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## Judge: Clemson suit will continue

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COLUMBIA — Senior U.S. District Judge Matthew Perry on Wednesday denied a motion to dismiss a lawsuit filed by a fired Clemson University employee against school administrators and trustees.

Perry also denied a motion to move the case to either Greenville or Anderson.

Chalmers Eugene "Gene" Troutman III of Greenville, who served as executive secretary to the board of trustees for more than two years, claims in the suit that between 2002 and 2007 the university grew its "rainy day" fund to more than \$80 million while increasing in-state tuition from \$3,590 to \$9,900 per year. Troutman claims the board fired him in August 2007 because he raised questions about the tuition increases and the growth of the fund.

Troutman's suit claims the board violated his First Amendment rights and that board Chairman Leon Hendrix Jr. defamed him. He is asking for actual and punitive damages, including back pay.

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Also named in the suit are Clemson President James Barker, Provost Doris Helms, General Counsel Clayton Steadman and trustees J.J. Britton, Bill Amick, Thomas Lynch Jr., Louis Lynn, Patricia McAbee, Leslie McCraw, E. Smith McKissick III, Thomas McTeer Jr., former Lt. Gov. Bob Peeler, William C. Smith Jr. and Joseph Swann.

Drew Rhodes, the lead attorney for the Clemson officials, argued that Troutman made his claims of financial mismanagement while carrying out the duties of his job, so the First Amendment protections don't apply.

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## Judge also denies request to dismiss defamation suit

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"All these statements Mr. Troutman made were made while he was in his role as executive secretary," Rhodes said.

Joel Collins, Troutman's attorney, told Perry that Clemson officials were telling two different stories — that the board fired Troutman for overstepping his authority, while at the same time saying he had the authority to examine the university's business practices and bring any concerns to the trustees.

"This is a man who was hired to count the number of chairs in a room, to make sure there was a projector, and to make sure the trustees had hotel rooms and food," Collins said. "That was the case Mr. Hendrix made for firing Mr. Troutman for exceeding his authority."

Collins said the Clemson officials wanted Troutman fired because he was exposing "this fraud" of raising tuition while growing the university's supply of unrestricted cash.

"They got a belly full of Gene Troutman, they said he was doing too much and they fired him," Collins said.

Perry also denied a request to dismiss the defamation claim against Hendrix, which resulted from statements Hendrix made to the media after the board voted to fire Troutman.

Rhodes also asked Perry to move the case to Greenville or Anderson for the convenience of the parties involved, including potential witnesses, and "in the interest of justice."

"Mr. Troutman is accusing people at Clemson University of misuse of public funds and of making false statements," Rhodes said. "Don't these people deserve the right to defend themselves where they work and live?"

Collins countered that the two major parties were Troutman and Hendrix, who lives in Charleston, and that Columbia would be a halfway point for them. He also said traveling wouldn't be unusual for the trustees, since they met in Columbia last month.

In denying the motion, Perry said modern technology, including videotaping depositions, "obliterates distance."

### Bright spot for Clemson

Perry did leave the door open for the Clemson officials to raise the motions again as the trial proceeds. Clemson spokeswoman Cathy Sams said in a statement that was the bright spot of the day.

"We are disappointed with Judge Perry's rulings, 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," Sams 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 completely without merit."

Troutman called Perry's rulings "huge." Collins said he was pleased that case would move forward.

"They tried to kick us out, and they didn't succeed," he said.