

SOUTH CAROLINA COMMISSION ON HIGHER EDUCATION

1333 Main Street, Suite 200  
Columbia, SC 29201

*Minutes of the Meeting*

September 4, 2003

9:30 a.m.

**Commission Members Present**

Mr. Dalton Floyd, Chairman  
Ms. Rosemary Byerly  
Ms. Sue Cole  
Mr. Larry Durham  
Dr. John Griffith  
Dr. Vermelle Johnson  
Mr. James Konduros  
Mr. Miles Loadholt  
Ms. DeLoris Oliver  
Gen. Tom Olsen  
Mr. Daniel Ravenel

**Commission Members Absent**

Dr. John Griffith  
Dr. Roger Stevenson

**Staff Present**

Mr. Michael Brown  
Ms. Camille Brown  
Ms. Renea Eshleman  
Dr. Conrad Festa  
Mr. Charlie FitzSimons  
Ms. Betsy Gunter  
Dr. Nancy Healy  
Ms. Yolanda Hudson  
Ms. Lynn Metcalf  
Ms. Julie Wahl  
Ms. Shayne Watts  
Dr. Karen Woodfaulk

**Guests**

Clay Barber  
Mr. Bill Bragdon  
Dr. Roger Burnett  
Robert S. Carr  
Donna Collins  
Ms. Brenda Cooley  
Dr. Anthony Coyne  
Ms. Suzie Edwards  
Richard Gershon  
Mr. Stan Godshall  
Ms. Denise Hammon  
Dr. Gary Hanson  
Dr. Tom Higerd  
Dr. David Hunter  
Leslie Johnson  
Ms. Karen Jones  
George C. Kosko  
Dr. Carol Lancaster  
Scott Ludlow  
Dr. Harry Matthews  
Ralph C. McCullough  
J.P. McKee  
Francis P. Mood  
Ms. Susan Prior  
Sherrie Tomlinson  
Mr. Troy Travis  
Billy Walker  
Ms. Catherine Watt  
Dr. Mitchell Zais

For the record, notification of this meeting was made to the public as required by the Freedom of Information Act.

The Commission on Higher Education met on September 4, 2003, at 9:30 a.m. in the conference room at Commission on Higher Education offices.

**I. Introductions**

Introductions were deferred for this meeting. Attendees are listed above. *Please note* – if there are changes to that list, please notify Betsy Gunter @ 803-737-2275.

## 2. Approval of Minutes

Chairman Floyd asked for a motion to approve the minutes as submitted. That **motion** was made by Mr. Ravenel, **seconded** by Mr. Konduros and, without discussion, unanimously **carried**.

### Chairman's Report

Chairman Floyd announced that, due to a function for Laura Bush to which he had been invited and was expected to attend, there would be a short recess at 11:00 a.m. at which time he would leave and ask Gen. Olsen to finish the meeting.

- ◆ The Trusteeship Conference has been rescheduled for November 12, prior to the Commission meeting on November 13.
- ◆ The November Commission Meeting to be held on November 6 has been rescheduled to November 13.
- ◆ The consultants are expected to present a report at that time.

## 3. Committee Reports

### 3.01 Report of the Executive Committee (No Report)

### 3.02 Report of the Committee on Academic Affairs and Licensing

Dr. Vermelle Johnson thanked Chairman Floyd and the Commissioners for the opportunity to serve as chair of the Committee on Academic Affairs and Licensing. She explained that if the preliminary work was done at the committee level, the work to be done by the full Commission was kept to a minimum and that is what the committee strives to do.

#### A. Consideration of Initial License for Charleston School of Law, J.D. degree

Dr. Johnson emphasized the point made by the committee that the Commission license the school on the condition that the school cannot, under any circumstances, become a part of the College of Charleston or any other public institution. A letter written to the Commission by the Honorable Alex Sanders reassuring them that there is no intention on the part of either the law school nor the College of Charleston to make the law school a part of the College of Charleston is included in **Attachment I** to these minutes. A similar letter was distributed at the meeting from President Higdon of the College of Charleston.

The Committee took its time yesterday considering the proposal and a report from Mr. Mood of the University of South Carolina Law School that they had no problem with establishment of a law school in Charleston. Judge Alex Sanders, spokesperson for the proposed Charleston School of Law, appeared before the committee and discussed with the committee generally and specifically responded to expressed concerns. Things considered included the need for this school, commitment to quality, employment market upon graduation, scholarships to assist students, and the long-term benefit to South Carolina. The committee then accepted the staff recommendation which is restated here:

**Recommendation:** The staff suggests that the Committee on Academic Affairs and Licensing recommend to the Commission that it grant to The Charleston School of Law approval to advertise and enroll students for classes to begin in September 2004, provided that 1) no "unique cost" or other special state funding be required or requested; 2) that CSOL submit to the Commission updated material to document compliance with the licensing requirements and the recommendations of the team as enumerated in the Team Report and shown below; 3) that a team visit the Charleston facility in May 2004 to confirm compliance; 4) that the team and the staff provide updated reporting and final recommendations to the Committee and the Commission in summer 2004; 5) that the institution establish a timeline under which it will gain ABA accreditation; report to the CHE staff on each step in the timeline; provide to the CHE staff a copy of correspondence to and from ABA, and discontinue advertising and enrolling students into the program if it becomes apparent that it is unable to meet its timeline to gain ABA accreditation; and 6) in the event that the school, or its officers or agents, should make an attempt to cause the school to become a part of the College of Charleston or any other public institution, the license granted to the school shall be null and void and immediately revoked.

**Compiled Recommendations from  
Licensing Team Evaluation Report  
Charleston School of Law  
Review conducted July/August 2003**

The **motion** stated above was made by Dr. Johnson, **seconded** by Mr. Konduros and **carried**.

Chairman Floyd stated that Judge Sanders and Mr. Mood from USC Law School would be recognized and invited to speak during the discussion period. Judge Sanders thanked the Commission staff and complimented them and the work they had done on this project and the manner in which they performed their duties. He explained his view of the need for this school, having observed the number of students who are not admitted to USC Law school because of the limitations of space and faculty and admission requirements to meet the needs of the prospective students. He further explained that this was certainly not intended as criticism of the present law school in that it is his own alma mater – it was just the fact that they could not accommodate all qualified students, but rather only the best qualified. He would like to see the new law school produce attorneys for public service and small towns to represent ordinary people.

When questioned as to how students would be able to pay the high tuition, Judge Sanders outlined three possibilities: 1) Organizers of the project have committed \$300,000 of their own money for scholarships the first year, and once the school is organized, there will be fund raising efforts for scholarships devoted to minority students and students committed to public service; 2) Legislation is pending in Congress to forgive student loans after a time of public service; 3) There will be students who are conscientious enough to repay the loans once they graduate.

Dr. Forbes asked how many private schools have failed in the past 20 years, to which Judge Sanders responded that no private school has failed in a way that was injurious to the public. If this school fails, it will be the private investors' money that is lost. Dr. Forbes asked if the founders were personally liable. Judge Sanders assured him the founders posted the bond required by law to do what they say they're going to do which is render the kind of education required by the accrediting body, the American Bar Association.

The question was also asked if the Chief Justice had an opinion on the law school to which Judge Sanders responded that he had spoken to the Chief Justice and she was concerned about its possible impact on USC's Law School, but she did not voice any opposition to Judge Sanders.

Dr. Forbes asked why not an engineering school which was badly needed instead of a law school for which employment outlook was mediocre. The answer of Judge Sanders was that the founders were not engineers and wouldn't know how to begin to organize an engineering school. Mr. Floyd pointed out that The Citadel already has an accredited engineering school in Charleston.

Mr. Loadholt was concerned about its impact on USC School of Law. He expressed hope that administration would keep that to a minimum. There was a similar situation in Florida recently with a school sold to another entity. He expressed hope that this school was not being organized to sell it at a later date.

Dean Mood of the USC Law School was recognized and invited to make remarks. He recounted the discussion at the committee level yesterday. There were a couple of reasons he asked to appear before the Commission this morning. The first is to make it clear that the University of South Carolina does not oppose recommendations of the staff in this case. The application was reviewed in detail as were the staff summary and reports of the external evaluation committee. This was done because the proposed project will provide opportunities for legal education which will be duplicative of those at the University of SC. They reached the same pragmatic conclusion that the staff did and that is that we live in a free economy and these are investors investing in a for-profit entrepreneurial effort as is their prerogative. The concern he expressed had (but for the commitment of the investors in the project and for the provisos put in the staff recommendation) to do with establishment of another public entity offering legal education in SC. With the present protections it has been decided that it would be "unbecoming of the university to take a position in opposition to a for profit enterprise like this."

The second reason Mr. Mood wanted to appear before the Commission was to try to dispel any inferences adverse to the University that might have been drawn from the rumors and discussions that have been publicly conducted. The USC School of Law wishes to assure the Commission that it is fulfilling its public purpose and its responsibility to provide legal educational opportunities to the citizens of the state. The career services office at USC reports that in 2002, 90% of the graduates of the law school were gainfully employed nine months after graduation. The extent to which they were in jobs they wanted to be in is not something that is reported. In the curriculum of the USC Law School, there are at least six offerings for students to prepare themselves for public interest/service law, ranging from criminal law to environmental law to health law and other areas. This is also addressed through extracurricular opportunities such as the pro bono program and some nationally recognized programs that provide resources for the guardian ad litem program, public defenders, Spanish outreach, hospice, and juvenile arbitration, to name a few. It is also addressed through student organizations and grant-funded programs.

Mr. Ravenel asked about numbers of graduates to which Dean Mood responded that the number of graduates this year was around 200. Mr. Ravenel asked about SC resident enrollment and Dean Mood replied that it is estimated that 28% of the students entering law school are non-residents. 85% of the graduates remain in South Carolina to practice law. Of the remaining 15%, the vast majority go to Georgia and North Carolina. There are, however, students who go

on to practice in major metropolitan areas of the country, and they are prepared by the school to do that if that is the path their careers take.

Dr. Forbes had a question as to the size of the law school and how many more students they could accommodate. Dean Mood answered that, based on the size of present classrooms (larger classrooms can accommodate 80 students), three sections of 80 were formed on admission of the last class. The professors feel that these are large numbers; the preferred class size is in the 40-50 range, but enrollment is based on the number that can be accommodated rather than on preferred class size. To go to a larger enrollment, another section would have to be added, which would require faculty to accommodate an additional section of students, as well as physical expansion of both existing space and the proposed new law school building.

Dr. Forbes mentioned that when he attempted to talk to faculty, he was told they were instructed not to talk to anybody, to which Dean Mood answered that he was certainly not aware of any such instruction, nor had he and his colleagues given any such instructions.

Chairman Floyd asked about efforts to increase minority enrollment, and Dean Mood assured him that was an ongoing process. Dr. Mood pointed out that they were particularly proud of the increase in minority enrollment this year. There was a 5.5% increase in 2002 and an 11% increase this year.

Mr. Konduros complimented both Dean Mood and Judge Sanders on their cooperation with each other and the Commission. South Carolina is fortunate to have both.

Gen. Olsen asked about accreditation and Judge Sanders responded that work will begin immediately on accreditation since graduates of an unaccredited law school cannot take the Bar exam in South Carolina.

Mr. Ravenel commented that he had not seen a proposal brought before the Commission that was more binding on the applicant. There was a question as to how this differs from a case a couple of years ago where the Commission, for all practical purposes, had to approve an out-of-state school, after advice from the Attorney General. In both cases, the licensing function is designed to protect consumers, not to impede or prevent competition.

The vote was then taken and passed with one negative (Forbes).

#### **B. Consideration of Amendment for License of Forrest Junior College, A.A.S. in Medical Assisting and A.S., in General Studies**

**Recommendation:** The staff suggests that the Committee recommend to the Commission approval of an amendment of the license for Forrest Junior College to offer a program leading to the A.A.S. degree in Medical Assisting for implementation after ACICS and CAAHEP accreditation are obtained.

Further, the staff suggests that the Committee recommend to the Commission approval of an amendment of the license for Forrest Junior College to offer a program leading to the A.S. degree in general studies for implementation after ACICS accreditation is obtained provided that:

- 1) the institution require that each student and applicant sign and date a statement similar to the following: I understand that it is unlikely that regionally accredited institutions will accept by transfer credit earned at Forrest Junior College. "I understand that Forrest Junior College is not accredited by the Southern Association of Colleges and Schools, the regional accrediting agency for the southeastern region of the United States. Forrest Junior College is accredited by the Accrediting Council for Independent Schools (ACICS)."
- 2) the institution establish a timeline under which it will gain SACS accreditation; report to the CHE staff on each step in the timeline; provide to the CHE staff a copy of correspondence to and from SACS; and discontinue advertising and enrolling students into the A.S. in General Studies if it becomes apparent that it is unable to meet the timeline to gain SACS accreditation by 2009.

Dr. Johnson reviewed the above recommendation, which is self-explanatory, and on behalf of the Committee on Academic Affairs and Licensing, made a **motion**, **seconded** by Dr. Forbes that the staff recommendation be approved. After some discussion about SACS accreditation, the vote was unanimously in favor of approval of the recommendation.

### C. New Program Proposals

1. B.S., Language and International Health, Clemson
2. Undergraduate Certificate, Teaching English to Speakers of Other Languages, USC-Spartanburg

On behalf of the Committee on Academic Affairs and Licensing, a **motion** was made (Johnson) and **seconded** (Oliver) to approve the two programs above. With no further discussion, the Commission voted to approve the programs as presented in **Attachment III**.

### D. Consideration of Budget for Research Centers for Economic Excellence, FY 2003-04

The operating budget for the Research Centers as contained in **Attachment IV** was sent out prior to this meeting and at this time, on behalf of the Committee on Academic Affairs and Licensing, a **motion** was made, **seconded** (Byerly) and **carried** to approve the operating budget for the Research Centers for Economic Excellence for FY 2003-2004.

### E. Consideration of Appropriations Request for Centers of Excellence Competitive Grants Program (Teacher Education), FY 2004-05

Dr. Johnson called attention to the item included in the increased appropriations request for FY 2004-05 to establish two new Centers of Excellence (**Attachment B**) and, on behalf of the Committee on Academic Affairs and Licensing, a **motion** (Johnson), was made, **seconded** (Forbes) and **carried** to approve the appropriation request (**Attachment V**).

### F. Consideration of Report on First-Time Entering Freshmen, FY 2002-03

Dr. Johnson called attention to the fact that, in **Attachment VI**, there are two schools that need corrections made and asked that the report be approved, but staff would not forward it until these corrections were made. During the discussion period, questions were raised as to what type of corrections and it was ultimately suggested that perhaps the Commission should wait until those corrections were made to approve it. Therefore, this item was deferred until such time as all corrections have been made and the report is ready to be submitted.

**G. Consideration of Guidelines for the Improving Teacher Quality Higher Education Grants Program, FY 2003-04**

The guidelines are **Attachment VII** and on behalf of the Committee on Academic Affairs and Licensing, a **motion** (Johnson) was made, **seconded** (Forbes) and **carried** to approve those guidelines as presented.

**H. Consideration of Guidelines for the Centers of Excellence Competitive Grants Program (Teacher Education), FY 2004-05**

On behalf of the Committee on Academic Affairs and Licensing, a **motion** (Johnson) was made, **seconded** (Durham) and **carried** to approve the guidelines as presented in **Attachment VIII**.

**I. Consideration of Annual Report on Compliance with English Fluency Act in Higher Education, FY 2002-03**

On behalf of the Committee on Academic Affairs and Licensing, a **motion** (Johnson) was made, **seconded** (Ravenel) and **carried** to accept this annual report. During discussion, Dr. Morrison was asked to comment and she reported that there had been no grievance by students this year. The full report is **Attachment IX**.

**3.03 Report of the Committee on Student Services**

- Ms. Sue Cole

**A. Consideration of EIA-Funded Teacher Recruitment Projects: Program Summaries and Proposed Appropriation Requests/Budgets for FY 2003-2004**

On behalf of the Committee on Student Services, a **motion** (Cole) was made, **seconded** (Ravenel) and **carried** to approve the Proposed Appropriations Requests, recognizing that there was no increase over last year. Reports and requests are **Attachment X**.

**B. Proposed Residency Regulations: Public Hearing**

The Commission approved the new Residency Regulation at its April 3, 2003 meeting. In accordance with the Administrative Procedures Act, a notice of a public hearing to be held today, September 4, was published in the *State Register* of June 27, 2003. Interested persons were asked to submit written comments on the proposed regulation. Persons desiring to make any comments at this hearing were asked to make limit their statements to five minutes or less. At this time the meeting was opened to the public to hear comments regarding the residency

regulations. Having no comments from the public, the hearing was concluded at approximately 10:30 a.m.

**3.04 Report of Committee on Finance and Facilities****- Ms. Rosemary Byerly****A. Consideration of Policy for Allocation of Lottery-Funded Technology Funds to Two-year Sector, Fiscal year 2003-2004 (per proviso 5A.28)**

Mrs. Byerly explained that the policy for allocation of lottery funds specifically for technology was developed, in concurrence with the Funding Advisory Committee and the Committee on Finance and Facilities did agree on this policy. The schedule for the allocation methodology is included in **Attachment XI** and another copy has been distributed today.

On behalf of the Committee on Finance and Facilities, a **motion** (Byerly) was made, **seconded** (Konduros) and **carried** to approve this policy.

**B. Interim Facilities Projects**

The interim facilities are listed (with full explanations) in **Attachment XII** and, on behalf of the Committee on Finance and Facilities, a **motion** (Byerly) was made, **seconded** (Johnson) and **carried** to approve those projects as they are presented.

**4. Report of the Executive Director**

This is Dr. Festa's first report as the Executive Director of the Commission on Higher Education. He reported that he is making appointments to visit individual presidents and legislators and announced Ms. Rita Allison's appointment as the Commission's Director of Communications and welcomed her to the Commission.

**5. Other Business**

There being no other business, the meeting was adjourned at 11:00 a.m.

Respectfully submitted,

*Betsy Gunter*

Recording Secretary

**Attachments I-XII**

\*Attachments are not included in this mailing, but will be filed with the permanent record of these minutes and are available for review upon request.