

HB580 ENGROSSED



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



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A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-5A-1, Code of Alabama 1975, is



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29 designated as Article 1.

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

34 Article 2

35 §16-5A-20

36 For the purposes of this article, the following terms
37 have the following meanings:

38 (1) ADMINISTRATION. The institutional administration of
39 a public institution of higher education, including any
40 university system administration.

41 (2) FACULTY SENATE. Any representative faculty
42 organization at a public institution of higher education,
43 including, but not limited to, a university senate, faculty
44 senate, or faculty council whose primary purpose is to
45 represent faculty concerns on university matters.

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

49 (4) PUBLIC INSTITUTION OF HIGHER EDUCATION or
50 INSTITUTION. A four-year public institution of higher
51 education in this state.

52 §16-5A-21

53 (a) Only the governing board of a public institution of
54 higher education may establish a faculty senate at the
55 institution.

56 (b) A faculty senate established at an institution



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57 before October 1, 2026, is abolished, unless either of the
58 following apply:

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

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

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

68 §16-5A-22

69 (a) Each governing board, before establishing a faculty
70 senate, shall adopt a policy governing the selection and other
71 conditions of the faculty senate membership. The policy shall
72 meet the following requirements:

73 (1) Ensure adequate representation of each college and
74 school of the institution.

75 (2) Except as otherwise provided by the governing
76 board, require faculty senate leadership positions to be
77 appointed by the university president.

78 (3) Except as otherwise provided by the governing
79 board, limit the number of members to not more than 60, with
80 two representatives from each college or school. Of the two
81 representatives from each college or school, one shall be
82 appointed by the president of the institution and one shall be
83 elected by a vote of the faculty of the member's respective
84 college or school. The governing board may provide for the



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85 appointment of non-faculty members to the faculty senate, at
86 the board's discretion.

87 (b) Except as otherwise provided by the governing
88 board, a faculty member serving on the faculty senate may be
89 removed from the faculty senate in either of the following
90 methods:

91 (1) Immediately, by the president of the institution,
92 for failing to conduct his or her responsibilities in good
93 faith within the faculty senate's parameters, failing to
94 attend faculty senate meetings, or engaging in other
95 misconduct.

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

98 §16-5A-23

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

101 (b) A faculty senate may not issue public statements on
102 behalf of the institution or otherwise represent institutional
103 positions. Nothing in this section may be construed to limit
104 the ability of a faculty senate to provide confidential
105 advisory recommendations to institutional leadership on
106 matters related to the academic mission and institutional
107 operations.

108 §16-5A-24

109 It is the intent of the Legislature that no provision
110 of this article shall be construed to impede a
111 constitutionally created board of trustees' authority to
112 manage its respective campuses and that each constitutionally



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113 created board of trustees may undertake the actions provided
114 in this article in a manner consistent with that authority.

115 §16-5A-25

116 (a) No accrediting agency or association may:

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

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

122 (b) No public institution of higher education may use
123 an accrediting standard as justification to violate this
124 article.

125 §16-5A-26

126 No private cause of action is created by or exists
127 under this article.

128 Article 3

129 §16-5A-50

130 For the purposes of this article, the following terms
131 have the following meanings:

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

135 (2) PUBLIC INSTITUTION OF HIGHER EDUCATION or
136 INSTITUTION. A four-year public institution of higher
137 education in this state.

138 §16-5A-51

139 (a) Each governing board shall adopt a policy regarding
140 tenure. The policy shall:



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141 (1) Address the granting of tenure;

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

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

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

149 (b) Each public institution of higher education may
150 design its policies to fit the institution's particular
151 educational mission, traditions, resources, and circumstances
152 relevant to the institution's character, role, and scope.

153 (c) A governing board may adopt or maintain policies
154 that are more stringent than the requirements of this article.
155 Nothing in this article shall require a governing board to
156 weaken or replace any existing institutional policies that
157 exceed the minimum standards provided by this article.

158 (d) Notwithstanding subdivision (a) (3), a governing
159 board may continue a post-tenure review policy established
160 before October 1, 2026, rather than adopting a new policy, if
161 the post-tenure review policy meets the requirements of this
162 article and any policy adopted by the governing board pursuant
163 to this article.

164 §16-5A-52

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

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



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169 a. Exhibited professional incompetence.

170 b. Failed to perform duties or meet professional
171 responsibilities of the faculty member's position, including,
172 but not limited to, failure to perform as documented in a
173 post-tenure review.

174 c. Failed to successfully complete any post-tenure
175 review professional development program.

176 d. Engaged in behavior that adversely affects the
177 public institution of higher education or the faculty member's
178 performance of duties or meeting of responsibilities.

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

181 f. Been convicted of a crime affecting the fitness of
182 the faculty member to engage in teaching, research, service,
183 outreach, or administration.

184 g. Engaged in unprofessional conduct that adversely
185 affects the institution or the faculty member's performance of
186 duties or meeting of responsibilities.

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

188 (2) There is actual financial exigency or the phasing
189 out of the institution's programs requiring elimination of the
190 faculty member's position.

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

193 §16-5A-53

194 (a) Each tenured faculty member shall be subject to
195 periodic post-tenure review by his or her respective
196 institution no more often than once every year, but no less



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197 often than once every six years, after the date the faculty
198 member was granted tenure. Each governing board shall create
199 standards relating to the post-tenure review. The standards
200 shall include, but not be limited to, the following:

201 (1) Be based on the professional responsibilities of
202 the faculty member, such as in teaching, research, service,
203 patient care, or administration, and include peer review of
204 the faculty member.

205 (2) Be directed toward the professional development of
206 the faculty member.

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

211 §16-5A-54

212 (a) Each governing board shall adopt a policy to
213 authorize the dismissal of a tenured faculty member based on a
214 finding that the faculty member committed serious misconduct,
215 provided the governing board must provide the faculty member
216 with legally required due process before the dismissal.

217 (b) Each governing board shall:

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

221 (2) Designate an administrator or administrators to
222 conduct hearings pursuant to this section.

223 (c) The dismissal policy shall provide for legally
224 required due process that includes, but is not limited to,



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225 each of the following:

226 (1) Written notice of the allegations against the
227 faculty member, including an explanation of the evidence
228 supporting dismissal.

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

231 §16-5A-55

232 (a) Each governing board shall file a copy of the
233 policies adopted pursuant to this article, and any amendments
234 or revisions to these policies, with the Provost, who shall
235 make the policies publicly available on or before September 1
236 of each year.

237 (b) It is the intent of the Legislature that no
238 provision of this article shall be construed to impede a
239 constitutionally created board of trustees' authority to
240 manage its respective campuses and that each constitutionally
241 created board of trustees may undertake the actions provided
242 in this article in a manner consistent with that authority.

243 §16-5A-56

244 (a) No accrediting agency or association may:

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

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

250 (b) No public institution of higher education may use
251 an accrediting standard as justification to violate this
252 article.



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253 §16-5A-57

254 No private cause of action is created by or exists
255 under this article.

256 Article 4

257 §16-5A-80

258 (a) For the purposes of this article, the following
259 terms have the following meanings:

260 (1) ADMINISTRATION. The institutional administration of
261 a public institution of higher education, including any
262 university system administration.

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

266 (3) PUBLIC INSTITUTION OF HIGHER EDUCATION or
267 INSTITUTION. A four-year public institution of higher
268 education in this state.

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

272 (c) Each governing board shall have control over any
273 course or subject taught at a public institution of higher
274 education.

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

277 (e) It is the intent of the Legislature that no
278 provision of this article shall be construed to impede a
279 constitutionally created board of trustees' authority to
280 manage its respective campuses and that each constitutionally



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281 created board of trustees may undertake the actions provided
282 in this article in a manner consistent with that authority.

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

284 a. Compel a public institution of higher education to
285 violate this article; or

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

289 (2) No public institution of higher education may use
290 an accrediting standard as justification to violate this
291 article.

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

294 Section 3. This act shall become effective on October
295 1, 2026.



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House of Representatives

Read for the first time and referred05-Mar-26
to the House of Representatives
committee on Education Policy

Read for the second time and placed19-Mar-26
on the calendar:
0 amendments

Read for the third time and passed31-Mar-26
as amended
Yeas 82
Nays 18
Abstains 5

John Treadwell
Clerk