

1973 WL 26618 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 16, 1973

***1 Re: Transfer of Lander College to the State Higher Education System.**

Mr. E. Don Herd, Jr.
President
Lander College
Greenwood, South Carolina 29646

Dear Mr. Herd:

You have posed three questions concerning the transfer of Lander College to the State higher education system. I will render opinions on these questions in the order in which they were presented:

1) Will Lander College, when it becomes part of the State higher education system, be legally regarded as a new institution or a continuation of the existing institution except with a new governing body? This is important from the standpoint of accreditation by the Southern Association. Lander is now accredited and that accreditation will continue uninterrupted if there is only a governance change.

The determination as to whether or not Lander College will be regarded as a continuing institution or a new institution for the purpose of accreditation is left solely up to the Southern Association of Colleges and Schools. The Commission on Colleges of the Southern Association has defined and classified the principal substantive changes which institutions undergo, and has developed policies applying to these changes. The policy on the change of a college from private to public status is as follows: 'When an accredited institution undergoes a change of governance, the institution may be regarded by the Executive Council as a new institution effective with the date on which the change takes place. Such an institution will be eligible immediately to seek accreditation in a manner prescribed by the Commission on Colleges.' (emphasis added).

You will note from the foregoing that the determination as to how the institution is to be regarded is a discretionary determination which is left up to Executive Council. I would suggest that a representative from Lander College contact the Southern Association and request their opinion on the matter.

As far as the State of South Carolina is concerned, it is my understanding from the South Carolina Commission on Higher Education that they will regard Lander College as a continuing institution under a new governing body.

2) What will be the status of existing faculty and staff contracts, letters of tenure, etc., as of July 1, 1973?

The new governing body of Lander College as of July 1, 1973, will be the State College Board of Trustees (Section 22-61, Code of Laws of South Carolina, 1962). Existing faculty and staff contracts, letters of tenure, etc., will continue subject to approval by the State Board. Usually these matters are worked out in advance between the chairman of the present board of trustees and the chairman of the South Carolina State Board of Trustees.

3) What will be the status of existing contracts with the federal government, especially in such areas as financial aid, grants, nursing loans, etc.? Will all these contracts be binding after July 1, 1973, since such contracts have either been or are now being negotiated for academic year 1973-74?

*2 Existing contracts with the federal government for the 1973-74 academic year will remain unaffected after July 1, 1973; however, it would perhaps be advisable to coordinate any further negotiations for federal contracts with the State College Board of Trustees in order to insure a smoother transition.

If we can be of any further assistance, please do not hesitate to let us know.

Very truly yours,

Walter Davies Merry, III
Assistant Attorney General

1973 WL 26618 (S.C.A.G.)

End of Document

© 2019 Thomson Reuters. No claim to original U.S. Government Works.