

HB580 INTRODUCED



1 HB580
2 XDURYE7-1
3 By Representative Stubbs
4 RFD: Education Policy
5 First Read: 05-Mar-26



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SYNOPSIS:

Existing law does not address faculty senates or tenure policies in public institutions of higher education.

This bill would provide that faculty senates may only be established by the governing board of a public institution of higher education, and provide that the faculty senate may be only advisory in nature.

This bill would require each governing board that establishes a faculty senate to adopt a policy regarding the membership, duties, and leadership of the faculty senate.

This bill would prohibit faculty senates from being delegated final decision-making authority on any matter or issuing statements unrelated to the faculty senate's duties.

This bill would require the governing board of each public institution of higher education to adopt a tenure policy.

This bill would require each tenure policy to require periodic post-tenure reviews and authorize the dismissal of a tenured faculty member in certain circumstances.

This bill would allow governing boards to adopt procedures for the dismissal of tenured faculty



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29 members, provided those procedures include specified
30 due process rights such as a right to a hearing and
31 appeal.

32 This bill would provide governing boards with
33 control over curriculum and courses which are necessary
34 to obtain a degree at the public institution of higher
35 education.

36 This bill would also prohibit accrediting
37 agencies from requiring a public institution of higher
38 education to violate this bill or from taking adverse
39 action against an institution for its compliance with
40 this bill.

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A BILL

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TO BE ENTITLED

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AN ACT

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47 Relating to public institutions of higher education; to
48 designate Section 16-5A-1, as Article 1 of Chapter 5A of Title
49 16, Code of Alabama 1975; to add Article 2, commencing with
50 Section 16-5A-20, to Chapter 5A of Title 16, Code of Alabama
51 1975; to add Article 3, commencing with Section 16-5A-50, to
52 Chapter 5A of Title 16, Code of Alabama 1975; to add Article
53 4, commencing with Section 16-5A-80, to Chapter 5A of Title
54 16; to provide for the creation, membership, and duties of a
55 faculty senate at a public institution of higher education; to
56 provide that faculty senates are advisory only; to require the



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57 governing board of each public institution of higher education
58 to adopt a tenure policy; to require periodic post-tenure
59 reviews of tenured faculty; to require governing boards to
60 approve curriculum; to provide for the dismissal of certain
61 tenured faculty members; to provide governing boards with
62 certain control over curriculum and courses; and to prohibit
63 accrediting agencies from taking certain actions related to
64 state law.

65 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

72 Article 2

73 §16A-5-20

74 For the purposes of this article, the following terms
75 have the following meanings:

76 (1) ADMINISTRATION. The institutional administration of
77 a public institution of higher education, including any
78 university system administration.

79 (2) FACULTY SENATE. Any representative faculty
80 organization at a public institution of higher education,
81 including, but not limited to, a faculty senate or faculty
82 council.

83 (3) GOVERNING BOARD. The body charged with policy
84 direction of any public institutions of higher education,



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85 including, but not limited to, the board of trustees.

86 (4) PUBLIC INSTITUTION OF HIGHER EDUCATION or
87 INSTITUTION. A four-year public institution of higher
88 education in this state.

89 §16-5A-21

90 (a) Only the governing board of a public institution of
91 higher education may establish a faculty senate at the
92 institution.

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

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

98 (2) The governing board: (i) finds that the faculty
99 senate meets the requirements of this article and any policy
100 adopted by the governing board pursuant to this article; and
101 (ii) ratifies the faculty senate's continuation.

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

105 §16-5A-22

106 (a) Each governing board, before establishing a faculty
107 senate, shall adopt a policy governing the selection of the
108 faculty senate membership. The policy shall meet the following
109 requirements:

110 (1) Ensure adequate representation of each college and
111 school of the institution.

112 (2) Require members to be faculty members.



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113 (3) Except as otherwise provided by the governing
114 board, limit the number of members to not more than 60, with
115 at least two representatives from each college or school. Of
116 the two representatives from each college or school, one shall
117 be appointed by the president of the institution and one shall
118 be elected by a vote of the faculty of the member's respective
119 college or school.

120 (b) Service on the faculty senate is an additional duty
121 of the faculty member's employment. Members of the faculty
122 senate are not entitled to compensation or reimbursement of
123 expenses for their role as members of the faculty senate,
124 unless the expense is on behalf of and approved by the public
125 institution of higher education.

126 (c) (1) A member of the faculty senate appointed by the
127 president pursuant to subdivision (a) (3):

128 a. May be appointed to serve up to six consecutive
129 one-year terms; and

130 b. May only be reappointed after the second anniversary
131 of the last day of the member's most recent term.

132 (2)a. A member of the faculty senate elected by a vote
133 of the faculty of the member's respective college or school
134 shall serve a two-year term. Terms of these members shall be
135 staggered in a manner that allows approximately one-half of
136 the elected members to be elected each year.

137 b. Members may only be reelected after the second
138 anniversary of the last day of the member's most recent term.

139 (d) A faculty member serving on the faculty senate may
140 be removed from the faculty senate in either of the following



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141 methods:

142 (1) Immediately, by the president of the institution,
143 for failing to conduct his or her responsibilities within the
144 faculty senate's parameters, failing to attend faculty senate
145 meetings, or engaging in other similar misconduct.

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

148 §16-5A-23

149 (a) A faculty senate is advisory only and may not be
150 delegated the final decision-making authority on any matter. A
151 faculty senate shall represent the entire faculty of the
152 institution and advise the administration on matters related
153 to the general welfare of the institution.

154 (b) A faculty senate may not issue any statement or
155 publish any report using the institution's official seal,
156 trademark, or resources funded by the institution on any
157 matter not directly related to the faculty senate's duties to
158 advise the administration.

159 §16-5A-24

160 This article may not be construed to limit any faculty
161 member of a public institution of higher education from
162 exercising the faculty member's right to freedom of
163 association protected by the United States Constitution or the
164 Constitution of Alabama of 2022.

165 §16-5A-25

166 It is the intent of the Legislature that all
167 constitutionally created boards of trustees comply with the
168 requirements of this article.



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169 §16-5A-26

170 (a) No accrediting agency or association may:

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

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

176 (b) No public institution of higher education may use
177 an accrediting standard as justification to violate this
178 article.

179 Article 3

180 §16-5A-50

181 For the purposes of this article, the following terms
182 have the following meanings:

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

186 (2) PUBLIC INSTITUTION OF HIGHER EDUCATION or
187 INSTITUTION. A four-year public institution of higher
188 education in this state.

189 §16-5A-51

190 (a) Each governing board shall adopt a policy regarding
191 tenure. The policy shall:

192 (1) Address the granting of tenure;

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

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



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197 (4) Provide that if the governing board chooses to
198 adopt a dismissal procedure authorizing the dismissal of
199 tenured faculty who have committed serious misconduct, the
200 procedure shall reflect the requirements of Section 16-5A-54.

201 (b) Each public institution of higher education may
202 design its policies to fit the institution's particular
203 educational mission, traditions, resources, and circumstances
204 relevant to the institution's character, role, and scope.

205 (c) Each governing board shall seek advice and comment
206 from the institution's faculty before adopting any policies
207 pursuant to this article. The advice and comment shall be
208 given consideration by the governing board.

209 §16-5A-52

210 A governing board may dismiss a tenured faculty member
211 at any time after providing the faculty member with
212 appropriate due process, based on any of the following
213 determinations:

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

215 a. Exhibited professional incompetence.

216 b. Continually or repeatedly failed to perform duties
217 or meet professional responsibilities of the faculty member's
218 position.

219 c. Failed to successfully complete any post-tenure
220 review professional development program.

221 d. Engaged in conduct involving moral turpitude that
222 adversely affects the public institution of higher education
223 or the faculty member's performance of duties or meeting of
224 responsibilities.



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225 e. Violated laws or policies of the institution which
226 are substantially related to the performance of the faculty
227 member's duties.

228 f. Been convicted of a crime affecting the fitness of
229 the faculty member to engage in teaching, research, service,
230 outreach, or administration.

231 g. Engaged in unprofessional conduct that adversely
232 affects the institution or the faculty member's performance of
233 duties or meeting of responsibilities.

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

235 (2) There is actual financial exigency or the phasing
236 out of the institution's programs requiring elimination of the
237 faculty member's position.

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

240 §16-5A-53

241 (a) Each tenured faculty member shall be subject to
242 periodic post-tenure review by his or her respective
243 institution no more often than once every year, but no less
244 often than once every six years, after the date the faculty
245 member was granted tenure or received an academic promotion,
246 as determined by the governing board. Each governing board
247 shall create standards relating to the post-tenure review. The
248 standards shall include, but not be limited to, the following:

249 (1) Be based on the professional responsibilities of
250 the faculty member in teaching, research, service, patient
251 care, and administration, and include peer review of the
252 faculty member.



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253 (2) Be directed toward the professional development of
254 the faculty member.

255 (3) Incorporate commonly recognized academic due
256 process rights, including, but not limited to, the following:

257 a. Notice of the matter and scope of the post-tenure
258 review.

259 b. Before a faculty member may be subject to
260 disciplinary action on the basis of the review, notice of
261 specific charges and an opportunity for a hearing on those
262 charges.

263 c. Due process related to the dismissal and appeal
264 procedure as provided in Section 16-5A-54, including notice of
265 those procedures.

266 (4) Provide a short-term development plan that includes
267 performance benchmarks for returning to satisfactory
268 performance if a faculty member receives an unsatisfactory
269 rating in any area of any evaluation conducted pursuant to
270 this section.

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

275 §16-5A-54

276 (a) Each governing board may adopt a policy to
277 authorize the dismissal of a tenured faculty member based on a
278 finding that the faculty member committed serious misconduct,
279 provided the governing board must provide the faculty member
280 with appropriate due process before the dismissal.



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281 (b) Each governing board shall:

282 (1) Adopt a policy defining "serious misconduct";

283 (2) Adopt procedures for post-dismissal appeals which,
284 at a minimum, reflect the requirements of this article; and

285 (3) Designate an administrator or administrators to
286 conduct hearings and review dismissals pursuant to this
287 section.

288 (c) The dismissal policy shall provide for appropriate
289 due process that includes, but is not limited to, each of the
290 following:

291 (1) Before dismissing a faculty member pursuant to this
292 section, the governing board shall provide the faculty member
293 with each of the following:

294 a. Written notice of the allegations against the
295 faculty member, including an explanation of the evidence
296 supporting dismissal.

297 b. An opportunity for the faculty member to respond to
298 the allegations in a hearing with a designated administrator.

299 (2) The designated administrator's consideration of the
300 faculty member's response provided pursuant to subdivision
301 (1). After consideration, the designated administrator shall
302 make a written determination that clearly indicates whether
303 the institution will proceed with the dismissal of the faculty
304 member.

305 (3) Promptly providing the faculty member a copy of the
306 designated administrator's written determination and:

307 a. If the designated administrator is in favor of the
308 dismissal, include the effective date of the dismissal and



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309 information regarding the faculty member's opportunity for a
310 post-dismissal appeal; or

311 b. If the designated administrator is opposed to
312 dismissal, state that the faculty member is not subject to
313 dismissal.

314 (4) Providing the faculty member with the opportunity
315 for a post-dismissal appeal in accordance with the
316 institution's policies.

317 §16-5A-55

318 (a) Each governing board shall file a copy of the
319 policies adopted pursuant to this article, and any amendments
320 or revisions to these policies, with the Provost, who shall
321 make the policies publicly available on or before September 1
322 of each year.

323 (b) It is the intent of the Legislature that all
324 constitutionally created boards of trustees comply with the
325 requirements of this article.

326 §16-5A-56

327 (a) No accrediting agency or association may:

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

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

333 (b) No public institution of higher education may use
334 an accrediting standard as justification to violate this
335 article.

336 Article 4



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337 §16-5A-80

338 (a) For the purposes of this article, the following
339 terms have the following meanings:

340 (1) ADMINISTRATION. The institutional administration of
341 a public institution of higher education, including any
342 university system administration.

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

346 (3) PUBLIC INSTITUTION OF HIGHER EDUCATION or
347 INSTITUTION. A four-year public institution of higher
348 education in this state.

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

352 (c) Each governing board shall have control over any
353 course or subject taught at a public institution of higher
354 education.

355 (d) Each governing board may refer to the institution's
356 administration for a recommendation on matters relating to the
357 approval of curriculum or courses to be offered, or delegate
358 preliminary approval to the administration, provided that
359 final approval must come from the governing board.

360 (e) It is the intent of the Legislature that all
361 constitutionally created boards of trustees comply with the
362 requirements of this article.

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

364 a. Compel a public institution of higher education to



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365 violate this article; or

366 b. Take adverse action against a public institution of
367 higher education based, in whole or in part, on that
368 institution's compliance with this article.

369 (2) No public institution of higher education may use
370 an accrediting standard as justification to violate this
371 article.

372 Section 3. This act shall become effective on October
373 1, 2026.