

**UNIVERSITY OF SOUTH CAROLINA
SCHOOL OF LAW
FACULTY BY-LAWS
(Reflecting Amendments Through January 18, 2011)**

ARTICLE 1 - PURPOSE

The purpose of these By-Laws is to provide written rules for (1) the conduct of all Faculty Meetings and (2) the internal organization and functioning of the Faculty.

ARTICLE 2 - FACULTY MEETINGS

Section 2.1. Time of Meetings

2.1(a) Regular Meetings. A Faculty Meeting shall be called by the Dean or Dean's designee prior to the end of the first full week of classes of each semester, which meeting shall be held before the end of the second full week of classes at a time and place specified in the notice. At this meeting, or at an adjourned session thereof, those present entitled to vote, as set forth in Section 2.7 of these By-Laws, shall fix by resolution the time of the regular Faculty Meetings for that semester. Regular meetings shall be held at that time unless cancelled by the Dean. No regular meetings shall be held between graduation and the beginning of the following fall semester.

2.1(b) Special Meetings. Special Faculty Meetings may be called by the Dean, or Dean's designee, at such times as he or she deems necessary. In addition the Dean shall call a special meeting whenever a special request therefore, stating the matters to be considered, is submitted to him by at least ten percent (10%) of all the persons entitled to vote on the matter. At least three (3) working days advance notice of any special meeting shall be given to each person entitled to attend and vote on the matters to be considered.

2.1(c) Special Meetings During the Summer. Special Faculty Meetings may be convened between graduation and the beginning of the following fall semester by the Dean or Dean's designee to dispose of such business as the Presiding Officer shall declare cannot reasonably be postponed until the fall semester. All persons set forth in Section 2.7 shall be entitled to attend and vote on any matter at any such meeting, subject to the limitations set forth in Section 2.7, except that any faculty member whose faculty appointment will not continue during the next regular academic semester and any student representative who will not be eligible to enroll for the next regular academic semester will not be eligible to attend or vote and new faculty members who are present in the Columbia area at the time of any such meeting shall be entitled to attend and to vote on the same basis as other faculty members. Any action taken at such meeting that is approved by two-thirds (2/3) of the persons present and entitled to vote on the matter shall be binding and have the same effect as if adopted at a regular or special Faculty Meeting; provided however, that the Dean shall make an effort to communicate any such action in writing to all persons entitled to vote on the matter as soon as is practicable after the action is taken: and provided further that if more than a majority but less than two-thirds of those present and entitled to vote on the matter approve of a particular question, the matter in question shall be conditionally approved subject to ratification at a subsequent regular or Special Faculty Meeting. Advance notice of such meeting shall be given to all entitled to vote on the matters under consideration.

Section 2.2 Place of Meetings

All Faculty Meetings shall be held at the Law Center in the place where such meetings are customarily held unless the notice thereof designates a different place.

Section 2.3. Quorum

The actual presence of a majority of the full-time faculty members of the Law Center as defined more fully in Section 2.7, shall be necessary to constitute a quorum for the purpose of transacting business at all Faculty Meetings, except that thirty-five percent (35%) of the full-time faculty members from the preceding academic year shall constitute a quorum for special meetings held during the summer. To be approved and effective, any matter brought before any Faculty Meeting which has the requisite quorum must receive the affirmative vote of a majority of those present and voting except as otherwise provided in these By-Laws or required by law. No proxies will be allowed or votes cast by proxy at any Faculty Meeting.

Section 2.4. Officers at Faculty Meetings

With respect to Faculty Meetings the following officers shall have the duties described below:

1. President Officer. The Dean or in his or her absence the senior tenured faculty member present shall preside at all Faculty Meetings. The presiding officer shall have the privilege of the floor on all matters, and shall have vote on all matters.

2. The Secretary. At the beginning of each academic year the Dean shall select a person to act as Secretary for Faculty Meetings. The Secretary's duties shall include the preparation and distribution of the Minutes, in accordance with the provisions of Section 2.6 of these By-Laws, and shall perform such further duties as the Dean may assign from time to time.

3. The Parliamentarian. At the initial Faculty Meeting of each academic year, a person shall be elected to act as Parliamentarian for Faculty Meetings. The Parliamentarian will rule on all disputes as to the procedure and conduct of Faculty Meetings. In the event no person is willing to assume the duties of this position, the Dean shall have the power to appoint a Parliamentarian, by and with the consent of the majority of all persons present and entitled to vote at the Faculty Meeting in question.

Section 2.5. Faculty Meeting Procedures

2.5(a). Order of Business. The order of business at all Faculty meetings shall be:

1. Reading and approval of any unapproved Faculty Minutes.

2. Disposition of items on the agenda for the meeting, as is more fully set forth in section 2.5(b) below.

3. Items of information and matters not on the agenda considered under the provisions of section 2.5(b) below.

4. Adjournment.

2.5(b) Agenda. An agenda shall be distributed to all persons entitled to be present at the Faculty Meeting and as far in advance as is practicable in the case of special and summer Faculty Meetings. One copy of the agenda, as provided in 2.6(c), shall be posted on the student bulletin board at the same time that the agenda is distributed to the faculty. To be placed on the agenda, an item must be presented to the Dean or Dean's designee no later than 5:00 p.m. the fourth working day preceding a regular Faculty Meeting and prior to the time the agenda is given to a secretary for typing in the case of any other Faculty Meeting. No matter which has been referred to or considered by a Committee shall be placed on an agenda unless accompanied by a written Committee report containing the Committee's recommendations, which report will be distributed as an exhibit to the agenda, if not previously distributed to all persons entitled to vote on the matter. Items not on the agenda shall be considered only for the purpose of reference to an appropriate committee unless a majority of those persons present and entitled to vote on the matter agree that consideration of the particular matter cannot be postponed until the next regular Faculty Meeting; provided however, that a motion to discharge a matter previously submitted to a Committee may be made at any regular Faculty Meeting.

2.5(c) Robert's Rules of Order. All Faculty Meetings shall be conducted in accordance with the parliamentary procedure prescribed by the latest published edition of Robert's Rules of Order. In the event of any conflict between said Rules and any provision in these By-Laws, the By-Law provision shall prevail. A motion to go into executive session is neither debatable nor amendable.

2.5(d) Obligations of Those Present at Meetings. Every person present at a Faculty Meeting is under a moral and professional obligation to respect the good faith and honest expressions of opinions of others present, and to take the due care not to generate or foster forces destructive of the student-faculty relationship.

2.5(e) Reconsideration of Action Previously Taken. A motion to reconsider for any reason, may be made by any person who voted with the prevailing side at the next Faculty Meeting following the meeting in question. Except as set forth in the preceding sentence a particular question that has been disapproved or defeated cannot be placed on an agenda or otherwise reconsidered in a Faculty Meeting until after the expiration of 3 months or the beginning of the next regular semester, whichever first occurs.

Section 2.6. Minutes of the Faculty Meetings

2.6(a) The Secretary shall prepare written minutes of all Faculty Meetings. These minutes which shall be known as the official minutes, as opposed to the abridged minutes provided for in Section 2.6(d) of these By-Laws, shall include a copy of all committee reports and recommendations acted upon in the meeting, except to the extent otherwise provided in this Section, and shall be prepared and distributed as soon as practicable after each meeting, but in no event more than 10 days after the meeting. One copy of the official Minutes shall be included in the official files of the Law Center and/or in the Official Law Center Minute Book and one copy (less attachments) shall be distributed to each faculty member; and one copy of the Minutes, abridged as provided in Section 2.6(c), shall be distributed to all persons entitled to be present at the meeting pursuant to Section 2.7(b), (c), and (d) of these By-Laws. The official copy(s) of the faculty Minutes may be inspected by faculty members during normal business hours and by other persons only with the permission of the Dean.

2.6(b) The votes of the individuals shall not appear in the minutes of a meeting unless the individual requests that his or her vote be recorded on any question. Each matter acted upon in a meeting shall be reported in the Minutes as passed or not passed, or under similar designation, and a numerical count of a particular vote be included as passed by a majority of the persons entitled to vote on the particular question.

2.6(c) The details of any action by or against an existing, prospective or former individual student, faculty member or administrative person and any committee reports thereon shall not be included in the copy of the Minutes distributed or made available to non-faculty persons; and upon the recommendation of the Dean, by and with the consent of a majority of those present and entitled to vote on the matter in question, the name of the individual involved and facts or other material relating on the matter may be deleted from any copy of the Minutes distributed or made available to non-faculty persons, provided, however, that the individual by or against whom such an action is brought may waive the anonymity provided by this section.

2.6(d) At least one copy of the faculty minutes abridged as set forth in subsection 2.6(c) of this Section shall be posted for a period of at least one week following approval in a place or places in the Law Center designated by the Dean; and after being so posted shall be retained in a special file which shall be available for inspection by any student or faculty member during normal business hours. At the request of the student representatives additional copies of said minutes shall be made available for posting.

Section 2.7. Participation and Voting at Faculty Meetings

The following rules will govern presence participation and voting at Faculty Meetings:

2.7(a) All full-time faculty members, including the Dean, Professors, Associate Professors, Assistant Professors, Professors of any rank holding joint appointments in the Law School and any other college, department, or division of the University, visiting faculty members who have accepted offers of permanent employment, Emeriti Professors, and the Director of Clinics shall be entitled to be present, to participate and to vote on all matters brought before Faculty Meetings, except as otherwise provided in these By-Laws.

2.7(b) Part-Time Instructors and Lecturers, Associate Professors, Teaching Associates, the president of the Student Bar Association, and any administrative personnel designated by the Dean shall be entitled to be present and to have the privilege of the floor at any meeting except as otherwise provided in these By-Laws.

2.7(c) Any regular enrolled student of the Law Center may attend a Faculty Meeting as an observer only, without the privilege of the floor or a vote on any matter; provided that attendance of Law Center students shall be on a first come, first admitted basis up to the seating capacity of the place where the meeting is held; provided further that it shall be the responsibility of the Student Bar Association to insure the orderly seating and conduct of all students attending Faculty Meetings. Nothing in this subsection shall be construed to be in derogation of the right of the faculty to proceed in executive session or otherwise to excuse students from a Faculty Meeting as provided in these By-Laws.

2.7(d) Any other person may attend a Faculty Meeting upon special invitation of the Dean or a Committee Chairman, or upon approval of the majority of those persons present at the meeting for a limited purpose of addressing the Meeting on an item on the agenda in which that person has a particular interest.

2.7(e) Nothing contained in subsections (a) through (e) of this section shall prevent the faculty from authorizing other persons to attend faculty meetings by ordinary resolution.

2.7(f) Notwithstanding anything in Section 2.7(a) to the contrary, a faculty member shall be recused from the discussion and vote on matters concerning an immediate family member.

(i) For purposes of this subpart (f), an “immediate family member” of a faculty member shall include that faculty member’s parent, child, grandparent, grandchild, sibling, uncle, aunt, nephew, niece, first cousin, spouse, domestic partner, step-parent, step-child, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law or daughter-in-law. For purposes of “in-law” relationships, a relative of a domestic partner of a faculty member shall be treated in the same manner as would relatives of a faculty member’s spouse.

(ii) For purposes of this subpart (f), a “domestic partner” shall mean a person who is neither married nor related by blood or marriage to the faculty member but who is the faculty member's sole spousal equivalent, lives together with the faculty member in the same residence and intends to do so indefinitely, and is responsible with the faculty member for each other's welfare.

ARTICLE 3 - FACULTY AFFAIRS

Section 3.1 Faculty Affairs

The Faculty, as defined in Section 2.7(a) of these By-Laws, shall formulate policies and standards for the academic program of the school, including the selection, retention, tenure, and promotion of faculty; the curriculum; the admission of students; and the academic standards for retention, advancement, and graduation of students. In formulating standards for the retention, tenure, and promotion of faculty, the Faculty shall act through the tenured faculties of the Department of Legal Studies and the Department of Clinical Legal Studies.

Faculty affairs, and the procedures for dealing with them, are more specifically defined as follows:

3.1(a) All matters relating to the appointment and discipline of faculty members. No student or person described in Section 2.7(b) shall be present or participate on any such matter; provided that the student representatives and persons described in Section 2.7(b) shall be given the opportunity to address the Faculty on any such questions immediately prior to the consideration and vote on the matter by the Faculty.

3.1(b) All matters relating to the appointment of the Dean. No student or person described in Section 2.7(b) shall be present or participate on any such matter; provided that the student representatives and persons described in Section 2.7(b) shall be given the opportunity to address the Faculty on the matter immediately prior to its consideration and vote by the Faculty.

- (1) In the event of a vacancy in the Deanship, the Chairman of the Tenured Faculty shall serve in the capacity of Acting Dean, subject to the approval of the President of the University, until the vacancy is filled or until another Acting Dean has been appointed.
- (2) In the event of an announced resignation or retirement of the Dean, or a vacancy in the Deanship, a Decanal Search Committee shall be selected and begin its functions so that, if possible, no vacancy in the Deanship may occur.
- (3) The composition, selection, and method of operation, of the Decanal Search Committee shall be mutually agreed upon by the Faculty and the University Administration.
- (4) The Decanal Search Committee shall initiate, contact and screen candidates for the Deanship, and for the Acting Dean, if necessary, report its activities to the Faculty and recommend to the Faculty and University Administration candidates for the Deanship.
- (5) Faculty representatives to the Decanal Search Committee shall not recommend as acceptable to the University Administration any Deanship candidate who is not approved by two-thirds (2/3) of the full-time faculty members physically present and voting on the appointment of the Dean. The express requirement of physical presence under this paragraph shall not be interpreted as affecting in any manner the presence requirement pertaining to votes governed by other portions of the bylaws.

3.1(c) The following graduation requirements: criteria and standards of admission to the Law Center, the minimum number of hours per semester, and per year and for any degree, required courses and minimum grade point requirements for graduation and for continuation in Law Center.

3.1(d) Matters involving petitions by individual students that come before any Faculty Meeting, including without limitation, admissions, readmissions, financial matters involving an individual student, loans and scholarships to individual students, awards and prizes, graduation requirements and disciplinary questions involving individual students.

- (i) Provided, however, that no student may petition the faculty to review any matter which is otherwise nonreviewable pursuant to

some other provision of these By-Laws or which was determined by a unanimous vote at a properly constituted meeting of the appropriate Faculty Committee.

- (ii) Where a matter has been previously determined by a non-unanimous vote of the appropriate Faculty Committee, then the matter is reviewable by the Faculty only at the request of a member of the Committee who voted against the decision of the Committee. Such a request and the student petition for Faculty consideration shall be referred to the Chairman of the Committee, who shall prepare a written response thereto setting forth the reasons for the Committee's decision. Both the petition and the response shall be circulated to the Faculty prior to the next Faculty Meeting.
- (d)(ii)(1) When a petition under this section is raised at the next Faculty Meeting, an immediate vote shall be taken solely on the basis of the petition and response as to whether the decision of the Committee should be considered by the Faculty. There shall be no debate prior to this vote. Unless two-thirds of those present and voting agree to consider the merits of the petition, the petition will be removed from the agenda.
- (2) Should two-thirds of those present and voting agree pursuant to (1) above to consider the petition, the Faculty shall proceed after debate to vote on the merits of the case. The standard to be applied at such vote is whether the Committee's decision was "clearly erroneous", that is, whether on the entire evidence the Faculty "is left with definite and firm conviction that a mistake has been committed", Zenith Corp. v. Hazeltine, 395 U.S. 100, 123 (1969). Two-thirds of those present and voting shall be required to overrule the Committee's decision.
- (iii) No student other than the petitioner shall be present during the discussion of any such matter, except that the Student Bar Association President may be present and have the privilege of the floor if the student involved so wishes; provided, however, that all students shall retire upon the call for the question, provided further that the faculty may briefly debate questions arising under this subsection after the retirement of the students and before voting.

3.1(e) Methods of Decision. All matters set forth in Section 3.1(a), (b), (c) and (d) of this Article shall be decided in accordance with these By-Laws: PROVIDED, HOWEVER, that a motion to appoint or discipline a full-time faculty member shall not be adopted unless the motion is approved by two-thirds of those persons present at the meeting who are entitled to vote on the matter; PROVIDED, FURTHER, that the student representatives shall be able to participate and/or vote on a particular question which

comes within the provisions of Section 3.1(a), (b), (c) and (d) upon the approval of two-thirds of those full-time faculty members present and voting at the Faculty Meeting in question, and in any such case the expanded authority to participate and/or vote shall apply only to the particular question under consideration and not binding on any subsequent consideration of the same or similar questions unless duly adopted as an amendment to these By-Laws in accordance with the provisions of Section 5.2.

Section 3.2. Retention, Promotion and Tenure

All recommendations relating to retention, promotion, and tenure of faculty members shall be made by the tenured faculty members meeting as a Committee of the Whole to the Dean for transmission to the Vice Provost of the University, provided however, that said group shall distribute to the full-time faculty a list of basic guidelines or criteria which it uses in making its decisions on such matters.

Section 3.3. Administrative Appointments

The Dean shall have the power to create all administrative positions, and to make all administrative appointments and such appointees shall serve in their positions at the pleasure of the Dean.

Section 3.4. Space Allocations

The Dean has authority for all space allocation decisions. The Dean shall develop a space allocation policy for all faculty offices, the faculty library, classrooms, and other rooms in consultation with the Faculty Advisory Committee. The Dean may delegate space allocation decisions in the Library to the Director of the Law Library.

ARTICLE 4 - COMMITTEES

Section 4.1 Standing Committees

The following committees are Standing Committees:

Faculty Advisory Committee, Section 4.1(a)

Admissions Committee, Section 4.1(b)

Curriculum Committee, Section 4.1(c)

Faculty Selection Committee, Section 4.1(d)

Standing Committees created by Faculty Resolution under Section 4.1(e):

[Currently None]

4.1(a) The Faculty Advisory Committee

Advice and Consultation

The Faculty Advisory Committee shall advise the Dean, and the Dean shall consult the Faculty Advisory Committee about matters of law school policy and governance that the Committee or the Dean deem advisable, that are referred to the Committee by Faculty resolution, or are referred to the Committee under the other provisions of the By-Laws.

Study and Recommendation

The Committee may study matters on its own initiative or on referral from the Faculty and make appropriate recommendations for action. In so doing, the Committee shall consult with any other Standing Committee whose area of responsibility includes the matter.

Decisional Authority

The Committee shall, upon request by the Dean, decide scholarship and financial assistance matters and designate recipients of prizes and awards. All decisions by the Committee with respect to scholarships, financial assistance, prizes, and awards shall be final and nonappealable.

Procedure

The Dean shall schedule meetings of the Committee regularly and shall set the agenda for the meeting in consultation with the chair of the Committee. If the Committee or the Faculty requests that a matter be considered by the Committee, the Dean shall place that matter on the agenda. A special meeting may be called at any time by the Dean or by the chair of the Committee. If the Committee has not met during the past sixty days, the Dean or the chair of the Committee shall call a meeting upon written request by at least three members of the Committee.

4.1(b) The Admissions Committee

The Admissions Committee shall:

(1) administer the policies adopted by the Faculty for admissions to the Law School;

(2) exercise exclusive and original jurisdiction to hear and determine student petitions for readmission in accordance with policy as may be adopted by the Faculty, and any such actions shall be final and non-appealable; and

(3) make recommendations to the Faculty as it deems appropriate.

4.1(c) The Curriculum Committee

The Curriculum Committee shall:

- (1) consider all matters relating to the curriculum and curriculum planning;
- (2) consider all matters relating to the graduation and any degree and program requirements; and
- (3) make recommendations to the Faculty as it deems appropriate.

4.1(d) The Faculty Selection Committee

The Faculty Selection Committee with the Dean, shall:

- (1) recruit, process applications, interview, and make recommendations on hiring new or additional faculty to the Faculty; and
- (2) make other recommendations to the Faculty as it deems appropriate.

4.1(e) Creation or Disbandment of Standing Committees

The Faculty may create a Standing Committee. (Standing Committees so created shall be listed in these By-laws in Section 4.1 without separate action of the Faculty.) The Faculty may disband a Standing Committee only by amendment to these By-Laws pursuant to Section 5.2 herein. (Upon disbandment of a Standing Committee, such committee shall be deleted from the list in Section 4.1 without separate action of the Faculty.) The effect of Faculty designation of a committee as a Standing Committee, unless otherwise provided in the resolution, is to: (1) adopt the rules governing composition, service obligations, and procedure in Sections 4.3 and 4.4 herein; and (2) require amendment to the By-Laws to dissolve it pursuant to section 4.1(e) herein.

Section 4.2 Special Committees

4.2(a) Creation or Dissolution of Special Committees

The Faculty may from time to time create, appoint members to, or dissolve one or more Special Committees by action at a Faculty Meeting. Unless the Faculty designates a committee it creates as a Standing Committee, such committee shall operate as a Special Committee. Nothing in these By-Laws affects the Dean's authority to create, appoint members to, or dissolve committees other than Standing or Special Committees. (Committees appointed by the Dean are referred to as Administrative Committees.)

4.2(b) The Special Committee on Academic Responsibility

Pursuant to the University Academic Disciplinary Procedures, there shall be a Special Committee on Academic Responsibility that is hereby designated to hear all matters concerning alleged violations of the Rule of Academic Responsibility. The Dean, with the advice and consent of the Faculty Advisory Committee, shall appoint four (4) full time Faculty members, and the Dean with the advice and consent of the Chair of the Student Honor Council shall appoint two (2) students (preferably to be selected from among the Student Honor Council members) to serve for that academic year as members of the Committee on Academic Responsibility. One Faculty member of the Committee will serve solely for the purpose of considering the disposition of proposed Admissions of Violation and Consents to Sanction. Faculty members may be reappointed for more than three consecutive years.

Section 4.3 **Composition of Standing Committees**

4.3(a) Faculty Advisory Committee Members

The Faculty Advisory Committee shall consist of five full-time Faculty members elected by persons entitled to vote pursuant to Section 2.7(a).

Members shall serve two-year terms, with the terms of either two or three members' expiring each year. No person shall serve successive terms.

The Associate Dean & Director of the Law Library, the Director of the Clinics, the Associate Dean for Academic Affairs, and the Associate Dean for Student Affairs shall be nonvoting, *ex officio* members of the Faculty Advisory Committee.

The Faculty Advisory Committee shall elect its own chair.

4.3(b) Members of Other Standing Committees

Unless otherwise provided by these By-laws, the Dean shall appoint Faculty members to serve on Standing Committees and may designate the chair of each Standing Committee, after consultation with the Faculty Advisory Committee.

Absent extraordinary circumstances, appointments to such committees shall be subject to the following:

- (1) The term of a decanal appointment to a Standing Committee is one academic year;
- (2) Any person appointed to replace a committee member shall serve for the balance of the academic year;

(3) A person who has been appointed to a Standing Committee for three consecutive years shall not be eligible for re-appointment to that committee until the second next academic year following expiration of the academic year of his or her last appointment.

(4) No person shall serve as chair of the same Standing Committee for more than three consecutive years.

4.3(c) Student Representation

Each Standing Committee (including the Faculty Advisory Committee) shall ordinarily include two student representatives who shall be selected under procedures adopted by the Student Bar Association. Student representatives may not vote but may be present and participate in the discussion of all matters except consideration of any individual petition, request, application, or any other matter as to which the Standing Committee votes to proceed in executive session.

4.3(d) Faculty Service on Standing Committee

The Dean may excuse a faculty member from service on a Standing Committee for a semester or academic year.

Section 4.4. Standing Committee Procedure and Reports

4.4(a) Standing Committee Procedure

Each Standing Committee shall adopt rules which shall include without limitation: the taking and distributing of written minutes of all committee proceedings; how it will handle student petitions and other matters that come before it; requirements for a quorum and adoption or rejection of any matter; under what circumstances, if any, it will hold meetings at which noncommittee members will be entitled to attend; and how such procedures may be amended or repealed. The procedures and rules adopted by each committee, as amended from time to time, shall be distributed to each member of the committee, to each member of the Faculty and to such other persons designated by the Dean, and one copy shall be kept in the Official Law Center files and/or the official Law Center Minute Book. The agenda for each committee or subcommittee meeting, together with a statement as to whether non-committee members may be present and/or participate at the meeting in question, shall be posted on a faculty bulletin board or some other suitable place designated by the Dean at least two business days prior to meeting.

4.4(b) Reports

Each Standing Committee shall make its recommendations and reports to a Faculty Meeting in writing, and a copy shall be distributed to each person entitled to participate on the matter in question as far as possible in advance of the meeting at which

the report or recommendation will be considered but in no case later than the time the agenda for the meeting is distributed. A copy of the report or recommendation shall be attached to the official minutes of the meeting at which it is considered, and one copy shall be filed in the appropriate committee file in the official rules of the Law Center, and/or in the Committee's Minute Book. Any committee member shall have the right to file a written dissent to any recommendation or report, which dissent shall be attached to and become a part of the official committee report. Each committee shall submit a report of its activities at least once during each regular semester.

ARTICLE 5 - EFFECTIVE DATE; AMENDMENT AND CONSTRUCTION

Section 5.1. Effective Date

These By-Laws become effective immediately upon their approval by a majority of all the full-time faculty members of the Law Center as defined in Section 2.7 of these By-Laws. Prior to final approval a copy of these By-Laws shall be provided to the Student Bar Association, which shall be entitled to make recommendations for changes.

Section 5.2. Amendment and Repeal

These By-Laws may be amended or repealed in whole or in part in the following manner.

5.2(a) Written notice of the amendment or repealer, containing the language of the proposed change, shall be submitted to the Dean and attached to the agenda for the Faculty Meeting at which the amendment is first to be considered. The vote on any such motion shall not be taken until the next Faculty Meeting after the initial consideration of the motion unless a motion to suspend this limitation is supported by three-fourths of all other persons present at the meeting who are entitled to vote on such amendments. The notice of the next Faculty Meeting shall state the motion and indicate that a vote will be taken on the motion at that meeting.

5.2(b) A motion to amend or repeal any of these By-Laws except the provisions of Article 3 shall not be adopted unless the motion is approved by two-thirds of those persons present at the meeting who are entitled to vote on the matter. Only full-time faculty members, as set forth in Section 2.7(a) of Article 2 can vote on a motion to amend Article 3, and such motion will be effective only upon the affirmative vote of two-thirds of such faculty members present at the Faculty Meeting in question.

Section 5.3. Consistency with other Applicable Regulations

Any provision of these By-Laws which is inconsistent with any applicable rules of the University of South Carolina, the Association of American Law Schools, or the American Bar Association, shall to the extent of such inconsistency be superseded by the provisions of such other regulations.

Section 5.4. Severability

Any provision in these By-Laws which is constructed to be in violation of any law or regulation, shall not in any way render any of the remaining provisions valid.

Approved this 26th day of (October) in the year of the Independence of the United States of America the One Hundred and Ninety-Seventh.

In witnesseth whereof we set our Hand and affix the Seal of the Law School of this the (26th) day of (October) of the year of the Independence of the United States of America and One Hundred and Ninety-Seventh.

/s/ John S. Schultz

/s/ Robert W. Foster

Enacted: 10/26/72

Amended: 9/18/73
1/17/74
10/19/75
1/14/76
2/18/76
5/05/76
12/08/76
4/13/77
11/01/79
11/11/81
11/21/85
5/08/86
8/25/94
10/13/94
5/09/96
5/08/97
2/28/03
11/03/09
10/5/10 (rewrote § 3.1(b)(5))
1/18/11 (rewrote portions of § 3.1, and all of §§4.1(a), 4.3 (a) and (b); deleted prior § 4.3(c); rewrote and relettered prior §§ 4.3(d) and 4.3(e) to reflect deletion)