

PUBLIC COMPLAINTS AND HEARINGS

GB
(LEGAL)

UNITED STATES
CONSTITUTION

A governmental entity, including a college district, shall take no action abridging the freedom of speech or the right of the people to petition the governing board of the entity for redress of grievances. *U.S. Const. Amend. I, XIV*

The governing board may confine its meetings to specified subject matter and may hold nonpublic sessions to transact business. But when the governing board sits in public meetings to conduct public business and hear the views of citizens, it may not discriminate between speakers on the basis of the content of their speech or the message it conveys. *Rosenberger v. Rector & Visitors of Univ. of Virginia*, 515 U.S. 819 (1995); *City of Madison v. Wis. Emp. Rel. Comm'n*, 429 U.S. 167 (1976); *Pickering v. Bd. of Educ.*, 391 U.S. 563 (1968)

TEXAS
CONSTITUTION

The citizens shall have the right, in a peaceable manner, to assemble together for their common good; and to apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address, or remonstrance. *Tex. Const. Art. I, Sec. 27*

RESPONSE TO
COMPLAINTS

The governing board of a community college is not required to negotiate or even respond to complaints. However, the board must stop, look, and listen and must consider the petition, address, or remonstrance. *Prof'l Ass'n of College Educators v. El Paso County Cmty Dist.*, 678 S.W.2d 94 (Tex. App.—El Paso 1984, writ ref'd n.r.e.)

FEDERAL LAWS
SECTION 504

A recipient of federal financial assistance that employs fifteen or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by 34 C.F.R. Part 104 (Section 504 of the Rehabilitation Act of 1973 regulations). *29 U.S.C. 794; 34 C.F.R. 104.7(b)*

AMERICANS WITH
DISABILITIES ACT

A public entity, including a college district, that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by the Code of Federal Regulations, Title 28, Part 35 (Americans with Disabilities Act regulations). *28 C.F.R. 35.107(b), .140*

CLOSED MEETING

The board may conduct a closed meeting on a public complaint to the extent required or provided by law. [See BDA]

DISRUPTION

A person commits an offense if, with intent to prevent or disrupt a lawful meeting, the person substantially obstructs or interferes with the ordinary conduct of the meeting by physical action or verbal utterance and thereby curtails the exercise of others' First Amend-

ment rights. *Penal Code 42.05; Morehead v. State, 807 S.W.2d
577 (Tex. Crim. App. 1991)*