

RESOLUTION FOR A VOTE OF NO CONFIDENCE  
FOR  
THE BOARD OF GOVERNORS  
OF BLUEFIELD STATE UNIVERSITY  
BLUEFIELD, WEST VIRGINIA

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

WHEREAS, the Board of Governors comprises at present the following specific members, including Mr. Charlie Cole, Chairman; Mr. J Shannon Remines, Vice Chairman; The Honorable William Cole, III, Mr. Randall Price, Mrs. Cathy Deeb, Mr. Michael Hastings, Mr. Anthony Tolley, Mrs. Rebecca Peterson, Dr. Dierdre Guyton, Mr. Michael Lilly, and Mr. Darrin Martin; and

WHEREAS the Faculty Senate has attempted, in good faith, to maintain open communication with the BOG 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 BOG has not met with the Faculty Senate annually (or more frequently) as required by state code, 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; and

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 the current BOG;

The following grounds for the general faculty of Bluefield State University to no longer have confidence in the current BOG are hereby set forth:

- I) The BOG, in violation of West Virginia State Code 18B 2-A , has not met or sought to meet with the Faculty Senate or its representatives on an annual basis (or otherwise) to discuss relevant issues, policies, or procedures for faculty or academics either in person or via videoconference, disabling effective communication between faculty and the administration;
- II) The BOG, under the advisement of the President, and in violation of Faculty Constitution Article II, section 4, the Higher Learning Commission (HLC) Policy Criterion 5A, the West Virginia Higher Education Policy Commission (HEPC) Title 133 Series 9 Section 2, and the HEPC Title 133 Series 4, has permitted 1) the elimination of required faculty peer review of new academic hires, courses, curricula, and programs and furthermore has 2) previously created institutional policies concerning student learning outcomes and curricula without the formative input of faculty in their original creation, leading eventually to program course scheduling conflicts with established four-year programs;
- III) A member of the BOG in April 2022 summarily rejected the outcome of a Faculty Senate officer election in gross violation of the powers granted to Governing Boards under HEPC Title 133, and no reasons or objections were formally issued to the Faculty Senate either in violation of West Virginia Code 18B 8-7 and Faculty Constitution Article IV, section 2;
- IV) The BOG seeks, under the advisement of the 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;
- V) The BSU Board of Governors seeks, under the advisement of the 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;<sup>1</sup>

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<sup>1</sup> 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

- VI) The BOG, under the advisement of the President, and in violation of the BSU Faculty Senate Constitution Article II, section 4 and HEPC Title 133 Series 9 Section 9, has permitted the redefinition of tenure status and tenure-track status, as well as post-tenure review and tenure protections for continuing employment, without any due discussion or prior notification of intent to the faculty or Faculty Senate, violating thus also West Virginia State Code 18B-8-7;
- VII) The BOG, under the advisement of the President, has permitted the proposed redefinition (and effective elimination) of tenure protections, the dissolution of faculty senate, and other violative administrative actions which are, we hold, already starting to inculcate a general fear among faculty, and thus have begun to erode the faculty's academic freedom and freedom of speech as described in HEPC Title 133 Series 9 and Board of Governors (BOG) Policy no. 19;
- VIII) The Board of Governors, despite repeated requests from faculty, staff, and students, has failed to resuscitate the Office of Equity, Diversity, and Inclusion or appoint a full-time official specific to this office, which has been defunct since 2019. The resources for this office apparently have been reapportioned to athletics and other administrative staff deemed more valuable. As a historically-black college (HBCU) existing in a time of heightened racial and xenophobic tensions, and one with a growing minority and international student population representing various ethnic, racial, and religious minorities, we consider this decision to be a callous disregard for the minority population of the university;
- IX) The BOG continues to support and promote false promises to faculty, coaches, and students concerning housing, transportation, and athletics, which have not come to timely fruition and are resulting in the dissatisfaction, distrust, and departure of many incoming students, harming both student retention and the university's general reputation;
- X) The BOG, under the advisement of the President, acted in bad faith during a June 2022 retreat that was deliberately scheduled after the Higher Learning Commission's re-accreditation visit. The BOG either/both permitted, or unofficially issued, a vast array of furtively constructed, and still unannounced, institutional rules and policies concerning faculty councils, tenure, and post-tenure review without official notification of the faculty or the Faculty Senate, in gross violation of the Faculty Constitution, West Virginia State Code 18B 8-7 and HEPC Title 133 Series 4;
- XI) The BOG's permissive administrative oversight and general disregard for the West Virginia State Codes, Faculty Constitution, established BOG rules, and the established policies of the HEPC and HLC concerning faculty rights, faculty senate, and shared institutional governance, demonstrates a callous disregard and contempt for the faculty themselves, their voices, their knowledge, their experience, their elected representatives on Faculty Senate, and their fundamental importance to the university. The BOG has permitted the creation of a toxic work environment of fear, discord, and distrust among the faculty, and thus, there is, among faculty, a general loss of faith, trust, and confidence in the BOG's leadership of the university.

The faculty, in acknowledgement of the aforesaid grounds, hereby formally calls for a vote of "No Confidence" in the Bluefield State University Board of Governors 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 results of the vote as follows:

\_\_\_\_\_21\_\_\_\_\_ Votes to support No Confidence ("Yea")

\_\_\_\_\_1\_\_\_\_\_ Votes to decline No Confidence ("Nay")

\_\_\_\_\_3\_\_\_\_\_ Votes to abstain (No vote)

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 in conformity with WV State Code 18B Article 6, and thus has 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," which includes *tenure*.

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 to full-time faculty to be conducted November 1st, 6 PM to November 2nd, 4 PM. The results of this vote were as follows:

\_\_\_\_\_37\_\_\_\_\_ 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”)

\_\_\_\_\_6\_\_\_\_\_ Votes of abstention (No vote)