

NOTE: The following text is excerpted from the October 3, 2013 meeting minutes of the South Carolina Commission on Higher Education. For a complete copy of these, which were approved by the Commission at its November 7 meeting, [CLICK HERE](#).

Excerpt, October 3 Meeting Minutes of the SC Commission on Higher Education:

6. Update on Charleston School of Law

-Richard Sutton

Dr. Sutton provided a briefing with regard to activities related to the Charleston School of Law (CSOL) since the September 5, 2013 CHE meeting. A copy of Dr. Sutton's remarks may be found in **Attachment II**.

Following Dr. Sutton's remarks, Commissioner Temple stated that one of the provisions of the CSOL license restricts free conversation regarding matters pertaining to a possible change of the school's ownership. He emphasized the importance of allowing all parties to freely vet and discuss the ownership status of CSOL in light of the number of interested individuals, including a large number of CSOL students, who have expressed a great deal of concern about it.

Commissioner Temple then made a **motion**, which was **seconded** by Commissioner Scarborough, to remove the condition on the CSOL license which disallows this free exchange of conversation. Discussion followed during which Commissioner Vaughn questioned whether approving the motion might be interpreted as supporting ownership of CSOL by the College of Charleston. Chairman Finan stated that it would not and approval of the motion is simply to allow discussion. Commissioner Vaughn stated further that, while he agreed with the allowance of conversation, he was not in favor at this point in time of the College of Charleston taking over CSOL. Commissioner Temple responded that conversation may at some point be vetted but that was not the issue before the Commission. He stated he is encouraging free conversation and that his motion on behalf of the board is to remove the condition on the license to allow conversation to take place which is important not only to the owners but to the students who are here at the meeting. He confirmed Commissioner Horne's conclusion that voting to allow free conversation could not in any way be construed as approval of any particular activity that may occur as a result of it. Additional discussion followed in which Commissioner Temple reiterated that the consideration at hand related only to the license which has two conditions or provisions, one relating to a change in ownership and the other to a restriction on conversation with parties. He explained that if either is violated, the license expires and removing the restriction will enable conversations to take place. Commissioner Vaughn inquired about what would result should the sale of CSOL to InfiLaw be finalized before free conversation takes place. Commissioner Temple and Dr. Sutton stated that InfiLaw, as the new owner, would have to apply to CHE for re-licensing of CSOL. In response to Commissioner Korrapati's question about whether this particular licensing condition pertained to any of the other licenses issued by CHE, Commissioner Temple and Ms. Eshleman stated that the CSOL license was the only license for which this condition was included.

Commissioner Horne concluded the discussion by emphasizing the importance of taking the ideas of the students and alumni of CSOL into consideration as conversations about the CSOL move forward.

The **motion**, therefore, before the Commission follows: The Commission agrees to remove the restriction contained in the operating license of the Charleston School of Law that has previously prohibited the school, or its officers or agents, from engaging in conversations that might constitute an attempt to cause the school to become a part of the College of Charleston or any other public institution. This action takes effect immediately and without expiration.

At the conclusion of the discussion the question was called, and the **motion** was voted on, and **unanimously carried**.