

BLUEFIELD STATE UNIVERSITY BOARD OF GOVERNOR'S MEETING
Boyd Conference Room, Conley Hall
4:00 PM, February 23, 2023

Members Present: Mr. Charlie Cole (chair)- via conference line, President Robin Capehart, Mrs. Cathy Deeb, Dr. Deirdre Guyton, Mr. Mike Hasting, Mr. Mike Lilly, Mr. Randall Price, Mr. Shannon Remines, Mr. Darrin Martin – via conference line, Mr. Bill Cole, Mr. Gabriel Nesmith

Absent: Mr. Anthony Tolley; Mrs. Rebecca Peterson

Guests: Brent Benjamin, EVP/General Counsel; Dr. Ted Lewis, Provost; Ronnie Hypes, CFO, Sarita Rhonemus, Associate Provost of Academic Affairs; Keith Olson, Chief of Staff; Sandra Wynn; Angie Lambert; Lyndsey Gammons; Demiere England; Rhadijah Abdul-Wahid; Eden Scruggs; Jacob Jennelle; William Bennett

Welcome, Chair's Remarks, and Call to Order: Mr. Shannon Remines:

Vice -Chair Remines determined that a quorum was established, then he called the meeting to order at 4:00 PM in the Boyd Conference Room, Conley Hall, Bluefield State College. He welcomed attendees at the meeting.

Acceptance of Meeting Minutes: Vice-Chair Remines received confirmation that Board members had reviewed minutes of the Board's meeting held on Regular Meeting held on January 5, 2023. Hearing no requests to correct or revise the minutes, the minutes of the January meeting were accepted by assent of the Board.

Board Committee Reports: Vice-Chair Remines confirmed that Board members had reviewed reports of the most recent Board Committee reports. Hearing no requests to correct or revise the minutes, the minutes of the February reports were accepted by assent of the Board. Athletics did not convene in February. The Academic Affairs February minutes will be reviewed during the April Board of Governors meeting.

President's Report:

President Capehart presented information of a review of the past 4 years. This presentation covered issues/red flags, quality issues, establishing standards, creating quality, accountability, recruiting – high quality.

Financial & Administrative Affair: Ronnie Hypes, CFO

Financials are basically the same as those presented in January. No major changes.

Enrollment:

Dr. Lewis presented a brief overview of Enrollment as of 2/23/2023. Total enrollment up 3.16%. All paid enrollments – no outstanding monies owed.

Special Orders: Brent Benjamin, General Counselor

By-laws were posted on the Bluefield State University website. Faculty and adjunct faculty were notified on the posting via email on January 11, 2023 and provided a link for a comment period of 30 days. Only 2 comments were received. A second notice was sent to faculty on the 2nd of February and no other comments were received and of the 2 comments received, no recommendations for changes were noted.

Vice-Chair Remined bought forth the motion to request the Board approve the Bluefield State University Faculty Assembly By-Laws.

Mr. Bill Cole motioned that the by-laws be received and approved. Mr. Mike Hastings 2nd the motion. All in favor – All – Nay – Mike Lilly The motion carried.

Unfinished Business: (None)

New Business: (None)

Announcements:

President Capehart announced the School of Nursing Open House scheduled for the 2nd of March and asked that the board members attend if they were able.

Dr. Deirdre Guyton announced the 48 hours of giving and the Gala. Pleased see the attached.

President Capehart announced that Jim Nelson was inducted into the Bluefield High Hall of Fame on Thursday, February 22nd.

Comments:

Board Members:

Mike Lilly compliments the Health Center for the effort and the turn out to the Health Fair.

Public Comments:

Eden Scruggs and Jacob Jennelle presented their comments for Dr. Rodney Montague to be reinstated. Please see the attached.

Executive Session:

Vice-Chair Remines made a motion to move into executive session for the purpose of discussing a personnel matter. Mr. Randy Price moved, Dr. Deirdre Guyton second. Meeting moved into executive session at 4:47 PM. President Capehart asked that Brent Benjamin and Ted Lewis be permitted to attend. Motion made to exit executive session at 4:56 PM.

Vice-Chair Remines made a motion to adjourn the Board meeting. The motion was seconded by Dr. Guyton and Gabe Nesmith. The motion carried. Meeting was adjourned at 4:57 PM

The next regularly scheduled BSU Board of Governors meeting will take place on Thursday, April 27th at 4 PM.

THE BYLAWS OF THE BLUEFIELD STATE UNIVERSITY FACULTY ASSEMBLY

Article 1: ORGANIZATION AND PURPOSE

- 1.1** The Bluefield State University Faculty Assembly ("the Faculty Assembly") is established pursuant to the legislative authority granted to the Board of Governors under Section three, Article six of Chapter eighteen-b of the West Virginia Code, as amended, as Bluefield State University's ("the University") campus-level advisory group of faculty.
- 1.2** The purpose of the Faculty Assembly shall be to foster the collegiality necessary to promote the common good of Bluefield State University, and to effectively and efficiently provide all faculty members the opportunity to participate in the shared governance of the University, including accurate communications between faculty members and the Board of Governors, a meaningful opportunity for all faculty members to offer opinions and state positions on issues and concerns, and for all faculty members the opportunity to offer solutions to problems that affect the academic organization and operation of the University.

Article 2: MEMBERSHIP

- 2.1** Tenure, tenure-track and fixed term faculty members, as defined in Sections three and four of the Board of Governors Policy No. FC-403B, are members with voting rights in the Faculty Assembly. Faculty members serving in primarily administrative positions (including Deans, Associate Deans, and Chairs, are not members of the Faculty Assembly; provided that Chairs teaching an eighty percent workload or more, as defined by the University, shall be members of the Faculty Assembly. In the spirit of collegiality, Faculty Assembly meetings shall be open to attendance by administrators and other instructional personnel of the University.
- 2.2** Prior to each academic year, the Dean of each College shall provide the President and the Chair of the Faculty Assembly with a roster of the faculty members of each College who are qualified to participate in the Faculty Assembly.

Article 3: OFFICERS.

- 3.1** The officers of the Faculty Assembly shall be a Chair, a Vice-Chair, a Secretary, and a Parliamentarian.
- 3.2 Chair:** The Chair shall serve as the presiding officer at all meetings of the Faculty Assembly. The duties of the Chair shall be:
 - Call meetings of the Faculty Assembly and preside at them;

- Consistent with West Virginia law and these by-laws, determine agendas for meetings in consultation with other officers, the Chairpersons of committees of the Faculty Assembly, the University's Administration, and the University's President;
- Consistent with West Virginia law and these by-laws, ensure that proper notice of meetings and agendas are provided for meetings of the faculty;
- Ensure that minutes of meetings are properly and timely distributed and posted to the Faculty Assembly's website to all faculty members, to the Provost, to the President, and to any administrator to whom the minutes relate;
- Serve as a liaison between the Faculty Assembly and the Provost;
- Forward proposals recommended by the Faculty Assembly to the Provost with a copy to the President;
- Attend meetings of the Board of Governors (as a non-voting member);
- At each meeting, announce the business of the Faculty Assembly in the order set forth by the agenda;
- At each meeting, state and put to vote questions which are regularly moved, or necessarily arise in the course of a meeting;
- At each meeting, announce the results of all votes;
- At each meeting, maintain and ensure debate on issues in an order and efficient manner;
 - shall call upon the registrants by the order of their registration
- At each meeting, enforce proper order and decorum within the conduct of the meeting;
 - may limit the number of speakers on a given topic;
 - may limit the total amount of time allocated for the Open Forum, provided that such time limit may not be less than 30 minutes nor more than one hour;
- When necessary, to authenticate by the Chair's signature all acts, orders and proceedings of the Faculty Assembly;
- Perform all other duties and responsibilities of a presiding officer set forth herein or set forth in Robert's Rules of Order;
- Appoint committees and committee chairs and prescribe their duties and functions.

3.3 Vice-Chair: The Vice-Chair shall (a) perform the duties and responsibilities of the Chair set forth in section 3.2 in circumstances in which the Chair is unable to perform

such duties and perform such other duties and assume such other responsibilities as assigned by the Chair.

- 3.4 Secretary:** The Secretary shall either in person or through the appointment of another member, record and maintain the minutes of all general and committee meetings of the Faculty Assembly. The Secretary shall also prepare appropriate and lawful notices of meetings, along with necessary attachments to such meetings, including agendas. The Secretary shall establish that a quorum is present in order to conduct business and, when a voting is to occur, establish that a quorum remains present. The Secretary shall record such vote.
- 3.5 Parliamentarian:** The Parliamentarian shall assure that meetings are conducted in accordance with Roberts Rules of Order and these By-Laws, as well as are conducted in accordance with state law, Board of Governors' policies and procedures, and such authorities which supersede Roberts Rules of Order.
- 3.6 Qualifications to Serve as Officer:** All members shall be qualified to serve as an officer of the Faculty Assembly.
- 3.7 Election and Term of Officers:** The Faculty Assembly shall elect the Chair and Vice Chair for an initial seventeen-month term, ending June 30, 2024, at the general meeting held in February 2023, for the first election, and thereafter for a two-year term at the general meeting held in April of the last year of an officer's expiring term, beginning in April of 2024, provided that a quorum of voting members is present. Such term shall commence on July 1, following election.
- 3.7.1** The President of the University or his or her designee shall serve as the presiding officer during the election of officers.
- 3.7.2** For elections held in April of 2024 and thereafter, terms will commence on the 1st day of July following the election of officers and shall expire on the 30th day of June of the second subsequent year.
- 3.7.3** Elections for Faculty Assembly offices shall be performed by written ballot, which ballots shall be recorded and maintained by the Secretary.
- 3.7.4** If upon the initial balloting for an officer, no candidate receives fifty percent of the vote plus one, a second vote shall be taken among the two candidates receiving the most votes during the initial balloting. In such case, the candidate receiving the most votes on the second ballot shall be declared elected.
- 3.7.5** If a vacancy occurs in an elected office, an election shall occur at the next scheduled general meeting for the remainder of that office's term.
- 3.8 Appointment of Officers:** The Chair shall appoint the Secretary, Parliamentarian and such other officers he or she deems necessary for the effective and efficient conduct of the organization.

Article 4: MEETINGS & QUORUM

- 4.1 Regular meetings:** The Faculty Assembly shall meet and conduct regular meetings on the first Friday of the months of September, October, November, February, March and April of each academic year.
 - 4.1.1** Upon the approval of the President, the Chair may postpone or reschedule a regular meeting of the Faculty Assembly until a date and time certain.
 - 4.1.2** At the April meeting of each year, the Faculty Assembly shall adopt a proposed schedule of regular meetings for the following academic year.
- 4.2 Special Meetings:** Upon the approval of the President or by a petition of ten percent of the members of the Faculty Assembly, the Chair may call a special meeting subject to appropriate notice requirements.
 - 4.2.1** The President may call and convene a special meeting of the Faculty Assembly upon providing the Chair and the members three days' notice of such meeting, subject to lawful notice requirements.
- 4.3 Quorum:** A quorum for the conduct of any business at any meeting of the Faculty Assembly shall be thirty-three percent of the total membership.
 - 4.3.1** The Chair may conduct a meeting of the Faculty Assembly with less than a quorum provided that the meeting is conducted solely for informational purposes and no action may be taken.
- 4.4 Conduct of Meetings:**
 - 4.4.1 Roberts Rules of Order:** Except where provided herein or by state law or Board of Governors policy or procedure, meetings of the Faculty Assembly shall be conducted in accordance with Roberts Rules of Order. Roberts Rules of Order may be suspended temporarily by a vote of two-thirds of the members present so long as a quorum has been established.
 - 4.4.2 Notice:** Notice of all meetings of the Faculty Assembly shall be in accordance with the West Virginia Open Meetings Act (Chapter 6, Article 9A of the West Virginia Code).
 - 4.4.2.1** In addition, such timely notice of all meetings shall be given to all members of the Faculty Assembly, the President, and the chief academic officer of the University.
 - 4.4.3 Agenda:** In consultation with the President, the Chair shall establish the agenda for each meeting.
 - 4.4.3.1** The agenda for each meeting shall be established and posted on the University's website at least three days prior to each meeting.
 - 4.4.3.2** In addition, the agenda for each meeting shall be provided to all members of the Faculty Assembly, the President, and the chief

academic officer of the University at least three days prior to each meeting.

4.4.3.3 The agenda for each regular meeting of the Faculty Assembly shall include a report from the President.

4.4.3.4 The agenda for each regular meeting shall provide all faculty members an open forum.

4.4.3.5 The Chair, in consultation with the Vice-Chair, the President, the Provost, the Deans, and faculty members may include items for consideration by the Faculty Assembly under New Business on the agenda.

4.4.3.6 Resolutions, proposals or other requests for actions may be proposed for discussion and consideration by the Faculty Assembly directly by any voting member. Such resolution, proposal or request for action must be in writing and joined by ten per cent of the Faculty Assembly. Any vote related to such a request under this subsection shall be in writing and recorded by the Secretary. Such written request shall be sent to the Chair at least ten (10) days prior to the scheduled meeting and shall be added to the agenda by the Chair. The present initiator of any such request shall present the request to the Faculty Assembly.

4.4.3.7 Requests for actions and discussion may be proposed for consideration by the Faculty Assembly in writing to the Chair directly by the President, the Provost or the University's Executive Vice President. Such written request shall be sent to the Chair at least ten (10) days prior to the scheduled meeting and shall be added to the agenda by the Chair. The President, Provost or Executive Vice President, or their designee, of such a request shall present the request to the Faculty Assembly.

4.5 Actions: All resolutions or other actions to be considered by the Faculty Assembly must be presented and included with the agenda as set forth in section 4.4.3.

4.6 Minutes: The Secretary shall (1) record the minutes of each meeting; (2) post a draft of the minutes of each meeting on the University's website no more than seven days after the conclusion of the meeting; and (3) present such minutes for amendment and acceptance at the next regular meeting of the Faculty Assembly.

4.7 Appearances Before the Faculty Assembly: The report of the President as set forth in section 4.4.3.3 herein may be presented by the President or the President's designee; provided that the President shall meet with the Faculty Assembly and provide such a report in person at a minimum of four of the six regular meetings.

- 4.8 Open Forum:** The open forum as set forth in section 4.5.3.4 herein shall provide all faculty the opportunity to address the Faculty Assembly and the Chair or the President may respond.
- 4.8.1** Faculty members wishing to address the Faculty Assembly for a period not to exceed three minutes shall register with the Secretary during a thirty-minute time period prior to the call to order of the meeting.
- 4.8.2** The Chair shall call upon the registrants by the order of their registration.
- 4.8.3** The Chair may limit the total amount of time allocated for the Open Forum, provided that such time limit may not be less than thirty minutes nor more than one hour.
- 4.8.4** The Chair may limit the number of speakers on a given topic.
- 4.8.5** The Open Forum rules set forth above may be waived upon the majority vote of the members present and voting.
- 4.9 Electronic Attendance:** The Chair shall indicate whether or not members may attend a meeting by electronic means. If no mention is provided in the notice, members shall be required to attend in person in order to participate.

Article 5: COMMITTEES

- 5.1 Establishment and Appointment of Chairs:** The Chair may appoint committees and committee chairs and prescribe their duties and functions.
- 5.2 Standing Committees:** The Chair shall appoint committees that correspond to committees established and conducted by the Board of Governors of the University. It is understood that such committees shall be represented at the meetings of the Board's corresponding Committees.
- 5.2.1** Standing Committees shall be limited to three members.
- 5.2.2** No member of the Faculty Assembly shall serve on more than one standing committee.
- 5.3 Proceedings:** All committees shall keep a record of their proceedings and shall report to the Faculty Assembly as required by the Chair. The delegation of any authority of the Faculty Assembly to any committee shall not operate to supersede any authority retained by the Chair or the Faculty Assembly as imposed by the law or by the University's Board of Governors.
- 5.4 Matters in Writing:** All resolutions and all committee reports offered which involve matters for record in the minutes shall be made in writing.

Article 6: PROPOSED AMENDMENTS & RECOMMENDATIONS TO THE BOARD OF GOVERNORS:

- 6.1** Subject to the approval of the University's Board of Governors, in consultation with the President, the Faculty Assembly may propose amendments to these By-Laws by a two-

thirds vote of the members present and voting at any regular meeting or at a special meeting called for such a purpose, provided that such meeting meets these By-Law's requirements for a quorum of voting members being present and members of the Faculty Assembly receive a written notice detailing such proposed amendment at least ten days prior to such meeting.

- 6.2** The University's Board of Governors may, in consultation with the President, amend these By-Laws as it deems appropriate, provided that the Board of Governors provide the Chair of the Faculty Assembly written notice of such proposed By-Law amendments at least ten (10) days prior to the meeting of the Board of Governors at which the proposed By-Law amendments will be considered.
- 6.3** No amendment to these By-Laws is effective until approved by the University's Board of Governors.

Article 7: Effective Date of By-Laws: These By-Laws shall take effect after a two-thirds vote of the faculty and when approved by the University's Board of Governors, in consultation with the President. In the event that a two-thirds vote of the Faculty Assembly does not occur prior to the February 2023 general meeting, the University's Board of Governors may adopt By-Laws to govern the Faculty Assembly.

Approved by the Board of Governors of Bluefield State University, this ____ day of February 2023.



Charles M. Cole
Chairman

Joseph S. Remines
vice chair

Board of Governor's Meeting

Thursday, February 23rd

Hello,

I'm Eden Scruggs. I graduated in November of last year with a Social Science degree. Thanks to an internship set up by Dr. Matoushek, I am now working with Community Connections as a Program Director for Camp Mariposa.

I'm here today regarding the suspension of Dr. Montague.

To speak on behalf of Dr. Montague's character, I will tell you no class inspired me like his. Dr. Montague encourages each student to learn facts and construct their own ideas and opinions. You never have to agree with him, you just have to support your viewpoints with facts and reasoning, rather than opinion and bias. Besides the important history he teaches, he builds critical thinking skills, research capabilities, and public speaking skills, which are all essential in being successful outside of school. He has respect for students as equals, which is apparent in his teaching. He is wonderful at keeping students engaged. In the past I have had trouble concentrating in classes. With his teaching strategies, I was engaged in discussion and retained a lot more information than in others. His passion is apparent in his teaching as well as knowledge of his subject matter.

I can't claim to know what exactly was stated or in what context, but thanks to a public opinion blog by President Robin Capehart, I am aware of the circumstances in which Dr. Montague was suspended. Having sat through Dr. Montague's lecture, I can be sure he was in the process of making a point during this recording. Dr. Montague's use of profanity is symbolic of the real world, which isn't rated PG. He speaks to his classes as if he was having a discussion. Policing the speech of professors will impede their ability to teach, as faculty will feel as if one slip up

will lead to their termination. Considering the fact that he is not the only professor using profanity in the classroom leaves me thinking there is more to this suspension than the use of profanity. If this is truly about profanity, I expect you will start banning books soon, as well as cutting out history that isn't very nice.

This whole response has impeded students' education at this institution, which was expressed to me by several current students. Dr. Montague is an asset to this university, and his courses, which include Critical Race Theory and African American History, are instrumental in any field's education. A 16-week course has been significantly condensed, directly affecting the quality of their education. I am sure they will not be reimbursed by the school for the education they will be missing out on.

To wrap up quickly, to lose Dr. Montague would be a great loss to this University. If you want quality, you're going to want to hold on to Dr. Montague.

Hello everyone, I look to keep my introduction short in order to discuss the matter at hand. My name is Jacob Jennelle. I am a sophomore here at Bluefield State University and I am currently pursuing a degree in social science with a concentration in psychology. Regarding the matter of the suspension of Dr. Montague, I would like to say that by doing so you would be doing this University a great disservice. Having been in Dr. Montague's World Civilization class, I can wholeheartedly say that I have seen no other professor speak with such passion and confidence as Dr. Montague has within the subjects that he instructs. While I am unsure of your reasoning for calling into question the future employment of Dr. Montague with this university, I have been given a small amount of details from other students and greatly by the blog post on Substack titled "Academic Freedom Part 1," by President Capehart. To quote President Capehart, "Most recently, a student recorded and brought forth a faculty member engaged in a profanity-laced rant during a class. This wasn't a mild, Rhett Butler comment, but a serious, sexually-oriented outburst that allegedly heightened the level of discomfort among, in particular, female students." With this information provided, and without hearing the audio recording myself, I can only assume that Dr. Montague was instructing his course as usual. In order to inspire critical thinking, Dr. Montague will generally take the viewpoint which opposes the viewpoints of his students, no matter how outlandish that viewpoint may be. This forces the students to provide rebuttal to the claims that Dr. Montague does not himself believe, but may be presented to students within the real world. I am sure that a soundbite or small excerpt of Dr. Montague's teaching method may sound extreme or backwards, but if you are provided with the audio from the entire class giving his "outburst," clear context, then this questioning of his further employment at the university would not be happening at this moment. Dr. Montague has always had

a clear message, understand the rights that you have and be prepared to give logical and rational claims in order to maintain those rights against those who would wish to take them from you.

Regarding the claim of profanity, I will not give it much attention. Profanity exists in the real world, all students are adults, I am sure they are aware of the existence of these words. If it brings into question his professionalism, I would say that this profanity comes about while Dr. Montague is passionately discussing the subject matter. I personally would rather have these “rants,” or “outburst,” which lead to more engaging discussion of the subject matter and critical thinking.

In closing I would like to state yet again, Dr. Montague is a great asset to this University. If you vote to terminate Dr. Montague, I say to you good luck. You will not find a professor that inspires critical thinking, speaks with passion, and that will continue discussion with students who are interested in the subject matter, even after the scheduled course time has ended, as Dr. Montague does.