$ 1,800,000.00
Additional Funding Ask amount	\$ 37,999.63	\$ 4,018,546.62	\$ 6,492,640.53	\$ 8,075,239.96	\$ 9,660,731.62	\$ 11,257,138.03
Totals from 09.26.19 version (discussed during the previous call)	\$ 123,994.96	\$ 4,349,429.20	\$ 6,701,149.58	\$ 8,290,313.57	\$ 9,882,257.44	\$ 11,460,309.62
Difference	(\$85,995.33)	(\$330,882.59)	(\$208,509.05)	(\$215,073.61)	(\$221,525.82)	(\$203,171.59)

## ICR BUDGET NARRATIVE

### **Personnel Costs**

**Chad Kinney, PhD - Director** (0.78 FTE; current funds) is responsible for the overall leadership, operational management, fiscal management, external relations, and direction of the Institute for Cannabis Research (unbiased, data-driven organization). Manages and evaluates ICR staff members. Liaises with internal and external organizations, regional stakeholders, and government personnel/lawmakers. Facilitates major ICR Activities including the ICR's research (RFA Process and Review), annual international conference (ensures conference committees meet, communicates with keynote speakers, and facilitates a vision and process for the conference to see it grow in importance and reputation), and the Journal of Cannabis Research (liaises with Springer Nature and Editor-in-Chief), convenes the ICR Steering Committee and the Community Liaison Board.

**Nicole Quartiero, MS, CRA – Assistant Director** (1.0 FTE; current funds) is currently 0.75 FTE, but will be transitioning to 1.0 FTE effective January 1, 2020. The AD is responsible for being a working lead and subject matter expert in research administration charged with executing important operational and fiscal functions. This position directs the administrative functions of the ICR including fiscal oversight and coordination of key stakeholder meetings. The Assistant Director expands the bandwidth of the Director by strategically managing their time to ensure objectives are met through the best use of available resources through detailed budget development and sound fiscal management processes. Works closely with Director and associated staff to create deliverables that meet stakeholder expectations. Maintains accurate and timely communications with all team members, project stakeholders, donors and sponsors. Drives decisions by maintaining project timelines and communicating next decision point to relevant stakeholders. Builds and maintain relationships with key international, national, state, regional and local decision-makers and organizations. Works closely with the Office of Research and Sponsored Programs, Office of General Council, the University Foundation, key state representatives and other relevant stakeholders to support the cultivation funders and a diverse funding portfolio. Organizes events that convene key stakeholders to consider important and challenging issues in the cannabis space. Represents the Institute at workshops, conferences and other events both within CSU and externally. Work in close collaboration with the Public Relations (PR) team to create content and manage PR pieces and media requests.

**Xiao Cui, MS – Data Analyst** (1.0 FTE; current funds) is responsible for supports ICR researchers with experimental design and statistical analysis, as well as monitoring fiscal data for the ICR. Currently advising and collaborating with several ICR supported researcher as well as external collaborators. Serves as the ICR Fiscal Officer. Maintains and updates ICR website. Serves on the ICR Conference Planning Committee and manages the Registration and Abstract submission portals.

**Sanghyuck Park, PhD – Senior Research Scientist** (1.0 FTE; current funds) is responsible for providing leadership to the ICR research team and conduct cannabis research in collaboration with other academic institutions and industries. Furthermore, he acts as a liaison to connect with other entities to facilitate expanding existing knowledge on cannabis and translating this knowledge into applications that benefit society. Stays current with leading research knowledge and practices by attending and presenting at appropriate meetings, and maintains currency with regulatory affairs and issues related to compliance. Supports obtaining and maintaining certifications and licensure. Oversees competitive ICR grants application process including the development of RFA and review process for ICR grants, manages the ICR Scientific Research Advisory Board, established and convenes the Hemp Farmers Association..

**John Williamson, PhD – External Research Coordinator** (0.25 FTE; current funds) is responsible for assisting researchers with guidelines on allowable cannabis research activities, guidelines for sponsored research, identification of available state and federal guidelines, external funding opportunities, dissemination of resources through the ICR website. Facilitate financial resource diversification: work with faculty to translate ICR funding to other external funding. Collaborate on the development and provide guidance on the development of hemp/cannabis curriculum.

**Amy Uhernik, MS – Research Scientist** (1.0 FTE; current funds) is responsible for assisting with or designing, undertaking and analyzing information from controlled laboratory-based investigations, experiments and trials. Serves on the conference program planning committee as a subject matter expert.

**Wendy Fairchild – Office Manager** (0.25 FTE - current funds; 0.25 FTE – new funds) is responsible for managing internal communications, coordinates activities planning/scheduling, and assists with contracts and purchasing in CSU-Pueblo's financial system of records. Reports to Director.

**To Be Named – Grant Manager** (1.0 FTE; new funds) is responsible for providing administrative and technical guidance and support to any person seeking ICR funding for research, public service, and sponsored institutional projects through state funding. Stays apprised of relevant regulations and translates those into application guidelines, and standards, and oversees the processing of the grant submission and award process. Also responsible for tracking, reconciling, and compliance. Would report to ICR Assistant Director.

**To Be Named – Fundraising Coordinator** (1.0 FTE; new funds) is responsible for deploying fundraising principles ascertain the best course of action to build relationships between a donor and the university. Works closely with relevant stakeholders to identify donor prospects. Qualifies donor prospects capable of gifts through various interactions. Develops cultivation and solicitation strategies for new and previously identified prospects; shapes and implements donor strategy that leads to successful gift solicitation. Facilitates relationships with donors, potential donors, upper level university administration, and university personnel by providing accurate information, using problem solving techniques, developing appropriate messaging strategies, and by identifying areas for their donor engagement within the identified research program areas. Would report to ICR Director.

*All personnel costs include a projected 3% annual cost of living adjustment mid-fiscal year per CSU-Pueblo traditional HR practices.*

#### **Fringe Benefits**

Fringe benefits are the estimated cost associated with personnel costs for this proposal, and is based upon the FY20 rate of 32.3% for full time professional appointments as determined by the University.

#### **Postdoctoral Fellowship Program**

Funds have been included to support the creation of a postdoctoral research and teaching fellowship program. The program would support up to two new fellows each year for a duration of up to two years by paying for an annual stipend and fringe benefits.

#### **Operating Expenses – Current Funds**

Funds have been included to support the operational costs (e.g., office supplies, print supplies, phone charges, computers, etc.). It is estimated that the ICR would need approximately \$50,000/year to support operational costs. This can be paid for with current funds until FY23 in which case we would need additional support to sustain that funding threshold.

#### **Operating Expenses – New Funds**

Funds have been included to support the difference in what the ICR “current funds” can sustain to maintain a budget line item of \$50,000 for FY23-FY25.

#### **Professional Development/Travel – Current Funds**

Funds have been included to support the travel and conference registration costs for professional development of ICR staff. Thus far, funds have supported staff to attend cannabis and discipline related professional development conferences.

#### **Professional Development/Travel – New Funds**

Funds have been requested to support professional development activities in the areas of clinical research. The ICR has not historically supported RCTs and thus, it would be beneficial for staff to be well versed on the nuances of RCTs and clinical research in the cannabis area.

#### **Journal of Cannabis Research**

Funds have been included to support the cost of the publication costs associated with the Journal of Cannabis Research in conjunction with Springer nature. This contract supports the submission fees for accepted papers for the first five years of the journal. These costs also support the contractor agreement with the Editor-in-Chief of the journal.



### **Annual Research Conference**

Funds have been included to support the cost of the annual academic research conference supported and managed by the ICR. These funds cover supplies, food, reception, AV, travel costs for keynote speakers and other miscellaneous expense. Revenue is also generated from the conference and is used to support any additional costs or costs that are unallowable with state funds. To ensure cost-saving measures, the conference has been held on the CSU-Pueblo campus to avoid having to pay room or rental fees. Further, because the conference has happened on campus the ICR has been able to utilize institutional services such as procurement, marketing, IT, facilities, printing services, marketing/design, security (at a reduced rate) and catering services (at a reduced rate).

### **Curricular Development – Current Funds**

Funds have been included to support mini grants to CSU-Pueblo and affiliate faculty to support expenses related to course redesign that would be included in the Cannabis Chemistry and Biology degree program.

### **Curricular Development – New Funds**

Funds have been included to expand the existing curricular development program.

### **Clinical Curricular Development – New Funds**

Funds have been included to support the expansion of the current curricular grant program but with an emphasis on clinical and medical education efforts.

### **New Research Projects**

Funds have been included to conduct research related to cannabis, including clinical research, biotechnologies, clinical studies, the efficacies of medical marijuana and economic development associated with cannabis in Colorado per HB19-1311. This would include several new grants each year that are equivalent to either an R01 or an R21 as awarded in traditional federal grant programs offered by the National Institutes of Health. Direct and indirect costs (estimated at 55.5% of TDC per the highest rate in the state) based on federal norms.

### **Current CSU-Pueblo Research Projects**

Funds have been included to support the continuation of projects that have been previously peer reviewed and funded at CSU-Pueblo in the cannabis space. In an effort to build and maintain a renowned reputation as a leading cannabis research institute, it will be important to maintain a research footprint locally.

### **RFP Management Software**

Funds have been included to support the costs of a competitive grant proposal software program to manage a statewide competition. Current costs are based on the InfoReady system used by our sister school Colorado State University.

### **ICR Governing Board Meeting and Travel Costs**

Funds have been included to support the costs associated with hosting in person meetings for the ICR Governing Board Members. These funds would also be used to reimburse travel expenses for our Governing Board members when requested per the University and state fiscal travel rules which can be accessed online at [https://www.csupueblo.edu/vice-president-for-finance-and-administration/\\_doc/bfs-policy/rule05/fpi-5-1-travel-pueblo.pdf](https://www.csupueblo.edu/vice-president-for-finance-and-administration/_doc/bfs-policy/rule05/fpi-5-1-travel-pueblo.pdf)

### **Facilities and Administration Costs**

Indirect costs are calculated on the total direct cost base model using rates approved by the State at a rate of 10% for FY20.