

<b>ADMINISTRATIVE DIVISION</b>	BTRU Board of Trustees
<b>POLICY NUMBER</b>	BTRU 2.03
<b>POLICY TITLE</b>	Censure, Sanction, or Removal of a Board of Trustees Member
<b>SCOPE OF POLICY</b>	USC System
<b>DATE OF REVISION</b>	December 13, 2022
<b>RESPONSIBLE OFFICER</b>	Secretary of the Board of Trustees
<b>ADMINISTRATIVE OFFICE</b>	Board of Trustees

**PURPOSE**

Sound governance for boards of U.S. colleges and universities entails that those boards enforce standards for membership of trustees in good standing and therefore that boards possess the tools for enforcing standards for membership of trustees in good standing.

Likewise, Standard 4.2.b (Board dismissal) of the 2018 edition of the Principles of Accreditation: Foundation for Quality Enhancement of the Southern Association of Colleges and Schools Commission on Colleges, the University of South Carolina’s regional accrediting body, mandates that the University’s Board of Trustees must have “appropriate and fair processes for the dismissal of a board member.”

The University of South Carolina Board of Trustees does not elect its own members, and the Board lacks the direct ability to dismiss a Trustee. An “appropriate and fair process” for the University’s Board of Trustees therefore entails requesting initiation of impeachment or removal by the elected official(s) responsible for potential dismissal of (and possessing the authority to dismiss) any Trustee in question.

Consistent with sound practices among governing board of U.S. colleges and universities, this policy includes also the process by which a disciplinary action less than removal of a Trustee may be pursued by the Board.

**DEFINITIONS**

**Board of Trustees or Board:** The University of South Carolina (USC) Board of Trustees, the governing board of the University System.

**Censure:** to express disapproval.

**Sanction:** to impose a penalty.

**POLICY STATEMENT**

This policy outlines three methods by which the Board of Trustees may enforce disciplinary action among its members. In order of severity from least to most severe, these are 1) censure, 2) sanction, and 3) request for impeachment or removal.

In the cases of potential censure, sanction, or removal, the Governance Committee of the Board of Trustees first reviews the circumstances giving rise to the potential for censure, sanction, or removal. If the Governance Committee finds the circumstances warrant consideration by the

Board of Trustees for possible censure, sanction, or removal, the Committee shall forward the matter to the Board of Trustees for appropriate consideration consistent with the due process guarantees outlined in this policy. If the Governance Committee finds the circumstances do not warrant consideration by the Board of Trustees for possible censure, sanction, or removal, consideration of the matter shall end, and the Governance Committee shall inform the Chair of the Board of Trustees of its determination.

## **PROCEDURES**

### **A. Public Censure and Public Sanction of Board Member.**

1. **Public Censure.** In the event the Board of Trustees determines, by a two-thirds vote of the entire Board (fourteen or more votes required) in public session, that the conduct of any member of the Board of Trustees necessitates censure, the Board may censure that member and a formal statement of censure of the Trustee will be archived in the Board's minutes.
2. **Public Sanction.** In the event the Board of Trustees determines, by a two-thirds vote of the entire Board (fourteen or more votes required) in public session, that the conduct of any member of the Board of Trustees necessitates sanction, the Board may sanction that member and a formal statement of sanction of the Trustee will be archived in the Board's minutes. The terms and duration of this sanction will be defined, by a two-thirds vote of the entire Board (fourteen or more votes required) in public session, by the Board of Trustees. Any sanction by the Board may include suspension of privileges not belonging to the member according to statute. (The imposition of a penalty denotes such disciplinary action as a "sanction," yet the inclusion of a formal statement denotes such disciplinary action as a "censure" as well. For the purposes of this policy, therefore, a "sanction" serves both as a censure and a sanction. That is, "censure" is subsumed under "sanction" in this policy.)
3. **Due Process.** Following receipt of a recommendation from the Governance Committee and before seeking the public censure or sanction of any member of the Board of Trustees, the Board of Trustees shall inform the member against whom such action shall be taken, in writing, of the cause or causes giving rise to such action and shall give him/her an opportunity on reasonable notice to be heard. The Board of Trustees acknowledges that the public censure or sanction of a member of the Board of Trustees should be pursued only in cases of significant or multiple instances of misconduct including but not limited to conduct found by the Board to be:
  - a. prejudicial to the interests of the University; or
  - b. negatively and significantly impacting the University; or
  - c. resulting in disgrace or embarrassment to the University; or

- d. in violation of the Bylaws of the Board of Trustees or violating the Board of Trustees Code of Conduct and Statement of Commitment; or
- e. in violation of one or more of the policies of the Board of Trustees, including but not limited to BTRU 1.18 (“Conflict of Interests”), BTRU 1.19 (“Protecting the Institution from External Influences”), or BTRU 3.02 (“Fiduciary Duties of Trustees”).

B. Removal of Board Member.

- 1. Removal. In the event the Board of Trustees determines, by a two-thirds vote of the entire Board (fourteen or more votes required) in public session, that the conduct of any member of the Board of Trustees meets the applicable standard for removal by the Governor set forth in Section 1-3-240 of the South Carolina Code of Laws, or for impeachment set forth in Article XV of the South Carolina Constitution, the Board of Trustees hereby accepts responsibility for (i) requesting removal by the Governor, or (ii) requesting the initiation of impeachment proceedings by the South Carolina General Assembly, pursuant to Article XV, Section One of the South Carolina Constitution, or (iii) petitioning the Governor to initiate proceedings for removal pursuant to Article XV, Section Three of the South Carolina Constitution.

Request for impeachment or removal of a member may follow previous censure(s) and/or sanction(s). That is, a history of previous censure(s) and/or sanction(s) may necessitate the Board’s requesting impeachment or removal.

- 2. Due Process. Following receipt of a recommendation from the Governance Committee and before requesting action by the Governor or the South Carolina General Assembly, as applicable, to remove a member of the Board of Trustees, the Board of Trustees shall inform the member against whom such removal action shall be taken, in writing, of the cause or causes giving rise to such action and shall give him/her an opportunity on reasonable notice to be heard. The Board of Trustees acknowledges that the removal of a member of the Board of Trustees should be pursued only in cases of significant or multiple instances of misconduct including but not limited to conduct found by the Board to be:
  - a. malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity (SC Code of Laws Section 1-3-240);
  - b. serious crimes or serious misconduct in office (SC Constitution, Article XV, Section 1);
  - c. willful neglect of duty (SC Constitution, Article XV, Section 3);
  - d. embezzlement or the appropriation of public or trust funds to private use (SC Constitution, Article VI, Section 8).

**RELATED UNIVERSITY, STATE AND FEDERAL POLICIES**

[South Carolina Constitution](#)

[Bylaws of the University of South Carolina Board of Trustees](#)

[University of South Carolina Policies and Procedures Manual](#)

**HISTORY OF REVISIONS**

<b>DATE OF REVISION</b>	<b>REASON FOR REVISION</b>
February 4, 2011	New policy approval
March 2016	Policy organization, content, and accuracy reviewed. The name of the current Secretary of the Board of Trustees was added as the authorizing agent.
December 13, 2022	Policy title and text regarding censure, sanction, and due process revised. Name of the current Secretary of the Board of Trustees was updated as the authorizing agent.