

VIRGINIA

IN THE CIRCUIT COURT OF AMHERST COUNTY

JESSICA CAMPBELL,

Plaintiff,

Case No. _____

v.

**COMPLAINT FOR INJUNCTIVE
RELIEF**

SWEET BRIAR COLLEGE and
JAMES F. JONES, JR., INTERIM
PRESIDENT OF SWEET BRIAR
COLLEGE,

JURY TRIAL DEMANDED

Defendants.

Filed on behalf of the Plaintiff,
Jessica Campbell

Counsel for this party:

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Defendants.

COMPLAINT FOR INJUNCTIVE RELIEF

The Plaintiff, Jessica Campbell, by and through counsel, files this Complaint against Sweet Briar College and James F. Jones, Jr., in his capacity as interim President of Sweet Briar College.

Parties

1. The Plaintiff, Jessica Campbell, is an adult individual residing at is 230 Cochran Lane, Nitro, WV 25143.
2. Defendant, Sweet Briar College, is a Virginia non-profit organization, having a place of business at 134 Chapel Road, Sweet Briar, VA 24595.
3. Defendant, James F. Jones, Jr., is the interim President of Sweet Briar College. He maintains a place of business at 134 Chapel Road, Sweet Briar, VA 24595.

Background

4. Sweet Briar College ("Sweet Briar") is a women's liberal arts college located in Sweet Briar, Virginia, about 12 miles north of Lynchburg, Virginia.

5. The college's campus is located on 3,250 acres in the foothills of the Blue Ridge Mountains, on the former estate of the college's founder, Indiana Fletcher Williams ("Williams").

6. Upon her death in 1900, Williams bequeathed her land and funds to the formation of the Sweet Briar Institute, known today as Sweet Briar College. The college began doing business six years later, in 1906.

7. The college is one of the "Seven Sisters of the South," the Southeast's answer to the Seven Sisters Colleges in the Northern United States.

8. Over the last century, the college has grown to a sizable campus. Twenty-one of the thirty buildings on campus are listed on the National Register of Historic Places.

9. Today, Sweet Briar has approximately 650 students. The college is accredited by the Southern Association of Colleges and Schools Commission on Colleges to award the Bachelor of Arts, Bachelor of Fine Arts, Bachelor of Science, Master of Arts in Teaching, and Master of Education.

Current Issues

10. In the early 20th century, there was a significant need for women's education because many colleges did not admit women. This began to change in the late 1960s, when barriers to women's education began to drop.

11. Since 1970, Sweet Briar has found it increasingly difficult to attract students because its model of all-female education.

12. On March 3, 2015, Sweet Briar's interim President, James F. Jones, Jr. ("Jones"), announced that Sweet Briar would close at the end of the summer session, citing "insurmountable financial challenges".

13. In response, a group of concerned alumnae and friends of Sweet Briar formed an unofficial online fundraising website, Saving Sweet Briar, aiming to reverse the board's decision to close. That group has received pledges of over \$3 million to keep the college operating.

COUNT I

PRELIMINARY INJUNCTION

14. The Plaintiff incorporates by reference the allegations in the foregoing paragraphs as though fully set forth herein.

15. The Plaintiff is a 2007 graduate from Sweet Briar, having received a Bachelor of Science Degree in Mathematical Physics.

16. The Plaintiff is aggrieved by the Defendants' decision to close Sweet Briar, for the following reasons:

- a) Closing the college will damage the economic value of the Plaintiffs' four year college degree;
- b) Closing the college will permanently damage the reputational value of the Plaintiff's four year college degree;
- c) Closing the college will permanently deny the Plaintiff of the opportunity to participate in alumnae life at the college;
- d) Closing the college will permanently prevent the Plaintiff from assisting future Sweet Briar graduates, both at the college and later in their careers.

17. Virginia, as in most states, follows the legal doctrine of "cy pres" whenever there is a proposed change to a charitable trust, as in this case.

18. According to the cy pres doctrine, whenever the original objective of the creator of a trust becomes "impossible, impracticable, or illegal to perform," a court must amend the terms of the charitable trust as closely as possible to the original intention of the testator or settlor to prevent the trust from failing.

19. Defendants Jones and Sweet Briar College have not complied with the cy pres doctrine in their efforts to close Sweet Briar.

20. Upon her death in 1900, Indiana Fletcher Williams bequeathed her land and funds to the formation of the Sweet Briar Institute, known today as Sweet Briar College. Her will specifically states that:

No part of the said Sweet Briar Plantation and the two tracts of land adjoining ... shall at any time be sold or alienated by the corporation, but it shall have the power to lease or hire out such portions thereof as may not be directly needed for the occupation of the school and its surrounding grounds.

21. In other words, Ms. Williams' land – and the now beautiful campus on such land -- *were fundamental* to her intention of providing an education for young women.

22. Defendants Jones and Sweet Briar have violated the cy pres doctrine in the following particulars:

- a) By failing to utilize the land of Indiana Fletcher Williams for purposes of women's education;
- b) By failing to advise Sweet Briar alumnae of the college's intent to close, and to seek funds from alumnae to close the funding gap;
- c) By failing to make efforts to convert to a co-educational campus;
- d) By failing to hire a Dean of Admissions for the school since 2012;
- e) By failing to take advantage of significant overseas demand for American education by marketing the school in Asia as an all-women's college (as Barnard has done);
- f) By failing to hire a Director of Alumnae for several years, or to actively maintain the college's alumnae program;
- f) By mis-stating the financial distress of the college in their efforts to close the college.

23. As stated above, converting Sweet Briar to a co-educational institution is a much closer use of the college's assets to the founder's intent, Jones' efforts to destroy a century of work.

24. Jones' proposal would abandon an architecturally noteworthy campus to weeds, and would scatter the college's 230,000 volumes, and 350,000 microforms to the winds. This – only a few weeks after the college dedicated a \$8.8 million library renovation!

25. In 1960, there were as many as 200 women's colleges in the United States. Today that number is approximately 44. The other 160 colleges did not simply shut down – most went co-ed.

26. This is the obvious choice – and legal requirement of the cy-pres doctrine – that Defendant Jones has completely ignored.

27. Jones claims that he has done "everything possible to save the school." However, he didn't even try the method successfully used by nearly 160 other women's colleges.

28. Defendant Jones has also ignored Sweet Briar's alumnae, which in the last three weeks, have raised *nearly \$3 million dollars* to save the school.

29. Since Jones' announcement on March 3, 2014, several persons have reviewed the finances of Sweet Briar. These persons have determined that Sweet Briar has sufficient financial resources to restructure as a co-educational institution.

30. The Plaintiff respectfully request that the Court grant a preliminary injunction preventing Defendants Jones and Sweet Briar from taking any further action to shut down the college.

31. The Plaintiff will suffer immediate and irreparable harm if an injunction is not granted.

32. In March 2015, Sweet Briar held a college fair for its existing students. The students are currently applying to schools elsewhere in Virginia and the United States. If an injunction is not granted, the existing student body will begin accepting at other schools, depriving the college of its existing students.

33. In addition, Defendant Jones has advised the members of the faculty that their services will not be required after the summer semester. In some instances, the faculty has been terminated as of May 30, 2015. If an injunction is not granted, the faculty will begin accepting new job positions elsewhere.

WHEREFORE, for the reasons set forth above, the Plaintiff respectfully requests that the Court grant a preliminary injunction, preventing Defendants Jones and Sweet Briar from taking any further efforts to shut down, pending the outcome of this case.

COUNT II


PERMANENT INJUNCTION

34. The Plaintiff incorporates by reference the allegations in the foregoing paragraphs as though fully set forth herein.

35. The Plaintiff respectfully requests that the Court grant a permanent injunction requiring Defendants Jones and Sweet Briar to continue operating as a co-educational college.

WHEREFORE, the Plaintiff respectfully requests that this Honorable Court (a) grant a permanent injunction, prohibiting Sweet Briar College from taking any further steps to terminate operations, and (b) enter an order authorizing and directing Sweet Briar to continue as a co-educational institution.

Respectfully submitted,

By: 

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