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Appeals court rules against Clemson in lawsuit

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COLUMBIA BUREAU

COLUMBIA - The 4th U.S. Circuit Court of Appeals has refused to side with Clemson University in its appeal of a judge's decision not to dismiss a lawsuit brought against it by a former executive secretary for the board.

Clemson's lawyers had argued that former board secretary Eugene Troutman could not sue the school under the section of federal law being used in the case because the school is not a "person" but an arm of the state and is immune from such lawsuits. Troutman's lawyers had argued that the Legislature had created Clemson technically as a municipality and therefore it could be sued.

U.S. Senior District Judge Matthew Perry ruled against Clemson's request last September.

The appeals court ruled that it lacked jurisdiction to overturn Perry on the persons issue and that it did not appear Perry ruled on the sovereign immunity issue. It asked that issue be heard again and decided by Perry.

Troutman's lawsuit alleges he lost his job, in part, after he spoke out about "excessive" salary increases given to some university administrators. Troutman also alleged in his suit that increases in tuition and fees at Clemson weren't justified by cuts in state appropriations, and that trustees "hoarded" cash from tuition increases to build an unrestricted \$80 million fund.

The trustees and school officials have denied any wrongdoing. They said in court filings Troutman improperly circumvented the trustees' policy manual by reorganizing the Internal Auditing Division and he failed to establish and maintain effective working relationships with members of the board, faculty representatives, and administration.

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