

**UNIVERSITY OF SOUTH CAROLINA  
SCHOOL OF LAW  
FACULTY BY-LAWS  
(Reflecting Amendments Through September 20, 2022)**

**ARTICLE 1 - PURPOSE**

The purpose of these By-Laws is to provide written rules for (1) the conduct of all Faculty Meetings and (2) the internal organization and functioning of the Faculty.

**ARTICLE 2 - FACULTY MEETINGS**

**Section 2.1. Time of Meetings**

2.1(a) Regular Meetings. A Faculty Meeting shall be called by the Dean or Dean's designee prior to the end of the first full week of classes of each semester, which meeting shall be held before the end of the second full week of classes at a time and place specified in the notice. At this meeting, or at an adjourned session thereof, those present entitled to vote, as set forth in Section 2.7 of these By-Laws, shall fix by resolution the time of the regular Faculty Meetings for that semester. Regular meetings shall be held at that time unless cancelled by the Dean. No regular meetings shall be held between graduation and the beginning of the following fall semester.

2.1(b) Special Meetings. Special Faculty Meetings may be called by the Dean, or Dean's designee, at such times as he or she deems necessary. In addition the Dean shall call a special meeting whenever a special request therefore, stating the matters to be considered, is submitted to him by at least ten percent (10%) of all the persons entitled to vote on the matter. At least three (3) working days advance notice of any special meeting shall be given to each person entitled to attend and vote on the matters to be considered.

2.1(c) Special Meetings During the Summer. Special Faculty Meetings may be convened between graduation and the beginning of the following fall semester by the Dean or Dean's designee to dispose of such business as the Presiding Officer shall declare cannot reasonably be postponed until the fall semester. All persons set forth in Section 2.7, as well as all persons whose faculty appointments for positions under Section 2.7(a) will begin during the next regular academic semester, shall be entitled to attend and vote on any matter at any such meeting, subject to the limitations set forth in Section 2.7, except that any faculty member whose faculty appointment will not continue during the next regular academic semester and any student representative who will not be eligible to enroll for the next regular academic semester will not be eligible to attend or vote. Any action taken at such meeting that is approved by two-thirds (2/3) of the persons present and entitled to vote on the matter shall be binding and have the same effect as if adopted at a regular or special Faculty Meeting; provided however, that the Dean shall make an effort to communicate any such action in writing to all persons entitled to vote on the matter as soon as is practicable after the action is taken: and provided further that if more than a majority but less than two-thirds of those

present and entitled to vote on the matter approve of a particular question, the matter in question shall be conditionally approved subject to ratification at a subsequent regular or Special Faculty Meeting. Advance notice of such meeting shall be given to all entitled to vote on the matters under consideration.

### **Section 2.2**    **Place of Meetings**

All Faculty Meetings shall be held at the School of Law in the place where such meetings are customarily held unless the notice thereof designates a different place.

### **Section 2.3.**    **Quorum and Effective Votes**

The actual presence of a majority of the full-time faculty members of the School of Law as defined more fully in Section 2.7, shall be necessary to constitute a quorum for the purpose of transacting business at all Faculty Meetings, except that thirty-five percent (35%) of the full-time faculty members from the preceding academic year shall constitute a quorum for special meetings held during the summer. The calculation to determine whether the requisite quorum is present shall not include any faculty member who is not entitled to vote on all matters brought before that Faculty Meeting. To be approved and effective, any matter brought before any Faculty Meeting which has the requisite quorum must receive the affirmative vote of a majority of those present and voting except as otherwise provided in these By-Laws or required by law. No votes cast by proxy will be allowed at any Faculty Meeting.

### **Section 2.4.**    **Officers at Faculty Meetings**

With respect to Faculty Meetings the following officers shall have the duties described below:

1.    **Presiding Officer.** The Dean or in his or her absence the senior tenured faculty member present shall preside at all Faculty Meetings. The Presiding Officer shall have the privilege of the floor on all matters, and shall have a vote on all matters.
  
2.    **The Secretary.** At the beginning of each academic year the Dean shall select a person to act as Secretary for Faculty Meetings. The Secretary's duties shall include the preparation and distribution of the Minutes, in accordance with the provisions of Section 2.6 of these By-Laws, and shall perform such further duties as the Dean may assign from time to time.
  
3.    **The Parliamentarian.** At the initial Faculty Meeting of each academic year, a person shall be elected to act as Parliamentarian for Faculty Meetings. The Parliamentarian will rule on all disputes as to the procedure and conduct of Faculty Meetings. In the event no person is willing to assume the duties of this position, the Dean shall have the power to appoint a Parliamentarian, by and with the consent of the majority of all persons present and

entitled to vote at the Faculty Meeting in question.

**Section 2.5. Faculty Meeting Procedures**

2.5(a). Order of Business. The order of business at all Faculty meetings shall be:

1. Reading and approval of any unapproved Faculty Minutes.
2. Disposition of items on the agenda for the meeting, as is more fully set forth in section 2.5(b) below.
3. Items of information and matters not on the agenda considered under the provisions of section 2.5(b) below.
4. Adjournment.

2.5(b) Agenda. An agenda shall be distributed to all persons entitled to be present at the Faculty Meeting. One copy of the agenda, as provided in 2.6(c), shall be made available to students in an appropriate manner at the same time that the agenda is distributed to the faculty. To be placed on the agenda, an item must be presented to the Dean or Dean's designee no later than 5:00 p.m. the fourth working day preceding a regular Faculty Meeting and prior to the time the agenda is circulated in the case of any other Faculty Meeting. Matters that, in the current academic year, have been referred to or considered by a Committee shall be placed on an agenda only at the Committee's recommendation. Written committee reports, when available, will be distributed as an exhibit to the agenda, if not previously distributed to all persons entitled to vote on the matter. Items not on the agenda shall be considered only for the purpose of reference to an appropriate committee unless a majority of those persons present and entitled to vote on the matter agree that consideration of the particular matter cannot be postponed until the next regular Faculty Meeting; provided however, that a motion to discharge a matter previously submitted to a Committee may be made at any regular Faculty Meeting.

2.5(c) Robert's Rules of Order. All Faculty Meetings shall be conducted in accordance with the parliamentary procedure prescribed by the latest published edition of Robert's Rules of Order. In the event of any conflict between said Rules and any provision in these By-Laws, the By-Law provision shall prevail. A motion to go into executive session is neither debatable nor amendable.

2.5(d) Obligations of Those Present at Meetings. Every person present at a Faculty Meeting is under a moral and professional obligation to respect the good faith and honest expressions of opinions of others present, and to cultivate – through our words and actions – a diverse, inclusive, and civil community where everyone is valued and supported.

2.5(e) Reconsideration of Action Previously Taken. A motion to reconsider for any reason, may be made by any person who voted with the prevailing side at the next Faculty Meeting following the meeting in question. Except as set forth in the preceding sentence a

particular question that has been disapproved or defeated cannot be placed on an agenda or otherwise reconsidered in a Faculty Meeting until after the expiration of 3 months or the beginning of the next regular semester, whichever first occurs.

## **Section 2.6. Minutes of the Faculty Meetings**

2.6(a) The Secretary shall prepare written minutes of all Faculty Meetings. These minutes, which shall be known as the official minutes, as opposed to the abridged minutes provided for in Section 2.6(c) of these By-Laws, shall include a copy of all committee reports and recommendations acted upon in the meeting, except to the extent otherwise provided in this Section, and shall be prepared and distributed as soon as practicable after each meeting. One copy of the official Minutes shall be included in the official files of the School of Law and one copy (less attachments) shall be distributed to each faculty member; and one copy of the Minutes, abridged as provided in Section 2.6(c), shall be distributed to all persons entitled to be present at the meeting pursuant to Section 2.7(b), (c), and (d) of these By-Laws.

2.6(b) The votes of the individuals shall not appear in the minutes of a meeting unless the individual requests that his or her vote be recorded on any question. Each matter acted upon in a meeting shall be reported in the Minutes as passed or not passed, or under similar designation, and a numerical count of a particular vote be included as passed by a majority of the persons entitled to vote on the particular question.

2.6(c) The details of any action by or against an existing, prospective or former individual student, faculty member or administrative person and any committee reports thereon shall not be included in the copy of the Minutes distributed or made available to non-faculty persons; and upon the recommendation of the Dean, by and with the consent of a majority of those present and entitled to vote on the matter in question, the name of the individual involved and facts or other material relating on the matter may be deleted from any copy of the Minutes distributed or made available to non-faculty persons, provided, however, that the individual by or against whom such an action is brought may waive the anonymity provided by this section.

2.6(d) A copy of the faculty minutes abridged as set forth in subsection 2.6(c) of this Section shall be available for inspection as required by law.

## **Section 2.7. Participation and Voting at Faculty Meetings**

The following rules will govern presence, participation, and voting at Faculty Meetings:

2.7(a) Full-time faculty members shall be entitled to be present at, to participate in discussions at, and to vote at Faculty Meetings as provided below.

(i) The Dean, Professors, Associate Professors, Assistant Professors, Professors of any rank holding joint appointments in the Law School and any other college, department, or division of the University, visiting faculty members who have accepted offers

of permanent employment, and Emeriti Professors are members of the School of Law Faculty and shall be entitled to be present at, to participate in discussions at, and to vote on all matters brought before Faculty Meetings, except as otherwise provided in these By-Laws.

(ii) Legal Writing Instructors are members of the School of Law Faculty and shall be entitled to be present at, to participate in discussions at, and to vote on all matters brought before Faculty Meetings, except that they shall not be entitled to vote on the following matters:

- (A) the appointment, discipline, retention, tenure, or promotion of tenured or tenure-track faculty members;
- (B) the appointment of the Dean; or
- (C) the amendment or repeal of these By-Laws.

(iii) Law Library Department faculty are members of the School of Law Faculty and shall be entitled to be present at and to participate in discussions of all matters brought before Faculty Meetings.

2.7(b) Instructors and Lecturers other than those identified in 2.7(a), Teaching Associates, the President of the Student Bar Association, and any administrative personnel designated by the Dean shall be entitled to be present and to have the privilege of the floor at any meeting except as otherwise provided in these By-Laws. *See* Sections 3.1(a), (b), and (d). The President of the Student Bar Association shall be able to participate and/or vote on a particular question that comes within the provisions of Section 3.1 only upon a two-thirds vote of the faculty, as defined in Section 2.7(a), present and voting. In any such case, the President of the Student Bar Association's expanded authority to participate and/or vote shall apply only to the particular question under consideration in the specific Faculty Meeting in which the authority was granted.

2.7(c) Any regular enrolled student of the School of Law may attend a Faculty Meeting as an observer only, without the privilege of the floor or a vote on any matter; provided that attendance of School of Law students shall be on a first come, first admitted basis up to the seating capacity of the place where the meeting is held; provided further that it shall be the responsibility of the Student Bar Association to insure the orderly seating and conduct of all students attending Faculty Meetings. Nothing in this subsection shall be construed to be in derogation of the right of the faculty to proceed in executive session or otherwise to excuse students from a Faculty Meeting as provided in these By-Laws.

2.7(d) Any other person may attend a Faculty Meeting upon special invitation of the Dean or a Committee Chair, or upon approval of the majority of those persons present at the meeting for a limited purpose of addressing the Meeting on an item on the agenda in which that person has a particular interest.

2.7(e) Nothing contained in this section shall prevent the faculty from authorizing other persons to attend faculty meetings by ordinary resolution.

2.7(f) Notwithstanding anything in Section 2.7(a) to the contrary, a faculty member shall be recused from the discussion and vote on matters concerning an immediate family member.

(i) For purposes of this subpart (f), an “immediate family member” of a faculty member shall include that faculty member’s parent, child, grandparent, grandchild, sibling, uncle, aunt, nephew, niece, first cousin, spouse, domestic partner, step-parent, step-child, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law or daughter-in-law. For purposes of “in-law” relationships, a relative of a domestic partner of a faculty member shall be treated in the same manner as would relatives of a faculty member’s spouse.

(ii) For purposes of this subpart (f), a “domestic partner” shall mean a person who is neither married nor related by blood or marriage to the faculty member but who is the faculty member’s sole spousal equivalent, lives together with the faculty member in the same residence and intends to do so indefinitely, and is responsible with the faculty member for each other’s welfare.

### **ARTICLE 3 - FACULTY AFFAIRS**

#### **Section 3.1 Faculty Affairs**

The Faculty, as defined in Section 2.7(a), shall formulate policies and standards for the academic program of the school, including the selection of faculty; the curriculum; the admission of students; and the academic standards for retention, advancement, and graduation of students. The tenured faculty shall formulate the standards for retention, tenure, and promotion of tenure-track and tenured faculty members.

Faculty affairs, and the procedures for dealing with them, are more specifically defined as follows:

3.1(a) All matters relating to the appointment and discipline of faculty members. No person described in Section 2.7(b), and no student except as provided for in Section 3.1(e), shall be present or participate on any such matter; provided that the student representatives and persons described in Section 2.7(b) shall be given the opportunity to address the Faculty on any such questions immediately prior to the consideration and vote on the matter by the Faculty. A motion to appoint or discipline a full-time faculty member shall not be adopted unless the motion is approved by two-thirds of those persons present at the meeting who are entitled to vote on the matter

3.1(b) All matters relating to the appointment of the Dean. No student or person described in Section 2.7(b) shall be present or participate on any such matter; provided that the student representatives and persons described in Section 2.7(b) shall be given the opportunity to address the Faculty on the matter immediately prior to its consideration and vote by the Faculty.

- (i) In the event of a vacancy in the Deanship, the Chair of the Tenured Faculty shall serve in the capacity of Acting Dean, subject to the approval of the President of the University, until the vacancy is filled or until another Acting Dean has been appointed.
- (ii) In the event of an announced resignation or retirement of the Dean, or a vacancy in the Deanship, a Decanal Search Committee shall be selected and begin its functions so that, if possible, no vacancy in the Deanship may occur.
- (iii) The composition, selection, and method of operation, of the Decanal Search Committee shall be mutually agreed upon by the Faculty and the University Administration.
- (iv) The Decanal Search Committee shall initiate, contact and screen candidates for the Deanship, and for the Acting Dean, if necessary, report its activities to the Faculty and recommend to the Faculty and University Administration candidates for the Deanship.
- (v) Faculty representatives to the Decanal Search Committee shall not recommend as acceptable to the University Administration any Deanship candidate who is not approved by two-thirds (2/3) of the full-time faculty members physically present and voting on the appointment of the Dean. The express requirement of physical presence under this paragraph shall not be interpreted as affecting in any manner the presence requirement pertaining to votes governed by other portions of the bylaws.

3.1(c) All matters relating to the following graduation requirements: criteria and standards of admission to the School of Law, the minimum number of hours per semester, and per year and for any degree, required courses and minimum grade point requirements for graduation and for continuation in the School of Law.

3.1(d) All matters involving petitions by individual students that come before any Faculty Meeting, including without limitation, admissions, readmissions, financial matters involving an individual student, loans and scholarships to individual students, awards and prizes, graduation requirements and disciplinary questions involving individual students.

- (i) No student may petition the faculty to review any matter which is otherwise nonreviewable pursuant to some other provision of these By-Laws or which was determined by a unanimous vote at a meeting of the appropriate Faculty Committee.
- (ii) Where a matter that is the subject of a student petition has been previously determined by a non-unanimous vote of the appropriate Faculty Committee (other than the Academic Responsibility Committee), it is reviewable by the Faculty only at the request of a member of the Committee who voted against the decision of the Committee. Matters

before the Academic Responsibility Committee as described in Section 4.1(e) are not reviewable. Such a request and the student petition for Faculty consideration shall be referred to the Chair of the Committee, who shall prepare a written response thereto setting forth the reasons for the Committee's decision. Both the petition and the response shall be circulated to the Faculty prior to the next Faculty Meeting.

(1) When a petition under this section is raised at the next Faculty Meeting, an immediate vote shall be taken solely on the basis of the petition and response as to whether the decision of the Committee should be considered by the Faculty. There shall be no debate prior to this vote. Unless two-thirds of those present and voting agree to consider the merits of the petition, the petition will be removed from the agenda.

(2) Should two-thirds of those present and voting agree pursuant to 3.1(d)(ii)(1) above to consider the petition, the Faculty shall proceed after debate to vote on the merits of the case. The standard to be applied at such vote is whether the Committee's decision was "clearly erroneous", that is, whether on the entire evidence the Faculty "is left with definite and firm conviction that a mistake has been committed", Zenith Corp. v. Hazeltine, 395 U.S. 100, 123 (1969). Two-thirds of those present and voting shall be required to overrule the Committee's decision.

(iii) No student other than the student petitioner shall be present during the discussion of any such matter, except that the President of the Student Bar Association may be present and have the privilege of the floor if the student petitioner so wishes. All students shall retire upon the call for the question. Faculty may briefly debate questions arising under this subsection after the retirement of the students and before voting.

### **Section 3.2. Retention, Promotion and Tenure**

All recommendations relating to retention, promotion, and tenure of faculty members shall be made by the tenured faculty members meeting as a Committee of the Whole to the Dean for transmission to the Vice Provost of the University, provided however, that said group shall distribute to the full-time faculty a list of basic guidelines or criteria which it uses in making its decisions on such matters.

### **Section 3.3. Administrative Appointments**

The Dean shall have the power to create all administrative positions, and to make all administrative appointments and such appointees shall serve in their positions at the pleasure of the Dean.

### **Section 3.4. Space Allocations**

The Dean has authority for all space allocation decisions. The Dean shall develop a space allocation policy for all faculty offices, the faculty library, classrooms, and other rooms in consultation with the Faculty Advisory Committee. The Dean may delegate space allocation decisions in the Library to the Director of the Law Library.

## **ARTICLE 4 - COMMITTEES**

### **Section 4.1 Standing Committees**

Standing Committees may make recommendations to the faculty as they deem appropriate.

#### **4.1(a) The Faculty Advisory Committee**

##### **Advice and Consultation**

The Faculty Advisory Committee shall advise the Dean, and the Dean shall consult the Faculty Advisory Committee, about matters of law school policy and governance that the Committee or the Dean deem advisable, that are referred to the Committee by Faculty resolution, or are referred to the Committee under the other provisions of the By-Laws.

##### **Study and Recommendation**

The Committee may study matters on its own initiative or on referral from the Faculty and make appropriate recommendations for action. In so doing, the Committee shall consult with any other Standing Committee whose area of responsibility includes the matter.

##### **Decisional Authority**

The Committee shall, upon request by the Dean, decide scholarship and financial assistance matters and designate recipients of prizes and awards. All decisions by the Committee with respect to scholarships, financial assistance, prizes, and awards shall be final and nonappealable.

##### **Procedure**

The Dean shall schedule meetings of the Committee regularly and shall set the agenda for the meeting in consultation with the chair of the Committee. If the Committee or the Faculty requests that a matter be considered by the Committee, the Dean shall place that matter on the agenda. A special meeting may be called at any time by the Dean or by the Chair

of the Committee. If the Committee has not met during the past sixty days, the Dean or the Chair of the Committee shall call a meeting upon written request by at least three members of the Committee.

4.1(b) The Admissions Committee

The Admissions Committee shall administer the policies adopted by the Faculty for admissions to the Law School.

4.1(c) The Curriculum Committee

The Curriculum Committee shall:

- (i) consider all matters relating to the curriculum and curriculum planning;  
and
- (ii) consider all matters relating to the graduation and any degree and program requirements.

4.1(d) The Faculty Selection Committee

The Faculty Selection Committee, with the Dean, shall recruit, process applications, interview, and make recommendations on hiring new or additional faculty to the Faculty.

4.1(e) The Academic Responsibility Committee

The Academic Responsibility Committee shall:

- (i) hear and decide any student petition:
  - (1) appealing a decision by the Associate Dean for Academic Affairs to deny that student's request to waive the attendance requirement when that student was absent for more than 10% but less than 30% of total sessions for a class;
  - (2) requesting a waiver of the attendance requirement when that student was absent for more than 30% of total sessions for a class;
  - (3) appealing a decision by the Associate Dean for Academic Affairs to deny that student's petition for readmission after academic dismissal;
  - (4) appealing a decision by the Associate Dean for Academic Affairs

to deny that student's petition to waive the waiting period required for readmission after academic dismissal; and

- (5) requesting readmission after having been readmitted after an academic dismissal and then dismissed for a second time.
- (ii) Committee decisions pertaining to the matters listed in 4.1(e)(1) are non-reviewable.
- (iii) The Committee, as constituted in accordance with the requirements of 4.1(e)(5), shall also hear all matters concerning alleged violations of the University of South Carolina School of Law Honor Code.
- (iv) The Academic Responsibility Committee shall consist of at least four (4) full time faculty members appointed by the Dean with the advice and consent of the Faculty Advisory Committee. Faculty members may be reappointed for more than three consecutive years.
- (v) For the matters described in 4.1(e)(3), three (3) full time Committee members shall serve on the "hearing panel" as described in The USC School of Law Student Handbook "VII Honor Code and Disciplinary Procedures."

#### 4.1(f) Creation or Disbandment of Standing Committees

- (i) The Faculty may create a Standing Committee by majority vote of the faculty, as defined in Section 2.7(a), present and voting. Standing Committees shall be listed in these By-Laws in Section 4.1 without separate action of the Faculty.
- (ii) The Faculty may disband a Standing Committee only by amendment to these By-Laws pursuant to Section 5.2 herein. Upon disbandment of a Standing Committee, such committee shall be deleted from the list in Section 4.1 without separate action of the Faculty.

### **Section 4.2 Special Committees and Administrative Committees**

#### 4.2(a) Special Committees

The Faculty may create, appoint members to, or dissolve one or more Special Committees by action at a Faculty Meeting. Any committee created by the Faculty is a Special Committee unless specifically designated as a Standing Committee.

#### 4.2(b) Administrative Committees

The Dean may create, appoint members to, or dissolve Administrative Committees.

### **Section 4.3   Composition of Standing Committees**

#### **4.3(a) Faculty Advisory Committee Members**

The Faculty Advisory Committee shall consist of five full-time Faculty members elected by persons entitled to vote pursuant to Section 2.7(a).

Members shall serve two-year terms, with the terms of either two or three members expiring each year. No person shall serve successive terms.

If a vacancy occurs on the Committee, the faculty shall elect a replacement to serve the remainder of the vacated term. If the partial term served by the replacement is twelve months or longer, the person filling the vacancy shall not be eligible for immediate re-election to the Committee. In no event shall a person serve for more than three consecutive years on the Committee.

The Associate Dean & Director of the Law Library, the Associate Dean for Clinics & Externships, the Associate Dean for Academic Affairs, the Associate Dean for Student Affairs, the Associate Dean for Faculty Development, and the Associate Dean for Diversity and Inclusion shall be nonvoting, *ex officio* members of the Faculty Advisory Committee.

The Faculty Advisory Committee shall elect its own Chair.

#### **4.3(b) Members of Other Standing Committees**

Unless otherwise provided by these By-laws, the Dean shall appoint Faculty members to serve on Standing Committees and may designate the Chair of each Standing Committee, after consultation with the Faculty Advisory Committee.

Absent extraordinary circumstances, appointments to such committees shall be subject to the following:

- (i) The term of a decanal appointment to a Standing Committee is one academic year;
- (ii) Any person appointed to replace a committee member shall serve for the balance of the academic year;
- (iii) A person who has been appointed to a Standing Committee for three consecutive years shall not be eligible for re-appointment to that committee until the second next academic year following expiration of the academic year of his or her last appointment.

- (iv) No person shall serve as chair of the same Standing Committee for more than three consecutive years, except as provided in Section 4.1(e).

#### 4.3(c) Student Representation

Each Standing Committee (including the Faculty Advisory Committee but excluding the Academic Responsibility Committee) shall ordinarily include two student representatives who shall be selected under procedures adopted by the Student Bar Association. Student representatives may not vote but may be present and participate in the discussion of all matters except consideration of any individual petition, request, application, or any other matter as to which the Standing Committee votes to proceed in executive session.

#### 4.3(d) Faculty Service on Standing Committee

The Dean may excuse a faculty member from service on a Standing Committee.

### **Section 4.4. Standing Committee Procedure and Reports**

#### 4.4(a) Standing Committee Procedure

Each Standing Committee shall adopt rules which shall include without limitation:

- (i) the taking and distributing of written minutes of all committee proceedings;
- (ii) how it will handle student petitions and other matters that come before it; requirements for a quorum and adoption or rejection of any matter;
- (iii) under what circumstances, if any, it will hold meetings at which noncommittee members will be entitled to attend; and how such procedures may be amended or repealed.

The procedures and rules adopted by each committee shall be distributed to each member of the committee, to each member of the Faculty and to such other persons designated by the Dean, and one copy shall be kept in the official files of the School of Law.

#### 4.4(b) Standing Committee Agenda

The agenda for each committee or subcommittee meeting, together with a statement as to whether non-committee members may be present and/or participate at the meeting in question, shall be made available in an appropriate manner at least two business days prior to meeting.

#### 4.4(c) Reports

Each Standing Committee shall make its recommendations and reports to a Faculty Meeting in writing, and a copy shall be distributed to each person entitled to participate on the matter in question as far as possible in advance of the meeting at which the report or recommendation will be considered but in no case later than the time the agenda for the meeting is distributed. A copy of the report or recommendation shall be attached to the official minutes of the meeting at which it is considered, and one copy shall be retained in the official files of the School of Law. Any committee member shall have the right to file a written dissent to any recommendation or report, which dissent shall be attached to and become a part of the official committee report. Each committee shall present a report of its activities at least once during each regular semester.

## **ARTICLE 5 - EFFECTIVE DATE; AMENDMENT AND CONSTRUCTION**

### **Section 5.1. Effective Date**

These By-Laws become effective immediately upon their approval by a majority vote of the faculty as defined in Section 2.7(a). Prior to final approval a copy of these By-Laws shall be provided to the Student Bar Association, which shall be entitled to make recommendations for changes.

### **Section 5.2. Amendment and Repeal**

These By-Laws may be amended or repealed in whole or in part in the following manner.

5.2(a) Written notice of the amendment or repealer, containing the language of the proposed change, shall be submitted to the Dean and attached to the agenda for the Faculty Meeting at which the amendment is first to be considered. The vote on any such motion shall not be taken until the next Faculty Meeting after the initial consideration of the motion unless a motion to suspend this limitation is supported by three-fourths of all other persons present at the meeting who are entitled to vote on such amendments. The notice of the next Faculty Meeting shall state the motion and indicate that a vote will be taken on the motion at that meeting.

5.2(b) A motion to amend or repeal any of these By-Laws except the provisions of Article 3 shall not be adopted unless the motion is approved by two-thirds of those persons present at the meeting who are entitled to vote on the matter. Only full-time faculty members, as set forth in Section 2.7(a) of Article 2 can vote on a motion to amend Article 3, and such motion will be effective only upon the affirmative vote of two-thirds of such faculty members present at the Faculty Meeting in question.

### **Section 5.3. Consistency with other Applicable Regulations**

Any provision of these By-Laws which is inconsistent with any applicable rules of the University of South Carolina, the Association of American Law Schools, or the American Bar Association, shall to the extent of such inconsistency be superseded by the provisions of such other regulations.

**Section 5.4. Severability**

Any provision in these By-Laws which is constructed to be in violation of any law or regulation, shall not in any way render any of the remaining provisions invalid.

Approved this 26th day of (October) in the year of the Independence of the United States of America the One Hundred and Ninety-Seventh.

In witnesseth whereof we set our Hand and affix the Seal of the Law School of this the (26th) day of (October) of the year of the Independence of the United States of America and One Hundred and Ninety-Seventh.

/s/ John S. Schultz

/s/ Robert W. Foster

Enacted: 10/26/72

Amended: 9/18/73  
1/17/74  
10/19/75  
1/14/76  
2/18/76  
5/05/76  
12/08/76  
4/13/77  
11/01/79  
11/11/81  
11/21/85  
5/08/86  
8/25/94  
10/13/94  
5/09/96  
5/08/97  
2/28/03  
11/03/09  
10/5/10 (rewrote § 3.1(b)(5))  
1/18/11 (rewrote portions of § 3.1, and all of §§4.1(a), 4.3 (a) and (b);  
deleted prior § 4.3(c); rewrote and relettered prior §§ 4.3(d)  
and 4.3(e) to reflect deletion)

2/12/19 (amended § 3.1(d)(ii), 4.1, and 4.3(c); added 4.1(e); relettered  
4.1(f) to reflect addition)  
4/14/20 (amended § 4.3(a))  
9/20/22 (amended § 2.3, 2.7(a))