

Clemson Board Needs Fresh Blood, Accountability

FitsNews Guest Column by Chalmers E. Troutman, November 10, 2009



In less than two weeks, on November 17, 2009 at 5:00 P.M., a deadline that affects Clemson University's future will be upon us. Those who care about Clemson – especially about the safeguards its founding father prescribed should be established as law to protect Clemson's function as a public institution – should take notice.

Every two years, the General Assembly has the opportunity to elect three trustees to the Board of Trustees at Clemson to serve for four years. The next election will be held in May, 2010. But the time is *now* for all interested candidates to act, as the filing deadline for the election is November 17, 2009 – one week away.

The General Assembly, too, needs to be reminded that those they send to Clemson are their representatives. This election is their only opportunity to have an actual voice on the Board of Trustees at Clemson. Accordingly, this election should not be squandered as an “awards event” for vainglorious alumni or “consolation prizes” for political cronies.

The role and authority of the board at Clemson is far from typical. It is genuinely unique. It is unlike that of the boards at USC, or MUSC, or any

other public university in the United States. To understand how the Clemson board is different one must understand the will of Thomas Green Clemson. “The Will,” strangely enough, is in fact a South Carolina law. It was enacted into law by the S.C. General Assembly in 1889. Furthermore, it goes beyond regular legislation because it also stands as a charitable trust, which means that it cannot be changed by subsequent legislation. It is “The Act of Acceptance” and states: “...said State [South Carolina] shall accept ... [Clemson’s property and bequest] ... upon the terms and conditions of the said will; ...”

This legislation is the governing document for Clemson. At the time of his bequest, many in the General Assembly did not welcome Mr. Clemson’s gift with its strings attached. A near majority came close to defeating it. They did not like Mr. Clemson telling them what to do, especially as his terms and conditions were non-negotiable and emphatic that his bequest never be under the control of the General Assembly. Mr. Clemson distrusted politicians and their bureaucracies.

Accordingly, Mr. Clemson devised a structure of governance for Clemson that makes it one-of-a-kind in the world of public universities. Clemson is governed by its Board of Trustees which is comprised of 13 members. Seven are Life Trustees and are self-perpetuating; the remaining six are elected by the General Assembly. No political body or government official names any of the Life Trustees who hold the majority number of seats. Only life trustees select and name life trustees.

For those who do not like government control of their institutions, this is perfect. But, for those who believe every organization needs to be held accountable, especially one that has a duty to the public, they see room for improvement. Fortunately, Mr. Clemson put some measure for “checks and balances” in place, in so far as he gave the General Assembly the opportunity to elect six of the trustees on Clemson’s board. Mr. Clemson’s will makes it clear that he viewed the elected trustees as representatives of the General Assembly; he wished to give them a voice.

I saw much during my employment at Clemson. I mostly saw the promise and the immense value of Clemson University. I also saw many decisions and methods of operating that disturbed me. I came to see that Clemson needed oversight.

One of the most disturbing occurrences was in February of 2007, at the trustees' winter quarterly board meeting in Columbia. I personally witnessed all of the trustees, elected included, receive directions from the board chairman to keep Clemson budget information from the General Assembly, specifically the amount of unrestricted cash reserves the university had accumulated, which was in the vicinity of \$80 million. The board had just learned of this extraordinarily large reserve as a result of a third party report ordered by the board. But, the Chairman explained that if the General Assembly ever found out about such an amount, then Clemson "would not get another dime." This is corroborated with sworn testimony by the chairman.

I witnessed a Clemson board that routinely ignored the state "sunshine" laws, and mocked the rules for executive session as outlined in the South Carolina Code of Laws, Section 30-1-10 et seq. As a whole, the board I served was deferential and submissive to an Administration that worked to deceive them and contrived to limit what they knew.

Two of the incumbent elected trustees that will be running for reelection during the next session of the General Assembly have held seats on the Board for nearly 20 years. One has been an elected trustee since 1990; the other since 1993. Longevity of that magnitude cannot help but breed a familiarity that too often leads to either complacency or a loss of objectivity. Either way, the General Assembly should hold their representatives to a higher standard.

All interested candidates need to contact Sophia Derrick, executive assistant to the Joint Legislative Committee to Screen Candidates for Boards of Trustees of State Colleges and Universities *in writing* by 5 p.m., Nov. 17, 2009. For additional information, candidates may call Derrick at (803) 734-3106.

Chalmers E. Troutman was employed by Clemson University from 2005 to 2007 as an executive officer of the university on the President's Administration Council. He served as the Executive Secretary to the Clemson University Board of Trustees. He can be reached at ceugenetroutman@hotmail.com.