

## 4.2.e

### Board Dismissal

The governing board:

- e. has appropriate and fair processes for the dismissal of a board member.

### Judgment

Compliant  Non-Compliant  Not Applicable

### Narrative

The Board consists of 20 members. The composition of the Board is defined in [Article II, Section 1, of the Board of Trustees' Bylaws](#) which states as follows:

*Pursuant to Section 59-117-10 of the South Carolina Code of Laws the Board of the University of South Carolina shall be composed of the Governor of this State (or his designee), the State Superintendent of Education, and the President of the Greater University of South Carolina Alumni Association, which three members shall be ex officio members of the Board, and seventeen other members, including one from each of the sixteen judicial circuits, 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.*

### Appropriate and Fair Process for Dismissal of a Board Member

Trustees elected by the General Assembly can only be dismissed according to [Article XV, Section Three of the Articles of Impeachment](#) of the South Carolina Constitution:

*For any willful neglect of duty, or other reasonable cause, which shall not be sufficient ground of impeachment, the Governor shall remove any executive or judicial officer on the address of two thirds of each house of the General Assembly: Provided, that the cause or causes for which said removal may be required shall be stated at length in such address, and entered on the Journals of each house: And, provided, further, that the officer intended to be removed shall be notified of such cause or causes, and shall be admitted to a hearing in his own defense, or by his counsel, or by both, before any vote for such address; and in all cases the vote shall be taken by yeas and nays, and be entered on the Journal of each house respectively.*

The Gubernatorial designee may be removed at the pleasure of the Governor. The Gubernatorial Appointee and the Alumni Association Representative are subject to removal according to the same process of removal described above. The Governor is subject to removal by impeachment as provided in the South Carolina Constitution.

A Board member's removal is subject to statutory procedures. The Board policy ([BTRU 2.03 Removal of a Board of Trustees Member](#)) is consistent with legal requirements as prescribed in its Bylaws and the South Carolina State Statute. During the last ten years, no University of South Carolina Trustee has been removed from the University of South Carolina Board of Trustees. In 2010, a board member was indicted on felony charges, but the board member resigned from the Board, negating the need for gubernatorial removal.

### Institutional Policy that Governs the Removal of a Governing Board Member from Office

In the event the Board of Trustees determines, by a majority vote in public session, that the conduct of any member of the Board of Trustees meets the applicable standard for impeachment set forth in Article XV of the South Carolina Constitution, the Board of Trustees will request initiation of impeachment proceeding by the South Carolina General Assembly, pursuant to [Article XV, Section One](#) of the South Carolina Constitution, or petitioning the Governor to initiate proceedings for removal pursuant to [Article XV, Section Three](#) of the South Carolina Constitution. University Board Policy [BTRU 2.03 Removal of a Board of Trustees Member](#) outlines Board procedure for removal of a Board of Trustees Member.

### Sources

 [BTRU 2.03 Removal of a Board of Trustees Member](#)

 [Board of Trustees Bylaws \(Page 11\)](#)

 Code of Laws - Title 59 - Chapter 117 - University Of South Carolina

 SC\_Constitution (Page 83)

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