



Quarterly Report 1

Commonwealth's Equity Audit

July 1, 2021 – December 15, 2021

**Prepared by the
Superintendent
Major General Cedric T. Wins**

**Approved by the
VMI Board of Visitors
Mr. Thomas R. Watjen, President**

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EXECUTIVE SUMMARY

On 1 June 2021, the State Council of Higher Education for Virginia released the final report of a state-ordered review of the Virginia Military Institute’s culture, polices, procedures, and discipline with respect to diversity, equity, and inclusion (DEI) issues.

On 1 July 2021, VMI published its *Diversity, Equity, and Inclusion Review: 30-Day Report* wherein it detailed the status (as of 1 July) of each of the 42 recommendations included in the Barnes & Thornburg final report. The VMI 30-day report also detailed 29 separate actions (comprised of more than 100 individual items) that VMI has undertaken since the initiation of the review. Bottom line: The Institute has been proactive in promoting and executing DEI-related change since before the review began and continues to do so as detailed in that 30-day report and this, the first quarterly report.

On 8 July 2021, Mr. Thomas Watjen ’76 (President, VMI Board of Visitors) released a statement stressing that “It is important for VMI to continue its efforts to ensure the Institute is a place to learn, train, and work in an environment that is safe and inclusive for all.” This statement further established three BOV DEI objectives:

- 1. To create and foster a more diverse VMI.**
- 2. To create and foster a safe, equitable, and inclusive environment for all on post.**
- 3. To assure that we maintain a safe, rigorous process for resolving issues which have even the potential to violate the code of a cadet.**

Mr. Watjen went on to say that “The Commonwealth of Virginia is an important partner in this process. These quarterly reports will further demonstrate VMI’s commitment to diversity, equity, and inclusion while maintaining our focus on our mission and purpose.” What follows is VMI’s first report submitted in compliance with the BOV’s direction.

1. MAINTAIN ACCOUNTABILITY

- VMI submitted its VMI Inclusive Excellence – One VA Plan to the Commonwealth of Virginia on 30 August 2021. Approved by the full BOV, the plan assigns Institute executives responsibility for implementing and tracking its five goals and ten objectives designed to drive VMI toward inclusive excellence.
- VMI began submitting “quarterly reports” to the BOV for follow-on submission to SCHEV and the

General Assembly on 15 December 2021, and will continue this practice for the next three years.

2. IMPROVE DIVERSITY IN LEADERSHIP AND THE CORPS

- As detailed in its Inclusive Excellence Plan, VMI established goals and objectives to improve and increase diversity across the VMI community. One element in achieving those goals and objectives is the Diversity Recruitment Plan. The plan expands advertising to increase diverse applicants, increases DEI training for hiring committee members, and reviews hiring and onboarding processes, to include developing sponsorship and mentorship programs. The Institute has also invested in various recruiting tools to aid in reaching highly qualified prospective cadets in the underrepresented student populations to help improve diversity in the Corps of Cadets. To track progress in both areas, the Institute uses a Diversity Dashboard. The dashboard displays disaggregated data that is analyzed and used to assess progress toward inclusive excellence.

3. MONITOR AND ADJUST INSTITUTIONS AND TRADITIONS

- Barnes and Thornburg made VMI's honor code, and the system used to administer it, a key element in their final report. VMI established an ad hoc committee to fully review the Honor Court Standard Operating Procedures (HC SOP) to identify, mitigate and eliminate where possible the potential for bias in the honor system. The committee recommended, and the Superintendent approved, 12 key changes to the HC SOP that advance this effort and ensure equity throughout the system.

4. TEMPER ASSOCIATIONS BETWEEN VMI AND THE CIVIL WAR AND CONFEDERACY

- VMI's long history spans nearly two centuries. When viewed through a 21st Century lens, VMI has been challenged in connecting the early part of that history to our mission of producing educated and honorable men and women. Therefore, the Institute has undertaken steps to refocus the individuals and events that we celebrate by concentrating on those in 20th and 21st Centuries that align with our core values. This important work will be shared by the Board of Visitor's Commemorations and Memorials Naming and Review Committee and the Institute's Inclusive Excellence Committee. Their work thus far is detailed in the full report.

5. ACTIVELY ADDRESS RACIST, SEXIST, AND OTHER UNACCEPTABLE LANGUAGE AND BEHAVIOR

- Despite claims to the contrary, VMI has had a Title IX training program for years that includes bystander intervention and sensitivity training. This annual training combines progressive online and in-person training sessions for the entire Corps of Cadets.
- VMI's new and ongoing Inclusive Excellence training for administrators, employees, and cadets is designed to create and sustain an inclusive community where faculty, staff, and cadets have increased cultural competencies that in turn lead to increased inclusivity.
- VMI has also taken steps to make VMI a more inclusive, inviting, and inspirational place to live, study, and train. In addition to the Unifying Action and Inclusive Excellence Plans, the Institute has updated its General Order 16 "*Discrimination, Harassment, and Sexual Misconduct*," as well as overhauled its Institute Regulations: Part III (*Blue Book*) to ensure consistency and proportionality in punishments awarded for DEI and other breaches of good order and discipline. It has also revised

its door locking policy to allow cadets to lock their doors after taps each night or in the event they feel threatened or unsafe.

6. ENCOURAGE REPORTING AND TRANSPARENCY

- VMI’s Inspector General (IG) has redesigned posters, cards, and handouts to encourage reporting. They are hung throughout barracks, academic buildings and other facilities frequented by cadets. Additionally, administration and cadet leadership have initiated a campaign to empower the Corps of Cadets to regulate themselves while also holding them accountable to do so. Finally, it is important to note that VMI has utilized for years dedicated, anonymized email and voicemail systems for confidential and anonymous reporting of discriminatory, racist, or sexist incidents.

7. RECOGNIZE AND CELEBRATE OTHER CULTURES

- Army Regulation (AR) 670-1 acknowledges cultural differences in its established grooming standards. AR-670-1 was adopted and implemented at VMI during the 2021 fall semester. Additionally, on 8 September 2021, VMI established the Inclusive Excellence Committee. The mission of this committee is to support creating an inclusive, equitable, culturally competent, and supportive atmosphere across Post.

8. ADDRESS TENSIONS BETWEEN ATHLETES AND NON-ATHLETES

- While VMI intends to remain an NCAA Division I institution for reasons articulated in the full report, it also recently established a “Closing the Gap” Committee to explore the perceived rift between athletes and non-athletes reported in the Barnes and Thornburg Report. This committee is comprised of cadets – both athlete and non-athlete – and Institute personnel from the Athletic Department and Commandant’s Office. If the rift is confirmed, the committee will develop viable, cadet-led initiatives to close the divide between the two groups.
- VMI will continue to comply with the Admissions’ Office Athletic Recruiting Guidelines while also developing an Athletic Recruiting Best Practices Handbook to aid in uniform, transparent and reportable guidelines for the recruitment of athletes.





QUARTERLY REPORT 1

July 1, 2021 – December 15, 2021

1. MAINTAIN ACCOUNTABILITY

- A. VMI should create a comprehensive, unified, public strategic plan around DEI improvements, including measurable goals such as increased diversity in the Corps of Cadets and faculty; coordination with the Alumni Agencies; dedicated funding for recruitment of diverse cadets; and specific responsibilities for the chief diversity officer. VMI should consider following the model of the DEI plan at Texas A&M, another senior military college.**

VMI submitted its *VMI Inclusive Excellence – One VA Plan* to the Commonwealth of Virginia on 30 August 2021. The plan was reviewed by the BOV’s DEI committee prior to submission and subsequently approved by the full BOV on 10 September 2021. It includes the following goals and objectives:

Goal 1: Access and Success

- Objective 1: Achieve increased student enrollment from historically underrepresented and underserved populations.
- Objective 2: Increase retention and academic success of historically underrepresented and underserved undergraduate students.
- Objective 3: Recruit and retain a diverse faculty and staff.

Goal 2: Climate and Intergroup Relations

- Objective 1: Create and maintain a climate that acknowledges and celebrates diversity and employs inclusive practices throughout its daily operations, aligned with VMI’s vision, mission, and values.

Goal 3: Education and Scholarship

- Objective 1: Offer courses, curricula, art/artistic events, and learning opportunities at the undergraduate level that achieve DEI learning goals.
- Objective 2: Increase the cultural competencies of faculty and staff.

Goal 4: Organizational Culture and Accountability

- Objective 1: Develop a robust, empowered infrastructure to address longstanding institutional challenges and sustain the journey toward Inclusive Excellence.
- Objective 2: Create a culture of evaluation and continuous improvement for administrators and senior leaders.
- Objective 3: Sustain and increase institute-wide efforts designed to amplify potential secure gifts, grants, and opportunities to advance the DEI goals in the Inclusive Excellence framework.

Goal 5: Community Engagement

- Objective 1: Evaluate and expand community engagement and partnerships to create collective impact with other community organizations.

VMI’s Inclusive Excellence Plan is a living document. Rather than a plan with a beginning and end date, it will be updated, adjusted, and tweaked as conditions at VMI evolve over the coming years.

The Inclusive Excellence Plan contributes to achieving the below fundamental principles that aid in moving VMI toward being an inclusive, inviting, inspirational place to live, study, and train. These principles come from the BOV's DEI Objectives, as well as the Unifying Action (UAP) and Inclusive Excellence (IEP) Plans:

- **BOV DEI Objective #1:** To create, and foster a more diverse VMI
- **UAP Outcome #1:** The VMI Brand
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **UAP Outcome #5:** One-VMI

B. Beginning in January 2022, and for a period of at least three years, VMI should submit quarterly reports to the Board of Visitors, to SCHEV, and to the General Assembly detailing VMI's progress on their own DEI plans as well as the recommendations contained herein. The General Assembly and the Commonwealth's executive branch should take the appropriate action to make this compulsory.

VMI began submitting "quarterly reports" to the BOV for follow-on submission to SCHEV and the General Assembly on 15 December 2021. Subsequent submissions will be along traditional timelines but with a short lag for report preparations. For example, the report for the first quarter of calendar year 2022 (Jan – Mar) will be submitted to the BOV in April. The report for the second quarter (Apr – Jun) will be submitted to the BOV in July and so on for this three-year commitment.

Tracking and reporting on our DEI plans and progress will help achieve the core principles below and move VMI toward being a more inclusive, inviting, inspirational place to live, study, and train.

- **BOV DEI Objective #1:** To create, and foster a more diverse VMI
- **UAP Outcome #1:** The VMI Brand
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **IEP Goal 4:** Organizational Culture and Accountability
 - Objective 1: Develop a robust, empowered infrastructure to address longstanding institutional challenges and sustain the journey toward Inclusive Excellence.
 - Objective 2: Create a culture of evaluation and continuous improvement for administrators and senior leaders.

C. Virginia's General Assembly or its Executive Branch should ensure these reports on VMI's progress on its stated DEI plan and goals are addressed, to include a report on progress and lack of progress. The evaluating entity should be wholly independent from VMI to avoid any actual or appearance of any conflict of interest. This entity should have the authority to collect and review VMI documents, and conduct interviews as necessary, and to contact any individuals, cadets, faculty and administration associated with VMI.

The General Assembly (GA) was unable to take up this issue in the August 2021 special session. The next opportunity for them to do so is in the 2022 regular session that runs from 12 January – 12 March 2022. VMI's Director of Government Relations continues to track GA actions related to VMI, and the Institute will respond appropriately to requests for information beyond that included in the quarterly reports.

D. In constituting the evaluating body referenced in 1(c) above, the General Assembly and Commonwealth’s executive branch should incorporate a diverse panel of individuals including but not limited to higher education experts, military veterans, DEI experts, and a diversity officer with higher education experience.

The General Assembly (GA) was unable to take up this issue in the August 2021 special session. The next opportunity for them to do so is in the 2022 regular session that runs from 12 January – 12 March 2022. VMI’s Director of Government Relations continues to track GA actions related to VMI and the Institute will respond appropriately to requests for information beyond that included in the quarterly reports.

E. VMI’s Board of Visitors and administration should be required to take annual DEI training.

In accordance with Virginia Code § 23.1-1304: Governing boards’ additional duties; educational programs, SCHEV is required to design and provide training and education programs for the governing boards of public institutions of higher education. These programs are designed to address not only the role, duties, and responsibilities of the governing boards, but also topics such as in-service programs on current issues in higher education and workforce planning, strategy and investment. It is reasonable to expect that DEI-related issues in higher education are among the training and education included in SCHEV’s annual training plan.

To facilitate this training, the CDO is working with SCHEV to discern the precise training requirements based on § 23.1-1304, and is prepared to augment and/or provide their annual requisite training to the BOV.

As to VMI administrators, faculty and staff, the CDO is designing a dual-pronged training approach. Recognizing that one-off “required training” is ineffective, she is planning a building block approach that combines online training during the fall semester and reinforcing face-to-face sessions in the spring semester. She will be guided in the selection of training topics by the DEI baseline assessment that was administered during October and November 2021.

The fall semester training program utilizes Paradigm Reach. “Reach content is taught by Paradigm experts Dr. Evelyn Carter, Dr. Carissa Romero, and Joelle Emerson, leaders who have pioneered research in the space and helped transform diversity, equity, and inclusion strategies for the world’s most forward-thinking companies.” (<https://paradigmreach.com/>). Topics available through this medium include:

- Unconscious bias (the focus for fall 2021 training)
- Inclusive hiring
- Transgender inclusion
- Inclusive leadership
- Belonging and psychological safety
- Inclusive performance management
- Growth mindset
- Inclusive culture
- Allyship
- Micro-aggressions
- Anti-racism

To reinforce face-to-face sessions in the spring semester, the CDO is currently exploring multiple external vendors. One company she is investigating is Visions, Inc.

“The Visions Inc. mission is to empower the creation of environments where differences are recognized, understood, appreciated, and utilized for the benefit of all through both time-tested and innovative training and tools, public advocacy, and consulting models addressing the personal, interpersonal, cultural, and institutional levels.” (<https://visions-inc.org/history/>)

Through in-person workshops, Visions Inc. provides training in:

Guidelines: The guidelines provide an agreed-upon set of principles/behaviors designed to create effective cross-cultural interactions and lead to more effective collaboration. They provide safety for full participation across the many levels and constituents of the organization, and serve as a diagnostic tool to gauge how an organization is integrating the models and tools of multiculturalism.

Cultural Introductions/Cultural Sharing: This activity allows participants to share who they are as cultural beings in terms of race, class, gender identity/expression, sexual orientation, and lifestyle, and the group to recognize the diversity that is present and how to become more connected and aware of implicit biases and assumptions.

Three Dimensions of Change: For lasting change to occur, it must occur in 3 domains; thinking (cognitive), doing (behavioral) and feeling (affective).

Diversity, Equity and Inclusion Assumptions and Definitions: A clear agreement on the meaning of specific language and concepts is key to meaningful discussions and identifying priorities. This diagnostic tool helps individuals and organizations assess where they are on the continuum of mono-culturalism, diversity, and inclusion/equity, and provides a framework for understanding historical and current forms of oppression.

Implicit Bias: Drawing from current research, we share critical data about how implicit bias negatively impacts communication across differences. We teach skills for individuals and organizations to interrupt unconscious habits and enhance their capacity to build authentic relationships and increase inclusion. We support participants in identifying options for interventions and change strategies.

Four Levels of Oppression: The four levels (Personal, Interpersonal, Institutional, and Cultural) are a framework to examine the ways identity differences impact relationships, cultural, and organizational patterns.

Modern Isms and Internalized Oppression: This theory explores how old-fashioned forms of racial oppression have been partially eclipsed by more subtle forms of racism that sometimes stem from good intent. This piece of our model lists specific behaviors that comprise "modern oppression," and "internalized oppression". Alternative behaviors are identified, and opportunities are provided to identify options for how to apply this model.

For VMI’s classified employees that may not have access to a computer for online training, the

CDO is customizing in-person training packages based on topics of interest or concern identified by this population. For example, the fall 2021 training focused on ageism.

The training being developed and executed by the CDO for the BOV and VMI employees will be required annually and tracked for compliance through the online tools used to conduct the training and attendance rosters at the in-person sessions.

The current and proposed training addresses this recommendation, and it contributes to achieving the core principles below that help move VMI toward being a more inclusive, inviting, inspirational place to live, study, and train:

- **BOV DEI Objective #1:** To create, and foster a more diverse VMI
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **UAP Outcome #5:** One-VMI
- **IEP Goal 2:** Climate and Intergroup Relations
 - Objective 1: Create and maintain a climate that acknowledges and celebrates diversity and employs inclusive practices throughout its daily operations, aligned with VMI’s vision, mission, and values.
- **IEP Goal 3:** Education and Scholarship
 - Objective 2: Increase the cultural competencies of faculty and staff.
- **IEP Goal 4:** Organizational Culture and Accountability
 - Objective 1: Develop a robust, empowered infrastructure to address longstanding institutional challenges and sustain the journey toward Inclusive Excellence.
 - Objective 2: Create a culture of evaluation and continuous improvement for administrators and senior leaders.

2. IMPROVE DIVERSITY IN LEADERSHIP AND THE CORPS

A. VMI should include in its plan a strategy with measurable goals to recruit, maintain, and promote minority and female administrators, faculty, and staff.

VMI’s Diversity Recruitment Plan was completed in April 2021. Highlights of the plan include:

- Expanding advertising to increase diverse applicants (race, gender, veterans, and disabled) by sending the job announcement to a self-identified pool of tens of thousands of DEI focused candidates.
- Requiring all hiring managers and committee members to complete training on EEOC laws/DHRM hiring policies, prior to interviewing. The HR Director intends to further expand this required training by incorporating additional College and University Professional Association (CUPA) approved DEI training modules. This updated “Hiring Manager’s Toolkit” will be available to all hiring committee members in May 2022.
- Increasing diversity in hiring committee membership.
- Ensuring compliance with the Commonwealth’s Department of Human Resource Management (DHRM) requirement for all VMI employees, to include those on hiring committees, to complete cultural competencies training by the end of the calendar year. This DEI related training will become part of the Institute’s annual training plan.
- Developing roles, responsibilities, and training required to implement sponsorship, orientation, and mentorship programs designed to ensure the success of all new hires unfamiliar with VMI,

the military environment, and the local community. Like the updated Hiring Manager's Toolkit, the goal is to have these programs online by May 2022.

VMI's Diversity Recruitment Plan contributes to achieving the core principles below that help move VMI toward being an inclusive, inviting, inspirational place to live, study, and train:

- **BOV DEI Objective #1:** To create, and foster a more diverse VMI
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **IEP Goal 1:** Access and Success
 - Objective 3: Recruit and retain a diverse faculty and staff.

- B. VMI should establish and support a Faculty Senate and Faculty DEI Committee (or similar bodies), the purpose of which would be to allow faculty an opportunity to discuss ideas and initiatives, including those related to DEI, and to have a direct reporting line to MG Wins and the Board of Visitors on such initiatives.**

FACULTY SENATE

The Barnes & Thornburg (B&T) report provided little detail on the potential underlying issues that led to this recommendation. Given the dearth of data provided by B&T, along with the scope, scale, and complexity of faculty governance, the Superintendent and the Dean believe that more information is needed before taking action. To this end, VMI is developing a faculty governance survey that will examine the issue in greater depth. The primary purpose of the survey is to diagnose issues with the current system of governance. Information gathered from the survey will help determine the extent to which the current system is functioning as intended, and if not, which specific aspects of the system need intervention.

The survey currently under development will cover issues pertinent to faculty governance, including faculty voice, transparency in decision making, and faculty and department head engagement. Staff in the Office of Assessment and Institutional Research (OAIR) are leading the survey's development. A small group of faculty are working with OAIR staff to ensure item clarity and adequate coverage of topics. We anticipate that survey questions will be finalized this semester and added to the annual Employee Survey, which is administered by an external contractor in January. Results are expected to be available by the middle of the spring semester, with discussion and deliberations occurring soon thereafter. An action plan, if necessary, will likely be finalized by the end of the spring term.

Results will inform the scale and scope of any action plan and corresponding implementation timeline. If modest changes to the current system of faculty governance are required, we anticipate BOV approval and implementation during AY 2022-23. If extensive changes are needed, we anticipate BOV approval and implementation in AY 2023-24, at the earliest.

FACULTY DEI COMMITTEE

Rather than establish a faculty committee focused on DEI issues in addition to the Superintendent's Institute-wide DEI Committee, the Dean elected to revise a number of standing, and new, academic committee charters by incorporating DEI initiatives that support key goals and objectives from the Inclusive Excellence and Unifying Action Plans. The following committee charters were revised:

- Committee for Civic Engagement
- Committee on Academic Advising
- Faculty Development

- Science, Technology, Engineering and Math Advisory Committee
- Arts, Humanities, and Social Sciences Advisory Committee

The Superintendent established the Inclusive Excellence Committee on 8 September 2021, on which the Chief Diversity Officer (CDO) serves as a co-chair, that will guide the work to address DEI initiatives Institute-wide:

1. Making recommendations on the implementation of the *VMI Inclusive Excellence-One Virginia Plan*.
2. Providing input on institutional policies and procedures to address diversity, equity, and inclusion issues and making recommendations to the Superintendent, via the Chief Diversity Officer as appropriate.
3. Evaluating and recommending solutions where inequities exist.
4. Facilitating briefings and consultations with administration (Policy Group & IPC) regarding DE&I and inclusive excellence initiatives.
5. Seeking regular feedback from cadets and employees to inform decision-making and understand opportunities for improvement about DE&I and inclusive excellence.
6. Communicating the work of the committee with the VMI community.

The full text of the Inclusive Excellence Committee charter is included at [Appendix 1](#).

VMI's interest in addressing potential faculty governance, voice, transparency, and engagement issues contributes to achieving the core principles below, and move VMI toward being a more inclusive, inviting, inspirational place to live, study, and train:

- **BOV DEI Objective #1:** To create, and foster a more diverse VMI
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **IEP Goal 1:** Access and Success
 - Objective 3: Recruit and retain a diverse faculty and staff.
- **IEP Goal 2:** Climate and Intergroup Relations
 - Objective 1: Create and maintain a climate that acknowledges and celebrates diversity and employs inclusive practices throughout its daily operations, aligned with VMI's vision, mission, and values.

C. VMI should monitor public statistical information on DEI metrics from other military colleges and Virginia institutions of higher learning and use that information to set goals and measure improvement. VMI should also examine the efforts made to implement DEI initiatives at those schools for best practices.

To encourage and enhance DEI initiatives, VMI's Diversity Dashboard was launched in October 2020 to monitor admissions, graduation rates, and hiring at all levels of the Institute. It was modeled on the Diversity Dashboard at The College of William and Mary and developed with input from the teaching and research faculty, administrative and professional faculty, classified employees, the Commonwealth's Chief Diversity Officer (CDO) and DEI professionals from James Madison University.

VMI's CDO is the office with primary responsibility for the dashboard. Together with the offices of Institute Research, Information Technology and Human Resources the CDO will annually (fall) collect disaggregated data on cadet enrollment at census date and disaggregated data on

employment among faculty and staff, with an emphasis on full time employees, to update the dashboard. The CDO and the Inclusive Excellence Committee will also conduct the “best practices” research element of this recommendation. The year-over-year collection and comparison of this data with other military and public colleges will facilitate the acquisition and sharing of best practices as VMI marches forward to inclusive excellence.

Once collection of data is completed, the CDO and Inclusive Excellence Committee will analyze the data annually (spring), develop and staff recommendations based on that analysis, and brief the BOV in late spring to facilitate implementation the following academic year.

The current dashboard is static, but the goal is a dynamic dashboard posted to the VMI website. The new dashboard will include metrics showing progress toward inclusive excellence goals and objectives and while also being updated more frequently based on personnel gains and losses in the VMI community. The current iteration of the DEI dashboard is included at [Appendix 2](#).

Tracking, analyzing, and using DEI data and metrics to enhance Inclusive Excellence at VMI contributes to achieving the core principles below that will move VMI toward being a more inclusive, inviting, inspirational place to live, study, and train:

- **BOV DEI Objective #1:** To create, and foster a more diverse VMI
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **UAP Outcome #5:** One-VMI
- **IEP Goal 1:** Access and Success
 - Objective 3: Recruit and retain a diverse faculty and staff.
- **IEP Goal 2:** Climate and Intergroup Relations
 - Objective 1: Create and maintain a climate that acknowledges and celebrates diversity and employs inclusive practices throughout its daily operations, aligned with VMI’s vision, mission, and values.
- **IEP Goal 4:** Organizational Culture and Accountability
 - Objective 1: Develop a robust, empowered infrastructure to address longstanding institutional challenges and sustain the journey toward Inclusive Excellence.
 - Objective 2: Create a culture of evaluation and continuous improvement for administrators and senior leaders.

D. Historically, DEI recruitment and scholarship funding at VMI has focused almost exclusively on athletes. VMI should review the feasibility of establishing and funding scholarships for minority non-athlete cadets as well as other mechanisms to provide support for minority non-athlete cadet recruitment and retention, including by using funding from the Alumni Agencies and other donors.

VMI currently awards Institutional, State, and Federal need-based aid in accordance with accepted federal methodologies and the Free Application for Federal Student Aid (FAFSA). Recipients of Institutional need-based aid are matched to hundreds of VMI Foundation scholarships based-on the criteria prescribed in each of the scholarships’ memoranda of understanding. Individual academic and ROTC departments, athletics, Institute Honors, etc. are guided by internally developed procedures for selecting their merit-based recipients.

VMI has been successful in meeting need-based aid. Our AY 2021-22 need-based financial aid “packaging guidelines” funds 60-65% of the demonstrated need for non-Virginia cadets and works to meet 100% of the need for Virginia cadets who meet the March 1st application deadline and as funds are available. For both groups, loans (Federal Direct – Subsidized) are used to meet need. The maximum amount of subsidized loan is used based on the cadet’s year in college (\$3,500 1st year, \$4,500 2nd year, and \$5,500 thereafter up to the aggregate limit for dependent students of \$31,000 of which \$23,000 may be subsidized or need-based). Packaging guidelines are reviewed annually to ensure consistency in financial aid awards, to review compliance with policies and procedures, and to mitigate, to the extent possible, tuition and fee increases.

With respect to establishing a minority scholarship, VMI takes its direction for federal and state law, as well as the State Council of Higher Education for Virginia (SCHEV). SCHEV clearly states in its draft overview of House Bill No. 1980 (§ 23.1-615.1: Enslaved Ancestors College Access Scholarship and Memorial Program), to avoid violating the Equal Protection Clause of the 14th Amendment by basing a scholarship solely on race, racially conscious scholarship programs must address a compelling state interest and be narrowly tailored to meet that interest. This is known as the strict scrutiny standard. According to SCHEV, any race conscious scholarship program must demonstrate:

- A. Beneficial experiences and educational outcomes as the compelling governmental interest
- B. Race or other special protected class status is considered only if necessary, to achieve goals
- C. Existing racial diversity of the institution is not adequate to achieve the compelling governmental interest
- D. Race-neutral (existing) strategies have failed to accomplish diversity goals
- E. No undue burdens on opportunities for those students outside the specified racial or ethnic group
- F. The scholarship program has a set time frame or end point; and
- G. The scholarship program is subject to periodic review to ensure race is not being considered more or longer than necessary.

Therefore, to comply with these guidelines, and in an effort to meet the intent of this recommendation, VMI proposes using SCHEV’s underrepresented student populations (URP) language as a criterion for consideration when awarding future need-based scholarships. SCHEV defines underrepresented students as someone who meets one or more of these criteria:

- A. Non-white US citizen and permanent residents.
- B. Degree-recipients receiving Pell grants at any time during the five years prior to degree award.
- C. Non-traditional students: age 25 or older at entry.
- D. Students from one of 34 Virginia localities with low associate and baccalaureate attainment rates.

VMI believes by using the SCHEV language we can meet the intent of this recommendation without violating the law. A collaborative effort between the Financial Aid Office, the Office of Admissions, the Dean’s Office, and the VMI Foundation seeks establish the framework for a URP focused scholarship program in time to support the 2023-24 admissions cycle (i.e., August 2022).

Additionally, VMI will participate in the Enslaved Ancestors College Access Scholarship and Memorial Program mentioned above. VMI is awaiting finalization of the aforementioned guidelines

from SCHEV to initiate a scholarship consistent with this program.

These initiatives to increase support for minority non-athlete cadet recruitment and retention contributes to achieving the core principles below that will move VMI toward being a more inclusive, inviting, inspirational place to live, study, and train:

- **BOV OBJ 1:** To create, and foster a more diverse VMI
- **UAP Outcome #1:** The VMI Brand
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **Goal 1:** Access and Success
 - Objective 1: Achieve increased student enrollment from historically underrepresented and underserved populations.

3. MONITOR AND ADJUST INSTITUTIONS AND TRADITIONS

A. VMI should perform a root cause analysis as to why minority cadets are drummed out at a disproportionate rate.

Virginia Code § 42.1-85. Records Management Program and the Library of Virginia's Records retention and Disposition Schedule provides guidance related to student honor council records. It states that records associated with student honor council acquittals should be destroyed immediately (not retained) and records associated with student honor council convictions should be retained for three (3) years after the last action and then disposed of via confidential destruction. VMI's record retention and disposition policies with respect to VMI honor court records is in compliance with these guidelines. Therefore, the full case files required to conduct a root cause analysis are not available. What is available, as reported on in the Barnes & Thornburg report, is the Report Log that is maintained by the Vice President for Investigations and dates back to 2011. This log contains simple data such as the name of the alleged offender, the date the report was received, the source of the report, disposition of the investigation, approval to conduct an education/remediation session, trial results and limited demographic data. While VMI understands the benefit of a root cause analysis to either confirm or refute the perception that minority cadets are drummed out at a disproportionate rate, the fact is, the records required to conduct such an analysis do not exist beyond the past three years.

Despite that, and to ensure the equity of the system, the Superintendent established an ad hoc committee to conduct a thorough review of the Honor Court Standard Operating Procedures (HC SOP) to identify, mitigate, and eliminate the potential for bias in the honor system. The committee first met on 8 July 2021 and reported out to the Superintendent on 20 August 2021. Subsequent to the committee's out brief, the Superintendent met with the cadets of the Honor Court to get their feedback on the committee's recommendations. NOTE: the AY 2021-22 Honor Court President was a member of the review committee.

On 21 October 2021, after considering the committee's and the cadets' input, the Superintendent approved the following changes in pursuit of equity and the elimination of bias in the honor system.

- Extensions beyond the standard 21 days between pre-trial and trial are afforded only to the defense. Requests for extensions from the defense must be approved by the Superintendent's Representatives to the Honor Court (previously it was the Honor Court President).
- In instances where a scheduled trial date falls in the next semester due to winter or summer furlough, thereby negating the opportunity for a speedy trial, the accused may be offered the opportunity to have the case heard by a Special Board of Inquiry. These instances will be addressed on a case-by-case basis and typically only when the delay impacts graduation or commissioning. Approval authority for such a request resides solely with the Superintendent.
- Non-honor court cadets may be utilized during an investigation to collect evidence only after the rationale and plan have been briefed to and approved by the Superintendent's Representatives to the Honor Court.
- Develop and offer a list of pro bono attorneys from which accused cadets can seek legal assistance. More detail is provided in response to recommendation 3(G).
- Increase the randomly selected jury pool from 24 to 36 cadets. More detail is provided in the response to recommendation 3(F).
- Eliminate pre-emptive strikes. More detail is provided in the response to recommendation 3(F).
- Randomize final juror selections. More detail is provided in the response to recommendation 3(F).
- Increase the number of seated jurors from 8 to 12 with one being an alternate. More detail is provided in the response to recommendation 3(F).
- Increase the number of guilty verdicts required to convict from 5 of 7 (71.4%) to 9 of 11 (81.8%). More detail is provided in the response to recommendation 3(F).
- In an additional effort to increase diversity on the honor court, include DEI related language on the honor court election ballots, conduct class briefings on honor court roles and responsibilities and the value of diversity on the court, and conduct an education campaign on the top 15 candidates that helps class members learn more about each candidate before voting.
- In instances where it is deemed beneficial by the Superintendent's Representatives to the Honor Court, a member(s) of the jury pool not selected as a juror(s) may be invited to observe select trial proceedings. These rare instances might occur if the seated, randomized jury did not yield the desired diversity mix or the case is particularly contentious.

The Honor Court, along with the Superintendent's Representatives to the Honor Court and in coordination with the CDO, will develop and maintain a set of working papers that includes demographic and DEI-related data. These working papers, devoid of personal identifiable information, will facilitate an annual assessment of the effectiveness of these new measures in ensuring equity throughout the honor system.

Due to the number and impact of these approved honor system related changes, especially when combined with the revision of VMI's Institute Regulations: Part III (Blue Book), the committee recommended and the Superintendent concurred that the best course of action would be to allow the Honor Court to revise their SOP, educate the Corps on the changes, and implement with the start of the new academic year (i.e., August 2022).

Implementation of these 12 changes represents a significant step forward in eliminating the potential for bias to creep into the honor system and contributes to achieving the core principles

below that will move VMI toward being an inclusive, inviting, inspirational place to live, study, and train:

- **BOV OBJ 2:** To create and foster a safe, equitable, and inclusive environment for all on Post.
- **UAP Outcome #1:** The VMI Brand
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **UAP Outcome #3:** Committed to Honor
- **UAP Outcome #5:** One-VMI
- **IEP Goal 1:** Access and Success
 - Objective 2: Increase retention and academic success of historically underrepresented and underserved undergraduate students
- **IEP Goal 2:** Climate and Intergroup Relations
 - Objective 1: Create and maintain a climate that acknowledges and celebrates diversity and employs inclusive practices throughout its daily operations, aligned with VMI's vision, mission, and values.
- **IEP Goal 4:** Organizational Culture and Accountability
 - Objective 1: Develop a robust, empowered infrastructure to address longstanding institutional challenges and sustain the journey toward Inclusive Excellence.
 - Objective 2: Create a culture of evaluation and continuous improvement for administrators and senior leaders.

B. VMI does not track key data about cases brought to the Honor Court, including data about cases that do not reach an investigation or trial. Given that cadets of color are overrepresented among convictions, VMI should record and examine the following information about all Honor Court cases, regardless of the outcome of the case: first and last name of accused, race of the accused, gender of the accused, whether the accused is an athlete, the details of the charge, and the reporter's position (cadet, faculty, staff). VMI should analyze these statistics to monitor and address any disproportionate impact on minority cadets when it comes to Honor Court charges and convictions.

VMI agrees that retaining the categories of information discussed in this recommendation will benefit the Institute going forward. That said, it is also important to note that the Superintendent's Representatives to the Honor Court work very closely with the Honor Court and are intimately familiar with each case. In their roles as advisors, observers, and monitors of the system, they track honor court cases and take note of clear or suspected trends.

As an example, in the past when the number of reported athletes appeared to be increasing, the Superintendent's Representatives conducted an analysis and then met with coaches to explain the apparent trend. This allowed the coaches to meet with, discuss, and educate the athletes on reportable offenses with which there appeared to be an issue. The Superintendent's Representatives also distributed fact sheets to the athletes with the intent of further educating them on the elements of the honor code with which the trend suggested there was confusion.

Similarly, the Honor Court takes action if an emerging trend suggests some other demographic of the Corps of Cadets – or the Corps as a whole – is having an issue with some element of VMI that is honor code reportable. In these instances, the Honor Court President calls a Corps formation to educate the entire Corps on the issue to increase their understanding and awareness.

That said, retention of key demographic data will augment current efforts to monitor the fairness of the system while also reinforcing the goal of ensuring the honor code is enforced equitably regardless of race, gender, or permit status. The Superintendent's Representatives will work with the CDO to identify relevant types of information to collect and retain that will facilitate annual reviews and updates to the Superintendent. These annual assessments will buttress the in-stride reviews currently being conducted. As with recommendation 3(a) above, this change will be incorporated into the Honor Court SOP this fall, briefed to the Corps in the spring and implemented in the 2022-23 academic year.

Applying these Honor Court SOP changes contributes to achieving the core principles below that will help move VMI toward being a more inclusive, inviting, inspirational place to live, study, and train:

- **BOV OBJ 2:** To create and foster a safe, equitable, and inclusive environment for all on Post
- **UAP Outcome #1:** The VMI Brand
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **UAP Outcome #3:** Committed to Honor
- **UAP Outcome #5:** One-VMI
- **IEP Goal 1:** Access and Success
 - Objective 2: Increase retention and academic success of historically underrepresented and underserved undergraduate students
- **IEP Goal 2:** Climate and Intergroup Relations
 - Objective 1: Create and maintain a climate that acknowledges and celebrates diversity and employs inclusive practices throughout its daily operations, aligned with VMI's vision, mission, and values.
- **IEP Goal 4:** Organizational Culture and Accountability
 - Objective 1: Develop a robust, empowered infrastructure to address longstanding institutional challenges and sustain the journey toward Inclusive Excellence.
 - Objective 2: Create a culture of evaluation and continuous improvement for administrators and senior leaders.

C. The understanding of what constitutes an actionable violation of the Honor Code varies widely among the Corps, and particularly as between members of the Honor Court on one hand and members of the Corps at large on the other. VMI should adjust its Honor Court guidance, training, and practices to clarify what constitutes an Honor Code violation (as opposed to other rule violations) and what penalty will be applied.

VMI does not agree with the generalization that the Corps of Cadets lacks understanding about what constitutes an actionable violation of the honor code. Additionally, attempting to combine this cadet run process (the honor code) with an Institute run process (administering good order and discipline) appears to be an attempt to malign the VMI honor system and force changes. The fact is, what constitutes an honor violation is spelled out clearly for all Matriculants during honor code specific classes conducted by honor court members during matriculation week at VMI. Following matriculation week, new cadets are assigned a dyke and one of the key elements of the dyke system is continued education on the honor code. Additionally, the honor code and the system used to administer it are explained clearly in the charter that is hung in

every cadet room and every VMI classroom. That charter unmistakably spells out infractions of the honor code that warrant reporting, investigation and, if sufficient evidence exists, trial by jury. If found guilty, there is only one punishment: dismissal.

An excerpt from the Academic Year 2021-22 Honor Code Charter that captures honor code violations is captured in [Appendix 3](#). It clearly lays out what VMI considers lying, cheating, stealing, or tolerating those who do.

The Honor Court also has an education function as described in the Honor Court Standard Operating Procedures (SOP). Appendix 3 also contains an excerpt from the Honor Court SOP that addresses educating the Corps of Cadets and keeping them informed of administrative issues or changes that could impact the honor code.

As mentioned earlier in this response, introducing new cadets (Rats) to the VMI honor code is a concerted effort during matriculation week at VMI. It is important to note that these training and education sessions are conducted in the evening after practices and the evening meal have concluded specifically to allow in-season athletes to participate. The new cadets are assessed (quizzed) on these honor code classes and remediated if they do not perform well. The below outline lays out the subject matter of the multiple training and education sessions that new cadets have with the honor court.

1. **Session I**
 - a. The Code – “A cadet will not lie, cheat, steal, nor tolerate those who do.”
 - b. Purpose of the code
 - c. Why follow the code?
 - d. The Court’s Composition
 - e. Definitions: Lying, cheating, stealing, tolerating, instigation, malingering, quibbling
2. **Session II**
 - a. Review Session I
 - b. Honor and Academics
 - c. Honor and Cadet Life
 - d. Special Reports
 - e. GIM/Profile regulations and procedures
3. **Session III**
 - a. Review Session I and II
 - b. Permits: signing in and out
 - c. Q&A

Finally, as noted in the Barnes & Thornburg report, a number of suspected honor code violations are reported by the VMI faculty. As also pointed out in Annex N of the Honor Court SOP, VMI makes a concerted effort to educate VMI faculty on the honor code and the system used to administer it. This education process occurs annually as part of the New Faculty and Staff Orientation Program and is presented by the senior Superintendent’s Honor Court Representative – a tenured full professor. In addition to this educational session, it is important to note that the honor code charter hangs in every classroom and that VMI’s academic regulations addresses faculty responsibilities in upholding the VMI Honor Code through its work for grade policy. This responsibility is also detailed in the Faculty Handbook.

Sustaining VMI's single sanction Honor Code contributes to achieving the core principles below that will move VMI toward being a more inclusive, inviting, inspirational place to live, study, and train:

- **BOV OBJ 2:** To create and foster a safe, equitable, and inclusive environment for all on Post
- **UAP Outcome #1:** The VMI Brand
- **UAP Outcome #3:** Committed to Honor
- **UAP Outcome #5:** One-VMI
- **IEP Goal 4:** Organizational Culture and Accountability
 - Objective 1: Develop a robust, empowered infrastructure to address longstanding institutional challenges and sustain the journey toward Inclusive Excellence.

D. Many cadets noted the incongruity between a harsh punishment under the Honor Court for what cadets would consider a relatively minor offense (lying to a fellow cadet about off-post activities), and a light penalty under another system for what they would consider a major offense (such as sexual misconduct and use of racial slurs). VMI should examine data related to punishments imposed by the Honor Court, the Cadet Equity Association, and other disciplinary organizations to ensure that they are applied equitably and that disparate penalties are not imposed for the same severity of behavior.

As in recommendation 3(c) above, conflating honor code sanctions and good order and discipline penalties suggests a misunderstanding of VMI's administrative processes for governing the Corps of Cadets. Additionally, at VMI lying is not a minor offense, regardless of who was lied to or for what purpose. That is spelled out in the Honor Code Charter. That said, an explanation of penalty assessment by VMI's various governance entities may assist in clarifying the issue.

The Officer of the Guard Association (OGA) and the Cadet Equity Association (CEA) are both subcommittees of the General Committee (GC). The First Class (senior) President also serves as the President of the GC. At the cadet level, the First Class President is the approval authority for penalty recommendations stemming from an OGA or CEA substantiated allegation.

Those penalty recommendations are reviewed by the Assistant Commandant for Cadet Government and subsequently forwarded to the Commandant of Cadets. The Commandant is the approval authority for all cadet recommended penalties related to good order and discipline within the Corps of Cadets. He may approve the recommendations as submitted or modify them based on mitigating and/or extenuating circumstances. The range of possible penalties for substantiated offenses are guided by VMI's Institute Regulations: Part III (Blue Book).

The administration of the VMI Honor Code is outside the purview of the Commandant. Run by the cadet honor court and supervised by the Superintendent's Honor Court Representatives, the honor code is administered through the honor system. In the VMI system, a sanction (penalty) can only come as a result of a guilty verdict at trial. The only sanction administered for a guilty verdict is dismissal. For this reason, the Superintendent (vice the Commandant) is the approval authority for a recommended honor dismissal stemming from a guilty verdict. The Superintendent can approve or deny the recommended sanction.

With that understanding as backdrop, the new Commandant has noted inconsistencies with respect to how discipline was handled for breaches of Institute rules and regulations. His research

determined that the fundamental issue is who had the authority to adjudicate infractions and assign penalties. Prior to his arrival, there were as many as six (6) of his Deputy and Assistant Commandants with the authority to adjudicate infractions. Punishment was not consistent across these various individuals and as a result cadets “shopped around” their reports of infractions to find the Institute Official that would award the least severe penalty. These practices fed the perception and realities of inconsistency.

Additionally, the Commandant found inconsistencies in the processes used by cadet entities to govern the Corps of Cadets and those established in the VMI White Book (Cadet Government Procedures), which was last updated and re-published on 1 August 2021. He also noted disconnects between the GC, its subcommittees (i.e., OGA, CEA, and Rat Disciplinary Committee (RDC)), and the Commandant’s Office when awarding penalties related to Blue Book offenses.

To eliminate the inconsistencies in the good order and discipline domain that crept into the system over time, the Commandant has taken the follow steps:

- Authority to punish cadets for routine disciplinary infractions now resides solely with the Commandant and the Deputy Commandant. A revised Blue Book will provide the guidelines for those penalties. The Deputy Commandant will handle most “minor” infractions.
- For severe infractions, the Commandant and the Corps Sergeant Major (senior enlisted advisor) will convene a board that includes appropriate cadet leadership. While authority to administer penalties is retained by the Commandant, this process ensures senior cadet leadership observes the process and has the opportunity to voice an opinion on the penalty. This new process ensures consistency and provides cadet leadership a solid foundation from which to refute perception and rumor to the contrary.
- GC subcommittees (i.e., (OGA, CEA, & RDC) will inform the Commandant prior to initiating investigations into Blue Book violations. The First Class President will not enact a recommended penalty prior to the Commandant’s review and approval thereby ensuring consistency and proportionality.
- In cases where the offense is egregious and possible penalties include dismissal, the Commandant refers the offense, along with a recommended penalty, to the Superintendent for adjudication.

Finally, VMI’s Institute Regulations: Part III (Blue Book), which contains rules and regulations governing the good order and discipline of the Corps of Cadets is due for a comprehensive review and revision. This holistic revision, described as a cadet driven, Commandant supervised effort, is intended to further eliminate inconsistencies, ensure proportionality, and bring this governing document in line with 21st Century values and the culture change described in recommendation 6(a). It is anticipated that this effort, along with the administrative process changes described above, will ensure the penalties assigned for all infractions, to include those related to DEI issues, match the severity of the offense after consideration of all the facts involved in each case. This project is anticipated to be completed by the end of the fall 2021 semester after which an information and education campaign will be conducted for the Corps of Cadets to ensure they are properly apprised of the changes.

It is important to note that the improvements shaped by the Commandant in the good order and discipline arena, will in no way impact the sanction awarded for a substantiated honor violation. Those two administrative processes are intended to remain separate and distinct to avoid the potential for the types of biases and inequities alleged throughout the Barnes & Thornburg report.

Revising the *Blue Book* and refining the process for awarding punishments for infractions related to good order and discipline contributes to achieving the core principles that will move VMI toward being a more inclusive, inviting, inspirational place to live, study, and train:

- **BOV OBJ 2:** To create and foster a safe, equitable, and inclusive environment for all on Post
- **UAP Outcome #1:** The VMI Brand
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **UAP Outcome #3:** Committed to Honor
- **UAP Outcome #5:** One-VMI
- **IEP Goal 1:** Access and Success
 - Objective 2: Increase retention and academic success of historically underrepresented and underserved undergraduate students
- **IEP Goal 2:** Climate and Intergroup Relations
 - Objective 1: Create and maintain a climate that acknowledges and celebrates diversity and employs inclusive practices throughout its daily operations, aligned with VMI's vision, mission, and values.
- **IEP Goal 4:** Organizational Culture and Accountability
 - Objective 1: Develop a robust, empowered infrastructure to address longstanding institutional challenges and sustain the journey toward Inclusive Excellence.
 - Objective 2: Create a culture of evaluation and continuous improvement for administrators and senior leaders.

E. VMI should critically study the Honor Court's "education" policy. It should assess whether and how this practice is consistent with VMI's "single sanction" policy. VMI should also examine whether this practice can be applied reliably and consistently, and whether it produces disparate outcomes on race and gender lines. If VMI retains the "education" option, it should consider preparing clearer and better-defined criteria for when a cadet should be prosecuted and when he or she should be educated. VMI should also tell cadets, faculty, and administration that there is actually a "two-sanction system" in which one possible outcome of an Honor Court referral is informal "education" that obviates the need for a trial or a possible expulsion. Information on this "diversion" program should be maintained in the same manner as described in recommendation 3(a).

VMI does not have a "two-sanction" honor system. Understanding how the system and the honor court work is crucial to comprehending this fact. In the VMI system, a sanction (penalty) can only come as a result of a guilty verdict at trial. The only sanction administered for a guilty verdict is dismissal.

That said, not all reported violations of the honor code progress to trial. There are times when either the alleged offense did not occur, or the evidence is insufficient to warrant taking the case to trial. In those instances, the case is dismissed without prejudice. For example, in AY 2020-2021, there were 107 reports of suspected honor code violations. Of those, only four (4) went to trial.

At other times, even though the evidence is insufficient to progress to trial, it is strong enough to suggest that the reported cadet may have strayed – or is on the verge of straying – from the principles of the honor code. In these cases, when the assigned prosecutor (cadet), the Honor Court

President (cadet), and the Superintendent's Honor Court Representatives (faculty) feel the evidence warrants it, the accused cadet will participate in an honor court remediation session.

These sessions, when they occur, are intended to corral potentially wayward cadets and bring them back in line with the principles of the honor code. Once the remediation session is complete, the case is closed with no impact on their cadetship. This is a positive measure that clearly demonstrates the fairness of the process, that cadets are innocent until proven guilty, and that there are **NO** annual drum out quotas. The remediation is a benefit – vice a penalty – that is intended to prevent the cadet from making a costly mistake. Therefore, since there was no trial and no sanction, it cannot be argued that VMI has a two-sanction system.

VMI's single sanction honor code contributes to achieving the core principles below that will move VMI toward being a more inclusive, inviting, inspirational place to live, study, and train:

- **BOV OBJ 2:** To create and foster a safe, equitable, and inclusive environment for all on Post
- **UAP Outcome #3:** Committed to Honor
- **IEP Goal 1:** Access and Success
 - Objective 2: Increase retention and academic success of historically underrepresented and underserved undergraduate students
- **IEP Goal 4:** Organizational Culture and Accountability
 - Objective 1: Develop a robust, empowered infrastructure to address longstanding institutional challenges and sustain the journey toward Inclusive Excellence.
 - Objective 2: Create a culture of evaluation and continuous improvement for administrators and senior leaders.

F. VMI should formally examine and consider changing its Honor Court jury selection process and its policy of allowing convictions without unanimous verdicts. VMI should also consider including faculty in the jury process and should prohibit juror strikes based on race or gender. VMI should consistently track information on Honor Court juries to ensure fairness.

The honor court SOP review committee (mentioned in recommendation 3(a)) reviewed and debated multiple courses of action related to increasing diversity in trial juries. In their out brief to the Superintendent, they recommended, and he approved, the following key changes:

1. **Increase the size of the jury pool from 24 to 36 cadets.** In order to increase the diversity of the seated jury, you must first increase the diversity of the jury pool. Theoretically, if you increase the size of the randomly selected jury pool, then you increase the number of diverse individuals (minorities, women, and athletes) in the pool available to serve on the jury.
2. **Revise the voir dire process to eliminate pre-emptive strikes.** Previously, following “for cause” strikes, the defense and prosecution were then each granted two “pre-emptory strikes” from the remaining jury pool. Eliminating pre-emptive strikes removes the potential for striking jurors based on race, gender or permit status.
3. **Randomizing remaining jury pool a second time to seat the final jury.** Striking potential jurors “for cause” is the process of questioning members of the jury pool to determine possible connections to the accused or the events that led to the trial. The goal is to discern whether jurors possess biases that may prevent them rendering a fair and impartial verdict. Potential

jurors are struck from the jury pool “for cause” if sufficient connection or bias exists. With the elimination of pre-emptive strikes, after the strikes for cause are complete, the final jury will be seated by randomizing and selecting the requisite number of jurors from the remaining jury pool members.

4. **Increase jury size.** Currently, the jury seated for an honor court trial is eight with seven primaries and one alternate. Going forward, the court will seat a twelve-person jury with eleven primaries and one alternate. Using the same statistical reasoning as was used to increase the size of the jury pool, it stands to reason that increasing the size of the seated jury increases the potential for a more diverse jury, especially with the elimination of pre-emptive strikes and the final jury being randomized a second time.
5. **Increase the number of guilty votes required to convict.** Currently, the Court requires five of seven jurors (71.4%) to vote guilty in order to convict. Increasing the size of the jury and requiring nine of eleven jurors (81.8%) to vote guilty increases the Court’s burden of proof and further reduces the potential (real or perceived) of forcing a guilty verdict based on insufficient or circumstantial evidence.

Making the above changes to the processes used to select, seat, and instruct a jury contributes to achieving the core principles below that help move VMI toward being a more inclusive, inviting, inspirational place to live, study, and train:

- **BOV OBJ 2:** To create and foster a safe, equitable, and inclusive environment for all on Post
- **UAP Outcome #1:** The VMI Brand
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **UAP Outcome #3:** Committed to Honor
- **UAP Outcome #5:** One-VMI
- **IEP Goal 1:** Access and Success
 - Objective 2: Increase retention and academic success of historically underrepresented and underserved undergraduate students
- **IEP Goal 2:** Climate and Intergroup Relations
 - Objective 1: Create and maintain a climate that acknowledges and celebrates diversity and employs inclusive practices throughout its daily operations, aligned with VMI’s vision, mission, and values.
- **IEP Goal 4:** Organizational Culture and Accountability
 - Objective 1: Develop a robust, empowered infrastructure to address longstanding institutional challenges and sustain the journey toward Inclusive Excellence.
 - Objective 2: Create a culture of evaluation and continuous improvement for administrators and senior leaders.

G. VMI should permit cadets to have the assistance of legal counsel in an Honor Court proceeding.

VMI’s honor court history is flush with the pros and cons associated with allowing outside legal counsel to participate in honor court proceedings. The last time VMI permitted outside counsel was the 2010-2011 academic year. To that point in time, in their defense of an accused cadet, many outside counsel attempted shift the focus of the trial to the system itself, as opposed to the guilt or innocence of their client. Additionally, not every cadet could afford an attorney. For these reasons,

VMI elected to bar outside counsel from honor court proceedings. While cadets were always free to consult legal counsel regarding their case, counsel could not participate in the proceedings. Following the decision to bar outside counsel, accused cadets were represented during the proceedings by a Defense Advocate selected from a list of faculty and staff volunteers.

Recognizing that equal opportunity does not necessarily result in equity, VMI will take a new tact on providing legal representation that inures to the benefit of the accused. The Institute will assemble a list of pro bono lawyers willing to assist cadets accused of an honor court violation at no charge to the cadet. Cadets may select legal counsel from this list or retain their own paid counsel. In this way, all cadets will have access to legal counsel, should they desire it.

In addition, outside counsel will be permitted to assist the accused throughout the process; however, similar to a Title IX hearing, they will not have a speaking role at the trial. During trial proceedings, a cadet's outside counsel may communicate solely through the cadet or the Defense Advocate. The responsibility to address the court, the jury, or witnesses continues to rest with the cadet or the Defense Advocates. To ensure the efficacy and viability of this approach, it will be re-assessed annually.

Providing all cadets access to legal counsel during honor court proceedings contributes to achieving the core principles below that will help move VMI toward being a more inclusive, inviting, inspirational place to live, study, and train:

- **BOV OBJ 2:** To create and foster a safe, equitable, and inclusive environment for all on Post
- **UAP Outcome #3:** Committed to Honor
- **UAP Outcome #5:** One-VMI
- **IEP Goal 1:** Access and Success
 - Objective 2: Increase retention and academic success of historically underrepresented and underserved undergraduate students
- **IEP Goal 2:** Climate and Intergroup Relations
 - Objective 1: Create and maintain a climate that acknowledges and celebrates diversity and employs inclusive practices throughout its daily operations, aligned with VMI's vision, mission, and values.
- **IEP Goal 4:** Organizational Culture and Accountability
 - Objective 1: Develop a robust, empowered infrastructure to address longstanding institutional challenges and sustain the journey toward Inclusive Excellence.
 - Objective 2: Create a culture of evaluation and continuous improvement for administrators and senior leaders.

H. VMI should provide formal, comprehensive, and consistent training to all faculty defense advisors to the Honor Court and to the cadets who run the Honor Court, particularly with respect to implicit bias and its potential impact on prosecutorial decision-making.

The Superintendent's Representatives to the Honor Court – two of which are former Defense Advocates – and VMI's legal counsel, provide standardized and best practice training for new defense advocates to ensure they are familiar with their responsibilities and court proceedings. In an ongoing effort to make Defense Advocates more comfortable in their role, while also improving their performance, those classes and best practices are being codified into a separate Defense Advocates Handbook that will be available within the next year.

Ensuring all defense advocates have the tools necessary to properly represent cadets during honor court proceedings contributes to achieving the core principles below that help move VMI toward being a more inclusive, inviting, inspirational place to live, study, and train:

- **BOV OBJ 2:** To create and foster a safe, equitable, and inclusive environment for all on Post
- **UAP Outcome #3:** Committed to Honor
- **UAP Outcome #5:** One-VMI
- **IEP Goal 1:** Access and Success
 - Objective 2: Increase retention and academic success of historically underrepresented and underserved undergraduate students
- **IEP Goal 4:** Organizational Culture and Accountability
 - Objective 1: Develop a robust, empowered infrastructure to address longstanding institutional challenges and sustain the journey toward Inclusive Excellence.
 - Objective 2: Create a culture of evaluation and continuous improvement for administrators and senior leaders.

I. VMI should ensure that all incoming cadets, including athletic recruits, are provided with standardized, complete materials on what to expect as a Rat and a cadet before they matriculate. As part of these efforts, VMI should promote its “One VMI” philosophy to all incoming cadets, including athletes, to emphasize the goal of a unified cadet experience.

VMI’s Communications & Marketing department is working with Athletic and Admissions Directors to address recruiting efforts, to include a video that is being produced in coordination with the Regimental S-5 (Public Affairs) cadets. VMI anticipates viewing this video to be a mandatory part of the recruiting and admissions process. The first draft of the script for the video was completed 20 November 2021, and the video itself will be available for the 2022-23 admissions cycle which begins August 2022. Additionally, the Regimental S-5 staff gives athletic coaches “ratline tours” at various times throughout the fall semester to make them more familiar with ratline activities. These simple familiarization tours enable the coaches to talk about the ratline from an informed perspective and to provide first-hand knowledge-based answers to questions. Importantly, these tours included a session with the Honor Court.

Ensuring all incoming cadets have a complete picture of the VMI experience prior to matriculating contributes to achieving the core principles below that move VMI toward being a more inclusive, inviting, inspirational place to live, study, and train:

- **BOV OBJ 1:** To create, and foster a more diverse VMI
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **UAP Outcome #3:** Committed to Honor
- **UAP Outcome #5:** One-VMI
- **IEP Goal 1:** Access and Success
 - Objective 1: Achieve increased student enrollment from historically underrepresented and underserved populations.
 - Objective 2: Increase retention and academic success of historically underrepresented and underserved undergraduate students
- **IEP Goal 2:** Climate and Intergroup Relations
 - Objective 1: Create and maintain a climate that acknowledges and celebrates diversity and

employs inclusive practices throughout its daily operations, aligned with VMI's vision, mission, and values.

J. VMI's Alumni Agencies should supplement their DEI plans to evaluate and implement DEI efforts undertaken by the alumni associations at peer schools, including establishing affinity groups and associated events.

The VMI Alumni Agencies, comprised of the VMI Foundation, Inc., the VMI Alumni Association and the VMI Keydet Club are registered 501(c)(3)'s. The Agencies are separate and distinct (independent) from the Virginia Military Institute and each of the individual entities is governed by their own oversight board. That said, in the same spirit of cooperation as articulated by the BOV President, they provided the following response:

- We have reached out to peer institutions.
- We have engaged our minority/underrepresented alumni in discussions, conferences, and anniversary events.

4. TEMPER ASSOCIATIONS BETWEEN VMI AND THE CIVIL WAR AND CONFEDERACY

A. VMI should continue to reduce emphasis on traditions and iconography associated with the Civil War/Confederacy, to include installation of other traditions and historical associations, including those that promote diversity, equity, and inclusion.

The VMI BOV's Commemorations and Memorials Naming and Review Committee (CMNRC) first met on 17 Nov 2020, and has drafted a charter that was then approved by the committee on 13 January 2021 and by the full BOV on 29 January 2021.

The CMNRC charter reads "The Commemorations and Memorials Naming and Review Committee shall be responsible for oversight of all policies and practices related to the naming of buildings and places on Post as well as the existence of statues, commemorations and memorials on Post (buildings, places, statues, commemorations, and memorials hereinafter referred to collectively as "Memorials"). This oversight shall include, but shall not be limited to, all existing Memorials as well as all future Memorials. Notwithstanding the powers of the President of the Board enumerated in the preamble to this Section, it is anticipated that non-Board members of the Committee should include, among others who may be appointed, the head of the VMI Museum System, the principal government relations officer, a representative from the faculty, a cadet representative, and a representative of the VMI Alumni Agencies. In exercising its oversight and providing recommendations to the full Board for approval, the Committee shall consider, among other things, VMI's mission of producing citizen-soldiers imbued with honor, civility, and respect, and shall ensure that all Memorials properly reflect the Institute's commitment to diversity, equity, inclusion, and belonging."

The CMNRC has met five (5) times over the past 12 months, during which they have made significant strides in:

1. Identifying iconography on the VMI Post that would detract from an environment that was both "inspirational and inviting." Of the more than 400 tributes on Post, 54 items (cannons counted individually) can be considered to have ties to the Civil War.

2. Developing criteria by which specific iconography can be assessed to determine the appropriateness of retaining it in the VMI landscape.
3. Taking action on some of the most visible and seemingly contentious iconography.

In addition to removing the Stonewall Jackson statue on 7 December 2020 following an affirmative vote from the full BOV, the CMNRC has also voted to:

1. Remove the name Stonewall Jackson from above the main entrance (arch) into the VMI “Old Barracks.”
2. Remove the direct attribution of the quote “You may be whatever you resolve to be” to Stonewall Jackson.
3. Remove the Jackson name from the Jackson Memorial Hall.
4. Expand the memorialization of the statue “Virginia Mourning Her Dead” to all VMI service members who have given their life in service to their Nation.
5. Preserve and contextualize “The Charge of the New Market Cadets” mural found in Memorial Hall. This will be done through digital interpretive media located in the vestibule of the Memorial Hall entrance.

Additionally, and as conveyed in VMI’s 30-day report, the Institute modified what was formerly known as the New Market Parade to recognize all former VMI cadets who died in the service to the Nation. This new ceremony is now known as the Memorial Parade. Also, new cadets no longer travel to the New Market Battlefield to re-enact the charge of the VMI cadets before taking their cadet oath. The new cadet oath is now part of the Matriculation day proceedings.

Reducing emphasis on traditions and iconography associated with the Civil War and the Confederacy helps achieve the core principles below that help move VMI toward being a more inclusive, inviting, inspirational place to live, study, and train:

- **BOV OBJ 2:** To create and foster a more safe, equitable, and inclusive environment for all on Post
- **UAP Outcome #1:** The VMI Brand
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **UAP Outcome #5:** One-VMI
- **IEP Goal 2:** Climate and Intergroup Relations
 - Objective 1: Create and maintain a climate that acknowledges and celebrates diversity and employs inclusive practices throughout its daily operations, aligned with VMI’s vision, mission, and values.

B. VMI should solicit input from current cadets and organizations (including the Promaji Club) when considering any action related to Civil War or Confederate-era iconography, symbolism, and traditions.

The Commandant of Cadets has instituted a new open-door policy whereby every Friday, he clears his schedule in an effort to encourage cadets to come in to speak with him one-on-one on wide-ranging topics. This policy seeks to promote transparency between the Office of the Commandant and the Corps of Cadets. This added transparency, access, and open communications establishes the foundation for the Commandant to bring in Promaji and other affinity groups such as the Global Perspectives Club (VMI’s international students), to discuss participation in any activity that has

the potential to stir cultural or other demographic sensitivities.

These increased communications between cadets and the administration will help achieve the core principles that will move VMI toward being a more inclusive, inviting, inspirational place to live, study, and train:

- **BOV OBJ 1:** To create, and foster a more diverse VMI
- **UAP Outcome #1:** The VMI Brand
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **UAP Outcome #5:** One-VMI
- **IEP Goal 3:** Education and Scholarship
 - Objective 2: Increase the cultural competencies of faculty and staff.
- **IEP Goal 4:** Organizational Culture and Accountability
 - Objective 1: Develop a robust, empowered infrastructure to address longstanding institutional challenges and sustain the journey toward Inclusive Excellence.
 - Objective 2: Create a culture of evaluation and continuous improvement for administrators and senior leaders
- **IEP Goal 5:** Community Engagement
 - Objective 1: Evaluate and expand community engagement and partnerships to create collective impact with other community organizations

C. VMI should review its practices on allowing cadets to associate with and participate in community events and celebrations such as parades, and should ensure (by implementation of a policy or otherwise) that these practices are equitable.

All requests for VMI participation in community events and parades go through a central clearinghouse for authorization, i.e., the Deputy Chief of Staff for Operations (DC/S Ops), who coordinates with the Commandant if the request involves cadets. The Commandant staffs the request through interested stakeholders such as cadet affinity groups and clubs and provides a recommendation back to DC/S Ops. Upon receipt of the recommendation from the Commandant, the DC/S Ops coordinates with the Chief of Staff and Superintendent and decides on appropriateness of VMI's participation. VMI participation in an official capacity requires VMI personnel to wear the appropriate uniform while representing the Institute. If, on the other hand, it is determined that participation is not in the best interests of the Institute, and to avoid infringing on individual rights, authorization may be granted for individual participation. In these instances, any member of the VMI community who elects to participate would not be authorized to represent VMI in an official capacity or in a VMI uniform.

Ensuring equity in the policies and procedures that govern participation in community events and celebrations will help achieve the principles below that move VMI toward being a more inclusive, inviting, inspirational place to live, study, and train:

- **BOV OBJ 1:** To create, and foster a more diverse VMI
- **UAP Outcome #1:** The VMI Brand
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **UAP Outcome #5:** One-VMI
- **IEP Goal 3:** Education and Scholarship
 - Objective 2: Increase the cultural competencies of faculty and staff.

- **IEP Goal 4:** Organizational Culture and Accountability
 - Objective 1: Develop a robust, empowered infrastructure to address longstanding institutional challenges and sustain the journey toward Inclusive Excellence.
 - Objective 2: Create a culture of evaluation and continuous improvement for administrators and senior leaders
- **IEP Goal 5:** Community Engagement
 - Objective 1: Evaluate and expand community engagement and partnerships to create collective impact with other community organizations

D. VMI and the Alumni Agencies should never accept funds from any entity that discriminates or supports discrimination based on race or gender.

The VMI Alumni Agencies, comprised of the VMI Foundation, Inc., the VMI Alumni Association and the VMI Keydet Club are registered 501(c)(3)'s. The Agencies are separate and distinct (independent) from the Virginia Military Institute and each of the individual entities is governed by its own oversight board. That said, in the same spirit of cooperation as articulated by the BOV President, they provided the following response:

- The VMI Alumni Agencies Gift Policy addresses discrimination:
- "The Agencies will not accept gifts that involve discrimination based upon race, religion, gender, sexual orientation, age, national origin, color, disability, or any other basis prohibited by federal, state, and local laws."

5. ACTIVELY ADDRESS RACIST, SEXIST, AND OTHER UNACCEPTABLE LANGUAGE AND BEHAVIOR

A. VMI should design and implement sensitivity and bystander training for cadets (including incoming cadets) focused on racism, racial slurs, racial jokes, and racial stereotypes. This training should emphasize that no one's background excuses these of racist language.

TITLE IX TRAINING

VMI annually executes a training program that addresses discrimination, harassment and sexual misconduct. Compliant with Office of Civil Rights guidelines, a biennial cadet survey, is administered to better understand the overall campus climate at VMI. The survey includes topics such as sexual assault and sexual harassment, and is currently being updated. Future iterations will incorporate questions related to racial tension. This information helps VMI: (a) develop prevention programs, (b) ensure existing response services are adequate, and (c) determine how response services can or should be improved. The survey questions were developed to be gender-neutral (i.e., with an understanding that sexual misconduct can happen to or be perpetrated by anyone).

With the survey providing the baseline for developing this training, VMI's annual Title IX training calendar includes the following:

New Cadets/Rats (Freshmen)

- Matriculation Week (August):
 - Introduction of the IG/Title IX Coordinator, Assistant IGs/Title IX Coordinators, and their roles and responsibilities.

- Following train-the-trainer classes and using IG provided talking points, the Cadet Equity Association (CEA) and Officer of the Guard Association (OGA), which are cadet/student government entities, conduct *Stoop Talks* to reinforce Title IX-related topics of cadet safety, reporting procedures, and connecting to resources or support services if required.
- 10 September 2021: the IG’s Office hosted a “Connect for Success” panel discussion.
 - A panel of subject matter experts provided information on supportive resources in health, well-being, academic support, professional counselling services, mentoring/shared interest groups, clubs/extracurricular activities, access to religious support, and information about upcoming programming through the Center for Leadership and Ethics, IG/Title IX Office and Office of the Diversity, Equity, and Inclusion.
- Fall semester (October)
 - Online training program titled *Sexual Violence Prevention for Students* (by Vector Solutions).
 - Training covers consent, healthy relationships, bystander intervention, stalking and the realities of sexual assault and sexual harassment.
 - Every cadet must participate. Participation is tracked and reported by Vector Solutions.
 - Cadets must take and pass a quiz at the end of the training. Quiz failures and cadets that miss the training are remediated.
- Spring semester (February)
 - In compliance with the Violence Against Women Reauthorization Act of 2013, Bystander Intervention Training (BIT) is delivered annually in three modules.
 - VMI utilizes *StepUp*, to deliver its BIT training.
 - *StepUp* was created by Becky Bell, University of Arizona, in partnership with the NCAA, University of California – Riverside, and the University of Virginia.
 - This is peer facilitated training conducted by Title IX staff trained cadets. Roll is taken and cadets are required to make up the training if it is missed.

3rd Classmen (Sophomores)

- Fall semester (October)
 - Enhanced Bystander Intervention Training.
 - Peer delivered training, supervised by faculty and staff members of IG/Title IX office.
 - Includes simultaneous live and virtual training on topics of dating violence, healthy relationships, consent, safety, and developing prevention skill sets.
 - Additional training delivered by Project Horizon on the key components of healthy dating relationships, such as consent and boundaries.

2nd Classmen (Juniors)

- Fall Semester.
 - In preparation for Ring Figure, the Title IX Office and Project Horizon delivers combined, in- person training on topics of alcohol awareness, bystander intervention, and sexual violence prevention.

Entire Corps of Cadets

- **Respect, Report, Support Campaign**
 - New for fall 2021 semester and intended to promote shared values of equity, civility, safety, and belonging in our learning community.
 - Designed to enhance visibility of the Title IX Office in person, on the website, through redesigned posters, and in handouts.

- The IG plans to develop a Public Service Announcement that will feature cadets and staff promoting their commitment to the psychological and physical safety of the VMI Community.
- On 13 October 2021: As part of Dating and Domestic Violence Awareness Month, the IG/Title IX Office sponsored a film screening of, *Intimate Violence*, a documentary by Mr. Nolan Zunk, (a senior at Washington & Lee University), and featuring Project Horizon and others discussing the impact of intimate partner violence on individuals and communities. Following the film, the IG moderated a Q&A session with Dr. Stephanie Sandberg (the film maker’s faculty advisor) and Project Horizon.
- January 2022 (registration day following winter furlough)
 - This Annual Title IX training is presented in person by Campus Outreach Services. Each VMI class (freshman-senior) receives a tailored program based on their year group that covers sexual misconduct, sexual abuse, and sexual harassment. The classes are provided through interactive case studies, scenarios, and testimonials.
- During the “in between” survey years, the IG/Title IX Office will conduct cadet and employee focus groups on specific topics, such as the ease of reporting or perceptions of barriers/obstacles to reporting, access to supportive measures, identifying and understanding factors in the culture leading to increased or decreased risk for sexual harassment, sexual assault, and inequitable racial treatment.

Intercollegiate Athletic Office

- Each fall
 - In accordance with NCAA directives, the entire athletic department staff receives in-person Title IX training provided by the IG/Title IX Coordinator(s). The primary focus of this training is an update on changes in Title IX and familiarization with GO16. The Athletic Director is responsible for ensuring his entire staff participates and that remediation occurs for those who miss the scheduled training.

VMI / State Employees

- Delivered biennially
 - An online program delivering Title IX training and covering topics such as discrimination, harassment, and sexual misconduct.
 - Annual climate surveys (January) are used to assess the work environment and the effectiveness of the training

DIVERSITY, EQUITY, AND INCLUSION TRAINING

VMI’s new Chief Diversity Officer (CDO) hit the ground running when she reported aboard this past summer. Her charge to build an Inclusive Excellence training program for the fall semester that aligns with the Superintendent’s Unifying Action Plan was analogous to building an airplane in flight. To facilitate that effort, VMI carved out an hour each week on Friday mornings from 11:05-12:15. These “Superintendent’s Training” periods were divided between the Title IX Coordinator and the CDO. The CDO’s training periods were conducted on September 24th and October 1st, 8th, 15th, 22nd, and 29th.

VMI’s Inclusive Excellence Training seeks to create and sustain an inclusive community where Cadets have increased cultural competency, thereby better equipping them to be better leaders in an increasingly interconnected, diverse and multi-cultural global operating and work environment.

Drawing on the Association of American Colleges & Universities (AAC&U) Inclusive Excellence guidelines, the CDO's Inclusive Excellence training features four tenets:

- Achieving educational equity in an inclusive, accepting setting.
- Learning the skills, information, and mindsets students need to impact a diverse society.
- Building a climate in classrooms and on the post that supports all students
- Fostering learning opportunities that accept diversity is a benefit to problem-solving.

The resulting program is a collection of widely accepted Inclusive Excellence training sessions captured in VMI's first "Cadet Training Guide for Inclusive Excellence" ([see Appendix 4](#)). Pulling this together on short notice was a herculean effort; however, the program is up and running. The CDO will make determinations on future trainings (i.e., for the spring 2022 semester) based on in-stride surveys intended to provide feedback on what was effective and what was not, as well as indicate which areas or topics require additional training. Thus far, the training conducted with the rat (freshman) class has been well-received and widely accepted. For example:

- 76.6 % of respondents were mostly or completely satisfied with the inclusive excellence activities.
- 87.9% of respondents thought the activities helped them connect with their peers.
- 94.3% of respondents though the activities helped initiate dialogue about inclusivity.

When asked to share what they learned from the activities, the vast majority, albeit not all, took positive lessons from the training as captured in a sampling of their comments below:

- I learned to be more mindful of the things that I say and how my words can affect someone else.
- Not to judge someone on the surface level.
- I learned about how different I am from my brother rats and realized that despite our differences we are all still able to respect each other.
- Reinforced that we are all different and shouldn't judge others for being so
- Just was very repetitive and corny
- It's ok to say that I am prejudiced, because everyone has prejudice. The only difference is acknowledging that you have that and working to minimize it in different situations.
- Inclusiveness and respect lead to healthier friendships
- I learned that inclusivity at VMI needs to be looked at differently than inclusivity at my high school. At my high school, most of the people there came from the same racial and socioeconomic background so it was easier to interact with them. With the different backgrounds at VMI, I need to make sure that I am including everyone that I can.
- It really just divided people and made people look at each other differently and not in a good way.
- I found the training to be a great bonding experience with my company as it allowed me to be aware of the differences that make us who we are, as well as the shared experiences that bond us in a deeper way.
- That we all need to be accepting and open to everyone the way that they are and to not judge someone before we actually know them.
- I learned I was not alone in coming from abusive environments.
- There are not a lot of people like me here.

VMI's current Title IX and Inclusive Excellence training programs utilize a pyramidal or building block approach that is assessed and adjusted as required. That said, both the CDO and IG/Title IX

Coordinator will conduct research on other Virginia public institutions of higher education and senior military colleges to determine how our programs compare and make additional adjustments as appropriate.

VMI's current Title IX and Inclusive Excellence training programs contribute to achieving the core principles below that will help VMI toward being a more inclusive, inviting, inspirational place to live, study, and train:

- **BOV OBJ 2:** To create and foster a safe, equitable, and inclusive environment for all on Post
- **UAP Outcome #1:** The VMI Brand
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **UAP Outcome #5:** One-VMI
- **IEP Goal 2:** Climate and Intergroup Relations
 - Objective 1: Create and maintain a climate that acknowledges and celebrates diversity and employs inclusive practices throughout its daily operations, aligned with VMI's vision, mission, and values
- **IEP Goal 4:** Organizational Culture and Accountability
 - Objective 1: Develop a robust, empowered infrastructure to address longstanding institutional challenges and sustain the journey toward Inclusive Excellence.
 - Objective 2: Create a culture of evaluation and continuous improvement for administrators and senior leaders.

B. VMI should implement a social media policy with guidelines for cadets' use of social media to promote VMI's standards of respect and integrity and compliance with applicable laws. VMI should also monitor social media to help identify issues of racism and sexism in the Corps.

VMI's General Order (GO) 71, Use of Social Media, was updated in June 2021 and includes the following section on personal social media use for both employees and cadets.

Personal Social Media Use

Employees:

- *Employees must ensure that any personal social media posts do not give the impression of representing the Commonwealth of Virginia or the Institute. While employees are permitted to mention their status as VMI employees on social media, employees must also be clear that any posts are personal and do not represent the position or views of the Institute.*
- *To protect the privacy of cadets and employees, VMI employees may not post photographs or videos taken within Barracks, classrooms, training areas, or work areas of VMI without the express agreement of all persons pictured in an identifiable manner.*
- *Employees are not authorized to use VMI logos, wordmarks, or other Institute trademarks on their personal social media sites or in posts to social media.*
- *Employees may report incidents of disruption of constitutionally protected speech on social media to the Inspector General.*

Cadets:

- *The Blue Book, Institute regulations, the general orders listed in Paragraph 3 of this policy, and all other general orders apply to posts and other activities on social media. Cadets also are reminded that the identity of persons who post to “anonymous” social media sites can be determined and that any cadets who violate Institute policies and cadet standards of conduct in the course of social media use, anonymous or not anonymous, will be sanctioned to the fullest extent appropriate. In accordance with General Order 17, cadets are subject to disciplinary standards from matriculation until graduation or other separation from the Institute regardless of their geographic location and while on leave, furlough, or otherwise absent from Post.*
- *Cyberbullying and cyberstalking by anyone, including cadets, are expressly prohibited by the Institute’s policies and standards and may constitute criminal activity. Pursuant to General Order 16, stalking, which includes cyberstalking, is defined as a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for his or her safety or the safety of others; or (ii) suffer substantial emotional distress. A "course of conduct" means two or more acts by any means, including social media use, through which an individual follows, monitors, observes, surveils, threatens, or communicates to or about any person.*
- *Posting of Photographs or Video. Cadets may not post to social media photographs or videos without the express agreement of all persons pictured in an identifiable manner.*
- *Upper class cadets may not post on social media any photographs or videos of identifiable rats regardless of whether or not the rat or rats pictured agree to such use.*
- *Due to the risk of disruption of training activities, all cadets must obtain the approval of the commandant’s staff member, ROTC staff member, or faculty member in charge of a training event prior to undertaking photography or videography in close proximity to training activities and must abide by any instructions provided by that individual.*
- *Likewise, all cadets must obtain the approval of the faculty member in charge before undertaking photography or videography in classrooms and laboratories and must abide by any instructions provided by that individual.*
- *Cadets are not authorized to use VMI logos, wordmarks, or other trademarks on their personal social media sites or in posts to any social media.*

In accordance with Virginia Code § 23.1-405(E), Institute officials, other than the VMI Police in carrying out official law enforcement duties, will not require any cadet to disclose the username or password to such cadet’s personal social media accounts.

Cadets may report incidents of disruption of constitutionally protected speech on social media to the Cadet Equity Association or the Inspector General.

The full text of GO 71 is available at <https://www.vmi.edu/media/content-assets/documents/general-orders/GO71.pdf>. Included in the GO is the established “Protocol for Reporting Threatening or Harassing Posts.”

Additionally, as mentioned in recommendation 3(d), VMI's Institute Regulations: Part III (Blue Book), which governs the good order and discipline of the Corps of Cadets is currently being reviewed and updated by the new Commandant of Cadets. It is expected that this re-write will incorporate penalties for inappropriate use of social media that negatively impact good order and discipline. This project is anticipated to be completed by the end of the fall 2021 semester.

Finally, VMI does monitor Jodel, the social media platform alluded to in the Barnes & Thornburg report. First Amendment rights apply to social media so VMI must comply with the law with respect to that monitoring. Offensive language does not necessarily constitute a threat unless it expresses intent to commit an act of unlawful violence. As a result, VMI is most often limited to simply monitoring and using available administrative and cadet chains of command to mitigate risks to good order and discipline. For example, rather than ban Jodel from VMI networks, the Superintendent asked cadet leaders to get a handle on the posts that are detrimental to the changes he is attempting to implement at VMI. According to the Communications and Marketing team that monitors that particular social media app, there has been a noticeable decrease in the types of Jodel posts that led to this recommendation, as well as a corresponding increase in the number of "corrective or regulating" posts when the negative ones do occur. It is also important to note that were a specific threat to appear on Jodel, VMI has procedures to deal with them and it begins with the reporting protocol in Annex A of GO 71.

VMI's current social media policies and practices contribute to achieving the core principles below that will help move VMI toward being a more inclusive, inviting, inspirational place to live, study, and train. These principles can be found in the BOV's DEI Objectives, as well as the Unifying Action (UAP) and Inclusive Excellence (IEP) Plans:

- **BOV OBJ 2:** To create and foster a safe, equitable, and inclusive environment for all on Post
- **BOV OBJ 3:** Assure that we maintain a safe, rigorous process for escalating issues which have even the potential to violate the Code of a Cadet
- **UAP Outcome #1:** The VMI Brand
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **UAP Outcome #5:** One-VMI
- **IEP Goal 2:** Climate and Intergroup Relations
 - Objective 1: Create and maintain a climate that acknowledges and celebrates diversity and employs inclusive practices throughout its daily operations, aligned with VMI's vision, mission, and values
- **IEP Goal 4:** Organizational Culture and Accountability
 - Objective 1: Develop a robust, empowered infrastructure to address longstanding institutional challenges and sustain the journey toward Inclusive Excellence.
 - Objective 2: Create a culture of evaluation and continuous improvement for administrators and senior leaders.

C. VMI should ensure a strong, vocal, unified, and public response by leadership condemning all discriminatory, racist, or sexist acts that occur on post or by a cadet or other individual associated with VMI. VMI should take measures to ensure that such misconduct is treated at least as seriously, and that it carries at least the same stigma, as instances of lying and cheating.

VMI does not tolerate discriminatory, racist, or sexist acts by any member of the VMI community. A strong, vocal, unified, and public example of that policy was clearly articulated by the VMI Superintendent in his 12 July 2021 letter to the VMI Corps of Cadets.

Members of the Corps of Cadets:

When I began my role as Superintendent last November, I stood before you and said that we will not tolerate acts of racism, sexism, homophobia, and xenophobia. Today, the Washington Post published a story detailing allegations of sexual assault and harassment at VMI. The allegations contained within the story are unacceptable of any VMI cadet and no one – VMI cadet, faculty, staff, nor civilian – should be subjected to the type of behavior detailed in the article. The fact that this type of behavior is reported to have come from individuals who have worn the VMI uniform is repugnant.

Your behavior, no matter online, on post, or elsewhere, is a reflection of the Virginia Military Institute. To be a VMI alumnus is synonymous with being a leader of character whether in the military, industry, politics, or civic life. As I stated upon my arrival, we define who we are as VMI.

For those cadets who have experienced sexual assault or harassment, VMI is committed to your healing and success. VMI has a number of resources available to you. Professional counselors in the Center for Cadet Counseling are always available. Additionally, Ms. Susan LeMert, the Institute's new Inspector General / Title IX Coordinator, is available to connect you with additional resources or discuss options for pursuing charges through the Title IX process or the courts.

Over the past seven years, VMI's Title IX process for reporting, investigating, and adjudicating sexual assault and harassment claims was reviewed by the U.S. Department of Education Office for Civil Rights as well as the Commonwealth of Virginia through the recent audit ordered by the Governor. Both the Office for Civil Rights and the Commonwealth found that VMI's policies and procedures are compliant with federal and state laws and regulations. The Commonwealth of Virginia's recent audit cited VMI as an "institution committed to ensuring that its cadets, faculty, and staff are free from discrimination and harassment and to responding appropriately when they are not."

At VMI, one reported rape or sexual assault is one too many. Our job as an institution is to ensure cadets have confidence that their concerns or complaints will be addressed in a timely and compassionate manner without fear of reprisal. This is my commitment to you.

*Very respectfully,
MG Wins*

In addition to the VMI Superintendent, the new Commandant of Cadets has made it clear to the Corps of Cadets through various public proclamations that he too has zero tolerance for any act of discrimination, racism and/or sexism. At the tactical (grass roots) level, the Commandant has implemented "leader teaches" with Corps leadership on VMI Standards of Conduct. These small group focus sessions include open, frank discussions (vice lectures) about what is acceptable and what is not acceptable by VMI cadets. Important to these discussions – and a change from previous

administrations – is the commitment by the Commandant, as well as the Superintendent, to empower the Corps of Cadets to police/regulate themselves and subsequently hold them accountable for doing so. Cadet leadership is enthusiastically supportive of this initiative and the Commandant, along with the Inspector General, will track reported misconduct to determine if it is having the desired effect.

There is a direct correlation between drinking in barracks (a violation of VMI regulations) and the types of misconduct referenced in this recommendation. In addition to unannounced health and comfort inspections designed to discourage the unauthorized presence of alcohol in barracks, the Commandant has instituted several additional initiatives to move the alcohol demand away from Barracks. For example, he has increased General Permit and the number of open (unrestricted) weekends. Both represent opportunities for cadets to leave Post for anywhere from a couple of hours to the weekend.

Finally, as mentioned above, VMI's Institute Regulations: Part III (Blue Book), which contains VMI's rules and regulations for governing the good order and discipline within the Corps of Cadets is currently being reviewed and updated by the Commandant of Cadets. It is expected that this re-write will closely examine the penalties associated with this type of misconduct and incorporate new or increased penalties as appropriate. This project is anticipated to be completed by the end of the fall 2021 semester.

VMI's intolerance of all discriminatory, racist, or sexist acts on Post or by a member of the VMI community VMI's current Title IX and Inclusive Excellence training programs contribute to achieving the core principles below that help move VMI toward being a more inclusive, inviting, inspirational place to live, study, and train:

- **BOV OBJ 2:** To create and foster a safe, equitable, and inclusive environment for all on Post
- **BOV OBJ 3:** Assure that we maintain a safe, rigorous process for escalating issues which have even the potential to violate the Code of a Cadet
- **UAP Outcome #1:** The VMI Brand
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **UAP Outcome #5:** One-VMI
- **IEP Goal 2:** Climate and Intergroup Relations
 - Objective 1: Create and maintain a climate that acknowledges and celebrates diversity and employs inclusive practices throughout its daily operations, aligned with VMI's vision, mission, and values
- **IEP Goal 4:** Organizational Culture and Accountability
 - Objective 1: Develop a robust, empowered infrastructure to address longstanding institutional challenges and sustain the journey toward Inclusive Excellence.
 - Objective 2: Create a culture of evaluation and continuous improvement for administrators and senior leaders

D. VMI should augment its efforts to combat and prevent sexual violence, including (i) enact a policy that automatically and immediately places reports of misconduct into the Title IX investigation and adjudication protocol; (ii) augment support services and accommodations for victims of sexual violence; and (iii) implement a policy that requires prompt, clear, and written communication of those services and accommodations to the affected parties.

In accordance with General Order (GO) #16 (*Discrimination, Harassment, and Sexual Misconduct*) all VMI employees, for the purposes of Title IX reporting, are designated responsible employees. A responsible employee must report to the IG, all relevant information received in connection with a reported sexual misconduct incident. VMI's IG serves as the Title IX Coordinator and is responsible for overseeing the investigation of all reports of alleged discrimination, harassment, or sexual misconduct in accordance with the Grievance Procedures that are established and published as an annex to GO 16. Therefore, the requirement for employees to report such incidents to the IG automatically puts the incident into the investigative and adjudication process.

It is important to note that under Title IX provisions, the complainant reserves the right to make a confidential report. If a survivor/victim of sexual misconduct, wishes to make a confidential report, it must be made to one of the following “confidential” employees: the Institute Physician and other medical personnel at the VMI Infirmary, counselors at the Cadet Counseling Center, or the VMI Chaplain. In order to allow the survivor/victim to “control the narrative,” a confidential report will not initiate the Institute’s reporting and investigative procedures until s/he gives permission to do so.

Cadets are not mandatory reporters; however, they should report alleged GO 16 violations to the IG, any member of the IG staff, the Commandant, or the Assistant Commandant for Cadet Government who also serves as an Assistant Title IX Coordinator. Other than reports made to confidential employees, reports received by all other employees from cadets must be forwarded to the IG.

If a survivor/victim is in immediate danger or needs immediate medical attention, VMI personnel are instructed to contact 911 (blue emergency lights on post connect directly to 911) or the VMI Police (540-463-9177). Certain conduct included in GO 16 violations may also be a crime under Virginia law and VMI personnel are strongly encouraged to report incidents of sexual misconduct to law enforcement, even if the reporting individual is not certain if the conduct constitutes a crime. VMI will provide assistance to survivors/victims in notifying law enforcement if the individual so chooses. Crimes involving minors must be reported to law enforcement.

Notwithstanding a complainant's request that law enforcement not be informed of an incident, the Institute is required pursuant to Virginia Code § 23.1-806 to report information about an incident to law enforcement if necessary to address an articulable and significant threat posing a health or safety emergency. This requirement is defined by the implementing regulations of the Family Educational Rights and Privacy Act, 34 C.F.R. § 99.36, and detailed in the Sexual Violence Threat Assessment provisions of the Grievance Procedures (Appendix A of GO 16).

A survivor/victim who reports sexual misconduct automatically receives information outlining resources and options. VMI’s resources include, but are not necessarily limited to, access to on-Post confidential counsellors, changes in classroom schedules or barracks assignment, no-contact orders between the parties, bar from Post, escorts on Post, referral and coordination of counseling and health services, and modification of academic or training requirements. Additionally, VMI has an active Memorandum of Understanding (MOU) with Project Horizon (a local non-profit organization) for survivor/victim advocacy and support services. Services available through this MOU include confidential crisis intervention, counselling, information and referral, accompaniment to medical and legal services as requested, and transportation if needed. Every

cadet is provided a Title IX resource card ([see Appendix 5](#)) that instructs them how to connect with those resources. There is a similar card available to state employees.

VMI's efforts to combat and prevent sexual violence contribute to achieving the core principles below that will help VMI move toward being a more inclusive, inviting, inspirational place to live, study, and train:

- **BOV OBJ 2:** To create and foster a safe, equitable, and inclusive environment for all on Post
- **BOV OBJ 3:** Assure that we maintain a safe, rigorous process for escalating issues which have even the potential to violate the Code of a Cadet
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **UAP Outcome #3:** Committed to Honor
- **UAP Outcome #5:** One-VMI
- **IEP Goal 2:** Climate and Intergroup Relations
 - Objective 1: Create and maintain a climate that acknowledges and celebrates diversity and employs inclusive practices throughout its daily operations, aligned with VMI's vision, mission, and values
- **IEP Goal 4:** Organizational Culture and Accountability
 - Objective 1: Develop a robust, empowered infrastructure to address longstanding institutional challenges and sustain the journey toward Inclusive Excellence.
 - Objective 2: Create a culture of evaluation and continuous improvement for administrators and senior leaders.

E. The General Assembly should consider amending Va. Code § 23.1-808 to remove the carve-out for VMI, which discourages candid reporting of sexual misconduct at VMI.

The General Assembly was unable to take up this issue in the Aug 2021 special session. The next opportunity for them to do so is in the 2022 regular session that runs from 12 Jan – 12 Mar 2022. VMI's Director of Government Relations continues to track GA actions related to VMI and the Institute will respond appropriately to requests for information beyond that included in the quarterly reports.

F. Whether or not the General Assembly amends Va. Code § 23.1-808's VMI carve-out, VMI should consider amending General Order 16's amnesty provision to apply to all instances of drug or alcohol use disclosed in conjunction with a good faith report of sexual violence, consistent with the approach followed by all other Virginia higher education nonprofit institutions take.

It is important to understand that due to its military character and unique educational model, VMI is unlike other Virginia higher education nonprofit institutions. As such, it should not be required to alter authorized policies and procedures simply to conform to those dissimilar institutions. VMI has a zero-tolerance drug policy for multiple reasons: 1) drug use remains an illegal activity in the Commonwealth; 2) VMI cadets routinely operate state vehicles on the Commonwealth's roads and highways transporting other VMI cadets to academic and athletic events; 3) VMI cadets routinely conduct live fire exercises and handle other weapons that can inflict bodily harm; and 4) VMI is training ground for future commissioned officers in our Armed Forces and the military still has a zero tolerance policy for drug use in its officer corps. Finally, and perhaps most important, the Safe-to-Report Policy, which is intended to make it easier to report sexual assault and mandated by

Congress in the 2021 National Defense Authorization Act, requires commanders to disregard “minor” disciplinary misconduct a survivor/victim may have committed in the context of a sexual assault. Examples of minor infractions included in the bill are underage drinking, an unprofessional relationship with the accused or violation of other lawful orders, which can include curfews, off-limits businesses and housing policies. It does not mention drug use. The bill also requires services to take into account aggravating circumstances when deciding whether an infraction is minor. If a survivor’s actions interfere with a military mission or objective; threaten another’s health or safety; or result in significant property damage, commanders are able to prosecute them.” (*Military Times*, 01 Nov 2021)

As alluded to above, there are very real consequences if/when college-aged, young adults misinterpret a blanket amnesty program that includes drug use in an environment like VMI. This misunderstanding opens the door for accident, injury, or other life-altering incidents as a result of a cadet being under the influence of drugs. As a result, when VMI considered this recommendation, it determined the risk was too great to warrant a blanket amnesty program. That said, to provide the Institute the flexibility to provide amnesty on a case-by-case basis, VMI did change to wording in GO 16 to say:

“In order to facilitate reporting, the Institute may provide amnesty to a cadet who reports an incident in violation of this policy, directed toward that cadet or another cadet, for disciplinary infractions, occurring at the time of the incident. Amnesty may not be offered if (1) the disciplinary infraction places or placed the health or safety of any other person at risk or (2) the cadet who committed the disciplinary infraction previously has been found to have committed the same disciplinary infraction. If amnesty is provided, no conduct proceedings or conduct record will result for disciplinary infractions. Amnesty for disciplinary infractions also may be offered to cadets who are witnesses in an investigation under this policy, who intervene to help others before a violation of this policy occurs, or who receive assistance or intervention. Abuse of amnesty requests may result in a decision by the Commandant not to extend amnesty to the same cadet repeatedly. Infractions that constitute honor offenses will not be considered policy violations for which amnesty may be offered under this provision.”

VMI’s GO 16, as amended in October 2021, contributes to achieving the core principles below that help move VMI toward being a more inclusive, inviting, inspirational place to live, study, and train:

- **BOV OBJ 3:** Assure that we maintain a safe, rigorous process for escalating issues which have even the potential to violate the Code of a Cadet
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **UAP Outcome #5:** One-VMI
- **IEP Goal 2:** Climate and Intergroup Relations
 - Objective 1: Create and maintain a climate that acknowledges and celebrates diversity and employs inclusive practices throughout its daily operations, aligned with VMI’s vision, mission, and values
- **IEP Goal 4:** Organizational Culture and Accountability
 - Objective 1: Develop a robust, empowered infrastructure to address longstanding institutional challenges and sustain the journey toward Inclusive Excellence.
 - Objective 2: Create a culture of evaluation and continuous improvement for administrators and senior leaders

G. VMI should formally study, and should consider amending or removing, the channel for reporting Title IX sexual misconduct through the Cadet Equity Association.

The Cadet Equity Association (CEA) is not a reporting channel for Title IX sexual misconduct. Any mention of the CEA taking reports of sexual misconduct was struck from GO 16 in its most recent update (October 2021) to reinforce this position. Additionally, the VMI White Book: Cadet Government Procedures, which was updated on 1 August 2021, clearly articulates that the CEA is not to investigate incidents of sexual misconduct, rather they are to immediately report the incident to the Assistant Commandant for Cadet Government/Assistant Title IX Coordinator who notifies the IG and Commandant (see below excerpt):

H. INVESTIGATIONS:

- 1. Under close supervision of the Inspector General/Title IX Coordinator and the Assistant Commandant for Cadet Government, the CEA investigates matters for the General/Executive Committees and Administration as necessary.*
- 2. Any investigation of complaints involving harassment and/or discrimination based on gender, race, religion, ethnicity, sexual orientation, or any other potential violation of GO 16 shall be investigated only to the extent designated by the Inspector General and under the oversight of the Inspector General. The CEA shall not investigate any complaint involving sexual misconduct [emphasis added]. Upon notification of any case that involves any element of discrimination, harassment, or sexual misconduct, any CEA members shall immediately notify the Assistant Commandant for Cadet Government/Assistant Title IX Coordinator who will notify the Inspector General and Commandant. Procedures are outlined in GO 16 [emphasis added].”*
The challenge is that because the CEA is charged with monitoring the Post-wide climate, conducting Corps-wide education, and investigating discrimination complaints, the perception among the Corps of Cadets is that those duties encompass reporting and investigating sexual misconduct as well. Despite the fact that the VMI White Book, CEA Charter, and General Order #16 (Discrimination, Harassment, and Sexual Misconduct) all clearly state that the IG/Title IX Coordinator is responsible for the oversight and resolution of all reports of sexual misconduct the perception still persists.

The IG/Title IX Coordinator is making a concerted effort to change the Corps’ perception of sexual misconduct reporting procedures. Through the annual training classes discussed in Item 5(a) above, the Respect, Report, Support campaign and the GO 16 changes cited in recommendation 5(d) above, she is educating the Corps of Cadets on the appropriate reporting channels for sexual misconduct cases.

These changes and the resulting awareness of reporting procedures contributes to achieving the core principles below that help move VMI toward being a more inclusive, inviting, inspirational place to live, study, and train:

- **BOV OBJ 3:** Assure that we maintain a safe, rigorous process for escalating issues which have even the potential to violate the Code of a Cadet
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **UAP Outcome #5:** One-VMI
- **IEP Goal 2:** Climate and Intergroup Relations

- Objective 1: Create and maintain a climate that acknowledges and celebrates diversity and employs inclusive practices throughout its daily operations, aligned with VMI’s vision, mission, and values
- **IEP Goal 4: Organizational Culture and Accountability**
 - Objective 1: Develop a robust, empowered infrastructure to address longstanding institutional challenges and sustain the journey toward Inclusive Excellence.
 - Objective 2: Create a culture of evaluation and continuous improvement for administrators and senior leaders

H. VMI should revise its door locking policy to permit cadets to lock their doors without permission and at any time.

VMI’s door locking policy was revised in January 2021. In order to respect privacy while promoting safety and security, cadets are authorized to lock their doors and pull their shades at their own discretion. This new policy is being implemented in coordination with other governance practices to empower the Corps of Cadets to police itself – within the rules and regulations of the Institute – while also promoting the practice of looking out for the welfare and wellbeing of each other. The new policy is included at [Appendix 6](#).

As further enhancement to safety and security in the VMI barracks (dormitory) VMI has also submitted a capital improvement request to install electronic door locks, replace existing with new and expanded CCTV cameras, and upgrade the information technology system required to support them.

Revisions of the door locking policy, coupled with the additional safety and security measures, contribute to achieving the core principles below that will help move VMI toward being a more inclusive, inviting, inspirational place to live, study, and train:

- **BOV OBJ 2:** To create and foster a safe, equitable, and inclusive environment for all on Post
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **UAP Outcome #5:** One-VMI
- **IEP Goal 2: Climate and Intergroup Relations**
 - Objective 1: Create and maintain a climate that acknowledges and celebrates diversity and employs inclusive practices throughout its daily operations, aligned with VMI’s vision, mission, and values
- **IEP Goal 4: Organizational Culture and Accountability**
 - Objective 1: Develop a robust, empowered infrastructure to address longstanding institutional challenges and sustain the journey toward Inclusive Excellence.
 - Objective 2: Create a culture of evaluation and continuous improvement for administrators and senior leaders.

I. VMI should make LGBTQ issues a priority in its diversity efforts, and should make clear, and enforce, that homophobic conduct and language is unacceptable at VMI.

The CDO is exploring programming geared toward educating and bringing awareness and consciousness about this topic to the VMI community. She is currently exploring training tools available through organizations such as BiasSync.

BiasSync is a science-based solution designed to help organizations more effectively assess and manage unconscious bias in the work environment. Our purpose is to create more fair and respectful workplaces. Their professional development content is educational, entertaining, and effective. These training modules, created by Emmy® Award-winning producers and experts in the field, helps individuals understand unconscious bias, how it works, and provides useful guidance on how to mitigate its impact in the workplace. (<https://biassync.com/>)

Bringing LGBTQIA+ training online, like our other Inclusive Excellence training, contributes to achieving the core principles below that will help move VMI toward being a more inclusive, inviting, inspirational place to live, study, and train:

- **BOV OBJ 1:** To create, and foster a more diverse VMI
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **UAP Outcome #5:** One-VMI
- **IEP Goal 2:** Climate and Intergroup Relations
 - Objective 1: Create and maintain a climate that acknowledges and celebrates diversity and employs inclusive practices throughout its daily operations, aligned with VMI's vision, mission, and values
- **IEP Goal 4:** Organizational Culture and Accountability
 - Objective 1: Develop a robust, empowered infrastructure to address longstanding institutional challenges and sustain the journey toward Inclusive Excellence.
 - Objective 2: Create a culture of evaluation and continuous improvement for administrators and senior leaders

6. ENCOURAGE REPORTING AND TRANSPARENCY

- A. VMI should, with the involvement of the chief diversity officer, design a campaign to encourage reporting misconduct beyond simply making mechanisms and opportunities available. This campaign should be supported, demonstrated, and carried out by cadet leadership and commandant staff, among others.**

This is much bigger than simply an information campaign although that is certainly a part of this line of effort. At the heart of most of the recommendations included in Items 5 & 6 of the Barnes & Thornburg report is the need for a culture change at VMI. Cultures change and evolve over time as is evidenced by the changes presently occurring in our Nation. That said, VMI's culture has been remarkably consistent over its long history and the time has come to bring the Institute in line with the 21st Century values of inclusivity, diversity, and equity. Culture change at VMI does not mean changing the foundational elements such as honor, integrity, accountability, service, and respect that make it VMI. Those fundamentals remain sound and integral to making VMI the unique educational experience that it is; however, the Superintendent's top priority is a culture change that makes VMI more inclusive and inviting. To drive that change, in addition to the empowerment and accountability initiatives discussed in recommendation 5(c), he has initiated a strategic planning process to develop VMI's next strategic plan and directed incorporation of the Unifying Action and VMI Inclusive Excellence Plans in that process. Including those DEI focused plans in the strategic planning process will institutionalize them by assigning milestones, timelines, and most importantly, resources to the key concepts, goals, and objectives that are contained within them.

Additionally, the VMI barracks, because of its very nature, is at the heart of any change at VMI and a culture change is no different. Bringing the barracks, and with it the VMI Corps of Cadets, in line with the Superintendent's goals of acceptance and inclusivity starts with the individual cadet. This effort has already begun. As detailed in the response to recommendation 5(c) above, both the Superintendent and the Commandant have clearly and publicly – on numerous occasions and in various venues – expressed to the Corps of Cadets and the greater VMI community what is and is not acceptable behavior. These incontrovertible statements by VMI leadership establish straightforward expectations for moving VMI forward to a more diverse and inclusive environment that is also a physically and emotionally safe place of higher learning. A major element of this campaign is empowering the Corps of Cadets to drive the change. In addition to establishing expectations, VMI leadership has been involving cadets in policy formation, regulation revision, focus groups and open-door policies to create buy-in and ownership of the change process. Once cadets have bought in and taken ownership of the process, they begin to regulate themselves and hold each other accountable for the words and deeds that violate VMI's core values and new cultural norms. This change will not occur overnight. The process was initiated in August 2021 with the return of cadet leadership; however, as stated in the Unifying Action Plan, VMI believes establishing this new culture could take up to five years.

Another key element of the effort to change the culture at VMI is the training, education, and information campaigns that combine the talents and resources of the DEI and IG/Title IX Offices as detailed throughout this report. The Institute has set aside "Superintendent's Training Time" each week on Friday morning from 11:05-12:15 to accommodate those efforts. The use of the term Superintendent's Training Time is intentional as it adds gravitas to that hour and signifies its importance to the Superintendent and the Institute.

Changing the culture at VMI, to include designing a cadet-led, Commandant supported campaign to encourage reporting of misconduct, contributes to achieving the core principles below, to help move toward being a more inclusive, inviting, inspirational place to live, study, and train:

- **BOV OBJ 3:** Assure that we maintain a safe, rigorous process for escalating issues which have even the potential to violate the Code of a Cadet
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **UAP Outcome #3:** Committed to Honor
- **UAP Outcome #5:** One-VMI
- **IEP Goal 2:** Climate and Intergroup Relations
 - Objective 1: Create and maintain a climate that acknowledges and celebrates diversity and employs inclusive practices throughout its daily operations, aligned with VMI's vision, mission, and values
- **IEP Goal 4:** Organizational Culture and Accountability
 - Objective 1: Develop a robust, empowered infrastructure to address longstanding institutional challenges and sustain the journey toward Inclusive Excellence.
 - Objective 2: Create a culture of evaluation and continuous improvement for administrators and senior leaders

B. Consistent with General Order 13, VMI should supplement its reporting procedures with a confidential, anonymous reporting system (to the extent permitted by law) for use by cadets, faculty, and staff to report incidents and concerns, including those involving racism or sexism. Those procedures should include, if possible, providing the reporter with information on how the report was addressed and its status, and should involve the chief diversity officer.

VMI is and has been compliant with this recommendation for more than a decade. The IG/Title IX Coordinator operates a fully anonymized telephone and email capability. A complainant, witness or other bystander that desires to report anonymously may access these capabilities through the IG website using the “**Complaints, Concerns, Suggestions**” link, by finding the nearest Title IX poster in the barracks or academic building, or by using the IG/Title IX provided resource card for survivors/victims of any kind of discrimination, harassment, or sexual misconduct. This card lists 540-464-7702 as the anonymous hotline. (See Appendix 5)

With respect to feedback, the Office of the Inspector General is limited in its ability to investigate an anonymous report unless sufficient information is furnished to enable the IG to conduct a meaningful and fair investigation. If the complainant requests confidentiality and does not file a signed formal complaint with the IG, the Institute is also limited in the actions it is able to take, its ability to respond to the reported incident, and its ability to provide feedback. Finally, without a signed complaint and release form, FERPA prohibits the Institute from releasing any information related to a possible discrimination, harassment, or sexual misconduct case.

VMI’s current procedures for anonymously reporting of GO 16 offenses contribute to achieving the core principles below, to help move VMI toward being a more inclusive, inviting, inspirational place to live, study, and train:

- **BOV OBJ 3:** Assure that we maintain a safe, rigorous process for escalating issues which have even the potential to violate the Code of a Cadet
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **UAP Outcome #3:** Committed to Honor
- **UAP Outcome #5:** One-VMI
- **IEP Goal 2:** Climate and Intergroup Relations
 - Objective 1: Create and maintain a climate that acknowledges and celebrates diversity and employs inclusive practices throughout its daily operations, aligned with VMI’s vision, mission, and values
- **IEP Goal 4:** Organizational Culture and Accountability
 - Objective 1: Develop a robust, empowered infrastructure to address longstanding institutional challenges and sustain the journey toward Inclusive Excellence.
 - Objective 2: Create a culture of evaluation and continuous improvement for administrators and senior leaders.

C. VMI should collect and publish detailed financial information from the Alumni Agencies on how funds are raised and spent, including the source of the funds and any earmarks.

The VMI Alumni Agencies, comprised of the VMI Foundation, Inc., the VMI Alumni Association and the VMI Keydet Club are registered 501(c)(3)'s. The Agencies are separate and distinct (independent) from the Virginia Military Institute and each of the individual entities is governed by their own oversight board. That said, in the same spirit of cooperation as articulated by the BOV President, they provided the following response:

- The VMI administration receives a copy of the Alumni Agencies Audit. The Alumni Agencies are a component unit in the Virginia Military Institute Audit (see page 12 and 14 of VMI Audit). Financial information is also available in our 990 (available on our web site) or Guidestar.
- VMI can produce a detailed ledger of every dollar received from the Alumni Agencies.

7. RECOGNIZE AND CELEBRATE OTHER CULTURES

A. VMI should evaluate its policy on appropriate hairstyles within the Corps of Cadets and consider adopting Army Regulation 670-1 in this respect. The current policy appears to produce different and unfair results for cadets of color, and in particular African American women.

VMI Regulations state that "the VMI Corps of Cadets shall consist of all cadets enrolled in the Institute, and it shall be organized as an infantry unit, generally in accord with regulations of the United States Army." As such, Army Regulations (AR) related to personal grooming standards apply.

Army Regulation (AR) 670-1 acknowledges cultural differences in its established grooming standards and VMI adopted this regulation effective with the start of the fall 2021 semester. Two noted exceptions: 1) facial hair is still not acceptable within the Corps of Cadets except for documented medical conditions, and 2) new female cadets will wear their hair in a bun until breakout (end of the ratline) to have a unique hair style analogous with that required of the male new cadets. These "shared experiences" are part of developing class unity and transforming a collection of individuals into a class of VMI cadets.

VMI's adoption of AR-670-1 contributes to achieving the core principles below that will help move VMI toward being a more inclusive, inviting, inspirational place to live, study, and train:

- **BOV OBJ 1:** To create, and foster a more diverse VMI
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **UAP Outcome #3:** Committed to Honor
- **UAP Outcome #5:** One-VMI
- **IEP Goal 2:** Climate and Intergroup Relations
 - Objective 1: Create and maintain a climate that acknowledges and celebrates diversity and employs inclusive practices throughout its daily operations, aligned with VMI's vision, mission, and values
- **IEP Goal 4:** Organizational Culture and Accountability

- Objective 1: Develop a robust, empowered infrastructure to address longstanding institutional challenges and sustain the journey toward Inclusive Excellence.
- Objective 2: Create a culture of evaluation and continuous improvement for administrators and senior leaders

B. VMI should appoint an external committee to explore, determine, and make recommendations on formal actions that VMI should take to honor diverse individuals or entities on post, such as the creation of monuments, the naming of buildings, and the establishment of awards.

While VMI understands the benefit derived from an external committee to explore, determine, and make recommendations on how to honor diverse individuals and/or entities, the Institute prefers addressing this recommendation internally initially.

The personnel changes in key leadership positions at the Institute brings with it new and fresh perspectives through which DEI issues and initiatives are examined. In addition to the VMI Inclusive Excellence – ONE Virginia Plan discussed in Item 1(a) above, on 8 September 2021, the Institute seated the Inclusive Excellence Committee. The charter of that committee is included at Appendix (1).

VMI expects this committee, in collaboration with the CMNRC discussed in Item 4(a) above, to address initiatives related to honoring diverse individuals and/or entities on the VMI Post. It is also within the purview of the committee co-chairs to add temporary members from groups such as the Promaji Club or Global Perspectives Club (international cadets) when addressing initiatives related to this recommendation.

The establishment of the Inclusive Excellence Committee contributes to achieving the core principles below that will help move VMI toward being a more inclusive, inviting, inspirational place to live, study, and train:

- **BOV OBJ 1:** To create, and foster a more diverse VMI
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **UAP Outcome #5:** One-VMI
- **IEP Goal 2:** Climate and Intergroup Relations
 - Objective 1: Create and maintain a climate that acknowledges and celebrates diversity and employs inclusive practices throughout its daily operations, aligned with VMI’s vision, mission, and values
- **IEP Goal 3:** Education and Scholarship
 - Objective 1: Offer courses, curricula, art/artistic events, and learning opportunities at the undergraduate level that achieve DEI learning goals
 - Objective 2: Increase the cultural competencies of faculty and staff
- **IEP Goal 4:** Organizational Culture and Accountability
 - Objective 1: Develop a robust, empowered infrastructure to address longstanding institutional challenges and sustain the journey toward Inclusive Excellence
 - Objective 2: Create a culture of evaluation and continuous improvement for administrators and senior leaders

8. ADDRESS TENSIONS BETWEEN ATHLETES AND NON-ATHLETES

- A. In light of the apparent role that the athlete/non-athlete divide plays in racial tensions at VMI, VMI should formally evaluate its status as a Division I institution, especially given its size and its priority of achieving a cohesive Corps.**

One of the five outcomes of the Superintendent's Unifying Action Plan is competing and winning. Winning means nothing unless the competition itself is demanding and pushes us beyond our self-imposed limits. Winning means everything when you face a difficult opponent, but you come together as a well-led team that rises above individual limitations to compete and win at a level not expected. The trials, tribulations, and cherished victories this level of completion creates builds men and women of character. It teaches them to "never say die" and to persevere to the end. It builds grit and determination and ensures our cadets possess those key life and leadership skills when they depart VMI.

Additionally, competing at the highest levels also helps VMI move forward in diversifying the Corps of Cadets. Competing at the Division I level allows us to attract high quality minority and women athletes that would not otherwise consider VMI if we dropped to a lower level. It also allows us to continue to recruit top-notch athletes who could not attend college at all without the benefit of an athletic scholarship. As VMI moves forward toward a more diverse and inclusive Corps of Cadets, this demographic is incredibly important to ensuring our success. Said another way, competing in Division I athletics affords VMI a win as our march forward to inclusive excellence incorporates diverse leaders from all three elements of the VMI experience. For these reasons, VMI will remain a Division I school.

Competing in NCAA Division I athletics contributes to achieving the core principles below that will help move VMI toward being a more inclusive, inviting, inspirational place to live, study, and train:

- **BOV OBJ 1:** To create, and foster a more diverse VMI
- **UAP Outcome #1:** The VMI Brand
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **UAP Outcome #4:** A VMI that Competes to Win
- **UAP Outcome #5:** One-VMI
- **IEP Goal 2:** Climate and Intergroup Relations
 - Objective 1: Create and maintain a climate that acknowledges and celebrates diversity and employs inclusive practices throughout its daily operations, aligned with VMI's vision, mission, and values.

- B. VMI should create a written, detailed, measurable plan to bridge the athlete/non-athlete divide. The plan should specifically address racial attitudes and tensions related to the athlete/non-athlete divide and include measures to address it.**

Items 8(B) – 8(C) are closely related and VMI is committed to address these issues and devise solutions through a joint committee that includes administrators, cadet athletes and cadet non-athletes. This approach acknowledges the fact that without cadet buy-in and ownership of the challenge and proposed solutions, not only will the problem not be solved, it might be exacerbated.

Therefore, this joint committee allows ideas to bubble up from within the Corps – i.e., those most intimate with the issue – to the committee where they can be vetted for feasibility, acceptability, and suitability. Including cadets as voting members of the committee makes them advocates for those approved actions with the Corps of Cadets. The Committee is co-chaired by the Commandant of Cadets and the Athletic Director, who held their first meeting on 1 November 2021.

The plan of action and milestones created by the Closing the Gap Committee contributes to achieving the core principles below that will help move VMI toward being a more inclusive, inviting, inspirational place to live, study, and train:

- **BOV OBJ 1:** To create, and foster a more diverse VMI
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **UAP Outcome #4:** A VMI that Competes to Win
- **UAP Outcome #5:** One-VMI
- **IEP Goal 1:** Access and Success
 - Objective 2: Increase retention and academic success of historically underrepresented and underserved undergraduate students.
- **IEP Goal 2:** Climate and Intergroup Relations
 - Objective 1: Create and maintain a climate that acknowledges and celebrates diversity and employs inclusive practices throughout its daily operations, aligned with VMI's vision, mission, and values.
- **IEP Goal 4:** Organizational Culture and Accountability
 - Objective 1: Develop a robust, empowered infrastructure to address longstanding institutional challenges and sustain the journey toward Inclusive Excellence.
 - Objective 2: Create a culture of evaluation and continuous improvement for administrators and senior leaders.

C. VMI should develop and implement measures to make the athlete and non-athlete experience more uniform, and to build mutual understanding and appreciation for each group's sacrifices and contributions to VMI.

See answer for 8(B).

D. VMI should increase opportunities for athlete/non-athlete interaction, such as through roommate assignments and the dyke system. In particular, VMI should consider ways the dyke system might be reformed to avoid passing down anti-athlete bias and to avoid situations where athletes pair only with other athletes.

The military nature of VMI necessitates a college experience that is awash with rules and regulations that dictate nearly everything a VMI cadet does on a daily basis. The benefits derived from a system such as this are evidenced by the success of the Institute's graduates. That said, dictating who a cadet must live with beyond their rat (freshman) year eliminates freedom of choice and is an extreme that is not necessary to address the permit/non-permit situation at VMI. The pros of being able to select your own roommates to help you through the 4-year VMI experience far outweigh any cons.

Similarly, dictating who a first classman (senior) will mentor, vice allowing that individual to choose based on similar likes, dislikes, academic major, ROTC affiliation and etc. is not conducive

to a healthy mentor relationship. Importantly, this issue is not nearly as significant as the Barnes & Thornburg report might suggest. On average, over the last three years, only 18.4% of incoming (Rat) NCAA athletes had a first class (senior) NCAA athlete as his or her dyke. Of those, 94% of them had a dyke that was on the same athletic team. A mentor program, by its very nature, is designed to pair experienced, successful members of an organization or profession with new or less experienced members of that same organization or profession for the express purpose of ensuring their success and the future viability of the organization. Taking that support network away from inbound NCAA athletes neither aids them nor eliminates the supposed issues pointed out in this report. Rather, it exacerbates the issues by setting them up for failure since they would lose the benefit of having a mentor that is intimately familiar with the academic, athletic, and military challenges the rat will face based on the fact that their dyke experienced and successfully endured similar circumstances.

VMI's current policies for room assignment and dyke selection contribute to the overall success of VMI's cadets over the course of their cadetship, as well as achieving the core principles below that will help move VMI toward being a more inclusive, inviting, inspirational place to live, study, and train:

- **BOV OBJ 1:** To create, and foster a more diverse VMI
- **BOV OBJ 2:** To create and foster a safe, equitable, and inclusive environment for all on Post
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **UAP Outcome #4:** A VMI that Competes to Win
- **UAP Outcome #5:** One-VMI
- **IEP Goal 1:** Access and Success
 - Objective 2: Increase retention and academic success of historically underrepresented and underserved undergraduate students
- **IEP Goal 2:** Climate and Intergroup Relations
 - Objective 1: Create and maintain a climate that acknowledges and celebrates diversity and employs inclusive practices throughout its daily operations, aligned with VMI's vision, mission, and values
- **IEP Goal 4:** Organizational Culture and Accountability
 - Objective 1: Develop a robust, empowered infrastructure to address longstanding institutional challenges and sustain the journey toward Inclusive Excellence
 - Objective 2: Create a culture of evaluation and continuous improvement for administrators and senior leaders.

E. VMI should establish uniform guidelines for recruiting athletes, requiring transparency and promotion of the VMI experience. VMI should require all athletics personnel and other recruiting personnel to follow them, and should verify compliance.

VMI adheres to an “*Admissions Guidelines for Athletic Coaches*” that prescribes administrative requirements for recruiting and signing prospective athletes, as recently updated on 8 November 2021. To supplement these required procedures, the Athletic Department is developing a “*Recruiting Best Practices Guide*.”

This guide will establish best dates for recruiting visits, detail admissions standards, incorporate existing videos highlighting all aspects of the cadet experience, and require coaches to utilize the S-5 cadet staff to conduct the Post tours during recruiting visits. These efforts standardize recruiting

practices and visits, as well as expose prospective cadet athletes to all aspects of the cadet experience, thereby enabling them to make informed decisions about coming to VMI.

Complying with the Admissions' Office Athletic Recruiting Guidelines and Developing an Athletic Recruiting Best Practices Handbook contributes to achieving the core principles below that help move VMI toward being a more inclusive, inviting, inspirational place to live, study, and train:

- **BOV OBJ 1:** To create, and foster a more diverse VMI
- **UAP Outcome #1:** The VMI Brand
- **UAP Outcome #2:** A VMI which is Diverse and Inclusive
- **UAP Outcome #4:** A VMI that Competes to Win
- **UAP Outcome #5:** One-VMI
- **IEP Goal 1:** Access and Success
 - Objective 1: Achieve increased student enrollment from historically underrepresented and underserved populations.

Appendix 1

Inclusive Excellence Committee Structure

Mission

Virginia Military Institute (VMI) strives to explore, enhance, and respond to the diversity experience of cadets, staff, and faculty on the post.

We will support creating an inclusive, equitable, culturally competent, and supportive atmosphere by engaging individuals across post on matters of DE&I and Inclusive Excellence and making recommendations to the Superintendent, via the Chief Diversity Officer.

Purpose

The Inclusive Excellence Committee will guide and hold the Institute accountable for integrating the Inclusive Excellence-One Virginia Plan in all aspects of VMI.

Definitions

Diversity: Understanding the uniqueness of each person based on a collection of human attributes, cultures, traditions, learning styles, etc. As an institution of higher education with a military foundation, we also adopt the definition of diversity from the Military Leadership Diversity Commission- Diversity is recognizing, appreciating, respecting, and utilizing various human attributes. Diversity creates performance advantages through the synergy of diverse ideas. The following are the most common individual differences referenced when assessing diversity; Age, Ethnicity, Gender/Gender Identity, Physical Ability, Race, Religion/Spiritual Beliefs, Sexual Orientation, and Socio-Economic Status.

Equity: refers to fairness and justice and is distinguished from equality: Whereas equality means providing the same to all, equity means recognizing that we do not all start from the same place and must acknowledge and make adjustments to address historical and existing discrimination. Inequities happen when unfair or biased practices, policies, or situations contribute to a lack of equality. Equity must permeate all practices, policies, and procedures for every constituent.

Inclusion: Inclusion means valuing all members of a community. Inclusion is manifested by bringing traditionally excluded individuals and groups into activities, policies, and decision-making processes in a fashion that shares power, privilege, and affirms one's culture. The result of inclusion is an institution that promotes belonging and values the knowledge of all people.

Cultural Competence: How institutions and organizations can ethically and effectively participate in affirming the values of worth and preserving individuals' dignity. Cultural competence requires an understanding of one's own cultural values and worldview.

Committee Members

Committee membership will be voluntary. The committee will have an average of 10 members including, but not limited to teaching and research faculty, professional faculty, administrative faculty, classified staff, and cadets. If the committee has an excess of volunteers, members will be selected by the Superintendent's Office, or designee.

Appendix 1

Scope

1. The committee will guide the work of inclusive excellence at the Institute through the following means:
2. Evaluating and making recommendations on the implementation of the VMI Inclusive Excellence-One Virginia Plan.
3. Providing input on institutional policies and procedures to address diversity, equity, and inclusion issues and making recommendations to the Superintendent, via the Chief Diversity Officer as appropriate.
4. Evaluating and recommending solutions where inequities exist.
5. Facilitating briefings and consultations with administration (Policy Group & IPC) regarding DE&I and inclusive excellence initiatives.
6. Seeking regular feedback from cadets and employees to inform decision-making and understand opportunities for improvement about DE&I and inclusive excellence.
7. Communicating the work of the committee with the VMI community.

Committee Creation

In May of 2020, in light of allegations made toward VMI and its desire continue to evolve in this diverse society, Superintendent Major General Cedric T. Wins published the Unifying Action Plan (UAP), the VMI Inclusive Excellence-One Virginia Plan, quickly followed. The Inclusive Excellence Committee supports the spirit of those documents' and reaffirms VMI's commitment to creating an environment of belonging.

Based on the institute's need to infuse DE&I and Inclusive Excellence into every community area, this committee's scope will also consider the Barnes & Thornburg document recommendations.

Relationship to Other Committees

The work of this committee will speak to the Policy Group, Institutional Planning Committee, and Academic Committee.

Membership

The Diversity, Equity and Inclusion Committee includes 10 members with the following roles and membership structure:

Chair Positions

- 2 Co-chairs Including the CDO and 1 new co-chair selected each year. A new Co-chair is appointed by the Committee at the end of the academic year, with the new chair beginning the following academic year. A Co-chair must be appointed from within the Inclusive Excellence Committee, having served at least one year on the committee, except for its inaugural year. A Co-chair can be only be appointed twice with a 5 years (a year is defined as September-May).
- Co-chairs should not be from the same employee type (Teaching/Research Faculty, Professional Faculty, Administrative Faculty, and Classified, and Cadets).

Appendix 1

Volunteer Member Positions

- Volunteer Member positions are employees serving two-year terms, which may be renewed. Terms are staggered.
- Members are from:
 - 2 Classified representatives (one member rotates off each year)
 - 2 Teaching/Research Faculty representatives (one member rotates off each year)
 - 1 Professional Faculty representatives
 - 2 Administrative Faculty representative (one member rotates off each year)
 - 1 Cadet representative

Assigned Positions

Assigned positions are employees and students identified by department leads based on position. Depending on the department, these individuals may serve for a longer period:

- 1 Disability representative, or a representative with knowledge of ADA compliance
- 1 Associated Student Government student representative (one-year term)

At-Large Positions

The At-Large position is an employee serving a two-year term, which may be renewed. This position is for an individual from a systemically non-dominant population.

- 1 At-large representative

Member Expectations/Commitment

- Membership terms are limited with the option for renewal. The Inclusive Excellence Committee year coincides with the VMI academic year (September to June).
- Members are expected to commit an average of four hours per month to the Inclusive Excellence Committee. The committee meets twice a month plus scheduled events.
- Members must attend Inclusive Excellence Committee meetings and be prepared to engage. Meetings are the second and fourth Wednesday of the month from 1105-1215.
- Members are expected to meet with their colleagues, or complete assigned tasks outside of Inclusive Excellence Committee meetings, and share information with Inclusive Excellence Committeemembers.

Members are expected to participate and attend Inclusive Excellence Committee -sponsored events, trainings, and retreats whenever possible.

Meeting Schedule

Meetings will be held twice a month for its inaugural year, and then at least once a month in proceeding years.

Appendix 2

DEI Dashboard

VMI Diversity: Enrollment Trend									
Fall Enrollment (N)	5-yr. Sparkline Graph	10 years ago (2010-2011)	2016-17	2017-18	2018-19	2019-20	2020-21	VA Public Univ Median	Academies & SMCs Median
Full-Time Cadets (N)		1,569	1,713	1,722	1,685	1,698	1,698		
Men		1,425	1,518	1,516	1,467	1,459	1,478		
Women		144	195	206	218	239	220		
Non-resident Alien		27	27	28	32	30	31		
Students of Color		217	316	337	357	367	391		
American Indian/Alaska Native		6	10	9	8	11	7		
Asian		74	72	72	75	76	83		
Black or African American		80	104	104	108	102	99		
Hispanic/Latinx		57	100	122	125	129	142		
Native Hawaiian/Pacific Islander		0	7	5	6	8	9		
Two or more races		0	23	25	35	41	51		
Full-Time Cadets %									
Men		91%	89%	88%	87%	86%	87%	42%	75%
Women		9%	11%	12%	13%	14%	13%	58%	25%
Non-resident Alien		2%	2%	2%	2%	2%	2%	2%	1%
Students of Color		14%	19%	20%	22%	22%	23%	26%	28%
American Indian/Alaska Native		0%	1%	1%	0%	1%	0%	0%	0%
Asian		5%	4%	4%	5%	5%	5%	4%	6%
Black or African American		5%	6%	6%	7%	6%	6%	10%	7%
Hispanic/Latinx		4%	6%	7%	8%	8%	9%	7%	10%
Native Hawaiian/Pacific Islander		0%	0%	0%	0%	0%	1%	0%	0%
Two or more races		0%	1%	1%	2%	2%	3%	5%	5%

VA Public Universities data are from fall 2019 (NCES)

Non-resident Aliens are excluded from the denominator in the percentage calculation.

Students of Color Comparisons = median % of all non-White students, excluding NRAs and Unknowns.

Academies & SMCs include USMA, USNA, USAFA, The Citadel, and Norwich.

Appendix 2

VMI Diversity: Full-Time Teaching/Research Faculty Trend									
Measures	5-yr. Sparkline Graph	7 years ago (2012-13)	2015-16	2016-17	2017-18	2018-19	2019-20	VA Public Univ Median	Academies & SMCs Median
Full-Time Faculty (N)			136	136	138	143	143		
Men			96	94	91	97	98		
Women			40	42	47	46	45		
Non-Resident Alien									
Faculty of Color									
American Indian/Alaska Native			16	18	20	19	19		
Asian			12	14	16	15	15		
Black or African American			4	4	4	4	4		
Hispanic/Latinx									
Native Hawaiian/Pacific Islander									
Two or more races									
Full-Time Faculty (%)									
Men			71%	69%	66%	68%	69%	54%	
Women			29%	31%	34%	32%	31%	46%	
Non-Resident Alien								4%	
Faculty of Color+A2A20								18%	
American Indian/Alaska Native								<0.5%	
Asian			9%	10%	12%	11%	11%	10%	
Black or African American			3%	3%	3%	3%	3%	4%	
Hispanic/Latinx								3%	
Native Hawaiian/Pacific Islander									
Two or more races+A26:A27								1%	

VA Publics data are from W&M's diversity dashboard.

Virginia Military Institute

Quarterly Report 1 — July 1, 2021 – December 15, 2021

Appendix 2

VMI Diversity: Part-Time Teaching/Research Faculty Trend									
Measures	5-yr. Sparkline Graph	7 years ago (2012-13)	2015-16	2016-17	2017-18	2018-19	2019-20	VA Public Univ Median	Academies & SMCs Median
Part-Time Faculty (N)			65	71	76	66	53		
Men			47	50	53	46	35		
Women			18	21	23	20	18		
Non-Resident Alien			6	7	6	7	7		
Faculty of Color			4	4	4	4	4		
American Indian/Alaska Native			0	1	0	1	1		
Asian			2	2	2	2	2		
Black or African American									
Hispanic/Latinx									
Native Hawaiian/Pacific Islander									
Two or more races									
Part-Time Faculty (%)									
Men			72%	70%	70%	70%	66%		
Women			28%	30%	30%	30%	34%		
Non-Resident Alien			9%	10%	8%	11%	13%		
Faculty of Color			6%	6%	5%	6%	8%		
American Indian/Alaska Native			0%	1%	0%	2%	2%		
Asian			3%	3%	3%	3%	4%		
Black or African American									
Hispanic/Latinx									
Native Hawaiian/Pacific Islander									
Two or more races									

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Appendix 2

VMI Diversity: Full-Time Admin/Professional Trend									
Measures	5-yr. Sparkline Graph	7 years ago (2012- 13)	2015-16	2016-17	2017-18	2018-19	2019-20	VA Public Univ Median	Academies & SMCs Median
Full-Time Admin/Professional (N)			151	170	166	163	150		
Men			108	122	119	117	107		
Women			43	48	47	46	43		
Non-Resident Alien									
Faculty of Color			10	13	15	15	12		
American Indian/Alaska Native			0	0	0	0	1		
Asian			1	1	1	3	3		
Black or African American			7	11	13	11	8		
Hispanic/Latinx			2	1	1	1	0		
Native Hawaiian/Pacific Islander									
Two or more races									
Full-Time Admin/Professional (%)									
Men			72%	72%	72%	72%	71%		
Women			28%	28%	28%	28%	29%		
Non-Resident Alien									
Faculty of Color			7%	8%	9%	9%	8%		
American Indian/Alaska Native									
Asian			1%	1%	1%	2%	2%		
Black or African American			5%	6%	8%	7%	5%		
Hispanic/Latinx			1%	1%	1%	1%	0%		
Native Hawaiian/Pacific Islander									
Two or more races									

Virginia Military Institute

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Appendix 2

VMI Diversity: Classified Employee Trend							
Measures	5-yr. Sparkline Graph	7 years ago (2012-13)	2015-16	2016-17	2017-18	2018-19	2019-20
Classified (N)			321	328	349	320	290
Men			147	153	158	144	126
Women			174	175	191	176	164
Non-Resident Alien			14	13	13	13	12
Classified of Color							
American Indian/Alaska Native							
Asian			1	1	2	2	2
Black or African American			11	11	10	11	10
Hispanic/Latinx			1	1	1	0	0
Native Hawaiian/Pacific Islander			1	0	0	0	0
Two or more races							
Classified (%)							
Men			46%	47%	45%	45%	43%
Women			54%	53%	55%	55%	57%
Non-Resident Alien							
Classified of Color			4%	4%	4%	4%	4%
American Indian/Alaska Native							
Asian			0%	0%	1%	1%	1%
Black or African American			3%	3%	3%	3%	3%
Hispanic/Latinx							
Native Hawaiian/Pacific Islander							
Two or more races							

Appendix 3

Excerpt from Honor System Poster/Charter that defines Honor Code Offenses and hangs in every cadet room and VMI classroom:

GENERAL POLICIES

It is inconsistent with a code of personal honor to have written rules as the sole basis of determining honorable conduct. **Any action detrimental to the honor of the Corps in accordance with the custom and usage of the Corps shall be considered a violation of this Code and shall be judged accordingly.**

The following are offered as guides only:

1. **Meaning of “Certified”** - The word “Certified,” when applied to a cadet’s act and statement, **IMPLIES RELIABILITY, VALIDITY AND COMPLETE TRUTH. DECEITFUL ACTS OR STATEMENTS, HALF TRUTHS, EVASIVE ANSWERS, OR QUIBBLING WILL NOT BE TOLERATED.**
 - a. **Investigations and Trials** - If a cadet, other than the accused cadet, is involved in an Honor Court investigation or trial in any capacity, that cadet is certified, meaning that disclosing any information regarding the investigation or trial is an honor violation in itself.
 - b. **Official Statements** - All official statements, written or oral, are certified. An official statement is defined as one made to an officer of the Institute, an instructor, a member of the guard on duty, or any person acting in an official capacity.
 - c. **Delinquencies** - Members of the guard and other cadets acting in an official capacity are certified to transmit accurately to the proper authority all reports transmitted to them by other persons acting in official capacities. **WHEN REPORTING DELINQUENCIES AND ANSWERING REPORTS, ALL CADETS ARE CERTIFIED TO MAKE A FULL, CLEAR, AND COMPLETE REPORT TO THE PROPER AUTHORITY.**
 - d. **Permits** - Obtaining furloughs or permits on false pretenses is a violation of the Honor Code.
 - e. **“All Right” Status** - Cadets are “All Right” when they are present for duty, or absent from their place of duty but at an authorized place at an authorized time. In all cases, the responsibility for determining status rests solely and specifically upon the individual cadet.
 - f. **Roll Calls** - When a report of the roll at any official duty is given, the report is certified correct in its entirety. In academic sections, the section marcher is part of the section, and certified for the accountability of the entire section until the instructor receives the report.
 - g. **Official Records** - Stealing, destroying or changing in any manner any official record with intent to deceive is a violation of the Honor Code.
2. **Lying** - Lying is making an oral or written statement that a cadet knows to be false with the intent to deceive another person for the purpose of personal gain or advantage. Any certification, official statement, or other statement which may be construed as “lying” defined above, shall, if **subsequently** discovered by its maker to be false in any significant particular, be properly corrected by a prompt report to the person to whom the certification, etc. was originally made. In this situation, no violation of the Honor Code shall be deemed to have occurred. However, this does not apply to situations in which statements were made with the intent to deceive and are corrected only when the dishonest act was discovered.
3. **Cheating** - Cheating is receiving unauthorized aid on work for grade. Examples of unauthorized

Appendix 3

aid include but are not limited to copying of another cadet's work, using sources without proper citation, i.e. plagiarism, and using unauthorized electronic devices such as a cell phone or a computer when completing work for grade. **Work for Grade – “Work for grade” is defined as any work presented to an instructor for a formal grade or undertaken in satisfaction of a requirement for successful completion of a course or degree requirement. All work submitted for grade is considered the cadet's own work. “Cadet's own work” means that he or she has composed the work from his or her general accumulation of knowledge and skill except as clearly and fully documented and that it has been composed especially for the current assignment. Each cadet bears the responsibility for familiarizing himself or herself thoroughly with the Work for Grade policies stated in the Institute Academic Regulations, with any supplementary statement regarding work for grade expressed by the academic department in which he or she is taking a course, and with any special conditions provided in writing by the professor for a given assignment. Violation of Work for Grade policies is a violation of the Honor Code.**

4. **Stealing** - Stealing is taking any property from its true owner with the intent of depriving them of ownership, use or benefit of said property, or of appropriating it to the use of someone other than the true owner.
5. **Instigation** - It is a violation of the Honor Code for a cadet to attempt to influence another cadet to violate his/her honor.
6. **Malingering** - To feign illness so as to avoid duty is a violation of the Honor Code.
7. **Quibbling** - Oral or written statements that are only partially true, evasive, or otherwise misleading made with the intent to deceive.
8. **Toleration** - **A CADET WHO HAS KNOWLEDGE OF A BREACH OF THE HONOR CODE, AND WHO DOES NOT REPORT THE SAME IS GUILTY OF TOLERATION. TOLERATION IS A VIOLATION OF THE HONOR CODE.**

Appendix 3

Excerpt from Honor Court SOP re: Education (page 40):

ANNEX N EDUCATION

General: To fulfill the goal of developing honorable cadets at VMI, education and training are key elements. This annex establishes general guidelines to be used to educate the VMI Corps of Cadets regarding the rules and regulations of the Honor Code and the Honor System.

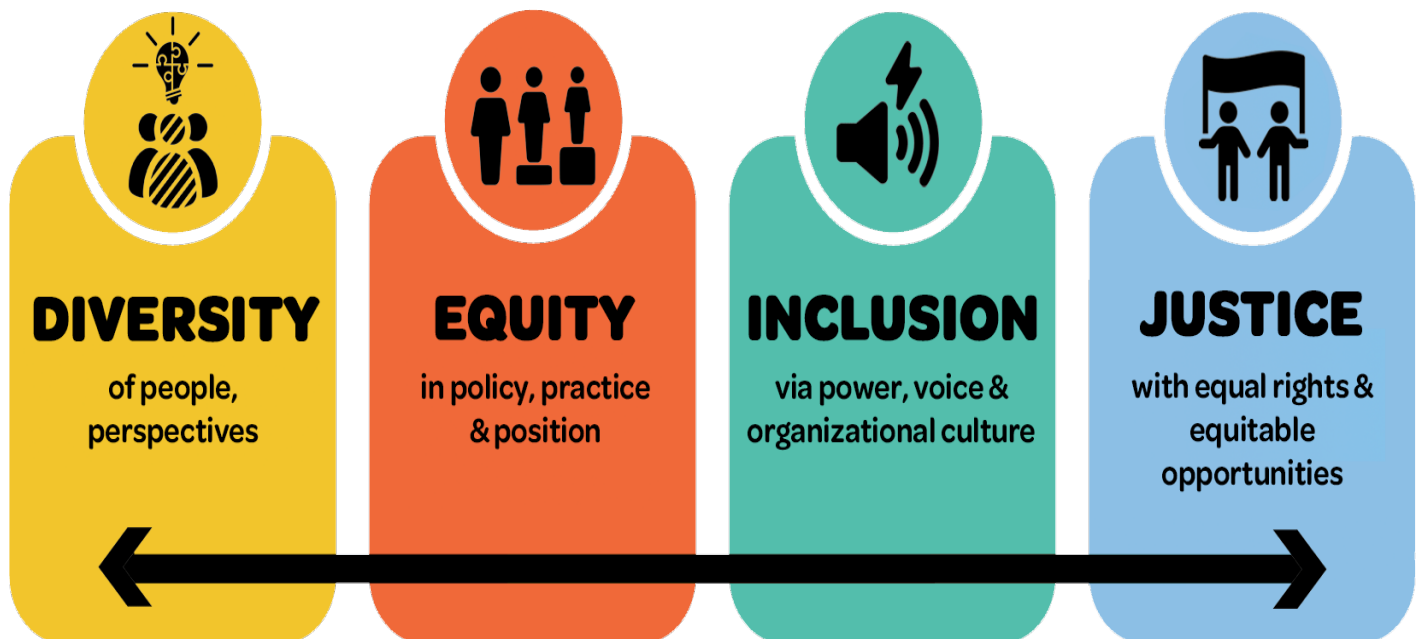
Education: The VMI Honor Court is responsible for educating the Corps about the functions of the Honor System and the ways in which it is enforced. This process of education starts each year with the incoming Rats. The Vice President for Education, along with the other members of the VMI Honor Court, determines how the Rats are to be indoctrinated into the VMI Honor System. The Honor Court often holds meetings with the entire “Rat Mass” and also ones in which Court members meet with individual companies. In either case, the goal is to explain the VMI Honor System. To monitor progress and to ensure that the Rats understand the workings of the VMI Honor System, quizzes are often administered. The Court can also use any other technique to educate that it feels would be beneficial to the “Rat Mass.”

It is also the responsibility of the VMI Honor Court to ensure that the rest of the Corps remains abreast of the workings of their Honor System. The Court disseminates information related to changes in *Blue Book* regulations and permits that impact the Honor System in an effort to ensure that each cadet understands their responsibilities. This information is typically conveyed to the Corps via email messages from the Honor Court President. Occasionally, when there seems to be confusion or more urgency surrounding an issue, the Court will convene a mass meeting with the entire Corps or several meetings with smaller sub-units of the Corps. In recent years the Court has also played a key role in helping the Center for Leadership and Ethics host an annual Honor Conference. These conferences are designed to raise awareness about the epidemic of dishonesty that permeates all facets of life from education to politics. They are intended engage attendees in conversations about possible solutions and how they can contribute.

Appendix 4

VIRGINIA MILITARY INSTITUTE

Cadet Training Guide for Inclusive Excellence



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Appendix 4

This workbook compiles curated InclusiveExcellence trainings designed for Virginia Military Institute. Trainings are intentional in an effort to deliver direct engagement to give cadets a better understanding of cultural competence.

Appendix 4

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Appendix 5

If you are a victim of any kind of discrimination, harassment, or sexual misconduct—

1. Go to a safe place, find some support, and make a report.

On Post

Institute Physician and medical
personnel at the VMI Infirmary
(confidential)
Cadet Counseling **(confidential)**
Institute Chaplain **(confidential)**

Off post

Project Horizon **(confidential)**
Contact a friend or family member

Make a report:

Law enforcement (**Dial 911** or see reverse for *non-emergency*)

VMI IG/Title IX staff 540-460-5250 (**Anonymous, non-emergency, 540-464-7702**)

Silent Witness web form:
www.vmi.edu/silentwitness
(Anonymous)



Download the Reach Out app:
www.captivation.com and
search for Virginia Military
Institute under US Colleges &
Universities.



2. Preserve the evidence:

Keep all text messages, pictures, online postings, video, and other
electronic or documentary evidence that may corroborate a complaint.

Do not wash your hands, bathe, or
douche. Do not urinate, if possible.

Do not eat, blow your nose, drink liquids, smoke, or
brush your teeth if oral contact took place.

Keep the clothing worn when the assault took place. If you change
clothing, keep the worn clothing in a paper bag (*evidence deteriorates
in plastic*).

Do not destroy any physical evidence that may be found in the vicinity of the
assault. Tell someone all the details you remember, or write them down as soon
as possible.

*Note: All VMI employees (unless listed as confidential on this
document) are required to report discrimination, harassment, or sexual
misconduct to the Inspector General's office. See GO-16 for more
information*

Updated July 2021



Appendix 5

Contact Information

VMI Infirmary (confidential)	540-464-7218	
Cadet Counseling (confidential)		
Col. Sarah Jones	540-464-7667	
Maj. Tricia Fry	540-464-7667	
Maj. Chad Kelland	540-464-7667	
Institute Chaplain (confidential)		
Col. Robert Phillips	337-532-7512	
Lt. Col. John Casper	757-647-4884	
VMI Inspector General/Title IX staff		<i>ig@vmi.edu</i>
Ms. Susan LeMert	540-460-5250	<i>voice and text</i>
Anonymous (non-emergency)	540-464-7702	
Col. Sam Allen	540-464-7061	
Lt. Col. Alyssa Astphan	540-464-7095	
Lt. Col. Abbey Carrico	540-464-7276	
Ms. Haley Shotwell	540-464-7529	
Sgt. 1 st Class Christopher Bean	540-464-7413	
Law Enforcement	Emergency	911
VMI Police Department/Central Dispatch	540-464-7017	
Lexington Police Department	540-463-9177	<i>after hours</i> 540-463-9177
County Sheriff's Office	540-463-7328	540-463-9177
Project Horizon Crisis Hotline	540-463-2594	
Anonymous report	540-464-7702	
Silent Witness	<i>vmi.edu/silentwitness</i>	

Appendix 6

CHAPTER 2 – Door Locking Policy

- 1. OVERVIEW:** Doors to cadet rooms may be locked after taps until reveille without prior approval.
 - Sunday - Friday: Doors are authorized locked from taps to reveille the next morning.
 - Saturday: Doors are authorized locked from taps Saturday until 0800 Sunday morning.Cadets are reminded that anytime they believe there is a personal or general threat to themselves or others, it is imperative to the safety of all to report this to an OC, Institute official or member of Cadet Government or Cadet Leadership.

- 2. SCHEDULED LOCKING OF DOORS:** All cadet room doors, or a subset thereof, are locked during certain key events throughout the year when a large portion of one class or the Corps in its entirety is absent from barracks. Doors are locked by Institute Officials and guard team members as a key is required to lock doors when rooms are unoccupied. Times when doors are locked include:
 - During the Thanksgiving, winter, spring and Easter (if a furlough) furloughs.
 - During Corps participation at inaugurals, Corps trips, and FTXs.
 - During Ring Figure (2nd Class rooms only).

- 3. EXCEPTION TO DOOR LOCKING POLICY**
 - A cadet is authorized to lock their door outside of the above listed times without prior approval during times of emergency or whenever he or she feels threatened. In these instances, cadets must also contact the police via 9-1-1, the guard room at 464-7294 or the OC at 464-7293 after the door is locked.
 - Any cadet may request an exception to the door locking policy.
 - Cadets request exceptions from any uniformed member of the Commandant's Staff during normal business hours.
 - After business hours and on weekends, exceptions are made to the Officer-in-Charge.
 - When practical, the exception is granted for a specific duration of time.
 - Exceptions to the door locking policy are made when a concern exists that someone might enter the cadet's room without permission for the purpose of causing physical or mental harm.

Exceptions granted for longer than one week are reviewed by the Assistant Commandant for Cadet Government and/or the Commandant of Cadets.

- 4. VIOLATIONS**
 - Shades must be up after taps if the door is locked to facilitate the Officer-in-Charge's nightly inspections. Shades down with the door locked is considered a significant violation and the room occupants will be boned accordingly.

Any major conduct violations occurring behind a locked door will result in a significantly increased penalty up to and including suspension/dismissal.

- 5. The Assistant Commandant for Cadet Government is the point of contact for this chapter.**