

RECOMMENDATIONS REVIEW COMMITTEE
Minutes of meeting held 24 August 2021

Mr. Scott called the meeting to order at approximately 0903 in the Turman Room of Preston Library at VMI.

Attending were the following members of the committee:

Mr. Gene Scott '80 (Chair)
Ms. Lara Chambers '03
Mr. Conrad Hall '65
Mr. Michael Hamlar
Mr. Richard Hines '66
Mr. Lester Johnson '95
Mr. Dave Miller '70 (via Teams)
Col Dave Hall, VMI Briefer

Also in attendance were:

COL Gary Bissell, VMI Acting Chief of Staff
BG Dallas Clark '99, VMI Deputy Superintendent for Finance, Administration, and Support
Mr. E. Sean Lanier '94, BOV Member
LTC Jamica Love, VMI Chief Diversity Officer
COL Kim Parker, VMI Director of Government Relations
COL Tinni Sen, VMI Professor of Economics & Business
Mr. Tom Watjen '76, VMI BOV President (via Teams)
MG Cedric Wins '85, VMI's 15th Superintendent

Introductions and Opening Remarks

Mr. Scott thanked everyone for their attendance, welcomed Mr. Watjen and invited him to make remarks. Mr. Watjen did so by extending his own welcome, thanks, and iterating the importance of the work of the committee before turning it back over to Mr. Scott.

Since it was the committee's first meeting, Mr. Scott read the committee charter and then explained the proceedings for the day. At the conclusion of his remarks, he asked MG Wins to make opening remarks. MG Wins did so by welcoming everyone, talking about the Institute's effort to get back to "normal", and talking briefly about the new executive team that was in place, save the Chief of Staff. Mr. Scott turned the meeting over to Col Hall to review the status of the 42 recommendations.

Status of recommendations marked N/A:

- Mr. Scott asked about tracking recommendations assigned to the Commonwealth's General Assembly.
- Briefer assured him that COL Kim Parker, VMI's Government Relations Director, was tracking General Assembly activities related to VMI and this equity audit.

Recommendations related to Item #1: Maintain accountability:

- Item 1(a): VMI should create a comprehensive, unified, public strategic plan around DEI improvements.
 - Briefer noted that the new CDO had completed the VMI Inclusive Excellence – One VA Plan. He went on to say that it had been reviewed by the Superintendent, provided to the BOV’s DEI committee and was ready to be submitted to the Commonwealth on 1 September as required.
- Item 1(b): VMI should submit quarterly reports to the BOV, SCHEV, and the General Assembly.
 - Briefer noted that VMI was prepared to execute this recommendation and proposed 15 December 2021 as the suspense for the first report.
- Item 1(c): General Assembly recommendation.
- Item 1(d): General Assembly recommendation.
- Item 1(e). DEI training for BOV and VMI administrators:
 - Briefer noted that for VMI administrators, faculty & staff, the CDO is reviewing, selecting, & previewing a variety of training tools
 - Mr. Scott asked about what SCHEV requires re: DEI training of BOV and VMI senior administrators.

Recommendations related to Item #2: Improve diversity in leadership and the Corps:

- Item 2(a): Recruiting, maintaining, and promoting minority and female administrators, faculty and staff.
 - Briefer noted that he had reviewed HR’s draft recruiting plan. It is nearly complete. HR Director is wrapping up pieces on establishing and training equity coordinators, as well as establishing sponsorship & mentorship programs.
- Item 2(b): establishing and supporting a faculty senate:
 - Briefer noted that the Dean is pulling together information on different types of faculty governance, conducting analysis and designing a survey to ensure we are addressing the correct issue.
 - Mr. Hines addressed the issue of faculty senates and concluded with the notion that we should strive to find the best communications process available to ensure ideas and issues can bubble up to the Superintendent.
 - MG Wins discussed his task to the Dean to provide him options to increase faculty voice. That task begins with an effort to determine the issues that gave rise to this recommendation since there was not of discussion in the B&T related to the topic.
 - Mr. Miller commented that the issue of faculty communication was one of the more important recommendations in the report.
 - Mr. Miller & Mr. Johnson noted that the 42 items listed in the report were recommendations and not requirements at this point in time.

- Item 2(c): Monitoring public statistical information on DEI metrics from other military colleges and VA institutions of higher learning.
 - Briefer noted that the DEI Dashboard is established. Now we need to ensure we are collecting the correct information and how it will be used going forward.

- Item 2(d): recommendation related to DEI scholarship funding at VMI
 - Briefer noted that in accordance with the Equal Protection Clause of the 14th Amendment, it is illegal to base a scholarship solely on race. VMI is proposing using SCHEV's underrepresented student populations language and definition as a possible way to address this issue. General Counsel stated that the language is acceptable and VMI and the Alumni Agencies are reviewing to determine if certain endowment charters can be re-written.
 - Mr. Scott asked about State/SCHEV requirements related to underrepresented student populations (URP).
 - Mr. Hall commented on the need to ensure the Foundation was wrapped into this recommendation since they provide the preponderance of the funds available for scholarships. He also commented that this URP effort represented huge potential to increase our scholarships in this area.
 - BG Clark commented that VMI's efforts related to House Bill 1980 re: recognition of enslaved persons had the potential to contribute to fulfilling this recommendation.
 - MG Wins noted a need to ensure we include in our report the extent to which VMI scholarship monies already to the URPs and compare it with other state schools. It may be that VMI is already performing very well, comparatively speaking.
 - Mr. Johnson spoke about ensuring we (VMI) understand the desires of all the stakeholders involved in providing funds to the Institute.
 - Mr. Lanier asked about the possibility of this type of scholarship being used to cover the difference between what an ROTC scholarship does cover (tuition & fees) and does not cover (room & board). He noted that in some instances, the inability of a prospective cadet to make up that difference could be the deciding factor in whether or not s/he accepts an appointment to VMI.

Recommendations related to item #3: Monitor and adjust Institutions and traditions. This item focused predominantly on the Honor Code/Court/System and garnered considerable discussion from the Committee:

- Item 3(a): root cause analysis as to why minority cadets seem to be drummed out at a higher rate.
 - Briefer noted that the data required for such an analysis is not available since the types of metrics required were not recorded. The Honor Court Committee conducted a thorough review of the Honor Court SOP to eliminate the potential for bias throughout the process.
- MG Wins talks to the tremendous job the Honor Code Committee did in its review of the Honor Court Standard Operating Procedures.
- There was a question about the makeup of the Honor Court Review Committee. The Secretary to the BOV read out the names and it was determined it was an appropriately diverse committee.

- Mr. Hines commented on the processes and challenges of jury selection. This was addressed by the briefer a short time later in concert with item 3(f).
 - Mr. Miller noted he had read the Honor Court SOP several times and considered the thrust of the SOP pretty good. He also reminded committee members that the Honor Court was scheduled to provide a back brief to the BOV in September.
- Item 3(b): Tracking key data related to reported Honor Code violations.
 - VMI concurs with this recommendation and going forward will record and maintain key DEI and athlete vs non-athlete data.
- Item 3(c): understanding of what constitutes an actionable violation of the Honor Code.
 - The briefer noted that there is no ambiguity with regard to honor violations. The honor court charter, which is posted in every cadet room and every academic classroom, spells out the code and violation. VMI intends to conduct some education in its response to the Commonwealth by laying out the Honor Court's training program.
 - A discussion concerning the education process ensued as it relates to B&T comment that there is confusion amongst the Corps as to what constitutes an honor violation and what does not and severity of punishment.
 - MG Wins spoke briefly about the confusion coming from a Commandant's office where cadets could go to up to six different individuals to answer special reports. Each of the six would punish on a different scale and therefore, cadets would shop around to see who would provide the least severe punishment. He noted this has been addressed with the new Commandant.
 - Mr. Scott commented that it was his understanding that faculty was initiating approximately 70% of the honor violation cases. He and Mr. Johnson noted that perhaps an education policy for faculty was required.
- Item 3(d): Incongruity between "harsh" punishment under the Honor Code and "light" punishment under other VMI systems.
 - Briefer noted that the Commandant was conducting a review of the "rainbow books" which provide guidance for each of the various systems (i.e., the Commandant's Office and various cadet government entities). He is reviewing penalties while also attempting to weed out all unnecessary sections. The conclusion of this review and systematic re-write should address this recommendation.
- Item 3(e): education policy
 - The briefer noted that there is no education policy. It would be more appropriate to call it a remediation policy. Remediation occurs when there is insufficient evidence to take case to trial but enough to warrant a warning to the cadet that perhaps you might want to see the error of your ways and adjust course.
 - Mr. Hines commented on the previous administration's practice of a Rat grace period.
 - MG Wins noted that the first few weeks, and even months, of the ratline is overwhelming. Therefore, educating the Rats to what an honor code means by allowing them to develop a degree of understanding before subjecting them to an

honor court investigation and/or trial made sense, gave them the best chance to adjust, and set them up for success in the VMI system.

- Item 3(f): Honor Court jury selection process.
 - Briefer noted that there was a recommendation before the Superintendent to increase the number of jurors while also increasing the number of not guilty votes to acquit.
 - MG Wins commented that the recommendation before him included increasing the jury pool from which the final jury was selected, which in turn increase the potential for a more diverse jury.

- Item 3(g): accused cadet assistance of legal counsel.
 - Briefer noted that a recommendation that came out of the Honor Court Review Committee was to develop a pro bono list of lawyers from which cadets who cannot afford a lawyer could request legal assistance. This lawyer's presence would be authorized throughout the process but in a non-speaking role at the trial. This recommendation is under consideration by the Superintendent.
 - Ms. Chambers commented that the decision to ban them in the past was at least partially based on the perception that the VMI cadets (prosecutors) were put at a distinct disadvantage when confronted by a trained, experienced lawyer.
 - It was noted by the briefer that VMI counsel will be present at Honor Court proceedings going forward and available to aid cadet prosecutors as required.

- Item 3(h): Formal, comprehensive, and consistent training for defense advocates.
 - Briefer noted that there was already standardized training in place for defense advocates. The Superintendents Honor Court Representatives will look at if/how to improve it. He also noted that having pro bono or paid lawyer available to the accused cadet and his defense advocate should help.

- Item 3(i): providing all incoming cadets with standardized, complete materials on what to expect as a rat and cadet.
 - Briefer noted that Communications and Marketing was working with the Athletic Director to address recruiting efforts, to include a video. He also noted that a return to in-person open houses and recruiting visits would help with this issue.
 - MG Wins noted that he had met with the athletic teams that reported to VMI in early August to begin training and his comments were well received by the cadet athletes. He also volunteered to meet with visiting athletic recruits to assist in ensuring they come to VMI with the "full picture."
 - Mr. Lanier spoke on streamlining processes when it comes to recruiting athletes as they and their parents are often bombarded with requests for information or forms from coaches, admissions personnel, and even ROTCs. All these efforts should be synchronized and convey the same message.
 - MG Wins wrapped up by acknowledging he had taken an out brief by the Superintendent's Honor Court Representatives on Friday, 20 Aug 2021; however, he was reserving his final decisions on the item included in the B&T report until after the Court back briefed the BOV in September.

- Item 3(j): Alumni Agency recommendation.
 - Briefer noted that The VMI Alumni Agencies are an independent 501(c)3 separate and distinct from the Virginia Military Institute.

Recommendations related to Item #4: Temper associations between VMI and the Civil War and Confederacy:

- The committee was aware of the efforts by the CMN&R committee and there was little comment on the items in this area.
 - With respect to recommendation 4(d), the briefer noted that The VMI Alumni Agencies are an independent 501(c)3 separate and distinct from the Virginia Military Institute.

Recommendations related to Item #5: Actively address racist, sexist, and other unacceptable language and behavior:

- Item 5(a): VMI should implement sensitivity & bystander training.
 - The briefer noted that a Title IX education program already exists and DEI is being incorporated into that program. The IG & CDO have been provided Friday mornings from 1105-1215 throughout the fall semester to conduct training and education on these sensitive issues.
 - Mr. Scott commented on the culture of VMI and the fact that these types of activities do not help and do not reflect who we (VMI) are.

- Item 5(b): social media policy.
 - MG Wins discussed the social media policy by stating that he had tasked cadet leadership to clean up Jodel. He told them that if they could not do it in an allotted amount of time, he would ban it from the VMI network. Cadets could still access the app on their personal devices using their own data plan but would not be able to do so on the VMI network.

- Item 5(c): Strong, vocal, unified, and public response by leadership condemning all discriminatory, racist, or sexist acts. Such misconduct should be treated as seriously as an Honor Code violation.
 - The briefer noted that the response piece is done and the standard set by the Superintendent's letter of 12 July 2021. He also noted that the penalties piece is still wrapped up in the Blue Book revision.

- Item 5(d): augment efforts to combat and prevent sexual violence, including a policy that automatically places reports or misconduct into the Title IX protocol.
 - Briefer noted IG's new campaign to address environment causes and prevention; specifically her Respect, Support, Report campaign.
 - Ms. Chambers noted that she believed cadets reported these types of incidents to people with whom they had established relationships regardless of their gender. For example, faculty.
 - Mr. Scott noted that he thought cadets would also use the Chaplain's office as a reporting venue.

- Briefer noted if a cadet did report an incident to a faculty member, at VMI faculty members are responsible reports and they were obligated to report it to the IG; however, it was up to the complainant to initiate an investigation.
- Mr. Scott asked if a complainant did not want to pursue the case, was there some action VMI can take.
- MG Wins described the Title IX process, as he understands it.
- BG Clark confirmed that understanding and noted that the complainant controlled the process and whether or not it proceeded. He also noted the issuance of no contact orders in the past and a willingness to move respondents off-Post if necessary to increase the sense of safety and security for the complainant.
- Item 5(e): General Assembly should consider amending Va. Code § 23.1-808 to remove the carve-out for VMI.
 - VMI's Government Relations Director is tracking.
- Item 5(f): Regardless of whether the General Assembly amends Va. Code § 23.1-808's VMI carve-out, VMI should consider amending General Order 16's amnesty provision.
 - VMI General Counsel is reviewing.
- Item 5(g): VMI should formally study, and should consider amending or removing, the channel for reporting Title IX sexual misconduct through the Cadet Equity Association.
 - Briefer noted that this is essentially done. Everyone agrees that the CEA is not a reporting channel. What is required now is an education piece to change the Corps' perception that it is a reporting channel.
- Item 5(h): VMI should revise its door locking policy to permit cadets to lock their doors without permission and at any time.
 - Briefer noted that this recommendation was implemented in January 2021.
- Item 5(i): VMI should make LGBTQ issues a priority in its diversity efforts.
 - Briefer noted that this is a joint effort between CDO, IG, & Commandant. CDO & IG are reviewing & building training while the Commandant and Superintendent are building accountability in the Corps.

Recommendations related to Item #6: Encourage reporting and transparency:

- No questions or comments on update status provided by the briefer.

Recommendations related to Item #7: Recognize and celebrate other cultures:

- No questions or comments on update status provided by the briefer.

Recommendations related to Item #8: Address tensions between athletes and non-athletes:

- Due to shortage of time, briefer addressed the five recommendations under this item in total by stating that this is a tougher nut to crack than one might imagine; however, actions under consideration include:
 - Give team captains rank in the regimental system.
 - Expand ways non-athletes can be more involved in and with the Athletic Department
 - ✓ Paid positions in the athletic department

- ✓ Adding additional “managers” on teams.
- Recommending a joint committee to explore ideas that includes cadets, as well as the Athletic Director and Commandant’s office.
- Admissions and Communications and Marketing are discussing a recruiting video with the Athletic Director.
- Admissions guidelines for athletic coaches needs to be revised to include issues brought to light during equity audit.
- Mr. Hamlar noted that, as a former Wake Forest athlete, these issues are not unique to VMI. He went on to say if we found a viable solution, there would be many other schools interested in how we did it.
- Mr. Hall asked if we are exploring the Division 1 question in a serious way. He considered that a foundational issue on this matter.

Closing remarks

Mr. Miller agreed with the notion that we want to educate the Commonwealth as well as respond to the recommendations, especially if the recommendation was incomplete or inaccurate.

Mr. Watjen thanked everyone for their efforts and acknowledged that the 15 December 2021 suspense to the BOV for the first quarterly report was acceptable.

Mr. Scott provided closing remarks that included thanking everyone for their efforts and apologizing to Mr. Hines for infringing on his time as a result of this meeting running a little long.

At approximately 1035, there was a motion to adjourn which was seconded and the meeting was adjourned.