

## Faculty Senate of The University of Alabama Resolution in Defense of Academic Freedom

WHEREAS, The Board of Trustees of The University of Alabama recently released a “Resolution Recognizing Commitment to Freedom of Speech and Expression;” and

WHEREAS, The Board 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” and recognized “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;” and

WHEREAS, The Board resolved to 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); and*

WHEREAS, Freedom of Speech and Expression under the First Amendment is foundational to academic freedom which is a “transcendental value” entitled to protection by the First Amendment (*See Keyishian v. Bd. of Regents, 385 U.S. 589 (1967); and,*

WHEREAS, our students’ opportunity to maximize their intellectual potential depends in large part on the ability of faculty to employ academic freedom and freedom of expression in their pedagogy; and,

WHEREAS, in 2004 the University of Alabama's Faculty Senate defended the ideal of academic freedom in a resolution stating that "the purpose of academic freedom is to allow college and university professors to develop knowledge and to challenge existing truths by thorough investigation and by speaking and writing about their findings and theories" (p. 1, para. 1); and,

WHEREAS, it is the continuing obligation of the Faculty Senate at The University of Alabama to uphold and defend this basic ideal; and,

WHEREAS, any pending legislation in the Alabama legislature that infringes on academic freedom and expression is anathema to this ideal and contradicts existing law and precedents as cited above; therefore,

BE IT RESOLVED that the Faculty Senate at The University of Alabama expects the President to acknowledge that The University of Alabama opposes proposed and future legislation that undermines academic freedom and, therefore, the historic purpose of higher education, and expects the Board of Trustees to maintain its stated commitment to academic freedom; and,

BE IT FURTHER RESOLVED that, in the event such legislation passes, the Faculty Senate at The University of Alabama urges the President, Administration, and Board of Trustees to heed and appeal to long-held precedent set by the Supreme Court of the United States affirming the importance of academic freedom. *See Sweezy v. New Hampshire, 354 U.S. 234 (1957); Keyishian v. Bd. of Regents, 385 U.S. 589 (1967).*