

**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)

A governing board may create a limited public forum for the purpose of hearing comments from the public so long as:

1. The governing board does not discriminate against speech on the basis of viewpoint;
2. Any restrictions are reasonable in light of the purpose served by the forum; and
3. The governing board provides alternative paths for expressing categories of protected speech that are excluded from the forum.

Fairchild v. Liberty Indep. Sch. Dist., 597 F.3d 747 (5th Cir. 2010)

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 Coll. Educators v. El Paso County Cmty District*, 678 S.W.2d 94 (Tex. App.—El Paso 1984, writ ref'd n.r.e.) [See BD regarding the Open Meetings Act]

Public Comment

A governmental body, including a college district, shall allow each member of the public who desires to address the body regarding an item on an agenda for an open meeting of the body to address the body regarding the item at the meeting before or during the body's consideration of the item.

Gov't Code 551.007(b)

Meeting Notice	The term “public comment” provides sufficient notice, under the Open Meetings Act (OMA), of the subject matter of public comment sessions where the general public addresses the board about its concerns and where the board does not comment or deliberate except as authorized by Government Code 551.042. The term “public comment” is not adequate notice if, prior to the meeting, the board is aware, or reasonably should have been aware, of specific topics to be raised. <i>Gov’t Code 551.042; Atty. Gen. Op. JC-169 (2000)</i>
Reasonable Rules	A governmental body may adopt reasonable rules regarding the public’s right to address the body under this section, including rules that limit the total amount of time that a member of the public may address the body on a given item. [See DGBA, FLD, and GB regarding grievance procedures] <i>Gov’t Code 551.007(c); Atty. Gen. Op. KP-300 (2020)</i>
Additional Time for Translation	If a governmental body does not use simultaneous translation equipment in a manner that allows the body to hear the translated public testimony simultaneously, a rule adopted that limits the amount of time that a member of the public may address the governmental body must provide that a member of the public who addresses the body through a translator must be given at least twice the amount of time as a member of the public who does not require the assistance of a translator in order to ensure that non-English speakers receive the same opportunity to address the body. <i>Gov’t Code 551.007(d)</i>
Public Criticism	A governmental body may not prohibit criticism of the governmental body, including criticism of any act, omission, policy, procedure, program, or service. This restriction does not apply to public criticism that is otherwise prohibited by law. <i>Gov’t Code 551.007(e)</i>
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 Amendment rights. <i>Penal Code 42.05; <u>Morehead v. State</u>, 807 S.W.2d 577 (Tex. Crim. App. 1991)</i>