



June 24, 2024

Board of Visitors

Attention: Board of Visitors Members
Virginia Military Institute
Lexington, Virginia 24450

Dear Members of the Virginia Military Institute (VMI) Board of Visitors (BOV):

On behalf of the Virginia Alumni Free Speech Alliance (AFSA) we respectfully submit the attached public comment letter for action during the 26 – 27 June 2024 BOV sessions.

Please respond to all signatories using the email addresses below.

We look forward to observing and participating in the training sessions at VMI.

Sincerely,



Robert C. Morris, Jr.
President
The Cadet Foundation
Virginia Military Institute
Email: BobM@caihq.com



Tom Rideout
Chairman
The General's Redoubt
Washington & Lee University
Email: tomrideout@cox.net



Thomas M. Neale
President
The Jefferson Council
University of Virginia
Email: tom74@comcast.net

* The Cadet Foundation, The General's Redoubt, The Jefferson Council, and The Madison Cabinet for Free Speech are members of the Alumni Free Speech Alliance.



June 3, 2024

Honorable Glenn Youngkin

Governor of Virginia
Office of the Governor
P.O. Box 1475
Richmond, VA 23218.

Honorable Aimee Guidera

Commonwealth of Virginia, Secretary of Education
Patrick Henry Building
1111 East Broad Street, 4th Floor
Richmond, Virginia 23219

Mr. Scott Fleming

Director, State Council of Higher Education for Virginia (SCHEV)
101 N. 14th St., 10th F
James Monroe Building
Richmond, VA 23219-3659

CF:

Mr. Richard Cullen

Counselor to the Governor
Office of the Governor
P.O. Box 1475
Richmond, VA 23218.

Virginia Military Institute Board of Visitors

Attn: Tom Watjen, President
Lexington, Virginia 24450

Dear Governor Youngkin, Secretary Guidera, Director Fleming and VMI Board of Visitors

On behalf of the Virginia Alumni Free Speech Alliance we respectfully request the following applicable to the Governor's upcoming Board of Visitors (BOV) appointments for Virginia States Colleges and Universities as well as the associated BOV training the State Council of Higher Education for Virginia (SCHEV) is required to provide under Virginia Code:

1. Before the training and orientation are conducted, we request a copy of all training packets for the required new BOV training and orientation program by SCHEV and any contributing offices as well as the same materials for training and orientation at the Virginia Military Institute, University of Virginia and James Madison University.
2. A reasonable time slot during the State hosted and Virginia Military Institute, University of Virginia and James Madison University hosted new BOV orientation and training so as to present issues and concerns on relevant statutory required topics during State BOV Training and orientation.
3. Attendance at the State new BOV Member training and orientation session(s).

4. Attendance any separate new BOV training and orientation session(s) at Virginia Military Institute, University of Virginia and James Madison University.

Per Virginia Code § 23.1- 1304 the Council is required:

to develop, in consultation with public institutions of higher education and members of their governing boards, and annually deliver educational programs for the governing boards of such institutions. New members of such governing boards shall participate, at least once during their first two years of membership, in the programs, which shall be designed to address the role, duties, and responsibilities of the governing boards and may include in-service programs on current issues in higher education. In developing such programs, the Council may consider similar educational programs for institutional governing boards in other states. In addition, the Council shall develop educational materials for board members with more than two years of service on the governing board. Each such board member shall participate in further training on board governance at least once every two years, and the Council shall develop criteria by which such board members shall demonstrate compliance with this requirement.

Virginia Code § 23.1-203, B, 1-19 prescribes the mandatory contents of the training with requirements 1, 11, 14, 15 and 16 being areas where AFSA members have specific expertise and relevance to informing the new BOV members. As Secretary Guidera is aware of from attending AFSA events and/or our previous meetings, and the other addresses are aware of from our previous correspondence with your offices, we have insights and access to unique resources and Subject Matter Experts (SMEs) that can directly benefit and assist BOV Members in executing their duties for the taxpayers of Virginia. AFSA stands ready to continue filling a critical information gap on important issues created by the biased and/or selective information provided to BOV members resulting from the pervasively entwined, captive relationship some school administrations have with their traditional alumni associations.

All too often, many public colleges and universities use that entwined, captive relationship with their traditional alumni associations to provide those organizations time during the training and orientation during which they present their subjective and often biased views and programs. **We respectfully offer that we are entitled to at least equal time.**

Virginia law solidly supports our right and authority to attend the training(s) and orientation(s). Virginia Code § 2.2-3707, B, requires “All meetings of public bodies shall be open, except as provided in §§ 2.2-3707.01 and 2.2-3711.” Virginia Code § 2.2-3707, D, states, “Every public body shall give notice of the date, time, location, and remote location, if required, of its meetings...” With the limited exception of pending or current litigation and personnel matters, not including general legal and other training, there should be little or no closed session topics. None of the statutory required training topics qualifies for an exemption. We cannot be excluded from the training and orientation.

Virginia Code § 2.2-3701 defines a “meeting” or “meetings” as “the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to § 2.2-3708.2 or 2.2-3708.3, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body.” Even if

limited to the 3 to 4 new BOV appointees per school the training and orientation both at State and school level unquestionably qualify as meetings under the law.

While the right to present by AFSA is not mandated in Virginia Code, it is discretionary and within the full authority of your offices to grant. It is only fair and equitable you do so and direct Virginia Military Institute, University of Virginia and James Madison University to do the same.

We understand the new BOV appointments are imminent with the training and orientation normally occurring sometime during the period June through August 2024. We are prepared to engage immediately with SCHEV and/or the other appointed Governor and school representatives for our attendance and inclusion in the training(s) and orientation(s). We are also willing to prepare generic versions of our training and orientation elements and deliver them to Virginia Colleges and University new BOV members. This will advance the goal the Secretary of Education stated to establish AFSA chapters at all Virginia Institutions of Higher Education.

Although AFSA member, The Generals Redoubt (TGR), as an independent alumni and supporter group concerned with Washington and Lee University, is not subject to the same Virginia statutory requirements, TGR's inclusion as an AFSA member in the training(s) and orientation(s) for the Virginia Colleges and Universities will set an example for transparency, inclusion and viewpoint diversity we hope all Virginia universities will follow.

We respectfully request a response to our request in the near future so we can consider and possibly initiate any appropriate actions if we are denied this access.

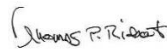
COL (Ret) Morris and The Cadet Foundation will serve as our lead for this coordination, and he can be contacted at: (757) 869-6770 or BobM@caihq.com.

Thank you again for your efforts and we look forward to meeting with you soon.

Sincerely,



Robert C. Morris, Jr.
President
The Cadet Foundation
Virginia Military Institute



Tom Rideout
Chairman
The General's Redoubt
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