

The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER
ATTORNEY GENERAL

March 10, 2003

Edgar Dyer, University Counsel
Coastal Carolina University
P.O. Box 261954
Conway, South Carolina 29528-6054

Re: Replacement Diplomas for Pre-1993 Graduates

Dear Mr. Dyer:

You have requested an opinion from this Office regarding the authority for Coastal Carolina University ("CCU") to issue replacement diplomas for those persons who graduated prior to July 1, 1993. By way of background, you have indicated that "[b]y Act 69 of 1993, Coastal Carolina University became an independent institution of higher learning after having been a regional campus of the University of South Carolina for a number of years. Prior to 1993, all graduates were awarded a degree from USC." You further indicate that "a number of alumni from our USC days ... would like to have a replacement diploma from Coastal Carolina University." You now question whether CCU has the "... right to issue diplomas to our pre-1993 graduates who have received USC diplomas."

In your letter of request, you have cited two statutory provisions which you indicate may be in conflict with regard to CCU's authority to issue replacement diplomas. First, you cite S.C. Code Ann. §59-136-130 which allows CCU to confer degrees on students and other persons whom the board of trustees considers qualified. Second, you cite Section 59-101-80 which you state "allows institutions of higher learning to confer degrees and diplomas only for an approved course of study (emphasis yours)." Your concern is that pre-1993 graduates would have completed a course of study with USC-Coastal Carolina College rather than CCU. Finally, you note that CCU's president has indicated that if CCU is "... permitted to issue diplomas to such persons, [CCU] would issue them in the Latin equivalent of 'honored alumnus' only, to distinguish them from our post-1993 regular degrees."

Statutes in apparent conflict which address similar subject matter must be read together and reconciled if possible so as to give meaning to each and to render both operable. Powell v. Red Carpet Lounge, 280 S.C. 142, 311 S.E.2d 719 (1984). See also Op. S.C. Atty. Gen. Dated October 9, 1986. Further, it is a general rule of interpretation with any statute that the Legislature is presumed to have intended by it's action to accomplish something and not to have done a futile thing. State ex rel. McLeod v. Montgomery, 244 S.C. 308, 136 S.E.2d 778 (1964). See also Op. S.C. Atty. Gen.

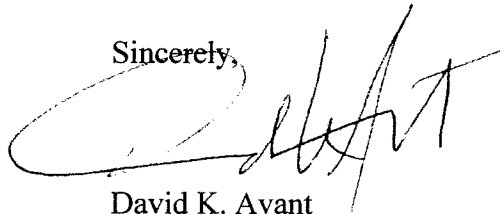
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Dated May 31, 2002.

As you indicate, Section 59-136-130(9) gives the board of trustees for CCU the power to "... confer degrees upon students and other persons as the board considers qualified." Additionally, Section 59-101-80 provides in its entirety that "[t]he universities and colleges of this State may provide a course of study, to be approved by the State Board of Education, the completion of which by a student will entitle him to the degree of licentiate of instruction and they may issue a diploma showing the degree has been conferred." If Section 59-101-80 is read in such a manner as to limit the awarding degrees and diplomas by colleges and universities only to those who complete a particular course of study, the Legislature's granting to CCU the power to confer degrees upon persons other than students in Section 59-136-130(9) would be rendered practically useless. If possible, the two statutes must be reconciled so that each is completely operable. With this principal in mind, I believe a better reading of Section 59-101-80 is that it requires the issuance of a degree to a student who successfully completes an approved course of study, not that it prohibits CCU from conferring degrees on other qualified persons.

Based on the foregoing, it is my opinion that CCU would be authorized to issue replacement "honored alumnus" diplomas to those persons graduating prior to 1993.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Avant', written over a horizontal line.

David K. Avant
Assistant Attorney General

DKA/an