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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 representing institutional positions.

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 tenured faculty members to be dismissed, provided the faculty member is provided with legally required due process rights.



29 This bill would provide governing boards with
30 control over curriculum and courses that are necessary
31 to obtain a degree at the public institution of higher
32 education and would authorize governing boards to
33 delegate approval of courses to a designated university
34 administrator.

35 This bill would also prohibit accrediting
36 agencies from requiring a public institution of higher
37 education to violate this bill or from taking adverse
38 action against an institution for its compliance with
39 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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46 Relating to public institutions of higher education; to
47 designate Section 16-5A-1, as Article 1 of Chapter 5A of Title
48 16, Code of Alabama 1975; to add Article 2, commencing with
49 Section 16-5A-20, to Chapter 5A of Title 16, Code of Alabama
50 1975; to add Article 3, commencing with Section 16-5A-50, to
51 Chapter 5A of Title 16, Code of Alabama 1975; to add Article
52 4, commencing with Section 16-5A-80, to Chapter 5A of Title
53 16; to provide for the creation, membership, and duties of a
54 faculty senate at a public institution of higher education; to
55 provide that faculty senates are advisory only; to require the
56 governing board of each public institution of higher education



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

64 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

71 Article 2

72 §16-5A-20

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

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

78 (2) FACULTY SENATE. Any representative faculty
79 organization at a public institution of higher education,
80 including, but not limited to, a university senate, faculty
81 senate, or faculty council whose primary purpose is to
82 represent faculty concerns on university matters.

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



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 and other
108 conditions of the faculty senate membership. The policy shall
109 meet the following requirements:

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

112 (2) Except as otherwise provided by the governing



113 board, require faculty senate leadership positions to be
114 appointed by the university president.

115 (3) Except as otherwise provided by the governing
116 board, limit the number of members to not more than 60, with
117 two representatives from each college or school. Of the two
118 representatives from each college or school, one shall be
119 appointed by the president of the institution and one shall be
120 elected by a vote of the faculty of the member's respective
121 college or school. The governing board may provide for the
122 appointment of non-faculty members to the faculty senate, at
123 the board's discretion.

124 (b) Service on the faculty senate is an additional duty
125 of the faculty member's employment.

126 (c) A faculty member serving on the faculty senate may
127 be removed from the faculty senate in either of the following
128 methods:

129 (1) Immediately, by the president of the institution,
130 for failing to conduct his or her responsibilities in good
131 faith within the faculty senate's parameters, failing to
132 attend faculty senate meetings, or engaging in other
133 misconduct.

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

136 §16-5A-23

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

139 (b) A faculty senate may not issue public statements on
140 behalf of the institution or otherwise represent institutional



141 positions. Nothing in this section may be construed to limit
142 the ability of a faculty senate to provide confidential
143 advisory recommendations to institutional leadership on
144 matters related to the academic mission and institutional
145 operations.

146 §16-5A-24

147 It is the intent of the Legislature that no provision
148 of this article shall be construed to impede a
149 constitutionally created board of trustees' authority to
150 manage its respective campuses and that each constitutionally
151 created board of trustees may undertake the actions provided
152 in this article in a manner consistent with that authority.

153 §16-5A-25

154 (a) No accrediting agency or association may:

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

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

160 (b) No public institution of higher education may use
161 an accrediting standard as justification to violate this
162 article.

163 §16-5A-26

164 No private cause of action is created by or exists
165 under this article.

166 Article 3

167 §16-5A-50

168 For the purposes of this article, the following terms



169 have the following meanings:

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

173 (2) PUBLIC INSTITUTION OF HIGHER EDUCATION or
174 INSTITUTION. A four-year public institution of higher
175 education in this state.

176 §16-5A-51

177 (a) Each governing board shall adopt a policy regarding
178 tenure. The policy shall:

179 (1) Address the granting of tenure;

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

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

184 (4) Authorize the dismissal of a tenured faculty member
185 who has committed serious misconduct, subject to the
186 requirements of Section 16-5A-54.

187 (b) Each public institution of higher education may
188 design its policies to fit the institution's particular
189 educational mission, traditions, resources, and circumstances
190 relevant to the institution's character, role, and scope.

191 (c) A governing board may adopt or maintain policies
192 that are more stringent than the requirements of this article.
193 Nothing in this article shall require a governing board to
194 weaken or replace any existing institutional policies that
195 exceed the minimum standards provided by this article.

196 §16-5A-52



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

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

201 a. Exhibited professional incompetence.

202 b. Failed to perform duties or meet professional
203 responsibilities of the faculty member's position, including,
204 but not limited to, failure to perform as documented in a
205 post-tenure review.

206 c. Failed to successfully complete any post-tenure
207 review professional development program.

208 d. Engaged in behavior that adversely affects the
209 public institution of higher education or the faculty member's
210 performance of duties or meeting of responsibilities.

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

213 f. Been convicted of a crime affecting the fitness of
214 the faculty member to engage in teaching, research, service,
215 outreach, or administration.

216 g. Engaged in unprofessional conduct that adversely
217 affects the institution or the faculty member's performance of
218 duties or meeting of responsibilities.

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

220 (2) There is actual financial exigency or the phasing
221 out of the institution's programs requiring elimination of the
222 faculty member's position.

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



225 §16-5A-53

226 (a) Each tenured faculty member shall be subject to
227 periodic post-tenure review by his or her respective
228 institution no more often than once every year, but no less
229 often than once every six years, after the date the faculty
230 member was granted tenure. Each governing board shall create
231 standards relating to the post-tenure review. The standards
232 shall include, but not be limited to, the following:

233 (1) Be based on the professional responsibilities of
234 the faculty member, such as in teaching, research, service,
235 patient care, or administration, and include peer review of
236 the faculty member.

237 (2) Be directed toward the professional development of
238 the faculty member.

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

243 §16-5A-54

244 (a) Each governing board shall adopt a policy to
245 authorize the dismissal of a tenured faculty member based on a
246 finding that the faculty member committed serious misconduct,
247 provided the governing board must provide the faculty member
248 with legally required due process before the dismissal.

249 (b) Each governing board shall:

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



253 (2) Designate an administrator or administrators to
254 conduct hearings pursuant to this section.

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

258 (1) Written notice of the allegations against the
259 faculty member, including an explanation of the evidence
260 supporting dismissal.

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

263 §16-5A-55

264 (a) Each governing board shall file a copy of the
265 policies adopted pursuant to this article, and any amendments
266 or revisions to these policies, with the Provost, who shall
267 make the policies publicly available on or before September 1
268 of each year.

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

275 §16-5A-56

276 (a) No accrediting agency or association may:

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

279 (2) Take adverse action against a public institution of
280 higher education based, in whole or in part, on that



281 institution's compliance with this article.

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

285 §16-5A-57

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

288 Article 4

289 §16-5A-80

290 (a) For the purposes of this article, the following
291 terms have the following meanings:

292 (1) ADMINISTRATION. The institutional administration of
293 a public institution of higher education, including any
294 university system administration.

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

298 (3) PUBLIC INSTITUTION OF HIGHER EDUCATION or
299 INSTITUTION. A four-year public institution of higher
300 education in this state.

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

304 (c) Each governing board shall have control over any
305 course or subject taught at a public institution of higher
306 education.

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



309 (e) It is the intent of the Legislature that no
310 provision of this article shall be construed to impede a
311 constitutionally created board of trustees' authority to
312 manage its respective campuses and that each constitutionally
313 created board of trustees may undertake the actions provided
314 in this article in a manner consistent with that authority.

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

316 a. Compel a public institution of higher education to
317 violate this article; or

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

321 (2) No public institution of higher education may use
322 an accrediting standard as justification to violate this
323 article.

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

326 Section 3. This act shall become effective on October
327 1, 2026.