

Wednesday, May 7, 2025 at 10:14:31 Central Daylight Time

Subject: FW: a pall of fear?**Date:** Thursday, December 5, 2024 at 9:38:40 AM Central Standard Time**From:** John Petrovic**To:** Richard Fording, Sara McDaniel, Doug McKnight, Nirmala Erevelles**Simon, et al., v. Ivey, et al.,
2:25-cv-00067-RDP
Plaintiffs' Exhibit
PPIX-041**

Below is Jim's response. I highlighted what struck me as the admin strategy: it seems that the strategy is to interpret things broadly as a way to protect faculty.

From: James Dalton <Jim.Dalton@ua.edu>**Sent:** Wednesday, December 4, 2024 4:57 PM**To:** John Petrovic <petrovic@ua.edu>**Cc:** Schnavia Hatcher <schnavia.hatcher@ua.edu>; Matthew Hudnall <matthew.hudnall@ua.edu>; Cassandra Simon <csimon@sw.ua.edu>**Subject:** RE: a pall of fear?

Dear John,

Thanks for your message. I appreciate it. As I hope you know, I share everyone's concerns when external factors impact our institutional dependence or limit our academic freedom, curricular, co-curricular, academic support, and research programs. That being said, while providing a world-class education to our students and conducting ground-breaking research, we must prohibit discrimination and indoctrination in education and comply with the law. As difficult as it can be, I sincerely prefer to land in the space where we take actions to prevent faculty, staff, and/or student from breaking the law, as opposed to being in the space where we must take actions to punish those who have. I work with the legal team every day on these issues and can confidently say that they too share this vision. To your point, this may likely be viewed or experienced as UA interpreting the law too broadly on many occasions. I frankly would rather be in the position of having cautioned scores of faculty regarding potential violations than meting out a single sanction for a confirmed violation.

You cited a couple of sections of the law

(<https://alison.legislature.state.al.us/files/pdf/SearchableInstruments/2024RS/SB129-enr.pdf>) , but there are other relevant sections of the law that you did not quote, including among others: Lines 51-55. DIVERSITY, EQUITY, AND INCLUSION PROGRAM. Any program, class, training, seminar, or other event where attendance is based on an individual's race, sex, gender identity, ethnicity, national origin, or sexual orientation, or that otherwise violates this act. Lines 74-77. (3) Require its students, employees, or contractors to attend or participate in any diversity, equity, and inclusion program or any training, orientation, or course work that advocates for or requires assent to a divisive concept.

Unfortunately, questions like this one are common currently as we adapt to the law. My sincere hope is that we can develop a collaborative working relationship with faculty who are doing research and teaching in areas potentially affected by the law, and proactively identify ways to continue our important work inside and outside the classroom, laboratory, and campus as a whole. Of course, I would be happy to meet and discuss the broader issues with you if that would

be helpful.

Jim

From: John Petrovic <petrovic@ua.edu>

Sent: Wednesday, December 4, 2024 10:41 AM

To: James Dalton <Jim.Dalton@ua.edu>

Cc: Schnavia Hatcher <schnavia.hatcher@ua.edu>; Matthew Hudnall <matthew.hudnall@ua.edu>; Cassandra Simon <csimon@sw.ua.edu>

Subject: a pall of fear?

Dear Jim,

It was with great consternation and disappointment that I recently read the Crimson White story about Dr. Cassandra Simon's class in Social Work. I write to you to share my thoughts and the feelings of every other faculty member with whom I have spoken about this. I will be plaintive, not to stir the waters, but toward some end where administration and faculty can work more productively to engage with and abide by SB 129 in ways that do not require us to sell our souls.

First, Dr. Simon has been teaching this course for decades. Overnight, the rules were changed on her, even as the rules, ethics, and requirements of her field have not. Despite trying to understand and abide by the new rules, Dr. Simon was threatened with termination. Perhaps this was a legal c-y-a; perhaps it was a bit of political spectacle for Montgomery. Either way, it was inappropriate. You must understand the pall of distrust, anxiety, and fear such actions cast across campus. Further, it generates a culture of us (faculty) vs them (admin) that we simply do not need at this juncture. Faculty need to be able to trust admin and, again, work together to find reasonable ways to address this. Toward this end, you will note I have also cc'd Matthew Hudnall here.

Second, you are quoted as saying that Dr. Simon's class "can be viewed as sponsoring a program that promotes DEI." "Promoting" DEI, for class purposes, I suspect involved talking about the importance of these separate concepts in the field of social work. Anyone who seriously thinks you cannot talk about, say, "equity" in this particular field probably should not be in the field. "Promoting" might also have referred to students lobbying (of their choice) for the importance of DEI (yes, even "programs"). In this case, students' first amendment rights and right to assembly were both throttled.

I am not sure why UA is interpreting this law so broadly (read: conservatively). The law prohibits the university "from maintaining a diversity, equity, and inclusion office or department or sponsoring any diversity, equity, and inclusion program." Program is explicitly defined in the law and a "class" in no way meets the definition. The law does not prohibit promoting, discussing, defining, engaging with, understanding or otherwise teaching about key concepts in many fields, including "diversity," "equity," and "inclusion." In education, it is essential to define and talk about equity, for example, to the extent that it informs sound pedagogy. Not all students need the same things. Of course, that also entails some notion of diversity.

The pall of anxiety and fear inevitably leads to the pall of orthodoxy of which Justice Brennan warned us so many years ago in his defense of academic freedom. UA must stand with Justice

Brennan, perhaps even at risk of legal entanglement. We can accomplish the former and avoid the latter by reading the letter of the law, not broadening its scope in the ways that faculty are currently witnessing.

In solidarity,

John

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