

RESOLUTION FOR A VOTE OF NO CONFIDENCE
FOR
BRENT BENJAMIN, VICE-PRESIDENT
OF BLUEFIELD STATE UNIVERSITY
BLUEFIELD, WEST VIRGINIA

WHEREAS, by vote of the Bluefield State University (BSU) General Faculty in session of October 28th, 2022, a motion was passed to refer to the Faculty at Large the issue of whether the faculty still had confidence in Vice President Brent Benjamin for the future performance of his duties for the betterment of the university; and

WHEREAS, the Faculty Senate has attempted, in good faith, to maintain open communication with the Vice President concerning the shared governance matters of academic policy, faculty issues, student issues, and the redress of various concerns and grievances for the shared benefit of the university; and

WHEREAS, the Vice President has not regularly met with the Faculty Senate, and routinely ignores or dismisses the concerns and recommendations of the faculty, and the Faculty Senate, in the issuance and advancement of institutional policies and procedures related to faculty and academics,

The Faculty Senate believes that there is no other viable option other than to proceed with and refer to the Faculty its request for a vote of no confidence in Brent Benjamin, Vice President of Bluefield State University.

The following grounds for the general faculty of Bluefield State University to no longer have confidence in Vice President Brent Benjamin are hereby set forth:

- I. Vice President Benjamin made investigations on behalf of President Robin Capehart into the internal workings and procedures of the Faculty Senate. His investigation, by his own admission, was limited and poorly conducted. He failed to assess the thinking of any single faculty member outside of the Chairperson of the Senate regarding matters in the interpretations of the Faculty Constitution. He failed to consult the senior Chief Academic Officer or any of the Senate officers regarding this matter until after the resolution to dissolve the Senate was proposed to the Board of Governors. Therefore, the Vice President's report to the Board of Governors was incomplete and biased, and thus misinformed the Board of Governors, providing a narrow and misleading understanding the role and functions of Faculty Senate;
- II. In violation of the Faculty Constitution, Article IV, the Vice President advocated on the behalf of his office, and that of the President, for the dissolution of the Senate, falsely claiming that the President and/or the Board of Governors had that unilateral authority under the Faculty Constitution and West Virginia State Code. The Faculty Constitution clearly stipulates that "[i]f the president of the college disapproves any faculty initiative, the proposal shall be returned to the faculty with objections noted." No proposal or initiative whatsoever, however, was made by the Senate. The vote taken by the Senate, which had quorum, was to uphold Article V of the Faculty Constitution on qualifications for membership to the Faculty Senate. Furthermore, the Vice President's effort to conflate Visiting Faculty with Full-Time Clinical Track to allow the former to serve on the Faculty Senate contradicts Board of Governors Policy 19 and HEPC Series 133 Article 9 Sections 3 and 4;
- III. As Vice President of the institution, Mr. Benjamin has repeatedly shown a lack of regard and unwillingness to meet or speak with the representative bodies that serve on behalf of the faculty. On no fewer than four different occasions, questions and topics of interest were submitted to his office without response;
- IV. The Vice President's proposal to establish a Faculty Assembly that has no predefined structure, officers, policy, or procedures, other than meeting with the Board of Governors, violates not only of the spirit of shared governance, but also the Higher Learning Commission (HLC) Policy Criterion 5A, that an "institution's administration ensures that faculty and, when appropriate, staff and students are involved in setting academic requirements, policy and processes through effective collaborative structures";
- V. The Vice President recommends, in collaboration with the BSU Board of Governors and President, but without the consent of faculty, the dissolution of BSU Faculty Senate, and the creation of a Faculty Assembly, for the

disempowerment, control, and intimidation of faculty, using assumed powers not granted either implicitly or explicitly to Presidents or Governing Boards in West Virginia State Code Chapter 18B;

- VI. The Vice President recommends, in collaboration with the BSU Board of Governors and President, but without the consent of faculty, the dissolution of BSU Faculty Senate, and the creation of a Faculty Assembly, for the disempowerment, control, and intimidation of faculty, in violation of West Virginia State Code Chapter 18B.¹

The faculty, in acknowledgement of the aforesaid grounds, hereby formally calls for a vote of “No Confidence” in Vice President Brent Benjamin and asks that said vote be by secret ballot at this called meeting of the General Faculty this 28th day of October, 2022. All eligible voters present witnesseth the result of the votes as follows:

_____22_____ Votes to support No Confidence (“Yea”)

_____1_____ Votes to decline No Confidence (“Nay”)

_____2_____ Votes to abstain (No vote)

The faculty hereby formally calls for a vote of approval of the articles in the above resolution as truthful, complete, and accurate by anonymous online ballot/survey for full-time faculty to be conducted November 1st, 6 PM to November 2nd, 4 PM. The results of this vote were as follows:

_____39_____ Votes of support and approval of the articles of resolution as written (“Yea”)

_____7_____ Votes of disapproval of the articles of resolution as written (“Nay”)

_____4_____ Votes of abstention (No vote)

¹ Bluefield State has institutionally chosen a Faculty Senate since 2004. As in evidenced by the Bluefield State College Faculty Constitution, the Faculty Senate option was formally adopted in April 2004, last revised in April 2020, and thus is, for all intent and purpose, in accordance with the text and spirit of the West Virginia state code, the controlling document for the Faculty Senate and thus represents the formal election of a Faculty Senate option for the institution in conformity with WV State Code 18B Article 6, and thus having the rights and privileges stated by this code. According to the Faculty Constitution, Article IX, Section 1, “there *shall* be a faculty senate” (emphasis added). In section 3 of this article, it is further stated that the Faculty Senate “*shall* serve as the official voice and policy formulating body of the faculty on all matters falling within its jurisdiction.”