

MANUAL OF POLICY

POLICY NUMBER: I-17

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POLICY TITLE: Appearances Before the District Board of Trustees

LEGAL AUTHORITY: FLORIDA STATUTE 1001.64

DATE OF LAST REVIEW: 6/21/2005, 6/19/2007, 7/21/2009, 7/19/2011, 7/16/2013 and 9/17/2024

DATE OF BOARD ACTION: 3/7/1973, 12/18/1984, 9/26/1989, 7/18/2000, 9/17/2013 and 9/17/2024

The Board of Trustees recognizes a responsibility to provide a reasonable opportunity to members of the public to be heard on issues directly related to matters within jurisdiction of the Board. This policy provides information regarding the steps to be followed in submitting a Request to Address the Board, the criteria to be utilized in granting, denying and scheduling such requests, general procedures governing appearances, and exceptions to the requirements. The policy does not address Public Hearings. Any citizen is entitled to speak at such a hearing provided their comments are limited to the specific Public Hearing agenda item.

I. Guidelines for Submitting a Request to Address the Board

- A. Any individual or group seeking permission to address the District Board of Trustees at a Board meeting must submit a written request to the Secretary of the Board (the College President) at the following address within the applicable time periods specified in Section I.B., below.

Miami Dade College
Office of the President
Attention: Secretary of the District Board of Trustees of Miami Dade College
300 Northeast Second Avenue
Miami, Florida 33132

The request shall contain the following information:

1. Name, home and business addresses, telephone/fax numbers and e-mail address of the individual desiring to appear.
2. Organization(s) or person(s) represented, if any, and whether the individual is being

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compensated for the appearance.

3. Topic or agenda item the individual desires to address.
4. Board action requested, if any, including whether the individual(s) or group supports, opposes or is neutral regarding the item or proposition.

B. In order to maintain orderly conduct of Board meetings and allow for the review and consideration of Board items, Requests to Address the Board shall be submitted as follows:

1. An individual or group who is requesting permission to address a matter which is on the Board agenda must submit a written Request to Address the Board, conforming to the requirements of Section I.A. above. The Request to Address the Board must be received by the Secretary of the Board at least two full College business days prior to a regular Board meeting at which the matter is scheduled for official action. (For example, if the regular meeting of the Board is scheduled for 8 a.m. on a Tuesday morning, the Request to Address the Board must be received by the Secretary of the Board no later than 8 a.m. on the preceding Friday.) If the matter is scheduled to be considered at a special or emergency Board meeting, the Request to Address the Board must be received by the Secretary of the Board at least 24 hours prior to the special or emergency meeting.
2. Individual(s) or group(s) who wishes to request that a matter be placed on the Board agenda and address the Board regarding such matter must submit a written Request to Address the Board, conforming to the requirements of Section I.A., above. The Request to Address the Board must be received by the Secretary of the Board at least 14 calendar days prior to the regular meeting of the Board at which the individual desires to have the matter placed on the agenda and to appear. An individual shall not be permitted to have a matter placed on the Board agenda for a special or emergency meeting of the Board.

C. The Secretary of the Board shall make a reasonable effort to acknowledge receipt of the Request by providing a notice granting or denying the Request and, if granted, specifying the date, time,

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and location of the Board meeting at which the individual may appear. When time constraints exist, a response may be given verbally rather than by mail.

- D. On the day of and prior to the beginning of the Board meeting, any member of the public who has not requested an opportunity to address the Board in accordance with Section I.B.1. and desires to be heard on an item or proposition on the Board agenda shall complete and submit a form to be provided by the College, at a table designated for that purpose. On the form, the speaker shall provide his or her name, the name of any individual or group on whose behalf the speaker is speaking, the specific proposition the speaker intends to address, and whether the speaker supports, opposes or is neutral regarding the proposition. The forms shall be collected at the beginning of the Board meeting and given to the Chairman of the Board. At the time designated for public comment, such individual will be allowed the opportunity to speak during the public comment portion(s) of the agenda, if time permits, after the individual(s) or group(s) granted the opportunity to speak in accordance with Section I.B.1. above.

II. Disposition of Requests to Address the Board

- A. Timely Requests to Address the Board on agenda items shall be granted, subject to the provisions stated herein. Requests to Address the Board for items or propositions not on the Board agenda shall be evaluated by the College President, in consultation with the Chairman of the Board. In reaching a decision regarding granting or denying such requests, the following shall be determining factors: the number of Requests to Address the Board and whether the interests of the community and/or the College would be served by the Board's consideration of the matter.
- B. Unless required by applicable law, a Request to Address the Board shall not be granted with respect to any matter upon which the applicable internal appeal or grievance process provided by College Policy specifies that a decision-maker other than the Board (e.g., the President, a Campus President or District Vice Provost or a committee) shall make the final decision.

In particular, appearances/hearings before the Board with respect to personnel issues will be granted only as specified by College policy or as required by applicable law. Such appearances shall be limited to only the individual employee and his/her representative,

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unless otherwise provided by law. College employees must utilize and exhaust all appropriate internal administrative channels and all applicable internal appeal or grievance processes before requesting an appearance before the Board. The public should also utilize and exhaust appropriate administrative channels before requesting an appearance before the Board.

III. General Procedures Governing Appearances

- A. For the information of the Board, the College President, in his capacity as Secretary of the Board, shall provide each Board member with a list of individuals from whom a written Request to Address the Board has been received, as well as a list of individuals scheduled to speak and the item each one is scheduled to address. Every effort will be made to provide this information prior to the Board meeting.
- B. The Chairman of the Board shall allot a specific period of time and decide the appropriate place on the agenda for public comment, provided such period is prior to the board taking official action on an item.
- C. Within the allotted time for public comment, an individual or group scheduled to address the Board shall be allotted three (3) minutes to make the oral presentation on the topic or agenda item for which the Request was granted. This amount of time may be shortened by the Chairman of the Board if it determined that the number of the Requests submitted in accordance with Sections I.B and I.D. may exceed the amount of time allotted for the public comment portion(s) of the meeting.

If the oral presentation is being made by more than one individual from the same group, then the time allotted for that group's presentation must be divided among the group. The Chairman of the Board may ask the primary representative of the group to designate a maximum of three individuals to speak on behalf of all members. In the event there is no primary representative and the members of the group cannot agree among themselves who shall be the designated speakers, the Board Chairman shall select three members at random and limit comment by the members of the group to the three individuals selected. The Board reserves the right to limit the number of individual(s) or group(s) who may address each Board item repetitiously regarding the same position.

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Appearances are limited to matters on the agenda for which the Request to address the Board was specifically granted. Persons who believe that they will not have adequate oral presentation time may submit additional information in writing at the beginning of the presentation. Ten legible copies of all such written information must be provided.

- D. At the appropriate time, those scheduled to speak shall be called by the Chairman of the Board. Each individual shall state for the record: his/her name, home or business address, organization(s) or individual(s) represented (if any) and whether he/she is being compensated for the appearance.

IV. Exceptions

- A. By majority vote, the Board may, upon its own motion or upon a showing of good cause by the individual desiring to appear, waive any of the provisions of Section I, II or III.
- B. Rulemaking Proceedings: This policy does not apply to or restrict the right of affected persons to address the Board regarding the adoption, amendment or repeal of any rule during the public hearing portion(s) of official Board meetings.
- C. Appearances by Invitation: This policy does not apply to individuals who address the Board at the invitation or request of the Board or the College President. The individual presiding over the Board meeting may establish appropriate requirements regarding such appearances.
- D. In addition, pursuant to Section 286.0114, Florida Statutes, as may be amended, the Board may take action without allowing public comment for any matter related to:
 - 1) An emergency situation affecting the public health, welfare, or safety, if allowing public comment would cause an unreasonable delay in the ability of the Board to act;
 - 2) An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;

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- 3) A meeting that is exempt from Section 286.011, Florida Statutes; or
- 4) A meeting during which the Board is acting in a quasi-judicial capacity.

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|  | 9/17/2024 |
| CHAIRMAN | DATE |