

**SOUTH CAROLINA COMMISSION ON HIGHER EDUCATION
BYLAWS, RULES, AND PROCEDURES**

I. Procedures Concerning Commission Meetings

1. The Commission will hold at least eight meetings per year with regular meetings of the Commission being held on the first Thursday of a calendar month, with scheduled exceptions. Meetings will be scheduled to permit the Commission periodically to visit campuses of the public colleges and universities.
2. Special meetings may be called by the Chair or upon the request of at least three members. No meeting will be convened on less than forty-eight hours notice without the consent of two-thirds of the members. Notice of special meetings must be provided in accordance with the South Carolina Freedom of Information Act¹ and include the agenda, date, time, and place of meeting. Business conducted in a special or called meeting shall be confined to the stated purpose.
3. The Chair will preside at all meetings of the Commission. If the Chair is absent, the Vice Chair will preside. The Chair is appointed by the Governor for a term of four years with the advice and consent of the Senate. The Vice Chair will be elected annually in August, or as soon thereafter as possible.
4. A simple majority of the members of the Commission will constitute a quorum.
5. The President and Executive Director will prepare an agenda for each meeting. The agenda must be approved by the Executive Committee. To the extent feasible the President and Executive Director will distribute electronic copies of the agenda and related materials to members of the Commission at least six days prior to the meeting.

Any Commission member may submit in writing to the Chair of the Commission and President and Executive Director that an item be placed on the agenda. Such request shall be made at least two business days prior to the regular meeting. The President and Executive Director, if directed by the Chair, shall ensure such item be placed on the agenda for that upcoming regular Commission meeting.

6. Committee recommendations that require Commission action must be submitted in writing to members of the Commission at least forty-eight (48) hours prior to a regular meeting. This requirement may be suspended upon approval of three-fourths of the members present at that meeting.

The forty-eight (48) hour requirement is suspended for committee recommendations concerning interim capital projects. Staff materials concerning interim capital projects are to be sent to the full Commission at the time of the committee mail-out to provide the Commission with all available information on the projects prior to the Commission meeting.

¹ SC Code of Laws Ann. §§ 30-4-10 *et al.* See §30-4-80, *Notice of meetings of public bodies.*

7. Any unfinished business must be placed on the agenda for the next meeting under the heading “Unfinished Business” to be taken up following any committee reports and prior to any new or other business.
8. Meetings of the Commission will be held in accordance with Roberts Rules of Order.
9. Meetings of the Commission are open; executive sessions, which are closed meetings, may be called only in accordance with the South Carolina Freedom of Information Act.
10. Members of the Commission are expected to attend all regularly scheduled and called meetings of the full Commission and its committees. State law (SC Code of Laws Ann. § 1-3-245) requires that a member who has three consecutive unexcused absences from regularly scheduled meetings is considered removed from the Commission and a vacancy is created. It further requires that the Chair of the Commission must as soon as practicable notify the Governor or appropriate appointing authority of the member’s three consecutive unexcused absences and of the resulting vacancy.

An unexcused absence shall be defined as an absence that was not requested in advance and approved by the Chair. Excused absences may also be granted after the fact at the discretion of the Chair.

11. The attendance record of all Commissioners shall be maintained by the President and Executive Director or appointed staff designee and reported at least annually to the Chair of the Commission who shall take action as deemed appropriate, which could include communication with the appropriate appointing authority.
12. Unless otherwise prohibited by the Commission’s enabling legislation, the Commission “Bylaws, Rules, and Procedures,” the South Carolina Freedom of Information Act, or other provision of State law, any or all Commission members may participate in a meeting of the Commission or any committee by means of conference call or other means of communication by which all persons participating in the meeting can hear each other at the same time. Participation by such means shall constitute attendance at such meeting and shall be recorded in the minutes as virtual attendance. However, participation in executive session may, at the discretion of the Chair, be limited to those members physically present at the meeting.
13. Commission members may not designate alternates to attend meetings. The following officials will be invited to all open meetings and will be provided electronic copies of materials sent in advance to Commission members: the State Superintendent of Education, the executive director of the State Board for Technical and Comprehensive Education, presidents of public and independent colleges and universities, the president of the South Carolina Independent Colleges and Universities Association, and the education aide to the Governor.
14. The use of proxies for purposes of determining a quorum, for voting, or any other purposes shall not be permitted. Members absent from a meeting can make their views known to other members of the Commission beforehand but will not be allowed to delegate their vote to another member.

15. Voting shall be by voice except in cases requiring a two-thirds vote which shall be counted by a show of hands. Any member may request a division vote by a show of hands prior to the results of the voice vote being announced. Any member may request a roll call vote to be recorded provided the request for a recorded roll call is made prior to the results of the vote being announced. A vote by ballot may be ordered by a majority vote.
16. Minutes of all open meetings of the Commission will be kept by the President and Executive Director and, to the extent feasible, distributed to each member at least six days prior to the next meeting.

II. Procedures Concerning Commission Staff

1. The Commission will employ a full-time director with the title of President and Executive Director to serve as its chief administrator, and such other staff as needed.
2. Duties of the President and Executive Director include:
 - a. serving as the professional administrator and executive secretary of the Commission;
 - b. advising the Commission on all educational matters, recommending policies and implementing procedures, directing all operations of the Commission office;
 - c. keeping minutes of all Commission meetings;
 - d. recommending a staff organization and manage daily operations;
 - e. hiring staff personnel for all positions;
 - f. representing the Commission in groups, bodies, agencies, and organizations as approved by the Chair; and
 - g. performing such other duties as may be assigned by the Commission.
3. No member of the Commission staff may be an employee, consultant, or member of a governing body of any public or private institution of higher learning in South Carolina.

III. Procedures Concerning Commission Committees

1. Executive Committee
 - a. The Executive Committee of the Commission will be composed of the Chair of the Commission, who will act as the committee's presiding officer; the Vice Chair; and the Chairs of the standing committees of the Commission.
 - b. The Executive Committee will have the power to act upon those matters delegated to it and will perform such duties as assigned by the full Commission. When appropriate, it will serve as the steering committee for such projects or programs not clearly within the purview of another standing committee.
2. Standing Committees
 - a. Act 410 (1978) states that "The Commission shall create from among its membership such standing committees as it may deem necessary. The creation of the committees and their duties shall be prescribed by a two-thirds vote of the membership of the commission. Special committees may be created, and their duties prescribed by a majority vote of the membership of the commission."

- b. Members of standing committees will be appointed by the Chair annually, at the August meeting or as soon thereafter as possible. Members may be reappointed. The Commission Chair shall initially appoint the chair of a newly created standing committee; thereafter, each committee will elect its own chair annually.
 - c. Committee election results will become effective at the next scheduled committee meeting.
 - d. The respective Commission staff division directors assigned to support a standing committee shall prepare the committee agenda for review and advice of the standing committee chair. In doing so, a similar procedure to that of the full Commission with respect to the distribution of the agenda and materials shall be followed (See Section I, Item 5). However, the committee agenda and materials need only be provided to committee members.
3. The Chair will appoint members to any special committees created by the Commission.

V. Council of Presidents

- 1. In accordance with § 59-103-40 of S.C. Code of Laws, the Commission on Higher Education has established the Council of Presidents.
- 2. The Council of Presidents is comprised of the chief executive officers of each South Carolina public institution of higher education. The Council may add additional members at its discretion.
- 3. The purpose of the Council of Presidents is to advance collaboration, cooperation, innovation, and efficiency across the state’s system of higher education by:
 - a. Advising the Commission on Higher Education on issues, policy, and other matters pertinent to postsecondary education;
 - b. Forging a strong sense of unity and purpose among South Carolina’s colleges and universities to promote the value of postsecondary education to the economic, social and cultural development of the state;
 - c. Providing a forum for discussing the mutual needs, concerns and issues facing public postsecondary education in South Carolina; and
 - d. Encouraging inter-institutional and inter-sector cooperation in meeting the postsecondary education goals of the state.
- 4. The members of the Council of Presidents shall determine how the Council will be governed, including the selection and terms of its officers. The Commission expects leadership to rotate annually between the state technical colleges and the four-year universities.
- 5. The Council shall hold regular meetings in accordance with § 59-103-40 of S.C. Code of Laws. The Commission will assist the Council in facilitating meetings.
- 6. Where appropriate and through mutual agreement between the Commission and the Council, representatives from the Council may serve as advisors to Commission standing and *ad hoc* committees.

VI. Amendments to Commission Bylaws

1. At least annually, the Commission Chair should cause the Commission's "Bylaws, Rules, and Procedures" to be reviewed. Any recommended changes as a result of this review shall be submitted in writing to the Commission at least fifteen (15) days prior to a regularly scheduled Commission meeting at which the Commission will act on the recommended changes.
2. Proposed amendments to the Commission's "Bylaws, Rules and Procedures" may also be presented in writing to the Commission at a scheduled meeting by any member of the Commission. The Chair at his or her discretion may give notice that any such proposed amendment may be acted upon at the next regularly scheduled meeting. The Chair of the Commission may elect to refer such proposed amendments to the appropriate standing committee for study. The committee will submit its recommendation in writing for approval of the Commission to all members at least fifteen (15) days in advance of the meeting at which action is to be taken.
3. None of these "Bylaws, Rules, and Procedures" shall be subject to change by appeal, alteration, or suspension except by a two-thirds vote and provided previous notice as required herein is given.

Revision by action of the Commission: December 2, 2022

Revision by action of the Commission: November 5, 2020

Revision by action of the Commission: May 7, 2020

Revision by action of the Commission: October 3, 2019

Revision by action of the Commission: February 4, 2016

Revision by action of the Commission: November 6, 2014

Amended by action of the Commission: August 1, 2007