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SC STATE UNIVERSITY
OFFICE OF THE PRESIDENT

June 5, 2014

Dr. Thomas J. Elzey
President
South Carolina State University
P. O. Box 7008
300 College Street, N.E.
Orangeburg, SC 29117-0001

Dear Dr. Elzey:

The Commission's policy, "Standing Rules, Commission on Colleges, Executive Council, and the College Delegate Assembly," (available at www.sacscoc.org) stipulates that the Commission give appropriate consideration to significant accreditation-related unsolicited information revealed about an institution between periods of scheduled review. This policy provides that an institution be afforded the opportunity to respond to concerns raised by the review of the unsolicited information.

I am writing you today because of a recent news article regarding South Carolina State University's ongoing compliance with the *Principles of Accreditation*. The article indicates that the Chairman of the Board of Trustees "did not consult board members before seeking state approval of an attorney to serve as 'special' legal counsel for the university" (Zaleski, Gene. "S.C. State Trustees Question Chairman on Hiring." The Times and Democrat, April 30, 2014. http://thetandd.com/news/s-c-state-trustees-question-chairman-on-hiring-attorney/article_84aa4b3e-d01e-11e3-93ca-0019bb2963f4.html). The chairman's unilateral action seems to be a violation of the Board Bylaws and could be considered minority control of the board and also the Board's failure to follow its own policy.

In accordance with the Commission's policy on handling unsolicited information, I am requesting that the institution prepare a report that explains and documents the extent of its compliance with following standard of the *Principles of Accreditation*:

- **Core Requirement 2.2 (Governing Board)**

The institution has a governing board of at least five members that is the legal body with specific authority over the institution. The board is an active policy-making body for the institution and is ultimately responsible for ensuring that the financial resources of the institution are adequate to provide a sound educational program. The board is not controlled by a minority of board members or by organizations or interests separate from it. Both the presiding officer of the board and a majority of other voting members of the board are free of any contractual, employment, or personal or familial financial interest in the institution.

A copy of the *Principles* and the news article in question are enclosed for your convenience. Please provide two copies of a report addressing the institution's ongoing compliance with the



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aforementioned standard by no later than **July 7, 2014**. In addition to documents you might provide to support compliance, specifically include a copy of the Board Bylaws, a copy of the Board minutes for the April 24, 2014 meeting, and any other Board minutes or official documentation relevant to the situation. Summarize any actions taken to safeguard the institution against the Board of Trustees being controlled by a minority of members and to prevent future violations of the Board's Bylaws.

In accord with Commission policy on the receipt of unsolicited information, the institution's response will be reviewed, and if Commission staff determines that the information is of factual substance and is accreditation related, the information and documentation, along with the institution's response will be forwarded to the Committees on Compliance and Reports, a standing committee of the SACSCOC Board of Trustees, for formal review. Or, it is possible that the President of the Commission could authorize a Special Committee to review the institution. Please note that this issue will **not** be considered as part of the Board's review of South Carolina State University during its meeting this month, as you have not yet had an opportunity to respond.

If you have any questions, please feel free to contact me at 404-994-6576.

Sincerely,

A handwritten signature in blue ink that reads "Crystal A. Baird".

Dr. Crystal A. Baird
Vice President

CAB:ktf

cc: Dr. Belle S. Wheelan
Dr. William Small

S.C. State trustees question chairman on hiring attorney

APRIL 30, 2014 12:45 AM • BY GENE ZALESKI, T&D STAFF WRITER



Some South Carolina State trustees have questioned why the chairman did not consult board members before seeking state approval of an attorney to serve as “special” legal counsel for the university.

S.C. State board Chairman Dr. William Small informed trustees on April 24 that he had submitted the name of an attorney to the South

Carolina Attorney General’s Office. The counsel would be used in “special situations.”

“Why were we not made aware of this?” trustee Dennis Nielsen said. “Don’t we have some input?”

Small said the board has plenty of input.

“We are not locked into one individual,” he said. “This person will go on a list of approved counsels. This person was recommended to me, quite frankly. I am not going to name the firm. That is where it is.”

“I really have a problem with that,” Nielsen said. “As a board, we need to know who that is.”

Small then offered any of the board members an opportunity to provide a recommendation.

“The last time we went through this, it fell flat,” he said. “The board was not even convinced we needed anybody. We need a counsel to advise us in certain situations. It went nowhere with this board.”

“Was this a board request or a personal request?” trustee Cathy Novinger asked Small.

“It doesn’t matter,” Small said. “Maybe I exceeded my authority; maybe I will be impeached, but it came down to me. I was not interested in doing the back and forth.”

“If we don’t want to use that individual, if we have another name we want to put on the list, let’s do it,” Small said. “We need somebody in a very, very quick way to provide legal assistance in special situations to this board.”

Novinger said she did have some names she would like to recommend, but said she would nominate individuals in closed session. There was no vote taken on the matter in open session.

“I was operating in what I thought was a needed way and I moved,” Small said. “Quite frankly, I

do not apologize for that.”

“Wow!” Novinger said in response.

The board currently utilizes Craig Burgess for legal counsel. Why another attorney is needed was not explained.

It is not the first time university trustees have argued over the board’s legal counsel.

Last year, some trustees questioned then-Chairman Dr. Walter L. Tobin about his consultation with outside attorneys about the legality of the university’s presidential search. The consultation with outside attorneys was not made with the rest of the board’s knowledge.

In other matters from April 24, Small said the university is looking to possibly partner with the University of Phoenix in a pilot program as part of a distance-learning initiative.

“As our budget continues to shrink, it will become more of an issue,” Small said. “How we will address it, I don’t know. We do need as a community and as a college to re-evaluate our strategies of growth and development. We need to create new markets.”

S.C. State President Thomas Elzey said the university plans to hire a person to pursue the opportunity with the University of Phoenix.

Elzey said S.C. State will weigh the pros and cons of the partnership, such as the potential for students to leave S.C. State for Phoenix.

“How do we do this as a state institution where there are requirements where we have to have a bidding process before we enter into a contract?” Elzey said. “The second thing is what will be the revenue-sharing proposition? Those are the questions we have to work through.”

Also, trustee Ronald B. Henegan Sr. asked university administration about an update on the State Law Enforcement Division investigation on the fatal shooting that occurred on campus on Jan. 24.

University Police Chief Mernard Clarkson said all the suspects from the shooting have been indicted and are awaiting trial.

Trustee Robert Waldrep asked if ways to prevent a future shooting on campus have been examined.

“We are educating students and parents,” Clarkson said, noting there are also plans to have a gathering of all the state’s university campus police for a session on the challenges of campus policing.

“What is the timeline for security cameras?” Trustee Pearl Ascue asked.

“We have some to move to strategic locations where cameras should pick you up at some point,” Clarkson said.

Elzey said the school also has conflict-resolution workshops scheduled for faculty and students to talk about the shooting.

In other business:

* Small said he will “bet his tractor” that the school’s response to the Southern Association of Colleges and Schools recent visit went well. The SACS committee will release its findings in a final report in June.

The university is under a warning centered around two compliance issues: board governance and the financial stability of the university.

* Trustees unanimously approved a bachelor-of-science degree in industrial engineering.

* Trustees unanimously approved an African-American studies program within its history concentration. The course will include studies of African history as well as African-American history.

* Trustees unanimously approved an international studies program within its history concentration. The course will include the study of international relationships, international law, international finance and international marketing.

* Trustees voted to renew the contracts for football coach Buddy Pough and head basketball coach Murray Garvin with four-year extensions. Specifics of the contracts were requested but not provided.

Contact the writer: gzaleski@timesanddemocrat.com or 803-533-5551.