



AUBURN
UNIVERSITY

Office of the Provost

Supplemental Instructional Guidance for Auburn University Faculty Regarding Alabama Act 2024-34 (Formerly SB 129)

To further support faculty who may have specific questions about their course content and SB 129, the Office of the General Counsel has offered to host a series of open sessions in the coming weeks to continue the dialogue, provide additional guidance and address specific concerns.

[You can register for these sessions here.](#)

At Auburn University, we remain committed to delivering exceptional academic experiences for our students. Following the implementation of [Alabama Act 2024-34](#) (formerly known as SB 129), effective October 1, 2024 (codified at *Ala. Code § 41-1-90 et seq.*), the institution affirms its dual responsibility to uphold state law while remaining true to the principles that define our mission as a premier academic institution.

To support faculty in understanding their responsibilities under the law, the Office of the Provost has prepared the following guidelines and resources. The guidance below is designed to serve as a starting point for faculty to navigate these requirements with clarity and confidence. It is not comprehensive and is not intended to replace direct engagement with the academic leadership and University administration in the event that individual faculty members still have questions about legal compliance.

By approaching our shared work with integrity, intellectual rigor, and care for one another, we reaffirm Auburn's commitment to academic freedom, open inquiry, and the respectful exchange of ideas—values that remain central to our mission of teaching, research and scholarship, and extension.

Overview of Alabama Act 2024-34

Alabama Act 2024-34 identifies certain topics that may arise in the academic context as “divisive concepts” (Divisive Concepts) and clarifies parameters for instruction involving those concepts. While Divisive Concepts are not prohibited from inclusion as part of a broader course of study, inclusion of these topics could raise questions of legal compliance. The law provides specific guidance regarding how Divisive Concepts may be incorporated permissibly into the classroom and course requirements.

Alabama Act 2024-34 defines Divisive Concepts as follows:

- That any group or individual, by virtue of race, color, religion, sex, ethnicity, or national origin, is inherently superior or inferior to another.
- That individuals should be treated adversely or discriminated against based on race, color, religion, sex, ethnicity, or national origin.
- That moral character or personal worth is defined by one's race, color, religion, sex, ethnicity, or national origin.
- That individuals are inherently biased, racist, sexist, or oppressive—consciously or unconsciously—because of their race, color, religion, sex, ethnicity, or national origin.
- That individuals bear responsibility or guilt for actions committed in the past by others of the same race, color, religion, sex, ethnicity, or national origin.
- That people should feel personal blame, guilt, or a duty to apologize because of their race, color, religion, sex, ethnicity, or national origin.
- That meritocracy or qualities such as diligence, responsibility, or perseverance are inherently racist or sexist.

The law allows for the continued teaching and discussion of Divisive Concepts, provided such instruction is conducted objectively and without endorsement. Auburn University’s review of course materials is to support compliance while maintaining our commitment to academic freedom and open inquiry within the framework of state law.

Summary of Institutional Obligations

Auburn University continues to uphold state law while fostering a learning environment grounded in respect, curiosity, and the free exchange of ideas. In accordance with **Alabama Act 2024-34**, Auburn University may not:

- Require or compel students to adopt, affirm, assent to, or agree with Divisive Concepts.
- Mandate participation in instruction or training that advocates or requires agreement with Divisive Concepts.
- Require participation in activities involving lobbying or advocacy related to Divisive Concepts.
- Penalize or treat differently any student who declines to assent to a Divisive Concept.
- Condition participation or funding on race, color, or other protected characteristics.
- Use funding (grants, federal, or private) to compel assent to a Divisive Concept.

Auburn University’s Core Academic Principles

1. Academic Freedom is Fundamental.

Auburn University remains fully committed to protecting academic freedom and supporting faculty in providing rigorous, respectful, and legally compliant instruction. The law affirms that faculty may continue to teach and discuss subject matter relevant to their disciplines and the course content, including complex or controversial topics. What it requires is that these discussions occur in an objective and balanced manner, and in historically accurate context (where relevant), without compelling students to agree with or adopt a particular viewpoint.

Faculty may continue to explore topics such as race, gender, politics, history, or social structures as part of their courses. However, instruction must focus on critical analysis, scholarly inquiry, and independent thought rather than endorsement of any specific belief or position. In essence, **Alabama Act 2024-34** does *not* restrict academic freedom, but reinforces the responsibility for faculty to exercise it thoughtfully and in accordance with state law.

2. Open Dialogue Strengthens Teaching and Learning.

Auburn students are encouraged to encounter ideas that challenge their assumptions, develop critical thinking, and participate in respectful debate. Thoughtful disagreement and civil discourse are essential to academic rigor and personal growth.

3. Civility and Respect Define Our Academic Community.

As members of the Auburn Family, we share responsibility for fostering an environment of mutual respect and integrity. We engage each other with empathy, curiosity, and a shared commitment to the pursuit of truth.

Faculty Guidance for Teaching Complex Topics and Supporting Compliance

Auburn University faculty are trusted stewards of academic excellence and free inquiry. When addressing complex or sensitive topics, faculty are encouraged to approach instruction with both intellectual rigor and care. These discussions reflect the heart of Auburn’s mission and values—the pursuit of truth, respect for different perspectives, and the principles embodied in the *Auburn Creed*. The following guidance is intended to provide a starting point as we review our materials and uphold the highest standards of integrity, fairness, and open inquiry.

1. Know the Law and University Guidance

Faculty should review the provisions of **Alabama Act 2024-34** and Auburn’s related resources. If uncertain

about a topic's compliance, faculty should first consult their department/school/unit head, followed by the associate dean, and/or dean. The Office of the Provost (specifically the Associate Provost for Academic Affairs and the Interim Dean of the Graduate School) is also available to provide additional resources, and the Office of General Counsel is available to provide clarification.

Under the law, faculty may continue to teach and discuss socially, politically, or culturally sensitive topics, provided instruction is conducted objectively and without personal endorsement. Students cannot be required to agree with a particular viewpoint, nor should they be penalized for holding different opinions.

According to **Alabama Act 2024-34**, faculty at Auburn University may incorporate Divisive Concepts into their courses provided they adhere to specific guidelines ensuring compliance with the law. This checklist summarizes permissible and suggested instructional practices that may assist faculty in structuring courses that are legally compliant while meeting academic objectives:

- Present Divisive Concepts in a scholarly, neutral manner without personal endorsement.
- Ensure instruction is objective and evidence-based.
- Align course objectives with discipline-based learning outcomes focused on critical thinking and academic inquiry.
- Use balanced, well-sourced materials that reflect a range of credible perspectives.
- Review third-party content for compliance and provide appropriate instructional context.
- Frame learning outcomes with clear, objective, and measurable goals grounded in disciplinary standards.
- Maintain documentation of syllabi, course materials, and communications to clarify instructional intent.
- Discuss classroom expectations early and revisit them as needed throughout the semester.
- Respond to student-raised Divisive Concepts and controversial topics objectively and guide respectful discussion.
- Present disciplinary evidence factually without advocating a belief.
- Clarify to students that they are not required to agree with or endorse Divisive Concepts.
- Ensure guest speakers do not require student agreement with Divisive Concepts and restate class policy as needed.

2. Maintain Scholarly Objectivity

Faculty should present all course material—especially politically or culturally charged content—in a balanced, evidence-based, historically accurate, and academically grounded manner. Faculty may explore divisive topics but should do so without personal endorsement or requiring students to adopt a viewpoint. The goal is to develop critical analysis and independent thought, not conformity. Faculty should not include personal diversity statements in their course syllabi, nor should they require students to prepare or submit diversity statements as part of classroom discussions, assignments, or for course credit.

3. Promote Critical and Independent Thinking

Encourage students to engage deeply with course material, consider multiple perspectives, and reach their own conclusions. Consider including a statement in your syllabus noting that while students may encounter challenging or controversial ideas, they are not required to agree with any particular position.

4. Use Balanced, Well-Sourced Materials

Select readings and resources that represent a range of credible, discipline-based perspectives. When using third-party or standardized materials, faculty should review them carefully to assess compliance with state law, keeping in mind that individual sources may be contextualized in the instructional context. Present all content through an objective and scholarly lens.

5. Set Clear, Objective Learning Goals

Ensure course descriptions and objectives accurately reflect disciplinary standards and focus on measurable learning outcomes. Use language that emphasizes Auburn's mission—intellectual curiosity, free thought, and analytical reasoning.

6. **Create a Respectful Learning Environment**

Faculty should establish clear expectations for constructive dialogue, encourage students to approach disagreement with curiosity, and frame divisive topics factually and within disciplinary context (e.g., “Research in this field indicates...”). When engaging students in academic discussion, faculty should:

- Treat all individuals with fairness and respect.
- Avoid introducing personal political opinions or using the classroom to advance ideological positions.
- Ensure that no student is required to agree with, or penalized for rejecting, any idea identified as a Divisive Concept under Alabama law.
- Encourage critical and independent thought. Students may be invited to analyze, debate, and question ideas, but they are not required to agree with any specific viewpoint.
- Create learning environments that foster open dialogue. Faculty may facilitate respectful discussion on challenging topics and model how to evaluate differing perspectives with civility and rigor.

7. **Reinforce Transparency and Fairness**

Faculty should clearly outline grading policies and assessment criteria at the beginning of the semester, regularly review expectations, and maintain objectivity in their feedback. Grades should reflect the quality of analysis and understanding, not conformity to a particular opinion. Transparency strengthens trust and upholds fairness in academic evaluation.

8. **Document and Communicate Expectations**

Faculty should review all course syllabi, objectives, and materials to ensure alignment with college and University standards. Discuss classroom expectations early and throughout the semester. As a best practice, maintain copies of your syllabi, course materials, and relevant communications to provide clarity and documentation should questions arise later.

9. **Seek Guidance When Needed**

Faculty with questions about course content, classroom discussions, or compliance issues should first consult their department/school/unit head, followed by the associate dean, and/or dean. The Office of the Provost (specifically the Associate Provost for Academic Affairs and the Interim Dean of the Graduate School) is also available to provide additional resources, and the Office of the General Counsel is available to provide clarification. Seeking clarification protects both individual instructors and the University.

10. **Recommended Syllabi Language**

As an academic resource, the Biggio Center endeavors to be responsive to faculty requests for guidance on how to ensure course syllabi is consistent with **Alabama Act 2024-34**. The following principles should be followed when developing and reviewing syllabi:

1. Diversity Statements should not be included in a syllabus. (See 2024 Ala. 34 Sec. 2(6).)
2. An exception to this guidance exists when a Diversity Statement is required in furtherance of satisfying any accreditation standard or requirement. (See 2024 Ala. 34 Sec. 4(3)(a).) In that case, the Diversity Statement should include a specific reference to the applicable accreditation standard.
3. Nothing in this guidance is intended to prevent faculty from setting classroom behavior expectations intended to protect First Amendment rights, intellectual diversity, and/or free expression (See 2024 Ala. 34 Sec. 4(9)).

Suggested Syllabus Language – Option A (full version):

“Faculty at Auburn University have the academic freedom to explore, discuss, and teach a wide range of topics in an academic setting. This course may engage with challenging or controversial material, but will do so through an objective, scholarly approach designed to promote critical thinking and independent analysis. Students are encouraged to reflect thoughtfully and respectfully on all material. No student will be required to agree with, endorse, or adopt any concept identified under Alabama law as a Divisive Concept, nor will any student be penalized for choosing not to support or endorse such a concept.”

Suggested Syllabus Language – Option B (concise version):

“This class may address topics that require careful analysis and reflection. Students are not required to agree with any specific viewpoint and will not be penalized for independent thinking. Instruction will be grounded in evidence and presented without endorsement of any idea defined by law as a Divisive Concept.”

11. Responding to Difficult Conversations

If a student raises a topic related to a Divisive Concept during discussion—either in person or online—faculty may address the topic within the context of the course. Responses should remain objective, evidence-based, and free of personal endorsement. Instructors are encouraged to guide the conversation in ways that promote critical thinking and allow all students to express differing viewpoints respectfully.

- If a statement or claim conflicts with established disciplinary evidence, faculty may present that evidence factually, without advocating a particular belief or position.
- When a guest speaker introduces a Divisive Concept in a manner that could be perceived as requiring student agreement, instructors should restate the class policy before the session ends: students are never required to assent to or endorse any idea defined as a Divisive Concept under Alabama law, nor may they be penalized for declining to do so.

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Additional Resources

- Auburn University Faculty Handbook on Academic Freedom ([Chapter 3, Section 3.1](#))
- Auburn University’s [Classroom Behavior Policy](#)
- See January 21, 2025 Executive Order 14173 “[Ending Illegal Discrimination and Restoring Merit-Based Opportunity](#)”
- February 5, 2025 Office of the Attorney General Memorandum “[Ending Illegal DEI and DEIA Discrimination and Preferences;](#)”
- May 19, 2025 U.S. Department of Justice Office of the Deputy Attorney General Memorandum “[Civil Rights Fraud Initiative;](#)”
- July 29, 2025 Office of the Attorney General Memorandum “[Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination](#)”



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Syllabus and Course Content Review – Rubric

This optional rubric is intended as a self-assessment or departmental discussion tool to help faculty determine that course syllabi and course content reflect Auburn University’s standards of academic freedom, objectivity, transparency, and compliance with Alabama Act 2024-34 (Ala. Code § 41-1-90 et seq.).

Table with 3 columns: Guideline, Evidence of Alignment, and Notes. Rows include sections like General Guidelines, Compliance Awareness, Scholarly Objectivity, Critical and Independent Thinking, Learning Goals and Course Objectives, Learning Environment, and Transparency.

Grading criteria and assessment methods are clearly defined and objective.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Course expectations are reviewed at the start of the term and revisited as needed.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Documentation and Recordkeeping		
Faculty retain copies of the syllabus, course materials, and relevant communications for documentation.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Updates and revisions are communicated clearly to students.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Sample Syllabus Statement Review		
The syllabus includes, if appropriate, a statement clarifying that students may encounter challenging ideas but are not required to agree with any particular position.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
No personal diversity statements or required diversity reflections are present unless mandated for accreditation.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	