

Virginia Military Institute Board of Visitors
Public comment submission
May 1, 2024

Dear Members of the Board of Visitors,

The Cadet received initial inputs in response to our new “Ask the BOV” initiative where cadets and others submit questions to print and for the Board of Visitors (BOV) to respond. Some of these may already be submitted to the BOV and we could not locate responses posted. From these and others received, the staff reviewed and selected the following questions, and added some of our own, relevant to issues we believe to be of interest to the Corps. Some submitted require the staff to investigate further and gather more information before posing them to you and other were most appropriate for a FOIA. *The Cadet* will add them in the future if the staff develops sufficient detail.

These questions are for the appropriate member of the BOV to reply to with the BOV’s position.

Please send your responses to: Editor@cadetnewspaper.org so they reach the editors and can be routed to the appropriate cadet writer(s). We plan to print the status and responses with any new questions in upcoming editions of *The Cadet*.

Respectfully,

Cadet Russell Crouch ‘24
Cadet Dylan Palmer ‘24
Cadet Cody Bartmann ‘25

QUESTIONS:

1. “To what degree does the BOV understand the current lifestyle of VMI and its Cadets? What has been done to communicate with Cadets at large and to pursue changes or results which are important to Cadets rather than public opinion or other parties not privy to the everyday operation of the school?”
2. “Why has a change in the marketing of VMI occurred and what effect has the BOV seen? When I first arrived, VMI’s tag-line was ‘Don’t Do Ordinary.’ Now it is ‘One Corps, One VMI.’ It seems as though the trend in VMI’s advertisement scheme has seen the school pivot from being presented as a challenge to the few, to an acceptance of anyone able to submit an application. I have personally noticed a declining trend in quality of Cadets over the past years, at least academically, and want to know what the BOV thinks concerning/has done to combat attrition in the quality of applicants and those accepted to the school.”
3. In 2017 The Citadel’s BOV approved beer sales during football games. While the initiative only succeeded after Cadets were allowed to buy beer at the games, this is not the policy. The United States Military Academy (USMA) serves alcohol to Cadets of

Drinking age and has a “The First-Class Club Kitchen & Taps,” (“Firstie Club”) where upperclassmen cadets and their guests can purchase alcohol. This is clearly a decision for VMI’s governing Board. Will you agree to work with cadets, selected by the Corps writ large, to bring alcohol on Post similar to West Point and Citadel? If not, why not?

4. The Diversity, Opportunity, and Inclusion (DOI) sessions continue to be conducted with little ability of the Corps to plan. Will you ensure the administration **quickly** publishes a detailed schedule of all planned events for the rest of the year that are related to Inclusive Excellence and/or DOI?
5. Current BOV By-Laws at Section 2, second paragraph, references the appointment annually of a Cadet to participate in and to observe the Board meetings.
 - a. Has someone been appointed from the Corps for this function?
 - b. If so, who is it at present?
 - c. How is the representative selected to ensure that he or she represents the Corps writ large and is not just some high ranking staffer or other cadet chosen by the administration?
 - d. If not done so now, perhaps allowing the Corps to select their representative?
6. What is the plan **for the Class of ‘25** (not the administration, BOV or other party) to select their own representative(s) to the BOV? The questions received to and submitted cover a broad range of reports, actions and other BOV documents specifically called for in the By-Laws or other BOV governance documents. Why are these reports, documents and other records not be publically available and/or posted to the BOV website without the cost or effort of a Freedom of Information Act (FOIA) request since they are required by various governance documents, state and VMI policies, etc.?
7. Current BOV By-Laws at Section 3, paragraph 3, states that the Board shall define its expectations and set (performance) goals for the Superintendent. His performance is supposed to be evaluated annually against those specified goals.
 - a. Is this occurring?
 - b. What and where are these specific expectations to be found so that the public may view them?
8. The current version of the By-laws does not contain an authorization to provide bonuses to the Superintendent above and beyond his annual salary.
 - a. What provides that authority to the Board?
 - b. In the spirit of transparency, specifically where are these funds come from? (Note: a response of “private funds” is not acceptable as Virginia statute requires all donations from outside donors be identified. If the BOV disagrees, please provide legal justification for the secrecy).
 - c. Why should these reports not be publically available and/or posted to the BOV website without the cost or effort of a Freedom of Information Act request?

We did note in publishing this question in *The Cadet* that while there is no provision in the By-laws authorizing the BOV to award the significant bonuses awarded to the Superintendent, the copy of the Superintendent's employment contract obtained by The Cadet under the FOIA states, "Bonus: The Board may, consistent with its findings following the annual performance review, as measured pursuant to the Board's presidential evaluation process outlined for in Section E below, authorize an annual bonus with the maximum contribution from state funds not to exceed that permitted under the Commonwealth's Appropriation Act or other applicable state law or regulation." It appears from this the Board granted itself the authority not containing the By-Laws by including it in the employment contract. This, however, should be clarified in the BOV's response to the question.

- d. Current By-Laws at Section 3, paragraph 5, addresses gifts to the Institute and the responsibility to ensure that these gifts are appropriately applied in a manner that supports the mission of VMI and is consistent with its priorities. The BOV shall also ensure that any private organization permitted to operate in the name or for the benefit of the Institute provide regular "detailed" reports on its expenditures and the activities undertaken on its behalf. At first reading, this is talking about the VMI Alumni Agencies (AA), but there is nothing prohibiting any other Cadet or VMI focused non-profit having similar rights if it complies with this BOV mandate from what I read and understand. What comes to mind is the Cadet Foundation, another non-profit 501(3)c that has been established by a group of Alumni and Cadets to support and protect the VMI experience, which has garnished the ire of the AA as an alternative entity to donate money to as an alternative to itself as a result.
 - i. Do you agree that any entity that complies with the requirements of this Section has authority to solicit funds in support of VMI?
 - ii. Does the BOV adequately meet its obligations to review, in detail, what the AA is doing with its donated monies?
 - iii. Is the Board aware that the AA, as an end-around to the prohibition on spending additional money for its DEI activities/office by VMI last year, actually provided dollars from its resources (from restricted funds) to do just that in violation of the Governor's order prohibiting such?
 - iv. Again, in the interest of transparency, where is the list of those gifts, the specific sources,, and by-line item, how the administration spent them?
 - v. Where are the reports from the Alumni Agencies, COW, and other organizations?
 - vi. Why should these reports not be publically available and/or posted to the BOV website without the cost or effort of a Freedom of Information Act request since they are required by the By-Laws?
9. By-Laws Section 3, paragraph 10, states that the BOV shall submit an annual executive summary of its activities to the Governor and General Assembly.
- a. Is this taking place?
 - b. Where can past reports be found?

- c. Why should these reports not be publically available and/or posted to the BOV website without the cost or effort of a Freedom of Information Act request since they are required by the By-Laws?
- 10.** By-Laws Section 3, paragraph 10, states that the BOV shall remain transparent in its actions and shall operate in an open manner. When the meetings return to the open session, even though it is required by the by-laws (Section 4, paragraph 6) to return to open session for any voting or approvals of associated actions, there is almost never any voting on anything that was discussed in the closed session. This was demonstrated in recent meetings dealing with the subject of the VMI Administration's irregular actions to discredit its own Cadets when one Board member unsuccessfully questioned why a closed session was necessary when the public had a right to know what was transpiring. Do you feel that this is a correct way to be operating?
- 11.** By-Laws Section 6, paragraph 2, states that the BOV is responsible for setting admissions standards.
 - a. Have these standards been published, and has an assessment been made on how well, or even if, the VMI Administration is adhering to these standards?
 - b. Is this standard addressed in the Superintendent's evaluation criteria as discussed earlier in other questions submitted?
- 12.** The "no locks on cadet rooms" (except locking from the inside) is a cornerstone of the VMI Honor Code. We understand that locks are now going to be placed on all cadet rooms that require keycard or other access to enter.
 - a. Did the BOV vote on and approve putting locks on doors to cadet rooms? If so, when?
 - b. If not who made the decision to put locks on doors? When was this decision made?
 - c. Can we have copies of any decision briefings, studies and other documents presented to the BOV?
 - d. Did the BOV ask for a study on the need for locks? If not, who brought this to the board?
 - e. Was there any Corps input to the decision? If so, from whom?
 - f. Was the decision based in whole or in part on the findings and recommendations in the of the Barnes and Thornburg report?
 - g. The commandant stated a reason for installing locks on Cadet room doors is that the Post is not safe. Do you agree? If so, what is the basis for this?
- 13.** What actions is the BOV taking in regard to the issues with black mold in Barracks?
- 14.** Has anyone representing the BOV visited barracks to look at the Black Mold and other issues?
- 15.** Is the Cadet affairs committee, or anyone from the BOV working with representatives of the Corps on the mold issue? If so, whom?
- 16.** What is the status of resolving the problem with black mold in barracks?
- 17.** Will the BOV be willing to conduct "sensing sessions" where cadets can meet with BOV members individually or in groups, while not constituting a meeting, and in a "non-

attribution” environment so cadets can freely express their issues and concerns? If so, who would be the designated BOV member to coordinate this so cadets feel safe their identities will be protected from administration officials?

18. According to the BOV By-Laws, “The Academic Affairs Committee is responsible for oversight of all matters relating to academic programs, course offerings, faculty employment and compensation, and issues related to cadet enrollment, including admissions standards.” Has the committee reviewed, and the BOV approved all current VMI Courses, including the new mandatory course on the US Constitution, The Biology of Gender course covering such topics as “gender identity and roles in society, male and female circumcision, menstruation, contraception, gender identity and cultural expectations, gender health gap, etc.”? Where are copies of such reviews and approvals available?

19. Question specific to a Cadet: “I was alleged to have done something that I never did, I swore on my honor. I am being wrongfully accused and punished for this allegation that has deemed me guilty but the office in charge of this has not seen all the evidence and has dismissed my appeal. My appeal was submitted with the proper information needed, I received notice the appeal process started and the appeal hearing was set; furthermore my appeal has suddenly been dismissed! Now I am left with the consequences to the actions. Who on the BOV can I appeal this to?”