

Board of Trustees of the University of Alabama System

**SUPPLEMENTAL REPORT OF EFFORTS TO FURTHER PROMOTE
FREEDOM OF SPEECH AND EXPRESSION¹
(SEPTEMBER 26, 2023)**

The Alabama Campus Free Speech Act (the “Act”) identifies a limited number of types of occurrences that are to be reported each year by The Board of Trustees of The University of Alabama (the “Board”). Specifically, the Act identifies the following reportable occurrences: (1) any violations of the individual campus policies on freedom of expression in outdoor areas (the “Policies”), (2) how those violations were remedied, and (3) a description of any difficulties or successes that the Board or its campuses had in maintaining a posture of administrative and institutional neutrality. As noted in the Board’s Report published on August 31, 2023, the requirements of the Policies have been repeatedly satisfied without a single alleged violation thereof. Approximately 26,250 registered events have occurred across The University of Alabama System campuses since the inception of the Policies.

Despite there being no reportable occurrences, the Board voluntarily publishes this supplemental report at the request of the Executive Director of the Alabama Commission on Higher Education² to summarize a related lawsuit brought by Joshua Greer, a student at The University of Alabama in Huntsville (“UAH”), and the group at UAH (now defunct) with which he was affiliated, Young Americans for Liberty. The lawsuit ultimately was dismissed with prejudice.

In that matter, filed on July 13, 2021, Greer and Young Americans for Liberty (collectively “YAL”) alleged that UAH’s *Use of Outdoor Areas of Campus* policy violated the Alabama Campus Free Speech Act in its allowance of spontaneous expression in designated areas without prior notice, and its requirement that campus community members apply three (3) days in advance for the use of other outdoor areas for event purposes. Notably, there was no violation of the UAH *Use of Outdoor Areas of Campus* policy by YAL or anyone at UAH. In their complaint, YAL did not allege that it applied to utilize any portion of the UAH grounds for free speech purposes and that an application was denied. YAL also did not allege that it

¹ The Board of Trustees of The University of Alabama voluntarily releases this supplemental report for informational purposes only to promote transparency in its ongoing efforts to further enhance opportunities for free speech and expression on its individual campuses.

² The Alabama Campus Free Speech Act provides that “each board of trustees shall submit a copy of the report to the Alabama Commission on Higher Education, which shall publish the report in a prominent location on its website and notify the Governor and the Legislature of its receipt of the report.” Ala. Code § 16-68-5(b). The Act does not provide ACHE with any authority to supervise compliance with the Act or to require additional information to be published that is not specifically identified as reportable under the Act.

sought to speak spontaneously on the UAH grounds, and that UAH disallowed that activity. In fact, YAL admitted that it never attempted to engage in any expressive activity. Further, the Board was not made aware of YAL's alleged concerns over the UAH policy until YAL filed its lawsuit.

The Board succeeded on its motion to dismiss YAL's complaint before the Circuit Court of Madison County, Alabama, with the Court holding that the UAH policy complied with the Act. The Alabama Supreme Court reversed the dismissal on appeal and remanded the matter to the Circuit Court for further proceedings. While UAH maintained that its policy complied with the Act and the Alabama Constitution, UAH preemptively modified its *Use of Outdoor Areas of Campus* policy³ to remove all doubt that its policy moving forward complies with applicable law. The Board previously notified Governor Kay Ivey and members of the Alabama legislature of UAH's updated policy on May 2, 2023. YAL's lawsuit was dismissed with prejudice upon UAH's adoption of the revised policy.

³ The UAH policy is available here: [UAH Use of Outdoor Areas of Campus Policy](#).