

BLUEFIELD STATE COLLEGE
BOARD OF GOVERNORS MEETING
Bluefield, WV
4:00 p.m., November 3, 2022

AGENDA

- | | |
|--|--------------------|
| 1. GENERAL ORDER | INFORMATION |
| 1.1. Call to Order and Chair's Remarks | Chair Cole |
| 1.2. Swearing in of New Members | Chair Cole |
| 1.3. Minutes of Previous Meeting | Chair Cole |
| 1.4. Reports of Committees | President Capehart |
| 1.5. President's Report | President Capehart |
| 1.6. Standing Reports | |
| 1.6.1. Finance and Budget | CFO Hypes |
| 1.6.2. Enrollment | Dr. Lewis |
| 2. SPECIAL ORDERS | ACTION |
| 2.1. Faculty representation resolution. | Justice Benjamin |
| 2.1.1. Summary of Comments – Justice Benjamin | |
| 2.1.2. Additional Comments – Faculty members | |
| 2.1.3. Responses – Justice Benjamin | |
| 3. UNFINISHED BUSINESS (None) | |
| 4. NEW BUSINESS (None) | ACTION |
| 4.1. Approval of programs | Dr. Lewis |
| 4.1.1. Master of Science in Engineering Technology | |
| 4.1.2. Bachelor Science in Respiratory Therapy | |
| 4.1.3. Associate of Science in Surgical Technology | |
| 4.1.3.1. Bachelor of Science (+2 Option) for Allied Health Education | |
| 4.1.4. Associate of Science in Applied Cybersecurity | |
| 4.1.5. Certificate in Cardiovascular Sonography Imaging | |
| 4.1.6. Certificate in Patient Advocacy | |
| 5. ANNOUNCEMENTS | INFORMATION |
| 6. COMMENTS | INFORMATION |
| 6.1. Board Members | |
| 6.2. Public Comments | |

7. POSSIBLE EXECUTIVE SESSION

- 7.1. Discussion of Personnel Employment Issues
- 7.2. Discussion of Potential Real Estate
- 7.3. Discussion of Legal Matters
- 7.4. Discussion of Other Matters permitted under W.Va. Code §6-9A-4

8. ACTIONS EMANATING FROM EXECUTIVE SESSION

ACTION

9. ADJOURNMENT

ACTION

Comments received:

Sean P. Conolly, Ph.D.

Professor of Humanities

Director, Honors College

P: 304-327-4000 | C: 304-887-5555

Email: sconnolly@bluefieldstate.edu

To Whom it May Concern:

1) There is no legal basis in state code for granting governing boards or presidents the power to either a) dissolve or b) form faculty advisory councils or c) stipulate their structure or policies.

West Virginia Code Chapter 18B Article 2A

<http://www.wvlegislature.gov/WVCODE/code.cfm?chap=18B&art=2A#01>

West Virginia Code Chapter 18B Article 6

<http://www.wvlegislature.gov/WVCODE/code.cfm?chap=18B&art=6#01>

The state code (op. cit.) basically addresses the powers and structure of Faculty Senates in 18B-6-3, but it says *nothing* about faculty assemblies other than the following: "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 and the requirements of subsections (b) and (c) of this section do not apply." The rest of this section of code, of course, pertains to faculty senates--as one would expect when every college and university in the state has a faculty senate. There is no meaningful distinction in state code between assemblies and senates, and thus it isn't clear at all what state code empowers faculty assemblies to do.

When the code says "institutions which choose," it does not specify the means by which this "choosing" takes place. It is not clear from this code that it is the President, BOG, or faculty, or all of them that makes this "choice." It would seem that the word "institution" would imply a plebiscitary vote among the institutional whole, and thus not the BOG alone.

In fact, as written, the code would suggest that it is legal and administrative overreach to summarily conclude that the power to choose a faculty assembly lies solely with the faculty, BOG, or president to the exclusion of the others. It would seem that the motion to form, or dissolve, a faculty advisory council should be summarily dismissed without determining institutionally, or legally, the process by which institutions choose senates or assemblies.

Given that there is no specific code written for faculty assembly, and the distinction between Senate and Assembly hardly distinguished in the state code beyond the statement above, it is an abuse of this code to assert that boards have the power to dissolve senates or create assemblies. This loophole is being exploited--in a legally dubious manner--to give the President *carte blanche* to stipulate the structure, powers, and limitations of our faculty governing body and exert more direct power over this body's powers of self-governance and representation at the institution.

2) The argument for assembly being more "inclusive" and "open" is completely spurious, and it is a red-herring for the real agenda of directly staffing officers, directly surveilling faculty, or intimidating faculty who would otherwise challenge administrative decisions. There is no reason

why the faculty senate, as instituted, cannot meet with the BOG directly during several meetings throughout the year--as is already required by the state code--for a direct exchange, while protecting their established powers, structure, and autonomy as a self-governing body.

3) While I have no doubt that authoritarian dictatorships and monarchies are more "efficient" and more likely to work at the desired "business speed" of their leaders, the university generally, and historically---especially at public, state institutions--are designed and intended to be shared, public, *democratic spaces* of shared inquiry, debate, and governance. As such, they are not designed to be the oligarchical corporate fiefdoms of self-appointed managerial aristocrats as in the manner of third-world banana republics or feudal manors. The university serves a public and democratic function in the formation of citizens, one that supplements its current apparent reputation as a corporate job-training service center.

Whatever the shortcomings of faculty senates--or their legally-elected representatives--the centralized control of *public* spaces and institutions leads to authoritarianism, overreach, and abuse, as all forms of centralized authority throughout history do. Inevitably, the fear of this authority will discourage and suppress freedom of thought, freedom of expression, freedom of inquiry, freedom of assembly, and all of the other democratic values not only formative in the construction of educational institutions like ours, but indeed those of the country itself.

Removing autonomous faculty self-governance will irrevocably harm the institution and its faculty, not help it.

Vanessa Godfrey BS RT (R)

Instructor of Radiologic Technology

P: 304-327-4133 | F: 304-327-4219

Email: vgodfrey@bluefieldstate.edu

To the BSU Board of Governors and President Robin Capehart,

In regards to the boards proposal to abolish Faculty Senate and form a Faculty Assembly, I urge all parties involved to reconsider this decision. According to State Code 18B article 2a-4, states as a duty of the Board *(j) Involve faculty, students and classified employees in institution-level planning and decision making when those groups are affected;*

One faculty rep vote against 8 other board members should be considered a vote representing all faculty's opposal of the policy at hand. BSU Faculty held a general faculty meeting along with a Faculty Senate meeting on Friday October 7th with approx. 25 faculty present with all Schools represented and from all levels of status including visiting faculty. The faculty took a vote on who supported Mr. Lilly's vote against moving toward a faculty assembly. During the voting process all were present and all who voted, voted in favor of Mr. Lilly's request with no one abstaining and no votes of "no".

If you truly wish to hear the faculty's voice and build a working relationship with faculty, now is the time.

The Senate is working on a resolution to continue revising and improving the constitution that would allow Visiting and Adjunct Faculty to have a representative on the Senate with Voting privileges. We believe this is a step in working with each other to make a more cohesive Senate.

I accordance with State code **§18B-6-3. Institutional faculty Senate**, *(1) During the month of April of each even-numbered year, each president of a state institution of higher education, at the direction of the faculty and in accordance with procedures established by the faculty, shall convene a meeting or otherwise institute a balloting process to elect the members of the faculty Senates, except that for 2004 only, the election shall take place in July.*

The Faculty Senate did this following the by-laws of the Faculty Constitution.

(2) Selection procedures shall provide for appropriate representation of all academic units within the institution.

The Faculty Senate has always had equal representation from each school as members who should have been voted in by their peers and not appointed by a Dean without peer input.

(3) The faculty member who is elected to serve on the faculty council is an ex officio, voting member of the faculty Senate and reports to the faculty Senate on meetings of the faculty council and the board of Governors.

This portion of the code has also been followed and I would also like to add the Senate Chair is also a non-voting member.

(c) Members serve a term of two years, which term begins on July 1, of each even-numbered year, except for the year 2004 when terms begin upon election. Members of the faculty Senate are eligible to succeed themselves.

Also followed and abided by except for schools that do not have enough faculty members to fulfill this requirement.

(d) Each faculty Senate shall elect a chairperson from among its members. The chairperson serves a term of two years, and may serve no more than two consecutive terms as chairperson.

The Senate uses a closed electronic voting program for this and if the current chair is still in the running, an ex-officio member handles the election process.

(e) The faculty Senate meets quarterly and may meet at such other times as called by the chairperson or by a majority of the members. With appropriate notification to the president of the institution, the chairperson may convene a faculty Senate meeting for the purpose of sharing information and discussing issues affecting faculty and the effective and efficient management of the institution.

The Senate meets monthly and sometimes bi-monthly as deemed necessary. The Provost met with the Senate leadership regularly. But I am unaware of how many Presidential meetings took place.

(f) The president of the institution shall meet at least quarterly with the faculty Senate to discuss matters affecting faculty and the effective and efficient management of the institution.

This has never happened since the new administration came 3 years ago. As I read this, “quarterly” is a minimum. It could have been more.

(g) The governing board of the institution shall meet at least annually with the faculty Senate to discuss matters affecting faculty and the effective and efficient management of the institution.

I recall one meeting with the Board in 3 years. This was around the time of the HEPC accreditation visit.

In closing,

The Senate realizes there may have been some oversights in the past in recognizing all faculty titles as important to our institution and are looking to correct this. To attempt to abolish Faculty Senate and Move to a Faculty Assembly, is not a power that should be in the President’s or Board’s best interest. This will NOT strengthen their relationship with faculty but cause a further divide. You should not do things to faculty, you should do things with faculty.

The Faculty are doing their best to be a part of the success of this institution as we have for many years. We follow state code and contrary to what some may believe, we have produced job ready, highly educated students for decades (even prior to this Administration). The Institution has been open and growing since 1895 after all.

If a faculty assembly is still being pushed forward by the President or members of the board, it should only pass after a vote of the Faculty shows favor for this. Not a vote of the Board of Governors. Additionally, the Procedure of said policy should be developed and presented to all who are affected prior to the vote.

I do feel this whole mess is a trickle down of personal matters between the President and the Former Chair of the Senate of which all faculty members should not have to pay the price.

Vanessa Godfrey,
RADT Faculty Member of 18 years and Alumni of BSC
School of Nursing and Allied Health.

Carol Cofer, MSN, MEd, RN

Director and Professor of Nursing, RN to BSN Program

304-327-4144 (O)

ccofer@bluefieldstate.edu

Response to Proposed Resolution to Replace Faculty Senate with a Faculty Assembly

1. As the second longest serving faculty member at BSIJ (having started in August, 1981), I recall the days prior to having a Faculty Senate. We only had General Faculty meetings, which were poorly attended and not representative of everyone. There were many of the schools (then called "Divisions") who never had any members in attendance. Faculty were intimidated to speak out in this model of faculty governance.
2. As Mr. Lilly stated at the BOG meeting on Monday, all public colleges and universities use the Faculty Senate model. The Faculty Senate model provides for several senators from each school. My senators are conscientious and keep our faculty fully informed. If individual faculty members are not receiving information in their school, perhaps they need to share this with their senators and dean. It is my understanding that faculty are always welcome to attend the faculty senate meetings. Additionally, General Faculty meetings continue to be held. This maximizes the opportunities for faculty to have input in matters related to faculty. The Faculty Senate model currently in place provides more opportunities for faculty to have a voice in institutional governance than does just a faculty assembly or general faculty model.
3. Having served as the Faculty Representative to the Board of Governors (BOG) in AY 2020-2021, I recall that the Faculty Senate brought forth the Faculty Constitution requirement that "The President of the institution shall meet at least quarterly with the Faculty Senate to discuss matters affecting faculty and the effective and efficient management of the institution." Past Faculty Senate Chairs and Vice-Chairs had monthly meetings with previous presidents to maintain open lines of communication and to share faculty concerns. I do not believe these meetings, nor even the required quarterly meetings have occurred under the current administration. Additionally, in 2020-2021, the BOG was reminded by the Faculty Senate that our constitution requires "The Bluefield State Board of Governors shall meet at least annually with the Faculty Senate to discuss matters affecting faculty and the effective and efficient management of the institution." I do not believe this has occurred either. If these required meetings were honored, faculty concerns would be communicated to the administration and the BOG.
4. The current Faculty Constitution, posted on the BSIJ website states that any changes to the Faculty Constitution are to be initiated by the Faculty Senate.

This constitution was last revised in April 2020. It states:

- "The Faculty Senate shall serve as the official voice and policy formulating body of the faculty on all matters which fall within its jurisdiction."
- "The Faculty Senate, through its officers, shall serve as the official voice of the faculty in communication with the President's administration and our Board of Governors. Accordingly, the Faculty Senate shall be a legislative and advisory body representing the faculty and shall consist of elected and ex officio members."
- "Proposed amendments to the constitution and/or bylaws of the Faculty Senate shall be presented first at a regular meeting of the Faculty Senate for discussion and voted upon at the next regular meeting. An amendment approved by the Faculty Senate becomes effective upon approval by a majority of the members of the General Faculty voting in a meeting for that purpose, as determined by the Faculty Senate. A proposed amendment not approved by the Faculty Senate shall require a two-thirds affirmative vote of the members of the General Faculty for approval in a meeting

called for that purpose by petition of at least 20% of the members of the General Faculty."

Therefore, any proposal to dissolve the Faculty Senate and to replace it with a Faculty Assembly or to dissolve any of its' committees such as the

Promotion and Tenure Committee must be initiated at the Faculty Senate level. Outside constituencies, such as the Board of Governors, do not have the right to change our Faculty Constitution.

Respectfully submitted,
Carol Cofer
Professor of Nursing
10/6/2022

Sean P. Conolly, Ph.D.

Professor of Humanities

Director, Honors College

P: 304-327-4000 | C: 304-887-5555

Email: sconnolly@bluefieldstate.edu

From: Connolly, Sean <sconnolly@bluefieldstate.edu>

Sent: Thursday, October 27, 2022 2:06 PM

To: Benjamin, Brent D. <bbenjamin@bluefieldstate.edu>

Subject: Addendum to Faculty Senate Comments

Justice Benjamin:

As the discussion proceeded, I did not have the opportunity to respond to your qualification to my comment.

You explained that the purpose of faculty senate is to facilitate communication to the wider administration, including the President and BOG. In this context, "sovereignty" was a questionable term to you. By using the word "sovereign," I did not mean to imply that senate did not have obligations to the wider institution, or that it functioned wholly independently of its larger institutional role. I used the word "sovereign" to refer to the self-determining power of the faculty, as a titular group with a specific role and common interests, to self-organize, self-govern, form committees, suggest policies, and democratically elect officers/representatives on issues pertaining to faculty, academics, academic freedom, curriculum, tenure, and promotion at the institution, as it does in 99% of other institutions in the state and wider nation. We, the faculty, as a group or individually, should choose who communicates what on our behalf with the administration, which is the purpose of a representative body. The means by which faculty choose to communicate to the wider institution or administration should be their own, and the conditions and means for doing so--such as through a faculty senate or otherwise-- should not be determined or conditioned by administrators *who do not primarily serve a faculty role and do not have the same interests as faculty*. The students have a representative organization built upon the very same premise, as did the staff (once upon a time). Such a principle, I believe, is obvious to any state organization based on public, democratic principles instead of private, feudal, or corporate ones: namely, it is all the members that influence the direction of the organization of which they are part and elect the officers that represent them. Not all members of a group have the same powers, but if one is not member, one does not have any of these powers.

Having management determine the means by which faculty speak and to whom they speak is tantamount to passive control over faculty speech itself.

Even if we disregard the faculty's interests in this matter and focus solely on those of the administration's stated interests in "communication," assembly format will not achieve its stated goal. If we accept the premise that the proposed change to a faculty assembly is about facilitating greater communication between faculty and the BOG (which could also be easily accomplished in the senate format), it is highly unlikely that you will get more honest, helpful, or frequent feedback in the assembly format. Those courageous enough to speak will be more inclined to obsequiousness or obeisance, as the BOG proposal itself suggests, and anything said that is critical or concerning will likely distill down to the most vocal or courageous individuals, who

can more easily be sanctioned, ignored, dismissed, or otherwise marginalized given their fewer numbers. Most of the rest, if they do attend assembly at all, will likely remain quiet. Administration will not get the truth of faculty experiences, concerns, recommendations, or criticism through assembly format. This is *all the more true* if tenure protections are eliminated, or made "more flexible," or "market responsive," or whatever other neoliberal euphemism is used to otherwise redefine tenure at this institution to mean something other than its accepted meaning in most dictionaries and established state education codes. You will get an impoverished understanding of faculty concerns, less frank communication, and a more docile faculty body gained through direct administrative surveillance--which, I and many others, believe is the true intention of this proposal.

To wit, certain administrators, who are not full-time faculty, used their senior institutional power (inappropriately) to leverage several junior or visiting faculty to run for offices in senate for which they were either not qualified or for which they did not have sufficient peer voter support. Moreover, some curriculum changes were being advanced without faculty input or bypassing relevant department faculty, else being critiqued for improvement by relevant faculty. When the results of these democratic elections and peer review processes were undesirable to these administrators--i.e., after their desired candidates lost the elections or their curriculum changes were not realized quickly enough--the BOG receives (*abracadabra!*) an unprecedented motion to dissolve the senate altogether and form a completely different legislative body, one whose structure and organization will be determined by the administration itself. And all of this, very conveniently, occurs right after reaccreditation.

In sum, these moves against faculty self-governance and tenure are widely understood to be administrative offensives--not managerial efficiencies--that are quickly destroying faculty morale, trust, and cooperation, all of which are essential for advancing our shared interest in creating a prosperous institution for all. Thus, the intended results of these initiatives will likely not be achieved, and will likely even achieve contrary results. I present to you, in conclusion, some recent managerial science on these issues
here: [https://eprints.lse.ac.uk/104058/1/We have emotions but can t show them.pdf](https://eprints.lse.ac.uk/104058/1/We_have_emotions_but_can_t_show_them.pdf).

Respectfully,

Sean P. Conolly, Ph.D.
Professor of Humanities

Amanda R. Matoushek, PhD

Pronouns: She/Her

Chair, Dept of Social Sciences

Associate Professor of Psychology

P: 304-327-4163

Office: Basic Science 316

Email: awilley@bluefieldstate.edu

Comments regarding dissolution of Faculty Senate in favor of a Faculty Assembly

There are several benefits to BSU having a Faculty Senate as a way for Faculty to participate in the shared governance of the Institution. First and foremost, having a Faculty Senate does not preclude the President or BOG from meeting with the entire faculty body in an “all-hands” meeting (as evidenced by meetings held in the past several years). The benefit of a Faculty Senate is that it allows Faculty a way to initiate discussions regarding internal procedures, practices, etc. without unnecessarily involving the administration. Often topics of discussion for the Faculty Senate include Faculty-level issues such as changes to curricula, technology needs in classrooms, course and programmatic assessments, Faculty professional development, and student academic appeals. These matters require communication and cooperation between Schools which can, and should, be worked out at the Faculty level without administrative involvement. The current Faculty Senate has numerous subcommittees that meet on a regular basis to deal with such issues. Dissolving the Faculty Senate would eliminate these subcommittees including, but not limited to, Academic Appeals, Curriculum Management, Assessment, Academic Technology, Promotion and Tenure, and Professional Development.

Of utmost Faculty concern is protecting the integrity of our involvement in the shared governance of the Institution. The current WV Code 18B-6-3 provides guidance on the make-up and function of a Faculty Senate, therefore providing some legal protections to the Faculty if these guidelines are not followed. Specifically, WV Code 18B-6-3 states:

(f) The president of the institution shall meet at least quarterly with the faculty Senate to discuss matters affecting faculty and the effective and efficient management of the institution. (g) The governing board of the institution shall meet at least annually with the faculty Senate to discuss matters affecting faculty and the effective and efficient management of the institution.

Even with these requirements in the WV Code, neither the President nor the Board has met with the Faculty Senate as required, so why would an Assembly be any different? There is no such guidance for an Assembly, therefore allowing it to be at the whim of this and future administrations.

It goes against the principles of shared governance for the Executive Committee of the BOG to put forth a resolution regarding FACULTY governance without any input from the FACULTY. In addition, the proposed Resolution states “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*.” (italics added for emphasis) Having the President prepare bylaws once again excludes faculty from being involved in their own governance. Additionally, how can the Board approve of a Faculty Assembly without knowing anything about how the Assembly will be run?

In his September 15th, 2022 memorandum to the President, Mr. Benjamin argues “An All-Hands meeting model is superior to the current Senate model. Faculty participation is lacking in the current Senate.” Consideration needs to be given as to why faculty participation is lacking. As a former Senate Chair I can say from personal experience that I currently refuse to serve on Faculty Senate. I spent two years as the liaison between the Faculty and the President & Board and found that none of our advice, suggestions, or recommendations were followed. Regardless of the manner in which it was conveyed, nothing from the Faculty Senate was ever acted upon by administration and I felt that my time and effort were completely wasted. My mental and physical health were taxed by the stress of trying to communicate the needs, concerns, and suggestions of the faculty to an Administration that didn’t want to hear it. Anytime the Senate had questions for the President they were met with disdain and hostility. During one Q&A session President Capehart held with the Faculty (for which he required the questions be sent to him in advance), he repeatedly announced that I was the one asking the question and did so with increasing disdain for each question. The reason the majority of the questions were coming from me is that many faculty were too intimidated to put forward questions themselves so they used me as a representative. The repeated goading from the President during the meeting shows exactly why others were hesitant to speak up. While the President may have found it amusing to sigh heavily and say “Here’s yet another one from Dr. Matoushek”, I took it as bullying and intimidation. In an “all-hands” meeting the same would occur, however faculty would have no representative to turn to for support.

To give a specific example, when Policy AC-201 Academic Objectives was put out for comment, faculty submitted several concerns and suggestions for improvement to the policy. Several Faculty Senate meetings were devoted to discussion of the proposed policy and recommended changes. Several faculty members went so far as to put together a presentation for the Academic Affairs sub-committee of the Board delineating how the policy could harm our respective curricula as well as suggestions for alterations to the policy. Although the Faculty were promised that changes would be made (specifically to the requirements for Associates Degrees), when the policy was approved none of the changes had been implemented. Situations such as this where the Faculty/Senate went out of our way to communicate with the Board not only sours relationships between faculty and administration, but also kills faculty morale across campus as we are being made to feel that we are simply hired help being told what to do by our Board overlords, rather than the professional education and subject matter experts that we are.

I would recommend that the Faculty Senate continue to be utilized as a means of shared governance within BSU, and that the President and/or Board utilize an “all-hands” meeting only on an as-needed basis.

Response to Mr. Benjamin’s September 1st report

In regards to the information that has been provided to the Board which prompted this action, there are several statements in Mr. Benjamin’s report that are incorrect or misconstrued. For starters, his only account of what actually happened was from Mr. Malamisura, he did not speak to any other members of the Faculty Senate that were involved in discussions of this issue – this is evidenced by the section of his report titled “Chair Malamisura’s Position” (p. 4). This is completely inappropriate and a personal attack on Mr. Malamisura as he did not make any decisions regarding the Visiting Faculty members on his own. The Executive Committee of the Faculty Senate voted on it, and then after receiving concerns regarding the decision, the issue was brought before the entire Faculty Senate and passed without any “nay” votes. The fact that

Mr. Benjamin repeatedly refers to “Mr. Malamisura’s actions” as if he were a dictator with control of the Senate is inaccurate and misleading.

Additionally, Mr. Benjamin is mistaken about the requirement for Visiting Faculty to be included in the Faculty Senate. On page 1 and again on page 4 of his report, footnote 2, Mr. Benjamin references WV Code 18B-6-3(a) stating that “West Virginia statutory law requires that “all faculty” have the opportunity to participate in the deliverance of advice to the Board of Governors under the principles of shared governance.” This is, in fact, a false statement as WV Code 18B-6-3 states:

(a) 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 and the requirements of subsections (b) and (c) of this section do not apply. Members and officers of an organized, campus-level advisory group of faculty who are serving prior to the effective date of this section may continue to serve with all the rights, privileges and responsibilities prescribed herein until the time that members elected as set forth in subsection (b) of this section assume office. (underline added for emphasis)

On page 8 of the report, Mr. Benjamin brings up the Senate membership of Vanessa Godfrey stating that she is a “non-tenured, non-tenure track faculty member”. This comparison is not fair, as the issue has nothing to do with tenure/tenure-track status. This issue is regarding Visiting Instructors. A majority of the faculty in the School of Nursing and Allied Health hold Clinical faculty titles. In fact, the newly adopted BOG policy, FC-403B states, “4.2.1 Clinical track. The appointment of a full-time faculty member to a position within the College of Health Sciences shall be classified as a clinical-track faculty appointment.” The prefix of “clinical” in a faculty title indicates that instruction is primarily regarding application of practical knowledge, and is typically utilized for faculty within health professions, such as our Nursing and Radiologic Technology programs. Another key difference is that Clinical-track faculty are eligible for promotion whereas Visiting faculty are not. HEPC Title 133 Series 9 sections 3.12.2 and 3.12.3 indicate that visiting positions “normally may not exceed three years.” There is no evidence of a Visiting faculty member ever holding a Faculty Senate executive position, therefore Mr. Benjamin is inappropriately conflating Clinical and Visiting Faculty to create one. Mr. Benjamin is confounding the issue by insinuating that Visiting and Clinical faculty are somehow the same. His repeated use of Ms. Godfrey as an example is inaccurate and intentionally misleading.

In his report, Mr. Benjamin also fails to address the heart of the matter – why the Senate Executive Committee and then the entire Faculty Senate felt the need to vote to remove Visiting Faculty from serving. Mr. Benjamin asserts that all of this was orchestrated by Mr. Malamisura because he was challenged for the position of Chair – if that were true, why would the rest of the Senate support it? The real concern is the situation in which a Visiting faculty member may be placed in relation to their continued position at BSU. Visiting positions are by their nature temporary. This brings up concerns that Visiting faculty may not be invested in the Institution as they know their position is only temporary. Alternatively, a much larger concern is that Visiting faculty may be leveraged by administration as the Visiting faculty may feel their continued employment hinges on the approval of said administrators. Often Visiting faculty have hopes of being hired by BSU for a more permanent position, and therefore are eager to gain the favor of administrators. Many Visiting faculty are hesitant to speak out about issues at the University for fear of retribution or a discontinuation of their position. Given the very

vulnerable position that Visiting faculty are in, there was concern regarding their involvement in Senate. As this report proves, even tenure won't protect a faculty member from being defamed, slandered, and exposed to a hostile work environment.

Following the directive from Mr. Charlie Cole, the Faculty Senate discussed ways in which Visiting Faculty could be involved in Senate, and most agreed that there should be a Visiting representative on Senate. There was also discussion of adding an adjunct representative. While there may have been some missteps in removing the Visiting faculty from Senate, the general consensus from faculty is that we would like to be given the opportunity to ensure all Faculty members have a voice through Senate, rather than move to an Assembly.

There is a great deal of distrust of the Board as the resolution to dissolve Faculty Senate comes at the same time as the implementation of a post-tenure review process that was developed and will be conducted by administrators without any input of the faculty. As this commentary is meant to be about Faculty Senate, I will not go into the concerns with the post-tenure reviews, but I felt it necessary to mention as it all rolls into the issue of communication and shared governance that the Board is claiming the dissolution of Senate is about. The only way the Board can achieve inclusive, open, and honest communication with the Faculty is to allow the Faculty Senate to continue, and begin including faculty in decision-making that effects our curriculum, our academic freedom, and our jobs. For shared governance to occur the communication needs to be two-way.

Respectfully submitted,

Amanda R. Matoushek, PhD
Associate Professor of Psychology
Chair, Department of Social Sciences

Sara Robinson Comments:

I am submitting these comments in opposition to the proposal to dissolve the Faculty Senate.

The unilateral decision by the Board of Governors to dissolve the Faculty Senate, in opposition to the wishes of the faculty here at BSU is unacceptable. The replacement of the Faculty Senate with the proposed (and undefined) Faculty Assembly, comes with the illusion of democracy but actually will serve to silence faculty when conflicts with the administration arise. Placing individual onus on faculty members to self-represent or be a voice against any administrative change generates the fear of potential retribution by the administration. Having an elected Faculty Senate helps relieve that responsibility and subsequent fear by removing that responsibility by one degree.

Additionally, as faculty members we already work extremely hard at our pre-defined responsibilities as professors, mentors, researchers and more. Adding the responsibility of being individual representatives at a Faculty Assembly is an additional burden that will serve to actually reduce the number of voices represented in the room as compared to the Faculty Senate. Being an elected Faculty Senate is an additional job, one that the elected representative must accept knowing the additional time and burden it will place on them. Demanding the same of every faculty member for a Faculty Assembly is excessive.

In short, dissolving the Faculty Senate will only serve to silence the very people the Board of Governors is claiming they wish to give a voice.

Sincerely,

Sara Roberson

Roy E. Pruett PE

Registered Professional Engineer

Professor

Office: (304) 327-4037

rpruett@bluefieldstate.edu

In response to the request of the Bluefield State University Board of Governors for comments on a possible change from the Faculty Senate to a Faculty Assembly, I would submit the following:

The present Faculty Senate is composed of four (4) members from each of the four schools of the University. Members are elected from each school by the faculty from that school. The full Senate represents each school and ensures their interests are protected. The officers of the Faculty Senate shall be a Chair, a Vice-Chair and a Secretary and to ensure no one school has an advantage, the Chair and Vice Chair must come from different schools. From what we have been advised a Faculty Assembly would allow the larger school to dominate the smaller schools and have an unfair advantage in shaping the academic programs of the University.

The purpose of the Faculty Senate is to ensure the strength of participatory governance and, through its Executive Committee, shall serve as the primary formal voice of the faculty in direct communication with the President, Vice President and the Bluefield State University Board of Governors. According to the West Virginia Code it is the responsibility of the President and the Board of Governors to meet with the Faculty Senate throughout the academic year to determine its recommendation on issues such as new courses and programs of study; however, this has not been done since the implementation of a new administration.

It is my understanding after reviewing the West Virginia Code and Higher Education policies, which I will not repeat herein since I understand you have already been provided with all of that information, that the elimination of the Faculty Senate will go against the current rules for the operation of the Faculty Senate as outlined in the West Virginia Code and the Higher Education Policy Commission. For this reason, I cannot support the change the Board of Governors is suggesting.

Roy E. Pruett PE

Professor of Electrical Engineering Technology

Sean P. Conolly, Ph.D.

Professor of Humanities

Director, Honors College

P: 304-327-4000 | C: 304-887-5555

Email: sconnolly@bluefieldstate.edu

Having management determine the means by which faculty speak and to whom they speak is tantamount to passive control over faculty speech itself.

We, the faculty, as a group or individually, should choose who communicates what on our behalf with the administration, which is the purpose of a representative body. The means by which faculty choose to communicate to the wider institution or administration should be their own, and the conditions and means for doing so--such as through a faculty senate or otherwise--should not be determined or conditioned by administrators *who do not primarily serve a faculty role and do not have the same interests as faculty*. The students have a representative organization built upon the very same premise, as did the staff (once upon a time). Such a principle, I believe, is obvious to any state organization based on public, democratic principles: namely, it is all the members that influence the direction of the organization of which they are part and elect the officers that represent them. Not all members of a group have the same powers, but if one is not member, one does not have any of these powers.

Even if we disregard the faculty's interests in this matter and focus solely on those of the administration's stated interests in "communication," assembly format will not achieve its stated goal. If we accept the premise that the proposed change to a faculty assembly is about facilitating greater communication between faculty and the BOG (which could also be easily accomplished in the senate format), it is highly unlikely that you will get more honest, helpful, or frequent feedback in the assembly format. Those courageous enough to speak will be more inclined to obsequiousness or obeisance, as the BOG proposal itself suggests, and anything said that is critical or concerning will likely distill down to the most vocal or courageous individuals, who can more easily be sanctioned, ignored, dismissed, or otherwise marginalized given their fewer numbers. Most of the rest, if they do attend assembly at all, will likely remain quiet. Administration will not get the truth of faculty experiences, concerns, recommendations, or criticism through assembly format. This is *all the more true* if tenure protections are eliminated, or made "more flexible," or "market responsive," or whatever other neoliberal euphemism is used to otherwise redefine tenure at this institution to mean something other than its accepted meaning in most dictionaries and established state education codes. You will get an impoverished understanding of faculty concerns, less frank communication, and a more docile faculty body gained through direct administrative surveillance--which, I and many others, believe is the true intention of this proposal.

The true purpose for this proposal: certain administrators, who are not full-time faculty, used their senior institutional power (inappropriately) to leverage several junior or visiting faculty to run for offices in senate for which they were either not qualified or for which they did not have sufficient peer voter support. Moreover, some curriculum changes were being advanced without faculty input or bypassing relevant department faculty, else being critiqued for improvement by relevant faculty. When the results of these democratic elections and peer review processes were undesirable to these administrators--i.e., after their desired candidates lost the elections or their curriculum changes were not realized quickly enough--the BOG receives (*abracadabra!*) an

unprecedented motion to dissolve the senate altogether and form a completely different legislative body, one whose structure and organization will be determined by the administration itself. And all of this, very conveniently, occurs right after reaccreditation.

In sum, these moves against faculty self-governance and tenure are widely understood to be administrative offensives--not managerial efficiencies--that are quickly destroying faculty morale, trust, and cooperation, all of which are essential for advancing our shared interest in creating a prosperous institution for all. Thus, the intended results of these initiatives will likely not be achieved, and will likely even achieve contrary results.

I present to you, in conclusion, some recent managerial science on these issues here: <https://www.pon.harvard.edu/daily/leadership-skills-daily/how-an-authoritarian-leadership-style-blocks-effective-negotiation/>.