

WILSON COLLEGE WOMEN
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August 6, 2013

VIA EMAIL AND
EXPRESS MAIL

Dr. Rod Niner
Higher Education Associate
Department of Education
333 Market Street
Harrisburg, PA 17126-0333

RE: Request for Public Hearing and Petition to Intervene, Application of Wilson College, 43 Pa.B. 3951

Dear Dr. Niner:

This request and petition is filed on behalf of Wilson College Women, a group of alumnae, students and friends of Wilson College in Chambersburg, PA. We request a public hearing on the College's application for approval to amend its Articles of Incorporation, 43 Pa.B. 3951, Doc. No. 13-1253, filed for public inspection on July 12, 2013. We also petition to intervene in these proceedings pursuant to 1 Pa. Code sections 35.27-35.32. Should our request for a hearing and/or our petition to intervene be denied, we ask in the alternative that these pleadings be considered a Protest under 1 Pa. Code sections 35.23 and 35.24.

In addition, because Wilson College has (a) announced it has admitted its first male student to the undergraduate women's college in February 2013 and continues to actively recruit male undergraduate students; (b) announced that the College has been fully coeducational since January 13, 2013; (c) hired coaches for men's sports teams; (d) withdrawn significant sums of money from the College's quasi-endowment in order to, among other things, adapt the College's facilities and programs for residential male students and male athletes; (e) continued to solicit donations from alumnae as a women's college; and (f) has discarded and sold College furnishings, antiques, and other items of significant historical and monetary value at fire sale prices, all without lawful and proper authority and in contravention of its present Charter and mission, we request that the Department of Education expedite the review of the College's application and issue an order to show cause why a public trustee or receiver should not be immediately appointed to manage the College in order to prevent further dissipation and waste of assets and other irreparably damaging *ultra vires* actions.

The factual basis for our request for a hearing, motion to intervene, and request for expedited review and appointment of a public trustee or receiver follows below. We also incorporate the protest and materials filed by Ms. Kendal Hopkins, Wilson College Class of 1980, of Biglersville, PA, with her protest on July 18, 2013, and attach additional information in support of our petition.

1. Introduction

Wilson College is one of the oldest surviving colleges for women in the United States. It was founded by a group of Presbyterian ministers who wished to provide a rigorous college education for young women at a time when the overwhelming majority of colleges and universities in the country refused to admit women. Prominent Chambersburg resident Sarah Wilson provided the seed money for the establishment of the College. When the Commonwealth of Pennsylvania approved the college's charter on March 24, 1869, Wilson College became the only women's college in the country that was both funded by and named for a woman. In 1905, Wilson College was one of the first colleges in the nation to adopt an Honor Principle that remains the foundation of shared governance in the College community today. In 1982, Wilson College established an adult degree program; the undergraduate residential program remained for traditional-age women students only and was named the College for Women. In 1996, the College expanded the undergraduate college to include one of the first in the nation residential undergraduate programs for single mothers with children. At commencement this past May 2013, the first child of a graduate of the Women With Children program completed her undergraduate education at Wilson College and received her degree. In addition to the liberal arts undergraduate programs, Wilson College offers several coeducational master's degrees and certificate programs and an Adult Learning Program. The College's undergraduate veterinary medical technician and equestrian programs are highly respected and competitive and the new Brooks Science Complex offers state-of-the-art facilities to undergraduates in the sciences, helping to address the nation's well-documented gender gap in the sciences.

In its present application to amend its articles of incorporation, Wilson College seeks to dissolve the 144-year old residential women's college and replace it with a coeducational institution. As the facts detailed below will show, the proposed dissolution of the women's college directly and adversely affects the interests of the petitioners. The proposed dissolution of the women's college is also contrary to the public interest of the citizens of the Commonwealth of Pennsylvania in the lawful and prudent management of the assets of a nonprofit organization and the lawful and prudent use of donated funds and tangible items in the service of the stated mission of the organization. Just as importantly, the proposed dissolution of the women's college is contrary to the Commonwealth's interest in preserving a vibrant and diverse range of choices and opportunities in higher education, both for Pennsylvania families and for the thousands of students from across the country and around the world who come to Pennsylvania for the outstanding educational institutions located within its borders.

There were once more than 300 women's colleges in the United States. The proposed dissolution of the College for Women at Wilson reduces that number to fewer than 50, of which just four (in addition to Wilson College) are located in Pennsylvania. See generally <http://advantages-of-a-womens-college.blogspot.com>. None of the other women's colleges in Pennsylvania offer a residential program for Women With Children, as Wilson College currently does. Of the four remaining women's colleges in Pennsylvania, only Bryn Mawr College shares Wilson College's ranking among the top 100 financially healthy colleges in the United States, according to Forbes Magazine. Exhibit A ("Forbes College Financial Grades," *Forbes Magazine*, July 24, 2013, <http://www.forbes.com/sites/schifrin/2013/07/24/is-your-college-going-broke/> and <http://www.scribd.com/doc/155687329/Forbes-College-Financial-Grades-As-and-Bs>). Given the Commonwealth's long history of supporting strong and diverse institutions of higher education, the proven and extraordinary success of graduates of women's colleges, and the unique programs and history of Wilson College that provide life-changing opportunities for young women of all backgrounds and circumstances, including women who are the first in their families to attend college, women from disadvantaged backgrounds, women who seek to enter fields dominated by men, particularly in the sciences and math, and single mothers with children, Wilson College qualifies as a rare national treasure. We urge the Department of Education to reject this application and take immediate action to

preserve the current mission and protect the valuable and in some instances, irreplaceable assets of Wilson College.

2. Background: The College and Alumnae

Wilson College was founded in 1869 as a college for women. It is one of the oldest surviving women's colleges in the nation. In the past 144 years, the College's articles of incorporation have been amended just a handful of times. The 1993 amendments reaffirmed that the undergraduate residential program was for women only. The amendment provided that the College, "in furtherance of its purpose set forth in the original charter, to operate a College for Women, which offers residential opportunity, and, in addition, to operate a co-educational College for Continuing Education . . ." Exhibit B ("Articles of Incorporation and By-Laws of Wilson College; Charter Granted Mach 24, 1869; Most Recent Amendments of Articles of Incorporation Approved by Department of State, Commonwealth of Pennsylvania, November 9, 1993"). This provision remains in effect today.

Petitioners and the generations of alumnae and friends we represent share an inspiring history of support and engagement with the College. Although the Wilson College alumnae body is small, participation rates in annual giving consistently rank among the highest in the country. *U.S. News & World Report*. The College has conducted three capital campaigns in the past three decades and each of these campaigns has met or exceeded its goal. The Leading With Confidence Campaign, the most recent capital campaign, was announced just before the 2008 market crash. Despite the challenges of raising funds during a severe and sustained economic downturn, when the Leading With Confidence Campaign closed in 2010, it had exceed its \$47 million goal by over \$2 million. Exhibit C ("Closing of the Leading With Confidence Campaign," <http://www.wilson.edu/ways-to-give/closing-of-the-leading-with-confidence-campaign/index.aspx>). Importantly, on the advice of the College's endowment manager and bond counsel, the Board of Trustees voted to obtain a bond from the Borough of Chambersburg to fund the construction of the centerpiece of the capital campaign, the new Brooks Science Complex, and retire existing debt. The Board of Trustees then designated \$31 million in contributions to the capital campaign as "quasi-endowment," the sole purpose of which was to serve as collateral for the bond and to pay the interest and principle on the bond as it became due.

The generosity of Wilson alumnae is not surprising, given the research that shows that graduates of women's colleges support their colleges in greater numbers and more generously than graduates of coeducational colleges. ("According to 1988 data from the Council for Financial Aid to Education, more women's college alumnae donate money to their alma mater (39% vs. 28%). The amount donated is larger too (\$521 vs. \$406)." <http://www.fastweb.com/college-search/articles/687-women-s-colleges>.) What makes Wilson College and its alumnae unique, however, is what happened in 1979. That year, the Board of Trustees voted to close the College. After the decision to close was announced, the Save Wilson Committee was formed and alumnae sued the Board of Trustees in Franklin County Orphans Court, seeking to enjoin and reverse the decision. The Pennsylvania Attorney General filed an appearance in the case because the College had failed to timely notify him of its decision and had failed to seek permission to repurpose the College's assets for a foundation. After a five-day hearing in which alumnae, students, faculty, administrators, Trustees, and experts in higher education testified, Judge John Keller granted the injunction and reversed the Boards' decision to close. Exhibit D (The Wilson College Case). The case was then settled by the parties and the court entered a decree nisi that required that the President of the College and the majority of the Board of Trustees resign. In the months and years that followed, alumnae stepped in to serve on the Board of Trustees, fill administrative and faculty positions, often without pay, donated furniture and needed items for the residence halls and classrooms, and returned to campus regularly to assist wherever needed, pitching in with office and administrative work as well as painting, cleaning, and landscaping.

No other alumnae group in the country, before or since the 1979 decision in the Wilson College case, has successfully sued and overturned a college or university's Board of Trustees' decision to close. The special relationship between alumnae and the College that was cemented in 1979 is evident in the Commencement address given by Gretchen Van Ness, Class of 1980, on the 30th anniversary of the Save Wilson Committee's unprecedented and still unmatched success. Exhibit E ("The Power of Wilson").

3. "We Believe," the 2010-2015 Strategic Plan, and the Commission on Shaping the Future of Wilson College

Despite this proud history, Wilson College is not immune to the demographic, economic and market forces that affect every college and university in the country. In the 1970s, when formerly all male colleges and universities began to admit female students, like many other colleges and universities, Wilson's enrollment declined. Despite the significant investment in the new Brooks Science Complex that opened in 2009, because of the economic downturn, enrollment remained flat. After a retreat in 2009 to examine how these various external and internal factors impacted the College's financial health and its future, the Board of Trustees reaffirmed Wilson College's mission as a women's college. The Board of Trustees shared its vision with the College community in a letter called the "We Believe" document. Exhibit F.

In addition, in October 2010, the Board of Trustees adopted a comprehensive five-year strategic plan to grow enrollment and achieve financial sustainability as a women's college. The Plan states: "In order to distinguish Wilson in a very competitive higher education environment, Wilson will have the best opportunities if: it preserves the core, undergraduate, residential women's college; strengthens and expands the undergraduate, adult degree programs; establishes additional graduate programs and graduate and undergraduate articulation program[s] that address student interest, the trend to on-line and hybrid learning for adults, and identify[s] long-term needs of the marketplace, such as health care." Exhibit G ("The Strategic Plan for Wilson College: 2010-2015, Approved by the Board of Trustees, October 2010," http://www.wilson.edu/data/files/gallery/ContentGallery/SP_to_post_on_the_website_june_2011.pdf).

The current President of the College, Barbara Mistick, succeeded President Lorna Edmundson in 2011. That fall, the Board of Trustees authorized the creation of a high-level commission to study and make recommendations for "transformational change" that would build on the 2010-2015 Strategic Plan. As detailed in Commission member and former Trustee Gretchen Van Ness's Letter to the Chronicle of Higher Education on February 7, 2013, the Commission process was deeply flawed. Exhibit H ("Process That Brought Coeducation was Rushed, Incomplete," <http://chronicle.com/blogs/letters/process-that-broad-coeducation-to-wilson-was-rushed-incomplete/>). Various working subgroups were formed in May 2012, but no subgroup was formed specifically to examine the coeducation option or to determine how Wilson could thrive as a women's college. Moreover, no subgroups examined the core functions of the College: admissions, alumnae relations, fundraising, and marketing. Instead, the new markets subgroup, led by an English professor, examined the coeducation option along with other potential new markets. The subgroups were required to complete their work in less than six months. Given the short timeframe, it is no surprise that the new markets subgroups grossly underestimated the cost of establishing a coeducational college at Wilson at just \$300,000.

The Commission schedule was so compressed that although the College invited alumnae and other members of the Wilson community to submit ideas and suggestions, there was no time for the subgroups to consider the ideas and suggestions alumnae sent to the Commission or offered at the open meetings. Letters and emails sent to the President or the Board of Trustees were never forwarded to the Commission. Moreover, many if not most alumnae were not aware that the new markets subgroup of

the Commission was exploring the coeducation option. Although alumnae members of the Commission and others repeatedly requested that a mailing to be sent to all alumnae specifically informing them that coeducation was under consideration, the College refused, citing costs.

In an effort to bridge this information gap, Wilson College Women launched the Pines and Maples website. See <http://pinesandmaples.com/>. To date, over 850 alumnae and friends of the College have signed the Pines and Maples pledge to support the women's college. Wilson College Women also raised almost \$82,000 in unrestricted funds in a three-week fund drive in order to demonstrate our support for the women's college. We also formed taskforces to partner with the College in admissions, retention, fundraising and marketing, and have coordinated several programs to support current students, including delivering hand-made Valentine's Day cards to every student, running a Girl Scout Cookie drive that gave a box of Girl Scout Cookies to every student on campus, publicizing an alumna-administered Amazon shopping link to benefit student programs, and reinvigorating the Aunt Sarah Program that pairs students with alumnae mentors. No other alumnae group has done so much in such a short period of time, and no other alumnae group has as many members as Wilson College Women.

The Commission submitted its final report to the President on November 12, 2012. Because of the lack of time and President Mistick's refusal to extend the deadline, the Commission never had the opportunity to deliberate as a whole regarding any of the numerous ideas developed by the subgroups. The Commission thus made no *recommendations* in its final report to the President. Instead, the final report offered a collection of unranked "strategic ideas." Commission Chair Trustee Leslie Durgin explicitly stated the President must provide "comprehensive, evidence-based and rigorous analysis for each strategic idea or proposal based on a common analytic model for full describing the assumptions and investment returns upon which the evidence and data are based." Exhibit I ("Positioning Wilson to Thrive"; Commission on the Future of Wilson College; Strategic Ideas; Preface from the Chair of the Wilson Commission).

4. President Mistick's Statements and Recommendations and Board of Trustees' Actions

Based on the ideas collected in the Commission's final report, President Mistick made recommendations – including the recommendation to adopt the coeducation option – in her report to the Board of Trustees on November 20, 2012, with the expectation that the Board of Trustees would approve these recommendations at a special meeting scheduled for November 30 and December 1, 2013.

On November 28, 2012, just before the Trustees returned to campus for the special meeting, President Mistick published an op-ed in pennlive.com, the Harrisburg Patriot-News online news service. Titled "Wilson College must face stark reality," President Mistick claimed that the College faced a "fiscal cliff" with \$31 million in total debt and \$10 million in deferred maintenance. Even with optimistic enrollment projections, President Mistick continued, implementing all of the Commission's ideas except coeducation "would leave Wilson with a 2020 financial deficit of \$2.5 million and an additional cumulative debt of \$23.9 million over that time." Exhibit J (https://www.wilson.edu/data/files/news/HeadlineNews/PatriotNews_OpEd_by_BKM_Wilson_must_face_stark_reality.pdf).

Unaware that the \$31 million debt consisted of the construction bond for the new Science Complex which was fully secured by the quasi-endowment and that deferred maintenance was addressed in the 2010-2015 Strategic Plan, and unaware that President Mistick's projections grossly underestimated the cost of coeducation while wildly inflating its impact on enrollment, alumnae and members of the community understandably panicked and concluded that Wilson once again faced

closing, as in 1979. Alumnae and members of the community also could not know that in the summer of 2013, Forbes Magazine (Exhibit A) would give Wilson's financial health in 2011, the exact moment when President Mistick claimed that the College was facing a fiscal cliff, an "A" grade, and that the U.S. Department of Education would give Wilson a 3.0, the highest possible "financial responsibility" score. *Chronicle of Higher Education*, "College Financial-Responsibility Scores, 2011 Fiscal Year," July 2013, http://chronicle.com/article/College/140495/?cid=at&utm_source=at&utm_medium=en.

On December 1, 2012, the Board of Trustees voted to delay action on the President's recommendations until a special meeting on January 13, 2013. The Trustees explicitly requested that the President present the business case for each of her recommendations and provide additional financial modeling and analysis, particularly for the coeducation option, before the January 13, 2013 special meeting. While the President provided some additional materials to the Board of Trustees, the financial modeling and analysis was still inaccurate and incomplete, and no business case was presented for any of the recommendations. This lack of information left the Board of Trustees with few tools for addressing the panic and fear that continued to shake the Wilson community as a result of President Mistick's dire predictions in her November op-ed.

Despite President Mistick's failure to provide the Board of Trustees with the information it requested and despite the presentation by Trustees of new information that called into question the accuracy of both the data presented and the assumptions upon which the President's recommendations were based, on January 13, 2013, the Board approved the President's recommendations and announced that Wilson College was "fully coeducational" immediately, neglecting the College's articles of incorporation that provided otherwise. Exhibit K ("Decision: Positioning Wilson to Thrive FAQ – 2/22/13," http://www.wilson.edu/data/files/gallery/ContentGallery/DecisionFAQ_022213FINAL.pdf). The College announced that male commuter students would be admitted to the undergraduate college beginning in Fall 2013 and that male residential students would be admitted beginning in Fall 2014. In rapid succession in the following months, the College announced the addition of several men's sports, the hiring of a cross-country coach for men's and women's cross-country, the hiring of the director of the men's basketball program, and the award of an NCAA grant to hire a full-time Athletic Communications/Sports Information Director to "assist in making a smooth transition while we expand opportunities for our female and male student-athletes." Exhibit L (collected screen shots of Wilson College website "News" page). The College also continued to insist that the changes required by coeducation would total only \$300,000. See Exhibit K.

Although the College made regular announcements about changes resulting from the Board of Trustees' actions in January 13, 2013, the College has not officially released enrollment numbers since Fall 2012. No figures have been officially released by the College, but according to the June 2013 Alumnae Trustees Report (<http://www.wilson.edu/alumnae/index.aspx>), total enrollment across all programs of the College stood at just 378 in May 2013, down from almost 700 when President Mistick took office. This is a decline of almost 50% in just two years. The 2012-2013 fundraising figures also have not been released but are believed to be far below prior years.

And although the College is actively recruiting male students, it is still soliciting donations from alumnae with materials describing the College as a women's college. At Alumnae Reunion Weekend May 31 to June 2, 2013, in her welcome packet every alumna received a colorful brochure soliciting donations for Wilson's unrestricted annual fund. Exhibit M. The brochure proclaims, "From the moment you strolled among the pines and maples, everything about Wilson spoke to you: The heritage of strong women. The beloved traditions. The academic excellence, unique sisterhood, and empowering 'you can do it!' atmosphere ... Now imagine giving this wondrous gift – the gift of a Wilson education – to another young woman, and watching her life take flight."

5. The Legal and Regulatory Framework

There is no dispute that under Pennsylvania law, a board of directors has the authority to amend a nonprofit or charitable organization's articles of incorporation. But when the proposed amendments change the fundamental mission of the organization, most legal experts agree that the best practice is to seek approval of the proposed amendments in the Orphan's Court by filing a *cy pres* action. The Pennsylvania Attorney General has developed a protocol regarding the process of fundamental change for health care nonprofits that is intended as a guide to all nonprofit and charitable organizations contemplating such change. Exhibit N ("Review Protocol for Fundamental Change Transactions Affecting Health Care Nonprofits; <http://www.attorneygeneral.gov/consumers.aspx?id=229>). Even if a board of directors decides to forego the *cy pres* action, a fundamental change in the organization's mission must be approved by the Attorney General and relevant regulatory agencies. In the present case, Wilson College has begun implementing coeducation across all programs of the College without first filing a *cy pres* action and receiving the permission of the Orphans Court, without notifying the Attorney General and receiving her permission, and without notifying the Department of Education and receiving the Department's approval.

The Board of Trustees made the same mistakes in 1979. In that case, Judge John Keller ruled that the College's failure to comply with the law shifted the burden of proof from the plaintiffs to the defendant Board of Trustees. The plaintiffs no longer had to prove that the Board of Trustees was wrong when it voted to close the College; rather, the Board of Trustees had to prove that its decision was correct. The defendant Board of Trustees failed to carry its burden, resulting in the ruling that reversed the decision to close. At a minimum, the Orphans Court ruling in 1979 constitutes constructive notice to the College of the process it should have followed in 2013. Arguably, it also created a special and continuing general duty for the Board of Trustees to ensure the prudent and lawful management of the College. In addition, the ruling arguably created a *specific* duty to ensure that all proper and lawful procedures are followed regarding any changes in the mission of the College. But even if the 1979 ruling is ignored, sadly, today the College has failed to comply with its most fundamental duties under Pennsylvania law: to operate the College in accordance with its stated mission, and if it seeks to fundamentally change that mission, to make that change in a lawful manner.

The Commonwealth's legal and regulatory requirements are not a mere formality. In exchange for exemptions from state and federal taxes, a nonprofit or charitable organization promises to solicit funds and devote its assets to the charitable and educational purposes stated in its articles of incorporation. The articles of incorporation are a public record, as are the organization's tax returns and Form 990s, so that the public may be informed about the mission and financial health of the organization before donating or, in the case of educational institutions, before enrolling. For generations, alumnae and supporters of the College have donated their time and treasure to Wilson College, occasionally for specific purposes such as endowing an academic chair, funding scholarships or awards, buying books for the library, or renovating or constructing a building. Most often, however, donors have not directed or placed restrictions on their gifts, such as a direction or restriction that the gift only be used for a women's college. There was no need to do so, as Wilson College had been a women's college since its founding, the articles of incorporation continued to reflect that fact and, until the formation of the Commission and President Mistick's public statements in the fall of 2012, there was no reason to believe that would change. Over the generations, millions of dollars have been donated to the College with the expectation that the funds would be used to further Wilson's mission as a women's college. Estates and trusts have been left to Wilson with the expectation that the College's mission would continue. Classrooms, studios, stables, athletic facilities and residence halls have been constructed and improved with funds for Wilson as a women's college. No one imagined that a different purpose or use was

possible. Most recently, the College raised \$25 million for the construction of the Brooks Science Complex specifically to serve the more than half of all Wilson students who take courses in the sciences and to attract new students to the women's college.

Can -- or should -- these generous donations over the generations and the women's college and endowment that were built with them be repurposed? Should the women's college be dissolved and replaced with a coeducational institution? If the answer is yes, how should it be done? If the answer is no, how can it be stopped? Perhaps these questions can only be answered in a court of law.

6. The Demand Letter

On April 23, 2013, Attorney Eileen C. Finucane of Salzman Hughes, P.C. in Chambersburg served a demand letter on the Board of Trustees. Exhibit O. The letter charges the Board of Trustees with violating its fiduciary duties when it approved coeducation across all programs because (1) it knowingly relied on inaccurate, incomplete and unreliable data when making the original decision, failed to reconsider the coeducation decision when material information relied upon changed dramatically, and failed to retain independent counsel, including bond counsel, for advice on significant financial and legal matters; (2) it employed a flawed decision-making process in which highly relevant financial information regarding coeducation was requested and never provided while highly relevant information supporting the women's college was never requested but was ignored when provided by Trustees; (3) it recognized but failed to correct the inherent conflict of interest in the Commission, which was populated primarily by faculty members and administrative staff; (4) it ignored repeated requests for changes in the Commission process to permit real participation by Wilson alumnae and real consideration of their suggestions and ideas; (5) it refused to change the compressed Commission work schedule or to include a time period for feasibility studies and implementation planning; (6) it relied on data from a patently skewed survey conducted by Stevens Strategy and failed to fully discuss or analyze assumptions built into the financial modeling for coeducation, including Stevens Strategy's statement that if the College elected to go co-ed, it must borrow \$26 million to build a new residence hall and draw down the quasi-endowment to fund multiple-year losses in cash flow; (7) it failed to examine internal operations of the College and best practices in alumnae relations, marketing, financial management, and student retention; (8) it failed to respond to Commission Chair Leslie Durgin's unequivocal notice to the Board in her cover letter that the Commission's report contained only "strategic ideas" and recommending further analysis and review prior to implementation, and it failed to lead the College community in an exploration of its historic mission and vision in Spring 2013, as recommended by the Commission. Attorney Finucane made four demands on behalf of her clients:

(1) Rescind the coeducation decision and take no action to amend the Wilson College charter and by-laws pending further analysis and review;

(2) Appoint a balance committee of voting members of the Board to evaluate financial sustainability models over a 3-5 year period, including operating revenue and expense, and capital expenditures;

(3) Commission a market feasibility study to assess the impact of coeducation on Wilson College; and

(4) Engage independent advisor(s) to provide a reasonable and prudent assessment with respect to admitting men to the undergraduate residential program, including the impact on other residential constituencies, financial support by alumnae, and operating expenses for instructional, academic, student services and institutional support.

The Board of Trustees engaged counsel to respond to the demand letter, but ignored the letter's demands and voted to amend the College's charter and by-laws at its May 2013 meeting. This matter remains pending.

7. Approval of \$5.8 Million Endowment Draw and Trustee Resignations

At its regularly scheduled May 2013 meeting, the Board of Trustees approved the proposed amendments to the College's charter that are the subject of the present application. The Board of Trustees also approved President Mistick's request for a \$5.8 million drawdown from the quasi-endowment primarily to make changes and improvement to the facilities for male students. As described in the July 14, 2013 *Public Opinion* article, "Some Alumnae Still Fighting To Keep Wilson a College for Women Only" (http://www.publicopiniononline.com/latestnews/ci_23655976/some-alumnae-still-fighting-keep-wilson-college-women), as a result of this and other reckless and perhaps illegal financial decisions, four Trustees resigned from the Board in protest: Paula Tishok, Vice Chair of the Board and former Chair of the Trusteeship Committee; Marsha Sajer, Chair of the Buildings & Grounds Committee; Nancy Smith, Chair of the Investment Subcommittee and member of the Finance Committee; and Alumnae Trustee Amy Boyce. Exhibit P. See also "Wilson College Board Fracture Went Beyond Personal (Guest Essay), http://www.publicopiniononline.com/opinion/ci_23754629/wilson-college-board-fracture-went-beyond-personal-guest". Exhibit Q. Both the multi-million dollar draw from the endowment and the mass resignation of Trustees with particular expertise in finance and governance are unprecedented in the College's history.

8. Current Attorney General Investigation

Although the Attorney General's Office will not confirm or deny the possibility, it is believed that the Attorney General has opened an investigation into various matters at Wilson College, including the repurposing of restricted funds, the improper use of funds for the proposed mission of the College while the existing mission has not changed, and other financial irregularities. Numerous alumnae have filed complaints with the Attorney General, and many of these alumnae sent copies of their letters and emails to petitioners. These letters and emails are collected at Exhibit R.

Petitioners have learned that additional complaints will be filed with the Attorney General concerning an auction of antiques, furnishings, chairs, lamps, fixtures, classroom maps, and other items conducted on the Wilson College campus on Wednesday, July 31, 2013. With no notice to the Director of the Hankey Center, where the College's Archives and historical collections are located, or to the Heritage Committee of the Alumnae Association of Wilson College, both of which would be able to identify items of historical value, College personnel emptied rooms and storage areas in various buildings on campus that are undergoing renovation. Some items were discarded. Numerous pieces of furniture and antiques removed from historic buildings on campus were slated for the dumpster until a student intern suggested that the College attempt to auction off the items instead. The auction was announced in the Chambersburg *Public Opinion* on Sunday, July 28, 2013. Additional items were added to the auction by College staff. The auction was announced on the College's website and on Tuesday, July 30, 2013, a link was added to pictures of many of the auction items. Exhibit S. Included in these pictures was a photograph of several items on the floor, propped up against the wall. Among these items is what appears to be a portrait, removed from its frame. An alumna recognized the man in the portrait as the Rev. James Wightman, one of Wilson's founders. Alumnae quickly contacted the College, the Director of the Hankey Center, and the Director of the Alumnae Association, pleading for the auction to be postponed or cancelled so that a thorough inventory of the items could be conducted. The College refused, but local alumnae were able to rescue from the auction the bed believed to belong to Sarah Wilson, as well as a table bearing a brass plaque that said "Sally Wilson Table" and indicating

that it was a gift to the College by a local alumnae group. The portrait of Rev. Wightman and its frame and other items of historic importance and value to the women's college also were rescued. However, at the auction many valuable antiques and furnishings were sold at shockingly low prices, including 1930s-era matching mahogany pineapple beds that, on eBay, are listed at \$595 each. The two beds together went for \$65.

9. Conclusion

Repeated studies have shown that graduates of women's colleges experience disproportionate success in their chosen professions when compared to women graduates of coeducational institutions. E.g., "What's Happening to Women's Colleges?", <http://hereandnow.wbur.org/2013/04/11/womens-colleges-wils>. The first female Secretary of State, the first female Speaker of the House, and the first female major party presidential candidate were all graduates of women's colleges. Women's colleges are currently experiencing a resurgence of interest and increasing enrollment and applications as young women and their families recognize the value of a single-sex education. Every women's college that ceases to exist deprives that many more women of an educational experience that exists nowhere else.

Wilson College alumnae have an interest not only in seeing that our donations and gifts to the College over the years are used for their intended purposes lawfully and in harmony with the College's mission, but we also have an interest in protecting the value of our degrees. As more and more employers and companies recognize the added value a women's college graduate brings to the workplace, our Wilson College degrees help open doors and create opportunities. Should Wilson College be replaced by a coeducational institution, Wilson College's reputation will decline and with it, the value of our degrees. But more important than all of these interests, Wilson College alumnae have an interest in preserving our small but mighty college for women because once it is gone, it can never be reclaimed. Title IX, the federal law that guarantees equal educational opportunity, makes an exception for historically women's colleges, just as it does for historically African-American colleges and religious colleges. The historic exception protects only existing women's colleges. Most legal experts agree that Title IX prohibits the establishment of new women's colleges.

Prompt action is necessary in the present matter because of the grave missteps and misrepresentations that have occurred and will continue to occur and continue to damage the women's college. Wilson College alumnae have accomplished the impossible: we reversed the decision to close the College in 1979. The enrollment and financial challenges Wilson faces in 2013 are not impossible to solve and, as the 2010-2015 Strategic Plan concluded, Wilson's best chance of addressing these challenges is to remain true to its mission as a women's college.

If permitted to intervene in this matter, we will assist the Department of Education in good faith with complete, accurate, and unbiased information. We do so because of the Honor Principle that binds us as Wilson Women, but also because only the truth and facts can provide a solid foundation for Wilson's future. Anything else is a house of cards.

Sincerely yours,

Wilson College Women

Attachments:
Timeline
Exhibits A-S