

BLUEFIELD STATE COLLEGE
BOARD OF GOVERNORS SPECIAL MEETING
Boyd Conference Room
4:00 p.m., October 3, 2022

AGENDA

1. CALL TO ORDER CHAIR COLE

2. SPECIAL ORDERS ACTION
 - 2.1. West Virginia Funding Formula Approval CFO Hypes
 - 2.2. Resolution from the Executive Committee regarding Faculty Assembly President Capehart/Brent Benjamin

3. POSSIBLE EXECUTIVE SESSION
 - 3.1. Discussion of Personnel Employment Issues
 - 3.2. Discussion of Potential Real Estate
 - 3.3. Discussion of Legal Matters
 - 3.4. Discussion of Other Matters permitted under W.Va. Code §6-9A-4

4. ACTIONS EMANATING FROM EXECUTIVE SESSION ACTION

5. ADJOURNMENT ACTION

EXECUTIVE COMMITTEE MEETING MINUTES

Date: Friday, September 16, 2022

Time: 3:00 p.m.

Location: Boyd Conference Room

Committee Members:

Charlie Cole, Chair | Bill Cole | Shannon Remines | Mike Hastings - absent |

Guests:

Brent Benjamin, General Counsel and Executive Vice President

The meeting was called to order at 3:00 PM by Mr. Charlie Cole. Mr. C. Cole turned the meeting over to Mr. Benjamin.

Mr. C. Cole made a motion to adjourn. The meeting was adjourned at 3:37 PM.

No.	Item
1	<ul style="list-style-type: none">• Faculty Assembly Proposal<ul style="list-style-type: none">○ Requesting a resolution to direct President Capehart to present a better shared governance for the faculty. Report submitted by B. Benjamin supports the need for the resolution. Faculty needs a more inclusive means to communicate and express their ideas. Need a more open forum and to ensure that all voices are heard equally.○ The Executive Committee recommends that the Board of Governors vote on the following: “The Bluefield State University Board of Governors, as provided by West Virginia Code 18B-6-3, hereby dissolves the University’s current Faculty Senate and establishes the Bluefield State University Faculty Assembly comprised of all active University faculty members to better ensure that the Board of Governors and the University Administration can directly communicate with the faculty, and can more fully benefit from the advice and assistance of the faculty; thereby better ensuring that the Board can receive a full input of information from and can better utilize the resources of the University’s diverse faculty. The President is directed to prepare appropriate Bylaws for the Bluefield State University Faculty Assembly with input from the faculty and such others as he deems necessary.”○ Bill Cole made the motion to accept the resolution, Shannon Remines 2nd. All in favor – motion carried.

Attachment: Considerations on Shared Governance Models.

MEMORANDUM

To: Robin Capehart, President
From: Brent Benjamin, Executive Vice President & General Counsel
Date: September 15, 2022
Re: Considerations on Shared Governance Models

Several members of the Board of Governors have expressed concern that the current system of faculty involvement in shared governance is insufficient to meet West Virginia's statutory requirements and the Board's desire for meaningful access to information from Bluefield State's instructors. Among other concerns, Board members have frustration specifically with the procedural and substantive deficiencies of the Faculty Senate pointed out in my September 1, 2022, investigative report and recommendation, and more generally with the perception that the current model of shared governance inhibits a full and diverse participation from all faculty, inhibits honest and open dialogue with the faculty, and is failing to engage the faculty as a whole.

Shared governance requires that the Boards of Governors of Higher Educational Institutions in West Virginia have access to information from their respective instructors and that "all faculty" have the opportunity to participate in such a delivery of advice. *W.Va. Code 18B-6-3(a)*. West Virginia law does not mandate a specific way in which this access to information is to be achieved. *W.Va. Code 18B-6-3(a)*. Currently, Bluefield State has a faculty Senate. This is one of two ways anticipated by law. The other statutory mechanism for shared governance involving faculty is a Faculty Assembly. *Id.*¹ A Faculty Assembly is akin to a Town Meeting or, what is increasingly used in the best practices operation of businesses, an "All-Hands Meeting."

For the reasons set forth below, and in view of the currently identified deficiencies in the operation of the Faculty Senate, I recommend that the Board consider utilizing a Faculty Assembly model of shared governance for faculty participation and input. The Faculty Handbook already anticipates the superior aspect of the Faculty Assembly model by stating that "The Faculty Senate reports to the College faculty assembly." *Section 2.6200, Bluefield State Faculty Handbook*. Thus, the removal of the Senate model simply defaults to the Faculty Assembly model which, according to the Faculty Handbook, appears to still exist.

Considerations:

1. Engagement

Faculty involvement drives faculty communication with the Board. A wide, diverse and inclusive participation of instructors is necessary for meaningful shared governance. An All-Hands meeting model is superior to the current Senate model. Faculty participation is lacking in the current

¹ "Effective July 1, 2004, a faculty senate is established at each institution of higher education, *except for those institutions which choose to establish a faculty assembly. In the latter case, all faculty participate in the faculty assembly . . .*" [Emphasis added.]

Senate. This was admitted by Darrel Malamisura as a claimed justification for his actions. Moreover, the current Senate leadership is attempting to further restrict participation in the Senate to only a subset of instructors at Bluefield State with an initiative to strip non-tenured and non-tenure track faculty from membership in the Senate. An All-Hands model of faculty involvement integrates all faculty into a common meeting, along with the diverse experiences and input of ideas which this open model encourages. Communication, respect, shared vision and the reinforcement of Bluefield State culture is enhanced by a direct engagement by the President (and the Board) with all of the faculty, not a restricted subset of the faculty. From the minutes of the Senate which are available, there is a concern that the Senate struggles to achieve a quorum. This, too, is troubling. An All-Hands approach enables, engages and energizes the faculty in an open forum. By treating faculty members equally, energy for our University can remain high.

2. Communication

Currently, the Senate model serves as an hourglass with information flowing from the faculty to the Board and vice versa through a middle filter. While this may seem efficient, it inhibits communication and can lead to distrust and frustration from both faculty and the Board. Direct one-on-one communication through an effective All-Hands model reinforces honest feedback, reinforces the Bluefield State culture, permits reflection, enhances coordination between the faculty and the administration, and achieves the most efficient way of disseminating goals and values. Information is shared first-hand, with less potential for misunderstanding. This first-hand communication leads to a better perception of the “sharing” of ideas, rather than the “transmittal” of ideas. Participants feel more like members of a team. An All-Hands model is clearly superior to the current Senate model to enhance the transmittal of information between the faculty and the Board. It should be noted, though, that such open and direct dialogue may be unfiltered, honest and raw. If faculty is encouraged to provide feedback, they should be encouraged to not simply show up, but also to speak out.

3. Administrative Considerations

An All-Hands model is clearly superior to a Senate model for an institution of Bluefield State’s size. There are, however, administrative challenges to such a model. A key requisite for the success of an All-Hands model is the leadership of an effective moderator and rules of governance of such a meeting. Because Town Meetings have been an accepted means of governance extending to colonial times, the rules of governance from such meetings can be considered and modified to suit the needs of our University. Consideration can be given to requiring attendance, pursuant to the obligations of the faculty in the Faculty Handbook. Moreover, the President should meet with the faculty at least quarterly (and the Board at least annually), so the Assembly provides an excellent opportunity for that.

4. Other Considerations

An All-Hands model is superior to the current Senate model for visibility, transparency, diversity and inclusiveness, and the open and meaningful direct sharing of ideas. There may be a concern that some faculty may feel a social inhibition about speaking out before their peers (i.e., a “fear

to speak”). While one may consider instructors, by their nature and occupation, to be natural to open and frank dialogue, there is no reason why a faculty member cannot speak through another faculty member.