

HB580 ENROLLED



1 HB580
2 NRYZSTJ-3
3 By Representative Stubbs
4 RFD: Education Policy
5 First Read: 05-Mar-26



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1 Enrolled, An Act,

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3 Relating to public institutions of higher education; to
4 designate Section 16-5A-1, as Article 1 of Chapter 5A of Title
5 16, Code of Alabama 1975; to add Article 2, commencing with
6 Section 16-5A-20, to Chapter 5A of Title 16, Code of Alabama
7 1975; to add Article 3, commencing with Section 16-5A-50, to
8 Chapter 5A of Title 16, Code of Alabama 1975; to add Article
9 4, commencing with Section 16-5A-80, to Chapter 5A of Title
10 16; to provide for the creation, membership, and duties of a
11 faculty senate at a public institution of higher education; to
12 provide that faculty senates are advisory only; to require the
13 governing board of each public institution of higher education
14 to adopt a tenure policy; to require periodic post-tenure
15 reviews of tenured faculty; to require governing boards to
16 approve curriculum; to provide for the dismissal of certain
17 tenured faculty members; to provide governing boards with
18 certain control over curriculum and courses; and to prohibit
19 accrediting agencies from taking certain actions related to
20 state law.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Section 16-5A-1, Code of Alabama 1975, is
23 designated as Article 1.

24 Section 2. Articles 2, 3, and 4, commencing with
25 Sections 16-5A-20, 16-5A-50, and 16-5A-80 respectively, are
26 added to Chapter 5A of Title 16 of the Code of Alabama 1975,
27 to read as follows:

28 Article 2



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29 §16-5A-20

30 For the purposes of this article, the following terms
31 have the following meanings:

32 (1) ADMINISTRATION. The institutional administration of
33 a public institution of higher education, including any
34 university system administration.

35 (2) FACULTY SENATE. Any representative faculty
36 organization at a public institution of higher education,
37 including, but not limited to, a university senate, faculty
38 senate, or faculty council whose primary purpose is to
39 represent faculty concerns on university matters.

40 (3) GOVERNING BOARD. The body charged with policy
41 direction of any public institutions of higher education,
42 including, but not limited to, the board of trustees.

43 (4) PUBLIC INSTITUTION OF HIGHER EDUCATION or
44 INSTITUTION. A four-year public institution of higher
45 education in this state.

46 §16-5A-21

47 (a) Only the governing board of a public institution of
48 higher education may establish a faculty senate at the
49 institution.

50 (b) A faculty senate established at an institution
51 before October 1, 2026, is abolished, unless either of the
52 following apply:

53 (1) The faculty senate was established in the same
54 manner as prescribed by this article.

55 (2) The governing board: (i) finds that the faculty
56 senate meets the requirements of this article and any policy



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57 adopted by the governing board pursuant to this article; and
58 (ii) ratifies the faculty senate's continuation.

59 (c) A faculty senate authorized, but not yet
60 established, before October 1, 2026, may only be established
61 as prescribed in this article.

62 §16-5A-22

63 (a) Each governing board, before establishing a faculty
64 senate, shall adopt a policy governing the selection and other
65 conditions of the faculty senate membership. The policy shall
66 meet the following requirements:

67 (1) Ensure adequate representation of each college and
68 school of the institution.

69 (2) Except as otherwise provided by the governing
70 board, require faculty senate leadership positions to be
71 appointed by the university president.

72 (3) Except as otherwise provided by the governing
73 board, limit the number of members to not more than 60, with
74 two representatives from each college or school. Of the two
75 representatives from each college or school, one shall be
76 appointed by the president of the institution and one shall be
77 elected by a vote of the faculty of the member's respective
78 college or school. The governing board may provide for the
79 appointment of non-faculty members to the faculty senate, at
80 the board's discretion.

81 (b) Except as otherwise provided by the governing
82 board, a faculty member serving on the faculty senate may be
83 removed from the faculty senate in either of the following
84 methods:



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85 (1) Immediately, by the president of the institution,
86 for failing to conduct his or her responsibilities in good
87 faith within the faculty senate's parameters, failing to
88 attend faculty senate meetings, or engaging in other
89 misconduct.

90 (2) On recommendation of the institution's provost and
91 approval by the institution's president.

92 §16-5A-23

93 (a) A faculty senate is advisory only and may not be
94 delegated the final decision-making authority on any matter.

95 (b) A faculty senate may not issue public statements on
96 behalf of the institution or otherwise represent institutional
97 positions. Nothing in this section may be construed to limit
98 the ability of a faculty senate to provide confidential
99 advisory recommendations to institutional leadership on
100 matters related to the academic mission and institutional
101 operations.

102 §16-5A-24

103 It is the intent of the Legislature that no provision
104 of this article shall be construed to impede a
105 constitutionally created board of trustees' authority to
106 manage its respective campuses and that each constitutionally
107 created board of trustees may undertake the actions provided
108 in this article in a manner consistent with that authority.

109 §16-5A-25

110 (a) No accrediting agency or association may:

111 (1) Compel a public institution of higher education to
112 violate this article; or



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113 (2) Take adverse action against a public institution of
114 higher education based, in whole or in part, on that
115 institution's compliance with this article.

116 (b) No public institution of higher education may use
117 an accrediting standard as justification to violate this
118 article.

119 §16-5A-26

120 No private cause of action is created by or exists
121 under this article.

122 Article 3

123 §16-5A-50

124 For the purposes of this article, the following terms
125 have the following meanings:

126 (1) GOVERNING BOARD. The body charged with policy
127 direction of any public institution of higher education,
128 including, but not limited to, the board of trustees.

129 (2) PUBLIC INSTITUTION OF HIGHER EDUCATION or
130 INSTITUTION. A four-year public institution of higher
131 education in this state.

132 §16-5A-51

133 (a) Each governing board shall adopt a policy regarding
134 tenure. The policy shall:

135 (1) Address the granting of tenure;

136 (2) Allow for the dismissal of a tenured faculty member
137 pursuant to Section 16-5A-52;

138 (3) Provide periodic post-tenure review for all tenured
139 faculty at the institution pursuant to Section 16-5A-53; and

140 (4) Authorize the dismissal of a tenured faculty member



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141 who has committed serious misconduct, subject to the
142 requirements of Section 16-5A-54.

143 (b) Each public institution of higher education may
144 design its policies to fit the institution's particular
145 educational mission, traditions, resources, and circumstances
146 relevant to the institution's character, role, and scope.

147 (c) A governing board may adopt or maintain policies
148 that are more stringent than the requirements of this article.
149 Nothing in this article shall require a governing board to
150 weaken or replace any existing institutional policies that
151 exceed the minimum standards provided by this article.

152 (d) Notwithstanding subdivision (a) (3), a governing
153 board may continue a post-tenure review policy established
154 before October 1, 2026, rather than adopting a new policy, if
155 the post-tenure review policy meets the requirements of this
156 article and any policy adopted by the governing board pursuant
157 to this article.

158 §16-5A-52

159 A tenured faculty member may be dismissed at any time
160 after being provided with legally required due process, based
161 on any of the following determinations:

162 (1) The faculty member has done any of the following:

163 a. Exhibited professional incompetence.

164 b. Failed to perform duties or meet professional
165 responsibilities of the faculty member's position, including,
166 but not limited to, failure to perform as documented in a
167 post-tenure review.

168 c. Failed to successfully complete any post-tenure



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169 review professional development program.

170 d. Engaged in behavior that adversely affects the
171 public institution of higher education or the faculty member's
172 performance of duties or meeting of responsibilities.

173 e. Violated laws or committed policy violations deemed
174 to be terminable offenses by the institution.

175 f. Been convicted of a crime affecting the fitness of
176 the faculty member to engage in teaching, research, service,
177 outreach, or administration.

178 g. Engaged in unprofessional conduct that adversely
179 affects the institution or the faculty member's performance of
180 duties or meeting of responsibilities.

181 h. Falsified the faculty member's academic credentials.

182 (2) There is actual financial exigency or the phasing
183 out of the institution's programs requiring elimination of the
184 faculty member's position.

185 (3) There is other good cause as defined in the
186 institution's policies.

187 §16-5A-53

188 (a) Each tenured faculty member shall be subject to
189 periodic post-tenure review by his or her respective
190 institution no more often than once every year, but no less
191 often than once every six years, after the date the faculty
192 member was granted tenure. Each governing board shall create
193 standards relating to the post-tenure review. The standards
194 shall include, but not be limited to, the following:

195 (1) Be based on the professional responsibilities of
196 the faculty member, such as in teaching, research, service,



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197 patient care, or administration, and include peer review of
198 the faculty member.

199 (2) Be directed toward the professional development of
200 the faculty member.

201 (b) A faculty member may be subject to revocation of
202 tenure or other appropriate disciplinary action if, during the
203 periodic post-tenure review, incompetency, neglect of duty, or
204 other good cause is determined to be present.

205 §16-5A-54

206 (a) Each governing board shall adopt a policy to
207 authorize the dismissal of a tenured faculty member based on a
208 finding that the faculty member committed serious misconduct,
209 provided the governing board must provide the faculty member
210 with legally required due process before the dismissal.

211 (b) Each governing board shall:

212 (1) Adopt a policy defining "serious misconduct," which
213 includes, but is not required to be limited to, the conduct
214 listed in Section 16-5A-52; and

215 (2) Designate an administrator or administrators to
216 conduct hearings pursuant to this section.

217 (c) The dismissal policy shall provide for legally
218 required due process that includes, but is not limited to,
219 each of the following:

220 (1) Written notice of the allegations against the
221 faculty member, including an explanation of the evidence
222 supporting dismissal.

223 (2) An opportunity for the faculty member to respond to
224 the allegations in a hearing with a designated administrator.



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225 §16-5A-55

226 (a) Each governing board shall file a copy of the
227 policies adopted pursuant to this article, and any amendments
228 or revisions to these policies, with the Provost, who shall
229 make the policies publicly available on or before September 1
230 of each year.

231 (b) It is the intent of the Legislature that no
232 provision of this article shall be construed to impede a
233 constitutionally created board of trustees' authority to
234 manage its respective campuses and that each constitutionally
235 created board of trustees may undertake the actions provided
236 in this article in a manner consistent with that authority.

237 §16-5A-56

238 (a) No accrediting agency or association may:

239 (1) Compel a public institution of higher education to
240 violate this article; or

241 (2) Take adverse action against a public institution of
242 higher education based, in whole or in part, on that
243 institution's compliance with this article.

244 (b) No public institution of higher education may use
245 an accrediting standard as justification to violate this
246 article.

247 §16-5A-57

248 No private cause of action is created by or exists
249 under this article.

250 Article 4

251 §16-5A-80

252 (a) For the purposes of this article, the following



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253 terms have the following meanings:

254 (1) ADMINISTRATION. The institutional administration of
255 a public institution of higher education, including any
256 university system administration.

257 (2) GOVERNING BOARD. The body charged with policy
258 direction of any public institution of higher education,
259 including, but not limited to, the board of trustees.

260 (3) PUBLIC INSTITUTION OF HIGHER EDUCATION or
261 INSTITUTION. A four-year public institution of higher
262 education in this state.

263 (b) The courses or curriculum required to obtain a
264 degree at a public institution of higher education must be
265 approved by the institution's governing board.

266 (c) Each governing board shall have control over any
267 course or subject taught at a public institution of higher
268 education.

269 (d) Each governing board may delegate approval of
270 courses to a designated university administrator.

271 (e) It is the intent of the Legislature that no
272 provision of this article shall be construed to impede a
273 constitutionally created board of trustees' authority to
274 manage its respective campuses and that each constitutionally
275 created board of trustees may undertake the actions provided
276 in this article in a manner consistent with that authority.

277 (f) (1) No accrediting agency or association may:

278 a. Compel a public institution of higher education to
279 violate this article; or

280 b. Take adverse action against a public institution of



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281 higher education based, in whole or in part, on that
282 institution's compliance with this article.

283 (2) No public institution of higher education may use
284 an accrediting standard as justification to violate this
285 article.

286 (g) No private cause of action is created by or exists
287 under this article.

288 Section 3. This act shall become effective on October
289 1, 2026.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 31-Mar-26.

John Treadwell
Clerk

Senate

09-Apr-26

Amended and Passed