



March 8, 2021

Commonwealth of Virginia
State Council of Higher Education for Virginia
Peter A. Blake, Director
Procurement Office – 10th floor
James Monroe Building
101 North 14th Street
Richmond, VA 23219

**INTERIM REPORT OF THE SPECIAL INVESTIGATION TEAM
ON THE EQUITY AUDIT AND INVESTIGATION
OF THE VIRGINIA MILITARY INSTITUTE**

TABLE OF CONTENTS

	<u>Page</u>
I. Executive summary.....	1
II. Description of investigative procedures.....	2
A. Interviews.....	2
1. The misunderstanding about suspending the Honor Code.....	3
2. The presence of VMI’s counsel during interviews.....	4
3. Current cadets	5
4. Faculty and administration.....	6
5. Alumni	7
B. Documents produced by VMI.....	7
C. Survey.....	8
D. Focus groups.....	9
E. Telephone number and email for contacting the Special Investigation Team.....	9
III. Preliminary results of the ongoing audit and investigation	10
A. Use of racial slurs at VMI.....	10
B. Demographic information about VMI as compared to other higher-education institutions.....	12
1. Student-body demographics.....	12
2. Faculty demographics.....	16
C. The divide between cadets and athletes	18
D. Disciplinary systems at VMI.....	22
1. Overview of VMI’s disciplinary systems	22

a.	The Regimental System	22
b.	Cadet government, including the class system and the Rat Line	23
c.	The Honor Court.....	24
d.	Oversight by VMI administration.....	25
2.	Perceptions within the VMI community of the disciplinary systems.....	25
a.	Perceptions of the regimental system	25
b.	Perceptions of the class system	26
c.	Perceptions of the honor system	28
E.	Responsiveness to complaints versus a culture of silence.....	31
F.	Leadership, official policies, and training.....	32
1.	Command climate	32
2.	Treatment of Civil War history	33
a.	Iconography and practices	33
b.	Lee-Jackson parade and Martin Luther King Day	33
c.	Instruction about the Civil War	34
d.	Confederate memorabilia in cadet rooms	35
3.	Policies and training.....	35
G.	Gender issues.....	35
1.	Sexual assault	35
2.	Sexual harassment, stalking, and other threats	36
3.	Other harassment and social status	37
H.	Overall perceptions from alumni.....	38
IV.	Conclusion.....	38

REPORT APPENDIX AND EXHIBIT INDEX

#	Exhibits
Exhibit A	Dec. 4, 2020 B&T email to SCHEV
Exhibit B	Jan. 25-27, 2021 email between B&T and VMI
Exhibit C	VMI Global Document Request Tracker (as of March 8, 2021)
Exhibit D	General Peay’s July 2020 Letter to the VMI Community

#	Appendix
Appendix 1	Virginia Military Institute Data Comparisons

TABLE OF FIGURES

Figure 1: Overall student body composition by race and ethnicity 13

Figure 2: Student diversity over time..... 14

Figure 3: Admission metric by gender 14

Figure 4: Retention rates across demographic categories 15

Figure 5: VMI and military institutions graduation rates 15

Figure 6: Virginia institutions graduation rates..... 16

Figure 7: Instructional staff diversity..... 16

Figure 8: VMI instructional staff diversity..... 17

Figure 9: Comparison of faculty diversity, tenure and tenure track..... 17

Figure 10: New hires by race, ethnicity, and staff category 18

I. Executive summary

This interim report describes both the procedures that the Special Investigation Team is using in its ongoing audit of VMI's culture and some preliminary observations. Because the investigation is still ongoing, the results and examples included within the report are not final. Further, many of the people who have contacted the Team so far may be those who feel the most strongly about the underlying issues and are the most vocal. As further explained below, to date the Team has had the most interaction (interviews) with the alumni population, with some faculty and administration reaching out to speak with the Team as well. The current cadet population at VMI has been the most reluctant to speak with the Team thus far. To develop a fuller understanding, the Team is working to reach out to those who may not be as inclined to speak up but who may have important observations about VMI. The Team thus encourages all members of the VMI community, especially current cadets, to complete the survey as it reaches them and to reach out to the Team because it is important that we hear from a broad cross-section of the VMI community so that we can report accurately on VMI's overall culture.

Though the results discussed below are only preliminary, some trends and themes are emerging from the many interviews of and communications with individuals from throughout the VMI community that the Team has conducted to date. Individuals who have attended VMI from different demographic groups and different time periods have naturally had different experiences at VMI. For example, a number of alumni and current cadets have reported hearing racial slurs on a regular basis at VMI, while others have reported never hearing such comments during their four years on post. Racial and gender tension may also be related to (or perhaps caused by) tension between cadets and athletes. Many alumni and cadets have reported that a significant source of tension among cadets is between those who are NCAA athletes and those who are not; the basis for this division seems to be that non-NCAA-athlete cadets perceive athletes as being excused from undergoing many of the military and training activities that make the VMI experience hard, while the athletes are spending time training with their athletic teams. Because minority cadets make up a much higher percentage of the athletic teams than they do of the corps of cadets, the tension between athletes and cadets is intertwined with diversity issues at VMI.

The report also includes some preliminary observations on how alumni and current cadets tend to perceive the various disciplinary systems at VMI (such as the class system, the Honor Court, and the regimental system). Additionally, the Team was asked to review racial and gender demographics, perceptions of diversity at VMI, and any "other broad areas of inequity" targeted at protected classes or vulnerable populations. Unrelated to racial discrimination, members from across

the VMI community have said that discrimination against and treatment of female cadets may be more concerning than conditions for racial minorities.

The discussion in this interim report is based primarily on the results of the interviews that the Team has conducted over the past several weeks, along with a review of documents provided by VMI and comments received from current cadets who have already taken the survey. The results, taken together, have focused the Team on certain emerging themes and areas for additional inquiry as the Team looks to developing recommendations for the final report. But the interviews provide only one piece of the puzzle. It is critical that the Team also look to other key information to develop a comprehensive view of the culture at VMI—including survey results, interviews of current cadets, administrators, and members of the Board of Visitors, and a review of VMI’s records, including disciplinary records. For various reasons that are described in more detail below, those tasks are still in process and have not yet been completed.

VMI has a proud and extremely loyal alumni base. Many alumni the Team spoke with took significant time to explain their experiences, perceptions, and suggestions. Even those alumni who criticized certain elements of the VMI experience often expressed their love of and appreciation for VMI and its traditions. The majority of individuals who have reached out to the team have done so respectfully and politely, with thoughtful comments and insights. Many shared the view that VMI can implement changes to address problems they saw without losing VMI’s unique and special identity.

II. Description of investigative procedures

As to the procedures as a whole, while the Team has provided progress updates to the State Council of Higher Education for Virginia, the Team has maintained its investigative integrity and independence and has not been influenced in regards to its objectives, procedures, implementation of its equity audit and investigation, or the contents of its this report. The Team remains several weeks behind its intended schedule due to administrative issues that needed to be resolved before documents could be produced, due to COVID complications, and due to unforeseen delays deploying the survey. Nevertheless, the Team continues to persist with its work, has gotten into a good cadence of document production with VMI, has seen an effort by VMI to increase communication with the Team, and hopes that these efforts will continue.

A. Interviews

In its efforts to interview different groups and obtain a broad cross section of views from the VMI community, the Special Investigation Team has encountered two issues. First, a misunderstanding arose within the VMI community that the Team had asked VMI to “suspend” the Honor Code, and that misunderstanding has hampered participation. Second, VMI’s desire to have VMI’s counsel

participate in all interviews, including those where VMI's counsel did not represent the interviewee, has caused some delays.

1. The misunderstanding about suspending the Honor Code

The Special Investigation Team realized, on January 21, 2021, that there was a misunderstanding between VMI and the Team about the Honor Code: VMI's leadership thought that the Team had asked VMI to suspend the Honor Code during the investigation. To be clear at the outset, the Team never asked or intended for the Honor Code to be suspended; to the contrary, suspending the Honor Code would be contrary to the investigation's core purpose of ascertaining the truth about issues relating to VMI's culture, including by learning firsthand about its culture through truthful statements from current cadets.

The Team learned that VMI based this perception on a December 4, 2020 email that the Team sent to the State Council on Higher Education for Virginia (SCHEV) during the contracting process. In that email, the Team inquired about whether amnesty might be available during the investigation to protect cadets, faculty, and administration from retaliation for information they might disclose:

One question we would have, if selected as the [Special Investigation Team], would be whether VMI would be willing at the outset to consider amnesty for any honor code violation or other infraction to anyone who spoke with us as part of our investigation. From our experience in other campus inquiries, this is a good tool to address the concern that cadets or other individuals may be hesitant to speak with us, and so we wanted to bring it to your attention. [Dec. 4, 2020 B&T email to SCHEV (attached as Exhibit A).]

This question was spurred by the request for proposal, which directed applicants to “pay[] particular attention to those vulnerable members who may be reluctant to participate for fear of retaliation.”

Once the Team realized that this reference to “amnesty” had been understood by some as a request to “suspend” the Honor Code, the Team clarified (on January 25, 2021) to VMI's leadership that the Team was “not asking VMI to suspend its Honor Code.” (Jan. 25, 2021 email from B&T to VMI (attached as Exhibit B).) Rather, the Special Investigation Team was “requesting that VMI not use any information contained in our Report as a basis for Honor Court proceedings or other disciplinary proceedings—from our perspective, these are two very different propositions.” (*Id.*) As the Team further explained, this commitment “gives the interviewee a sense that he/she will not be penalized for ‘doing the right thing’ but instead be treated equitably and without fear of retaliation.” (*Id.*) The Team wanted VMI to agree that no student would be penalized for speaking with

the Team or for revealing truthful information that might give rise to a disciplinary action (for example, an incident that was witnessed but not reported).

In response to this clarification, VMI's leadership agreed that the Special Investigation Team could tell anyone who agreed to meet with us that VMI had pledged and requested full disclosure and honest transparency from its community, explaining that this "is what is required by our honor code." (Jan. 27, 2021 email from VMI to B&T (attached as Exhibit B).) This message from VMI also promised that "VMI will not attempt to discern the identity of individuals disclosing relevant data during Barnes & Thornburg's investigation." (*Id.*)

About ten days after the Team had clarified with VMI's leadership that it was not asking for any suspension of the Honor Code, all three of VMI's alumni associations sent out that a message that asserted that the Special Investigation Team had "request[ed] that VMI suspend the VMI Honor Code for all cadets interviewed during this investigation." (Feb. 4, 2021 letter from VMI alumni associations.) And a number of potential interviewees have contacted the Team (via the information line or in survey responses) to object to any request to suspend the Honor Code, and indicated that they would no longer participate in an investigation in which this request was made. Thus, it appeared to the Team that there was still confusion in the VMI community about the Team's intentions, and that the statement exacerbated the already-prevalent perception that the investigation was somehow biased, illegitimate, or beholden to forgone conclusions.

In light of this misunderstanding, the Team has emphasized in its communications with the VMI community that the Team respects the importance of the Honor Code, that it understands that a request to suspend the Honor Code would be offensive, and that it has never requested suspension of the Honor Code. Rather, the Team encourages frank communication by ensuring that cadets will not be penalized for past conduct by being truthful during the investigation. Further, comments from alumni also suggest that many cadets will have internalized the Honor Code and therefore will continue to tell the truth, even without the fear of penalties under the Honor Code. This is fully consistent with the Team's goals, which include the receipt and consideration of truthful information about an individual's experiences and observations.

This issue is now resolved, and the Team has been able to proceed with a significant number of interviews. The Team sincerely hopes that any members of the VMI community who had been reluctant to speak with us based on the belief that we did not want to hear the truth about experiences at VMI or that we did not value the importance of the Honor Code, will reconsider in light of this information.

2. The presence of VMI's counsel during interviews

The Team has been clear with VMI from the beginning of this equity audit and investigation about how it conducts interviews during investigations. The Team, generally, has two members meet with a cadet, faculty or staff member, or

alum and also indicates that the cadet, faculty or staff member, or alum has a right to have his or her own counsel present. The Team attempts to ensure that the cadet, faculty or staff member, or alum understands that the Team members neither represent VMI nor the particular cadet, faculty or staff member, or alum, but again, that they may have their *own* legal representative present. This, however, is not always an easy discussion, particularly since the Barnes & Thornburg Team (as lawyers) are subject to legal rules of professional responsibility that do not allow us to counsel an interviewee as to whether or not they need or should have counsel present. VMI and the VMI Alumni Associations were made aware that anyone choosing to participate in a voluntary interview with the Special Investigation Team had the right to have counsel present, but that VMI's counsel and counsel to the VMI Alumni Associations were *not* welcome during the interviews. This limitation on whether VMI or the VMI Alumni Associations may have a representative present during all interviews is intended to preserve the independence of the investigation, maintain confidentiality, avoid potential conflicts, and assure interviewees there will be no retaliation in response to their statements.

This approach preserves the rights of the individuals being interviewed in several ways. First, all interviews are voluntary. Second, even for those who volunteer for an interview, the interviewee is under no obligation to answer any given question and may terminate the interview at any time. Third, interviewees are allowed to have their own counsel present—a lawyer that represents the individual, not VMI or the VMI Alumni Associations—if they wish. Fourth, when interviewing individuals that VMI's counsel or the VMI Alumni Associations' counsel *does* represent (such as members of the VMI Board of Visitors or Alumni Association executives), the Team has no objection to the participation of counsel for VMI or for the alumni associations.

Further, the VMI Community itself appears to be well represented. At present, VMI has its own outside counsel, the Alumni Associations are represented by a separate law firm, and a third law firm has volunteered to provide legal guidance regarding the interview process with Barnes & Thornburg, as well as to assign “pro bono” counsel to assist cadets with their interviews if they wish. This third law firm, as the Team understands, is coordinating another group consisting of VMI alumni who are lawyers and offering “pro bono” assistance to cadets.

3. Current cadets

As of March 5, 2021, the Team has interviewed some cadets and parents of current cadets who have reached out on their own initiative to volunteer for an interview, and on March 4, 2021, it began interviews from a representative set of current cadets. Specifically, 12 current cadets and six parents of current cadets have reached out, and the Team has completed interviews of five of those current cadets and of four of those parents of current cadets.

However, the Team has not yet been able to complete its plan to conduct interviews of a representative group of current cadets. This is because the Team did not receive a cadet roster with demographic and contact information until February 19 and was not able to confirm its accuracy until February 22, which delayed the selection of a representative sample to use for scheduling interviews. Additionally, during February, a large number of current cadets (as many as 400) were placed in quarantine due to a rise in COVID cases. Furthermore, based upon a prior understanding between VMI and the Special Investigation Team, it was determined that VMI would assist the Team with arranging the logistics of informing the cadets in the representative sample of the time and date of the interviews. Given the cadets' highly regimented schedule, this approach seemed not only reasonable but the one likely to yield the best results for the Team. But the fact that the Team must now go through another intermediary (VMI's counsel) for scheduling is also slowing the process. On March 1, the Team sent VMI a list of names and proposed schedule of interviews, and has interviewed four current cadets from the representative sample. The Team and VMI have encountered some logistical issues with the cadet interviews that we are still fine tuning, but the Team plans to interview more current cadets in the upcoming weeks.

In addition to statements made during interviews, the Team has also received numerous comments from current cadets in the free-response questions to the ongoing survey, which are described in more detail below.

Finally, two parents of former cadets who did not graduate also asked for interviews and have been interviewed, and an interview is pending for a former cadet who did not graduate. Because these individuals do not fit in the alumni or faculty and administration groups, their interviews are noted here. The Team believes that cadets who began their education at VMI but ultimately did not graduate are also an important population to hear from and therefore encourages this group to reach out to the Team to share their experiences. The Team will also be considering ways in which it can affirmatively reach this population to engage it in the survey experience.

4. Faculty and administration

The Team has interviewed ten of the 15 members of the Board of Visitors. The Board as a whole has nine Caucasian male members, four African-American male members, and two Caucasian female members; the subset interviewed thus far by the Team consists of six Caucasian males, three African-American males, and one Caucasian female. Seven of the ten Board of Visitor interviewees were accompanied by VMI's outside counsel. One member of the Board has declined to be interviewed.

The Team has also interviewed nine current faculty members and five former faculty members. Further, the Team is working to interview a representative sample of the faculty as a whole. Because the Team has not yet been

able to commence the interviews of a representative sample of the faculty, it has no findings or recommendations to report at this time.

5. Alumni

As of March 1, the Team has interviewed 46 alumni. These alumni graduated during the following time periods:

Time Period	Alumni interviewed
2010–present	9 (5 male, 5 female)
2000–2009	8 (6 male, 2 female)
1990–1999	12 (all male)
1980–1989	2 (all male)
1970–1979	8 (all male)
1960–1969	6 (all male)
1950–1959	1 (male)

Of these, 14 identified themselves as non-white: nine African-American, two mixed race, and three Asian.

B. Documents produced by VMI

As of the date of this report, the Special Investigative Team has made 71 requests to VMI for documents. The Team has experienced some delays in receiving documents responsive to certain requests from VMI. VMI initially refused to produce certain documents because of privacy concerns under the federal Family Educational Rights and Privacy Act. Once the Team resolved issues relating to that statute, VMI raised additional concerns under other federal statutes—the Americans with Disabilities Act, the Health Insurance Portability and Accountability Act (commonly called HIPAA), and Title IX. VMI’s concern with obeying federal laws before releasing students’ information is appropriate, but disagreements over the proper understanding of these laws have caused delays and prevented timely production and progress of the Team. Indeed, to date, the Team is still waiting to receive from VMI documentation relating to various disciplinary systems, including the Honor Court, documents the Team first requested on January 26, 2021. (VMI Global Document Request Tracker, Exhibit C.) For over a month, the Team has worked with VMI to reassure it that the necessary protocols had been put in place to ensure that VMI was not inadvertently violating any federal or state laws, but the Team is still missing large batches of documents that are essential to its equity audit and investigation. The Team has even gone so far as to agree that VMI can redact any portion of a document that it feels is protected by federal privacy laws (*e.g.*, Title IX, HIPAA, and ADA), attorney-client privilege, and or the work-product doctrine, and has agreed that any inadvertent production of a privileged document would not constitute waiver of VMI’s right to request

return or destruction of such protected material—as long as this meant the Team could get the documents more quickly. While this agreement has produced some documents to the Team, there is still quite a bit more to be completed. Additionally, the Team has reviewed the Bates numbering sequence of the documents produced, and it appears that VMI has gathered and stamped some documents in preparation for production, but has withheld them for some reason. (*Id.*)

VMI has made a total of seven formal productions and one informal production of documents that were not Bates stamped in late January 2021 before outside counsel was involved. The documents produced thus far cover a variety of topics related to cadets, faculty and administration at VMI. (*Id.*)

The Team has had regular discussions with VMI’s counsel regarding new and outstanding documents requests and will continue to do.

C. Survey

To invite input from a broad array of cadets, alumni, faculty, and administrators, the Special Investigation Team has begun conducting a survey. The survey consists of 107 questions (15 fixed-choice demographic questions, 100 fixed-choice substantive questions, and two free-response questions) and is designed to take 15 to 20 minutes to complete.

The fixed-choice substantive questions address (1) issues of diversity and inclusion and (2) issues of discrimination and intolerance. For benchmarking purposes, the survey includes a number of questions that have been used in national population surveys. After responding to the fixed-choice questions, the survey concludes with the free-response questions, which allow survey respondents to provide as much narrative input as they choose. This allows survey respondents to elaborate on any topic they think important and to provide any information or opinions in their own words on the survey itself or any other topic.

The Team initially conducted a “soft launch” of the survey on February 24, 2021, to sending invitations to 100 randomly selected cadets. After confirming that the survey was operating properly, the Team sent invitations to all of the remaining cadets on February 25; accordingly, every current cadet listed on the roster VMI provided to the Team should have an opportunity to participate in the survey and thereby provide input directly to the Special Investigation Team.

After sending the survey to the cadets, the Team sent invitations (on February 26) to all VMI employees (faculty, staff, and administrators). The Team anticipates sending survey invitations to alumni in the second week of March. As of March 1, the Team has sent 2,355 emails—1,627 to current cadets and 708 to VMI employees—inviting members of the VMI community to participate in the survey. The Team is also working with VMI’s counsel to provide access to the survey to VMI employees that do not have desk jobs and so do not have VMI email addresses.

The Team has also been working with the alumni associations to develop a way to distribute the survey to alumni. Before starting the equity audit and investigation, the Team had the perception that the phrase “VMI community” encompassed the cadets, faculty, staff and alumni inclusively, and believed that when launching the survey the Team would have access to distribution lists to reach these populations simultaneously. But as this equity audit and investigation has proceeded, the Team has come to understand that “VMI community” encompasses on-post current cadets, faculty, and administration, but not the three alumni foundations that have approximately 25,000 members, some of whom appear not to want to share their contact information with the Team. The Team has been working with the alumni groups' counsel separately to launch the survey via an alternative method, which has taken some time to design and implement. Because the alumni groups did not feel comfortable releasing alumni contact information that would allow the Team to reach out directly to alumni, the alumni associations will be sending an email to their members with a link to provide their contact information voluntarily to the Team if they would like to complete the survey. Those efforts are ongoing.

Because the survey is still ongoing, this interim report will not report on the overall results of the fixed-response questions from the survey, as doing so might skew those who participate after this interim report is released. But aside from the substantive responses, the survey response metrics show that, as of March 5, 786 individuals have opened the survey and 661 have completed it. Based on these numbers, 84% of those who opened it completed it, and 28% of those who received an invitation have already responded. Further, some respondents have invested significant time in responding (in some instances, more than 60 minutes) and written lengthy comments to the free-response questions.

D. Focus groups

The Team is still working towards conducting focus groups, as explained in the February progress report. It is waiting both so that it can use the survey results to form questions for the focus groups and because of issues with managing a focus group of cadets on post while subject to COVID restrictions.

E. Telephone number and email for contacting the Special Investigation Team

As explained in the Team’s progress report, the Team has established a telephone number and an email to allow interested members of the VMI community to contact the Special Investigation Team directly. As of March 3, 320 individuals have contacted the Team. Specifically, 216 individuals have used the dedicated telephone number or email address to reach the Team; the remaining 104 have either emailed team members directly or used other means of contact. The Team has interviewed 86 individuals who initiated contact and has another 14 interviews from these contacts scheduled for the weeks of March 1 and March 8.

III. Preliminary results of the ongoing audit and investigation

While this interim report describes some preliminary results from interviews, communications, document review, and data review, this investigation is still ongoing and the Team is still developing an understanding of VMI's culture. For example, many of the individuals that the Team has spoken to first are those who have reached out to the Team, and the Team is still working to ensure that it is hearing from a broad cross-section of the VMI community, with a focus on current cadets and recent graduates (who have been reluctant thus far to speak with the Team). Nevertheless, the Team believes that it is important to highlight here some of the consistent themes and comments that the Team is seeing in the course of its investigation.

A. Use of racial slurs at VMI

Current cadets and comparatively recent alumni (alumni from the last 25 years) report that it is and was common experience to hear racial slurs among VMI cadets, including use of the n-word. As examples, these individuals described the racial environment in the following ways.

2018–2021

- A current cadet reported being called by the n-word. That cadet did not feel comfortable doing anything other than accepting the other cadet's apology and felt that the cadet could not raise the issue with authorities, as that cadet felt that minority cadets have a smaller margin of error on campus.
- An African-American graduate heard the n-word used and reported an instance where a cadet was caught on an audio recording using the n-word, but when the recording was reported, the speaker was not disciplined.
- An African-American graduate reported being called the n-word "many times" at VMI.

2010–2013

- A Caucasian graduate who served as a cadet captain recalled incidents involving racial comments, where the speakers were disciplined (demoted to private and required to walk penalty tours). (A penalty tour is a punishment consisting of one hour's worth of supervised marching while carrying a rifle.)

1998–2001

- An African-American graduate did not hear racial slurs directed at him, but other cadets he knew heard the n-word or other racial slurs.

- A Caucasian graduate said racial slurs were “common” during his time and “absolutely a part of life in the barracks.”

1994–1997

- An African-American graduate routinely heard Caucasian cadets use racial slurs directed at himself and others, including his dyke, who used the n-word “all the time” (and whom this graduate nonetheless described as “a great guy”).
- An Asian graduate was routinely called “sand-n-word” by an upperclassman.

Consistent with these anecdotes, VMI’s own internal investigations have substantiated instances of racial slurs. Specifically, VMI provided a 223-page document titled “VMI Cadet Government Investigations with Racial Components from 2015 to 2020.” These documents described 17 accounts between 2015 and 2021 where allegations that VMI concluded had a “racial component” were made. Of those 17 accounts, 13 of the allegations were substantiated, while four lacked a preponderance of the evidence regarding the allegation. The 2019–2020 school year accounted for the highest number of allegations with a “racial component”—six allegations were made, of which four were substantiated and two lacked preponderance of the evidence regarding the allegation.

Of the allegations, many, if not most, involved cadets using racial slurs, most commonly the “n-word.” Of the 17 allegations provided, a professor made at least one, an NCAA official and a basketball player at a sporting event alleged that cadets were using the “n-word,” and a company commander made the third allegation. The incident regarding the “Trump Wall”—as discussed in a *Washington Post* article—was also among the allegations provided in the reports by VMI.

For the substantiated claims, VMI punished the cadets. The punishments included penalty tours (ranging from five to fifty tours), confinement (ranging from one week to three months of confinement to one’s room, to the barracks, or to post), cultural awareness training and counseling for all or some respondents, and demerits. Some substantiated allegations also required written letters of apology as a penalty, one resulted in loss of rank, and one resulted in a suspension.

In contrast to the experiences reported above, many cadets and recent alumni reported that they never encountered racial slurs during their time at VMI. Specifically, Caucasian, African-American, and mixed-race cadets from a range of recent classes (including ’97, ’06, ’09, ’10, and current cadets) stated that they never heard racial slurs such as the n-word or saw or experienced racial intolerance.

Relatedly, a number of current cadets stated, in their narrative responses in the survey, that they had heard the n-word only when it was being used among African-American cadets:

Current cadets

- “A lot of black cadets use the N word frequently.”
- “The only time I heard the N-word was said wa[s] by an African American cadet, [to] another African American cadet in a joking manner. I have never heard it in a derogatory way aimed specifically from a white cadet to an African American.”
- “The vast majority of the times that I have heard racial slurs, it has come from black cadets.”
- “The only times I hear racial slurs is when my black, football playing, roommate calls people the n word.”
- “I stated that the n-word is used quite often here at VMI. . . . It should be known that yes, that word [the n-word] is used a lot but, it is used by African American cadets. We as an Institute have to get rid of this double standard. No one of ANY race should be allowed to use that word.”

B. Demographic information about VMI as compared to other higher-education institutions

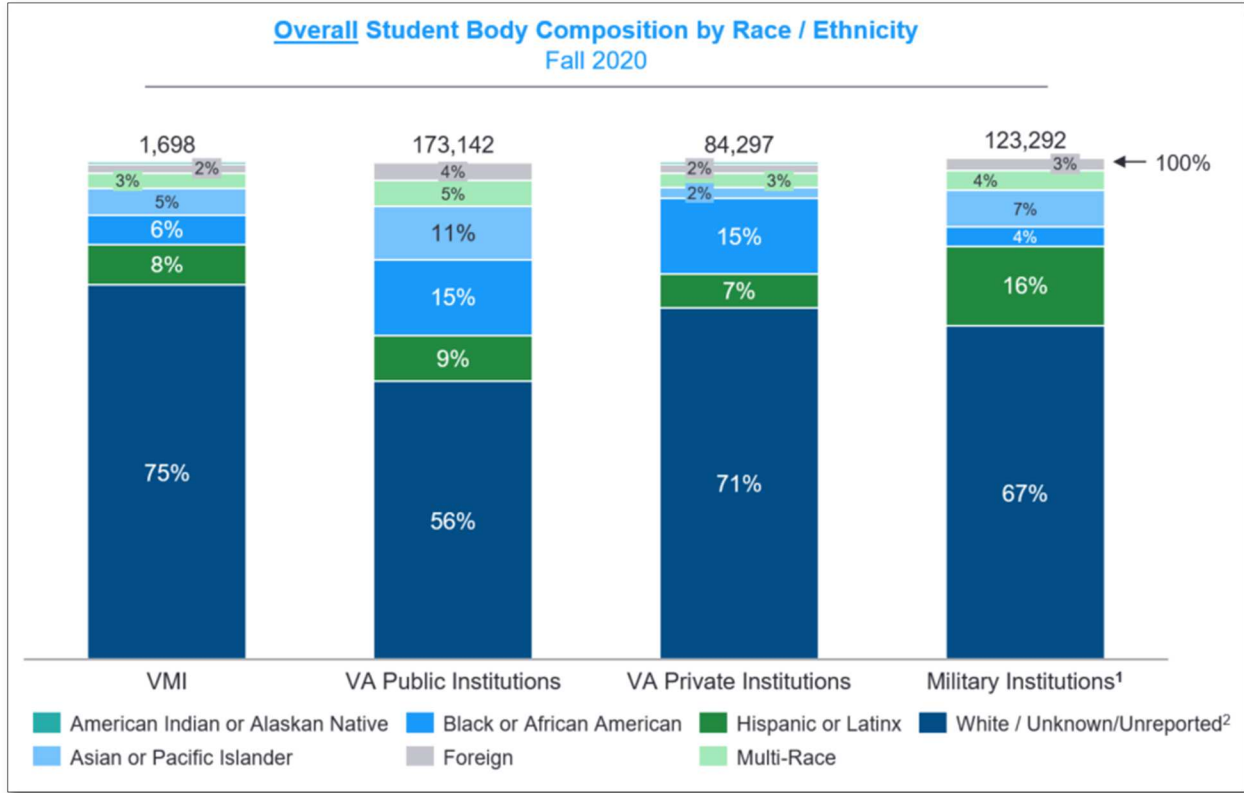
The Team also completed a review of publicly-available data comparing VMI to other Virginia higher-education institutions and to other military institutions. The data underlying these statistics comes from the State Council of Higher Education for Virginia and from the Integrated Postsecondary Education Data System (IPEDS). The comparison groups include 15 Virginia public institutions, 25 private Virginia institutions, and 10 military institutions (including the five federal service academies and five military colleges). (Appendix 1 at 31 (listing the comparison institutions).) For specific details about the methodology used, see Appendix 1 at 3.

1. Student-body demographics

VMI’s student body is 75% Caucasian or unknown, 8% Hispanic, 6% African-American, 5% Asian or Pacific Islander, 3% multi-race, and 2% foreign (such as exchange cadets). Relative to the comparison groups, VMI had a higher percentage of Caucasian students, with Virginia public institutions at 56% Caucasian,

Virginia private institutions at 71% Caucasian, and military institutions at 67% Caucasian. (Appendix 1 at 6.)

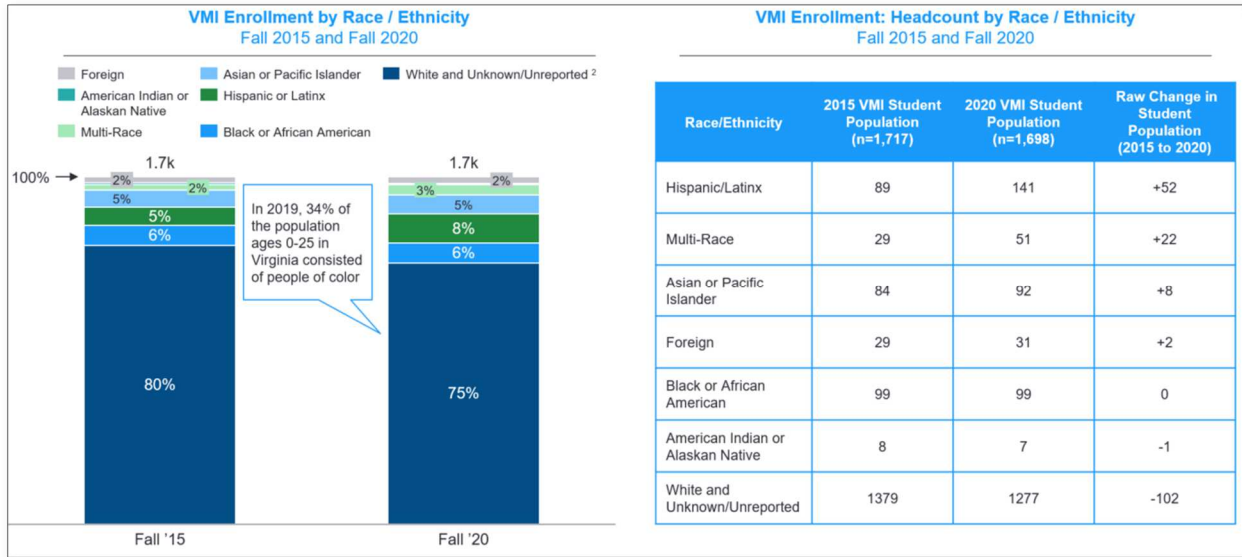
Figure 1: Overall student body composition by race and ethnicity



When comparing the number of students of color at VMI in 2015 with the number in 2020, VMI's enrollment of students of color increased by 5%, but still lagged behind the comparison groups. (Appendix 1 at 8.) This increase between

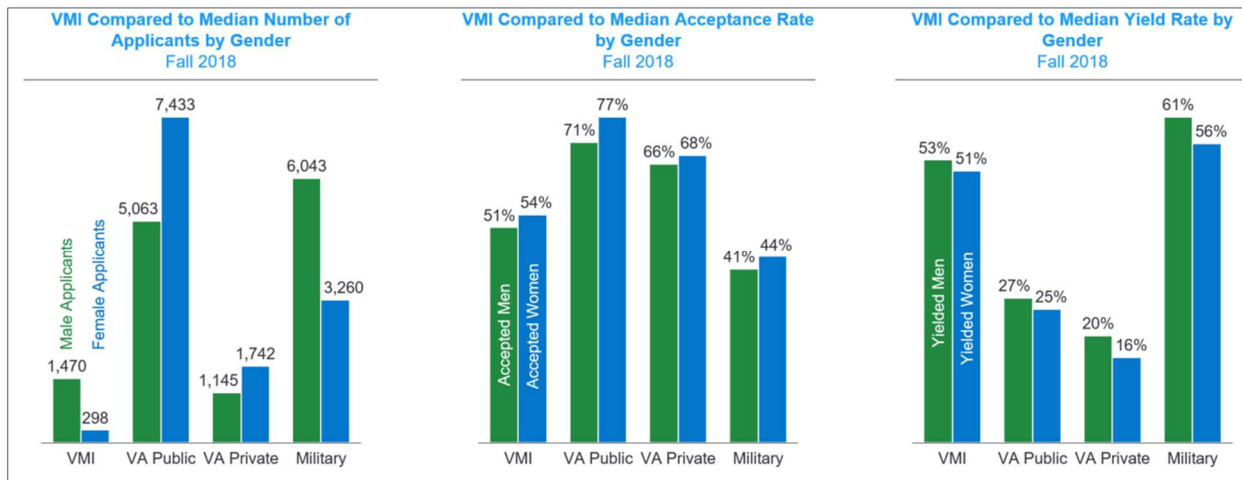
2015 and 2020 enrollment was primarily the result of more Hispanic students enrolling. (Appendix 1 at 9.)

Figure 2: Student diversity over time



According to recent data, VMI’s applicant pool was predominantly male, and the rates for accepted applicants and applicants who chose to attend VMI was similar for males and females. (Appendix 1 at 11.) (Data for admissions metric by race or ethnicity was not available.)

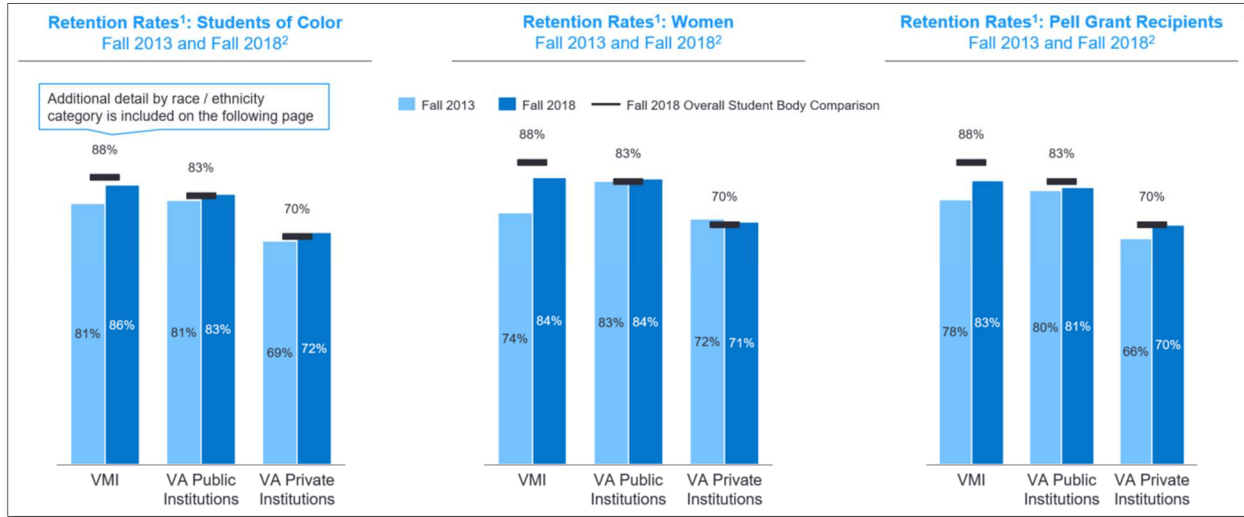
Figure 3: Admission metric by gender



When comparing whether students who completed their first year were still at the institution at the end of the second year, VMI’s retention rates for students of color, for women, and for Pell Grant recipients were higher than the retention

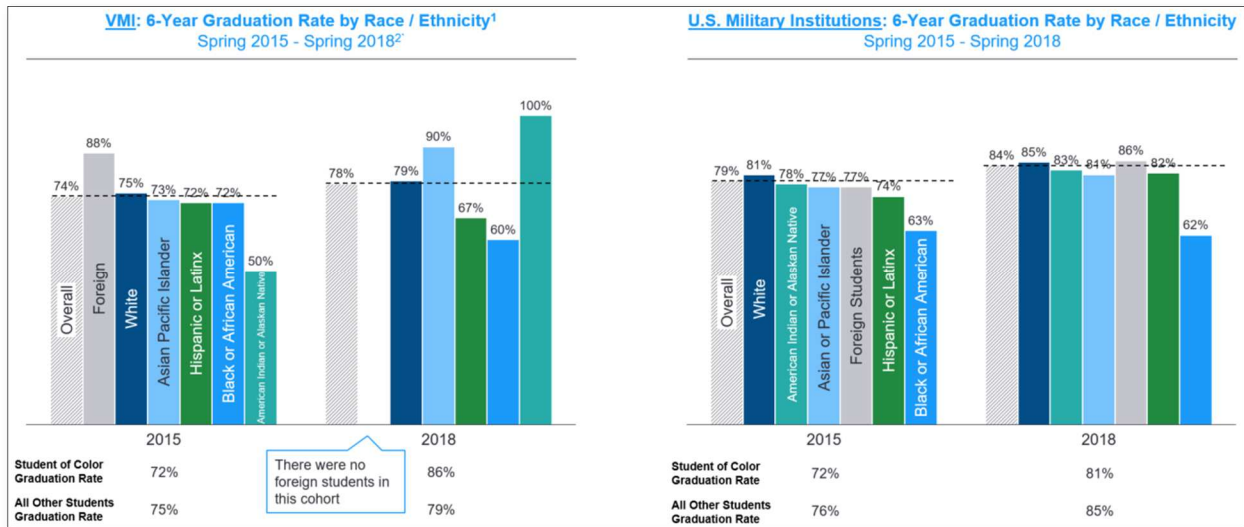
rates for the Virginia comparison groups in 2018. (Appendix 1 at 14.) Note that these rates would not account for students who enrolled but left during their first year at a particular school (such as during the Rat Line).

Figure 4: Retention rates across demographic categories



As for graduation rates, both VMI and the military institutions comparison group increased overall graduation rates from 2015 to 2018, but the graduation rates for VMI and the military institutions comparison group decreased for African-American students. (Appendix 1 at 16.)

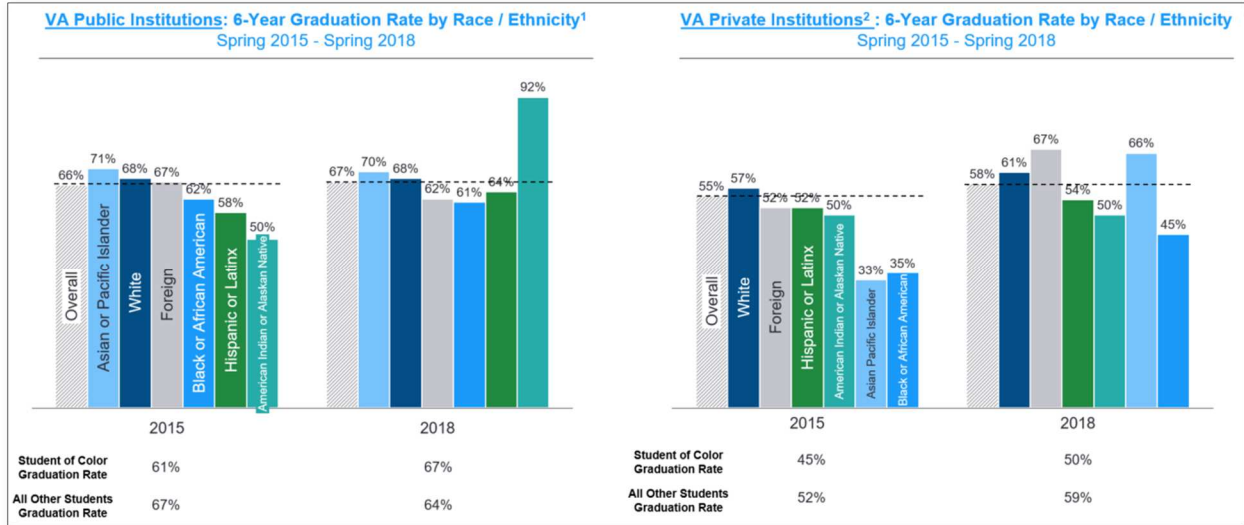
Figure 5: VMI and military institutions graduation rates



As for graduation rates at other Virginia institutions, VMI's 2018 graduation rates were higher than the median rates for Virginia public and private

institutions both overall and for most race and ethnicity categories. (Appendix 1 at 17.)

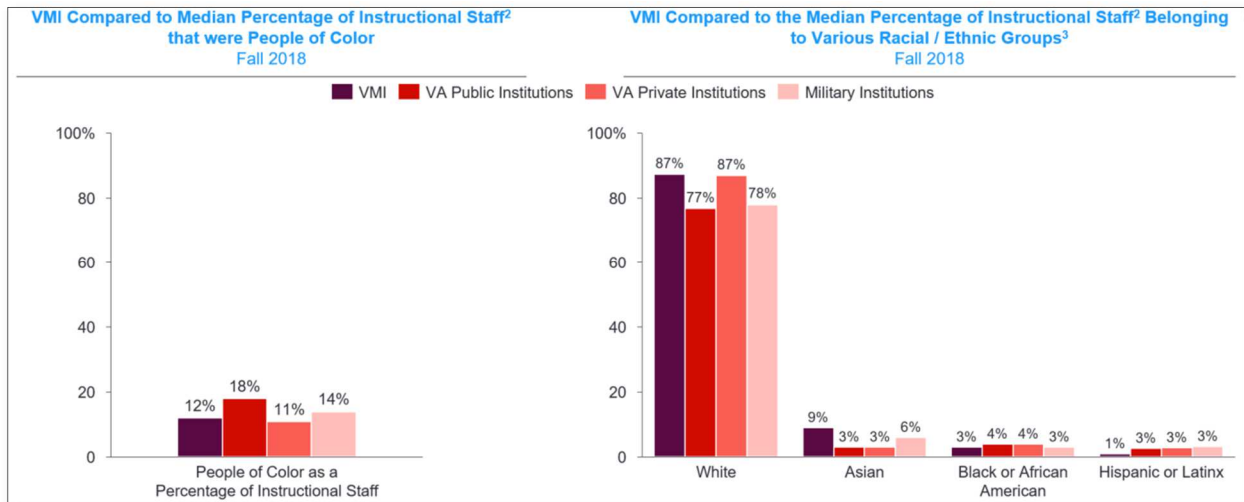
Figure 6: Virginia institutions graduation rates



2. Faculty demographics

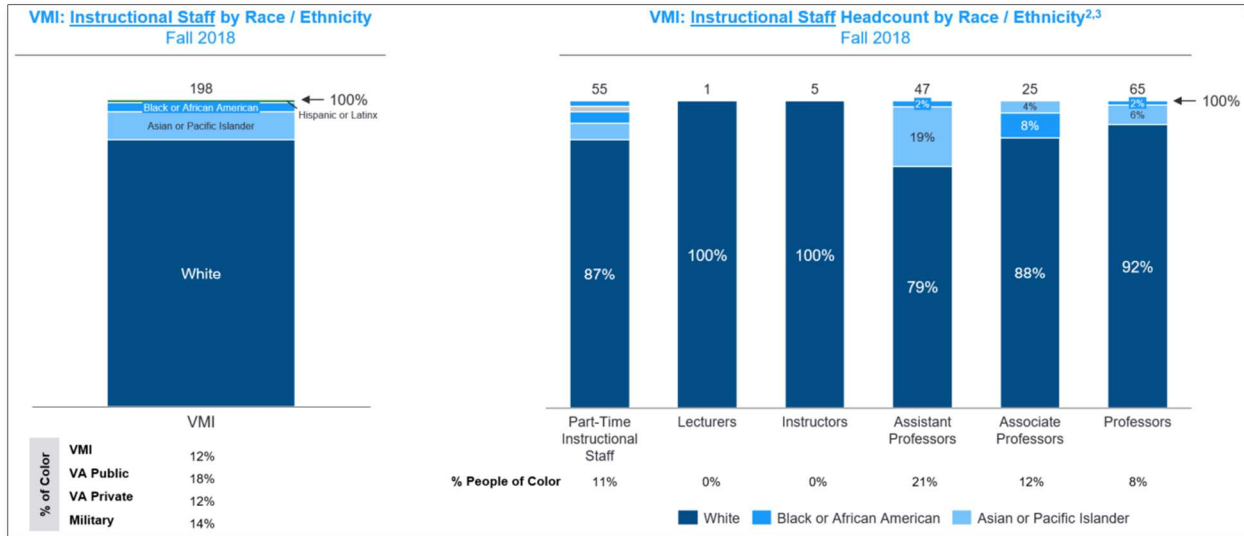
On the faculty front, VMI's instructional staff had a smaller percentage of people of color than the median at Virginia public institutions and at the military institutions, but a higher percentage than Virginia private institutions. (Appendix 1 at 22.)

Figure 7: Instructional staff diversity



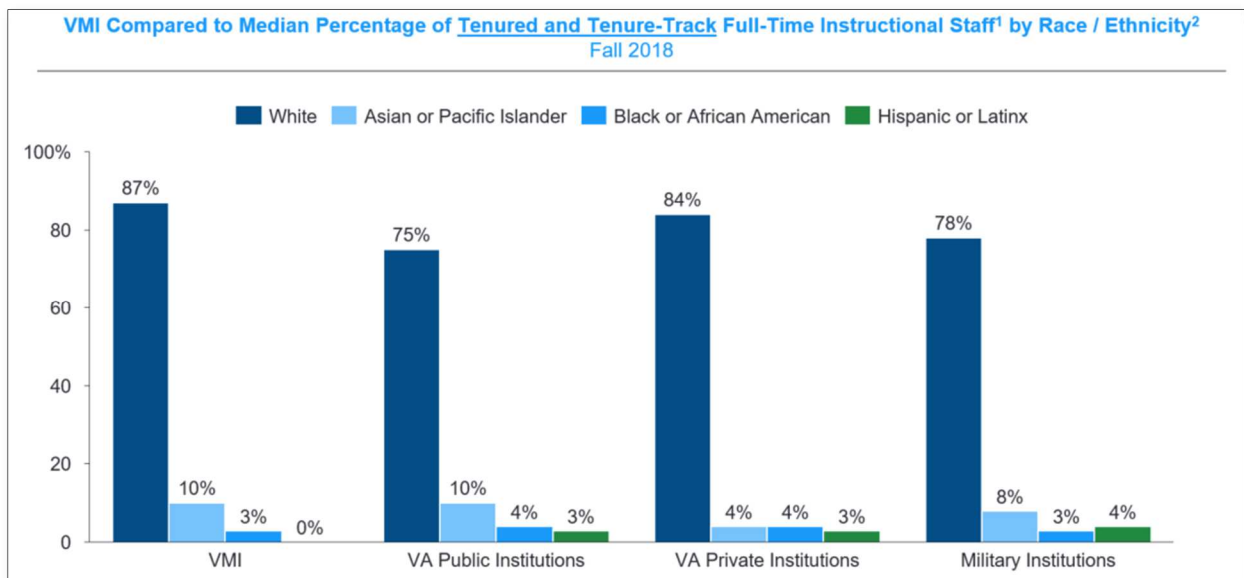
Within VMI, instructors at the rank of assistant professor had the most racial and ethnic diversity, while more senior faculty positions had a higher percentage of Caucasian employees. (Appendix 1 at 23.)

Figure 8: VMI instructional staff diversity



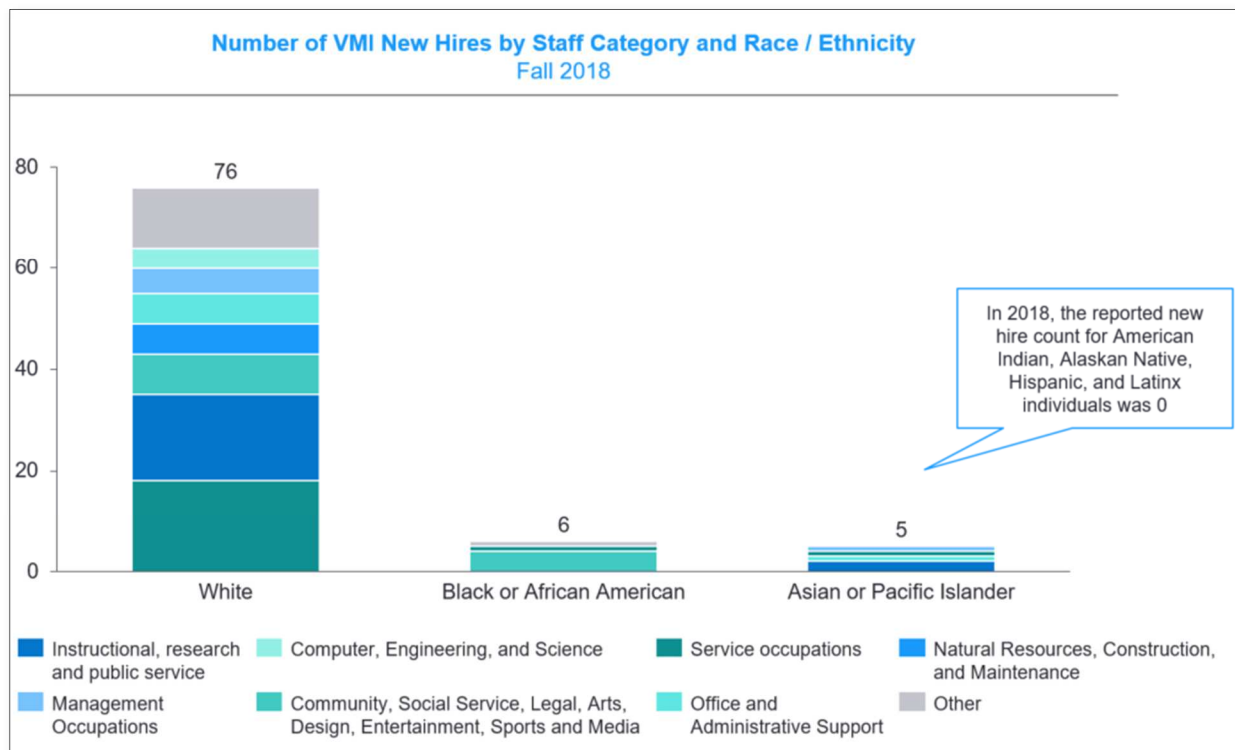
Further, VMI had the highest percentage of Caucasian tenured and tenure-track instructional staff compared to the median across comparison groups. (Appendix 1 at 24.)

Figure 9: Comparison of faculty diversity, tenure and tenure track



With respect to new hires, VMI hired seven Caucasian employees for every person of color, with new hires spread across a variety of roles and departments. (Appendix 1 at 26).

Figure 10: New hires by race, ethnicity, and staff category



C. The divide between cadets and athletes

One source of tension among the cadets is perhaps not a direct issue of race, but appears to be intertwined with race: the divide between those cadets who participate in NCAA athletics and those who do not. While some alumni observed that “every cadet is an athlete,” alumni and current cadets often refer to this divide as a clear one between “athletes” and “cadets.” VMI’s student body as a whole is approximately 6% African-American (see Figure 1). However, roughly 60% of African-American cadets are athletes (based on the roster of current cadets provided by VMI). Put another way, if one were to meet an African-American VMI cadet, there would be a 60% chance that cadet is an athlete. Some interviewees have commented that it is difficult to uncouple racial issues from athletics at VMI.

According to a number of alumni, the divide between cadets and athletes stems from the different experiences cadets and athletes undergo. For example, freshman cadets undergo what is known as the “Rat Line” for roughly six months, which is similar to a basic training environment, with upperclassmen as the cadre. (New Cadet Handbook 2020–2021 at 41 (defining the “Rat Line” as “[t]he whole experience of being a rat; also the specific path in barracks which rats must use in

going from one place to another”).) Additionally, cadets of all classes participate in parades, inspections, and other military events during the year. Athletes are excused from many of these events and so do not have to undergo a number of what might be thought of as the more military aspects of VMI. In fact, athletes are often referred to as “permits,” a term that corresponds to a privilege, such as being excused from a duty, and so the term “permits” itself is seen as disparaging. (See New Cadet Handbook 2020–2021 at 41 (defining “permit” in part as a document that “grant[s] approval for exceptions to policies”).)

From the athlete’s perspective, alumni noted that they have to commit significant time to their teams and undergo tough physical training as well. One graduate (11) described an athlete’s day as 0700 formation, breakfast, classes for first part of day, and then around 1700 going to the football field for practice, film, or lifting until 1930. Dinner formation followed at 1930, which meant around 2030 to 2100 it was time to study, and finally going to bed around 2300 to 0100 the next morning.

Numerous alumni noted the cadet-athlete divide, with some commenting on its potential relation to race. For example:

Current cadets or employees

- A current VMI employee noted that athletes do not have to participate in parades.
- A current VMI employee recalled needing to find a particular uniform (a “coatee”) that is used for parades and inspections for an athlete at graduation, which showed the athlete had never done a parade or stood for inspection in four years.
- A current VMI employee noted that some cadets wonder why athletes get a tutor to help them with classes when other cadets do not.
- A current VMI employee said that coaches tell athletes not to be involved in military aspects, which results in athletes being perceived as not involved in the corps of cadets.
- A current VMI employee stated that most of the tension among cadets is really between athletes and non-athletes, not based on race. The school should switch to Division III, because Division I athletics is not compatible with the school’s mission.
- A current VMI employee thought the Division I program should be maintained because it was the only meaningful diversity initiative at VMI.

2010–2013

- A graduate noted that when athletes are disciplined, they get sent to a study hall, in contrast to non-athlete cadets who get penalty marches. This graduate also noted that it is hard for cadets to understand why athletes get out of military activities when cadets are required to support those athletes, such as by attending basketball games, and believed this tension was not based on race.
- A graduate reported that athletes are perceived as thinking they are better than non-athletes, and non-athletes resent that athletes can go to McDonalds while cadets are in the Rat Line.

2006–2009

- A mixed-race graduate thought that athletes did not take the regimental system as seriously and so are resented by other cadets; as a result, the graduate thought that athletes receive stricter scrutiny and are less likely to follow the Honor Code.

1998–2001

- An African-American graduate who was an athlete reported that athletes are perceived to be slacking and only attending VMI for athletics, which implied that they could not get in on academic merit.

1994–1997

- A Caucasian graduate noted that the divide exists, but did not perceive it as having racial undertones.
- An African-American graduate noted that athletes are nicknamed “permits” because of the athletic permits they received and that African-American cadets are often assumed to be athletes and to be attending VMI only to play a sport.

A number of current cadets also explained this dynamic in their free-responses to the survey, and some also suggested that the athletic department, at least under certain coaches, exacerbates the divide between athletes and other cadets through its recruiting process.

Current cadets

- “The issue of race at VMI comes from the athlete to non-athlete relationship at VMI. The majority of black students at VMI are athletes. The mentality of most athletes who are recruited for VMI is that they are coming to VMI to play [Division I] sports, and their primary goal is to be a student athlete. When any athlete comes to

VMI not for the military system, they have a tendency to not fully participate in the system and sometimes actively rebel against it. The issue at VMI is not that of race; [it is] that of athletes and non athletes. It just so happens that most athletes on more ‘rebellious’ teams (football and basketball) are black. When majority black athletes refuse to conform to the military system at VMI, it causes an issue between athletes and non athletes who came to VMI for the military system. When the majority of those athletes are black, it creates unconscious bias within the corps against black cadets, which is the reason for the issues with race at VMI. The issue is that non athletes came to VMI for VMI, and athletes came to VMI for sports, and they just don’t see eye to eye.” [Some punctuation added.]

- “The problem with athletes is that the athletic department is downright untruthful to prospective cadet athletes and tell them that they don’t have to follow our rules because they are athletes which is a borderline malicious lie and creates a divide.”
- “[T]here is a divide in this school. However it is not a race divide but a divide between athletes and non athletes. The athletes do not experience the ratline the way we do, and they get special treatment throughout their cadetship. This leads to them never really becoming a true part of the corp[s] unless they actively seek to do so. The highest concentration of People of color are on NCAA teams. Because of this people often misread a divide or a feeling of being an outsider as being because of [their] race when in fact it is because they are an NCAA athlete.”
- “The issue at VMI is that you have some athletes who come here for the scholarship not knowing what they are getting themselves into. [It’s] not their fault, they aren’t fully informed on what the school is like but they get here and do not respect the rules the school or ratline and this builds resentment against them. Some of these athletes with this attitude are of color and interpret this resentment as racism, it isn’t. It is due to their attitude, or perceived attitude, of believing they are outside the rules.”

This divide was also acknowledged in General Peay’s July 2020 letter, which encouraged NCAA athletes “to take advantage more fully of the numerous opportunities at VMI and to grow beyond the wonderful leadership opportunities they experience on their teams and in competition,” while on the other hand also encouraged the corps of cadets to “more fully understand and appreciate the difficulty of classmates competing at the highest levels in representing their school, while balancing common challenges of priorities, time, and difficult academics.” (Peay Letter at 4 (attached as Exhibit D).) Additionally, MG Wins appears to be addressing this divide by developing a vision of “One VMI” as one of his strategic

goals for VMI. Further, members of the Board of Visitors also acknowledged that many athletes at VMI do not share the same experience as other cadets.

D. Disciplinary systems at VMI

1. Overview of VMI's disciplinary systems

As a military college, VMI has multiple different organizations that play separate, but sometimes overlapping roles. This includes a regimental system, a cadet government that runs the class system, an Honor Court, and oversight by administrators, including the Commandant and Superintendent. These systems fall under different sets of regulations. As explained in a regulation that VMI provided, a series of documents called the “Rainbow Books” codify procedures, regulations, and standards at VMI. (Regulations for VMI at 10 (rev'd 2014).) These five documents are:

- Blue Book – VMI's Cadet Regulations;
- Red Book – The Cadet Regiment's Operating Procedures;
- White Book – The Cadet Government's Operating Procedures;
- Yellow Book – The Operating Procedures for the Rat Line and 4th Class Training; and
- Green Book – The Operating Procedures for the Recreational Activities of Cadet Life Office.

The Team has learned from an alumnus that the “Rainbow Books” also include a “black book” that governs the Honor Court. While the Team has asked for all Honor Court governance documents, the Team has yet not received those documents, and the Team does not believe a “black book” has been produced yet by VMI.

The following provides a brief overview of these systems, to aid in understanding what aspects of cadet life they cover and how different values are enforced through different mechanisms at VMI.

a. The Regimental System

The regimental system administers the military component of VMI and is based on a regular infantry regiment. (New Cadet Handbook 2020–2021 at 17.) The cadet regiment consists of two battalions comprised of five companies each (nine line companies and a band company). The regiment is commanded by the cadet first captain, and the command structure continues from battalion down through companies, platoons, and squads. Cadets apply for leadership positions in the regimental system and are appointed as cadet officers and non-commissioned officers by the Superintendent on the recommendation of the Commandant of Cadets. (Regulations for VMI at 8 (rev'd 2014).)

The regimental system resembles the structure of the military, but appears to have less influence on a cadet's daily life than the cadet government does, because it is the cadet government that administers the class system and the Rat Line.

b. Cadet government, including the class system and the Rat Line

The cadet government is separate from but interacts with the regimental system. The General Committee oversees the cadet government and administers the class system. (New Cadet Handbook 2020–2021 at 17.) Under the class system, each class—the rats, who eventually become the fourth class (freshmen), the third class (sophomores), the second class (juniors) and the first class (seniors)—have different privileges and responsibilities. Unlike the regimental system, where the leaders are appointed by the administration, the General Committee consists of cadets who were elected by their respective classes. (The fourth class elects its officers after the spring furlough.) As a result, some alumni described the positions in the class system as “more prestigious” than those in the regimental system; consistent with this, the VMI administration, when briefing the Special Investigation Team, noted that the class system, through the General Committee, has more authority than the regimental system.

The General Committee authorizes privileges by class. For example, it controls general permits, certain rules governing which uniforms cadets may wear, and privileges such as where cadets may use phones and which sidewalks, sinks, and showers they may use. It also “strictly upholds the standards, traditions, image and welfare of the entire Corps.” (White Book at 2-1.) Its jurisdiction is broad, including punishment for violations of privileges and also VMI regulations, but not including jurisdiction for penalties involving sexual offenses. (White Book at 2-4 & 7-1). As examples of the broad range of conduct it covers, the General Committee polices the following: unauthorized Rat Line activity, improper treatment of another cadet based on race, striking another cadet, failing to pay a debt, leaving the football stadium early, chewing gum in public, and anything that might “discredit[] the Institute.” (White Book at 2-4, 2-5.) The General Committee may award any penalty, other than demerits, with the concurrence of the Assistant Commandant for Cadet Government.

The General Committee has four primary subcommittees: the Officer of the Guard Association, the Cadet Equity Association, the Executive Committee, and the Rat Disciplinary Committee. (White Book (unnumbered second page).)

The Officer of the Guard Association enforces the conduct standards for the corps of cadets, manages the dyke system, and serves as the investigative arm of the General Committee; it is made up of first class privates (i.e., cadets who do not hold leadership positions in the regimental system). (White Book at 10-1.)

The Cadet Equity Association provides education on equity and promotes respect and equitable treatment for cadets. (White Book at 21-1.) It investigates instances of alleged discrimination and harassment (though in instances of sexual assaults, it may be involved in an investigation only at the discretion of the Institute’s Inspector General and Title IX coordinator). (*Id.*)

The Executive Committee handles serious cases of misconduct. (White Book at 2-7.) It is made of the General Committee and the President of the Officer of the Guard Association (and so consists of cadets from the first, second, and third classes). The Assistant Commandant for Cadet Government attends Executive Committee hearings. (*Id.*; see also New Cadet Handbook 2020–2021 at 40.)

The Rat Disciplinary Committee adjudicates violations of rat restrictions, supervises Rat Line events, and assists in the development of rats. It consists of first class cadets and second class cadets, but every cadet has a responsibility to implement the rat system. (White Book at 34-1.)

c. The Honor Court

The Honor Court educates the corps and administers the Honor Code, which states, “A cadet will not lie, cheat, or steal, nor tolerate those who do.” (New Cadet Handbook 2020–2021 at 15.) According to the Honor Code Charter, “[t]he Code is the heart of VMI. It pervades every activity of the Corps—personal, academic, athletic, and military, and presents a rigid standard by which all cadets must live.” Alleged violations of the Honor Code are adjudicated by the Honor Court, which consists of first and second class cadets who are elected by their classmates. As its text shows, the Honor Code is specifically focused on the particular value of honesty, not on other values such as respect for others; it covers only actions that directly involve lying (such as false official statements), cheating (such as in academics), and stealing, and tolerating those behaviors. In other words, instances of racial intolerance, such as the use of a racial slur, that did not involve lying, cheating, stealing, or tolerating appear not to fall within the jurisdiction of the Honor Court. The Team has learned that this is a critical consideration when it comes to the perceptions of VMI’s disciplinary systems (as discussed below).

The VMI Honor Code is known for the fact it has a single sanction for its violation: dismissal from the Institute. Dismissal from VMI occurs via what is called a “drum out” ceremony: at 0330, drums are sounded, members of the Honor Court awaken members of the corps by opening individual cadet doors and instructing them to report to the stoops, and then making the following announcement (with specifics replacing the underlined words) to the gathered corps of cadets:

“Tonight your Honor Court has met and found, Cadet name, initials guilty of number of counts of violation. He/She has placed personal gain above personal honor and has left the Institute in shame. His/Her name shall never be mentioned within the walls of the

Institute again.” [Standing Operating Procedures, Honor Court (Aug. 2017) at 24.]

The Team understands that VMI leadership is considering changing the “drum out” process to exclude the announcement of the cadet’s name.

d. Oversight by VMI administration

The VMI administration oversees each of these disciplinary systems. For example, a cadet cannot be drummed out for an honor violation without the approval of the Superintendent. (Honor Charter 2020–2021.) Similarly, the Assistant Commandant for Cadet Government works with the General Committee, and “[t]he General Committee has the authority to award any penalty it deems necessary, other than demerits, *with the concurrence of the Commandant.*” (White Book at 2-1 (emphasis added).) Further, the Commandant addresses violations of the Blue Book. Additionally, faculty members known as “tactical officers” are assigned to each cadet company and are an administration presence that is regularly in the barracks area.

2. Perceptions within the VMI community of the disciplinary systems

On January 26, 2021, the Special Investigations Team sought records of the various disciplinary systems from VMI, in an effort to evaluate the rates at which different demographic groups are subject to discipline. While the Team has not had time to complete its inventory, it appears that VMI has now, on March 5, responded to these requests and produced the majority of these documents to the Team for review. Despite this delay, the Team has collected a number of observations from interviews that recount the perceptions of the discipline systems as detailed below.

a. Perceptions of the regimental system

At this preliminary stage, few alumni and cadets have commented on issues relating to race or gender with respect to the regimental system; rather, their comments have focused on the class system and the honor system, which are addressed below. But one aspect of the regimental system that has drawn some comments is the topic of racial and gender diversity in leadership positions, including positions in the regimental system.

Some alumni and faculty reported a lack of racial and gender diversity in leadership positions; for example, a recent graduate said most cadet leaders are men. But among current cadets who responded to the survey’s free-response questions, a number of current cadets suggested that they view minority and female cadets as having an advantage in applying for positions within the regimental system.

Current cadets

- “Being a woman and applying for rank increases your chances of getting a position from what I have witnessed.”
- “The only reason I answered [on the survey] that females were not treated equally is that they have a better chance at certain leadership positions than their male counterparts.”
- “I walk around my school wondering if the positions I applied for and [am] qualified for will be in jeopardy simply because it looks better to pick someone of color, due to the current political climate.”
- “As far as leadership positions go, minority and female cadets are encouraged to apply and make the leadership structure more diverse. But those two groups make up a very small portion of our student body as is, and many of the members of those two groups have no interest in leadership positions so they do not apply. We cannot complain about lack of diversity when no attempt is made to hold positions by diverse cadets.”

Along the same lines, a female graduate said that it was not lost on her that she was chosen for a leadership position at the regimental level because she was female, or that her staff also had more minorities than was proportional for the corps.

b. Perceptions of the class system

Perceptions of the class system and the Rat Line vary. Some described the class system as allowing discriminatory treatment of other cadets.

2018–2021

- An African-American graduate reported that loud music would be punished if it were hip hop music, but not if it were country music.

2010–2013

- A Caucasian female graduate compared the Rat Line to the Stanford prison experiment (a famous social-psychology experiment).
- A female graduate said that she was required to do push-ups more frequently than her male classmates and that when male classmates tried to join her (as fellow rats are supposed to), they were not allowed to join her.

1998–2001

- An African-American graduate stated that the class system enables racism and sexism, because it creates a power dynamic to push around minority and female cadets. The lower class has no way to defend against racist or sexist behavior without being punished for being disrespectful.

In contrast, a number of alumni described it as having a leveling effect where all cadets have to endure similar hardships and so come together, viewing themselves as “brother rats,” regardless of race or background. According to some current cadets (whose comments are in quotes) and alumni.

Current cadets

- “I was a female rat and appreciated how the ratline acted as an equalizer. I was expected to perform to the same level as all my BRs [brother rats] and was not targeted or treated differently due to being female.”
- “I personally have a more racially diverse friend group here than I have ever had in my life. I believe that this place gives everyone a level playing field and doesn’t take into account race whatsoever. I believe any act of racism or discrimination at this school is a terrible horrific thing and it should be absolutely dealt with handily. Racism is a direct affront to everything that this school stands for and should not be tolerated. The wonderful thing about VMI is that people here are not White, Black, Hispanic, Asian, or mixed race, we are all Brother Rats.”
- “As a student who has transferred in to VMI, I have seen far more discrimination at my previous University than I have here. VMI brings people from entirely different backgrounds together and shows how at the end of the day it doesn’t matter how rich or poor you are, what the color of your skin is, or what gender you are, all that matters is coming together as a cohesive team.”

2010–2013

- A female graduate described the Rat Line as uneventful.

Pre-1993

- A graduate said that it is a strength of VMI that “anyone who comes there, black or white, rich or poor, is going to be made to do the same stuff—treated equally.”

c. Perceptions of the honor system

In general, alumni and current cadets spoke very highly of the Honor Code and view it as arguably the most important aspect of VMI. But there were a number of different views on how the honor system operates in enforcing the Honor Code.

Some alumni and current cadets believed that the African-American cadets were drummed out at a higher rate than Caucasian cadets. (As noted earlier, the Team has just received documents from VMI that would provide statistics related to cadets of color who went through the Honor Court system but has not yet had a chance to analyze them.) For example:

Current employees

- A VMI employee who has been at the Institute for a number of years said that there was a very disproportionate number of African-American drum outs and thinks that African-American cadets are targeted by the Honor Court.

2018–2021

- An African-American graduate reported that when falsely accused of a General Committee complaint, no action was taken against the cadet's Caucasian accuser, under the Honor Code or otherwise, despite proof the General Committee complaint had been false.

2010–2013

- A graduate who was a cadet captain estimated that 30 drum outs occurred during the graduate's time, that about one-third were cadets of color, and that at least 50% to 60% were athletes. This graduate also believed that women were drummed out at disproportionate rate. These cadets might be subject to higher scrutiny, so were "caught" more. This graduate also noted that the baseball team, which was 80 to 90% Caucasian, had a number drummed out, including a member of the Honor Court.
- A graduate reported that an African-American member of the football team was brought up on charges for cheating, but it came out at the Honor Court trial that a football coach had arranged for the cadet to be brought up on honor charges for cheating so that his scholarship would be available to offer to recruits. With the aid of lawyers representing him at the Honor Court trial, the football player was acquitted. He believes the rule preventing cadets from having counsel at Honor Court trials resulted from this acquittal.

2006–2009

- A female graduate reported that she thought the Honor Court kept individual files on each female cadet.

1998–2001

- An African-American graduate did not trust the honor system because a teammate was accused of cursing at another cadet, brought up on honor when the teammate denied cursing, and drummed out, but everyone on the football team knew the teammate was innocent because they had never heard the cadet curse, even once. And when the teammate was later exonerated by another witness and reinstated by the Board of Visitors, the accuser was not brought up on honor court charges for lying.

1994–1997

- An Asian graduate said that the Honor Court disproportionately sanctioned African-American cadets.
- An African-American graduate said that three of the four cadets who were drummed out during his tenure were African-American.
- A Caucasian former cadet who attended VMI in the 1990s observed that a disproportionate number of African-American cadets and athletes were prosecuted and thought that they were being held to a different standard than a friend of an Honor Court member would be.

In contrast, many alumni and current cadets believed the Honor Court administered the Honor Code fairly and did not discriminate based on race or gender.

Current cadets

- “[The Honor Court] is composed of only the most approachable, honorable, and squared away individuals that the Institute has to offer. I know several Honor Court members personally, and there is no way they are making decisions on who to investigate and drum out on the basis of race.”
- “There are numerous instances where I feel bias was taking place but not in a negative way for that person (i.e., cases being dropped due to the fact that they were a valuable asset on a NCAA team).”

2006–2009

- An African-American graduate reported that fellow cadets of color thought they were being targeted unfairly, but this cadet opined that members of a minority group often feel this way if something happens to one of their members.

1994–1997

- A Caucasian graduate perceived the honor system as applied fairly and impartially to all races.
- A Caucasian graduate said members of the Honor Court were held in high esteem and were very smart and very objective.

Along these lines, a faculty member who participated in honor proceedings for a number of years as a defense advisor did not attribute any unfairness observed to race, ethnicity, or gender and did not think the races of accused cadets were disproportionately cadets of color.

In addition to the above perceptions of fairness in the honor system, interviewees and survey respondents identified additional issues that undermined trust in the Honor Court system.

Several alumni noted past instances where a group of cadets agreed to not apply the non-toleration clause of the Honor Code. According to several alumni and as reported in a cadet newspaper, a group of cadets in the 1990s that called themselves “the good” or the “all-right” club agreed not to report each other’s honor violations. (See, e.g., *The Cadet*, “Honor Regained,” *The Cadet*, vol. 104, issue 21 (Apr. 1, 2011). This group reportedly included a proportionate number of NCAA athletes, and even members of the Honor Court. More recently, a graduate (2010–2013) described instances where a cadet would call a roommate and ask the roommate to mark the cadet’s door card for him when he realized he would not be able to make it back to taps, even though that would “technically” be an honor code violation, but said this could only be done with people known to be “cool.”

Other alumni (from ’01 and ’20) reported instances where money or jewelry were left out to see whether cadets would steal them. And another graduate reported that a professor included an answer sheet in a cadet’s test materials, to see if the cadet would cheat. These instances appear to conflict with the rule that instigation—“[t]hat the accused attempted to influence another cadet to violate his or her honor”—is considered an honor violation. (Honor Court SOP (Aug. 2017) at 128.)

Other alumni raised the issue of cadets being used as “spooks” or “spies” to set up people they did not like. Relatedly, two alumni stated that they or their

roommates were asked to spy on other cadets, and in each instance the spying was directed at an African-American cadet.

The Team is still investigating and evaluating other issues relating to the honor system, including comparing how VMI's honor system compares to the honor systems at other Virginia institutions of higher education and at federal service academies. The Team will also analyze statistical information on Honor Court cases at VMI from 2011 to present.

E. Responsiveness to complaints versus a culture of silence

A number of alumni provided examples where VMI responded to complaints or comments from the community. For example:

2010–2013

- A graduate said that the administration ran a Leadership Focus Group, which consisted of 16 cadets and a faculty member, to receive focus-group like feedback from cadets, including on issues about the class system and the honor system.
- A female graduate said that VMI had available systems for making reports about instances of sexism, including to the General Committee, to the Cadet Equity Association, and to Commandant staff, which would escalate to Superintendent or Title IX investigator.

2006–2009

- An African-American graduate observed that a couple of incidents were reported to the Officer of the Guard Association and escalated where warranted.

1994–1997

- An African-American graduate recounted an incident where another cadet received a letter containing racist slurs; when the administration was notified, it investigated and then called the police.

Despite these examples, some alumni and a number of faculty said that there was a culture of silence and lack of consistency around disciplinary proceedings at VMI.

Current faculty

- A current faculty member said that VMI tries to sweep negative instances under the rug.

- A current faculty member stated that even though the annual climate survey identifies serious issues, the administration does not take responsive actions.
- Another current faculty member said that the faculty is run like a dictatorship and has a culture of retribution.
- A current faculty member explained that while there is a faculty working group on diversity, equity, and inclusion, efforts to put together a forum for talking to cadets about those issues keep getting put on hold.

2018–2021

- A graduate observed many instances of racism that went unaddressed. For example, a rat was brought before the General Committee on a charge of disrespect based on using the n-word; the General Committee transferred the case to the Cadet Equity Association, which held a private proceeding to avoid having the rat labeled as racist. The rat received one demerit, the lowest available penalty.
- An African-American graduate asserted that faculty and staff knew that stuff was wrong but looked away.

1994–1997

- A graduate reported an anecdote about an African-American fourth class cadet being assaulted by four people and said that no one was punished.

F. Leadership, official policies, and training

1. Command climate

In official statements, VMI’s leadership has recently emphasized a desire “to erase any hint of racism at VMI, in our communities, and in our country” and “to challenge the Corps through the class and regimental systems to address unbecoming conduct and racism. (Peay Letter, at 1, 2). VMI has created a diversity, equity, and inclusion committee, is currently searching for a chief diversity officer, and is addressing race and gender issues through its *Vision 2039: Focus on Leadership* plan. And MG Wins has also been focusing on addressing racial issues at VMI, he often repeats the phrase “One VMI.” A number of members of the Board of Visitors expressed the view that this investigation is redundant, because the Board and VMI are already addressing the issues that led to this investigation, via the above-referenced changes and other changes relating to Civil War iconography discussed below.

Multiple interviewees noted that the Commandant sets the tone, which means the tone relating to issues of race and gender may change over time. For example, alumni from the 1970s observed that the Commandant during their cadetships would not tolerate racism of any kind and was adamant about racial equality. Similarly, a graduate from the 2013 class reported that the Commandant at the time made it clear he cared about minority groups at VMI. Others have indicated that the Commandant during their time at VMI was not as adamant or focused on these issues.

2. Treatment of Civil War history

a. Iconography and practices

Another obvious and important aspect of VMI's culture is that it has long focused on events and individuals related to the Civil War. For example, after a graduate donated a statue of LTG Thomas "Stonewall" Jackson to VMI in 1912, at some point a practice arose of requiring fourth class cadets to salute the statue. According to various alumni, while this tradition was in force African-American cadets who refused to salute the statue were given penalty tours. VMI ended this tradition in 2015, and in December 2020 VMI removed Jackson's statute from in front of the barracks, with the intent of moving it to the Virginia Museum of the Civil War.

During the Civil War, VMI cadets fought in the Battle of New Market to fill a gap in Confederate lines. VMI emphasizes to new cadets that "[t]he Battle of New Market marks the only occasion in the history of the nation where an entire student body—the Corps of Cadets—fought in armed conflict." (New Cadet Handbook 2020–2021 at 13.) The current New Cadet Handbook states that the new cadets take the Cadet Oath at the New Market Battlefield State Historical Park. (*Id.*) This statement in the New Cadet Handbook may be out of date, as GEN Peay announced on July 29, 2020, that he was moving the location for the Cadet Oath to an on-post location at VMI. (Peay Letter at 5 (attached as Exhibit D).) He also announced that the celebration of New Market Day on May 15 would be broadened to honor all VMI alumni who have died for their country and that the parade would be retitled as the VMI Memorial Day Parade and held on the parade ground, not on the battlefield.

b. Lee-Jackson parade and Martin Luther King Day

Lee-Jackson Day was a state holiday in Virginia until 2020, when it was replaced by Election Day. Lee-Jackson Day traditionally occurred on the Friday immediately before the Monday federal holiday of Martin Luther King Jr. Day. An African-American cadet ('01) explained that while some cadets perceived Lee-Jackson Day as about culture, duty, and honor, others see it as celebrating the fight to preserve slavery.

At least two recent graduates reported that there were inconsistencies in the way VMI treated the Lee-Jackson Day parade and the parade in honor of Dr. Martin Luther King, Jr. They reported that marchers in the Lee-Jackson Day parade were allowed on post and that cadets were permitted to participate in related activities. But when cadets sought to attend the parade in honor of Dr. King, they were turned down. Similarly, a former faculty member recounted that a few years ago the Promaji Club (a VMI club that supports minority cadets) received a permit to host or attend a Martin Luther King parade on the same day as Lee-Jackson Day. After being awarded the permit, though, VMI leadership informed that club that its members would not be allowed to wear uniforms while marching in the Martin Luther King Jr. parade, but could wear VMI clothing such as sweatshirts. As the date for the parade approached, members of the Promaji Club received anonymous death threats. Then, VMI told the club members that they would not be allowed to stay on post before the parade and that they would not be allowed to wear any school clothing. Further, African-American cadets were told to remain in their rooms on Lee-Jackson Day because of the marchers in the Lee-Jackson Day parade allowed on post that day.

c. Instruction about the Civil War

Some alumni and faculty expressed concern over how cadets are taught about the Civil War. Several alumni (from '01 to '12) reported that VMI teaches only one perspective on the Civil War—that it was not about slavery. Another graduate ('13) described a history class as Confederate apologetics. A current VMI faculty member stated that African-American cadets are regularly subjected to the “Lost Cause” reading of the Civil War.

At present, cadets are not required to take a class on the Civil War. A current cadet noted that cadets would benefit from taking a class on the Civil War, to better understand the forces behind it, but also concluded that it would be very unpopular if the class were made mandatory. GEN Peay’s July 2020 letter suggests VMI may be attempting to address part of this concern, as he indicated that two Virginia history courses—one prior to 1865 and the other 1865 (Reconstruction)—would be “reviewed to ensure that they are taught with the proper context and from multiple perspectives.” (Peay Letter at 3.) GEN Peay also said VMI would be adding a course entitled “the American Civic Experience,” which would “emphasize American history and civics within the context historically of national and world events, the Constitution, the Bill of Rights, and slavery.” (*Id.*) However, some members of the community have criticized GEN Peay’s letter, asserting that some of the statements therein pertaining to the curriculum were incorrect and reflected that leadership at VMI is ill-equipped to combat the problem of racism at VMI.

Other alumni (1994–1997) offered the perspective that the administration did not promote the Confederacy. One graduate (1994–1997) noted that cadets who were “really into the Confederacy” were mocked.

In contrast, though, a current cadet has heard cadets chanting, while drinking shots, “3, 2, 1, the south should’ve won.” Some alumni also observed that some scholarships are awarded by groups that honor the Confederacy, such as the Daughters of the Confederacy.

d. Confederate memorabilia in cadet rooms

Some alumni commented on cadets hanging Confederate flags in their rooms. According to an African-American graduate (1994–1997), cadets were allowed to hang Confederate flags in their rooms; his roommates asked him for permission to hang the flag, and he allowed them. While one graduate (2006–2009) did not see Confederate memorabilia among cadets, a current cadet said that cadets often hang Confederate flags in their rooms, but cadets are not allowed to hang pictures of African-American role models.

3. Policies and training

VMI has a “Discrimination, Harassment, and Sexual Misconduct” policy and a “Retaliation” policy. According to the documents, both policies were implemented on August 14, 2020, presumably replacing older policies. The Discrimination, Harassment, and Sexual Misconduct policy protects individuals on the basis of race, sex, color, national origin, religion, age, veteran status, sexual orientation, pregnancy, genetic information, disability, or any other status protected by law. The policy applies to all VMI cadets, employees, faculty, staff, visitors to Post, and contractors working on Post. Similarly, the Retaliation policy applies to all VMI cadets, employees, faculty, and staff.

The Team is still reviewing policies and training materials, including training that new cadets receive on diversity, equity, and inclusion.

G. Gender issues

While this investigation focuses on various issues related to race at VMI, a number of interviewees have stated that they thought the real issue at VMI is the treatment of women, including incidents of sexual assault, sexual harassment, and other disparate treatment and harassment based on gender. The Team takes reports of sexual assault seriously and with an emphasis on protecting the rights of victims, including confidentiality. Several of the alleged incidents reported below lack some specific identifying information in order to preserve confidentiality.

1. Sexual assault

According to a survey conducted in July 2020 and produced to the Team by VMI (the “Community Attitudes and Experiences Survey”), 8% of female cadets reported that they had experienced some sort of sexual assault. This information is consistent with information that has been reported so far to the Team by female alumnae.

2018–2021

- A female graduate said that lots of sexual assaults occur at VMI.

2010–2013

- A graduate stated that a cadet admitted to committing a sexual assault; he was told to put on civilian clothes and escorted to the police station.
- A female graduate from a class in the early 2010s said she was raped by an administrator while a cadet at VMI. She reported it, but stated that the Commandant’s office did not notify the Title IX coordinator (the Inspector General) or otherwise discipline the perpetrator at the time. Her doctor notified the Inspector General, and the Inspector General found that the sexual assault was substantiated. According to this graduate, the Superintendent rejected the findings, and the perpetrator was allowed to resign.
- A female graduate stated that a cadet stopped her and felt her breasts. She also recounted hearing of a female cadet who graduated in the late 2000s who was raped by a cadet in a position of leadership and did not report the assault; that female cadet was later was appointed to a similar leadership position and believed that she was given this position for having kept the assault quiet.

The incident noted above involving the rape appears to have been part of an investigation by the Department of Education’s Office of Civil Rights, which found that “VMI failed to respond in a prompt and equitable manner to complaints of sexual harassment and sexual assault” and permitted a sexually hostile environment to exist for cadets “that was sufficiently serious as to deny or limit their ability to participate in VMI’s program.” See https://www.insidehighered.com/sites/default/server_files/files/VMI%20letter.pdf.

Several faculty members observed that female cadets need to be allowed to lock their doors in the barracks. They said that current rules allow cadets to lock their doors only if they give a specific reason.

2. Sexual harassment, stalking, and other threats

Several recent alumni (2018–2021) alleged that a member of the Commandant’s staff had repeatedly walked into women’s rooms when they had their shades down, which is a sign that they are in the process of changing. One said that this staff member walked in on her when she was in her underwear and that he also did this to several other female cadets. This occurred particularly in Bravo and Robin companies.

A female graduate (2010–2013) explained that she reported instances of harassment to the Inspector General more than once, but that there was never any follow up. For example, a particular cadet threatened multiple times to kill her and engaged in behavior that suggested the threat was legitimate. She also woke up in the night several times to find him sitting in her room. She believes no action was taken because he was the son of a prominent graduate.

A female graduate ('02, which was the second class in which women were admitted) reported that the second year after the integration for women was awful and that male cadets were committed to driving female cadets to quit, because the press stopped watching after the first year. She recounted that a male cadet peed on a female cadet when she was sleeping, that males in her company defecated in bags and threw the bags into the female cadets' rooms, and that male cadets would go to the rooms of female cadets and pee on their towels. She was pulled out of her bed at night and taken to a dark room where she was questioned about her dating and sexual activity by a member of the Honor Court.

A current female faculty member recounted going to a convention and being assigned to a suite with a male colleague; when the colleague tried to enter her room at night while drunk, she had to put a chair against the door to keep him out. When she reported this incident, it was laughed off.

3. Other harassment and social status

A number of alumni also reported that female cadets are viewed as having a lower social status. Female cadets are sometimes called “she-dets” or “sheeds,” which is understood to be a derogatory term.

A female graduate (2006–2009), said that male cadets expressed hatred and made derogatory remarks; there was even a group called the “Black Hand Society” that was trying to find a way to remove female cadets. Another female cadet from the same year reported being told she did not belong because she was woman. Similarly, a female graduate (2010–2013) thought male alumni perpetuate sexism, such as by wearing t-shirts that say “Save the Males.”

Again, other alumni reported better experiences. A female graduate (2010–2013) said she did not experience any sexism at VMI. And several current cadets reported similar experiences:

Current cadets

- “VMI is not sexist. I am a female and have never once felt like I was being judged for being a female. No one cares that you’re a female, you’re a BR [Brother Rat].”
- “As a Hispanic female at VMI I can confidently say that I have never experienced any racism nor felt at a disadvantage for being a female.

At VMI you are judged by your character and honor, not by your race or the color of your skin.”

H. Overall perceptions from alumni

A common theme that emerged from alumni interviews was that the vast majority of alumni were extremely loyal to VMI, even those who also made detailed, critical remarks about parts of the VMI experience. A common theme was that while a cadet’s time at VMI may not always be enjoyable, most appreciate the experience once it is over. The majority of individuals who have reached out to the team have done so respectfully and politely, with thoughtful comments and insights. Many explained that VMI can implement changes to address problems they saw without losing VMI’s unique and special identity.

IV. Conclusion

The Special Investigation Team continues to review the issues identified through the investigation thus far and will continue to analyze VMI’s culture in light of additional interviews, documentation, survey results, and other information. The final written report will be submitted on or before June 1, 2021.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'Roscoe C. Howard, Jr.', with a long horizontal line extending to the right.

Roscoe C. Howard, Jr.
Christopher J. Bayh
Aaron D. Lindstrom
Kathleen L. Matsoukas
Meena T. Sinfelt
Special Investigation Team
BARNES & THORNBURG LLP

EXHIBIT A

Matsoukas, Kathleen

From: Matsoukas, Kathleen
Sent: Friday, December 4, 2020 4:49 PM
To: jenniferbrooks@schev.edu
Cc: Howard, Roscoe; Martin, Billy; Prince, Skip; dionne.tyus@ey.com; Merkel, Steven
Subject: Thank you from Barnes & Thornburg and E&Y

Jennifer,

On behalf of Roscoe Howard and the entire Barnes & Thornburg and E&Y team, I want to thank you and all of your colleagues at SCHEV for the opportunity to discuss our submission today. We enjoyed meeting each of you virtually and appreciated the ability to tell you a bit more about our team, our proposal, and how we think we could help SCHEV achieve its goals in this matter.

Following our call, we gave some thought to any outstanding questions on our end. One question we would have, if selected as the SIT, would be whether VMI would be willing at the outset to consider amnesty for any honor code violation or other infraction to anyone who spoke with us as part of our investigation. From our experience in other campus inquiries, this is a good tool to address the concern that cadets or other individuals may be hesitant to speak with us, and so we wanted to bring it to your attention.

If you have any additional questions, or if there is any information that we could provide to assist you as you make a determination on this matter, please don't hesitate to reach out.

Best,
Katie

 BARNES & THORNBURG LLP	VCard Bio Dept Info
Kathleen Leicht Matsoukas Partner kmatsoukas@btlaw.com	Phone: 317-231-7332 Fax: 317-231-7433 Mobile: 312-203-8440 Hm office: 317-602-3879
Barnes & Thornburg LLP 11 South Meridian Street Indianapolis, Indiana 46204-3535	www.btlaw.com
ATLANTA CALIFORNIA CHICAGO DELAWARE INDIANA MICHIGAN MINNEAPOLIS NEW YORK OHIO RALEIGH SALT LAKE CITY TEXAS WASHINGTON, D.C.	

Indianapolis City Leader



[Learn more about our COVID-19 Resources](#)

EXHIBIT B

Sinfelt, Meena

From: Bill Boland <popsboland@gmail.com>
Sent: Wednesday, January 27, 2021 12:13 PM
To: Sinfelt, Meena
Cc: VMI-Superintendent; Bayh, Chris; Matsoukas, Kathleen; Erin Ashwell; Deborah A. Love; Cynthia H. Norwood
Subject: [EXTERNAL]Re: Special Investigative Team Interviews at VMI

Meena, thank you for your Jan. 25 email memorializing your understanding of our Jan 21 telephone call. Please allow me to supplement in a very concise manner. I believe that we have a clear understanding of your request and the thinking behind it.

During that call, MG Wins and I discussed that the honor system is cadet run and enforced, that providing a "safe harbor" from honor or disciplinary actions may have the opposite effect of what you desire, and that our alumni would react strongly against anything that remotely resembled amnesty, or words to that effect. As you recognize, our honor code is at the heart of what we do and we go to great lengths to be consistent with its application.

In effort to help, we are willing to have you issue a communication to those involved with regard to your investigation that will say the following:

"VMI pledges and requests all of its family (faculty staff, the Corps of Cadets, alumni and parents of current and former cadets) full disclosure, open reporting, and a full and honest transparency of any events, activities or conduct for the investigation and equity audit being conducted by the Barnes & Thornburg law firm. Such full disclosure and honest transparency is what is required by our honor code.

This investigation is being conducted at the direction of the Governor and is not VMI's investigation. Barnes & Thornburg has pledged to us that the statements made during interviews and other individual identifying data will be fully protected by their law firm and not disclosed to VMI. VMI will not attempt to discern the identity of individuals disclosing relevant data during Barnes & Thornburg's investigation."

Regards.

Bill

On Jan 25, 2021, at 11:17 PM, Sinfelt, Meena <Meena.Sinfelt@btlaw.com> wrote:

Gen. Wins,

I appreciate your and Mr. Boland's taking the time to speak with Chris and me last Thursday (Jan. 21st) about our request related to the interviews of the Cadet Corps. Based on our

conversation, it seemed to us that there was a misunderstanding about what we, as the Special Investigative Team, were asking of VMI. I am writing this email to clear up any such confusion and to memorialize our understanding of that conversation. As we previously mentioned, the Special Investigative Team intends to keep all information obtained from its interviews confidential and will maintain individuals' anonymity when writing our summary memoranda and Report. We will not be using names or any specific identifiers but instead intend to use alpha-numeric identifiers and to aggregate data when reporting on our findings. We take this approach to ensure the integrity of our investigative efforts, and to that end, it is not our intention to divulge to VMI any personally identifying information which the Special Investigative Team obtains.

While we were internally discussing the interviews and our Report write-ups, a concern was raised as to whether VMI would use information contained in the Report (which we understand may be publicly released at some point, but at least shared with VMI) as a foundation for an Honor Court or other disciplinary proceeding against a current cadet. This scenario, of course, is based on the possibility that VMI is somehow able to ascertain the cadet's identity which we will go to great lengths to protect against. Nevertheless, this scenario certainly could occur so we asked you whether we could represent to cadets during our interviews that VMI, specifically General Wins, had assured us that no information obtained from our Report would be used as the foundation for an Honor Court proceeding.

Mr. Boland explained that this would be a huge ask for VMI, and asked for time to confer. We were glad to give you that opportunity. When we reconvened later in the day, you indicated that you could not agree to "suspend the Honor Code" during the pendency of our investigation. While I know that lawyers are known for semantics, I assured you then and I do so now again – we are not requesting that VMI suspend its Honor Code which we know is at the core of life at VMI. We are requesting that VMI not use any information contained in our Report as a basis for Honor Court proceedings or other disciplinary proceedings – from our perspective, these are two very different propositions.

In our many years of experience conducting investigations, providing this assurance to interviewees who may otherwise feel afraid or uncomfortable about coming forward, provides them with the confidence that they might otherwise lack to discuss important but often difficult topics. We believe this to be particularly important as related to a review of an Institution where there have been allegations of disparate treatment based on race. The assurance we would offer (and that we are asking your permission to verbally make) gives the interviewee a sense that he/she will not be penalized for "doing the right thing" but instead be treated equitably and without fear of retaliation. Put another way, we simply recommend that we be permitted to tell cadet interviewees your intention *not* to pursue disciplinary action based on facts learned during our interviews and protect those who act in good faith, by cooperating with our investigation, to move VMI forward when and if change is needed.

We have heard several members of the VMI community state that there is a basic assumption that a cadet will always tell the truth and we believe the implication was that this is true even without the potential for an Honor Court sanction. Indeed, we have heard that VMI strives to train and produce leaders that embody integrity, value hard work and have a sense of fairness. So when Mr. Boland stated that if the Honor Code does not apply or is "suspended," it would be an invitation for cadets to lie and indeed cause cadets to lie, we were confused as to

how Mr. Boland could come to such conclusion. Mr. Boland then equated the Honor Code for cadets to being under oath for witnesses at trial but this also does not make sense to us because it would stand to reason then that the cadets are compelled to tell the truth – not because of their integrity and character but because they are *compelled* to do so out of fear of being prosecuted under the Honor Code.

Ultimately we ended the conversation without agreement but I believe, with more clarity as to each other's position. We do sincerely hope that you understand the Special Investigative Team is not asking VMI to suspend its Honor Code. Likewise, we do acknowledge and respect the importance of the Honor Code and your sensitivity to any outsiders observing our review and the appearance of inconsistently applying the Honor Code.

We appreciate your willingness to consider this issue further and we stand ready to discuss it further if you would like.

Best regards,
Meena

Meena Sinfelt

Partner

Co-Chair, Compliance Practice Group

Barnes & Thornburg LLP

1717 Pennsylvania Avenue NW, Suite 500, Washington, DC 20006-4623

Direct: (202) 371-6368 | Fax: (202) 289-1330

<image001.gif>

Atlanta | California | Chicago | Delaware | Indiana | Michigan | Minneapolis

Ohio | Raleigh | Salt Lake City | Texas | Washington, D.C.

CONFIDENTIALITY NOTICE: This email and any attachments are for the exclusive and confidential use of the intended recipient. If you are not the intended recipient, please do not read, distribute or take action in reliance upon this message. If you have received this in error, please notify us immediately by return email and promptly delete this message and its attachments from your computer system. We do not waive attorney-client or work product privilege by the transmission of this message.

EXHIBIT C

VMI Special Investigative Team
Master Document Request Tracker

Last Updated 3/8/2021

Requested Response									
No.	Request Team	Team POC	Request Date	Document Request	VMI/Eckert POC	Date	Date Rec'd	Bates Nos.	Notes
1	Cadet	N. Brackett	1/26/2021	All documentation relating to Honor Court/Honor Code investigations, proceedings, and punishments for the time period from January 1, 2010 to present, including but not limited to lists of Honor Court members, investigation/case files, notes,	Col. Inman	2/2/2021			
2	Cadet	N. Brackett	1/26/2021	All documents reflecting policies, procedures, and governance documents for VMI's Honor Court from January 1, 2010 to the present. This includes any documents related to VMI's review of the Honor Court system during this time period, and any changes in the Honor Court proceedings, rules, or procedures which have not already been provided.	Col. Inman	2/2/2021	3/5/2021	VMIEA_000040855-41242	
3	Cadet	N. Brackett	1/26/2021	Any other investigative, case or disciplinary records regarding inquiries or proceedings of any other disciplinary body, including without limitation the Cadet Equity Association, the Rat Disciplinary Committee, and the Student Executive Committee, for the timeframe January 1, 2010 to present.	Col. Inman	2/2/2021	2/16/2021	VMIEA_000000877-1099	Add'l responsive documents will be forthcoming from VMI; thus far, VMI has only produced documents that appear to be related to allegations with a racial component
4	Cadet	N. Brackett	1/26/2021	For the timeframe January 1, 2015 to present, membership lists for the Cadet Equity Association	Col. Inman	1/28/2021	2/8/2021	VMIEA_000000001-5	
5	Cadet	N. Brackett	1/26/2021	Any investigative, case or disciplinary records regarding inquiries or proceedings of the Promaji Club, as well as governance documents	Col. Inman	2/2/2021	N/A		Feb. 8th Production corresp. states that no responsive information has been located yet.

VMI Special Investigative Team
Master Document Request Tracker

Last Updated 3/8/2021

Requested Response									
No.	Request Team	Team POC	Request Date	Document Request	VMI/Eckert POC	Date	Date Rec'd	Bates Nos.	Notes
6	Cadet	N. Brackett	1/26/2021	For the timeframe January 1, 2015 to present, membership lists for the Promaji Club	Col. Inman	1/28/2021	2/8/2021; 02/19/2021	VMIEA_0000000100-131; VMIEA_0000007676-7677	Supplementing previous production with most current membership list. Note: still missing 2015-2018 membership lists
7	Cadet	N. Brackett	1/26/2021	Records relating to the Cadet-Superintendent's Advisory Board, including membership lists and governance documents, for the timeframe January	Col. Inman	2/2/2021	2/8/2021	VMIEA_0000000297-496	
8	Cadet	N. Brackett	1/26/2021	Records relating to the Cadet Experiential Leadership Program, including membership lists and governance documents, for the timeframe January 1, 2015 to present.	Col. Inman	1/28/2021	2/8/2021	VMIEA_0000000497-532	VMI indicated it did not find "membership lists or governance documents; was the same presentation provided for all 5 years, have only received most recent presentation so far

**VMI Special Investigative Team
Master Document Request Tracker**

Last Updated 3/8/2021

Requested Response									
No.	Request Team	Team POC	Request Date	Document Request	VMI/Eckert POC	Date	Date Rec'd	Bates Nos.	Notes
9	Cadet	N. Brackett	1/26/2021	Records relating to the "Rat Disciplinary Committee," including membership lists and governance documents, how members are selected, and procedural protocols for the timeframe January 1, 2015 to present.	Col. Inman	2/2/2021	2/8/2021	VMIEA_0000000132-296	Missing Committee information for 2020-2021 year
10	Core	K. Matsoukas	1/26/2021	The assessment authored by General Wins and presented to the Board of Visitors on January 29,	Col. Inman	2/2/2021			
11	Cadet	N. Brackett	1/26/2021	Listing of all cadets, and associated documents (not previously produced), who have been disciplined, suspended or expelled since January 1, 2015.	Col. Inman	2/2/2021	2/8/2021; 02/26/2021	VMIEA_000000082-83; VMIEA_000000099; VMIEA_0000031793-32134; VMIEA_000009256-9262; VMIEA_000009573-10189	This production of responsive documents will be supplemented with additional documents in the future. VMI is providing these documents in PDF and native Excel format if applicable.
12	Core	K. Matsoukas	1/26/2021	Documents relating to actions taken by VMI to respond to allegations of racial inequality, including those that led to this Investigation, to the extent not already provided. This includes, for example, recordings of town halls, listening sessions and memoranda or assessments prepared by the	Col. Inman	2/8/2021			

VMI Special Investigative Team
Master Document Request Tracker

Last Updated 3/8/2021

Request				Requested Response					
No.	Team	Team POC	Request Date	Document Request	VMI/Eckert POC Date	Date Rec'd	Bates Nos.	Notes	
13	Core	K. Matsoukas	1/26/2021	Correspondence from received by the school relating to issues of racial injustice and/or requests for new policies or procedures relating to diversity,	Col. Inman	2/8/2021			
14	Core	K. Matsoukas	1/26/2021	Documents (including email correspondence)/information relating to monuments or statues on campus, including those that have been removed or the subject of controversy or requests for removal, and the work	Col. Inman	2/8/2021	3/5/2021	VMIEA_000040697-40787	
15	Alumni	J. Lindemann	1/26/2021	Alumni association membership records/listings for 2020 and 2021	Col. Inman	2/2/2021			PRIORITY REQUEST; Request will not be fulfilled per counsel for VMI Alumni Associations
16	Core	K. Matsoukas	1/26/2021	Demographic and contact information for current students (with race/ethnicity, if known).	Col. Inman	2/2/2021	2/16/2021	VMIEA_000000533-728	VMI has produced in PDF and native excel format
17	Core	K. Matsoukas	1/26/2021	Listing of current faculty and administration (including, title, contact information, hire date, and race/ethnicity, if known).	Col. Inman	2/2/2021	2/8/2021	VMIEA_0000000006; VMIEA_0000000081	produced in PDF and native format
18	Core	J. Lindemann	2/5/2021	Please provide the URL to any alumni message boards or social media pages that VMI monitors or	B. Beliles	2/15/2021			
19	Core	J. Lindemann	2/5/2021	Provide any correspondence, announcements, working papers, or other documents related to any alumni initiatives related to racial justice for the timeframe January 1, 2015 to present.	B. Beliles	2/15/2021			

**VMI Special Investigative Team
Master Document Request Tracker**

Last Updated 3/8/2021

Requested Response									
No.	Request Team	Team POC	Request Date	Document Request	VMI/Eckert POC Date	Date Rec'd	Bates Nos.	Notes	
21	Alumni	J. Lindemann	2/5/2021	For the time period covering January 1, 2015 to present, produce any records relating to reports or complaints received by alumni related to racial justice or allegations of racial discrimination.	B. Beliles	2/15/2021			
22	Cadet	N. Brackett	2/5/2021	For the time period covering January 1, 2015 to present, a list of cadets by year, including ethnic background, city and state of residence, and contact information.	B. Beliles	2/15/2021	2/16/2021; 02/19/2021	VMIEA_00000533-728; VMIEA_000007257-7295 VMI has produced in PDF and native excel format	
23	Cadet, Alumni, Admin & Faculty	E. Segun	2/5/2021	Email listserves or contact lists for all current cadets, faculty, and administration (for purposes of distributing survey and contact information for investigative team).	B. Beliles	2/15/2021	2/19/2021	VMIEA_000007296-7655 Listserv for cadets for purposes of email distribution; VMI has produced in PDF and native excel format	
24	Core	K. Matsoukas	2/5/2021	Discrimination, Harassment and Sexual Misconduct Policies in place beginning January 1, 2015 to present.	B. Beliles	2/15/2021	2/16/2021	VMIEA_000001102-1279 Note: appear to be missing presentation for 2017	
25	Core	K. Matsoukas	2/5/2021	All Statements on Equity issued or in place beginning January 1, 2015 to present.	B. Beliles	2/15/2021	2/16/2021	VMIEA_000001100-1101	
26	Core	K. Matsoukas	2/5/2021	Misconduct Policies issued or in place beginning January 1, 2015 to present.	B. Beliles	2/15/2021	2/16/2021	VMIEA_000001457-2539	
27	Core	K. Matsoukas	2/5/2021	Retaliation Policies issued or in place beginning January 1, 2015 to present.	B. Beliles	2/15/2021	2/16/2021	VMIEA_000001129-1281 Appears to be missing policy for 2017	

**VMI Special Investigative Team
Master Document Request Tracker**

Last Updated 3/8/2021

Requested Response									
Request No.	Team	Team POC	Request Date	Document Request	VMI/Eckert POC Date	Date Rec'd	Bates Nos.	Notes	
28	Core	K. Matsoukas	2/5/2021	Matriculation Day Brochures issued or in place beginning January 1, 2015 to present.	B. Beliles	2/15/2021	2/16/2021	VMIEA_000001282-1293	
29	Cadet	N. Brackett	2/5/2021	Admissions and financial aid policies issued or in place beginning January 1, 2015 to present.	B. Beliles	2/15/2021	2/16/2021	VMIEA_000001294-1456	VMI has only produced a presentation for the most recent year. Are there any presentations related to this topic for the years 2105-2019?
30	Cadet	N. Brackett	2/5/2021	Documents showing graduation and retention rates for each of the years from 2015 to present (with race/ethnicity/gender, if known).	B. Beliles	2/15/2021	2/19/2021	VMIEA_000007678-7773	VMI has produced in PDF and native excel format
31	Cadet	N. Brackett	2/5/2021	List of clubs/student organizations at VMI for the timeframe January 1, 2015 to present.	B. Beliles	2/15/2021	2/19/2021	VMIEA_000007250-7671	VMI has produced in PDF and native excel format
32	Cadet, Alumni, Admin & Faculty	N. Brackett	2/5/2021	List of all men's and women's sports teams, with rosters, for the timeframe January 1, 2015 to present.	B. Beliles	2/15/2021	2/16/2021	VMIEA_000000741-850	
33	Admin & Faculty	A. Hughes	2/5/2021	List of all employees in the athletic department, including coaches and those responsible for	B. Beliles	2/15/2021	2/16/2021	VMIEA_000000729-733	
34	Admin & Faculty	A. Hughes	2/5/2021	Athletic recruitment policies and procedures, including any documents related to the recruitment of people of color, for the timeframe January 1,	B. Beliles	2/15/2021	2/16/2021	VMIEA_000000734-740	

VMI Special Investigative Team
Master Document Request Tracker

Last Updated 3/8/2021

Request						Requested Response			
No.	Team	Team POC	Request Date	Document Request	VMI/Eckert POC Date	Date Rec'd	Bates Nos.	Notes	
35	Cadet, Alumni, Admin & Faculty	N. Brackett	2/5/2021	Records relating to reports and complaints, including anonymous reports, and related documents submitted by anyone related to discrimination, race, ethnicity, religion, bullying, harassment, and/or civil rights. This includes but is not limited to all posts to the "Issues and Concerns" webpage and all "Anonymous Crime Reports" since	B. Beliles	2/15/2021	3/5/2021	VMIEA_000041319-41325	
36	Core	K. Matsoukas	2/5/2021	List of all internal or external investigations conducted since January 1, 2015, including all summaries, findings and notes related to those	B. Beliles	2/15/2021			
37	Cadet	N. Brackett	2/5/2021	Documents related to student boycott of Vice President Pence's visit.	B. Beliles	2/15/2021			
38	Admin & Faculty	A. Hughes	2/5/2021	List and associated documents for all Faculty and Administration members who have been investigated, disciplined, suspended or terminated	B. Beliles	2/15/2021			
39	Admin & Faculty	A. Hughes	2/5/2021	All VMI internal policies related to Faculty and Administration hiring, retention, and termination issued or in place beginning January 1, 2015 to present.	B. Beliles	2/15/2021	2/26/201	VMIEA_0000031459-314462; VMIEA_0000009262-9572; VMIEA_0000031791-31792; VMIEA_0000032726-32729	Production is missing Faculty Handbook for several of the requested years
40	Admin & Faculty	A. Hughes	2/5/2021	All VMI files sufficient to show instances of formal or informal complaints or discipline and punishment proceedings against Faculty and Administration beginning January 1, 2015 to	B. Beliles	2/15/2021			
41	Admin & Faculty	A. Hughes	2/5/2021	VMI's internal Faculty and Administration hiring, compensation, and promotion data, including policy on tenure beginning January 1, 2015 to	B. Beliles	2/15/2021			

VMI Special Investigative Team
Master Document Request Tracker

Last Updated 3/8/2021

Request No.	Request Team	Team POC	Request Date	Document Request	VMI/Eckert POC Date	Requested Response		Bates Nos.	Notes
						Date Rec'd			
42	Core	K. Matsoukas	2/5/2021	VMI records to show disbursement of state funds across departments, divisions, campus organizations, or other institutional entities beginning January 1, 2015 to present.	B. Beliles	2/15/2021	2/26/2021	VMIEA_000008334-9255; VMIEA_0000032135-32725	
43	Admin & Faculty	A. Hughes	2/5/2021	Records reflecting existence and employee membership of any faculty or administration groups such as a Teacher's Union, beginning January 1, 2015 to present.	B. Beliles	2/15/2021	2/19/2021; 2/26/2021	VMIEA_000007672-7675; VMIEA_0000031463-31790	VMI has produced in PDF and native excel format
44	Core	C. Bayh	2/5/2021	For fiscal years 2015 to 2021, please provide VMI's: financial statements (including balance sheets, income statements, statements of cash flows)	B. Beliles	2/15/2021	2/26/2021	VMIEA_0000031463-31790	modified as of 2/15/2015; VMI provided in PDF and native Excel format
45	Core	C. Bayh	2/5/2021	PowerPoint slide deck from Jan. 28 VMI presentation.	B. Beliles	2/15/2021	2/16/2021	VMIEA_000000850-876	
46	Core	D. Frazee	2/5/2021	Please provide a listing of VMI's and its affiliates, including boosters and fund raising entities, bank accounts for the years 2015-2021; (this includes providing the VMI entity or affiliate name listed on the account, name of the bank, the associated bank account number, the date the account was opened and, if applicable, the date the account was closed.)	B. Beliles	2/15/2021			modified as of 2/12/2021
47	Core	D. Frazee	2/5/2021	Please provide a list of all state funds received each fiscal year from 2015-2021, including the name associated with the source of the funds, the bank account listed in request #46 associated with receiving the funds, the amount of funds received, and whether any of the funds are restricted assets	B. Beliles	2/15/2021			

**VMI Special Investigative Team
Master Document Request Tracker**

Last Updated 3/8/2021

Requested Response									
No.	Request Team	Team POC	Request Date	Document Request	VMI/Eckert POC Date	Date Rec'd	Bates Nos.	Notes	
48	Core	D. Frazee	2/5/2021	To the extent not provided in response to request #44, please provide a comparison of academic vs. instructional spending for the fiscal years 2015-	B. Beliles	2/15/2021			modified as of 2/12/2021
49	Core	D. Frazee	2/5/2021	To the extent not provided in response to request #44, for 2015-2021, provide VMI's and any affiliate, including boosters and fund raising entities, annual general accounting ledgers, including any "key" associated with the accounts or categories listed in	B. Beliles	2/15/2021			
50	Survey	D. Stolle	2/5/2021	All distribution lists or mailing lists maintained by Assessment and Institutional Research for the purpose of conducting surveys of cadets, alumni, faculty, staff, and employees.	B. Beliles	2/8/2021			PRIORITY REQUEST; Request will not be fulfilled. VMI provided email addresses for cadets, faculty and staff for the launch of the survey. VMI Alumni Associations are working out a separate method of distribution with the Special Investigation Team.

VMI Special Investigative Team
Master Document Request Tracker

Last Updated 3/8/2021

Requested Response									
No.	Request Team	Team POC	Request Date	Document Request	VMI/Eckert POC	Date	Date Rec'd	Bates Nos.	Notes
52	Survey	D. Stolle	2/5/2021	The distribution lists or mailing lists used for the most recent administrations of each of the following surveys: the Cadet Services Survey, the First Class Cadet Survey, the Community Attitudes and Experiences Survey, the Rat Challenge Survey, the Employee Survey, the Alumni Survey, and the National Survey of Student Engagement.	B. Beliles	2/8/2021			PRIORITY REQUEST; Request will not be fulfilled. VMI provided email addresses for cadets, faculty and staff for the launch of the survey. VMI Alumni Associations are working out a separate method of distribution with the Special Investigation Team.
53	Survey	D. Stolle	2/5/2021	Each and every version of the Cadet Services Survey instrument, the First Class Cadet Survey instrument, the Community Attitudes and Experiences Survey instrument, and the Rat Challenge Survey instrument administered within the last five years, with an indication of the date of	B. Beliles	2/15/2021			
54	Survey	D. Stolle	2/5/2021	All technical manuals, data code books, and/or scoring guidelines for any and all versions of the Cadet Services Survey instrument, the First Class Cadet Survey instrument, the Community Attitudes and Experiences Survey instrument, and the Rat Challenge Survey instrument administered within	B. Beliles	2/15/2021			

VMI Special Investigative Team
Master Document Request Tracker

Last Updated 3/8/2021

							Requested Response			
Request No.	Request Team	Team POC	Request Date	Document Request	VMI/Eckert POC Date	Date Rec'd	Bates Nos.	Notes		
55	Survey	D. Stolle	2/5/2021	All reports, including but not limited to PowerPoint presentations, of the results of any and all versions of the Cadet Services Survey, the First Class Cadet Survey, the Community Attitudes and Experiences Survey, and the Rat Challenge Survey administered	B. Beliles	2/15/2021				
56	Survey	D. Stolle	2/5/2021	Each and every version of the Alumni Survey instrument administered within the last ten years, with an indication of the date of administration.	B. Beliles	2/15/2021				
57	Survey	D. Stolle	2/5/2021	All reports, including but not limited to PowerPoint presentations, of the results of any and all versions of the Alumni Survey instrument administered within the last ten years.	B. Beliles	2/15/2021				
58	Survey	D. Stolle	2/5/2021	Each and every version, including any optional or specialized modules, of the National Survey of Student Engagement instrument administered within the last ten years, with an indication of the	B. Beliles	2/15/2021				
59	Survey	D. Stolle	2/5/2021	All technical manuals, data code books, and/or scoring guidelines for any and all versions of the National Survey of Student Engagement instrument administered within the last ten years.	B. Beliles	2/15/2021				
60	Survey	D. Stolle	2/5/2021	All reports, including but not limited to PowerPoint presentations, of the results of any and all versions of the National Survey of Student Engagement instrument administered within the last ten years.	B. Beliles	2/15/2021				
61	Survey	D. Stolle	2/5/2021	All benchmarking data received from or given to NSSE within the last ten years.	B. Beliles	2/15/2021				

**VMI Special Investigative Team
Master Document Request Tracker**

Last Updated 3/8/2021

Requested Response								
No.	Request Team	Team POC	Request Date	Document Request	VMI/Eckert POC Date	Date Rec'd	Bates Nos.	Notes
62	Financial	D. Frazee	2/16/2021	For Fiscal Years 2015-2021, breakdown/allocation of funds by departments/divisions/campus organizations/other institutional entities for following funding sources: a. Federal funds b. State funds c. Local funds d. Private funds e. Tuition and fees f. Other sources	B. Beliles	3/2/2021		Special Investigation Team asks to speak to VMI regarding this request to ensure appropriate scope.
63	Financial	D. Frazee	2/16/2021	CARES Act/HEERF funding details including amounts distributed to cadets	B. Beliles	3/2/2021		
64	Financial	D. Frazee	2/16/2021	List of donors and gifts received (including dates and amounts) for fiscal years 2015-2021	B. Beliles	3/2/2021		
65	Financial	D.Frazee	2/16/2021	For fiscal years 2015 to 2021, please provide VMI's: a) detailed annual budgets; b) summary annual budgets	B. Beliles	3/2/2021		previously part of Request #44, modified as of 2/15/2021
66	Cadet	N. Brackett	2/24/2021	All VMI Yearbooks from 2015 to present.	B. Beliles	3/2/2021		
67	Cadet	N. Brackett	2/24/2021	All "Rat Bibles" from 2015 to present.	B. Beliles	3/2/2021	2/26/2021	VMIEA_0000007774-8333 Missing 2015 and 2016
68	Cadet	N. Brackett	2/24/2021	Emails distributed to cadets regarding the outcome of Honor Court proceedings from 2015 to present.	B. Beliles	3/2/2021	3/5/2021	VMIEA_000040825-40854
69	Cadet	N. Brackett	2/24/2021	List of student athletes at VMI, including any scholarships received by these athletes from 2015 to present.	B. Beliles	3/4/2021	03/05/2021	VMIEA_000040788-40824 VMI has produced in PDF and native excel format, if applicable

VMI Special Investigative Team
Master Document Request Tracker

Last Updated 3/8/2021

							Requested Response		
No.	Request Team	Team POC	Request Date	Document Request	VMI/Eckert POC	Date	Date Rec'd	Bates Nos.	Notes
70	Cadet	N. Brackett	2/24/2021	List of internal and third-party scholarships available to incoming rats and/or cadets, the guidelines for applying for these scholarships, and the evaluation methods, if any, for determining the scholarship recipients from 2015 to present.	B. Beliles	3/4/2021			
71	Cadet	N. Brackett	2/24/2021	List of all disciplinary bodies as well as a list of the current members of the disciplinary bodies, including, but not limited to the OGA, the GC, the CEA, and the RDC. We believe we have already received the list of the members of the CEA and the	B. Beliles	3/4/2021			
N/A	Cadet	N/A	N/A	Cadet permit data as requested in phone call with VMI Counsel	Eckert	N/A	3/5/2021	VMIEA_000041243-41318	
		Means request has been fulfilled, withdrawn or the Special Investigation Team has information that the request will not likely be fulfilled							

EXHIBIT D

VIRGINIA MILITARY INSTITUTE

LEXINGTON, VIRGINIA 24450-0304

29 July 2020

Members of the VMI Corps of Cadets, Faculty and Staff, and the Classified Team, Alumni, VMI Agencies, George C. Marshall Foundation, and Friends of the Institute:

On 4 June 2020, I wrote to you reaffirming our dedication to our mission to: "...prepare all of our graduates for that mantle of leadership to affect appropriate change in our communities, eradicate racism, defend our nation, and lead the best institutions of business, medicine, law, politics, military, education and many others, while most importantly, providing principled leadership to our families." The principles on which VMI has stood – fairness, honor, integrity, respect, civility, and accountability - continue to be the backbone of who we are. We strive to advance these traits in society and correct inequalities that we see occur.

We are living in a unique time in the history of our country that has undoubtedly affected each of us in different ways. First and foremost, I believe we all agree we want to erase any hint of racism at VMI, in our communities, and in our country. It is also very clear that the VMI community consists of passionate individuals with deeply held beliefs. We have spent considerable waking hours trying to make sense of the turmoil and pain we have seen nationally. Many of you across the spectrum of our graduates have personally contacted me and expressed how this affects the operations of VMI today and concerns for the future. For weeks, I have listened carefully and contemplated your correspondence and will continue to do so. Some of our African American cadets and alumni have expressed that parts of the VMI experience did not live up to the standards that it should have, and I am committed to addressing and fixing any areas of racial inequality at our school.

The invaluable discussions I have had with many of you have caused me to reflect on the challenges and resiliency seen throughout the history of the Institute. VMI's early history was steeped in southern heritage, the Civil War, and the Battle of New Market. Our school's history has been intertwined with the history of Virginia and the Civil War. Unlike many communities who are grappling with icons of the past, VMI has direct ties to many of the historical figures that are the subject of the current unrest. Stonewall Jackson was a professor at VMI, a West Point graduate who served in combat in the Mexican War, a military genius, a staunch Christian, and yes, a Confederate General. Throughout the years, the primary focus on honoring VMI's history has been to celebrate principles of honor, integrity, character, courage, service, and selflessness of those associated with the Institute. It is not to in anyway condone racism, much less slavery.

Over VMI's nearly 200-year history, it has undergone many changes for the better and it will continue to change. Today this national treasure we know as VMI enjoys a splendid national reputation among our country's many colleges, and particularly in our armed forces as an institution with a proven and hard-earned record of producing educated, honorable citizens who are prepared to serve our communities, states, and country in times of peace and war. The VMI experience, which humbles all cadets who enter its gates and places each on a level playing field, overall has been advantageous to all alumni. From the time that African Americans first matriculated in 1968, they have excelled academically, athletically, and in leadership positions in both the regimental and class systems. They have been class officers dating back to the 1970s, Honor Court presidents, Regimental Commanders, a Rhodes Scholar, and in 2019 a female Fulbright Scholar. African Americans have served on the Board of Visitors and the boards of the Alumni Association, Foundation, and Keydet Club. As graduates, they have been extremely successful in every walk of life, rising to the highest ranks of the military and the board room. Their contributions to the communities, our nation, and to VMI are profound; and, their bond with the VMI experience has been extremely important to their success as it is with all VMI alumni. We are proud of them. The VMI experience works for everyone, regardless of race, because it is founded on the base of equality. We universally agree that the cadetship is not easy for anyone, but we are committed to an experience that is staunchly equal and fair for everyone who chooses to pursue it. We focus on providing the very best undergraduate education with personalized attention to each of our cadets. Cadets arrive this year representing nearly every state in the union and from foreign countries...and will graduate ready to contribute to society.

Our current strategic master plan is called "Vision 2039: Focus on Leadership". The plan, originally implemented in 2003, centers on improving the academic, military, and athletic programs and building the infrastructure necessary to the development of leaders and environment in which it takes place. To date, we have made enormous progress in meeting the objectives of Vision 2039 and impacting in a positive manner the culture in the Corps. However, we realize that leadership is more than a skill or simply improving the infrastructure of the Institute. Leadership has moral and ethical dimensions that are directly related to a cadet's character. Our goal has been and still is to develop cadets with the highest standards of honor, respect, civility, self-discipline, and professionalism. If we stay focused on this vision and our mission, then we will be ready to face and improve our weaknesses, including any discrimination and inequality that may exist. As a unique institution of higher education in America with a mission unlike any other, we have the ability to build on the close relationships of Brother Rats, Class and Regimental systems, teammates, a superb, caring faculty and staff, and on the work of our loyal alumni. We will continue to challenge the Corps through the class and regimental systems to address unbecoming conduct and racism. The Corps working with the administration, will effect change and improvement as we have done to enhance the overall culture and professionalism of the Corps..., an on-going effort since my arrival at VMI some seventeen years ago. I have great faith in the Corps of Cadets, as over the years I have watched them successfully confront difficult and sensitive issues...and make us all so proud in so doing.

While I will continue to listen intently to your input, it is time to implement an action plan that moves us forward. We will take heart during this defining moment and do what is right through our actions, while remaining grounded in our principles. Each of us in the VMI community is part of this team and has an important role to play. Implementation will require us all to recognize and accept the theme of “commonality of purpose”. We are striving to make VMI a better place not only for the current Corps and our faculty and staff, but also for generations to come.

The overarching goal of this plan is fourfold: (1) to retain the foundation of values and principles set in the Institute’s early years; however, we will shift the emphasis and celebrations to our remarkable history of our second century; (2) enhance recruiting, especially among marginalized youth, and meet the need for a more diverse faculty and staff; (3) provide greater leadership education for our cadets and thus a civil and respected environment on post, with cadets well prepared for leadership roles after graduation; and (4) provide greater access to our alumni network for all graduates. The following proposed plan includes a series of five pillars to guide our community. These pillars “operationalize in parallel and in time” to build a better future, with actions executed *prior* to one’s cadetship, *during* their cadetship, and actions *continuing* upon graduation. This is the outline of a plan, which will evolve and mature over time.

The **First Pillar** is **Education**, which will emphasize American history and civics within the context historically of national and world events, the Constitution, the Bill of Rights, and slavery. Every member of the Corps of Cadets will take the “American Civic Experience.” This required second year course (3rd Class Year) has been under development for the past 3 years and will be piloted for the first time in the fall of 2020. We anticipate hiring a respected scholar to occupy a new academic chair that will further the development of this curriculum. The new course will also provide the framework for advanced elective courses offered on the African American Experience, 19th Century South Africa, and Africa in Pre- and Modern Times. This fall will also see a massive redesign to our required LEAD 344 (formerly PS 344) Leadership in Organizations course to reflect a broader interdisciplinary approach with focus on interaction between leaders, followers, and the situational context of the leadership process. Clearly, these academic courses, under the direction of our Dean, will be broadening and helpful to our process. Finally, the two Virginia History Courses – prior to 1865 and 1865 (Reconstruction) to present - will be reviewed to ensure that they are taught with the proper context and from multiple perspectives. Our ROTC programs similarly provide advanced leadership classes and diversity instruction. The faculty and Academic Board are principal players in this pillar’s success.

Complementing this academic instruction, the VMI Commandant, the Inspector General and the Title IX team, along with Corps leaders, will present classes in diversity training, which mirror the mandatory and very successful Title IX training that has matured this past decade. While the Superintendent retains the title of Chief Diversity Officer as a function of command

and a reflection of its importance, the VMI Chief of Staff is the key executive with the assistance of the Inspector General and his staff in executing this function and reporting directly to the Superintendent. An avenue will be provided to learn more about how we can all be aware and treat each other with dignity and respect regardless of our beliefs and heritage. While this has always been our goal at VMI, the additional focus will serve as a reminder and provide practical training. Our engaged faculty and staff advisors are key mentors to this process and outcome.

The **Second Pillar** is the **VMI Corps of Cadets**...and their actions to capitalize on the various systems that are a centerpiece of the cadet experience. These systems are well known to our cadets and alumni: the Honor Court, the General Committee, the Class System, and the Regimental system. I have often said that the Barracks is a leadership laboratory, where we “clash” the regimental and class systems in an approach like no other. Peer leadership, the hardest of all, is formed and advanced. Cadets are taught to speak up when something is wrong and have the courage to enforce the rules. Fairness, civility, and respect for all are built into these systems. With the integration of women at VMI, we formed the Cadet Equity Association to work through issues involving discrimination and the most sensitive investigations; it reports to the General Committee with oversight by the Commandant’s Office for Cadet Government. This organization, along with the Officer of the Guard Association, has proven most effective. The Promaji Club, with faculty advisor guidance, will more closely coordinate with the Commandant and the VMI Chief of Staff on concerns and issues across the Institute from their perspective. Cadets are provided the opportunities throughout their cadetship to discuss challenging issues, teach one another, practice the art of listening, and ultimately lead a diverse group of people.

“Accountability” is key to this process and must be practiced by every cadet. I have seen first-hand the Corps’ ability to face tough discriminatory issues in the past and make corrections. This aspect will be reinforced by the VMI leadership, properly investigated and adjudicated. We will encourage members of the Corps of Cadets, particularly our NCAA athletes, to take advantage more fully of the numerous opportunities at VMI and to grow beyond the wonderful leadership opportunities they experience on their teams and in competition. Similarly, the Corps must more fully understand and appreciate the difficulty of classmates competing at the highest levels in representing their school, while balancing common challenges of priorities, time, and difficult academics. We will assign cadet athletes throughout the cadet companies to expand influence and perspective. Barracks rooms will include athletes and non-athletes. Dyke assignments will be similarly made. Additionally, we have the Cadet Oath, the Code of a Cadet, and our Honor Code. The three are perfect standards for life, which will be emphasized by the Corps leadership this fall.

The **Third Pillar** is to **Promote Increased Commissioning** in the armed services, especially with duty in the National Guard or Reserves. The military is one of the most diverse organizations in the nation representing all races and genders. Neither today’s military nor VMI have any tolerance for racism or insensitivity towards anyone. Our commissioned officers must and will be prepared to lead a diverse team. Their leadership experience must be based on mutual

respect and civility and VMI must ready them for this calling. Growth in reserve commissioning will place more cadets in military training for a short period with others from around the country...West Coast to East Coast and virtually every state in-between. The military focuses on working as a team to accomplish a common mission, which promotes individual growth and a maturing process, which will enhance Corps unity. Since 2003, when the commissioning rates began increasing at VMI, we have noticed a positive impact on the culture and professionalism of the Corps as cadets returned from ROTC summer camp experiences. The military training not only helps cadets see the effectiveness of diversity in action, but it also provides cadets with experience that will help them as they transition into civilian life with greater leadership responsibilities beyond their very short reserve military service.

The **Fourth Pillar** in the plan is to address **VMI Symbology**. VMI has, because of its unique role as a combat unit at the Battle of New Market, focused on our Civil War history at the expense of other times and events. As Mr. William Boland, President, VMI Board of Visitors, and I stated in our joint 12 September 2017 statement, "As the oldest state supported military college in the nation and a national historic landmark, VMI has produced leaders that fought in the Civil War, Mexican-American War, Spanish American War, World War I, defeated fascism in World War II, marched for civil rights in the '60's, fought in Korea, Vietnam and the Gulf, and has seen its alumni as the best of leaders across the national spectrum of industry, medicine, the law, politics, religion and business. Like the United States itself, who we were in the past only defines in part who we are today. Hate, bigotry and discrimination are wrong, do not represent the values of the Virginia Military Institute, and will always be addressed decisively. We will learn from the past and take the best from our predecessors in shaping our cadet citizen-soldiers for today and tomorrow."

As such, we will make several changes to include and highlight more of the Institute's history. The tall and massive parade ground flagpoles will be re-centered on New Barracks; this will change the symbolic focus from General Jackson and Old Barracks, and signals VMI's move to the future. Several years ago, we terminated saluting Jackson and Lee and this seems an appropriate transition that is also a better fit aesthetically with the addition of 3rd Barracks. Cadets will continue to enter and exit through Jackson Arch with frequency, checking guard team directions and activities associated with the Office of the Commandant at that location.

The second change will be relocating the Cadet Oath ceremony. The Cadet Oath has more recently been administered at the New Market Battlefield, followed by the "charge-up" the Field of Lost Shoes, as a reenactment of the historic Civil War battle successfully fought in by VMI cadets. And, while New Market will always be a major component of our history, the Oath is important to the current cadetship, and should be executed at VMI. I will administer this oath during our matriculation ceremonies on Post this year. The Rat Mass will be transported to New Market later in the year to learn about the Battle of New Market, the character of these young cadets in a war long ago, just as we introduce them to World War II battles and Normandy and service, leadership, pride in country, and courage of our few remaining veterans

on their visit to the Bedford D-Day Memorial. Learning about battlefields are an educational tool, particularly for those commissioning in the military.

Fifteen May is New Market Day, and its focus will be broadened to honor all VMI alumni, who have made the ultimate sacrifice for their country, an addition made several years ago. This parade will be retitled as the VMI Memorial Parade and will be moved to the parade ground. Many of the current aspects will be continued, focused on Corps unity, in front of an increasingly large audience.

The New Market Battlefield will undergo a comprehensive review with emphasis on articulating through programs and displays the unvarnished and accurate story of the Battle of New Market. This may result in a greater attention to living history events, emphasis on educational programming that has proven successful, and preservation of this element of history so closely linked to the Institute's.

Cadets are now transiting through Daniels Arch and Daniels Courtyard in large numbers to attend classes and Crozet dining, and this will grow with the completion of the major addition to Scott Shipp Hall. The addition to Kilbourne Hall and growth in ROTC, the establishment of the Physical Education Department at Cormack Hall, and enlargement of the Quartermaster Department on Route 11 all foster greater cadet daily activity. As such, we will move to accentuate Daniels Courtyard and further contextualize and promote his life example for all to learn.

In 2021 we will adjust portions of the Rat Bible to bring it into a more modern age in terms of important historical and lifelong information required to be learned by all first-year cadets.

We do not currently intend to remove any VMI statues or rename any VMI buildings. Rather, in the future we will emphasize recognition of leaders from the Institute's second century. We will place unvarnished context on the value and lessons to be learned from the Institute's rich heritage, while being mindful of the nation's challenges and sensitivities to being fair and inclusive to all. Nevertheless, this and other issues related to the Plan will be discussed in the September Board of Visitors meeting.

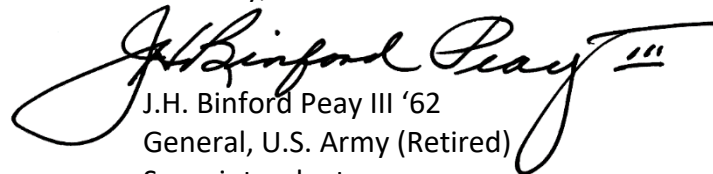
The **Fifth** and final **Pillar** – our **Alumni**. We will ask for their careful and thoughtful assistance. Today, the Corps demographics are changing commensurate with the changing of America. We need our alumni to assist us in the area of recruiting outstanding and qualified persons of color to compete for our staff and faculty positions and similarly to recruit students who can readily contribute to this unique, difficult and adversarial system; be successful within the Corps; and, graduate. VMI puts all cadets through mental and physical challenges regardless of race or gender. Our alumni endured these same challenges and remain our greatest assets. These young people will benefit from mentorship, friendship, and encouragement from our alumni from before they matriculate, while enduring the challenges at VMI, and after graduation to be successful in the best job markets. Our alumni network is strong and diverse, and I encourage

our alumni to take an active role in making sure our cadets and young alumni are warmly welcomed and feel included in the VMI family, wherever that may be. You can do this by providing your time, internship opportunities at your places of work, or simply your friendship. These actions will help us, and help make the VMI experience a more enriching one for all.

These five pillars will be integrated into VMI's Strategic Vision 2039 to ensure it is implemented across all parts of the VMI enterprise. We are a leadership institution focused on providing the very best education while instructing citizen soldiers to perform with integrity, honor, and fairness in all situations. We recognize the inequality that exists in our nation and the Virginia Military Institute is committed to delivering on our vision, its mission, and a purposeful path forward.


I have listened to and learned from the input from past Superintendents and key leaders of the Institute, current and past members of the Board of Visitors, leaders in the military, politicians from all parties, alumni (young and old), cadets, faculty, and staff. I want to reiterate, I am listening and appreciate your opinions and ideas. While we may not always agree, I recognize that "civil discourse" is very important to the future of VMI. The VMI leadership Team is committed daily to improving the Institute. As always, I appreciate the passion and support and my door remains open. I look forward to working with all of you as we implement this plan. I encourage everyone to come together and work as a family to improve the Institute we all know and love so well.

Sincerely,




J.H. Binford Peay III '62
General, U.S. Army (Retired)
Superintendent

APPENDIX 1



Barnes & Thornburg Comparisons to Support Special Investigation



March 2021

Agenda

- ▶ **Introduction**
- ▶ Comparison Findings
- ▶ Supporting Materials

This set of materials focuses on VMI's historical data across a set of key educational metrics relative to several comparison groups

Introduction to the Materials

Content and Objectives

- ▶ The purpose of these materials is to produce an objective, fact-based report, grounded in publicly-available data, of VMI across a range of educational metrics relative to comparison groups of other Virginia higher education institutions and other military academies
- ▶ Educational metrics include:
 - Student diversity
 - Student outcomes
 - Faculty and Staff diversity
- ▶ Comparison groups were determined in accordance with the Special Investigation Team's objectives and include¹:
 - Public institutions in the state of Virginia (15 institutions)
 - Private, not-for-profit institutions in the state of Virginia² (25 institutions)
 - Military institutions in the United States (10 institutions)

Methodological Notes

- ▶ Data is obtained from the State Council of Higher Education for Virginia (SCHEV) and the Integrated Postsecondary Education Data System (IPEDS). These sources were selected due to the breadth of institution-level data reported and reliability of comparisons across institutions
 - Data differs in some cases by source. Differences across sources are noted where relevant
 - IPEDS data is reflective of final release data available as of February 15, 2021. Preliminary release data for academic year 2019 was recently reported, but not included in this analysis due adjustments that may be made to any institution's data prior to final release status
- ▶ Materials compare VMI historical data of key educational metrics against comparison groups, as cited, primarily focused on racial and ethnic diversity. Gender and income are also considered as dimensions of diversity in some instances
- ▶ Some comparisons that would be pertinent to the Special Investigation Team's charge are not feasible due to data availability. A key gap in public reporting relates to the number of applicants, admitted students, and yielded students by race and ethnicity category
- ▶ For definitions of race and ethnicity categories used throughout the materials, please refer to the "Supporting Materials" section
- ▶ The Virginia comparison groups were created based on the institutions that are classified as public or private not-for-profit institutions and reported in the SCHEV database
- ▶ Most comparisons between VMI and the designated comparison groups are presented using median values as a measure of central tendency to reduce the potential impact of extreme outliers or especially large schools skewing the metric values. Comparisons show VMI relative to the median school rather than the average or combined value for the comparison group. This methodology presents a more measured and generally-accepted representation of the data
- ▶ Data findings are reported objectively and should be considered in the context of other aspects of the Special Investigation Team's findings

1. Full lists of institutions within each comparison group may be found in the "Supporting Materials" section

2. This group will be referred to as "VA Private" institutions for brevity in the following pages

Source: SCHEV

The following materials include data findings for metrics related to student diversity, student outcomes, and faculty and staff diversity

Data to be Compared

SECTION A

Student Diversity

1. How does the composition of the student body at VMI compare to the student bodies at comparison institutions in terms of race and ethnicity?
2. Has the student body changed in composition over a 3-5 year time period? Have changes varied by racial or ethnic groups?
3. What is the composition of entering students by race and ethnicity category at VMI and comparison institutions? How do admissions metrics compare for male vs. female students?
4. How does VMI compare to other Virginia and Military institutions in terms of financial accessibility?

SECTION B

Student Outcomes

1. How do VMI's student retention rates for various demographic groups compare to those of other institutions?
2. Are there differences in graduation rates by race or ethnicity? How do graduation rates by race and ethnicity category differ for each comparison group?
3. Are completions across fields of study skewed toward a particular race or ethnicity?

SECTION C

Faculty and Staff Diversity

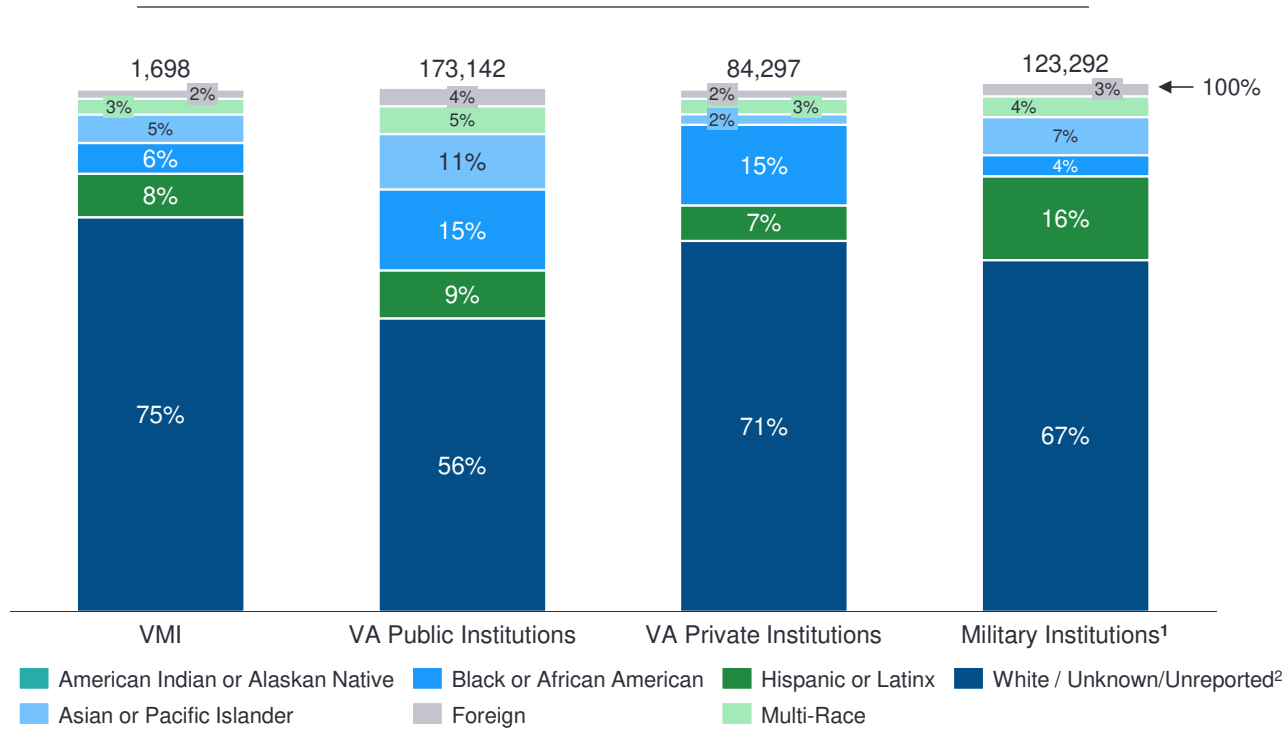
1. How does the faculty and staff racial/ethnic makeup at VMI compare to other institutions?
2. How does the composition of faculty and staff vary over 3-5 year periods?
3. What is the composition of recent hires by race and ethnicity category and how has this changed over the past 3-5 years?

Agenda

- ▶ Introduction
- ▶ **Comparison Findings**
- ▶ Supporting Materials

VMI had a higher percentage of White students in its student body relative to comparison groups in Fall 2020

Overall Student Body Composition by Race / Ethnicity
Fall 2020



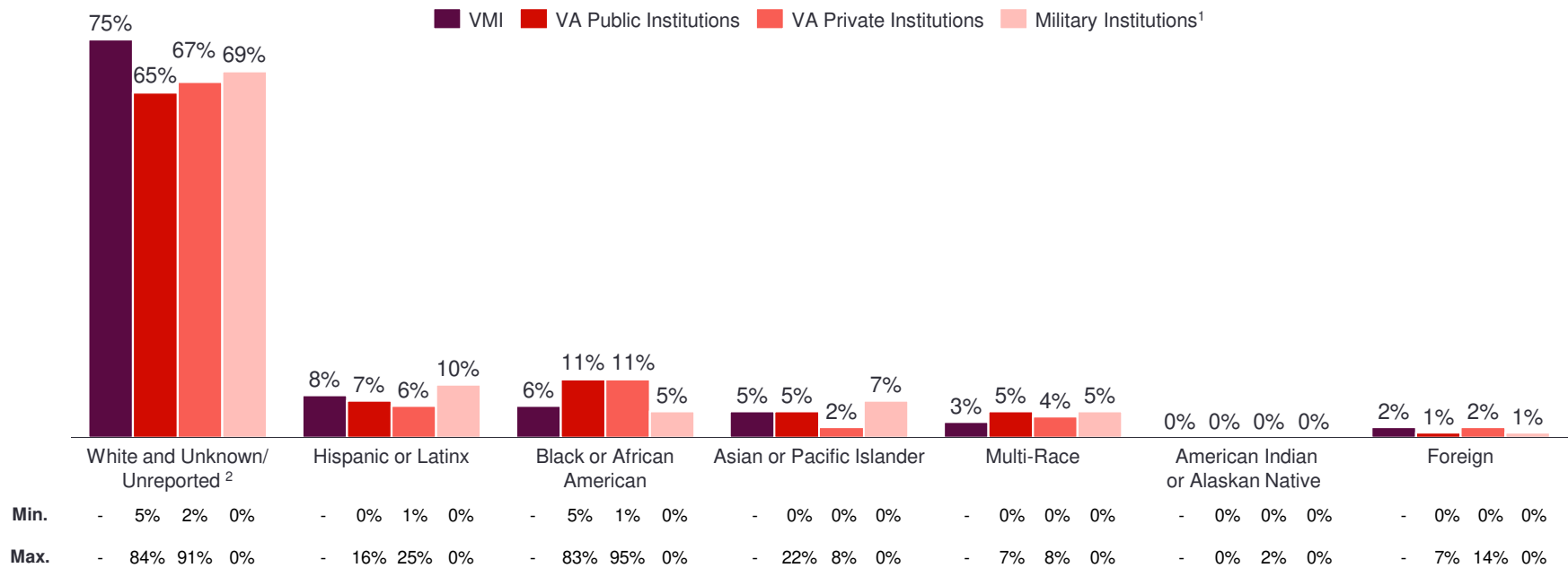
1. Data displayed for U.S. Military institutions is from Fall of 2018, due to IPEDS data availability

2. Data shown is of the latest as of 2/24/21 reporting from institutions from comparison set from SCHEV. SCHEV data combines White and Unknown / Unreported figures for the variable(s) shown. Data drawn from IPEDS has been combined in the same manner to allow for direct comparison

Source: SCHEV; IPEDS

The median percentage of White students across public institutions in the comparison group was higher than the percentage of White students overall in this segment

Median Student Body Composition by Race / Ethnicity
Fall 2020



These figures refer to the minimum and maximum percentage of students belonging to each demographic group observed among institutions in each comparison group

1. Data displayed for U.S. Military institutions is from Fall of 2018, due to IPEDS data availability

2. Data shown is of the latest as of 2/24/21 reporting from institutions from comparison set from SCHEV. SCHEV data combines White and Unknown / Unreported figures for the variable(s) shown. Data drawn from IPEDS has been combined in the same manner to allow for direct comparison

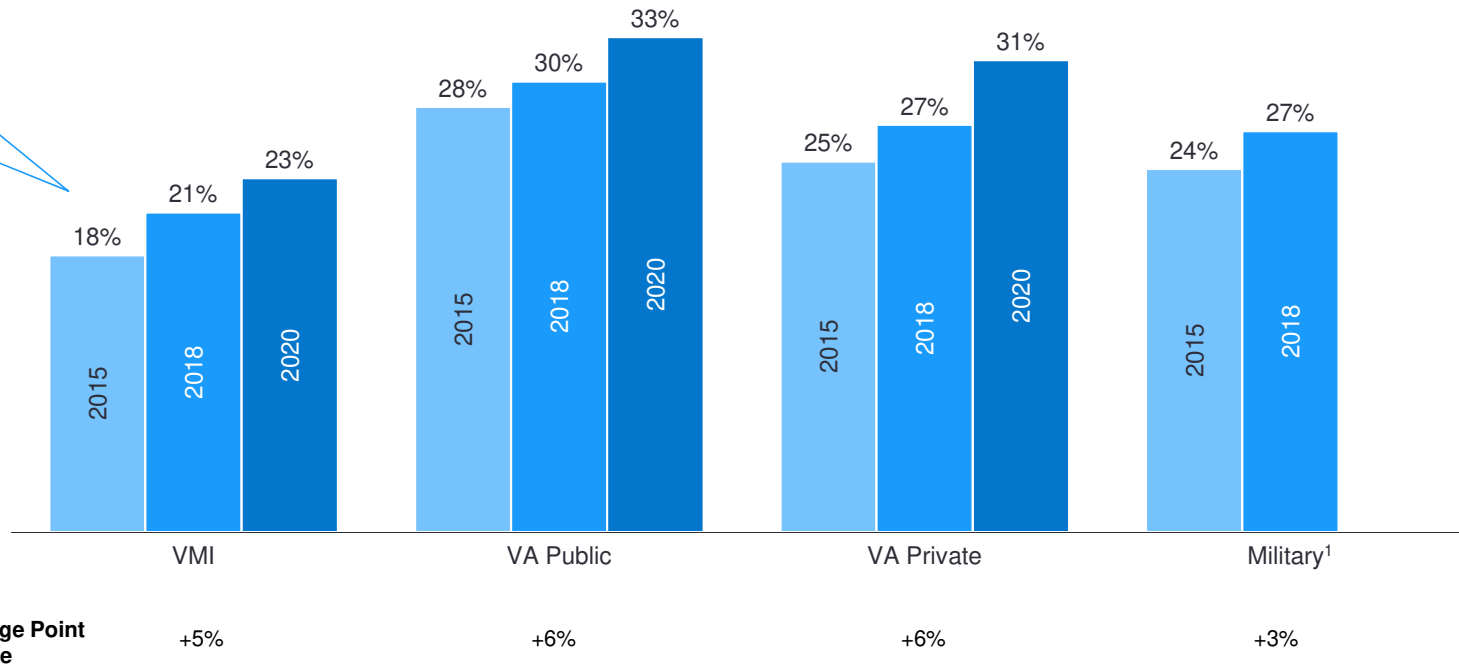
Source: SCHEV; IPEDS

VMI's enrollment of students of color increased by 5 percentage points, however, VMI lagged comparison groups in terms of students of color as a percentage of total students

Student Diversity at VMI and Comparison Groups Over Time

Students of Color as a Percentage of the Student Body:
VMI Compared to Median for Comparison Groups
Fall 2015 and Fall 2020

In Fall 2015, 309 students of color were enrolled at VMI. This figure increased to 390 in Fall 2020



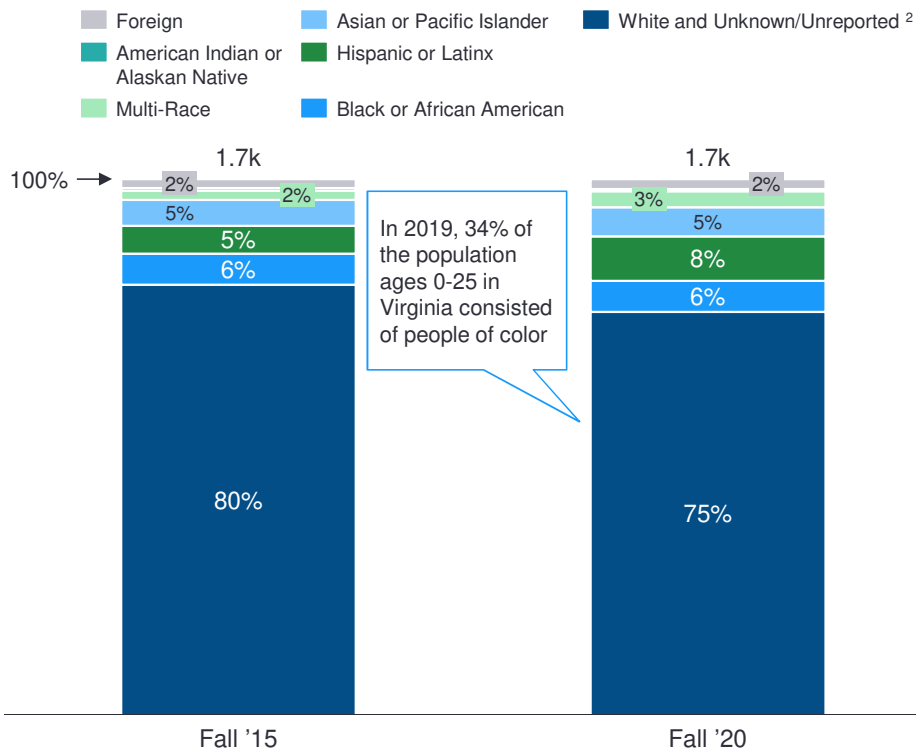
1. Data displayed for U.S. Military institutions is from Fall of 2015 and 2018, due to IPEDS data availability
Source: SCHEV; IPEDS

VMI's 5 percentage point increase in enrollment of students of color¹ was primarily the result of an increase in Hispanic students enrolled

Student Diversity at VMI Over Time

VMI Enrollment by Race / Ethnicity
Fall 2015 and Fall 2020

VMI Enrollment: Headcount by Race / Ethnicity
Fall 2015 and Fall 2020



Race/Ethnicity	2015 VMI Student Population (n=1,717)	2020 VMI Student Population (n=1,698)	Raw Change in Student Population (2015 to 2020)
Hispanic/Latinx	89	141	+52
Multi-Race	29	51	+22
Asian or Pacific Islander	84	92	+8
Foreign	29	31	+2
Black or African American	99	99	0
American Indian or Alaskan Native	8	7	-1
White and Unknown/Unreported	1379	1277	-102

1. See definition of students of color in supplemental materials
 2. SCHEV data combines White and Unknown / Unreported figures for the variable(s) shown
 Source: SCHEV; IPEDS; U.S. Census Bureau

Student Diversity

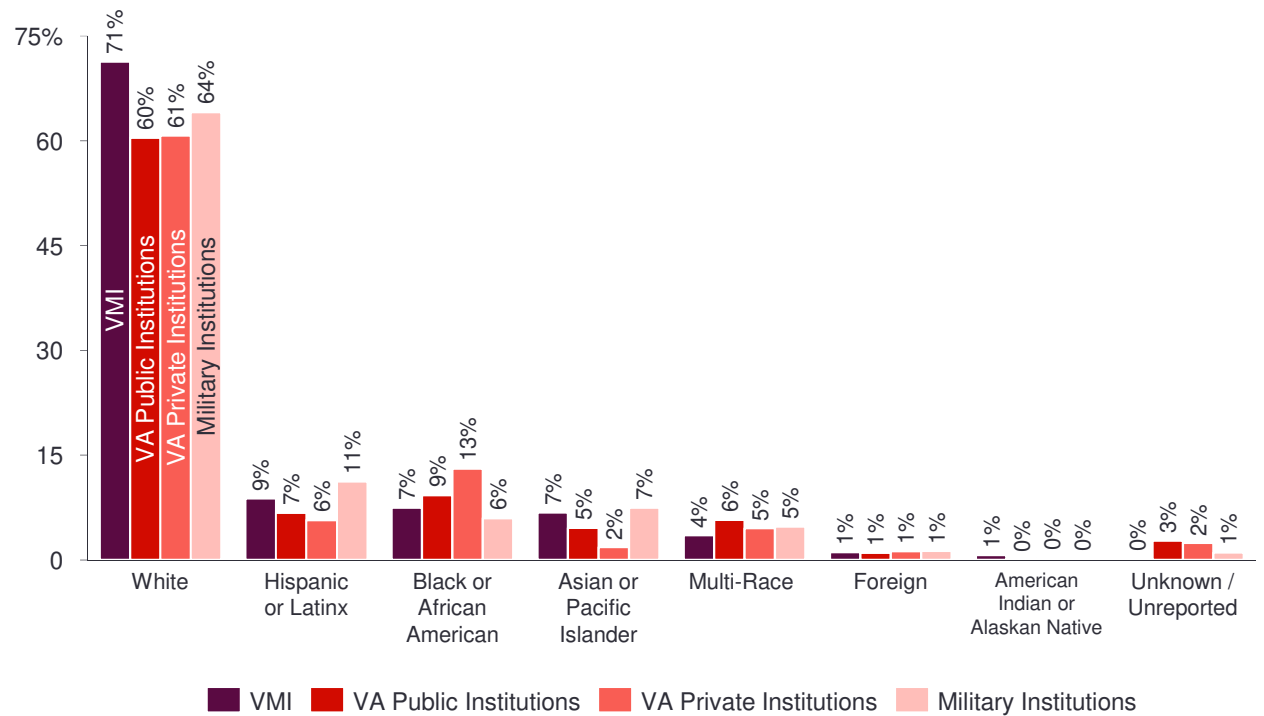
VMI's first time, full-time students reflected a higher proportion of White students than the median across comparison institutions

First Time, Full Time (FTFT) Student Enrollment

Median Overall Acceptance and Yield Rates
Fall 2019

Comparison Group	Acceptance Rate	Yield Rate
VMI	60%	53%
Virginia Public Institutions	89%	24%
Virginia Private Institutions	80%	18%
Military Institutions	43%	59%

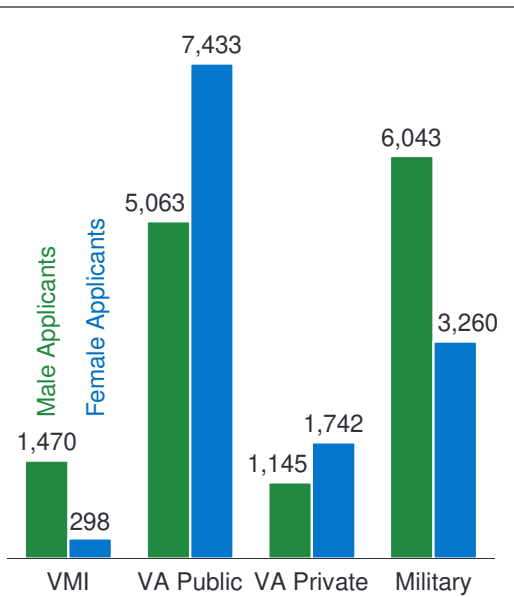
VMI Compared to the Median Percentage of the First time, Full-Time Student Body Belonging to Each Racial / Ethnic Group at Institutions within Comparison Groups
Fall 2018



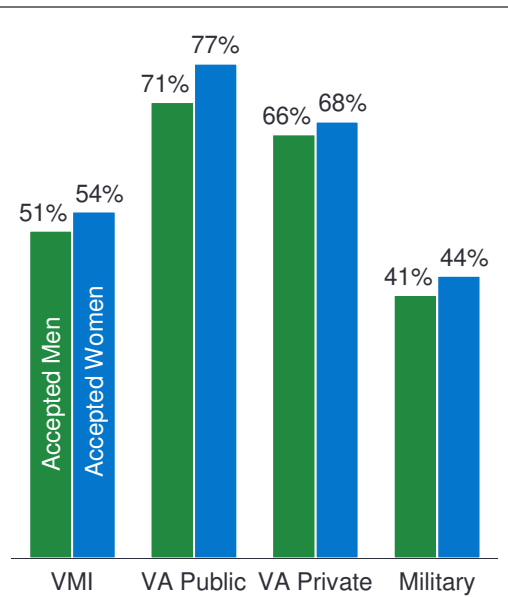
In 2018, while VMI accepted and yielded candidates at similar rates by gender, the initial pool of applicants was predominantly male

Admissions Metrics by Gender

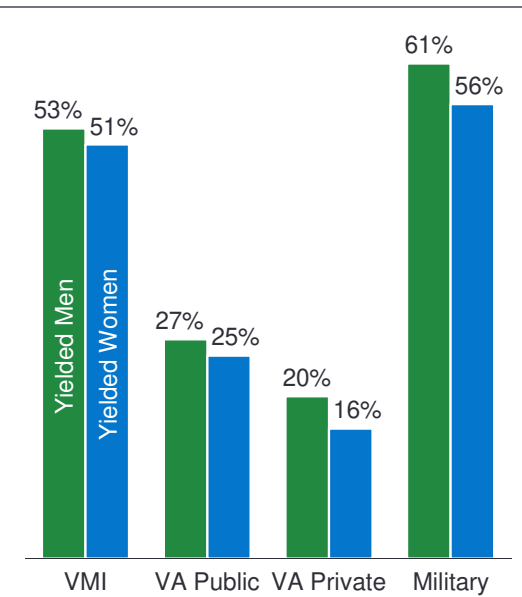
VMI Compared to Median Number of Applicants by Gender
Fall 2018



VMI Compared to Median Acceptance Rate by Gender
Fall 2018



VMI Compared to Median Yield Rate by Gender
Fall 2018



From 2012 to 2017, the percentage of VMI first year students receiving Pell Grants increased, though this percentage remained lower than the share at comparison groups

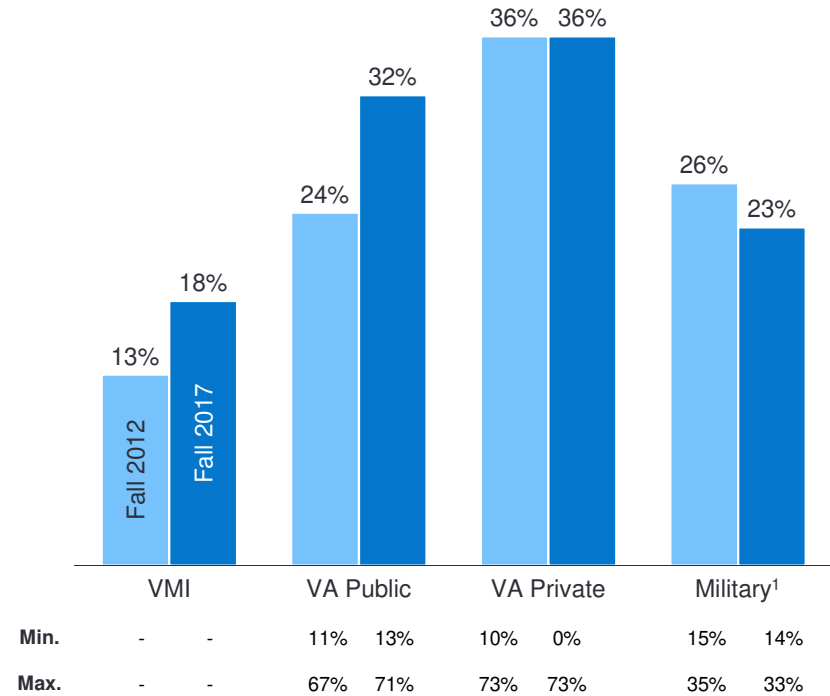
Pell Grant Awardees as Share of Students

Pell Grant Definition

- ▶ The Pell Grant is a need-based financial aid for students who belong to lower income families. The Federal Government earmarks certain funds for this grant each year. The grants are disbursed to the eligible students from this fund.



VMI Compared to the Median Percentage of Full-Time First-Time Undergraduates Awarded Pell Grants Fall 2012 – Fall 2017



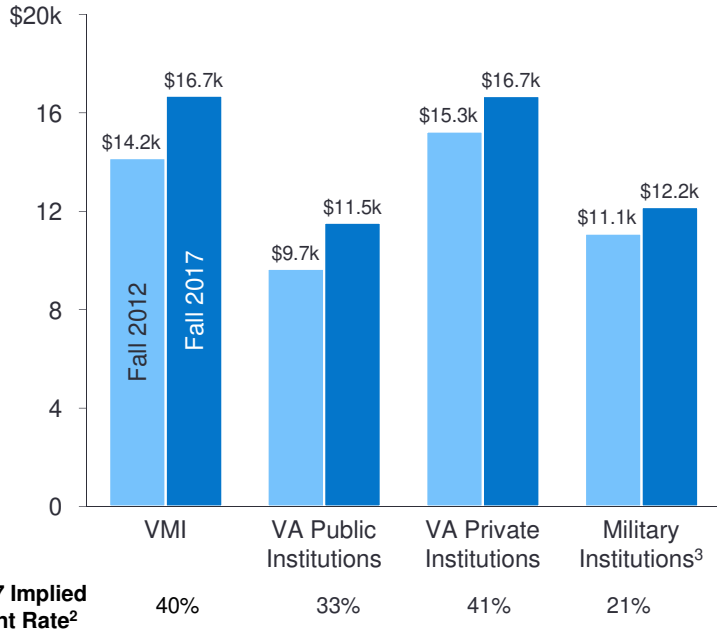
1. Federally funded, tuition free military institutions were excluded from the comparison set for this metric. These included U.S. Airforce Academy, U.S. Coast Guard Academy, U.S. Merchant Marine Academy, U.S. Military Academy, and the U.S. Naval Academy.
Source: IPEDS; Pell Grant Organization

Student Diversity

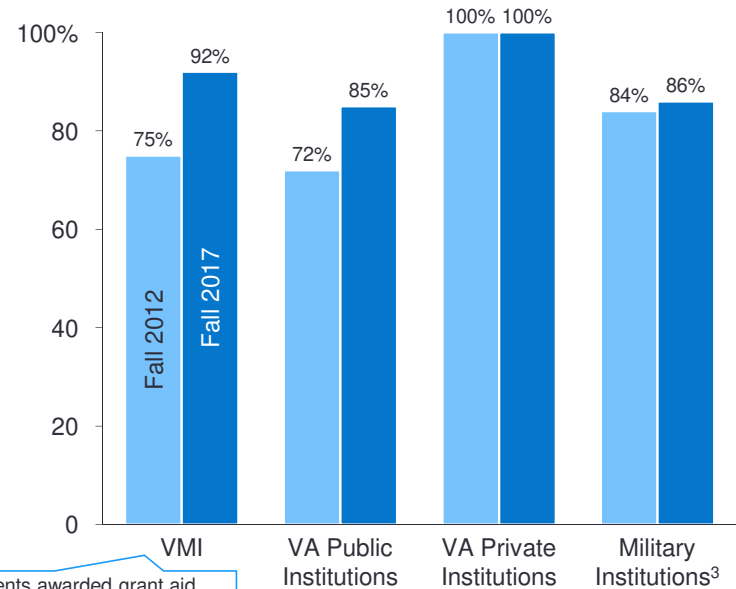
VMI's average net tuition was in line with VA private institutions. From 2012 to 2017, the percentage of students receiving financial aid at VMI increased

Net Tuition and Share of Students Awarded Aid

Average Net Tuition¹ per FTE among Comparison Groups
Fall 2012 – Fall 2017



VMI Compared to Median Percent of FTFT⁴ Undergraduates Awarded Federal, State, Local, or Institutional Grant Aid
Fall 2012 – Fall 2017



The share of students awarded grant aid increased the most at VMI compared to the change in median values across comparison groups from 2012 to 2017

1. Net tuition is calculated by dividing the tuition and fees revenue by the number of full-time equivalent students
 2. The implied discount rate refers to the net tuition divided by the weighted average tuition across in-state and out-of-state tuition. This quotient is then subtracted from one

3. Federally funded, tuition free military institutions were excluded. These included U.S. Airforce Academy, U.S. Coast Guard Academy, U.S. Merchant Marine Academy, U.S. Military Academy, and the U.S. Naval Academy
 4. Acronym refers to "First Time, Full Time" undergraduate students

Retention rates for students of color, women, and Pell Grant recipients were higher at VMI than the median for Virginia comparison groups in 2018

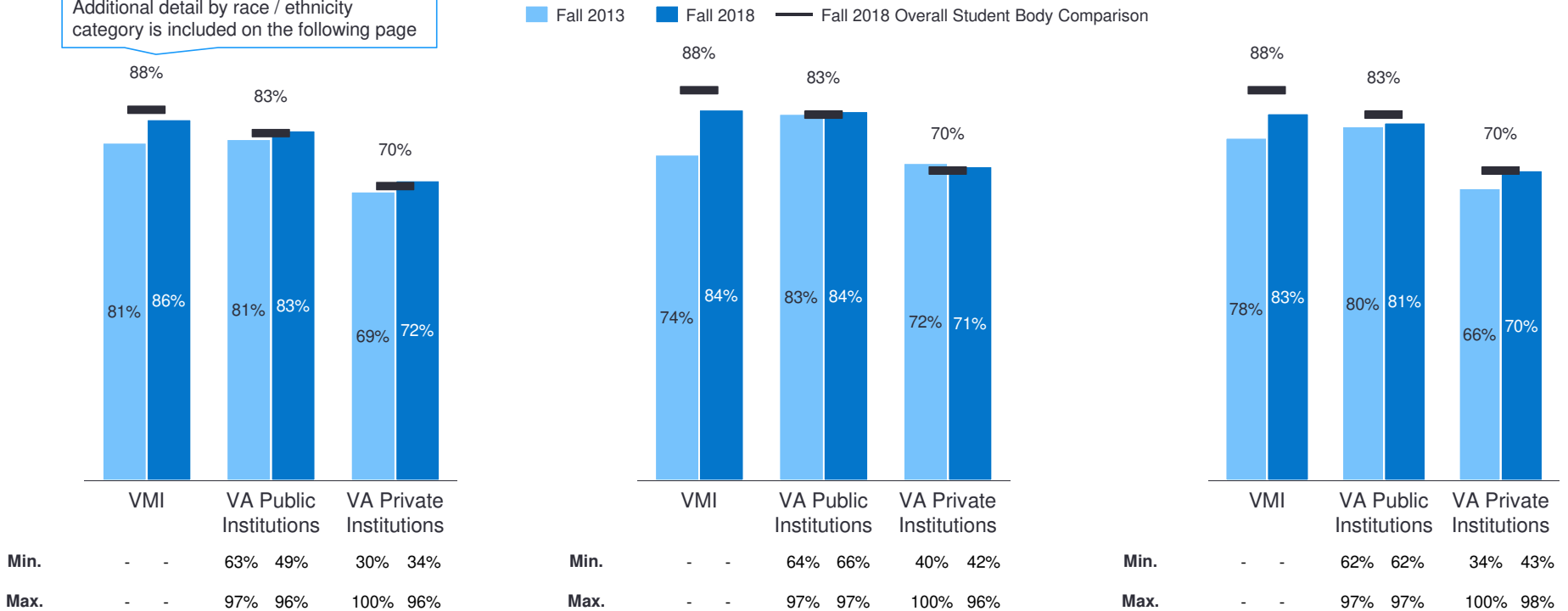
Retention Rates Across Demographic Categories

Retention Rates¹: Students of Color
Fall 2013 and Fall 2018²

Retention Rates¹: Women
Fall 2013 and Fall 2018²

Retention Rates¹: Pell Grant Recipients
Fall 2013 and Fall 2018²

Additional detail by race / ethnicity category is included on the following page

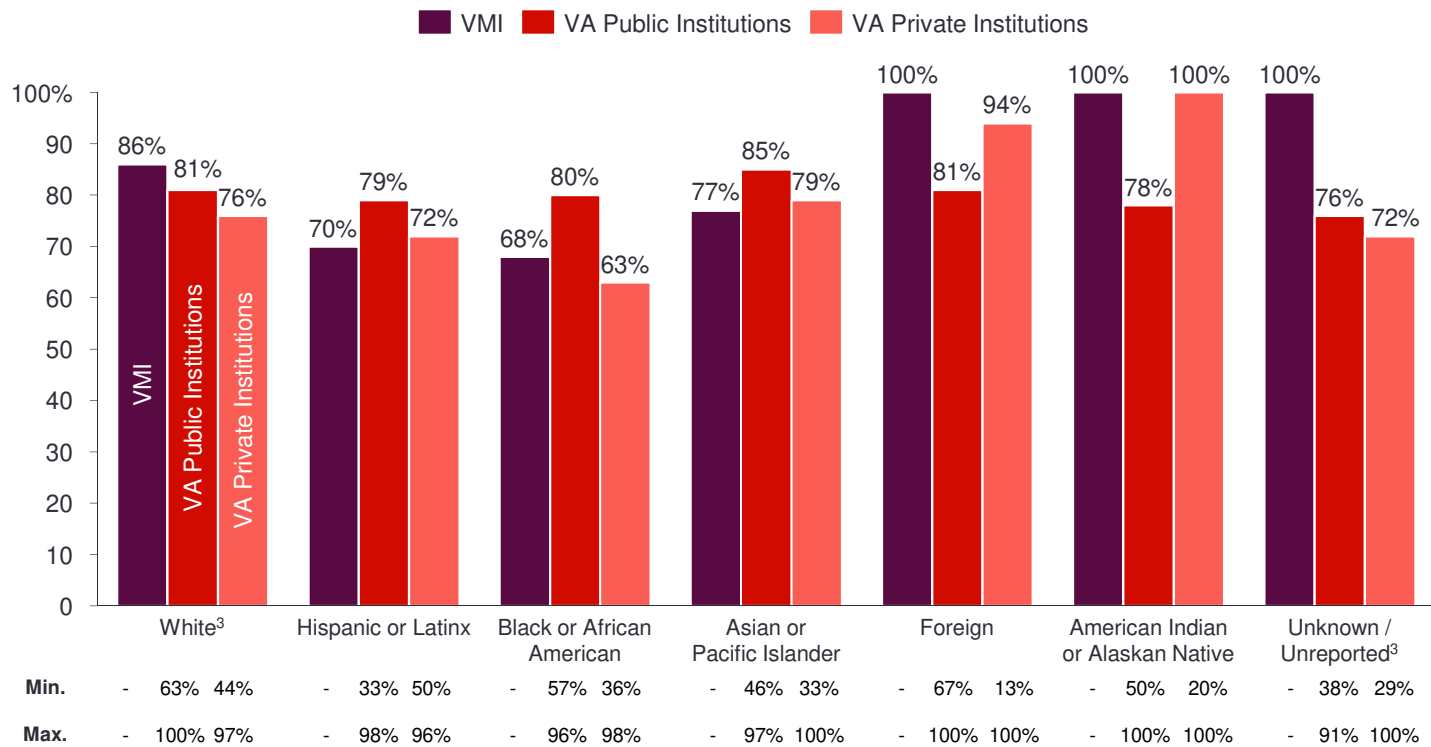


1. Retention rates measure the percentage of students who were retained from their first to their second year at the institution
 2. Fall 2018 data was used across the three demographic groups to achieve completeness of data and consistency; Fall 2019 by race / ethnicity category is reported on the next page
 Source: SCHEV

VMI had higher retention rates for White students than comparison groups. VA public institutions had higher median rates for Black, Hispanic, and Asian students

Retention Rates at VMI and Comparison Institutions¹

Retention Rates² by Race / Ethnicity for VMI and Median of Comparison Groups
Fall 2019



1. Data for U.S. Military institutions is not publicly available

2. Retention rates measure the percentage of students who were retained from their first to their second year at the institution

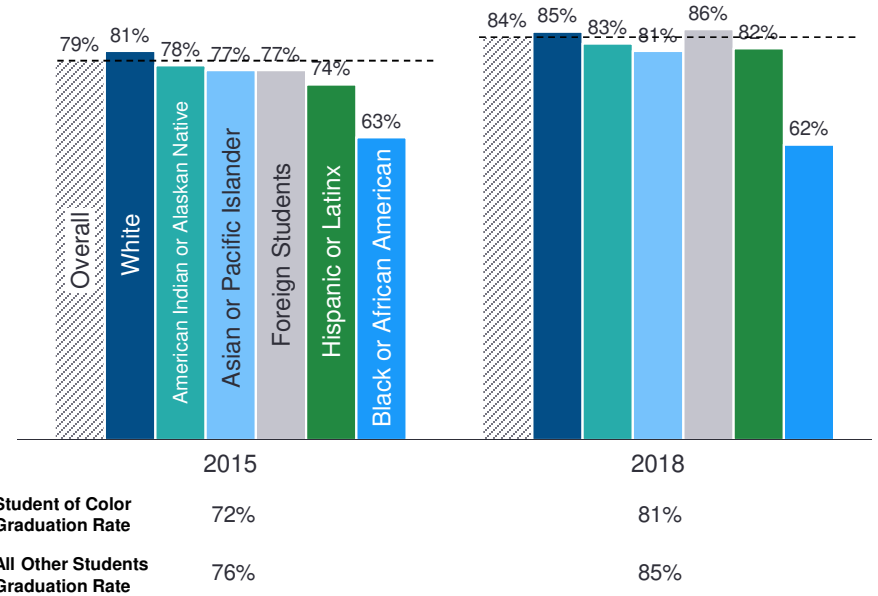
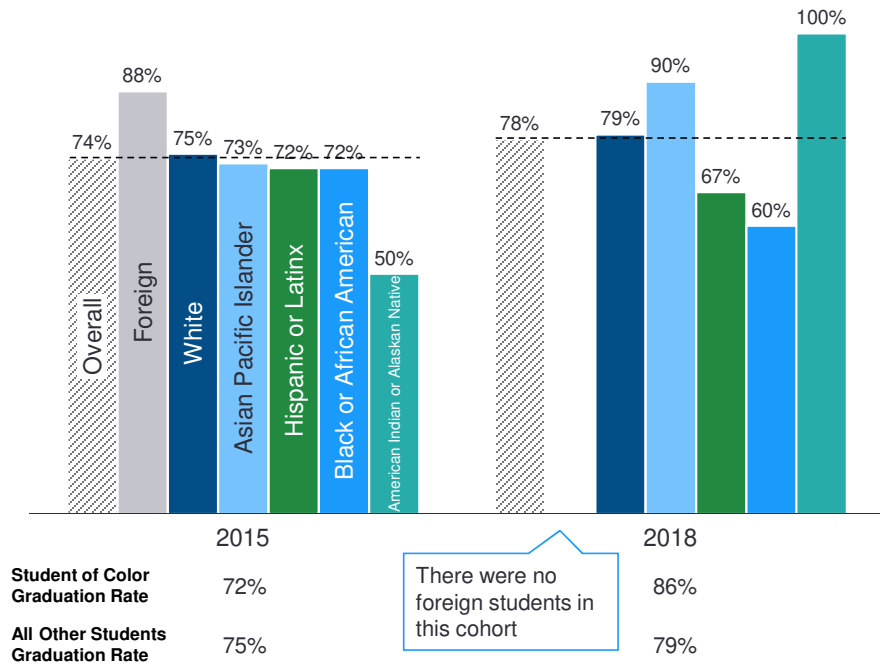
3. Data shown is current as of 2/20/21 and is reported for institutions from the comparison set in SCHEV. White and Unknown/Unreported students have been reported separately for this particular variable

VMI and U.S. Military institutions increased graduation rates overall from '15-'18, however graduation rates for Black or African American students decreased

VMI and Military Institutions: Graduation Rates

VMI: 6-Year Graduation Rate by Race / Ethnicity¹
Spring 2015 - Spring 2018²

U.S. Military Institutions: 6-Year Graduation Rate by Race / Ethnicity
Spring 2015 - Spring 2018



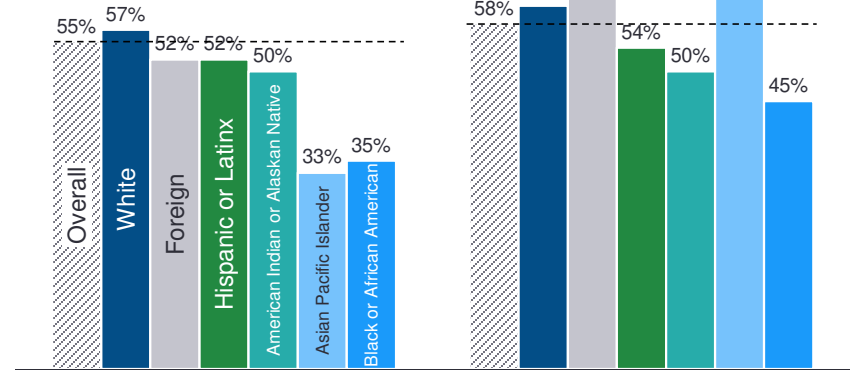
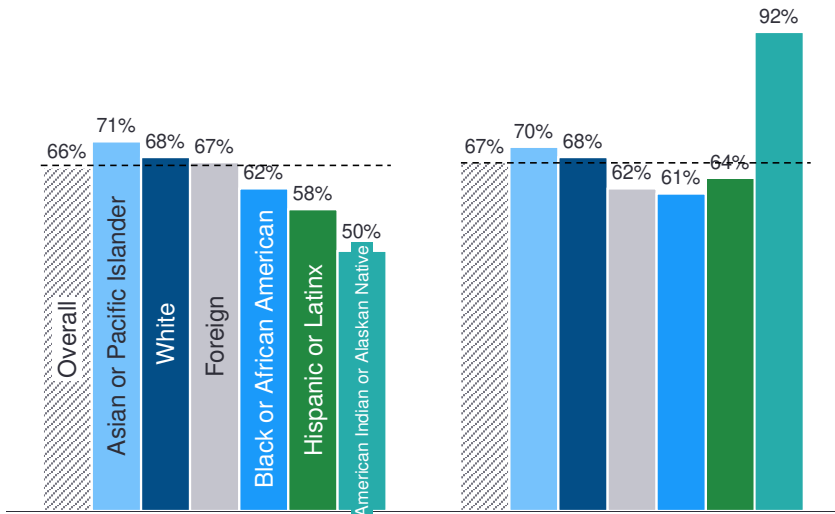
1. Data for Multi-Race students and students whose race was not reported is not shown, due to a lack of data availability and inconsistent reporting across comparison groups
 2. Data is representative of IPEDS data as of 2/15/21.
 Source: IPEDS

In 2018, VMI's graduation rates were higher than the medians for Virginia public and private institutions overall and for most race and ethnicity categories

Virginia Public and Private Institutions: Graduation Rates

VA Public Institutions: 6-Year Graduation Rate by Race / Ethnicity¹
Spring 2015 - Spring 2018

VA Private Institutions² : 6-Year Graduation Rate by Race / Ethnicity
Spring 2015 - Spring 2018



	2015	2018
Student of Color Graduation Rate	61%	67%
All Other Students Graduation Rate	67%	64%

	2015	2018
Student of Color Graduation Rate	45%	50%
All Other Students Graduation Rate	52%	59%

1. Data for Multi-Race students and students whose race was not reported is not shown, due to a lack of data availability and inconsistent reporting across comparison groups
 2. Data is representative of IPEDS data as of 2/15/21.
 Source: IPEDS

In 2018, Black and Hispanic students were the least represented in Psychology and Engineering in terms of completions

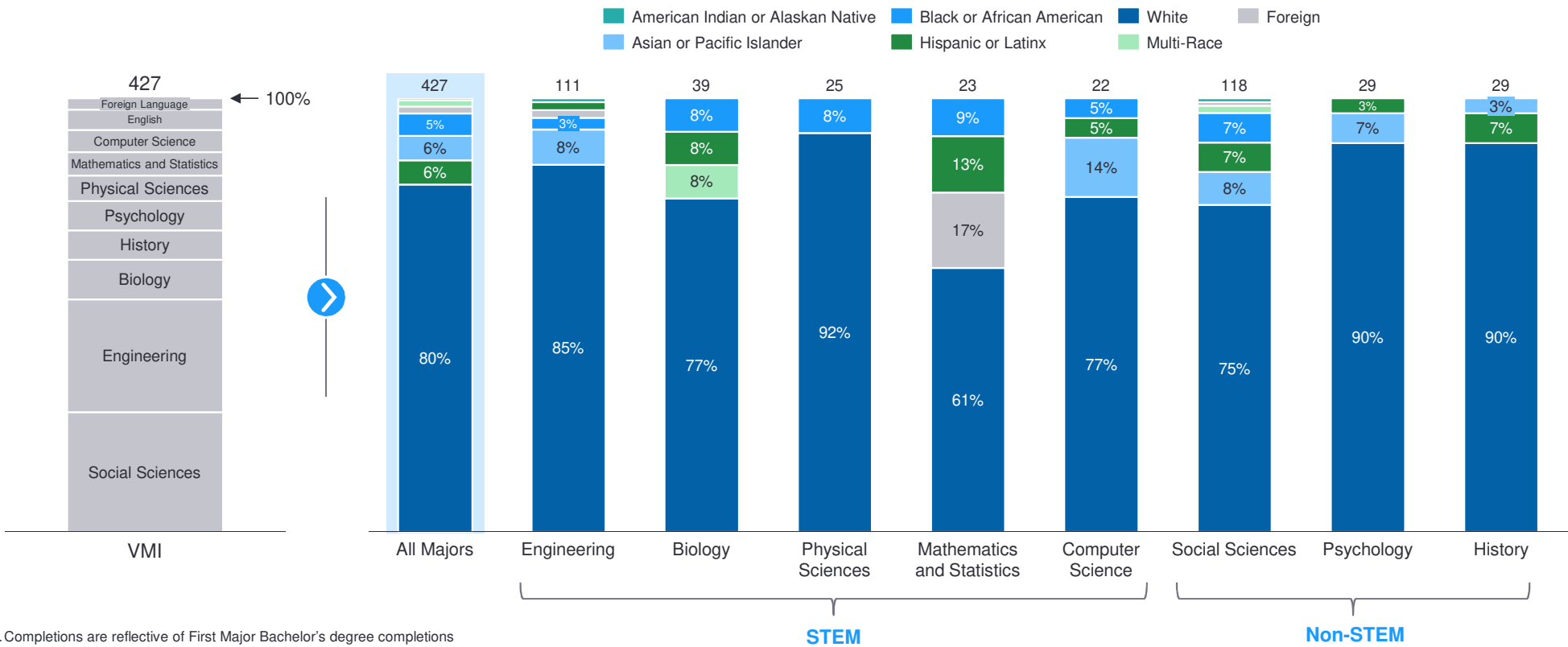
Bachelor's Degree Completions¹ : VMI

Due to low N in some CIP categories, statistical significance of the differences cannot be calculated

SECTION B 1 2 3

Completions by 2-Digit CIP Code
Spring 2018

Completions² by Race / Ethnicity
Spring 2018



1. Completions are reflective of First Major Bachelor's degree completions
 2. Chart is reflective of programs with more than 20 completions
 Source: IPEDS

Differences in subject area completions by race and ethnicity group vary, but cannot be deemed statistically significant due to the low number of completions in some areas

Bachelor's Degree Completions¹ : Comparison Groups

Median Percentage of Completions² by Race / Ethnicity
Spring 2018

	Comparison Group	All Majors ³	Engineering	Biology	Physical Sciences	Mathematics and Statistics	Computer Science	Social Sciences	Psychology	History
White	VA Public	68%	50%	59%	63%	62%	57%	64%	62%	77%
	VA Private	66%	65%	69%	78%	67%	58%	62%	60%	81%
	Military	67%	70%	63%	68%	73%	56%	66%	59%	78%
Black or African American	VA Public	10%	9%	9%	7%	4%	7%	13%	12%	5%
	VA Private	12%	1%	11%	0%	0%	17%	12%	11%	0%
	Military	5%	4%	4%	2%	3%	5%	7%	8%	2%
Hispanic or Latinx	VA Public	6%	6%	7%	8%	6%	6%	8%	5%	5%
	VA Private	4%	0%	3%	0%	0%	2%	2%	5%	0%
	Military	9%	8%	8%	12%	5%	14%	8%	17%	13%
Multi-Race	VA Public	4%	5%	5%	5%	0%	4%	4%	4%	4%
	VA Private	3%	0%	0%	0%	0%	0%	4%	4%	0%
	Military	4%	5%	5%	4%	4%	3%	5%	5%	4%
Asian or Pacific Islander	VA Public	4%	9%	7%	7%	7%	12%	2%	3%	0%
	VA Private	1%	2%	0%	0%	0%	0%	0%	0%	0%
	Military	6%	7%	8%	7%	7%	10%	6%	6%	0%
Unknown	VA Public	3%	3%	3%	3%	1%	3%	3%	1%	3%
	VA Private	3%	0%	0%	0%	0%	0%	2%	1%	0%
	Military	2%	1%	0%	0%	1%	2%	1%	0%	0%
Foreign	VA Public	2%	2%	1%	0%	1%	2%	2%	1%	0%
	VA Private	2%	6%	0%	0%	0%	0%	0%	0%	0%
	Military	1%	2%	0%	0%	0%	4%	1%	0%	0%
American Indian or Alaska Native	VA Public	0%	0%	0%	0%	0%	0%	0%	0%	0%
	VA Private	0%	0%	0%	0%	0%	0%	0%	0%	0%
	Military	0%	0%	0%	0%	0%	0%	0%	0%	0%

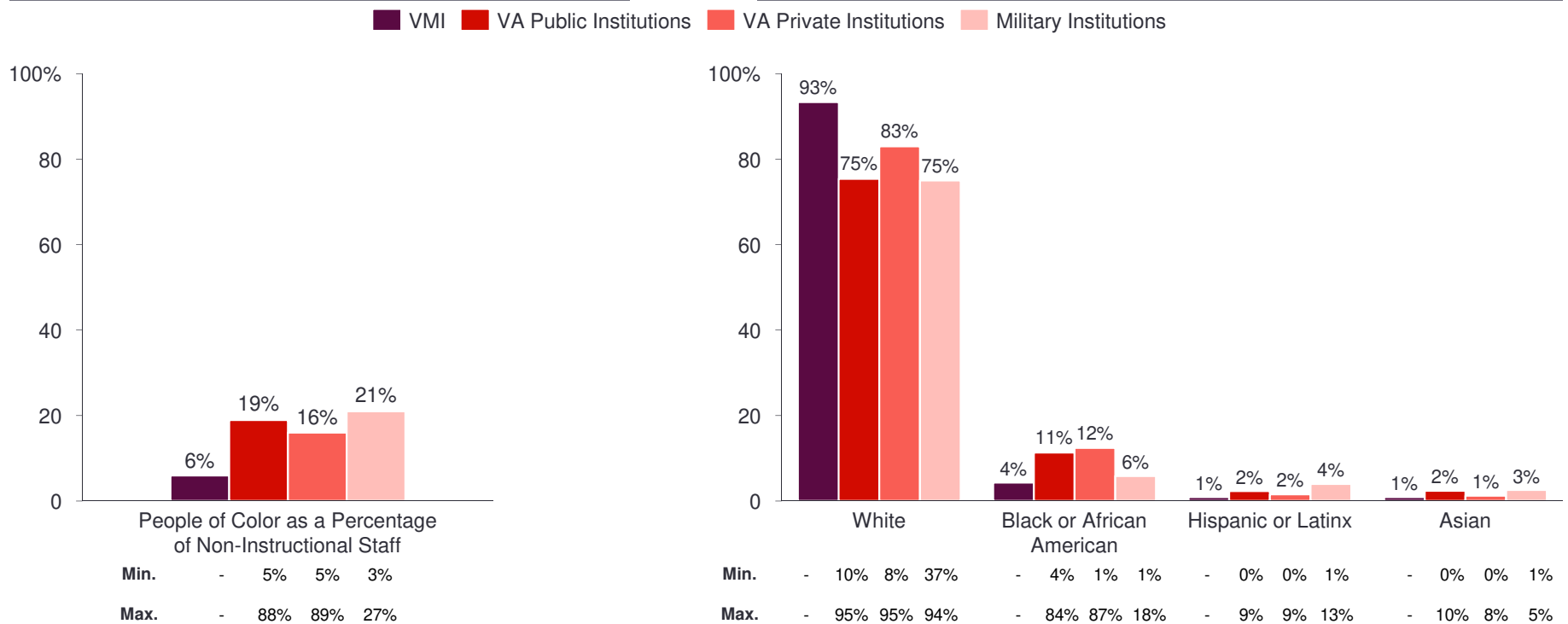
1. Due to low N in some CIP categories, statistical significance of the differences cannot be calculated
 2. Completions are reflective of First Major Bachelor's degree completions
 3. Chart is reflective of completions in programs that are within VMI's Top 8 programs by program size

As a percentage of total non-instructional staff, VMI employed fewer people of color in non-instructional positions

Non-Instructional Staff¹ Diversity

VMI Compared to Median Percentage of Non-Instructional Staff² that are People of Color
Fall 2018

VMI Compared to Median Percentage of Non-Instructional Staff² Belonging to Various Racial / Ethnic Groups³
Fall 2018

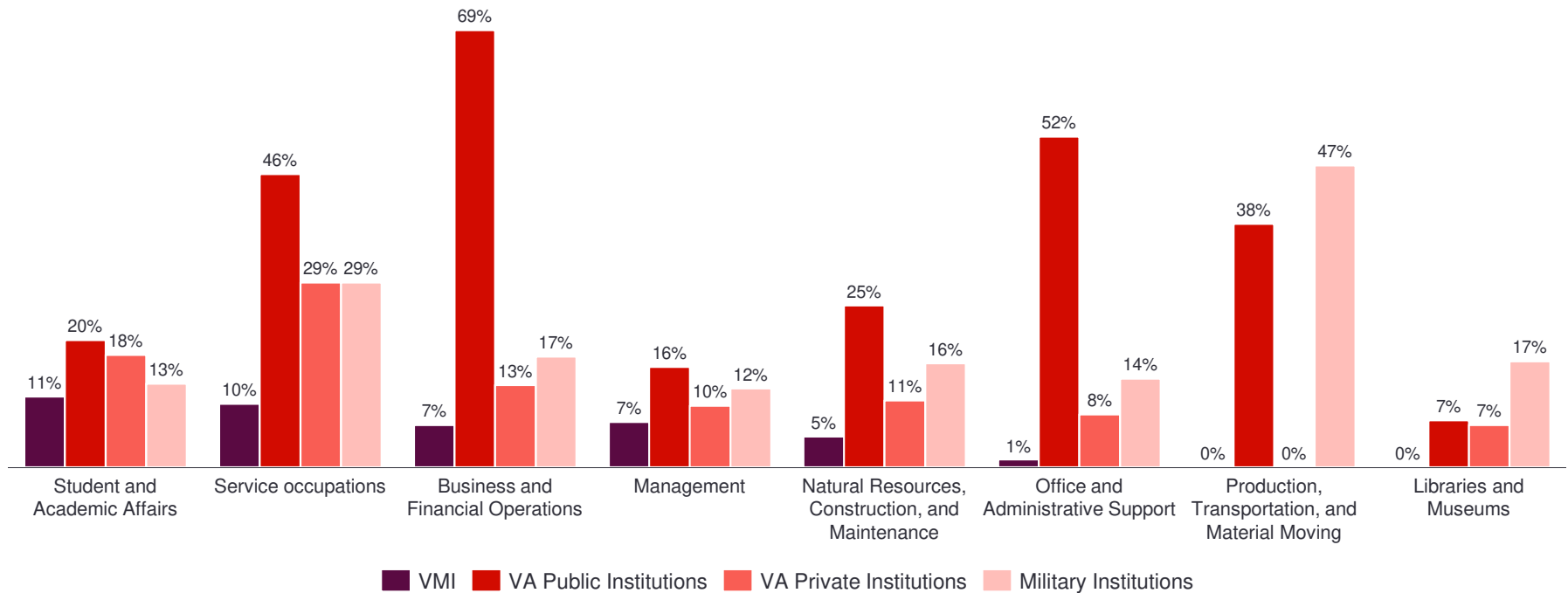


1. IPEDS defines "Instructional Staff" as staff whose activities are either 1) primarily instruction or 2) instruction combined with research and/or public service. "Non-Instructional Staff" refers to all other employees beyond those functions listed
 2. Reflects full-time staff
 3. Chart does not show categories of American Indian or Alaska Native, Native Hawaiian or Other Pacific Islander, two or more races, race / ethnicity unknown, and nonresident alien, due to median percentages being under 1%
 Source: IPEDS

As a percentage of total staff in each department area, VMI employed fewer staff members of color than the median for comparison institutions

Non-Instructional Staff Diversity by Department Area

VMI Compared to Median Percent of Non-Instructional Staff Members^{1,2} of Color by Key Department Area
Fall 2018



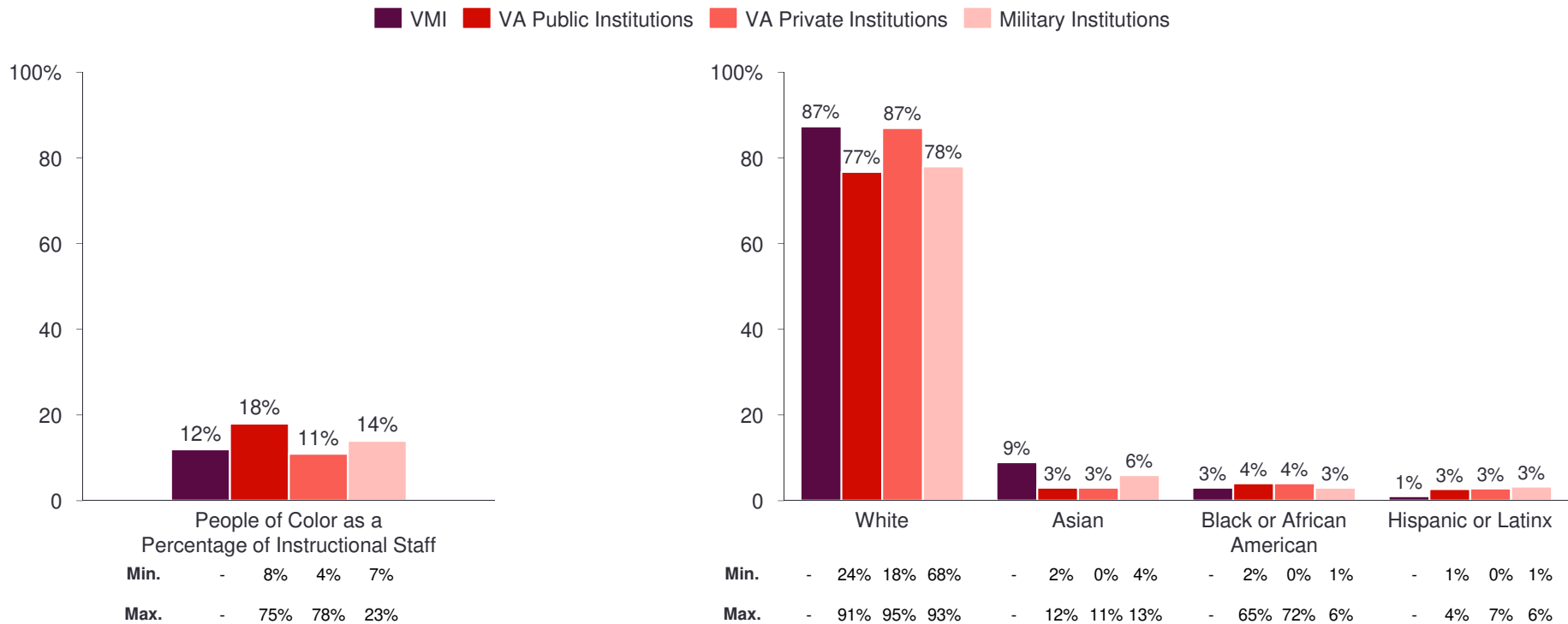
1. IPEDS defines "Instructional Staff" as staff whose activities are either 1) primarily instruction or 2) instruction combined with research and/or public service. "Non-Instructional Staff" refers to all other employees beyond those functions listed
 2. Data is reflective of full-time employees only
 Source: IPEDS

VMI's share of people of color as a percentage of instructional staff was lower than the median at VA public institutions and U.S. Military institutions but higher than VA privates

Instructional Staff¹ Diversity

VMI Compared to Median Percentage of Instructional Staff² that were People of Color
Fall 2018

VMI Compared to the Median Percentage of Instructional Staff² Belonging to Various Racial / Ethnic Groups³
Fall 2018



1. IPEDS defines "Instructional Staff" as staff whose activities are either 1) primarily instruction or 2) instruction combined with research and/or public service

2. Reflects full-time staff

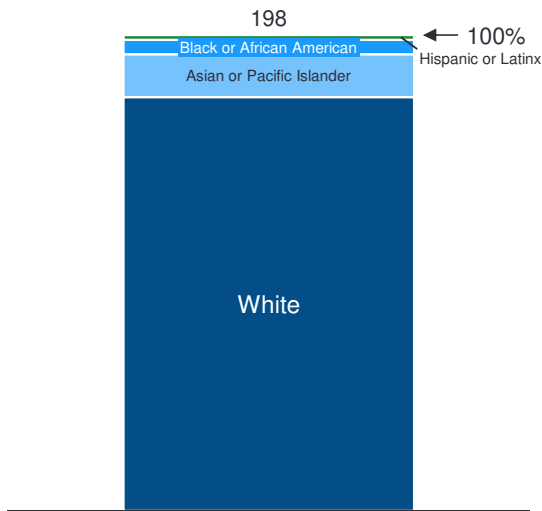
3. Chart does not show categories of American Indian or Alaska Native, Native Hawaiian or Other Pacific Islander, two or more races, race / ethnicity unknown, and nonresident alien, due to median percentages being under 1%

Source: IPEDS

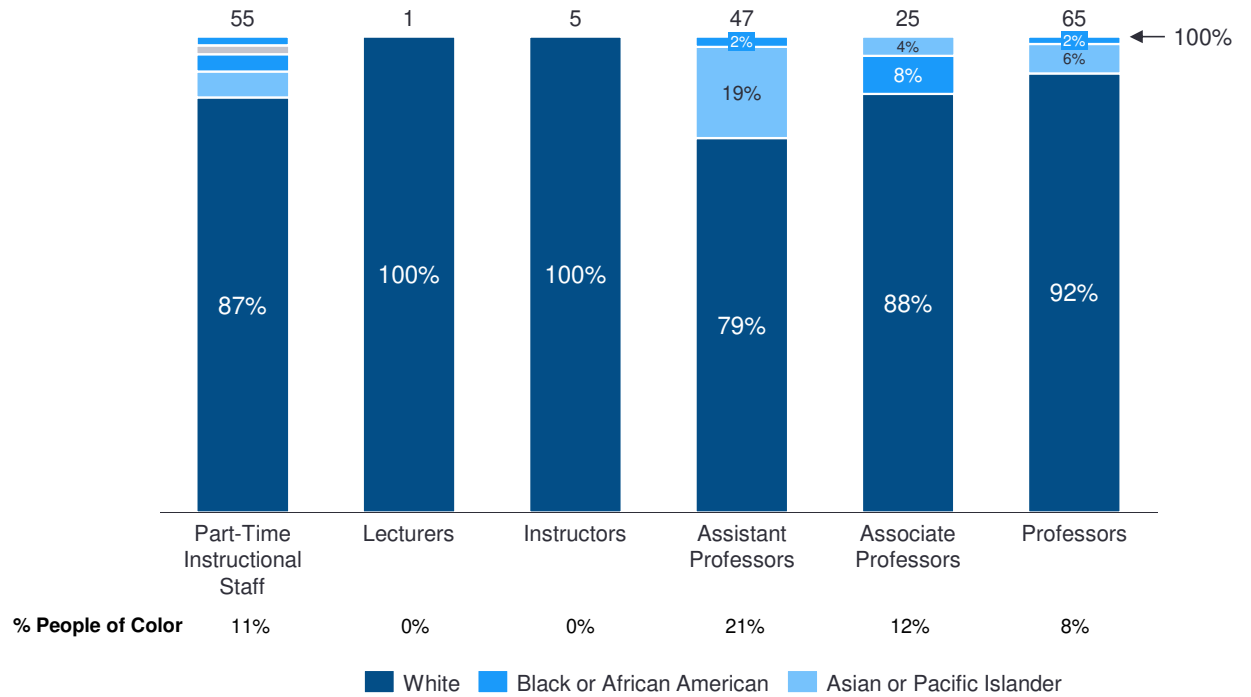
The Assistant Professor rank at VMI had the highest level of racial and ethnic diversity, while more senior faculty positions had a higher percentage of White employees

VMI Instructional Staff¹ Diversity

VMI: Instructional Staff by Race / Ethnicity
Fall 2018



VMI: Instructional Staff Headcount by Race / Ethnicity^{2,3}
Fall 2018



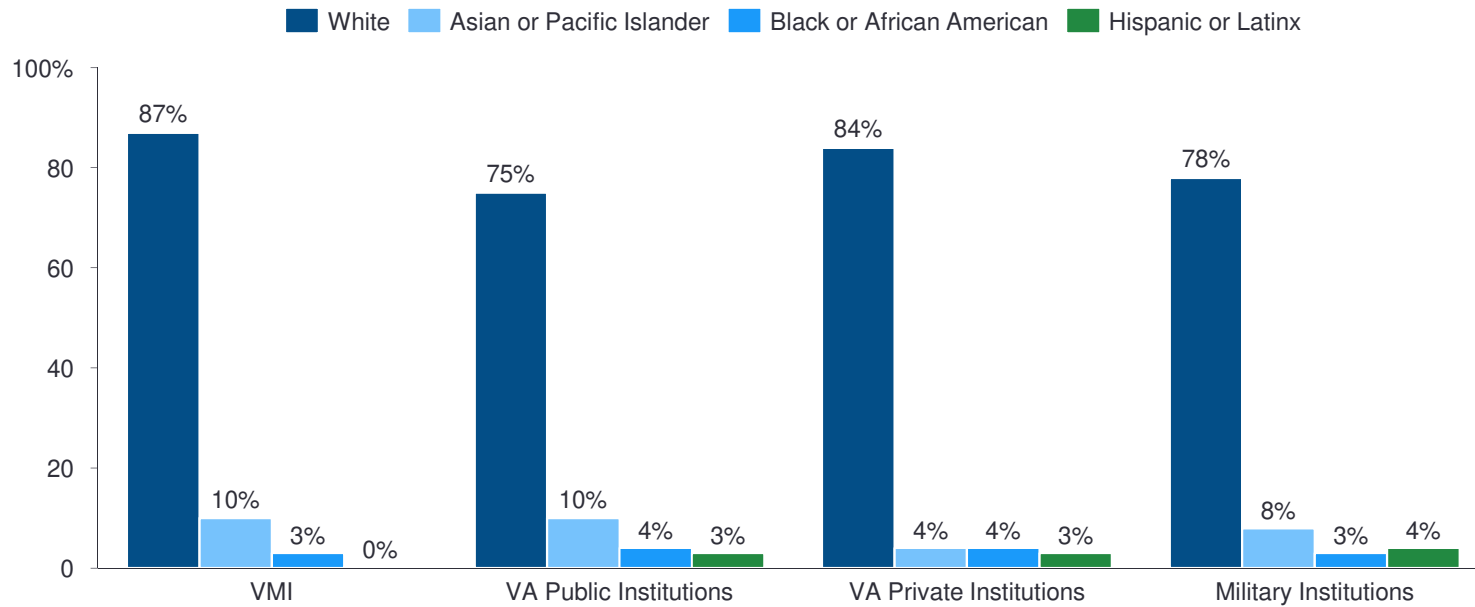
		VMI
% of Color	VMI	12%
	VA Public	18%
	VA Private	12%
	Military	14%

1. IPEDS defines "Instructional Staff" as staff whose activities are either 1) primarily instruction or 2) instruction combined with research and/or public service
 2. VMI did not report Instructional Staff in other racial / ethnic categories beyond those shown
 3. Categories represent full-time instructional staff unless otherwise noted
 Source: IPEDS

VMI had the highest percentage of White tenured and tenure-track instructional staff relative to the median across comparison groups

Comparison of Faculty Diversity

VMI Compared to Median Percentage of Tenured and Tenure-Track Full-Time Instructional Staff¹ by Race / Ethnicity²
Fall 2018



% People of Color in 2013	6%	13%	9%	11%
% People of Color in 2018	13%	15%	12%	13%

1. IPEDS defines "Instructional Staff" as staff whose activities are either 1) primarily instruction or 2) instruction combined with research and/or public service

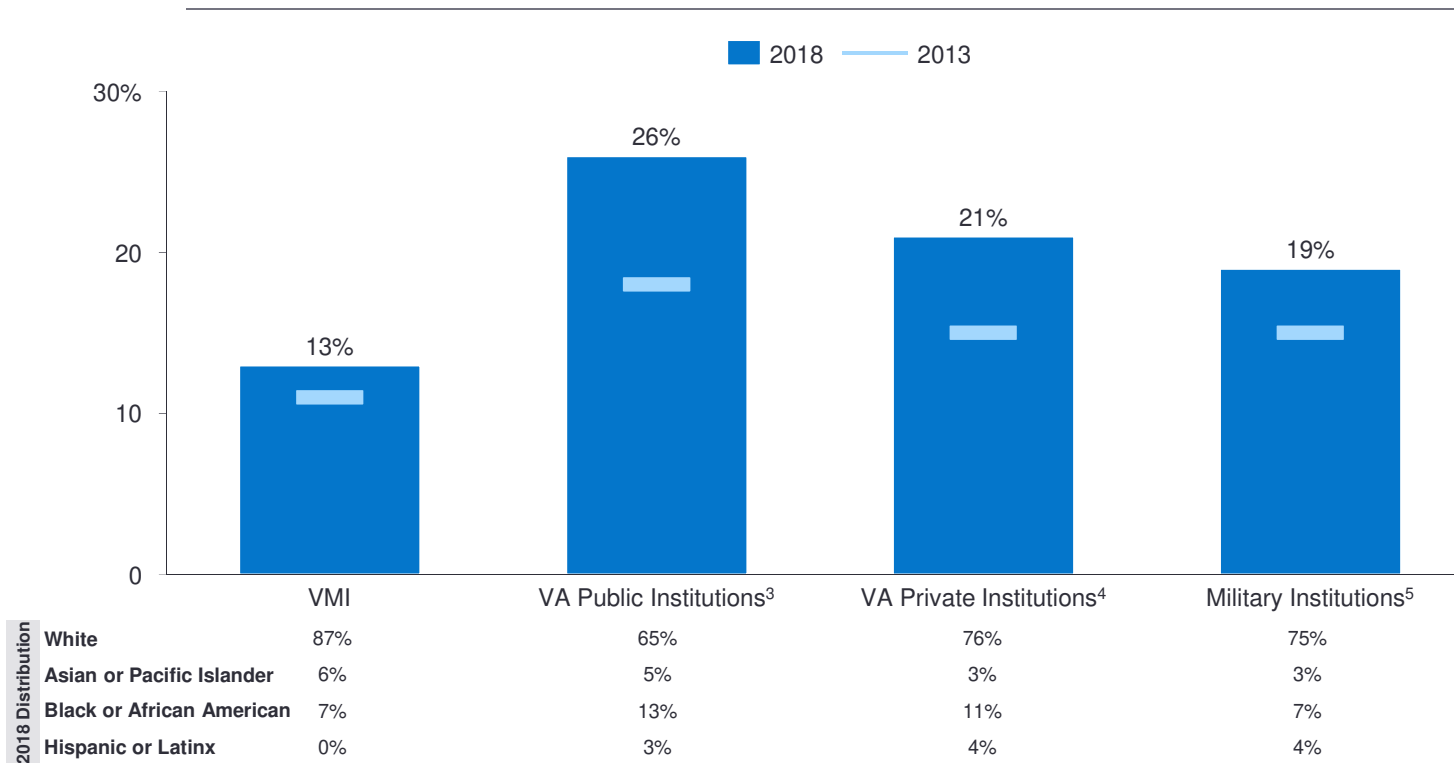
2. Categories of American Indian or Alaska Native, Native Hawaiian or Other Pacific Islander, two or more races, race / ethnicity unknown, and nonresident alien are not displayed, due to low category values

Source: IPEDS

The median percentage of people of color as share of new hires increased across comparison groups by 5-8 percentage points from '13-'18, compared to 2 points at VMI

New Hires Over Time

People of Color as a Percentage of New Hires at VMI and Comparison Groups¹
Fall 2013 and Fall 2018



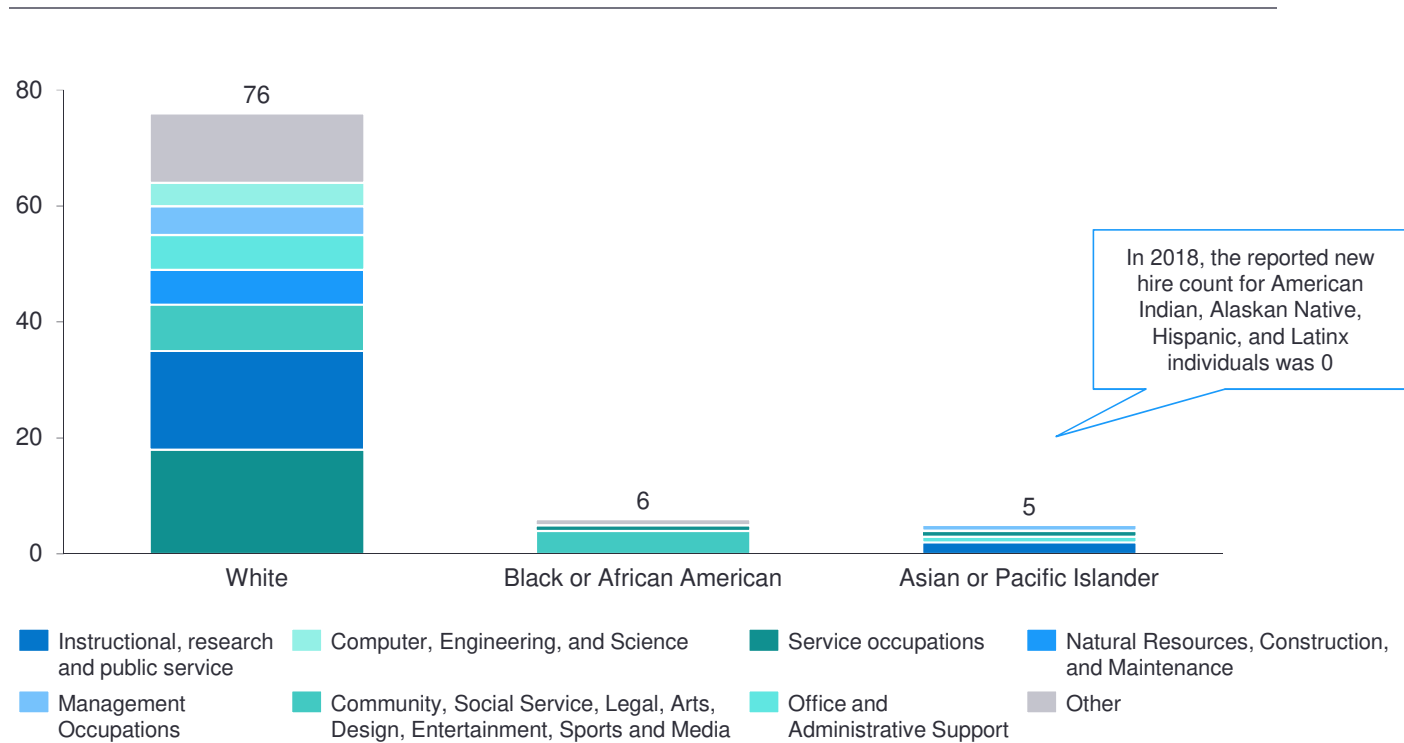
1. Values for comparison groups reflect median percentages from institutions within each comparison group
 2. Categories of American Indian or Alaska Native, Native Hawaiian or Other Pacific Islander, two or more races, race / ethnicity unknown, and nonresident alien are not displayed, due to low category values
 Source: IPEDS

3. For VA Public institutions, the minimum % of POC new hires was 12% with the maximum at 88%.
 4. For VA Private institutions, the minimum % of POC new hires was 0% with the maximum at 79%.
 5. For Military Institutions the minimum % of POC new hires was 0% with the maximum at 29%
 Page 25

In terms of total new hires, VMI hired ~7x more White employees than people of color, with new hires spread across a variety of roles and departments

New Hires by Race/Ethnicity and Staff Category

Number of VMI New Hires by Staff Category and Race / Ethnicity
Fall 2018



Agenda

- ▶ Introduction
- ▶ Comparison Findings
- ▶ **Supporting Materials**

Demographic definitions

IPEDS and SCHEV demographic definitions

Terminology Used	IPEDS Terminology	SCHEV Terminology
American Indian or Alaskan Native	American Indian or Alaskan Native	American Indian or Alaskan Native (Non-Hispanic)
Asian or Pacific Islander	Asian	Asian or Pacific Islander (Non-Hispanic)
	Native Hawaiian or Pacific Islander	
Black or African American	Black or African American	Black (Non-Hispanic)
Foreign	Nonresident alien	Nonresident alien
Hispanic or Latinx	Hispanic/Latino	Hispanic
Multi-Race	Two or more races	Multi-race (Non-Hispanic)
White	White	White (Non-Hispanic)
Unknown/Unreported	Unknown	Unknown/Unreported
Students of color	Students of color are defined within this document as American Indian or Alaskan Native, Asian or Pacific Islander, Black, Hispanic/Latinx, and Multi-Race	
All other students	All other students are defined within this document as White, foreign, and unknown/unreported students	

Demographic categories White and Unknown are grouped together in some SCHEV data sets. These reporting differences are cited on charts where relevant

Demographic definitions

IPEDS Demographic Definitions

IPEDS Racial Demographic Definitions

- ▶ American Indian or Alaska Native - A person having origins in any of the original peoples of North and South America (including Central America) who maintains cultural identification through tribal affiliation or community attachment.
- ▶ Asian – A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- ▶ Native Hawaiian or Pacific Islander - A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- ▶ Black or African American - A person having origins in any of the black racial groups of Africa.
- ▶ Hispanic or Latino/Hispanic - A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
- ▶ White - A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
- ▶ Two or more races - Category used by institutions to report persons who selected more than one race.
- ▶ Unknown - The category used to report students or employees whose race and ethnicity are not known.

Demographic definitions

SCHEV Demographic Definitions

SCHEV Racial Demographic Definitions

- ▶ American Indian or Alaska Native (NH) Variable combines both old and new race/ethnicity categories of American Indian or Alaska Native American Indian or Alaska Native (new definition) - A person having origins in any of the original peoples of North and South America (including Central America) who maintains cultural identification through tribal affiliation or community attachment. American Indian or Alaska Native (old definition) - A person having origins in any of the original peoples of North America and who maintains cultural identification through tribal affiliation or community recognition. (Source: IPEDS)
- ▶ Asian/Pacific Islanders (NH) Variable combines new race/ethnicity categories Asian and Native Hawaiian with the old race/ethnicity category of Asian or Pacific Islander. Asian (new definition) - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam. Native Hawaiian or Other Pacific Islanders (new definition) - A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands. Asian/Pacific Islander (old definition) - A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, and Pacific Islands. This includes people from China, Japan, Korea, the Philippine Islands, American Samoa, India, and Vietnam. (Source: IPEDS)
- ▶ Black (NH) Variable combines the new race/ethnicity category Black or African American and the old race/ethnicity category Black non-Hispanic. Black or African American (new definition) - A person having origins in any of the black racial groups of Africa. Black, non-Hispanic (old definition) - A person having origins in any of the black racial groups of Africa (except those of Hispanic origin). (Source: IPEDS)
- ▶ Hispanic or Latino/Hispanic Variable combines the new race/ethnicity category Hispanic or Latino and the old race/ethnicity category Hispanic. Hispanic or Latino (new definition) - A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. Hispanic (old definition) - A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race. (Source: IPEDS)
- ▶ White(NH) Variable combines the new race/ethnicity category White and old race/ethnicity category White, non-Hispanic. White (new definition) - A person having origins in any of the original peoples of Europe, the Middle East, or North Africa. White, non-Hispanic (old definition) - A person having origins in any of the original peoples of Europe, North Africa, or the Middle East (except those of Hispanic origin).
- ▶ Multi-Racial (NH) - Category used by institutions to report persons who selected more than one race. (Source: IPEDS) For SCHEV's reporting, this includes only students that select two or more races and did not select "Hispanic or Latino".
- ▶ Unknown/UnReported - This category is used ONLY if the student did not select a racial/ethnic designation, AND the postsecondary institution finds it impossible to place the student in one of the aforementioned racial/ethnic categories during established enrollment procedures or in any post-enrollment identification or verification process. (Source: IPEDS)

Institutions by comparison group

Public Institutions in Virginia

1. William & Mary
2. Christopher Newport University
3. Radford University-Carilion (formerly Jefferson College of Health Sciences)¹
4. George Mason University
5. James Madison University
6. Longwood University
7. University of Mary Washington
8. Norfolk State University
9. Old Dominion University
10. Radford University¹
11. The University of Virginia's College at Wise
12. Virginia Commonwealth University
13. University of Virginia-Main Campus
14. Virginia State University
15. Virginia Polytechnic Institute & State University

Private, Not-for-Profit Institutions in Virginia

1. Averett University
2. Bluefield College
3. Bridgewater College
4. Regent University
5. Emory & Henry College
6. Eastern Mennonite University
7. Ferrum College
8. Hampden-Sydney College
9. Hampton University
10. Hollins University
11. Liberty University
12. University of Lynchburg
13. Mary Baldwin University
14. Marymount University
15. Randolph-Macon College
16. Randolph College
17. University of Richmond
18. Roanoke College
19. Shenandoah University
20. Southern Virginia University
21. Sweet Briar College
22. Virginia Union University
23. Virginia Wesleyan University
24. Washington and Lee University
25. Averett University-Non-Traditional Programs

U.S. Military Institutions

1. United States Air Force Academy
2. United States Coast Guard Academy
3. United States Naval Academy
4. United States Merchant Marine Academy
5. United States Military Academy
6. Citadel Military College of South Carolina
7. Texas A & M University-College Station
8. Norwich University
9. Virginia Polytechnic Institute & State University
10. University of North Georgia

¹. Radford University and Radford University-Carilion are considered to be a single institution in SCHEV after 2018, following Radford's acquisition of the former Jefferson College
Source: SCHEV; IPEDS