CHAPTER 135

Lander College

**SECTION 59‑135‑10.** Board of trustees.

 The Board of Trustees for Lander University is composed of the Governor of the State or his designee, who is an ex officio of the board, and sixteen members, with fifteen of these members to be elected by the General Assembly and one member to be appointed from the State at large by the Governor. The General Assembly shall elect and the Governor shall appoint these 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 this State.

 Of the fifteen members to be elected, one member must be elected from each congressional district and the remaining eight members must be elected by the General Assembly from the State at large.

 The term of office of the at‑large trustee appointed by the Governor is effective upon certification to the Secretary of State and is coterminous with the term of the Governor appointing him. He shall serve after his term has expired until his successor is appointed and qualifies.

 Each position on the board constitutes a separate office and the seats on the board are numbered consecutively: Seats One through Seven corresponding to the number of each congressional district and Seats Eight through Fifteen to be designated at large. The member appointed by the Governor shall occupy Seat Sixteen.

 Effective July 1, 2012, the member from former Seat One is transferred to Seat Eight, the member from former Seat Three is transferred to Seat Nine, the member from former Seat Five is transferred to Seat Ten, the member from former Seat Seven is transferred to Seat Eleven, the member from former Seat Nine is transferred to Seat Twelve, the member from former Seat Thirteen is to remain in Seat Thirteen, the member from former Seat Fourteen is to remain in Seat Fourteen, and the member from former Seat Fifteen is to remain in Seat Fifteen, with these members continuing to serve until their terms expire on June 30, 2014. The member from former Seat Eleven is transferred to Seat Six with a term that expires on June 30, 2016. A member for Seats One, Two, Three, Four, Five, and Seven must be elected by the General Assembly in 2012 for a term that expires on June 30, 2016. The General Assembly shall hold elections every two years to select successors of the trustees whose four‑year terms are then expiring. Except as otherwise provided in this chapter, no election may be held before April first of the year in which the successor’s term is to commence. The term of office of an elective trustee commences on the first day of July of the year in which the trustee is elected.

 If an elective office becomes vacant, the Governor may fill it by appointment until the next session of the General Assembly. The General Assembly shall hold an election at any time during the session to fill the vacancy for the unexpired portion of the term. A vacancy occurring in the appointed office on the board must be filled for the remainder of the unexpired term by appointment in the same manner of the original appointment.

HISTORY: 1988 Act No. 510, Section 3; 1988 Act No. 658, Part II, Section 43C; 1991 Act No. 248, Section 6; 2012 Act No. 176, Section 14, eff May 25, 2012.

Editor’s Note

2012 Act No. 176, Sections 18 and 19, provide as follows:

“SECTION 18. Notwithstanding any other provision of law to the contrary, any person elected or appointed to serve, or serving, as a member of any board or commission to represent a Congressional district, whose residency is transferred to another district by a change in the composition of the district, may serve, or continue to serve, the term of office for which he was elected or appointed; however, the appointing or electing authority shall appoint or elect an additional member on that board or commission from the district which loses a resident member as a result of the transfer to serve until the term of the transferred member expires. When a vacancy occurs in the district to which a member has been transferred, the vacancy must not be filled until the full term of the transferred member expires.

“SECTION 19. In the event that elections for incumbent university board of trustees’ seats whose terms are expiring this year are not held prior to June 30, 2012, current board members will retain their seats until the General Assembly reconvenes and holds elections.”

Effect of Amendment

The 2012 amendment rewrote the section.

LIBRARY REFERENCES

Colleges and Universities 7.

Westlaw Key Number Search: 81k7.

C.J.S. Colleges and Universities Sections 15 to 18.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Colleges and Universities Section 12, Lander College.

Attorney General’s Opinions

Director of Division of Research and Statistical Services of State Budget and Control Board could serve concurrently on board of trustees of Lander College without contravening dual office‑holding prohibition of State Constitution. 1990 Op Atty Gen No. 90‑10.

**SECTION 59‑135‑15.** Authority to change name from Lander College to Lander University; conditions.

 At its discretion, the Board of Trustees of Lander College is authorized to change the title of its governed institution from “Lander College” to “Lander University”, provided that the institution meets the criteria of a comprehensive university as established by the Commission on Higher Education on December 5, 1991.

HISTORY: 1992 Act No. 272, Section 6.

LIBRARY REFERENCES

Colleges and Universities 1.

Westlaw Key Number Search: 81k1.

C.J.S. Colleges and Universities Sections 2 to 3, 9.

**SECTION 59‑135‑20.** Compensation of board members.

 Members of the board are entitled to subsistence, per diem, and mileage authorized for members of state boards, committees, and commissions.

HISTORY: 1988 Act No. 510, Section 3.

LIBRARY REFERENCES

Colleges and Universities 7.

Westlaw Key Number Search: 81k7.

C.J.S. Colleges and Universities Sections 15 to 18.

**SECTION 59‑135‑30.** Powers of board.

 The board of trustees is constituted a body corporate and politic under the name of the board of trustees for Lander College. The corporation has the power to:

 (1) have perpetual succession;

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

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

 (4) 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 building considered 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. The board does not have power to sell or dispose of any of its real estate, other than buildings, except with the consent of the State Department of Administration or State Fiscal Accountability Authority, as appropriate;

 (5) appoint a chairman and 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 employment and their duties and fixing their compensation;

 (6) make bylaws and regulations for the management of its affairs and its own operations not inconsistent with law;

 (7) condemn land for corporate purposes and provided by law;

 (8) fix tuition fees and other charges for students attending the college, not inconsistent with law;

 (9) confer degrees upon students and other persons as the board considers qualified;

 (10) accept, receive, and hold all monies or other properties, real, personal, and mixed, that may be given, conveyed, bequeathed, or devised to the college and to use them for the benefit of the college, but in those cases where the money or property is received, charged with any trust, the money or property must be held and used strictly in accordance with the terms of the trust. If the terms of the trust require something to be done other than to administer the trust, no obligation in receiving the trust over and above its administration is binding upon the college or the State, except any obligation accepted by the General Assembly;

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

 (12) compel by subpoena, rule, and attachment witnesses to appear and testify and papers to be produced and read before the board in all investigations relating to the affairs of the college;

 (13) adopt measures and make regulations as the board considers necessary for the proper operation of the college;

 (14) appoint for the college a board of visitors of a number as it may determine, to regulate the terms during which the members of the board of visitors serve, and to prescribe their functions;

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

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

 (17) appoint committees of the board or officers or members of the faculty of the college with authority and for purposes in connection with the operation of the college as the board considers necessary;

 (18) appoint a president. The president shall report to and seek approval of his actions and those of his subordinates from the board;

 (19) issue revenue bonds as provided by law.

HISTORY: 1988 Act No. 510, Section 3.

Code Commissioner’s Note

At the direction of the Code Commissioner, references in this section to the offices of the former State Budget and Control Board, Office of the Governor, or other agencies, were changed to reflect the transfer of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), effective July 1, 2015.

LIBRARY REFERENCES

Colleges and Universities 7.

Westlaw Key Number Search: 81k7.

C.J.S. Colleges and Universities Sections 15 to 18.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Colleges and Universities Section 19, Contracts and Property.

S.C. Jur. Colleges and Universities Section 20, Other Powers.

**SECTION 59‑135‑40.** Meetings of board.

 The board shall meet in Greenwood not less than four times each year, the time and place to be fixed by the chairman or as the board provides. The chairman shall preside and, in his absence, a member shall preside as the board may select. The chairman or a majority of the members has the power to call a special meeting and fix the time and place of the meeting. A majority of the members constitutes a quorum for the transaction of all business of the board. A majority vote of the whole board is required for the election or removal of the president. The president, other officers, and faculty members shall attend meetings of the board when requested to do so.

 Notice of the time and place of all meetings of the board must be mailed by the secretary or his assistant to each trustee not less than five days before each meeting.

HISTORY: 1988 Act No. 510, Section 3.

LIBRARY REFERENCES

Colleges and Universities 7.

Westlaw Key Number Search: 81k7.

C.J.S. Colleges and Universities Sections 15 to 18.

**SECTION 59‑135‑50.** Authority to sell or lease donated real property.

 Upon approval of the State Fiscal Accountability Authority or Department of Administration, as appropriate, the board is authorized to lease or sell any real property which may have been or may be donated to the college during any fund campaign. The proceeds of any lease or sale must be applied to the original purpose of the donation of the property leased or sold.

HISTORY: 1988 Act No. 510, Section 3.

Code Commissioner’s Note

At the direction of the Code Commissioner, references in this section to the offices of the former State Budget and Control Board, Office of the Governor, or other agencies, were changed to reflect the transfer of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), effective July 1, 2015.

LIBRARY REFERENCES

Colleges and Universities 6(5).

Westlaw Key Number Search: 81k6(5).

C.J.S. Colleges and Universities Section 14.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Colleges and Universities Section 12, Lander College.