

Clemson University
Clemson, South Carolina

MINUTES

of the meeting of

THE CLEMSON UNIVERSITY

BOARD OF TRUSTEES

Held in the Board Room, Sikes Hall

January 27, 1984

The Board convened at 2 P.M. with the following members present: James M. Waddell, Jr., Chairman, presiding; Billy L. Amick, Louis P. Batson, Jr., James E. Bostic, Jr., John J. Britton, Robert R. Coker, Fletcher C. Derrick, Jr., W. G. DesChamps, Jr., William N. Geiger, Jr., Paul W. McAlister, Thomas B. McTeer, Jr., Buck Mickel, James C. Self and Joseph B. McDevitt, Secretary

Members of the Administration Present: Bill L. Atchley, Ben W. Anderson, Melvin E. Barnette, Joe Boykin, Edward F. Byars, Ross Cornwell, Walter T. Cox, W. Harry Durham, M. N. Lomax, W. David Maxwell, George M. Moore, David Stalnaker, James L. Strom, and Holley H. Ulbrich

Also present: Leonard C. Butler, President of the Alumni Association; J. Donald Elam, Edwin E. Evans, Attorney General's Office; and Bill M. Reeves, President of IPTAY

Item 1. Roll Call

Item 2.

The Chairman introduced J. Donald Elam, who has been appointed by the President to serve as Vice President for Institutional Advancement to take office in February.

Item 3. Minutes

The Minutes of the September 16, 1983 and October 22, 1983 meetings, previously submitted by mail to all members of the Board of Trustees, were approved.

Item 4. Resolution on Setting Tuition and Fees

WHEREAS, the respective governing boards of the public colleges and universities in South Carolina have specific legislative authority to set tuition and required fees, and

WHEREAS, the increase in tuition and fees in recent years is attributable to a relative decline in State support of higher education, and

WHEREAS, the increase in tuition and fees in recent years is also due to the requirement that institutions pay a portion of State-mandated increases in salaries and fringe benefits, and

WHEREAS, the increase in tuition and fees in recent years is not attributable to any lack of authority or control over tuition and fees by the Commission on Higher Education, now, therefore,

BE IT RESOLVED, that the Board of Trustees of Clemson University opposes having any authority or control placed in the Commission on Higher Education over tuition and fees, whether it be authority to set such tuition and fees, authority to establish maximum or minimum fees, or a conditional authority dependent upon the presence or absence of full-formula funding.

Recommendation of the Educational Policy Committee: That the Board of Trustees adopt the foregoing resolution and communicate same to appropriate authorities.

Board Action: Adopted

Item 5. Board Control By Key Appointments

Statement: The Planning Committee at its meeting at 9:30 A.M. this date, formulated numerous amendments to the Trustee Manual to be presented to the Board for action at a future meeting. However, the Committee recommended adoption at this meeting of the following amendment to the first paragraph on page 20 of the Manual.

"The Board of Trustees elects the President of the University to serve at its pleasure. The Board reserves to itself review authority, before final action by the President, over the appointment and dismissal of officers of the University who report directly to the President, the nine college deans and the director of the extension service. When a vacancy occurs in any of the aforesaid positions, the President will consult with the Chairman of the Board

with respect to a determination of whether there should be trustee(s) representation on the search committee for the position. If the Chairman deems such representation desirable, the Chairman shall appoint such trustee or trustees to so serve."

Motion by Mr. McAlister: That the Board adopt the aforesaid amendment to the Trustee Manual to be effective immediately including any search in progress at this time for positions to which the Manual provision pertains. Seconded by Mr. Self. Adopted unanimously.

Item 6. Anderson County Sewer Right-of-Way Request

Statement: Anderson County has requested a permanent 30 foot sewer right-of-way extending from Highway 187 to the Pendleton/Clemson Sewage Treatment Facility on Eighteen Mile Creek. The sewer line is to serve a new high-tech facility to be built by Motorola on property it has acquired on Route 187. The right-of-way would be 11,856.1 feet in length and comprise 8.2 acres. An additional 20 feet (10 feet on either side of the permanent right-of-way) would be temporarily needed during the construction phase. The sewer would be a gravity flow system. The only alternative route (which would involve less University land) would be a pump system substantially more expensive to build and maintain. Recognizing the public interest to be served and having determined that construction and continuation of the sewer will not adversely affect current or planned use of the land by the University, the Administration recommends granting the right-of-way subject to certain specific conditions that are in addition to those conditions normally contained in a sewer right-of-way instrument. The specific conditions are as follows: (1) compensation for land, timber and pulpwood at current fair market values; (2) the right-of-way would be given subject to reversionary and mineral rights which have been retained by the United States Government; (3) the right-of-way will terminate and revert to the University if it is ever used for any other purpose than that for which granted; (4) the University will have the right of any use on the land not inconsistent with the sewer use; (5) the University can tap onto the sewer for its own purpose without charge; (6) the University can grant additional utility rights-of-way which are not inconsistent with the Anderson County right-of-way; (7) there will be no future expansion of the sewer pipe by Anderson County and no future tap-ons except as in (5) above; (8) Anderson County will construct an all-weather road along the entire right-of-way and will provide access gates where needed to protect University realty, research, livestock and crops. Anderson County is amenable to accepting the right-of-way subject to all required conditions.

Recommendation of the Executive Committee: That the Board

approve the granting of the right-of-way to Anderson County subject to the stated conditions and authorize the Chairman to execute the requisite legal instrument.

Board Action: Approved

Item 7. Clemson Senior Citizens Center

Statement: Request was made by the Pickens County Council on Aging for a University facility to be made available for use as a Senior Citizens Center for the Clemson area. It was determined that a former faculty residence referred to generally as the "Roderick House," located on Highway 93 east of the campus, is unoccupied, excess to University needs and in need of extensive repairs. Negotiations with representatives of the Pickens County Council on Aging resulted in mutual understandings with respect to responsibility for such matters as term, use, consideration, repairs, utilities, insurance, liabilities, improvements, and termination which have been embodied in a proposed lease. The proposed term of the lease is for seven years in order to enable the Council to meet a requirement for obtaining Federal assistance in refurbishing the facility. However, the termination clause in the lease provides for earlier unilateral termination by either party on six months notice.

Recommendation of the Executive Committee: That the Board of Trustees approve the lease to the Pickens County Council on Aging and authorize its execution by the Chairman of the Board.

Board Action: Approved

Item 8. Naming Gentry Hall

The Special Advisory Committee on Names recommended naming the building housing the Personnel Division of the University "Gentry Hall" in honor of Mr. John B. Gentry, Jr., Personnel Director from 1957 until 1976. This building, located on Highway 96 opposite the tennis courts, was the former residence of Mr. Frank B. Anderson and was purchased by the University and renovated as an office building in 1980.

By mail ballot action of December 6, 1983, the Board of Trustees approved the President's recommendation for the naming of Gentry Hall.

Recommendation of the Executive Committee: That the mail ballot action of December 6, 1983 be confirmed and ratified for the record.

Board Action: Confirmed and Ratified. Mr. Gentry's biographical sketch is included in these minutes (see Attachment 1).

Item 9. Abatement of Out-of-State Rates for Students Receiving Academic Recruiting Scholarships

Statement: Competition among colleges and universities for academically proficient students requires that Clemson University take the initiative in the recruiting of such students. The Academic Scholarship Program is used to attract outstanding students. An academic recruiting scholarship is awarded (1) on the basis of academic potential and scholarly achievement; (2) to students who have applied or will apply for admission to Clemson University; and (3) for four academic years contingent upon continued high academic achievement. The Academic Scholarship Program could be significantly enhanced by granting tuition and fee waivers to out-of-state students. Such waivers are permitted by Section 59-112-70 Code of Laws of South Carolina, 1976, as amended, which provides as follows:

"Notwithstanding other provisions of this chapter, the governing boards listed in Section 59-112-10 above, [post-secondary educational institutions] are authorized to adopt policies for the abatement of any part or all of the out-of-state rates for students who are recipients of scholarship aid."

The President recommended that the Board of Trustees adopt the following policy:

As a matter of policy, the Board of Trustees hereby authorizes the Administration to abate any part or all of the out-of-state differential in tuition and fees for students who are recipients of academic recruiting scholarships.

The Educational Policy Committee of the Board recommended approval of the policy by the full Board in time for it to be implemented for the Spring 1984 semester. By mail ballot action of November 30, 1983 the Board approved the policy.

Recommendation of the Executive Committee: Confirm and ratify.

Board Action: Confirmed and Ratified

Item 10. Southern Bell Right-of-Way Easements

Statement: Southern Bell Telephone Company requested two routine right-of-way easements (.0143 acres, and 0.207 acres, respectively) which will permit installation of telephone terminal equipment off highway locations where they will be less subject to vandalism. Clemson's Forest Manager inspected both sites and determined that the installation will not

interfere with current or planned use of the areas. The President recommended approval, and by mail ballot of October 11, 1983, the Board of Trustees approved the recommendation. The easements were executed by the Chairman of the Board on October 18, 1983.

Recommendation of the Executive Committee: That the mail ballot action by the Board of Trustees of October 19, 1983, and the execution of the easements by the Chairman of the Board of Trustees, be confirmed and ratified for the record.

Board Action: Confirmed and ratified

Item 11. Boll Weevil Eradication Program Regulations

Statement: The South Carolina Boll Weevil Eradication Act authorizes the State Crop Pest Commission, either independently or in cooperation with other entities, to carry out operations or measures to locate, suppress, control or eradicate, or to prevent or retard the spread of boll weevils. The Act also authorizes the Commission to promulgate such rules and regulations as are necessary for the efficient execution of those powers. However, the Administrative Procedures Act requires that any such regulations have the prior approval of both Houses of the General Assembly. On June 3, 1983 proposed regulations were filed with the South Carolina Legislative Council and with the Speaker of the House and the President Pro Tempore of the Senate in accordance with the Administrative Procedures Act. Those regulations were not acted upon by the General Assembly during the 1983 session. Accordingly, they were withdrawn, and on January 10, 1984 regulations were filed as prescribed by the Administrative Procedures Act with the Legislative Council, the President Pro Tempore of the Senate and the Speaker of the House.

Recommendation of the Administration: That the State Crop Pest Commission authorize the Director, Division of Regulatory Programs and Public Services, upon approval of the regulations by both Houses of the General Assembly, to promulgate for statewide implementation the said regulations.

Action by the State Crop Pest Commission: Approved

Item 12. Strom Thurmond Institute and Center Statement

Mr. Edwin E. Evans, Esquire, of the Attorney General's Office, explained an opinion authored by him and issued by the Attorney General in response to an inquiry by Chairman Waddell. The opinion is preliminary to additional opinions to follow and holds to the single premise that given the facts therein stated, the construction of the Strom Thurmond Center is subject to compliance with the S. C. Consolidated Procurement Code (CPC). Subsequent Attorney General opinions

will address the proposed lease of State and University campus lands as locations for the Center facilities. (As presently contemplated, the Center will consist of the Strom Thurmond Institute building to house Senator Thurmond's papers and memorabilia, a performing arts center and a continuing education center, as well as a golf course and marina.)

Item 13. Executive Session

The Chairman asked for a motion to go into executive session for the purpose of discussing certain personnel matters and contractual negotiations. The motion by show of hands was unanimous. The Board went into executive session at 3:20 P.M.

Item 14. Open Session

The Board reopened at 4:00 P.M. The Chairman stated that in executive session, the Board of Trustees authorized and directed the Administration to proceed under the Consolidated Procurement Code to obtain detailed architectural and engineering plans for the construction of the Strom Thurmond Institute building and to obtain a master site plan for the Strom Thurmond Center complex as a whole.

Item 15. Statutory Roll Call Vote

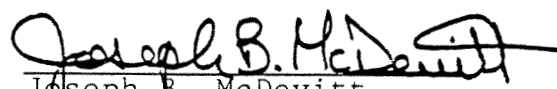
RESOLUTION: RESOLVED that all measures and recommendations made at this, the January 27, 1984 meeting, which according to the By-laws require a roll call vote of nine or more members, be hereby adopted and confirmed, and that the Vice President for Business and Finance be authorized to issue his checks for all expenditures authorized at this meeting.

Board Action: The Resolution was adopted with thirteen members present voting "Aye."

Item 16. Adjournment

There being no further business the meeting of the Board was adjourned at 4:05 P.M.

Respectfully submitted,


Joseph B. McDevitt
Secretary of the
Board of Trustees