

The State

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COMMENTARY

Clock ticks on influencing Clemson

An important deadline is looming in the life of Clemson University — and in the Legislature's ability to have any say over the way the school operates.

Every two years, the General Assembly has the opportunity to elect three members of the Board of Trustees to serve for four years. The next election will be in May, but the filing deadline is 5 p.m. on Tuesday.

This election is the only opportunity legislators have to have a voice on the board. It should not be squandered as an awards event for vain-glorious alumni or consolation prize for political cronies.

The role and authority of the board at Clemson is far from typical. 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

is in fact a state law, enacted by the General Assembly in 1889. Further, this will/law has more power than regular law because it also sets forth a charitable trust, which means it cannot be changed by subsequent legislation. This "Act of Acceptance" states that the state of South Carolina "shall accept (Clemson's property and bequest) . . . upon the terms and conditions of the said will."



Chalmers E. Troutman

Guest Columnist

At the time of his bequest, many in the General Assembly did not welcome Mr. Clemson's gift with its strings attached. It was nearly defeated. Lawmakers did not like Mr. Clemson telling them what to do. He distrusted politicians and their bureaucracies, and so his terms and conditions were non-negotiable and emphatic that his bequest never be under the control of the General Assembly.

Accordingly, he devised a structure of governance that makes Clemson one of a kind in the world

of public universities. It is governed by its Board of Trustees comprised of 13 members. Seven are life trustees; the remaining six are elected by the General Assembly. No political body or government official names any life trustees, who hold the majority of seats; they select and name their successors.

For those who do not like government control, this is perfect. To those who believe every organization needs to be held accountable, especially one with a duty to the public, there is room for improvement. Mr. Clemson did put a measure of checks and balances in place: His will makes it clear that he viewed the six elected trustees as representatives of the General Assembly.

I saw much during my employment at Clemson. I mostly saw the promise and the immense value of Clemson University. But 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 it had ordered. But the chairman explained that if the General Assembly ever found out about

such an amount, Clemson "would not get another dime."

I witnessed a Clemson board that routinely ignored the state sunshine laws, and mocked the rules for executive session. As a whole, the board I served was deferential and submissive to an administration that worked to deceive trustees and contrived to limit what they knew.

Two of the trustees who will be running for re-election have held seats on the board for nearly 20 years — once 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 its representatives to a higher standard.

For information about running for the Clemson board, contact Sophia Derrick at (803) 734-3106. Mr. Troutman served from 2005 to 2007 as executive secretary to Clemson's Board of Trustees and is currently in litigation with the university over his dismissal. He can be reached at ceugenetroutman@hotmail.com.