

MINUTES
CAPE FEAR COMMUNITY COLLEGE
BOARD OF TRUSTEES
MARCH 8, 2023
6:00 PM

Following proper public notifications on March 6, 2023, and a determination that a quorum was present, the Cape Fear Community College Board of Trustees met in a called session on Thursday, March 8, 2023, at 6:00 pm in the Board Room of the Union Station Building. Mr. William Cherry, Chair, presided.

Trustees present were: Mr. Bill Cherry, Chair; Mr. Jonathan Barfield; Mr. Robby Collins; Mr. Ray Funderburk; Mr. A.D. “Zander” Guy; Ms. Deborah Maxwell; Mr. Jason McLeod; Mr. Bruce Moskowitz; Ms. Deloris Rhodes; Mr. Bill Rivenbark; Ms. Paula Sewell; Mr. Bruce Shell; and Mr. Lanny Wilson.

Employees present: Mr. Jim Morton, President, CFCC; Ms. Michelle Lee, Executive Director, President’s Office; Mr. John Downing, Vice President, EWD; Ms. Christina Greene, Vice President, Business Services; Ms. Sonya Johnson, Vice President, Marketing & Community Relations; Mr. Brandon Guthrie, Vice President, Academic Affairs; Mr. Shane Fernando, Vice President, Advancements & Arts; Mr. Jakim Friant, Executive Director, Information Technology Services; Ms. Sabrina Terry, Vice President, Student Services & Enrollment Management; Ms. Ericka Shepard, Humanities Instructor; Mr. Shawn Dixon, Department Chair, Applied Technologies; Dr. Michael Cobb, Vice President, Institutional Effectiveness, Planning & Compliance; Ms. Julie Martin, Social Media & Communications Manager; Ms. Katherine Maidman, Sr. Director, Academic & Career Readiness; Mr. Theodore Brown, Coordinator, Law Enforcement Programs; Ms. Debi Causey, Event & Meeting Manager; Ms. Susan Porter, Sr. Executive Assistant, President’s Office; Mr. Tim Fuss, Program Director, Law Enforcement & Criminal Justice; Ms. Olivia Chavez Carroll, Director, Military Business Development; Ms. Erin Easton, Director, Workforce Training & Development; Ms. Erica Talbert, Associate VP, EWD; Ms. Lynn Sylvia, Director, Safety & Training; Dr. Eric Brandon, Faculty Association President; Mr. Robert Carter, Manager Technical Support and Client Services; Mr. Antonio Arteaga-Paredes, Media Specialist; Ms. Christina Hallingse, Director of Media Relations.

Others present were:

- Mr. Ken Gray, Attorney Ward & Smith
- Ms. Avery Locklear
- Mr. William Oden
- Ms. Kassie Simmons, WECT
- Mr. Ryan Koresko, WECT
- Ms. Megan McDeavitt, WHQR
- Mr. Benjamin Schachtman, WHQR
- Mr. Clayton Hamerski
- Mr. Jacob Carroll, Sr.

The meeting was opened with The Pledge of Allegiance to the US Flag.

CONFLICT OF INTEREST

Mr. Cherry read the conflict of interest statement issued by the North Carolina Board of Ethics reminding trustees to declare any conflict of interest or appearance of conflict with respect to any matters coming before the Board on this date and refrain from any undue participation in the particular matter involved.

Mr. Cherry stated that he asked the secretary of Cape Fear Community College to send out the notice for this meeting.

PURPOSE OF MEETING

Mr. Ken Gray, attorney with Ward and Smith, asked the recording secretary if proper notice was given for the meeting. Ms. s. Lee confirmed the notice was sent. Mr. Gray then asked Ms. Lee to confirm that a quorum was present. Ms. Lee confirmed a quorum was present.

Mr. Gray gave a legal interpretation of NCGS 115D-19(a). to include the following:

§ 115D-19. Removal of trustees. (a) Should the State Board of Community Colleges have sufficient evidence that any member of the board of trustees of an institution is not capable of discharging, or is not discharging, the duties of his office as required by law or lawful regulation, or is guilty of immoral or disreputable conduct, the State Board shall notify the chairman of such board of trustees, unless the chairman is the offending member, in which case the other members of the board shall be notified. Upon receipt of such notice there shall be a meeting of the board of trustees for the purpose of investigating the charges, at that meeting a representative of the State Board of Community Colleges may appear to present evidence of the charges. The allegedly offending member shall be given proper and adequate notice of the meeting and the findings of the other members of the board shall be recorded, along with the action taken, in the minutes of the board of trustees. If the charges are, by an affirmative vote of two-thirds of the members of the board, found to be true, the board of trustees shall declare the office of the offending member to be vacant. Nothing in this section shall be construed to limit the authority of a board of trustees to hold a hearing as provided herein upon evidence known or presented to it. (b) A board of trustees may declare vacant the office of a member who does not attend three consecutive, scheduled meetings without justifiable excuse. A board of trustees may also declare vacant the office of a member who, without justifiable excuse, does not participate within six months of appointment in a trustee orientation and education session sponsored by the North Carolina Association of Community College Trustees. The board of trustees shall notify the appropriate appointing authority of any vacancy. (1963, c. 448, s. 23; 1979, c. 462, s. 2; c. 896, s. 13; 1979, 2nd Sess., c. 1130, s. 1; 1989, c. 521, s. 2; 1995, c. 470, s. 2.)

Mr. Gray stated that this is the same language contained in the CFCC Bylaws. Mr. Gray explained the difference in the first paragraph of the statute that gives State Board of Community Colleges authority to ask for a hearing and the last paragraph in section (a) that gives the CFCC Board of Trustees the authority to hold a hearing.

In addition, Mr. Gray contacted general counsel which represents the North Carolina Community College System and the State Board. Ms. Tawanda Artis response stated:

As we discussed, the last sentence of G.S. 115D-19(a) permits local boards of trustees to conduct their own hearings for removal of a trustee who is alleged to be incapable of discharging, or is not discharging, the duties of his/her office as required by law or regulation or is guilty of immoral or disreputable conduct. This section requires a hearing conducted by a local board to provide proper and adequate notice of the meeting, and the findings of the board to be recorded, along with the action taken, in the minutes of the board of trustees. If the board finds by a two-thirds vote that the allegations are true, then the board of trustees will declare the office of the offending member to be vacant. Once the office is declared vacant, the appropriate appointing authority may appoint a new board member.

While the law does not require notice to the State Board of Community Colleges, I believe best practice would be to provide advance notice of the hearing and to inform the State Board of the results of the hearing.

Mr. Gray asked Ms. Lee if notice was given to the State Board regarding the hearing. Ms. Lee stated that proper notice was given.

Mr. Gray reiterated the fact that the statute requires a super majority of Trustees. This means with a voting board of 13 members 9 members would be required to pass a motion for removal.

Mr. Gray stated that the chair appointed Mr. Jason McLeod, in his official capacity, to conduct an investigation regarding allegations against Mr. Funderburk.

Mr. Gray explained the process for the hearing. The entirety of the meeting will be conducted in open session unless a motion is approved by the Trustees to go into closed session to consult with an attorney.

Mr. Gray asked how did we get here? Most conflicts are misunderstandings and disagreements. There have been previous complaints about the Trustee that we are speaking about tonight but these complaints rose to a new level on February 1, 2023. Information was brought to the chair and this information was considered serious enough to warrant an investigation. The Vice-Chair was appointed in his official capacity by the Chair to head the investigation in his matter. After the investigation was completed, the chair decided to move forward with the hearing. This does not mean that it is a done deal that the Trustee is going to be removed. That is for this Board to decide at the end of this meeting. Everyone should listen to all parties and should listen to everything that is said and make the decision you believe is correct.

Mr. Gray reviewed the proposed agenda with the Trustees. The Trustees agreed to time constraints for presentations of no more than 30 minutes each for Mr. McLeod and Mr. Funderburk with any unused time to be available for rebuttal. In addition, each Trustee was given a 3-minute time frame for comments. The agenda was updated accordingly. Strict timelines will be adhered to during the hearing. Mr. Gray stated that there is a student involved in this process and because of FERPA, the board will be cognizant to not give the name of the student, the high school or the sport. The student will be referred to as "the student".

Mr. Wilson asked if questions can be asked. Mr. Barfield asked for discussion first prior to approve the agenda. The proposed agenda will be amended between item 7 & 8 such that any Trustee can ask any questions they desire of either Mr. McLeod or Mr. Funderburk."

APPROVAL OF AGENDA

A MOTION was made by Mr. Collins and seconded by Mr. Rivenbark to approve the amended agenda with open questioning after both presentations have concluded. Motion carried unanimously.

PRESENTATION BY MR. MCLEOD

Mr. Funderburk attended an internal student forum held in Union Station on February 1, 2023. He stated at the forum that he had been contacted by the media and they told him they were informed they could not attend the event. At the end of the event, he used the microphone to address all attendees and made comments. These comments were, what I believe, unbecoming of a trustee and reflect negatively on the college.

An interview with 3 staff members unequivocally stated the following:

Staff member #1

He thanked those responsible for pulling together what he believed was a very needed and informative conversation and spoke about how he was not sure why the event was only open to CFCC students, faculty, and staff and why the media was not invited. He also stated that the press release about the BHM events at CFCC did not mention the event. To paraphrase him he felt the topic was important and all who wanted to attend should have been allowed to do so.

Staff Member #2:

Mr. Funderburk was quoted saying; "I learned about this event but didn't see it in the news/via press emails, so I asked someone I knew was in media. They told me that this event wasn't open to the public. And I don't understand why we did that. We should have made this an open event, and I wonder why we didn't."

Staff Member #3:

At the end of the event Mr. Funderburk raised his hand to speak. He took the microphone and stated that he received an email regarding the event this morning. He then stated that he received a media release a few minutes later and that the event was not on the release. He stated that the media reached out to him and told him they had asked to attend and CFCC stated that they could not attend the event. Mr. Funderburk also stated that he was probably going to face backlash from these remarks.

Mr. McLeod stated that this last comment implies that Mr. Funderburk knew that calling into question the reasoning/motivations of CFCC and the organizers of an internal event that CFCC did not allow media to attend was inappropriate.

Mr. McLeod stated that he also believes Mr. Funderburk's comments were inappropriate and implied that CFCC had something to hide. The fact is, the decision to not include the media and the public was intentionally made by the organizers so that an open dialogue could take place and maintain safety for students. Mr. Funderburk easily could have learned this by simply calling the President's office with an inquiry.

He did not contact the President's office. Mr. McLeod stated that he believes that Mr. Funderburk chose to improperly use his position as a Trustee to undermine the decision of staff in an open forum with students, staff, and faculty. He made these statements placing CFCC in disrepute.

There was nothing wrong with the opinion to include the media. The problem was that he voiced it in front of 300 people when he should have discussed it with the president.

While talking with Mr. Funderburk he denied that he mentioned the media or used the word media. Based on the fact that three statements clearly state that he did, Mr. McLeod stated that he does not find Mr. Funderburk's denial credible. Mr. McLeod stated that it appears he is being dishonest. While we believe that his comments at the forum put the College in a bad light, his dishonesty about doing so triggers the immoral portion of the statute, in my opinion (according to Mr. McLeod).

Student Grade Inquiry

After this event, Mr. Funderburk made an unannounced visit to a faculty suite looking to speak with the instructor of a specific course. The instructor was identified and sitting at a workstation nearby eating lunch.

This instructor taught a course in Fall of 2022 that included a dual enrolled student from a local high school. The student earned a failing grade for the semester and consequently became ineligible for spring high school athletics. At the time of this visit, the instructor had been contacted several times by the coach and parent of this student. The purpose of each of these contacts was to change the grade or offer alternate assignments to restore the student's athletic eligibility.

According to the instructor, Mr. Funderburk introduced himself and said he was there speaking on behalf of the student and coach. The instructor informed Mr. Funderburk that they were not able to discuss the student due to FERPA. Mr. Funderburk said he understood as a former English teacher, but wanted to know what the school's policies and procedures were surrounding proper orientation for CCP students who opt to take online classes. The instructor let him know that all students, whether dual enrolled or high school graduates, were treated equally. When they opt for online classes, they agree to the somewhat self-directed discipline of taking online coursework.

Mr. Funderburk replied that he felt that was a shame.

At some point during the conversation, Trustee Funderburk made a statement to the instructor that he was not there to discuss the student or the grades in the course.

Mr. McLeod stated that he believes this statement was made as others were present in the room and the instructor clearly established that FERPA would not allow that conversation to continue.

Mr. Funderburk went on to describe the relationship between his daughter and the wife of the coach, which Mr. McLeod stated that he believes Mr. Funderburk was using to establish how important this matter was to him on a personal level.

The conversation lasted approximately 15 minutes.

Why would Mr. Funderburk go to the faculty lounge to seek out a specific instructor? He will tell you it was to inquire about the orientation process for CCP students. Why then that instructor? The same instructor responsible for the grade earned by the student that plays sports for the family friend of Mr. Funderburk.

Why would Mr. Funderburk say he is there on behalf of the coach and player?

It is perfectly fine for a Trustee to attend the community conversation event. However, it was not and never is appropriate for a trustee to visit a faculty office suite or any other location to discuss a specific student's course or grade.

The instructor told me that immediately following the meeting, the instructor felt dumbfounded and concerned with the undertone and intent of the meeting and felt Trustee Funderburk's actions were inappropriate.

Mr. McLeod shared a quote from the instructor's written statement:

“The amount of correspondence I've had with coaches, parents, and a trustee member is troubling. In all my years of teaching I have never encountered this level of pressure from outside sources to change a grade or offer alternative assignments. After being told no three times (myself, the chair, and dean) the issue was escalated to the VP of Student Services and Enrollment Management. At this point, the continued emails and interactions honestly felt like harassment. While none of these messages or conversations were threatening, the tone was clear; make an exception despite the students' performance in the class”.

Mr. McLeod stated the undertone and intent “to make an exception” were confirmed the following day after the instructor received an email from the head coach at the local high school making another plea by the coach to change the grade using Trustee Funderburk's name.

Dated February 2, 2023, an email was sent to the instructor from the head coach at the high school. Included in the letter are the following statements:

“We've obviously never met, but **I had a phone conversation with Mr. Ray Funderburk (Board of Trustee member) who said he had a conversation with you on my behalf.** He was very impressed with the way you handled yourself. His daughter is my wife's best friend, and she was a bridesmaid at our wedding. Both of his sons played soccer and I taught both of them.”

This was the very next day after Mr. Funderburk's visit to the faculty lounge to engage the instructor.

Mr. McLeod stated that he believes this statement clearly shows that Mr. Funderburk approached the instructor with intent to discuss the grade.

Further in the email another section states:

“The North Carolina High School Athletic Associations requires students to have earned 3 credits in the previous semester to be eligible. Student only took 3 courses last semester including yours. So he/she needs some assistance to keep his/her eligibility intact. **Mr. Funderburk was very hopeful that he could make this happen.** I appreciate you taking time to talk with him about it.”

Mr. McLeod stated that he believes this statement clearly shows that Mr. Funderburk’s presence in the faculty lounge and conversation with the instructor had purpose. Mr. McLeod stated that he believes Mr. Funderburk was inserting his position as a Trustee to influence, pressure, and intimidate the instructor. Let me read this part of the coach's email again.

He/She needs some assistance to keep his/her eligibility intact. Mr. Funderburk was very hopeful that he could make this happen.

He could make it happen!

I ask, make what happen?

Mr. McLeod stated that although Mr. Funderburk claimed not to be there for the grade, I don’t believe this is true. It was confirmed by the coach in the email. Mr. McLeod stated that he believes Mr. Funderburk's presence was innately intimidating and inappropriate. In Mr. McLeod's opinion, Mr. Funderburk was clearly trying to circumvent the administration.

Mr. McLeod stated that during my interview with the instructor, the instructor clearly felt the undertones and intent of the conversations were to influence the grade.

Why would Mr. Funderburk go to the faculty suite to seek out a specific instructor?

Mr. McLeod stated I believe “Mr. Funderburk was very hopeful that he could make this happen”. With this being a grade change.

While talking with Mr. Funderburk on March 6, 2023, Mr. Funderburk claimed he was only there to ask asked one question, policy about CCP orientation. However, the statements provided by the instructor and the information contained in the email from the coach make this claim not credible (according to Mr. McLeod). This is another example of Mr. Funderburk displaying immoral conduct as of Monday (March 6th), in Mr. McLeod's opinion.

Mr. McLeod then gave his closing statement.

Fellow Trustees, I believe this is a clear overreach of position and power. I believe the interaction of Mr. Funderburk with the instructor was intimidating and utterly inappropriate! I believe these actions by a fellow Trustee undermine the policies of the College. The staff needs to be able to perform their duties without the influence of a single Trustee.

Remember, at the time of this interaction, the situation had already been elevated and handled through the appropriate process by the instructor, program chair, dean, and vice president. If undermining the administrative roles is not enough, simply the subject matter of a Trustee inquiring about a student's grade is justification for removal.

As Trustees we have one employee; that's the President. Mr. Funderburk should have gone through the President, not the instructor.

The implications to the College for actions by a Trustee as I've described today can be devastating and involve legal issues along with accreditation violations.

There have been two community colleges in NC that have suffered the consequences of a board member's overreach. These consequences are very serious and have ranged from loss of county funding, threat of state funding and sanctions by SACS/COC.

In conclusion, the Trustees of CFCC are now aware of the actions of Mr. Funderburk and the potential consequences surrounding these actions.

Please remember, Mr. Funderburk had already received additional counseling by the chair, myself and college attorney regarding his duties as a Trustee before these latest incidents occurred.

Now it is time, the CFCC Board of Trustees must take measures to protect the College's board, faculty and staff by removing Mr. Funderburk from the Board of Trustees.

Mr. Funderburk will have an opportunity to speak momentarily. However, I would like to allow the other board members the remaining balance of my time for questions.

PRESENTATION BY MR. FUNDERBURK

Mr. Funderburk stated he is at a disadvantage since he has only had since Monday (March 6, 2023) to prepare. Mr. Funderburk stated they have had a month to impugn my integrity and my name. I will present facts. I did not suggest, ask for or even mention a grade change. I went to the instructor to ask about the orientation. I asked the instructor if he was the one who was contacted by the coach. Mr. McLeod discounts the fact that I did not ask the coach anything. Mr. Funderburk asked the coach to step to the podium. The coach stated that Mr. Funderburk said that he could not change any grades. Mr. Funderburk asked the coach if he (Mr. Funderburk) ever implied that he would try to ask for a grade change. The coach said that he did not. Mr. Funderburk asked the coach "Did you write this email?" The coach stated he did write the email. Mr. Funderburk pointed out that the letter stated that he was hopeful that the student could make "this" happen. Mr. Funderburk asked what the student was going to do? According to the coach, the student is now enrolled in private school. Mr. Funderburk stated that he hoped it worked out for him. Mr. Funderburk stated that he has never told the coach he could change a grade.

I was informed by a friend that the instructor wanted to have his supervisor in the room, and he was refused. The day I talked to the instructor he suggested that I talk to his Dean. I told the Dean that I am not here to change grades and all I want to do is understand what the process is for CCP students. What is suspicious to me is that Mr. McLeod did not interview the Dean. The letter from the instructor states the amount of correspondence with teachers, parents and a Trustee were troubling. The Chair and the Vice-Chair are saying I corresponded with the instructor. The

content is not the same. If you consider the facts of this, nothing warrants my removal from this board. I would never ask for a grade change. I have had several texts from my former students saying I am a hard ass and would never change a grade. The Bylaws state how a Trustee may be removed. The employees from the forum were accurate. Mr. Funderburk repeated the employee statements. I think this does not show disrepute. Everyone sees things differently. I was stopped and thanked for speaking out by 30 or 40 people, and they expressed gratitude. If the event was advertised as a safe space, it was not listed as a safe space. I praised the event, staff and students. It is a statement of opinion that the press should have been there. This statement does not fit the standard in the bylaws and does not mean I am not upholding my duties. The coach made it clear that I did not say I wanted the grade changed. Mr. McLeod undermines the veracity of his report. As to my statement, it was minor criticism of the event. I feel really bad for two individuals, the instructor and the student. For me, I had to fight this accusation. My father and grandfather were both educators. I taught high school for 16 years. I believe you to be honorable and that you will do the right thing.

Mr. McLeod' Rebuttal

Mr. McLeod stated it was not my imagination regarding this email. On Monday, when we shared this email with Mr. Funderburk, he stated that this is the first time he saw the email and stated that there was bad English in it. I have a hard time believing that this is the first time he has seen this email.

The instructor's supervisor was present at the beginning of the interview, and I wanted to speak privately with the instructor. The instructor's comments were presented as they happened. I did not make up this conversation. It was very clear to me that the intent of the conversation and the email was to influence. Mr. Funderburk is not a dumb person. He is not going to come out and ask for a grade change. This is never appropriate. This should have come to the President's office. Mr. Funderburk has a relationship with this coach. Is it just coincidental that Mr. Funderburk sought the instructor out? The other clarity on the event was that Mr. Funderburk made a statement that he was not there to change the grade because others were present. The comments of Trustees can have a negative impact on this College. As much as Mr. Funderburk wants to talk about his intent, there is no doubt that Mr. Funderburk had purpose in his meeting with the instructor.

Mr. Funderburk's Rebuttal

Mr. Funderburk stated that there is nothing in the bylaws that state that a trustee must go through the President's office. I got an email from Hannah Gage that stated that there is nothing wrong with asking questions to faculty and staff. The reason I spoke to this instructor is to tell the coach that this kid was at fault. I wanted to hear from the source (the instructor). Gentle criticism is a part of our daily lives. Being accused of being a liar does not make me happy.

Questions by Trustees

Mr. Moskowitz wanted to know who started asking questions about the student and failing the class. Mr. McLeod responded that the instructor started receiving emails during the Christmas holiday. The instructor explained the events to the coach. Once the student realized that he had failed the first test, the instructor stated don't worry, I drop the lowest test. There were more

inquiries to the instructor from the parents and coach, and these concerns were elevated this to the dean level. In February, these concerns went to the VP of Student Services. The instructor's statement indicates that he had said no three times to parents and coaches.

Mr. Rivenbark stated that if we have a problem with the county, our administration fixes it. When I got on the board, I was told by Ms. Lee not to answer questions regarding administration and to come to the President.

Mr. Shell asked Mr. Funderburk if he ever thought to ask the President. Mr. Funderburk responded I did but I think we should ask our own questions. I think that we don't need to take everything the President says as gospel.

Mr. Moskowitz asked if anyone disputed the employee's comments. Mr. McCleod responded no.

Mr. Funderburk stated he did not understand why the dean was not spoken to? Mr. McLeod stated that after speaking to the instructor there was no reason to speak with the Dean as she was not present when the instructor was spoken to.

Mr. McLeod asked why Mr. Funderburk went to the instructor when they don't make policy. Do you not feel like this is intimidation? Mr. Funderburk responded, I think if I was in a small room they would be intimidated, but I was in a large room.

Mr. Barfield asked why the individuals were not here. Mr. Barfield stated he would like to talk to the individuals.

A MOTION was made by Mr. McLeod and seconded by Ms. Sewell to go into closed session to consult with Mr. Gray about attorney-client privileged communications [under NCGS 143-318.11(3)]. Motion carried unanimously.

The Board returned to open session. No action was taken in closed session.

The board returned to question and answers. Mr. Collins asked Mr. McLeod to summarize the facts of the case. Mr. McLeod responded that all trustees were given the facts. On February 1, Mr. Funderburk made comments that were reported through statements and interviews regarding why media was not present at an internal event. He still thinks that is okay as he made this statement. He sought out an instructor, and per the instructor's written statement, the intent and the undertones were to change the grade or provide alternative assignments. There is an email that clearly states that Mr. Funderburk was hopeful he could make this happen.

Mr. Rhodes stated that Mr. McCleod did not give the facts. Mr. McLeod responded the facts are in the email that is in front of you and the interviews. The facts are the statements and the interviews.

Mr. Funderburk asked Mr. McLeod where in the instructor's statement does it mention his (Mr. Funderburk's) name. Mr. McLeod responded that Mr. Funderburk's name was not mentioned

specifically in the statement but referred to as a Trustee, which the instructor confirmed was Mr. Funderburk in the interview with Mr. McLeod.

Mr. Cherry asked Mr. Funderburk what are the duties of a Trustee? Mr. Funderburk responded make sure graduation qualifications are fulfilled and other things. Mr. Cherry asked whether administrative duties are in his job? Mr. Funderburk responded that this is not the case. Mr. Cherry asked Mr. Funderburk if he believes in separation of power? Mr. Funderburk responded yes. Mr. Cherry stated that SACS/COC rules are very clear about the separation of governance and administration and read SACS principle 4.2(b) regarding the duties of the Governing Board which states:

Ensures a clear and appropriate distinction between the policy-making function of the board and the responsibility of the administration and faculty to administer and implement policy.

Mr. Guy asked Mr. McLeod to repeat the facts. Mr. McLeod read the statements from the employees involved.

A MOTION was made by Mr. Collins and seconded by Mr. Funderburk to go into the comment section of the meeting. Motion carried unanimously.

Mr. Guy stated that at a fundraising event at the Wilson Center recognizing members who donated to the college, he met an instructor and they wanted to go see their class. I contacted the President's office to let them know and ask for guidance on how to do this properly.

Mr. Funderburk did not want to comment and asked to be able to comment at a later time. Permission was granted.

Mr. Wilson stated that he attended the Board of Trustees orientation with Mr. Funderburk. I left the orientation with a very clear understanding that getting involved in day-to-day operations could lead to accreditation issues.

Ms. Maxwell stated that she was sad that we have to be here tonight. This reflects on the Board and the College.

Mr. Shell stated that this is a very awkward situation. The role of the President is being undermined. The question of procedure has implications of power over the person being spoken to. We have interviews and facts, and Mr. McLeod should not be impugned for his opinions. Mr. Funderburk put extraordinary pressure on the instructor. Protocol should have been followed.

Mr. Rhodes stated this breaks her heart. We are here to provide governance. We believe in open communication. We must be able to work collaboratively. The only thing that Mr. Funderburk is guilty of is speaking out openly. When you give your voice away, you are nothing.

Ms. Sewell stated if this issue is not addressed in the proper way, what are we saying to our faculty and staff? There are consequences to our actions. Trustees should not take their role lightly.

Mr. Barfield spoke about being able to talk to staff and help to influence their decisions. The Chair is the spokesman for the college, but I will never give on this. I need to hear from the instructor. When you interpret an email or text, it can be taken out of context. If asked to remove someone tonight, I cannot do it because if it fails, the burden is on the taxpayers.

Mr. Moskowitz stated that this is unfortunate that we find ourselves in this situation. I do not find fault with Mr. Funderburk's character but his judgement. I don't think we would be here if he went to the President or a department head regarding the situation.

Mr. Funderburk stated he would like to defer again. He was granted permission.

Mr. McLeod stated that Mr. Cherry asked him to investigate and bring facts to him. To me, it is very clear what is going on. I appreciate the experience of the other Trustees. After meeting with the instructor and understanding their history at the College, seeing the written statement, and seeing the email, it was clear to me. I am not an investigator or attorney; I am a Trustee like you. I thought about the student as well. My first reaction would be to call Mr. Morton to see if there was a solution. I appreciate everyone listening, and it was very clear to me. I think Mr. Funderburk's actions spoke more than his words.

Mr. Funderburk stated that he was raised by someone who thought it was okay to talk to everyone in the school since he was an educator. I am not always comfortable hearing something from someone else. I am outspoken. I don't think we are here to follow the lead of the President or the Chair. I ask you all to seriously consider what you are hearing. I did not intend to change a grade. My statements were for the most part complimentary. The faculty do a great job. Mr. Funderburk was given extra time to make these comments.

Mr. Cherry stated this situation is crystal clear and simple to me. Mr. Funderburk does not want to understand the difference between governance and administration. He was appointed by the former school board to be a Trustee. He is in a position to make policy but has taken the position of administration and to get involved in day-to-day administration. To demonstrate how upside-down Mr. Funderburk is: On September 22, 2022, after his first board meeting, Mr. Funderburk was in the elevator with a CFCC staff member. He volunteered to this staff member that his job was the be the "pain in the butt". He also stated that "someone has to do it". That statement tells me clearly, he doesn't know what his job is as a Trustee. There is a book written called "The Rouge Trustee". In my opinion, Mr. Funderburk is the poster boy for that book. If he is allowed to continue on the board, he will divide the board and tear down the administration, thus destroying the College. If you haven't read the book, you should.

Mr. Funderburk does not communicate with the Chair, the President, or the Liaison, Michelle Lee.

Why is Mr. Funderburk trying to do the job of the President by engaging in administrative issues? He could simply call the President or Chair to ask questions or present concerns.

What is Mr. Funderburk's motive working against the administration?

Because of Mr. Funderburk's actions, he has put CFCC at risk with SACS, the accreditation authority. SACS standard 4.2(b), if violated, can lead to the loss of accreditation and financial aid for the College. Mr. Funderburk's inappropriate action has already cost the College massive amounts of time and monies trying to defend the College from his actions and potential actions. These hours and dollars would have been much better spent in moving the College forward. My observation is, Mr. Funderburk has NO remorse for the potential damage he may have caused. He has done his mission of "being a pain in the butt"

Tonight, this board needs to resolve this issue with Mr. Funderburk. We are going to have to show SACS that we did indeed fix the problem with crossing the lines of standard 4.2(b) and these violations will NOT continue. The only guaranteed way to do this is by removing Mr. Funderburk.

CALL FOR VOTE

A MOTION was made by Ms. Sewell and seconded by Mr. McLeod to vacate the position of Trustee Funderburk per NCGS 115D-19(a).

Bill Cherry- Yes
Jason McLeod- Yes
Zander Guy- Yes
Bruce Moskowitz - Yes
Robby Collins- Yes
Ray Funderburk - No
Lanny Wilson _ Yes
Deborah Maxwell - No
Bruce Shell - Yes
Deloris Rhodes - No
Bill Rivenbark - Yes
Paula Sewell- Yes
Jonathan Barfield- No

The vote called with Mr. Funderburk, Ms. Rhodes, Ms. Maxwell and Mr. Barfield casting dissenting votes. The motion carried 9 for and 4 against. This satisfies NCGS 115D-19(a) of two thirds of the 13 trustees. The position has been deemed vacant, and the NHCS Board of Education will be informed.

Meeting Adjourned at 8:42pm.

James P. Morton, President

Michelle S. Lee, Recording Secretary