

3.2.5 The governing board has a policy whereby members can be dismissed only for appropriate reasons and by a fair process. **(Board dismissal)**

The Off-Site Review Committee concluded that the Board consists mostly of elected officials and individuals elected by the General Assembly who can be *removed* only through the processes outlined in the South Carolina Constitution. Otherwise, the *Governor* can *remove* a Board member with a two-thirds majority of the General Assembly. The Governor's appointed member may be removed at the Governor's pleasure. There seems to be no way for the board to remove members through a fair process.

After reviewing this matter thoroughly with institutional representatives, the On-Site Review Committee found that the Governor is an *ex officio* member of the Boards of Trustees of many State institutions, including the University of South Carolina. According to the Bylaws of the Trustees, the Governor appoints members of the Board of Trustees in two ways: (1) as an at-large Trustee and (2) to fill vacancies created when Trustees elected by the General Assembly are removed or leave and the Assembly is not in session, said vacancy is filled by the Assembly at its next session. The Governor may also name a designee who sits in when the Governor is unable to attend a meeting of the Trustees. The term of the at-large member is effective upon certification by the Secretary of State and is four years. This member, like all other members, is subject to impeachment as set forth in Article XV of the South Carolina Constitution. In addition, the Trustees established policy BTRU 2.03 on February 4, 2011 by which it can initiate impeachment proceedings for just cause.

Thus, a fair process for dismissal exists of not only the at-large member of the Trustees named by the Governor but also for any member of the Trustees. The Governor's Designee is a proxy and thus is removed if the Governor is removed by impeachment, election, or other means under the law.