

STATE OF SOUTH CAROLINA)
)
COUNTY OF ABBEVILLE) **AFFIDAVIT OF MANNING N. LOMAX**

PERSONALLY APPEARED BEFORE ME, MANNING N. "NICK" LOMAX , who upon being duly sworn deposes and states as follows:

1. I am a citizen and resident of Abbeville, South Carolina. I reside at 441 Dungannon Drive, Abbeville, South Carolina 29620. I am currently employed as a partner with the executive search firm of Coleman Lew & Associates, Inc. of Charlotte, North Carolina. I am also the owner of a business known as Nick Lomax & Associates, a campus facility development consulting firm.

2. I received my BS Degree in Education from Clemson University in 1963. I also have an Honorary Doctor of Humanities Degree from Lander College in Greenwood, South Carolina. After two years in the United States Army, I accepted a position as a Resident Counselor at Clemson University, starting in August, 1966. In 1967, I was promoted to the position of Assistant Dean of Men. In 1970, I became the Director of Residence Hall Programs, and in 1976, I became the Director of University Housing. From 1981 through 1985, I was the Assistant Vice President for Student Affairs and in July, 1985, I became the Acting Vice President for Student Affairs. From September, 1986 to June of 1992, I served as the Vice President for Student Affairs.

3. In January, 1992, I was appointed Vice President for Administration and Secretary of the Clemson University Board of Trustees. In July of 1995, I became the Executive Secretary to the Clemson University Board of Trustees, in which position I stayed until my retirement from the University in December, 1996.

4. I served approximately eleven years on the Board of Directors of NationsBank and ten years on the Board of Directors of the Anderson Area Medical Center. I am currently a member of the Board of Directors of Foothills Community Foundation and the Advisory Board of Capital Bank.

5. Before I left my last position at Clemson University, Executive Secretary to the University's Board of Trustees, I was asked by Trustee Dr. J.J. Britton to help prepare a job description which would be used in the search for my replacement. Attached to this Affidavit as Exhibit 1 is a document entitled DRAFT, JOB DESCRIPTION – EXECUTIVE SECRETARY TO THE CLEMSON BOARD OF TRUSTEES. Although this document is marked as a draft, it is, to the best of my knowledge, the job description which was used in the search for my replacement. I have no knowledge that it was ever revised. The person hired to replace me as Executive Secretary to the Board of Trustees was Thornton Kirby.

6. When drafting this job description, I drew on my experience and my knowledge of what had been traditionally done by me and my predecessors who served in this position. It was my purpose to be thorough in the enumeration of the duties of the Executive Secretary.

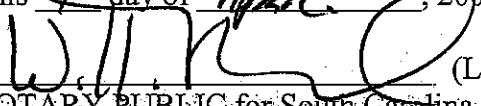
7. I have read the Complaint in the case of Chalmers Eugene Troutman, III v. Leon J. Hendrix, et al., Civil Action Number 3:08-cv-449-MJP, which is presently pending in the United States District Court for the District of South Carolina. Some of the matters addressed by Mr. Troutman, as alleged in his Complaint, were, in my judgment, outside the scope of the normal duties of the Executive Secretary to the Board of Trustees.

FURTHER, YOUR AFFIANT SAYETH NAUGHT.


MANNING N. LOMAX

SWORN to and SUBSCRIBED before me

This 4 day of April, 2008


(L.S.)
NOTARY PUBLIC for South Carolina

My Commission Expires: 7/3/17

DRAFT

JOB DESCRIPTION - EXECUTIVE SECRETARY TO THE CLEMSON BOARD OF TRUSTEES

The Executive Secretary to the Board of Trustees (hereinafter called the Secretary) shall serve the University at the executive office level commensurate with that of the Vice Presidents of the institution and will be a member of the Administrative Council (the President's primary advisory group), holding office at the pleasure of the Board. The Secretary shall record all proceedings of the Board, be the custodian of the University Seal and all records of the Board, and perform such other duties as may be assigned.

DUTIES OF THE SECRETARY SHALL INCLUDE THE FOLLOWING:

- 1) Responsibility for the duties of the office of the Board of Trustees and carrying out administrative matters of the Board to include:
 - ◆ Serving the Board and its committees as Secretary; coordinating arrangements for and proper notice of all meetings with the Board Chairman, the President, and the Vice Presidents; and taking minutes at all meetings or arranging that they be taken.
 - ◆ Developing an agenda for each Board meeting and distributing it well in advance of each meeting.
 - ◆ Promptly sending out the minutes of the Board meetings.
 - ◆ Making special studies for the Board or its committees, as required.
 - ◆ Developing and maintaining the *Trustees Manual*.
 - ◆ Reviewing all matters proposed for Board consideration to see that each has been thoroughly thought out and documented, and that it represents finished staff work suitable for Board consideration.
 - ◆ Keeping the official files of the Board and its committees, and using these to facilitate their work.
 - ◆ Managing the Trustee Budget.
- 2) Planning and coordinating the needs of the Board as a whole and its individual members regarding University related functions. These functions include University related social requirements, for which the Secretary should receive both personnel and financial support.
- 3) Serving as liaison between the Board, the campus, and other constituent groups.
- 4) Making the President aware of Board policies and procedures and their interpretation.

EXHIBIT

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- 5) Reporting only to the Board but serving as an advisor and consultant to the President and when called upon, supporting and representing the President in matters that do not fall under a specific vice presidential area. These matters should be executive in nature.
- 6) Oversight responsibilities for the Governmental Affairs Program.
- 7) Coordination of Clemson's relationship with the Commission on Higher Education particularly as regards legislative matters. (Multiple officers of the University must interface with the CHE: the Provost on academic matters; the Chief Financial Officer on budgetary matters; the Vice President of Administration and Advancement on physical plant matters, etc.)
- 8) Receiving the internal audit report on behalf of the Board and providing administrative oversight for the Department of Internal Auditing.
- 9) Providing oversight for the Office of Access and Equity.
- 10) Providing oversight for the Office of Institutional Research.
- 11) Receiving on behalf of the Audit and Executive Committees of the Board, periodic reports from the NCAA Athletic Compliance Officer (Associate Athletic Director for Compliance) for the purpose of reviewing compliance with NCAA regulations.