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Judge denies motion to dismiss suit against Clemson trustees

(FRONT PAGE)

By Tim Smith
CAPITAL BUREAU
tcsmith@greenvillenews.com

COLUMBIA — A federal judge denied Wednesday a motion to dismiss a lawsuit by the former executive secretary to Clemson University's board who alleged he was fired last year in retaliation for his accusations of fiscal mismanagement.

U.S. District Senior Judge Matthew Perry also refused Clemson's request to move the suit to Greenville or Anderson.

"I'm very pleased this issue will get some public awareness," said Gene Troutman, the former board executive secretary.

Lawyers for Clemson had asked Perry to dismiss the suit and a claim of defamation against trustees Chairman Leon "Bill" Hendrix, arguing Troutman wasn't protected by the First Amendment.

They said the U.S. Supreme Court ruled in 2006 that public employees are not protected by

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the First Amendment in raising allegations if their statements relate to their job.

In his ruling, Perry said, "At this point, I am unable to conclude the plaintiff can prove no set of facts that would entitle

the plaintiff to some relief."

The lawsuit by Troutman, who also was assistant to Clemson's president, alleges he lost his job, in part, after he spoke out about "excessive" salary increases given to certain university administrators.

Troutman has alleged in the suit that increases in tuition and fees at Clemson weren't justified by cuts in state appropriations.

Cathy Sams, chief public af-

fairs officer at Clemson University, issued a statement expressing disappointment with the judge's action.

"But we were encouraged by the fact that he did invite us to revisit both the transfer of venue and the motions to dismiss at a later time," the statement said. "We are prepared to move to the next phase where we will have an opportunity to respond to the allegations in the complaint, which are false and com-

pletely without merit."

In court filings, trustees said Troutman was fired for failing to establish and maintain "an effective working relationship" with the board, faculty representatives and university administrators; and "improperly circumventing" the trustees' policy manual by reorganizing and adding to the Internal Audit Department without approval.

Joel Collins, Troutman's lawyer, told Perry that Troutman's

actions in warning of practices he considered fiscally unsound were outside the scope of his employment and were done as a citizen.

Collins also argued that Hendrix, the chairman of the trustees, has alleged Troutman was fired for "doing too much," an argument at odds with the school's position now that all of Troutman's actions and statements were part of his job.

He said Troutman was trying to work within the system to correct the abuses he saw.

"This man is a Clemson alumnus, a Clemson parent, a tuition payer and a taxpaying citizen," Collins told Perry. "He had a right as a citizen, taxpayer and parent to look at how Clemson's money was being spent."

Perry later observed that "ordinarily, citizens don't have a chance to look over the shoulders of administrators of universities."