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The State of South Carolina



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February 6, 1990

The Honorable Eugene C. Stoddard
Chairman, Committee to Screen Candidates for Boards
of Trustees of State Colleges and Universities
P. O. Box 11867
Room 204 Blatt Building
Columbia, South Carolina 29211

Dear Representative Stoddard:

As Chairman of the Committee to Screen Candidates for Boards of Trustees of State Colleges and Universities, you have requested the Opinion of this Office as to whether a person holding a master's degree from The Citadel is eligible for consideration for membership on the Board of Visitors (Board) of The Citadel. Specifically, your question is whether the requirement of section 59-121-10 of the Code of Laws of South Carolina, 1976, (1988 cum. supp.), 1/ that the non-ex officio members of the Board "be graduates of the college" includes a person who holds only a master's degree from The Citadel rather than a bachelor's degree.

The following guidelines of the South Carolina Supreme Court must be followed here in the interpretation of section 59-121-10:

"The Supreme Court's primary function in interpreting a statute is to ascertain the intention of the Legislature....Where the terms of a statute are clear and unambiguous, there is no room for interpretation and we [the Court] must apply them according to

1/ The most recent version of section 59-121-10 was set forth in Act 130 §8, Acts and Joint Resolutions of South Carolina, 1983 and is contained in the 1988 cumulative supplement to the 1976 Code.

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their literal meaning...." South Carolina Department of Highways and Public Transportation v. Dickinson, 288 S.C. 189, 341 S.E.2d 134 (SC 1986)

Here, the word "graduates" in section 59-121-10 is not limited or qualified as to its meaning in that statute. Therefore, the literal meaning of that term should apply here. Dickinson. As follows, the definitions given to the term when used, as here, as a noun, are very broad:

"...one that has received an academic degree, a diploma, or a certificate..." Webster's Third New International Dictionary, "graduate".

...admitted to or holding a university degree; one who has obtained a degree from a university, college or other authority conferring degrees..." The Oxford English Dictionary, "graduate".

...as a noun, one who has taken a degree in a college or university..." 38 C.J.S. "Graduate"

The literal meaning of "graduate", under the above authority, encompasses persons holding degrees from colleges or universities without limitation as to particular types of degrees. Because section 59-121-10 also does not limit or qualify the meaning of the word "graduates", this literal meaning must be followed here under the authority of Dickinson. Therefore, the General Assembly has written section 59-121-10 so as to apply to persons holding earned, academic degrees from The Citadel without limitation as to type of degree. 2/ Accordingly, under section 59-121-10, the General

2/ The Webster definition set forth above and the reference in section 59-21-50 to the authority to "confer degrees on graduates of the college and confer honorary degrees on such persons of distinction as it shall deem proper..." (emphasis added) indicates that persons holding honorary degrees from The Citadel would not be graduates thereof for the purposes of section 59-121-10.

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Assembly has made persons holding master's degrees from The Citadel eligible for consideration for non-ex officio positions on the Board because such persons hold degrees from The Citadel and are "graduates" under the terms of section 59-121-10.


This Opinion is limited to the meaning given to section 59-121-10 by the General Assembly. This letter expresses no opinion, of course, as to whether any particular individual should be elected to the Board.

CONCLUSION

It is our opinion that a person holding a master's degree from the Citadel is eligible for consideration for membership on the Board of Visitors of the Citadel. Such an individual is a "graduate" as that term is used in Section 59-121-10.

With best regards, I am

Sincerely yours,



T. Travis Medlock
Attorney General

TTM/jps

cc: Lt. Gen. Claudius E. Watts, III, U.S. Air Force, Ret.
President, The Citadel

Col. William R. Risher
Chairman, Board of Visitors, The Citadel