

2017-7785/2

**IN THE CHANCERY CLERK COURT OF THE FIRST JUDICIAL DISTRICT OF
HINDS COUNTY, MISSISSIPPI**


**DR. MCKINLEY ALEXANDER, JR., SCHUYLER FINLEY,
DR. IVORY PHILLIPS, INEZA PITTMAN
KATHY SYKES, MEMBERS OF HOUSE OF REPRESENTATIVES DISTRICT 70,
WINFRED LOVE, JIM EVANS**

PETITIONERS

VS

**C. D. SMITH, JR., DR. ALFRD E. MC NAIR, JR.
SHANE HOOPER, DR. DOUGLAS W. ROUSE
TOM DUFF, DR. FORD DYE
CHIP MORGAN, HAL PARKER
ALLEN W. PERRY, CHRISTY PICKERING
DR. J. WALT STARR, ANN H. LAMAR
DR. GLENN F. BOYCE, COMMISSIONER
BOARD OF TRUSTEES OF INSTITUTIONS OF HIGHER LEARNING
IN THE STATE OF MISSISSIPPI**

RESPONDANTS

FILED
MAY 30 2017
EDDIE JEAN CARR, CHANCERY CLERK
BY  D.C.

VERIFIED PETITIONS OF COMPLAINT

1. This is a complaint for Declaratory Injunctive and other relief involving **C. D. Smith, Dr. Alfred E McNair, Jr. Shane Hooper**, Black members of the College Board along with other white members, known as the Board of Trustees of State Institutions of Higher Learning from violating the rights of Plaintiffs and the individuals groups and/or classes they represent secured by 42 U.S.C. § 1981, 1983 et seq.; 42 U.S.C. 2000d and the Fifth, Ninth, Thirteenth and Fourteenth and Fifteenth Amendments. More specific the actions and/or inactions violates the Constitution of the United States. "Citizenship" as envisioned by the frames of the "Civil War"

Amendments of Constitutions of 1892, Art. 8 Sec. 213-A, Miss. Code Ann. Sec. 37-101-1, Jurisdiction of this Cause is invoked pursuant to Mississippi, the inherent authority of this Court. The amount in controversy exceeds Ten thousand Dollars exclusive of interest and cost and there is a controversy as shown herein.

2. Plaintiffs allege that defendants have pursued and continue to pursue policies and practices in regard to the administration and operation of the public Institutions of Higher Learning which violate the rights of plaintiffs and the classes they represent. This complaint seeks injunctive relief directing the Board of Trustees and the other defendants to undertake such affirmative corrective steps as are necessary to overcome the effects of past racial discrimination and to bring the State's system of higher education into conformity with the law in regard to the specific areas if relief requested herein. This complaint seeks injunctive relief and a declaration of plaintiffs' rights in regard to the followings:

(a). Whether the State of Mississippi is continuing to operate its public system of Higher Education in violation of state and federal laws prohibiting discrimination based on race in Educational opportunities and prohibiting the maintenance of a dual system of Education based on race. The Public Historically Blacks Institutions, ("Public Black Colleges" or "HBCU's"), Jackson State University, Alcorn State University and Mississippi Valley State University are not comparable and competitive with the State's traditionally white institutions ("TWIs") in all facets of its operations and programs, enabling it to compete for, be attractive to and provide a quality education, regardless of race of the students who choose to attend it, and it seeks to

compensate all the individuals harmed by the unconstitutional conduct of the defendants.

(b) Whether the College Board has continued the Historic pattern of minimizing African American participation in the system of higher education from the opening of UM only for whites to the present policies and practices of selective enforcement of rules regulated policies and practices of total racial exclusion and insensitivity, especially of the Culture of the HBCUs. The pattern of governance which allowed Desota County to have a Trustee for UM, only to ignoring Blacks nominated to the Board. *Judge Johnny Walls nominated to the Board by Govern Ray Mabus in 1988 with Civil Rights background rejected by the State of Mississippi as a College Board member.*

3. Parties - Petitioners

Plaintiffs Dr. McKinley Alexander, Schuyler Finley, Dr. Ivory Phillips, Ineza Pittman, Kathy Sykes, Winfred Love and Jim Evans are all Black citizens, adults of the State of Mississippi, tax payers, parents of Black students former students, employees of the aggrieved universities. They all reside in Hinds County and are within the jurisdiction of the Court.

4. Parties – Respondents

The following defendants respondents are members of the Board of Trustees are sued in their individual and official capacities: Dr. Douglas W. Rouse, Tom Duff, Dr. Ford Dye, Chip Morgan, Hal Parker, Alan W. Perry, Christie Pickering, Dr. J. Walt Starr, Ann Lamar are white board members, Dr. Glenn F. Boyce is the Commissioner and is white. C.D. Smith, Jr., Dr. Alfred E McNair, Jr. and Shane Hooper are black members of the board.

5. State of the Facts

By authority of Section 37-101-13 Miss. Code, 1972 Annotated, the University of Mississippi enjoy the unique distinction of having a special trustee to sit on the Board of Trustees, known as the Le Bauve Trustee, who votes on matters only pertaining to the University of Mississippi. No other University has such special trustee accorded to it.

The Le Bauve fund seat clearly shows the State of Mississippi governance was racially discriminatory. Mississippi attempted to meet the issues special privileges for Ole Miss by voting to end the practice one month before the federal court decision. The appointment process has continued to exclude Black voices that represent Jackson State University, Alcorn State University, and Mississippi Valley State University, something that the State would never impose on University of Mississippi or Mississippi State University. Again, selective enforcement abound, Ayers v. Allain, 893 F. zd 732 5th Cir 1990. En Banc Court did not focus on governance and thus fair game hence.

Cause of Action I.

The College Board discriminates against Jackson State University, Alcorn State University, and Mississippi Valley State University in governance. The selection process is flawed in that White Institutions are given more weight, lead way and their alumni, faculty and support groups are listened to while Black Institutions representatives voices are not heard.

Cause of Action II.

The State of Mississippi continues to destabilize its HBCU's by refusing to appoint Black

graduates from said Institutions. There are no Black representatives from these institutions thereby violating the Spirit of the Law of Common Sense. The State furthers this illegal and immoral conduct by violating its own law of tampering with a sitting president of an institution. Mississippi would never consider taking the Chancellor of University of Mississippi to become the President of Mississippi State University nor would Mississippi consider transferring the President of Mississippi State University to the University of Mississippi. This is plain and simple ignorance, insensitive and/or being neglect. Water and oil do not mix nor can the board be serious about taking a sitting President from Mississippi Valley State University and installing him as President of Jackson State University. Plaintiffs believe that this scheme and design is intended to upset Mississippi Valley State University and Jackson State University Alumni. In the end, Plaintiffs will not and/or any circumstances accept, embrace and become friendly with said IHL preferred candidate for Jackson State University. Is this an attempt to close Mississippi Valley State University? Why move him unless the intent is to destroy both institutions. Will Jackson State University lose its accreditation of the Business School by the elimination of the Economic Department? Can the citizens of the Jackson area be served without service from Economics? Is this true downsizing killing two birds with one stone.

Cause of Action III.

The Plaintiffs urge the Court to take Judicial notice of settlement agreement, March 29, 2001, that is pending in the **Ayers v. Fordice** case. Plaintiffs have resisted the calls and temptation to re-open that case even though many of the mandates have not been satisfied.

The Supreme Court made clear in US & Ayers v. Fordice 505 U.S.717 (1992), the standard.

There the court said "In 1954, this court held that the concept of "separate but equal" has no place in the field of Public Education." Brown v. Board of Education 347U.S.483(1954). The Court stated that "(i)f a state perpetuates policies and practices traceable to its prior system that continues to have segregative effects _____whether by influencing student enrollment decisions or by fostering segregation in other facets of the University system____and such policies are without sound education/justifications and can be practicably eliminated, the State has not satisfied its burden of proving that it has dismantled its prior system "505 U.S. 735.

The IHL Process violates the above standards:

1. Jackson State University is a research-intensive University and the preferred candidate has no experience at such an institution, yet tampering occurred.
2. Student enrollment at Jackson State University consist of a much more diverse population where the mix of traditional students, part time students, and nontraditional students provide complex challenges that will not await on the job training. Golf course politics cannot replace sound educational policies. The good ole boy network cannot survive strict scrutiny.
3. There is excessive flaw in the process for selection and the practice adhered to in this selection process differs drastically from what was observed for TWI Institutions. If the law and policy is plain on its face but administrated with an evil eye, the process cannot stand.
4. There appears to be a concerted effort to prevent a Jacksonian from becoming president of Jackson State University. The alumni of University of Mississippi turned the school

around. Why should the same be done for Jackson State University.

5. There is the complete absence of representation of alumni from Jackson State University or any other HBCU public institution domiciled in Mississippi on the board was intentional a faulty insensitive to the heeds and aspirations of the population served by that institution. This must change, even if resignation of current board members is warranted.

6. The selection process renders Jackson State University a plantation where an overseer is appointed with a view that Jackson State University graduates are inferior and simply need to learn to do as told. The greatness of Jackson State University cannot be realized with a share croppers Board mentality.

The unfairness of it all cannot be ignored by this court. The 63rd Birthday of Brown v. Board of Education cannot be justified on such shaky grounds. Citizenship is predicated on educational equality. Education is the foundation of good citizenship no race can survive if they are denied education. We have seen this move before in Mississippi. Reading for Blacks was against the law. Are we heading back in that direction?

EQUITY

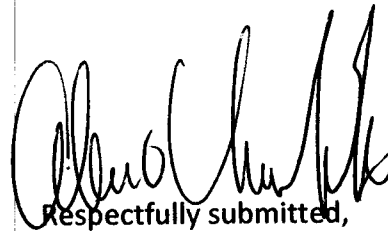
118. Plaintiffs have been and are being irreparably injured by the action of defendant. Defendants' racially discriminatory policies and practices in regard to the administration and operation of the public institutions of higher learning have made and continue to make it impossible for plaintiffs to secure equal educational opportunity. Unless defendants are enjoined, such irreparable injury will continue.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs respectfully pray for an ordered and judgment of this Court as follows:

- a. Preliminary and permanently restraining the defendants, their agents, employees, sub-alternates, successors in office, and all persons acting in concert or cooperation with them from engaging in any racially discriminatory practices with respect to education and employment opportunities in the system of higher education in the State of Mississippi, and specifically enjoining them from failing to:
- b. Ordering the College Board to reform its Policies consistent with Sound Education Policies and Practices;
- c. Issue a preliminary injunction requiring he Board to follow the Administrative Procedure Act and the Open Meeting Act;
- d. Require the Board to stop Back Channeling;
- e. Declare all private meetings illegal and void;
- f. Granted such other and further relief as may be just and proper including declaratory and injunctive relief; and
- g. Order that the costs and disbursements of this action and reasonable attorney's fees be levied against the defendants.

Dated: May 30, 2017



Respectfully submitted,
Alvin O. Chambliss, Jr.
2901 Ursulines Avenue
New Orleans, LA 70119
Miss. BAR NO. 5948

201.0509 INSTITUTIONAL EXECUTIVE OFFICER/COMMISSIONER OF HIGHER EDUCATION SEARCH PROCESS

A. General Policy

The Board shall appoint the Commissioner and the Institutional Executive Officers (IEOs). The Board shall make interim appointments to executive officer and/or commissioner positions as necessary and with such consultation as the Board considers appropriate.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 3/2011; 5/2011; 4/2012)

B. Board Search Committee

The President of the Board shall appoint a committee of Board members to manage the search for a Commissioner or an IEO. However, any Board member who wants to serve on the committee may serve. The President of the Board, with the consent of the Board, shall appoint a member of the committee as chairperson.

Rather than engaging in the extended search process described below within the next paragraph and those that follow, the Board may, in its discretion, interview candidates that are known to the Board and consider their selection in accordance with the expedited process described in this paragraph. Such candidates may be internal candidates from the subject university or from one of the other state universities, or such other candidates that the Board believes should be considered. The Board may conduct such interviews of internal candidates or other candidates at an early point in the process so as not to discourage the application of additional candidates that may choose to apply if an internal candidate is not selected by way of an expedited process. In any event, an expedited process, if followed, should be utilized prior to the hiring of a search consultant. Following interviews of any such internal or other candidates, the Board, as it deems appropriate, may proceed with utilizing any portions of the extended search process set out below. A Board vote to select a preferred candidate interviewed in accordance with this expedited process shall require the affirmative vote of at least nine Board members. If candidates are interviewed in accordance with this expedited process and no candidate is designated as a preferred candidate, the Board has the power to engage in other expedited processes or to conduct a search in accordance with the extended process described below.

The Commissioner, in consultation with the Board Search Committee, will make a recommendation to the Board with regard to a search consultant to assist with the search for an IEO. The Board may interview and will select the search consultant, if the Board determines that one is needed. The Board Search Committee may select a search consultant to assist with the search for a new Commissioner. As part of the initiation of the IEO search process, the Commissioner and Board Search Committee may consider the input of constituents regarding

desired characteristics of a new IEO. The Board may also consider input from constituents regarding the desired characteristics of a new Commissioner.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008; 3/2011; 5/2011; 4/2012; 6/2013)

C. Advertisement Schedule

If a search consultant is used, the search consultant shall develop the position advertisement and a general schedule for the search in consultation with the Commissioner and with the approval of the Board Search Committee.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008; 3/2011; 5/2011; 4/2012)

D. Campus Search Advisory Committee

In a search for an IEO, the Commissioner shall prepare a list of the proposed membership of a Campus Search Advisory Committee, as well as a chair, or co-chairs, of such committee. The Campus Search Advisory Committee shall be representative of the various constituent groups of the university, including administrators, faculty, staff, students, alumni, foundation representatives, and members of the community. The Commissioner, in coordination with the Chair of the Board Search Committee, shall take appropriate steps to receive written assurances from all of those proposed to serve on the Campus Search Advisory Committee that they have not formed any opinion as to the identity of the particular person that should be selected as the IEO, that they have no personal, professional or other relationship with any person that they understand may be a candidate that would impair their objectivity in fairly considering all candidates, that they will endeavor to remain open to considering all persons that apply in a fair and unbiased manner, and that they will not agree with any person to advocate or campaign for the selection of any particular candidate. The Commissioner shall then inform Board members of the proposed membership and chair (or co-chairs) of that committee. After the Board has been provided with the Commissioner's recommendations for the membership and chair (or co-chairs) of the Campus Search Advisory Committee, if any Board member expresses a desire to the Commissioner to call a full Board meeting to discuss further the proposed membership and chair (or co-chairs) of that committee, a Board teleconference meeting shall be properly noticed and called. If no Board member requests such a Board meeting within forty-eight hours of being notified/consulted regarding the Commissioner's recommendations, the Commissioner may proceed with appointing the membership and chair (or co-chairs) of the Campus Search Advisory Committee. In a search for a Commissioner, the Board may seek advice from appropriate individuals or groups, including any search consultant hired by the Board.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008; 3/2011; 5/2011; 4/2012; 6/2013)

E. Recruitment

Recruitment of candidates may occur up to the point of selection, but candidates will be advised to submit their materials by a specified date to insure optimum consideration for the position. At any point in the search process the Board may add additional candidates to the pool being considered without starting the entire process over. The decision regarding whether to have any such additional candidates reviewed by the Campus Search Advisory Committee is in the discretion of the Board. Additional interviews may be conducted as desired by the Board.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008; 3/2011; 5/2011; 4/2012)

F. Candidate Screening

The Campus Search Advisory Committee members shall vote individually by secret ballot for a minimum of five candidates that he/she recommends as a good candidate for the position. The search consultant, if one is used, is to then accumulate the secret ballots and count them. If no consultant is used, the Commissioner shall accumulate the ballots and count them. The results of the vote count, indicating the number of favorable votes received by each candidate, are to then be reported to the Board Search Committee members. The Board Search Committee shall then meet and discuss which candidates to interview. Any other Board members may attend this meeting. All Board members will then be informed of those candidates that the Board Search Committee would like to interview. If any Board member expresses a desire to the Commissioner to call a full Board meeting to discuss further the candidates to be interviewed, a Board teleconference meeting shall be properly noticed and called. If no Board member requests such a Board meeting within forty-eight hours of being notified of the candidates to be interviewed, the Board Search Committee shall proceed with planning first round candidate interviews. The search consultant shall then be informed of the candidates to be interviewed. The consultant shall next be informed that he/she may advise the non-selected candidates that they will not be interviewed as part of the initial process, if such notification is deemed prudent by the Board and the search consultant at that point in time. The consultant should, if directed by the Board, remind those candidates that were not invited back for initial interviews that the Board can always add more names to be considered at a later date. The Campus Search Advisory Committee may then be told who will be initially interviewed by the Board Search Committee.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008; 3/2011; 5/2011; 4/2012)

G. Interview Search Advisory Committee

Each member of the Campus Search Advisory Committee shall be requested to provide nominations from the membership of that committee to serve on the Interview Search Advisory Committee. Using that information and such information as may be deemed helpful to insure a balanced Interview Search Advisory Committee, the Commissioner and the Chair of the Board

Search Committee shall then prepare a list of the proposed membership of an Interview Search Advisory Committee from the membership of the Campus Search Advisory Committee. The Interview Search Advisory Committee shall be comprised of administrators, faculty, students, staff, and outside representatives. These representatives shall be diverse in race and gender. The Commissioner shall then inform Board members of the proposed membership of that committee. After the Board has been provided with the recommendations from the Commissioner and the Chair of the Board Search Committee for the membership of the Interview Search Advisory Committee, if any Board member expresses a desire to the Commissioner to call a full Board meeting to discuss further the proposed membership of that committee, a Board teleconference meeting shall be properly noticed and called. If no Board member requests such a Board meeting within forty-eight hours of being notified/consulted regarding the recommendations, the Commissioner may proceed with appointing the membership of the Interview Search Advisory Committee. The Interview Search Advisory Committee may participate with the Board of Trustees in the remainder of the search process, except when the Board of Trustees excuses the Interview Search Advisory Committee from executive session.

(BT Minutes, 1/2008; 3/2011; 5/2011; 4/2012; 6/2013)

H. First Interviews

The Board Search Committee and the Commissioner, with input from the Interview Search Advisory Committee, will conduct the first round of interviews. All Board members will be invited to attend. The consultant, if one is used, or the Commissioner if no consultant is used, will conduct a background check on those candidates participating in the first round of interviews.

(BT Minutes, 1/2008; 3/2011; 5/2011; 4/2012)

I. Reference Contacts

Under the direction of the Commissioner and/or the consultant, reference contacts will be made on each candidate who is participating in the second round of interviews.

(BT Minutes, 1/2008; 3/2011; 5/2011; 4/2012)

J. Second Interviews

Before the second round of interviews, the results of the reference contacts and background checks shall be made known to the Board and the Interview Search Advisory Committee. The Board Search Committee shall then meet to discuss who and how many to interview during the second round of interviews. Any other Board members may attend this meeting. All Board members will then be informed of those candidates that the Board Search Committee would like to interview for second round interviews. If any Board member expresses

a desire to the Commissioner to call a full Board meeting to discuss further the candidates to be interviewed for a second interview, a Board teleconference meeting shall be properly noticed and called. If no Board member requests such a Board meeting within forty-eight hours of being notified of the candidates to be further interviewed, the Board Search Committee shall proceed with planning the second round interviews by the full Board. The Board may conduct as many additional interviews as it deems necessary in conducting the search process.

(BT Minutes, 1/2008; 3/2011; 5/2011; 4/2012)

K. Preferred Candidate

After all of the above has been completed, the Board of Trustees will meet to hear from the Board Search Committee regarding an assessment of each candidate. The Commissioner's assessment will be sought. The Board of Trustees will then select and announce their Preferred Candidate.

(BT Minutes, 1/2008; 3/2011; 5/2011; 4/2012)

L. Campus Interview

The Preferred Candidate will be scheduled for a full day on-campus for interviews with a wide array of constituents. Each group will have the opportunity to provide feedback on the Preferred Candidate to the Board of Trustees.

(BT Minutes, 1/2008; 3/2011; 5/2011; 4/2012)

M. Decision

The Board of Trustees will meet after the last on-campus interview session to review the feedback and conduct further discussion. The Board of Trustees will then vote to name the Preferred Candidate as the institution's new Institutional Executive Officer or vote to continue the search.

(BT Minutes, 1/2008; 3/2011; 5/2011; 4/2012)

In a search for a Commissioner, the Board Search Committee may request appropriate individuals or groups to submit unranked recommendations of candidates to be considered for initial interviews. The Board Search Committee shall schedule initial interviews and all members of the Board will be invited to attend the initial interviews and participate in the selection of candidates for final interviews. The Board Search Committee may also invite additional individuals to attend and observe the initial interviews conducted by such committee to fill the position of Commissioner. The Board Search Committee will next develop an interview schedule for the candidates selected for final interviews for the position of

Commissioner. The Board shall then meet and conduct final interviews and select the Commissioner.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008; 3/2011; 5/2011; 4/2012)

201.0510 Application by Interim Institutional Executive Officer for Institutional Executive Officer Position

An individual currently serving as the interim Institutional Executive Officer (IEO) at a university shall not be considered as a candidate for the permanent IEO position for which he/she serves as interim at the same university. However, an individual currently serving as interim IEO may apply and be considered for a permanent IEO position at a different university. This policy does not prohibit an individual who has completed service as an interim IEO from being considered as a candidate for any IEO positions that subsequently become available at the same university.

(BT Minutes, 1/2009; 3/2011; 4/2012)

IN THE CHANCERY CLERK COURT OF THE FIRST JUDICIAL DISTRICT OF
HINDS COUNTY, MISSISSIPPI

DR. MCKINLEY ALEXANDER, JR., SCHUYLER FINLEY,
DR. IVORY PHILLIPS, INEZA PITTMAN
KATHY SYKES, MEMBERS OF HOUSE OF REPRESENTATIVES DISTRICT 70,
WINFRED LOVE, JIM EVANS

PETITIONERS

VS

C. D. SMITH, JR., DR. ALFRD E. MC NAIR, JR.
SHANE HOOPER, DR. DOUGLAS W. ROUSE
TOM DUFF, DR. FORD DYE
CHIP MORGAN, HAL PARKER
ALLEN W. PERRY, CHRISTY PICKERING
DR. J. WALT STARR, ANN H. LAMAR
DR. GLENN F. BOYCE, COMMISSIONER
BOARD OF TRUSTEES OF INSTITUTIONS OF HIGHER LEARNING
IN THE STATE OF MISSISSIPPI

RESPONDANTS

AFFIDAVIT

I, MCKINLEY ALEXANDER, JR. being first duly sworn and deposed state the following:

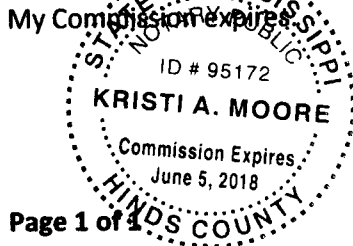
(1) I am a Black citizen of the United States of America, State of Mississippi and Hinds County Mississippi.

(2) That this cause of action is in support if HBCU's in Mississippi and that I truly believe that the action by the College Board known as Institutions of Higher Learning (IHL) is not in the best interest of students, faculty or the Institutions they are obligated to serve.

(3) Therefore I believe I am entitled to redress, I come forward as a Plaintiff because I believe in the Cause of Equal Education Opportunities for all.

Mckinley Alexander, Jr.

Sworn to and subscribed this 30th day of May, 2017.



Krista Moore

Notary Public

IN THE CHANCERY CLERK COURT OF THE FIRST JUDICIAL DISTRICT OF
HINDS COUNTY, MISSISSIPPI

DR. MCKINLEY ALEXANDER, JR., SCHUYLER FINLEY,
DR. IVORY PHILLIPS, INEZA PITTMAN
KATHY SYKES, MEMBERS OF HOUSE OF REPRESENTATIVES DISTRICT 70,
WINFRED LOVE, JIM EVANS

PETITIONERS

VS

C. D. SMITH, JR., DR. ALFRD E. MC NAIR, JR.
SHANE HOOPER, DR. DOUGLAS W. ROUSE
TOM DUFF, DR. FORD DYE
CHIP MORGAN, HAL PARKER
ALLEN W. PERRY, CHRISTY PICKERING
DR. J. WALT STARR, ANN H. LAMAR
DR. GLENN F. BOYCE, COMMISSIONER
BOARD OF TRUSTEES OF INSTITUTIONS OF HIGHER LEARNING
IN THE STATE OF MISSISSIPPI

RESPONDANTS

AFFIDAVIT

I, IVORY PHILLIPS being first duly sworn and deposed state the following:

- (1) I am a Black citizen of the United States of America, State of Mississippi and Hinds County Mississippi.
- (2) That this cause of action is in support if HBCU's in Mississippi and that I truly believe that the action by the College Board known as Institutions of Higher Learning (IHL) is not in the best interest of students, faculty or the Institutions they are obligated to serve.
- (3) Therefore I believe I am entitled to redress, I come forward as a Plaintiff because I believe in the Cause of Equal Education Opportunities for all.

Sworn to an subscribed this 30th day of May, 2017.



Kristi Moore

Notary Public

**IN THE CHANCERY CLERK COURT OF THE FIRST JUDICIAL DISTRICT OF
HINDS COUNTY, MISSISSIPPI**

**DR. MCKINLEY ALEXANDER, JR., SCHUYLER FINLEY,
DR. IVORY PHILLIPS, INEZA PITTMAN
KATHY SYKES, MEMBERS OF HOUSE OF REPRESENTATIVES DISTRICT 70,
WINFRED LOVE, JIM EVANS**

PETITIONERS

VS

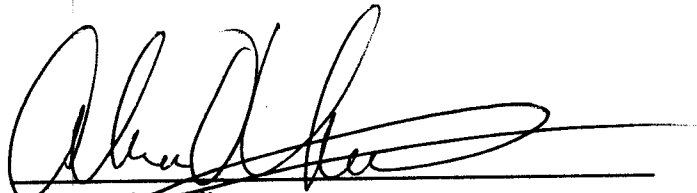
**C. D. SMITH, JR., DR. ALFRD E. MC NAIR, JR.
SHANE HOOPER, DR. DOUGLAS W. ROUSE
TOM DUFF, DR. FORD DYE
CHIP MORGAN, HAL PARKER
ALLEN W. PERRY, CHRISTY PICKERING
DR. J. WALT STARR, ANN H. LAMAR
DR. GLENN F. BOYCE, COMMISSIONER
*BOARD OF TRUSTEES OF INSTITUTIONS OF HIGHER LEARNING
IN THE STATE OF MISSISSIPPI***

RESPONDANTS

NOTICE OF MOTION

Notice is hereby given that plaintiffs, Dr. McKinley Alexander, Dr. Ivory Phillips, Representatives Kathy Sykes, et.al., plaintiffs in the above name case with bring on for Hearing Motion for Temporary Restraining order pursuant to Rule 65 (b) of the Mississippi Rules of Procedures before Honorable Court, after notice as soon as this Court can hear this cause.

This ____ day of May, 2017.



**Alvin O. Chambliss
Attorney for Plaintiff
2901 Ursulines Avenue
New Orleans, La 70119
Miss. BAR NO. 5948**

**IN THE CHANCERY CLERK COURT OF THE FIRST JUDICIAL DISTRICT OF
HINDS COUNTY, MISSISSIPPI**

**DR. MCKINLEY ALEXANDER, JR., SCHUYLER FINLEY,
DR. IVORY PHILLIPS, INEZA PITTMAN
KATHY SYKES, MEMBERS OF HOUSE OF REPRESENTATIVES DISTRICT 70,
WINFRED LOVE, JIM EVANS**

PETITIONERS

VS

**C. D. SMITH, JR., DR. ALFRD E. MC NAIR, JR.
SHANE HOOPER, DR. DOUGLAS W. ROUSE
TOM DUFF, DR. FORD DYE
CHIP MORGAN, HAL PARKER
ALLEN W. PERRY, CHRISTY PICKERING
DR. J. WALT STARR, ANN H. LAMAR
DR. GLENN F. BOYCE, COMMISSIONER
*BOARD OF TRUSTEES OF INSTITUTIONS OF HIGHER LEARNING
IN THE STATE OF MISSISSIPPI***

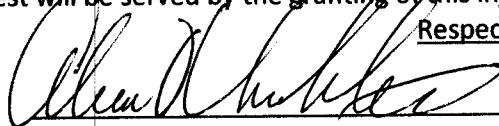
RESPONDANTS

MOTION FOR PRELIMINARY INJUCTION

Pursuant to Rule 65(a) of Mississippi Rules of Civil Procedure move the Court for an order enjoining Respondents-defendants from discrimination practices, including violating Open Meeting Law, Tampering with a Sitting President by private parties contrary to Mississippi Law.

There is a great probability of success on the merit. There is irrevocable harm to the students, employees, Mississippi Valley State University and Jackson State University, Institutions and to the viewing public. The balance of the hardship tips the scales in favor of students, faculty, and Jackson State University community. The public interest will be served by the granting of this injunction.

Respectfully submitted



**ALVIN O. CHAMBLISS, ATTORNEY FOR PLAINTIFF
2901 URSULINES AVENUE
NEW ORLEANS, LA 70119
MISS BAR NO. 5948**

**IN THE CHANCERY CLERK COURT OF THE FIRST JUDICIAL DISTRICT OF
HINDS COUNTY, MISSISSIPPI**

**DR. MCKINLEY ALEXANDER, JR., SCHUYLER FINLEY,
DR. IVORY PHILLIPS, INEZA PITTMAN
KATHY SYKES, MEMBERS OF HOUSE OF REPRESENTATIVES DISTRICT 70,
WINFRED LOVE, JIM EVANS**

PETITIONERS

VS

**C. D. SMITH, JR., DR. ALFRD E. MC NAIR, JR.
SHANE HOOPER, DR. DOUGLAS W. ROUSE
TOM DUFF, DR. FORD DYE
CHIP MORGAN, HAL PARKER
ALLEN W. PERRY, CHRISTY PICKERING
DR. J. WALT STARR, ANN H. LAMAR
DR. GLENN F. BOYCE, COMMISSIONER
*BOARD OF TRUSTEES OF INSTITUTIONS OF HIGHER LEARNING
IN THE STATE OF MISSISSIPPI***

RESPONDANTS

MEMORANDUM OF LAW IN SUPPORT OF INJUNCTIVE RELIEF

Plaintiffs come before this Court begging and pleading that it stop the bleeding of Jackson State University and Mississippi Valley State University. The College Board has its head buried in the sand while private, individuals, knowingly or unknowingly move to destroy and undermine the last hope of a process that gone wild. The Board has a six (6) pages document entitled 201.0509 INSTITUTIONAL EXECUTIVE OFFICE/COMMISSIONER OF HIGHER EDUCATION SEARCH PROCESS. The so-called process is not worth the paper it is written on. Perhaps a few

facts will help the Court here.

The College Board announced at a meeting last week its Preferred Candidate for President at Jackson State University. This shocked many because the individual was NOT in the pool to which the Jackson State University Search Committee favored. He is a sitting President and State and Local Rules disallows tampering, raiding and destabilizing institutions. After the naming of the deferred candidates, the meeting was very warm with key members of the Jackson State University Committee left the meeting in disgust. The Institutions of Higher Learning named preferred candidate violated the articulated process as presented to all search groups.

The College Board issued its schedule which requires the Preferred Candidate to visit Jackson State University's campus on Wednesday, May 31, 2017.

The Process articulated by the Board last week is not the process the Board is following. On information and belief the Board is breaking the law by allowing a nameless group of so-called supporters of the Preferred Candidate to meet at Jackson State University at 6:00 pm in private quarters on campus allowing only the invited to attend. Students are upset, alumni are upset, faculties are upset and to be honest, the College Board ought to be upset. It appears that this renegade group has been threatened if they do not appear. In a meeting today several of them spoke up and said the process was wrong but they felt "obligated" to attend the unscheduled unauthorized and unlawful meeting.

The question that this Court, we pray will confront is whether this meeting was authorized by the Board. If it was authorized by the Board, it violates the announced procedure

required.

This Case is simple. If authority was not given to this nameless run-a-way group of so-called supporters, then this Court should restrain the Board through its Commissioner. If however the Board gave authority and sanction to this very public but private meeting, then the Court should enjoin the Board until it allows for the Jackson State University supporters, faculty, students and friends Preferred Candidate to visit the Campus. The sad fact is the Jackson State University supporters and advisor search committee members were never allowed any ranking and/or input. While Plaintiffs would like the search to begin anew, we beg the Court to order the JSU Preferred Candidate/whoever an opportunity to meet and greet the students. Only in this way can the Jackson State University Community and the public look at the process as being fair. The Court should issue a TRO against the unauthorized Jackson State University meeting and hold a hearing to determine whether fairness dictate the Jackson State University Preferred Candidate to be heard.

The Court should be mindful of the 1980 Board's Classification resulting in "Mission Statements," which followed funding patterns. Jackson State University was designated as "Urban" which in other cities is co-equal to comprehensive such as the University of Mississippi, Mississippi State University and Southern Mississippi. Plaintiffs urge the Court to be bold within the desegregation context.

In summary governance determines whether access to power and influence by the State is shared. The American Association of University Professors, i.e. (AAUP). AAUP 1998 Report of

Committee on the Historical Black Institution is key. The AAUP position on shared governance was not and is not recognized at black schools by the Board but is given weight at white Mississippi Institutions. The inadequate resources whether student enrollment financial aid, facilities, finance, academic program all leads back to governance. Mississippi Valley State University, Alcorn State University and Jackson State University have no power and are voiceless at IHL. This Court, however can be given to change that We pray that an TRO is issued.

May 30, 2017

Respectfully

A handwritten signature in black ink, appearing to read 'Alvin O. Chambliss', written over a horizontal line.

Alvin O. Chambliss
Attorney for Plaintiff
2901 Ursulines Avenue
New Orleans, La 70119
Miss. BAR NO. 5948

**IN THE CHANCERY CLERK COURT OF THE FIRST JUDICIAL DISTRICT OF
HINDS COUNTY, MISSISSIPPI**

**DR. MCKINLEY ALEXANDER, JR., SCHUYLER FINLEY,
DR. IVORY PHILLIPS, INEZA PITTMAN
KATHY SYKES, MEMBERS OF HOUSE OF REPRESENTATIVES DISTRICT 70,
WINFRED LOVE, JIM EVANS**

PETITIONERS

VS

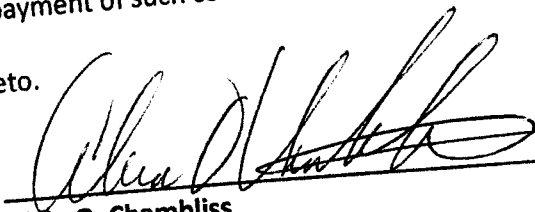
**C. D. SMITH, JR., DR. ALFRD E. MC NAIR, JR.
SHANE HOOPER, DR. DOUGLAS W. ROUSE
TOM DUFF, DR. FORD DYE
CHIP MORGAN, HAL PARKER
ALLEN W. PERRY, CHRISTY PICKERING
DR. J. WALT STARR, ANN H. LAMAR
DR. GLENN F. BOYCE, COMMISSIONER
BOARD OF TRUSTEES OF INSTITUTIONS OF HIGHER LEARNING
IN THE STATE OF MISSISSIPPI**

RESPONDANTS

BOND AND SECURITY

Plaintiffs, Dr. McKinley Alexander in the above Cause Pursuant to Rule 65(c) post security of \$100.00 in Clerk of the Court name. If the Court requires an amount that is greater, Plaintiffs will post what the Court deems proper. Said amount for payment of such costs and damages that may incurred or suffered.

The appropriate amount is attached hereto.


Alvin O. Chambliss
Attorney for Plaintiff
2901 Ursulines Avenue
New Orleans, La 70119
Miss. BAR NO. 5948

COVER SHEET		Court Identification Docket #		Case Year	Docket Number
Civil Case Filing Form (To be completed by Attorney/Party Prior to Filing of Pleading)		<div style="border: 1px solid black; padding: 2px;">2</div> <div style="border: 1px solid black; padding: 2px;">5</div> <div style="border: 1px solid black; padding: 2px;">1</div> <div style="border: 1px solid black; padding: 2px;">C</div> <div style="border: 1px solid black; padding: 2px;">H</div>	<div style="border: 1px solid black; padding: 2px;">20</div> <div style="border: 1px solid black; padding: 2px;">17</div>	<div style="border: 1px solid black; padding: 2px;">7</div> <div style="border: 1px solid black; padding: 2px;">7</div> <div style="border: 1px solid black; padding: 2px;">8</div>	<div style="border: 1px solid black; padding: 2px;">C</div> <div style="border: 1px solid black; padding: 2px;">N</div>
		<div style="border: 1px solid black; padding: 2px;">05</div> <div style="border: 1px solid black; padding: 2px;">30</div> <div style="border: 1px solid black; padding: 2px;">17</div>			
Mississippi Supreme Court Administrative Office of Courts		Form AOC/01 (Rev 2016)		This area to be completed by clerk	
In the <u>CHANCERY</u> Court of <u>HINDS</u> County <u>FIRST</u> Judicial District					
Origin of Suit (Place an "X" in one box only)					
<input checked="" type="checkbox"/> Initial Filing <input type="checkbox"/> Reinstated <input type="checkbox"/> Foreign Judgment Enrolled <input type="checkbox"/> Transfer from Other court <input type="checkbox"/> Other <input checked="" type="checkbox"/> Remanded <input type="checkbox"/> Reopened <input checked="" type="checkbox"/> Joining Suit/Action <input type="checkbox"/> Appeal					
Plaintiff - Party Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form					
Individual <u>Alexander</u> Last Name <u>McKinley</u> First Name Maiden Name, if applicable M.I. Jr/Sr/III/IV					
<input type="checkbox"/> Check (x) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: Estate of _____					
<input type="checkbox"/> Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: D/B/A or Agency _____					
Business _____ Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated					
<input type="checkbox"/> Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below: D/B/A _____					
Address of Plaintiff <u>3933 AZALEA DRIVE, JACKSON, MS 39206</u>					
Attorney (Name & Address) _____ MS Bar No. <u>5948</u>					
<input type="checkbox"/> Check (x) if Individual Filing Initial Pleading is NOT an attorney					
Signature of Individual Filing: <u>Alvin Q. Chambers Jr.</u>					
Defendant - Name of Defendant - Enter Additional Defendants on Separate Form					
Individual <u>Smith</u> Last Name <u>C.D.</u> First Name Maiden Name, if applicable M.I. Jr/Sr/III/IV					
<input type="checkbox"/> Check (x) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: Estate of _____					
<input type="checkbox"/> Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: D/B/A or Agency _____					
Business _____ Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated					
<input type="checkbox"/> Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below: D/B/A _____					
Attorney (Name & Address) - If Known _____ MS Bar No. _____					
<input type="checkbox"/> Check (x) if child support is contemplated as an issue in this suit. * *If checked, please submit completed Child Support Information Sheet with this Cover Sheet					
Nature of Suit (Place an "X" in one box only)					
<input checked="" type="checkbox"/> Domestic Relations		<input type="checkbox"/> Business/Commercial		<input type="checkbox"/> Real Property	
<input type="checkbox"/> Child Custody/Visitation <input type="checkbox"/> Child Support <input type="checkbox"/> Contempt <input type="checkbox"/> Divorce: Fault <input type="checkbox"/> Divorce: Irreconcilable Diff. <input type="checkbox"/> Domestic Abuse <input type="checkbox"/> Emancipation <input type="checkbox"/> Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Property Division <input type="checkbox"/> Separate Maintenance <input type="checkbox"/> Term. of Parental Rights-Chancery <input type="checkbox"/> UIFSA (eff 7/1/97; formerly URESA) <input type="checkbox"/> Other _____		<input type="checkbox"/> Accounting (Business) <input type="checkbox"/> Business Dissolution <input type="checkbox"/> Debt Collection <input type="checkbox"/> Employment <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Replevin <input type="checkbox"/> Other _____		<input type="checkbox"/> Adverse Possession <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Eviction <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Lien Assertion <input type="checkbox"/> Partition <input type="checkbox"/> Tax Sale: Confirm/Cancel <input type="checkbox"/> Title Boundary or Easement <input type="checkbox"/> Other _____	
<input type="checkbox"/> Appeals		<input type="checkbox"/> Probate		<input type="checkbox"/> Civil Rights	
<input type="checkbox"/> Administrative Agency <input type="checkbox"/> County Court <input type="checkbox"/> Hardship Petition (Driver License) <input type="checkbox"/> Justice Court <input type="checkbox"/> MS Dept Employment Security <input type="checkbox"/> Municipal Court <input type="checkbox"/> Other _____		<input type="checkbox"/> Accounting (Probate) <input type="checkbox"/> Birth Certificate Correction <input type="checkbox"/> Mental Health Commitment <input type="checkbox"/> Conservatorship <input type="checkbox"/> Guardianship <input type="checkbox"/> Heirship <input type="checkbox"/> Intestate Estate <input type="checkbox"/> Minor's Settlement <input type="checkbox"/> Monument of Title <input type="checkbox"/> Name Change <input type="checkbox"/> Testate Estate <input type="checkbox"/> Will Contest <input type="checkbox"/> Alcohol/Drug Commitment (voluntary)		<input type="checkbox"/> Elections <input type="checkbox"/> Expungement <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Post Conviction Relief/Prisoner <input type="checkbox"/> Other <u>770</u>	
		<input type="checkbox"/> Contract		<input type="checkbox"/> Torts	
		<input type="checkbox"/> Statutes/Rules		<input type="checkbox"/> Bad Faith <input type="checkbox"/> Fraud <input type="checkbox"/> Intentional Tort <input type="checkbox"/> Loss of Consortium <input type="checkbox"/> Malpractice - Legal <input type="checkbox"/> Malpractice - Medical <input type="checkbox"/> Mass Tort <input type="checkbox"/> Negligence - General <input type="checkbox"/> Negligence - Motor Vehicle <input type="checkbox"/> Product Liability <input type="checkbox"/> Subrogation <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Other _____	