



High: 98°
Weather: 6B

The Greenville News

GreenvilleOnline.com

SATURDAY, JULY 24, 2010 ■ FINAL EDITION



Greenville,
South Carolina

Judge sides with Clemson in lawsuit

School ruled immune from litigation

By David Dykes

STAFF WRITER
ddykes@greenvillenews.com

A federal judge has ruled in favor of Clemson University in a lawsuit brought by its former board secretary, who alleged he lost his job in part because he spoke out about "excessive" salary increases given to some university administrators.

U.S. Senior District Judge Matthew Perry Jr.,

in a 12-page opinion and order, dismissed Eugene Troutman's case against Clemson, agreeing with defense attorneys who argued that the school is an arm of the state and thus immune from such litigation.

"The bottom-line understanding is that you just can't sue the state," said Thomas Bright, a Greenville lawyer representing

Clemson, a public university.

Joel Collins, a Columbia lawyer, said he wasn't certain if Troutman would appeal. Collins said Troutman would pursue a separate defamation claim in court.

Troutman also alleged in his suit against Clemson that increases in tuition and fees at the university weren't justified by cuts in state appropriations, and trustees "hoarded" cash

from tuition increases to build an unrestricted \$80 million fund.

The trustees and school officials denied any wrongdoing.

They said in court filings Troutman improperly circumvented the trustees' policy manual by reorganizing the Internal Auditing Division and said he failed to establish and maintain effective working relationships with members of the board, faculty

representatives and the administration.

Perry in 2008 refused to dismiss the suit, causing Clemson to go to the 4th U.S. Circuit Court of Appeals, which last year refused to side with the university.

It sent the issue of whether the school is immune from such lawsuits back to Perry to decide.

Court records show Clemson's lawyers argued

that the school, as an arm of the state, was not a "person" subject to the suit and it was protected from liability according to the doctrine of sovereign immunity under the 11th Amendment to the U.S. Constitution.

But Collins called Clemson's argument an "insult," saying the school is a municipal corporation and argued in another court case 10 years ago that it was independent of the state.