SPARTANBURG COUNTY COMMISSION

FOR

HIGHER EDUCATION

BY-LAWS
PREAMBLE

The Spartanburg County Commission for Higher Education was created under Act. No. 36 of the 1967 Session of the General Assembly of South Carolina and was charged with the encouragement of higher education in Spartanburg County and adjacent areas. In order to more effectively discharge its responsibilities and duties in connection therewith, the Commission does promulgate and adopt these By-Laws.

ARTICLE I

Section 1. NAME OF COMMISSION. The name of the Commission is fixed by statute of the State of South Carolina as the Spartanburg County Commission for Higher Education.

ARTICLE II

Section 1. COMPOSITION. The Spartanburg County Commission for Higher Education shall be composed of fifteen (15) members who shall be appointed by the Governor on the recommendation of a majority of the Spartanburg County Legislative Delegation. In addition to the fifteen members provided for above, one additional member of the Commission who is a resident of Greenville County shall be appointed by the Governor upon the recommendation of a majority of the Spartanburg County Legislative Delegation, and one additional member of the Commission who is a resident of Cherokee County shall be appointed by the Governor upon the recommendation of a majority of the Spartanburg County Legislative Delegation.

Section 2. TERMS. The terms of service for each member shall be four (4) years, or until their successor shall have been appointed, as established by the Enabling Act as amended.

Section 3. VACANCIES. Any vacancy on the Commission shall be appointed by the Governor on the recommendation of a majority of the Spartanburg County Legislative Delegation.

Section 4. COMPENSATION. Members of the Commission shall serve without compensation or fees.

Section 5. EMERITUS. In recognition of past service, the Commission may bestow the title of Emeritus member on former Commissioners. These persons shall be invited to attend and participate at regular meetings of the full Commission and other Commission functions as appropriate. Emeritus members do not vote in the conduct of Commission business.

Section 6. Ex Officio. Ex Officio members participate in consulting and advisory capacities. These persons shall be invited to attend and participate at regular meetings of the full Commission and other Commission functions as appropriate. Ex Officio members do not vote in the conduct of Commission business.
ARTICLE III

POWERS AND DUTIES OF THE COMMISSION

The Commission is empowered to enter into contracts, make binding agreements, negotiate with educators and educational institutions, subject to existing legislative authority and generally, to take such actions in its name as are necessary to secure for Spartanburg County and adjacent areas the necessary educational facilities to provide higher education. It shall act in the encouragement of higher education in Spartanburg County and adjacent areas.

Within these fundamental responsibilities, the Commission will perform many essential functions, including, but not limited to, the following:

1. Establish goals for higher education for Spartanburg County and adjacent areas, and where possible, to assist in the providing of the necessary physical facilities and in cooperation with the Board of Trustees of the University of South Carolina, to assist in the implementation of the contract between the Commission and the University of South Carolina, to provide an institution of higher education in Spartanburg County, to serve Spartanburg County and adjacent areas.

2. Approve or delegate authority for approval of all major contractual relationships and other major legal obligations to be executed in the name of the Commission.

3. Approve or authorize the Executive Committee to approve all purchases, sales or leases of real property and ensure that all properties of the Commission are preserved and maintained.

4. Initiate, review and/or approve all requests to the Spartanburg County Council for appropriations.

5. Initiate, review and/or approve annual budgets for the Commission and budget changes, to same.

6. Approve all gifts to the Commission where restrictions are indicated or the expenditure of money is required for the adequate acceptance of same; designate the use of unrestricted gifts to the Commission and approve and designate the use of testamentary gifts to the Commission.

7. Approve all loans, borrowing and issuance of bonds in the name of the Commission.

8. Establish investment policies and procedures which will provide for the prudent investment and preservation of funds entrusted to the Commission.

9. To generally take such positions and advocate such actions as are necessary for the encouragement of higher education in Spartanburg County and adjacent areas.

10. To appoint from Spartanburg County and adjacent areas a Board of Advisors (referred to in Act No. 36 of the 1967 Session of the General Assembly of South Carolina as the Educational Advisory Committee), which shall meet and consult with the Commission from time to time, as may be required.
ARTICLE IV
OFFICERS OF THE COMMISSION

Section 1. **CHAIRPERSON.** A Chairperson of the Commission shall be elected from the members appointed by the Governor by a majority vote of the entire Commission who shall serve for a term of four (4) years or until his/her successor is elected. The Chairperson shall preside at all meetings of the Commission and shall be the spokesperson for the Commission. He/she shall serve as Chairperson and a member of the Executive Committee of the Commission. He/she shall serve as *ex officio* member of all other committees and shall perform such other duties as may, from time to time, be prescribed by the Commission and by these By-Laws.

Section 2. **VICE-CHAIRPERSON.** The Commission shall, at the same time and in the same manner as the Chairperson was elected, elect a Vice-Chairperson to serve for four (4) years who shall preside at meetings of the Commission in the absence of the Chairperson. He/she shall serve as a member of the Executive Committee of the Commission and in the absence of the Chairperson, shall preside at the meetings of the Executive Committee.

Section 3. **SECRETARY-TREASURER.** The Commission, shall, at the same time and in the same manner as the Chairperson and Vice-Chairperson were elected, elect a Secretary-Treasurer to serve for four (4) years. The Secretary-Treasurer may be assisted in all record keeping and maintenance by such party as may be appointed by the Executive Committee to manage these responsibilities. The assistant to the Secretary-Treasurer may be reasonably compensated as approved by the Executive Committee. The Secretary-Treasurer shall keep a record of all meetings of the Commission; shall conduct all correspondence of the Commission as requested; shall be the keeper of the seal of the Commission and, as Treasurer, shall keep accurate accounts of receipts and disbursements by the Commission and shall assist in the preparation of the Annual Budget of the Commission. The Secretary-Treasurer shall have joint custody of all funds of the Commission with the Chairperson and/or Vice-Chairperson. The Secretary-Treasurer shall serve as a member of the Executive Committee.

Section 4. Any elected officer shall be eligible for re-election to succeed himself or herself.

Section 5. The Executive Committee shall serve as a Nominating Committee. Should there be a vacancy in the offices of the Commission, the vacancy shall be fulfilled by an election at the next subsequent meeting.
ARTICLE V

COMMITTEES

The following Committees are established by the Commission. Ad hoc committees may be appointed at the discretion of the Chairperson with the advice and consent of the Executive Committee.

(A) EXECUTIVE COMMITTEE. The Executive Committee shall consist of the Chairperson, Vice-Chairperson, Secretary-Treasurer, the Chairperson of the Buildings and Grounds Committee, and, at the discretion of the Chairperson, one other member at large. The Chancellor shall serve as an ex officio member of the Executive Committee. The Executive Committee, during the interim between meetings of the Commission, shall have all the powers of the Commission not inconsistent with the established policies of the Commission or with any action theretofore taken by the Commission. It shall make reports to the Commission at each meeting on all such matters occurring since the previous meeting.

(B) BUILDINGS AND GROUNDS COMMITTEE. The Buildings and Grounds Committee shall be charged with the consideration of all Commission matters relating to the building and grounds under the jurisdiction of the Commission including the design and location of new buildings, maintenance, improvements or remodeling of older buildings; the landscaping of the grounds, and all other matters having to do with the physical plant under the jurisdiction of the Commission. It shall report to the Commission with its recommendations on all of such matters. It shall make reports to the Commission at each meeting on all such matters occurring since the previous meeting.

(C) FINANCE COMMITTEE. The Finance Committee shall consist of the Executive Committee and shall exercise general supervision of the finances of the Commission, including the investment of all funds held by the Commission. It shall review in advance the proposed budget for the succeeding year and any request for funds from the Spartanburg County Council. It shall make reports to the Commission at each meeting on such matters occurring since the previous meeting.

(D) Ad hoc committees shall consist of five (5) or less members appointed by the Chairperson for the term of one (1) year, one member being named chairperson and one vice-chairperson.

(E) The Chairperson of the Commission shall be a voting member of all committees of the Commission. The Chancellor shall be an ex officio non-voting member of all committees of the Commission. The Chairperson of the Faculty Senate and the President of the Student Body shall be invited as deemed necessary to attend and participate in meetings of the full Commission.

(F) All members having been given due notice, two (2) voting members shall constitute a quorum for all committee meetings.
ARTICLE VI

MEETINGS OF THE COMMISSION

Section 1. **REGULAR MEETINGS OF THE COMMISSION.** The Commission shall hold no less than four (4) meetings in each calendar year at a date and time fixed by the Chairperson and the Executive Committee.

Section 2. **NOTICE OF REGULAR MEETINGS.** Notice of the time and place of all regular meetings of the Commission shall be mailed to each member by the Chairperson, Secretary or his assistant, not less than five (5) days before each meeting, and when possible, an agenda for said meeting will accompany the notice.

Section 3. **SPECIAL MEETINGS OF THE COMMISSION.** Special meetings of the Commission may be called by the Chairperson or upon written request signed by any five (5) members of the Commission.

Section 4. **QUORUM.** Eight (8) members of the Commission shall constitute a quorum for the transaction of business.

Section 5. **CONDUCT OF MEETINGS.** The Commission shall conduct all of its business pursuant to and in accordance with generally accepted protocol and standards typical of governmental, professional and university meetings. In the event that any decision or other matter of business is contested by or between any Commission members, in any regard, the Commission shall conduct its business pursuant to the rules and regulations of the newly revised Robert’s Rules of Order.

ARTICLE VII

AMENDMENTS

These By-Laws may be amended at any regular meeting of the Commission by the affirmative vote of not less than two-thirds (2/3) of the members of the Commission, provided that notice of any proposed amendment, including a proposed draft thereof, shall have been given at the regular meeting of the Commission next preceding the meeting at which such amendment is voted upon.

ADOPTED: November 17, 2005