

# Board codifies institutional neutrality

Reporter Staff | UAB Reporter

At a Sept. 5, 2024, meeting of the University of Alabama System Board of Trustees, a resolution and Board Rule update passed codifying UAB's longstanding practice of institutional neutrality on political and social issues. It is worth noting that both the resolution and Board Rule were preexisting and were amended only to reflect our commitment to institutional neutrality.

"College campuses historically are places where very different opinions are exchanged, which has great intellectual development value," said UAB President Ray Watts. "As a public institution with an incredibly diverse population of more than 50,000 students, faculty and staff, UAB will continue to encourage healthy and respectful dialogue to advance learning and understanding, as well as create opportunities for our campus community to participate in a robust exchange of ideas and perspectives."

Instead of making statements and taking positions on current events and issues, UAB focuses on the day-to-day operations of the institution and promotes civil discourse, our [shared values](#), and resources like [UAB Student Counseling Services](#) and the [UAB Employee Assistance Counseling Center](#).

The content of the resolution and Board Rule below make clear that they do not prevent students or employees from exercising their individual First Amendment rights. In addition, our commitment to academic freedom — of course — remains.

## Resolution

### Recognizing Commitment to Institutional Neutrality

#### and 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 component divisions (The University of Alabama, The University of Alabama at Birmingham ("UAB"), The University of Alabama in Huntsville, the UAB Health System and, collectively, the "System"), is responsible for providing the State of Alabama comprehensive undergraduate, graduate and professional programs, world-class health care, and other instructional, research and service programs; and

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

NOW, THEREFORE, BE IT RESOLVED that the Board is committed to free and open inquiry. Except as limitations on that freedom are appropriate to the functioning of the System as permitted by the First Amendment to the Constitution of the United States, the Board respects and supports the freedom of all members of the System community “to discuss any problem that presents itself.”

The ideas of different members of a campus community will often and quite naturally conflict. Exposing members of the System community to diversity of thought is a quintessential function of the System. Therefore, 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 System community 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, 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 may, for example, 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 is otherwise incompatible with the functioning of the System. Likewise, the Board has a significant interest in protecting the educational experience of all of its students, ensuring health, safety and order, regulating competing uses of its facilities and grounds, and protecting the safety, security and well-being of all members of the campus community with the right to use its facilities and grounds to engage in protected speech, among other significant interests. As a result, the Board 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 System. 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.

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 System community to be offensive, unwise, immoral or wrong-headed. It is for the individual members of the System community, not for the Board, 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 System community to engage in such debate and deliberation in an effective and responsible manner on their campuses is an essential part of the Board’s mission.

As a corollary to this commitment to protect and promote free expression, members of the System community must also act in conformity with the principle of free expression. Although members of the System community are free to criticize and intellectually challenge views that are expressed and to appropriately debate speakers who are invited to express their views, 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 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.

Finally, to safeguard the freedom of speech and expression for members of the System community, the System itself must remain neutral on political and social issues unless the issue directly affects any aspect of the System's core operations. Taking institutional positions on an issue or making statements about it risks alienating members of the System community and destroying the intellectually independent environment upon which the System thrives. It is for the Board to decide what issues directly affect aspects of the System's core operations, so members of the System community exercising their First Amendment rights should make clear they do not speak on behalf of the System, its component divisions or any administrative unit within the System.

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).

## **Board Rule**

### **304. Institutional Neutrality and Political Activities of System Personnel**

#### 1. Application of Rule

This rule and any guidelines that may be promulgated hereunder apply to all administrative officers, faculty, staff or other employees of The University of Alabama, The University of Alabama at Birmingham ("UAB"), The University of Alabama in Huntsville or the UAB Health System (collectively, The University of Alabama System ("System")).

#### 2. Institutional Neutrality

The Board of Trustees ("Board") is committed to the First Amendment rights of free speech and free expression for all members of the System community. The Board may reasonably regulate the time, place and manner of expression in a viewpoint-neutral manner to ensure those rights are protected and that expression does not disrupt the ordinary activities of the System.

To further safeguard those rights, the System itself must remain neutral on political and social issues unless the issue directly affects any aspects of the System's core operations. Taking institutional positions on an issue or making statements about it risks alienating members of the System community and destroying the intellectually independent environment upon which the System thrives. It is for the Board to decide what issues directly affect aspects of the System's core operations, so members of the System community exercising their First Amendment rights should make clear they do not speak on behalf of the System, its universities, hospitals or any administrative unit within the System.

Consistent with its commitment to institutional neutrality, the Board hereby reaffirms its historic position that the System shall neither endorse nor support any candidate for nomination or election to any public office of the State of Alabama or any other political entity.

#### 3. Use of System Resources for Political Activity

The Board shall continue to require that all System employees comply with state law regarding the use of any System resources, time or property for or on behalf of any political candidate, campaign or organization or for any contribution or solicitation of any contribution to a political campaign or organization. Nothing in this Rule, however, is intended to discourage the impartial use of university facilities as a public forum.

#### 4. Political Activities of System Personnel

System employees do not surrender their civil and political rights and responsibilities by virtue of their employment. Indeed, the Board encourages System employees to fulfill their civic responsibilities as private citizens. The Board recognizes, however, that it is often difficult for the public to distinguish between the public and private activities of System employees, particularly when those employees occupy senior administrative positions within the institution. For that reason and because the System is a public institution, the Board wishes to guard against those actions that are illegal and improper, as well as those that may create the appearance of impropriety.

It is incumbent upon System employees to make clear in any political activity whatsoever that they are acting in a private and individual capacity and that their activities have neither System sponsorship nor support. It is also incumbent upon System employees to avoid any private actions of a collective nature that may lend or appear to lend the support of the System to political activity. Because of their prominent identification with the institution, the major administrative officers of the System have a particularly heavy obligation to ensure that their activities are not misinterpreted or misunderstood.

System employees interacting with public officials and representatives of either the federal, state, county or municipal government should take due care to observe and comply with applicable requirements of ethics and other laws that may govern such interactions.

#### 5. Procedures for System Employees Who Seek or Hold Public Office

- a. No System employee may seek or hold public office and remain in the employ of the university if such activities could or would result in a conflict of interest or interfere with the employee's carrying out his or her responsibilities.
- b. System employees who intend to seek election or reelection to public office at the state, county or municipal level must first obtain written approval from their supervisor, the president of the applicable institution, and the chancellor or his/her designee. In cases where the workload of the employee is the primary concern, Leaves of Absence during periods of running for office or serving in public office may be considered.
- c. System employees elected to or holding public office at the state, county or municipal level must have a written Management Plan to assist in avoiding any conflict of interest or conflict of commitment. Such a plan should speak directly to any potential or perceived conflicts, including management of time, resources and property. A written plan must be agreed to by the employee, his/her supervisor, the president, and the chancellor or his/her designee.
- d. Copies of approvals pursuant to paragraph (b) and plans pursuant to paragraph (c) must be sent to the chancellor or his/her designee to be maintained in a central location. A copy should also be maintained in the HR records of the employee.

#### 6. Report to the Chancellor

If there exists a reasonable question whether a potential activity of a System employee is consistent with the policy of the Board on political activities of System personnel, the employee shall report the proposed activity to the chancellor for approval through appropriate channels.

(Adopted August 23, 1978, as Rule 320; renumbered December 5, 1997; amended June 7, 2019, and September 5, 2024.)