

1978 WL 34857 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 14, 1978

*1 John E. Wise
Vice-President
Administration and Finance
Medical University of South Carolina
171 Ashley Avenue
Charleston, SC

Dear Mr. Wise:

You have requested an opinion from this Office as to whether the College of Charleston can enjoy complete membership in the Charleston Higher Education Consortium since it is a private institution rather than a state college as are the other consortium members.

An examination of the materials enclosed with your request indicate that the purpose of the Charleston Consortium is to improve the quality of the area's higher education through the guidance of the South Carolina Commission on Higher Education and Co-operation Education.

[§ 59-103-20\(e\) of the South Carolina Code](#) provides that the Commission on Higher Education should promote 'efforts to promote clearer understanding and greater unity and good will among all institutions of higher learning, both public and private.' This specific language indicates that the South Carolina Legislature intended for the Commission to work with both public and private colleges and supports the purpose of the Charleston Consortium.

It should also be noted that [Article XI § 4 of the South Carolina Constitution](#), which may be the basis for doubt concerning Baptist College, prohibits only the use of public funds 'for the direct benefit of any religious or other private educational institution.' The Baptist College, along with its State supported counterpart, participates in various administrative and education-oriented committees for the purpose of improving higher education in the Charleston area. Any funds contributed by the State are employed to further the purposes of the Consortium and therefore only indirectly benefit the Baptist College. Opinion No. 3687 of the 1973-74 Atty. Gen. Ops. indicates that such indirect benefit is permissible provided specific legislative authority exists to implement the practice [This opinion concerned the use of S. C. Department of Education films by private schools—see enclosure.] As noted in your enclosed materials, such specific legislative authority is found in Section 24 of the Permanent Provisions of the General Appropriations Act for FY 1969-70. This section provides in part:

The Commission on Higher Education shall also consider the inclusion [i.e. in the Consortium] of the Baptist College of Charleston in the above cooperative arrangements to the maximum extent possible.

This specific inclusion validates the private college's participation in the Consortium.

It is therefore the Opinion of this Office that the Baptist College of Charleston may validly participate in the Charleston Consortium on Higher Education.

Sincerely,

A. Camden Lewis

Sr. Assistant Attorney General

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