

May 2, 2024

V.M.I. Board of Visitors
Mr. Thomas Watjen, President
Virginia Military Institute
P.O. Box 932
Lexington, VA 24450

Re: Board of Visitors meeting May 3-5, 2024

Ladies and Gentlemen,

I have six issues for the Board's consideration.

The first issue continues my prior correspondence concerning the financial challenges VMI's NCAA athletics program faces. The NCAA landscape is undergoing significant and fundamental change in a small timeframe. These changes come about at a time when VMI is transitioning its athletic department leadership. Without a dedicated principal to assist the superintendent and support the Board, VMI suffers from a lack of understanding and appreciation for further gyrations throughout college athletics. The state legislature recently amended the state's name-image-likeness (NIL) statutes. These revisions place significant restriction on the NCAA enforcing its NIL policies. The legislature's decision to allow the colleges and universities to directly compensate student-athletes will, not may but will, have a direct, unfavorable effect on VMI athletics. It will accelerate an existing talent gap between VMI and VMI's opponents. Since VMI considers cadet-athletes to be students first, it will lose the capacity to recruit highly competitive student-athletes based on athletic ability. VMI's opponents will not suffer this loss.

Coupled with the recent antitrust lawsuit filed against the NCAA by the state of Tennessee and Virginia Attorneys General, the two legal events embody the clearest picture of an upended NCAA. The radical changes within the NCAA ecosystem compel VMI to recognize its small college condition, embrace it and make decisions moving VMI away from competition as a NCAA Division 1 program. VMI's obstinate conviction it can "win" as a NCAA Division 1 program is no longer viable. By way of analogy, college athletics is now in a 100-yard sprint to obtain and reward athletic talent. VMI's competitors are already running down this track. VMI is in the locker room putting on its track shoes.

During the November and January meetings, Board members were reminded solutions to the athletics program's fiscal challenges would rely heavily on Alumni Agencies and Keydet Club support. However, VMI cannot spend its way out of an evolving NCAA landscape and into success. It should use the state legislature's recent actions regarding NIL to remake its athletic program into one focused on long-term, not year-to-year, success as a small college. Rather than hoping for singular and infrequent victories each season, the more realistic enterprise is for VMI's teams to consistently win year after year competing against colleges of similar student body size.

My second issue is related. During the March 19, 2024 Audit, Finance, and Planning Committee meeting, the superintendent informed the Committee he would be forming a task force to evaluate VMI's NCAA athletic program. I believe the data he used is flawed. In particular, slide #5 states a current Corps enrollment of 1,526 cadets. If this figure is divided by the number of players identified on the rosters of all teams, it yields a total of 427 players¹. However, there are several cadet-athletes playing on more than one team. This fact lowers the number of individual athletes, further lowering the percentage of cadet-athletes in the Corps. Cadet-athletes as a percentage of the Corps can represent no more than 27.9% (1,526/427). They certainly are not "one-third" (1,526*.3=457 athletes).

Slide #24 fails to provide context to the "recruiting" paragraph explaining how cadet-athletes who provide tuition and fees, aka, "pay for college" are a recruiting mechanism. This slide also provides statistics regarding "users" who watched VMI athletics on X, Facebook, and Instagram and provides a figure for ESPN viewership. The slide does not provide speaker's notes. The reader must decide if these statistics a) reflect individual, one-time views, or b) are multiple views by a single person (perhaps by a parent). There is no explanation regarding the meaning of ESPN viewership. Essentially, the numbers lack context and value.

My third issue repeats my request the Board publish the findings of the Inspector General's investigative report. The subject investigation involved allegations VMI employees deliberately impugned the integrity of cadets and Alumni when *The Cadet* newspaper won numerous Virginia Press Association awards in 2023. Inspector General offices are generally responsible for preventing unlawful activities or operations within their parent organization. Failure to release the IG's report, damages the VMI IG office's reputation as an objective and impartial entity. Allowing the superintendent's office to conceal conduct by its staff means the Board of Visitors is failing the Corps of Cadets, Alumni, and citizens of the Commonwealth. Failure to release the findings provides sanction for continued misconduct and stains the IG's office as unreliable.

The fourth issue is VMI's demonstrable need for professional marketing and communication services. The Board should reflect on the numerous tragic events and decisions occurring between the autumn 2018 and the Class of 2027's late-summer 2022 matriculation. The Institute's attempts to conduct crisis management in-house and ad hoc is harming the Corps, the Alumni, and VMI. The Board has to recognize the Institute requires full-time support and outside, independent guidance on which it can rely. VMI is presently party to a number of lawsuits that may deliver unfavorable outcomes to VMI. Based on prior events, VMI is waiting for the court to rule before it realizes it should respond. If past is precedent, VMI will do nothing making it look unaware, unprepared, and foolish.

My fifth issue reflects on the Board's concerns about tuition costs, faculty, and staff expenditures. Drawing on committee meeting reports and open session discussion, I commend Board members' concerns about VMI's tuition cost compared to in-state and out-of-state institutions. Before considering faculty or staff raises the Board should be prepared with the best information suitable for evaluating Institute personnel. As such, an assessment should be conducted wherein each "staff" position is matrixed against a set of investment values. Ascertaining the return-on-investment for each staff position may yield opportunities for

¹ <https://vmikeydets.com> Refer to Appendix 1

consolidation and force reduction. This action may yield opportunities to maintain tuition costs at current levels. If staffing is not assessed and a one size fits all approach is used for salary increases, unnecessary growth and escalation will follow.

Finally, my sixth issue is the Institute methodology regarding notification to the VMI community when an Alumnus dies. Using VMI vernacular, the current methodology needs to be drummed out. VMI’s methodology presently eliminates recognition of many Alumni at the time of their death simply because they are lumped into a category named “civilian alumni.” However, the service and philanthropy of many, “civilian Alumni” requires recognition because Alumni are the reason cadets are able to attend the Institute, faculty can conduct research and cadet-athletes can play sports.

	Post-wide Email	Flag Order	VMI Web/Release	IR
Cadet Death	Yes	Yes	Yes	Yes
Alum Combat Death	Yes	Yes	Yes	Yes
Alum Non-Combat Training Death	Yes	Yes	No	No
Non-Combat, Non-Training death of Alum on Active Duty	Yes, if within 5 years of graduation	No	No	No
Death of a civilian alum	No	No, unless otherwise qualifies	No, unless there is a news component	No, unless there is a news component
Current Faculty/Staff Death	Yes	Yes	Yes	Yes
Retired Faculty/Staff Death	Yes, only if: - significant service to VMI, and - listed in the retired section of post directory	No	Yes, only if: - significant service to VMI, and - retired within last 5 years	Yes, only if: - significant service to VMI, and - retired within last 5 years

Table 3-7. Obituaries matrix.

The recent deaths of two Alumni provide a clear illustration why the matrix and any related policies require change:

On February 7, 2024, U.S. Marine Corps Captain Jack Casey, Class 2019 died during a military training accident. Using the obituaries matrix, notification of his death was made by the superintendent to the VMI community through email and a VMI website online post. VMI also conducted a remembrance ceremony in Barracks, that it filmed, and posted on various social media. The ceremony was picked-up and rebroadcast by multiple news organizations.

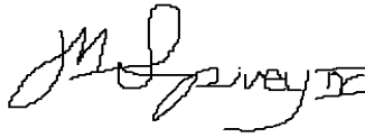
On February 23, 2024, James W. Enochs, Jr. Class 1949B died. Mr. Enochs was a Korean War combat veteran. He had two sons who are Alumni. He served as member of the VMI Board of Visitors and was a recipient of the VMI Foundation’s Distinguished Service Award. Most significantly, he was a lifelong donor to the VMI Foundation. He is listed in the editions of the Foundation’s “Honor Roll of Donors” as a “25 Years or More” contributor (2019-2023 posted online).

Without question, Mr. Enochs support and generosity to the Institute enabled many cadets, perhaps Capt Casey, to receive and benefit from a VMI education. Shamefully, VMI failed to make an exception to the obituaries matrix and never made an announcement of Mr. Enochs passing.

NOTE: Nothing written about Capt Casey is intended to disparage him. However, the amount of recognition VMI provided the young man stands in stark contrast to the lack of recognition for Mr. Enochs despite Mr. Enochs' lifetime of service, commitment, and philanthropy to VMI.

VMI's obituary matrix fails its greatest benefactors, The Alumni. It must be discarded and a new matrix written.

Respectfully,

A handwritten signature in black ink, appearing to read "JM Spivey IV". The signature is written in a cursive, somewhat stylized font.

Joseph M. "Jake" Spivey, IV
Class of 1985

Appendix I

VMI NCAA athletic teams Number of players, per Team

Men's Sports

Baseball	36
Basketball	6
Cross-Country	15
Lacrosse	48
Football	75
Rifle	11
Soccer	34
Swimming & Diving	34
Track & Field	37
Wrestling	36
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	332

Women's Sports

Cross-Country	7
Rifle	8
Soccer	32
Swimming & Diving	15
Track & Field	24
Water Polo	9
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	95

Subtotal Men	332
Subtotal Women	95
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Total	427