SECTION 59-117-10. Composition of board of trustees of the University of South Carolina.

The board of trustees of the University of South Carolina shall be composed of the Governor of the State (or his designee), the State Superintendent of Education, and the President of the Greater University of South Carolina Alumni Association, which three shall be members ex officio of the board; and seventeen other members including one member from each of the sixteen judicial circuits to be elected by the general vote of the General Assembly as hereinafter provided, and one at-large member appointed by the Governor. The Governor shall make the appointment based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of the State of South Carolina.

SECTION 59-117-20. Terms of elected members of board.

The regular term of office of each trustee elected by the General Assembly is four years; however, the trustee shall continue to function as a trustee after his term has expired until his successor is elected and qualifies. Trustees from the first, third, fifth, seventh, ninth, eleventh, twelfth, and thirteenth judicial circuits whose terms expire March 31, 1982, must next be elected for terms commencing on April 1, 1982, and those terms expire on June 30, 1986. Trustees from the second, fourth, sixth, eighth, tenth, fourteenth, fifteenth, and sixteenth judicial circuits elected for terms to commence April 1, 1984, shall have their terms extended to June 30, 1988, and must next be elected for terms commencing on July 1, 1988. Thereafter, the General Assembly shall hold elections every two years for the purpose of selecting successors of those trustees whose terms are then expiring. The term of office of an elective trustee commences on the first day of July of the year in which the trustee under this plan is scheduled to be elected and the term continues until the thirtieth day of June of the year in which the term is scheduled to expire. After its 1984 session, the General Assembly shall elect successors to those elective trustees whose terms are expiring not earlier than the first day of April of the year the term expires. In electing members of the board, the General Assembly shall elect members based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of the State of South Carolina.

The term of office of the at-large trustee appointed by the Governor is effective upon certification to the Secretary of State and is four years. If the Governor, chooses to designate a member to serve in his stead as permitted by Section 59-117-10, the appointment is effective upon certification to the Secretary of State and shall continue, at the pleasure of the Governor making the appointment, so long as he continues to hold the specified office.

The term of the President of the Greater University of South Carolina Alumni Association is for the active term of office as president.
SECTION 59-117-30. Vacancies; compensation.

In case a vacancy should occur in the board among the members elected by the General Assembly, the Governor may fill it by appointment until the next session of the General Assembly. Any vacancy occurring in the office of the member appointed by the Governor shall be filled for the remainder of the unexpired term by appointment in the same manner of original appointment. Each member of the board shall draw such per diem and expenses as from time to time may be allowed boards, commissions, and committees.

Elections to fill vacancies which are caused by the death, resignation, or removal of an elective trustee may be held earlier than the first day of April of the year in which the unexpired term terminates, but the term of the person elected to fill the vacancy expires on the last day of June of the year in which the term of the former member would have expired.

SECTION 59-117-40. Board constituted body corporate and politic; powers.

The board of trustees of the University of South Carolina is and is hereby constituted a body corporate and politic, in deed and in law under the name of the University of South Carolina. Such corporation has the following powers:

(1) To have perpetual succession;

(2) To sue and be sued by the corporate name;

(3) To have a common seal and to alter it at pleasure;

(4) To make contracts and to have, to hold, to purchase and to lease real estate and personal property for corporate purposes; and to sell and dispose of personal property and any buildings that are deemed by it as surplus property or not further needed and any buildings that it may need to do away with for the purpose of making room for other construction. All such powers shall be exercised in a manner consistent with the provisions of Chapter 35 of Title 11 of the 1976 Code.

(5) To appoint a chairman of the board of trustees and to appoint a University president, treasurer and secretary, and in the appointment of these latter three to prescribe their duties and their terms of office and to fix their compensation;

(6) To appoint or otherwise provide for the appointment of subordinate and assistant officers and agents, faculty members, instructors and other employees prescribing the terms of their employments, their duties, and fixing their compensations;

(7) To make bylaws and all rules and regulations deemed expedient for the management of its affairs and its own operations not inconsistent with the Constitution and laws of this State or of the United States;

(8) To condemn land for corporate purposes as provided in Section 59-117-70;

(9) To fix tuition fees and other charges for students attending the University, but these shall not be inconsistent with statutes where the legislature undertakes to fix such fees and charges;

(10) To confer degrees upon students and such other persons as in the opinion of the board of trustees may be qualified to receive them;

(11) To accept, receive and hold all moneys or other properties, real and personal, that may be given, conveyed, bequeathed or devised to the University and to use them for the benefit of the University but in those cases where such money or property is received charged with any trust then in every
case such money or property shall be held and used strictly in accordance with the terms of such trust; provided, however, where the terms of any such trust would require something to be done other than merely to administer the trust no obligation in receiving the trust over and above merely its administration shall be binding upon the University or the State except such as are accepted by the General Assembly;

(12) To assign any member of the faculty to additional duties in any other University department than that in which the faculty member may at the time be working and without additional salary;

(13) In all investigations touching the affairs of the University the board of trustees is invested with full powers to compel by subpoena, rule and attachment witnesses to appear and testify and papers to be produced and read before such board;

(14) To adopt such measures and make such regulations as may in the discretion of the board of trustees be necessary for the proper operation of the University;

(15) To appoint for the University a board of visitors of such number as the board of trustees may deem expedient, and to regulate the terms during which the members of such board shall serve, and to prescribe the functions of such board of visitors;

(16) To remove any officer, faculty member, agent or employee for incompetence, neglect of duty, violation of University regulations, or conduct unbecoming a person occupying such a position;

(17) To appoint an executive committee not exceeding six members of the board who have all the powers of the board during the interim between meetings of the board but not the power to do anything which is inconsistent with the policy or action taken by the board. The executive committee at each meeting of the board shall report fully all action taken by it during the interim; and

(18) To appoint committees of the board of trustees or officers or members of the faculty of the University, with such power and authority and for such purposes in connection with the operation of the University as the board of trustees may deem wise.

SECTION 59-117-50. Meetings of board; quorum.

The board of trustees shall meet not less frequently than quarterly, the time and place of each such regular meeting to be fixed by the chairman of the board or otherwise as the board of trustees shall provide. If the Governor chooses to serve as an ex officio member of the board, he shall preside at all regular and special meetings of the board of trustees in which he is in attendance. At those meetings at which the Governor is not in attendance the chairman of the board of trustees shall preside and in his absence such member shall preside as the board may select. The Governor of the State (if serving as an ex officio member of the board), the chairman of the board of trustees, and the president of the University shall each have the power to call a special meeting of the board of trustees and fix the time and place thereof. Any five members of the board shall likewise have this power. A majority of the members of the board of trustees shall constitute a quorum for the transaction of all business of the board but not less than a majority vote of the whole board shall be required for the election or removal of a president. It shall be the duty of the president and other officers as well as members of the faculty to attend meetings of the board of trustees when requested to so.

Notice of the time and place of all meetings, both regular and special meetings, of the board of trustees of the University of South Carolina shall be mailed by the secretary or his assistant to each trustee not less than five days before each meeting thereof.
SECTION 59-117-60. Property and rights vested in University.

All property, real and personal, and rights of every description which have heretofore been vested in the South Carolina College and the University of South Carolina and the trustees of the University of South Carolina are vested in the "University of South Carolina."

SECTION 59-117-65. University of South Carolina Board of Trustees; authority to enter into ground lease agreements.

The Board of Trustees of the University of South Carolina with the approval of the Budget and Control Board may enter into lease agreements with a private entity whereby the private entity will provide all services necessary for the creation and operation of student housing facilities at the University of South Carolina-Spartanburg including, but not limited to, ground leasing, financing, designing, construction, managing, operating, maintaining, and related services. Upon expiration of the agreement term, the private entity shall surrender to the University of South Carolina-Spartanburg, such premises with the existing buildings, other structures and improvements constructed and located thereon and therein, in the same condition as when the construction of the buildings, other structures, and improvements were completed, only natural and normal wear and tear excepted. The Budget and Control Board first must approve all agreement terms and conditions including the consideration involved, and the full faith and credit of the State toward the lease obligations must not be pledged, and any statement to the contrary is deemed null and void as a matter of public policy. The private entity may be a nonprofit organization. The Budget and Control Board approval required shall be in lieu of or a substitute for any other approval required by any other provision of law or regulation in connection with the undertaking of the private entity and the University of South Carolina-Spartanburg; however, the private entity and the University of South Carolina-Spartanburg shall adhere to fire, life, and safety codes as required by the Office of State Engineer.

Neither this section, nor the approval required by this section, exempts any transaction or entity from complying with Chapter 35 of Title 11.

SECTION 59-117-70. Right of condemnation by board.

The trustees of the University of South Carolina may, in their discretion, make use of the provisions of the Eminent Domain Procedure Act (Chapter 2 of Title 28) to acquire land for which funds are provided by the General Assembly.

SECTION 59-117-80. Board authorized to lease or sell real property donated during fund campaign.

After obtaining the approval of the State Budget and Control Board, the board of trustees of the University of South Carolina is authorized to lease or to sell and convey from time to time any real property which may have been or may hereafter be donated to the University in the course of its current greater university fund campaign, or any similar campaign which may be conducted at any future time, for such consideration and upon such terms and at such times and in such manner as shall be set forth in the resolution of approval of the State Budget and Control Board. The proceeds of any such lease or sale shall be applied to the original purpose of the donation of the property leased or sold.

SECTION 59-117-85. Faculty participation in school's practice plan; handling of generated funds.

Employees of agencies and institutions affiliated with the University of South Carolina School of Medicine who hold faculty appointments in the school may participate in the school's practice plan. Funds generated by such participants shall be handled in accordance with university policies governing practice plan funds.
SECTION 59-117-90. Closing of streets bordered by University property.

The University of South Carolina is authorized to close any public road or street which is bordered on two sides by property now owned by the University or hereafter acquired by it. Provided, that no road or street shall be closed which is situated within the corporate limits of the city of Columbia without concurrence of the governing body of the city. Provided, further, that no section of the state highway system shall be closed without concurrence of the Department of Transportation.

SECTION 59-117-100. President shall not be atheist or infidel.

The board of trustees shall take care that the president of the University shall not be an atheist or infidel.


No campus of the University of South Carolina shall be closed without prior authorization of the General Assembly by act or joint resolution.