

# Exhibit 3

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

CASSANDRA SIMON, SYDNEY TESTMAN, )  
MIGUEL LUNA, ISABELLA CAMPOS, )  
DANA PATTON, RICHARD FORDING AND )  
THE ALABAMA STATE CONFERENCE OF )  
THE NAACP, )

Plaintiffs, )

vs. )

KAY IVEY in her official capacity as )  
Governor of Alabama and President Ex-Officio )  
of the University of Alabama Board of Trustees, )  
SCOTT PHELPS in his official capacity as )  
President Pro Tempore University of Alabama )  
Board of Trustees, MIKE BROCK, KAREN )  
BROOKS, MYLA E. CALHOUN, RONALD )  
GRAY, JEFF GRONBERG, )  
O.B. GRAYSON HALL, JR., BARBARA )  
HUMPHREY, W. DAVIS MALONE III, )  
EVELYN VANSANT MAULDIN, HARRIS )  
MORRISSETTE, J. STEVEN ROY, )  
KENNETH SIMON, MARIETTA )  
URQUHART AND KENNETH )  
VANDERVOORT in their official capacities as )  
members of the University of Alabama Board of )  
Trustees )

Defendants. )

Case No. 2:25-cv-00067-MHH

**SUPPLEMENTAL AFFIDAVIT OF JAMES T. DALTON**

STATE OF ALABAMA                     )  
  )  
COUNTY OF TUSCALOOSA            )

Before me, the undersigned authority, in and for said county and state, personally appeared James T. Dalton, who, after being duly sworn by me under oath, deposes and states as follows:

1. My name is James T. Dalton. I am over the age of nineteen and have personal knowledge of the testimony in this affidavit.

2. I am the Executive Vice President and Provost at the University of Alabama ("UA"). I have held this position since August 2020.

3. In the Fall 2024 semester, I was informed that Dr. Cassandra Simon's students were scheduled to host a sit-in protest in opposition to SB 129 on November 13, 2024 as part of a graded assignment in Dr. Simon's course titled "*Anti-Oppression and Social Justice*."

4. Dr. Schnavia Hatcher, Dean of the School of Social Work, contacted Dr. Simon via email and instructed her to cancel the assignment because it requires students to assert a position and take part in political activity, running afoul of UA's commitment to institutional neutrality.

5. Dr. Simon responded, seeking clarification on "how because it is tied to the classroom it is inappropriate or violates the new law and guidelines," and asking Dean Hatcher to "identify the specific policy or policies with which I have overlooked or not complied and could result in disciplinary action."

6. I replied to Dr. Simon, stating that the assignment can be viewed as "sponsoring a program that promotes DEI, tacitly requires a student's assent to a divisive concept, requires a student to attend or participate in course work that advocates for or requires assent to a divisive concept," in violation of state law.

7. In that same email, I made clear to Dr. Simon that her students “are more than welcome to independently—completely separate from any academic exercise—take advantage of the numerous opportunities the University provides to express themselves on campus, including their personal opposition to the new law,” and that Dr. Simon herself is “personally free to engage in political activity as a private citizen if done in a manner consistent with the terms of the Faculty Handbook and Board Rule 304.”

8. Dr. Simon formally cancelled the advocacy portion of the assignment, but a group of students still gathered at Denny Chimes November 13, 2024 to protest SB 129.

9. Dr. Simon’s students held a rescheduled sit-in protest on November 18, 2024.

10. UA did not discipline Dr. Simon in relation to the student advocacy assignment.

11. Dr. Simon taught the same course, “*Anti-Oppression and Social Justice*,” again in Spring 2025.

12. Dr. Dana Patton taught a course titled “*Understanding Poverty*” in Fall 2024.

13. UA was made aware of confidential complaints about the assigned readings and discussions in the course.

14. UA investigated the complaints. As part of the investigation, administrators asked Dr. Patton for information about the course, including the content of course materials and her procedures for facilitating classroom discussion.

15. UA did not discipline Dr. Patton based on these complaints.

16. Dr. Patton taught courses titled “*The Politics of Health Policy*” and “*Social Investment and the Role of Innovation*” at UA in Spring 2025.

17. Dr. Patton was not disciplined or threatened with discipline for teaching these courses.

18. Dr. Richard Fording taught a course titled “*Social Movements and U.S. Politics*” at UA in Spring 2025.

19. Dr. Fording was not disciplined or threatened with discipline for teaching this course.

20. Black Student Union (“BSU”) and Safe Zone had dedicated office spaces in the Student Center.

21. In Fall 2024, the BSU office in the Student Center was converted into a food pantry, and the Safe Zone office became the Student Leadership Lounge.

22. Most student organizations at UA do not have dedicated office spaces on campus.

23. UA allows all student groups to reserve meeting and event space in the Student Center and other campus facilities.

24. UA has not prevented BSU, Safe Zone, or Alabama NAACP from reserving space or hosting events on campus.

FURTHER AFFIANT SAITH NOT.

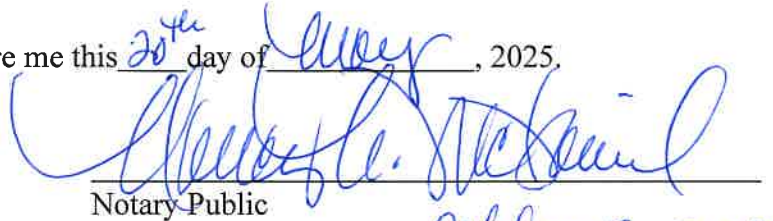


  
JAMES T. DALTON

STATE OF ALABAMA )  
TUSCALOOSA COUNTY )

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared James T. Dalton, who is known to me, who, after being duly sworn, deposes and says that he/she has read the above and foregoing Affidavit, and that said facts stated therein are true to the best of his/her knowledge and belief.

Sworn to and subscribed before me this 20<sup>th</sup> day of May, 2025.



Notary Public

My Commission Expires: October 30, 2028

