

ARTICLE V

COMMUNICATIONS TO THE BOARD

2500. WRITTEN COMMUNICATIONS TO THE BOARD. Written communications to the Board shall be processed consistent with the following regulations.

Adopted 04-28-70
Amended 08-11-99

2500.10 Processing. Any written communication to the Board of Trustees that has not been orally presented to a meeting of the Board and that is signed and bears the address of the person signing the communication shall be processed in a report to the Board by the Chancellor.

Adopted 04-28-70
Amended 02-04-76
Amended 08-11-99

2500.11 Disposition. The disposition of any written communication processed in a report to the Board shall be made by the Board at any meeting.

Adopted 04-28-70
Amended 08-11-99

2500.12 Acknowledgment. Unless the Board directs otherwise, the Chancellor shall acknowledge the receipt of a written communication and inform the writer regarding the disposition.

Adopted 04-28-70
Amended 02-04-76
Amended 08-11-99

2500.13 Charges or Complaints. Any statement containing a personal charge or complaint against an officer or an employee of the District which is in writing, verified by the complainant, shall be filed with the Chancellor, as Secretary of the Board of Trustees.

Adopted 04-28-70
Amended 02-04-76
Amended 08-11-99

2500.14 Claims for damages. Claims for damages against the Board of Trustees, the College District, officers, or employees, filed as a prerequisite to a lawsuit, shall be reported to the Trustees in summary form.

Adopted 04-28-70
Amended 08-11-99

2501. ORAL COMMUNICATIONS. To facilitate the orderly conduct of the public meetings and expedite conducting the necessary business of the District, and to allow the free exchange of ideas between the Board and its constituents, the following rules shall govern oral presentations by person wishing to speak before the Board of Trustees:

EC 72121.5

Adopted 04-28-70
Amended 01-19-00

2501.10 General Procedures. Persons who wish to address the Board on District-sponsored agenda items or public agenda items may do so pursuant to the following rules:

Adopted 04-28-70
Amended 01-19-00

- a. The person shall present a request to the Chancellor as Secretary of the Board or designee giving his/her name, address, and telephone number by 10:00 a.m. on the day of the Board meeting. The request shall include the name of the organization or group represented, if any, and a statement related to the agenda item to be addressed.

Adopted 04-28-70
Amended 02-04-76
Amended 01-23-80
Amended 12-01-82
Amended 01-19-00

- b. During any single meeting, such persons may address the Board once on one or more District-sponsored agenda items and/or once on one or more agenda items sponsored by a member of the public pursuant to Board Rule 2407.12. He or she may speak for up to five minutes maximum on all agenda items, whether District-sponsored and/or sponsored by a member of the public, plus any additional time to address collective bargaining matters as discussed in Board Rule 2501.11(e). At the discretion of the Board members, time may be extended. If there is not a majority to extend the time, the five minute rule as specified above will apply.

Adopted 04-28-70
Amended 02-04-76
Amended 05-04-77
Amended 01-23-80
Amended 12-01-82
Amended 05-18-94
Amended 05-15-96
Amended 01-19-00

c. Individuals and/or groups wishing to lodge charges or complaints against officers and/or employees of the District shall sign such complaints under penalty of perjury and shall submit same in writing to the Board of Trustees through the Chancellor as the Secretary of the Board. Such charges or complaints may be considered by the Board of Trustees in closed sessions.

Adopted 04-28-70
Amended 01-23-80
Amended 01-19-00

d. A public speaker may be cautioned that he/she may be personally liable for defamation, invasion of privacy or other matters for statements made while addressing the Board during open session.

Adopted 04-28-70
Amended 07-01-81
Amended 01-19-00

e. No member of the audience may speak without the recognition of the President of the Board.

Adopted 04-28-70

f. Profanity, obscenity, and other offensive language is not condoned and shall be ruled out of order by the President of the Board or presiding officer. Physical violence directed towards any persons or property are not condoned and shall be submitted to the city or district attorney's office (whichever has jurisdiction) for investigation and possible prosecution.

Adopted 04-28-70
Amended 07-01-81

g. Nonscheduled substitutes may not speak in place of scheduled speakers unless alternates have been submitted on the original request or a majority of the Board authorizes the substitute speaker.

Adopted 04-28-70
Amended 01-19-00

h. Twenty minutes shall be the maximum time allotment for any one agenda item regardless of the number of speakers. At the discretion of a majority of the Board Members, the time may be extended. If there is not a majority vote to extend the time, the twenty minutes maximum rule will apply.

Adopted 01-23-80
Amended 01-19-00

i. Five minutes plus any additional time to address collective bargaining matters as discussed in Board Rule 2501.11(e) shall be the maximum time allotment for any one public speaker regardless of the number or types of items addressed. At the discretion of a majority of the Board members, the time may be extended.

Adopted 01-23-80
Amended 01-19-00

2501.11 Agenda and Public Agenda Speakers. Persons who have complied with Section 2501.10 may speak to items appearing on the agenda as follows:

a. Speakers will be recognized before the President of the Board calls for a vote on the item.

Adopted 04-20-70
Amended 02-04-76
Amended 01-23-80
Amended 12-01-82
Amended 05-18-94
Amended 01-19-00

- b. The Chancellor as Secretary of the Board may invite individuals desiring to address the Board of Trustees to seek advice and counsel from one of the District administrators prior to their presentations to the Board of Trustees.
- c. Except for those people recognized by the Board as resource persons and those who may address collective bargaining proposals under established rules for speakers on collective bargaining proposals under (e) below, each speaker coming before the Board is limited to one presentation to the Board regarding the District's agenda item(s) and agenda item(s) pursuant to Board Rule 2407.12 per meeting.
- d. If a person has addressed a committee meeting where the membership of the committee was exclusively composed of members of the Board of Trustees that person may not subsequently address the Board on the same item, unless a majority of the Board members present at the time the matter is before the entire Board find that the item as presented has been substantially changed since the committee heard the item.
- e. If a speaker would like additional time beyond the five minutes granted under Board Rule 2501.10 in order to address collective bargaining issues, he/she may use the following additional time, as appropriate, to address collective bargaining issues:

Adopted	04-20-70
Amended	02-04-76
Amended	01-23-80
Amended	12-01-82
Amended	05-18-94
Amended	01-19-00

1. Speakers may be allowed up to one additional minute at a meeting in which the Board is scheduled to take action on each proposal by the District; and
2. Up to one additional minute for each initial proposal from a collective bargaining unit at the meeting in which the initial proposal is presented.

Adopted 04-20-70
 Amended 02-04-76
 Amended 01-23-80
 Amended 12-01-82
 Amended 05-18-94
 Amended 01-19-00

2502. RULES OF DECORUM

2502.10 Interruption of Board Meetings. In the event that any meeting is willfully interrupted by the actions (as opposed to the content of any speech) of one or more persons so as to render the orderly conduct of the meeting unfeasible, the person(s) may be removed from the meeting room.

Before removal a warning and request that the person(s) curtail the activity will be made by the President of the Board or presiding officer. A decision to have a person(s) removed from the meeting room shall be made by vote of the Board. Decisions to remove someone from the meeting room shall be based on a finding by the Board that the person is violating this Board Rule, of which the person knew or should have known, and that such activity was intentional and substantially impaired the conduct of the meeting. Such finding shall be made by a vote of the Board.

Adopted 01-23-80
 Amended 07-01-81

Removal from the meeting room shall be limited to the day of the meeting in question.

If appropriate, criminal charges under Penal Code Section 403 (willfully disturbing a public meeting) will be filed against the person.

EC 72121.5, 72231 and 72233 Government Code Section 54957.9 Penal Code Section 403

Adopted 01-23-80
Amended 07-01-81

2502.11 Withdrawal of Right to Address the Board.
Speakers or other persons who are in attendance at a meeting of the Board, who engage in conduct which the speaker or person knows or should know is in violation of any of the provisions of the Article, may be denied the opportunity to speak to the Board pursuant to the following procedures:

Adopted 01-23-80

- a. Notice of this rule must be communicated to the speaker or person;
- b. Following such notice, any speaker or member of the audience whose conduct continues to violate any provisions of this Article may be directed by the Chair to cease such conduct;

Adopted 01-23-80
Amended 07-01-81

- c. Following such direction, any such speaker or member of the audience whose conduct continues to violate any provisions of this Article will be subject to removal from the podium, if he/she is at the podium, and removal from the audience (in accordance with Section 2502.10). In addition, the speaker or member of the audience may be denied the opportunity to address the Board for the remainder of the meeting in question and the next following meeting.
- d. Before removing a speaker from the podium or suspending a speaker's right to orally address the Board, the Board shall make a finding that the speaker or other person violated or is violating a provision of Article V, of which the persons knew or should have known, and that such activity was intentional. Such a finding shall be made by a vote of the Board.

Adopted 01-23-80
 Amended 07-01-81

- e. Before denying a speaker the opportunity to address the Board at its next following meeting, the Board shall refer to an ad hoc committee the question of whether it is necessary to impose this additional sanction.

The speaker shall have the right to appear before the committee at an interim hearing at a mutually convenient time to be heard on the issue of whether the speaker's opportunity to address the Board at its next following meeting should be denied.

The ad hoc committee shall be composed of up to three trustees who shall be appointed by the Board president.

Adopted 09-02-81

The committee shall consider at an interim hearing whether the additional sanction is necessary, and shall make a recommendation to the Board at its next following meeting.

The committee may recommend denial of a speaker's opportunity to be heard at the next following meeting, or the committee may recommend that the speaker be permitted to be heard with or without restrictions at the next following meeting. Any such restrictions shall be reasonable and shall be related to the offending conduct.

The committee shall not recommend denial of a speaker's opportunity to be heard at the next following meeting unless the committee finds that there is a substantial likelihood the violation will recur and that the violation would materially and substantially disrupt the functioning of the Board.

A record of the interim hearing of the committee shall be made in the same manner as in the Board's proceedings.

The Board shall consider the committee's recommendation and act by vote at its next following meeting. The speaker or his/her representative may also address the Board on this issue. If the Board finds that there is substantial likelihood the violation will recur and that the violation would materially and substantially disrupt the functioning of the Board, it may impose the additional sanction or it may permit the speaker to be heard subject to reasonable restrictions that relate to the offending conduct. If a speaker is permitted to address the Board and violates such reasonable restrictions, the Board, on a majority vote, may impose the additional sanction.

Adopted 09-02-81

- f. On a second or additional offense within any 12 month period, and following the same procedures set forth above, a person may be prohibited from orally addressing the Board for the remainder of the meeting in question and for the next two meetings following the offense.

Adopted 01-23-80
Amended 07-01-81
Amended 09-02-81

- g. Any person whose right to address the Board orally has been suspended may communicate with the Board, through the Chancellor as Secretary of the Board, in writing. In addition, any such person may submit a written request to the Chancellor as Secretary of the Board that the Board's action to suspend speaking rights be reconsidered. Such a request will be considered by the Board at the next meeting following receipt of the written request, providing the request is received in time to notice the item for consideration on the Board's agenda.

Adopted 01-23-80
Amended 07-01-81
Amended 09-02-81
Amended 01-19-00