

THE UNIVERSITY OF ALABAMA SYSTEM

Resolution

Recognizing Commitment to Freedom of Speech and Expression

WHEREAS, The Board of Trustees of The University of Alabama (hereinafter “the Board”), through the University of Alabama System and its individual campuses (The University of Alabama, The University of Alabama at Birmingham, and The University of Alabama in Huntsville), is responsible for providing the State of Alabama comprehensive undergraduate, graduate and professional programs, along with other instructional, research, and service programs; and

WHEREAS, in the exercise of the Board’s constitutional authority and discretion to manage and control its campuses, and consistent with its mission and responsibility, the Board seeks to reaffirm its commitment to the First Amendment right of free speech and expression, as set forth herein.

BE IT RESOLVED that the Board, and each of its campuses, is committed to free and open inquiry and expression for members of its campus communities—faculty, staff, and students. Except as limitations on that freedom are appropriate to the functioning of the campuses and permissible under the First Amendment to the Constitution of the United States, the Board and each of its campuses respects and supports the freedom of all members of its campus community “to discuss any problem that presents itself.”

The ideas of different members of a campus community will often and quite naturally conflict. But it is not the proper role of an institution to shield or attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although great value is placed on civility, and while all members of the respective campus communities share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used to justify closing off the otherwise lawful discussion of ideas among members of the campus community, however offensive or disagreeable those ideas may be to some.

The freedom to debate and discuss the merits of competing ideas does not, of course, mean that individuals may say whatever they wish, wherever they wish. The Board and its campuses may restrict expression that violates the law, falsely defames a specific individual, constitutes a genuine threat or harassment, unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise incompatible with the functioning of the institution. Likewise, the Board and each of its campuses has a significant interest in protecting the educational experience of its students, in ensuring health, safety, and order on its campus, in regulating competing uses of its facilities and grounds, and in protecting the safety and wellbeing of those with the right to use its facilities and grounds to engage in protected speech, among other significant interests. As a result, the Board and each of its campuses may reasonably regulate the time, place, and manner of expression in a viewpoint-neutral manner to ensure that these interests are protected and that expression does not disrupt the ordinary activities of the

institution. These are exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with the commitment to a free and open discussion of ideas among the campus community.

In short, the Board's fundamental commitment is to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the campus community to be offensive, unwise, immoral, or wrong-headed. It is for the individual members of the campus community, not for the Board or administrators, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly debating the ideas that they oppose. Indeed, fostering the ability of members of the respective campus communities to engage in such debate and deliberation in an effective and responsible manner on their campuses is an essential part of the mission of both the Board and each campus of the Board.

As a corollary to this stated commitment to protect and promote free expression, members of each campus community must also act in conformity with the principle of free expression. Although members of the campus communities are free to criticize and intellectually challenge the views expressed on campus, and to appropriately criticize and intellectually debate speakers who are invited to express their views on campus, they may not obstruct or otherwise significantly interfere with the freedom of others to express views they reject or even loathe. To this end, the Board and each of its campuses has a solemn responsibility not only to promote a lively and fearless freedom of debate and deliberation, but also to protect that freedom when others attempt to restrict it.

BE IT FURTHER RESOLVED that the Board of Trustees of The University of Alabama will continue to exercise its broad power, granted by the Constitution of Alabama, to manage and control the institution's activities, affairs, operations, business, and property. *See Ala. Const.* Art. XIV, §264, as amended by Amendment 399. *See also Ala. Code* §16-47-34; Opinion of the Justices, 417 So.2d. 946, at 947 (Ala. 1982); Opinion of the Alabama Attorney General 2019-029 (March 20, 2019).