

FROM:
Kayla Owen
VMSDEP Friends

TO:
Virginia Military Institute Board of Visitors
Lexington, Virginia 24450

SUBJECT: Request for Virginia Military Institute Board of Visitors Resolution and Action on the Virginia Military Survivors & Dependents Education Program (VMSDEP).

Dear Members of the Board of Visitors:

1. The purpose of this letter is to formally request the Virginia Military Institute (VMI) Board of Visitors (BOV) take the following actions during its meetings June 26 – 27, 2024:
 - a. Add discussion and decision on the proposed resolution supporting the Governor of Virginia and the Virginia Military Survivors & Dependents Education Program (VMSDEP) at **enclosure 1**, to the official agenda for the Executive Committee meeting on June 26 and the full BOV Meeting on June 27, 2024.
 - b. Approve the proposed BOV Resolution at enclosure 1, or a Resolution that is substantially the same with changes coordinated with Friends of VMSDEP, at the June 27, 2024 full BOV meeting.
 - c. Issue a Press Release following the June 27, 2024 BOV meeting to make public the BOV's actions in response to this request or its refusal to act on our request.
 - d. If the current BOV leadership and/or VMI administration leadership block adding consideration of this request to the agenda, the BOV members call for a Special Meeting of the VMI BOV within 10 days of the new BOV leadership and members taking office on July 1, 2024. Said special meeting be specifically to address and vote on our proposed resolution as authorized by the Bylaws and include in-person public comments and virtual public access.
2. **The BOV overall, and the BOV Members individually have both the authority and obligation to act on this request.**

In accordance with the Code of Virginia, the VMI BOV By-laws, and the VMI BOV Statement of Governance:

- a. The Governor of Virginia is the Commander-in-Chief of VMI. Unlike the relationship with other Virginia Public Colleges, the Governor's direction to VMI regarding the program constitute both "orders" and "the Commander's guidance" VMI is required to comply with under its statutory military structure. *The governor specifically called for repeal of changes to the VMSDEP.*
- b. The BOV is responsible for oversight of the Institute's budget development process.
- c. The BOV shall remain transparent in its actions and shall operate openly. *This topic cannot legitimately be covered in a closed session.*

- d. The BOV shall also oversee the actual application of resources and ensure the cost-effective operation of the Institute.
- e. The BOV shall define the mission of the Virginia Military Institute, as a public institution of higher education in the Commonwealth, and oversee the development, revision and implementation of a strategic plan for the accomplishment of that mission. *Passing our proposed resolution meets the VMI mission and strategic plan.*
- f. The Cadet/Military Affairs Committee is responsible for, without limitation, oversight of all cadet activities, military affairs, barracks operations, the ROTC program, and the commissioning of cadets.
- g. The Audit, Finance, and Planning Committee is responsible for oversight of all matters relating to the Institute's financial affairs, business operations, risk management, and the audits thereof.

3. VMSDEP, with the cadets it does and can support, are core to VMI fulfilling its unique Mission.

- a. The VMSDEP program was created in 1930 to provide college tuition to the children of active-duty service members killed in action, and/or totally or permanently disabled due to service in World War I (1914–18).
- b. The VMSDEP evolved with the singular goal of supporting to veterans and their dependents in attaining their education goals. It is a Commonwealth of Virginia program that provides education benefits to spouses and children of qualifying Veterans who have been rated by the U.S. Department of Veteran Affairs (USDVA) as totally or at least 90 percent permanently disabled, disabled as a result of military service, killed, missing in action, or taken prisoner as a direct result of involvement in covered military combat. Military service includes the United States Armed Forces, United States Armed Forces Reserves, or the Virginia National Guard.
- c. VMI's mission is "to produce educated, honorable men and women, prepared for the varied work of civil life, imbued with love of learning, confident in the functions and attitudes of leadership, possessing a high sense of public service, advocates of the American Democracy and free enterprise system, and ready as **citizen-soldiers** to defend their country in time of national peril." [emphasis added]. *VMSDEP is the epitome of a program supporting citizen-soldiers for their benefit and that of the Commonwealth overall.*
- d. Over 50 percent of VMI graduates are commissioned each year and the VMI BOV has set a goal of having 70 percent of VMI cadets take a commission.
- e. VMI alumni include more than 285 general and flag officers, including the first five-star General of the Army, George Marshall; 7 recipients of the highest U.S. military decoration, the Medal of Honor; and more than 80 recipients of the second-highest awards, the Distinguished Service Cross and Navy Cross. Gen. Marshall remains the only soldier in history awarded the Nobel Peace Prize.
- f. VMI has graduated more Army generals than any ROTC program in the United States and is unique in offering ROTC programs for all five U.S. military branches (Army, Navy, Marine Corps, Air Force, and Coast Guard).

- g. VMSDEP is now and has always been a vital benefit to support veterans and assist veterans and their families to receive the unique VMI experience and fulfill VMI's mission to the Commonwealth and the nation.
- h. Governor Glenn Youngkin is the Commander-In-Chief of the Virginia Military Institute under Commonwealth law. He issued Executive Directive Seven to address recent changes made by the General Assembly to the VMSDEP that established a stakeholder-driven task force to review the changes and to help inform the development of guidance and other materials that minimize the impact on military and veteran families to the greatest extent possible. *VMI is obligated to do all it can to implement that directive.*
- i. Governor Youngkin called for the repeal of all VMSDEP changes enacted in HB/SB 6001 until his Task Force completes its work, reports, and its findings and recommendations are acted upon. *VMI is obligated to take all reasonable and lawful steps necessary to implement the Commander's intent to prevent this harmful change.*

4. VMI must support this resolution to be inclusive, achieve its Strategic Plan, and support minorities and underserved populations.

- a. The VMSDEP changes runs counter to the State Council for Higher Education in Virginia (SCHEV)'s strategic [plan](#) that prioritizes "equity" above all else. *VMI states it fully supports this plan.*
- b. The Commonwealth and federal governments recognized veterans as a minority population as they meet the minority definition as a smaller portion of the population with a unifying culture to the group.
- c. Veteran-owned businesses are recognized by the Commonwealth and Federal governments as minority-owned businesses.
- d. Disabled veterans is a recognized special sub-population of "Veterans who are minorities" within the general veteran minority population along with the women and persons of color sub-populations. This makes them a particularly vulnerable group.
- e. A multitude of national level studies reveal major discrepancies between post-military [disability ratings](#), [health care access](#) and [income disparities](#) between whites and non-white (black, Hispanic, Asian, etc.) veterans.
- f. Veteran [divorce rates](#) are double that of the general population, leaving many veterans as single parents and a disproportionately higher number of single-income [mothers](#). For many of these single parents, the VMSDEP program is the only viable way to support sending their children to college.
- g. Department of Veterans Affairs [data](#) also reveals that blacks have proportionately higher rates of high disability ratings (e.g., >60%) as compared to white veterans.
- h. According to recent [data](#) from the U.S. Department of Veteran Affairs, veteran women and people of color, in particular, will be disproportionately affected by the VMSDEP changes.
- i. According to the department of labor, 19% of women veterans are African American while 1% are Asian and 7% are Hispanic.
- j. The number of women who can access this VMSDEP and benefit from the VMI experience are severely limited under the changes based on the fact women were [not](#)

- permitted in combat military occupational specialties until as late as 2016 and so less women are now eligible under the change.
- k. Women veterans are also twice as likely as men to receive a Post Traumatic Stress Disorder (PTSD) diagnosis, but not all PTSD diagnoses are related to combat.
 - l. Some reports propose that as high as 84% of female service members experience some form of unwanted sexual contact during their military tenure and a quarter of female service members are harassed or assaulted every single year and 33% or 1-in-3 women leaving the military have experienced military sexual trauma (MST). They would not qualify for VMSDEP since MST is non-combat related.
 - m. While the total number of veterans are predicted to drop in the next decade, the number of minority veterans are projected to increase.
 - n. The investigation report by Barnes & Thornburg the VMI Superintendent stated he would implement all recommendations from except withdrawing from NCAA sports recommended: 1) “VMI leadership examine how it can create an environment that does not disadvantage or impose disparate effects on minorities” and 2) “VMI should review the feasibility of establishing and funding scholarships for minority non-athlete cadets as well as other mechanisms to provide support for minority non-athlete cadet recruitment and retention, including by using funding from the Alumni Agencies and other donors.” *Passing the proposed resolution meets and implements these recommendations.*

The VMI Strategic Plan, built on the VMI’s *One Corps-One VMI: Unifying Action Plan* lists “Diversity and inclusion” as its second highest of five enduring outcomes, second only to “commitment to honor”. *VMI must be true to its word and pass the proposed resolution to ensure the disabled veteran minority, and the various gender, racial and ethnic cohorts within that minority have access to the VMI experience through the restored VMSDEP benefits regardless of race, gender or ethnic background.*

5. VMI’s past and current actions regarding VMSDEP are questionable and require BOV oversight.

According to Public Records, State Council of Higher Education for Virginia (SCHEV) briefings, Friends of VMSDEP with other research, and the Virginia Department of Veterans Services (DVS):

- a. Of 39 State Institutions of Higher Education consisting of 15 Four-Year Public Institutions, 1 Two Year Institution and 23 Community Colleges only Christopher Newport University, Virginia Commonwealth University, George Mason University, and Paul D. Camp Community College attended the Governor’s first Task Force meeting. Some schools provided their Presidents and/or Board of Visitors representatives. VMI, who should be leading the effort to support veterans in this program, was conspicuous by its absence although its own publications boast of increased engagement with NCAA sports recruiting events and scholarships.
- b. SCHEV briefs VMI reports losing 15% of its tuition income to the program. Even a cursory review find this figure highly questionable. According to a recent BOV briefing 2024 Cadet Tuition and Fees income was \$29,795,000. The BOV slide does not say if this number included or excluded VMSDEP program costs.

- c. According to figures obtained by Friends of VMSDEP from DVS, VMI had 31 total Cadets enrolled in the program in 2024. Using a “worse case” scenario that 100% of the Program’s Tier 1 cadet tuition and mandatory instate fees of \$30,588 per cadet using the in-state fee table on VMI’s website totals a tuition “loss” of only \$948,000 to VMI. This is 3% and not 15%. This is likely less if other scholarships and incentives are factored in that these cadets may receive. This does not include the “stipend” funded separately from SCHEV funds. It is not appropriate to classify these as “out-of-state” cadets as the program requires Virginia residency, but even using the out-of-state full cost of \$60,396 for the 31 Cadets totals 6% and not 15%. To reach the 15% reported in the SCHEV presentation, the total cost to VMI would need to be \$4,469,250 or \$144,169.35 per student for each of the 31 cadets. *We find this highly questionable and the BOV’s responsibility to validate.*
- d. The nature of VMI’s fees themselves is also a factor. The straight tuition, without additional fees is \$10,368 in state and \$41,960 for out-of-state. VMI’s Athletic Fee alone is \$4,064 to benefit NCAA athletics. *We question if the future of our veterans and their dependents should suffer so VMI can “win” in NCAA sports.*

While these figures likely are not 100% accurate as they are taken from the public documents available, they represent an important example of why it is absolutely critical for the BOV to validate them to the line-item level and that cadets not be punished through changes to the program until the facts are known.

We also note both VMI and its Alumni Agencies remain silent on this critical issue while the only meaningful VMI-related engagement with us, the Task Force, and the Virginia Agencies is through reporting by VMI’s independent Newspaper, *The Cadet*, and action by the Cadet Foundation as a 501(c)(3) independent of VMI and the Alumni Agencies. It is not lost on VMI alumni, Virginia’s veterans, and us that both of these groups are targets the current VMI administration is attempting to impede or close.

6. The BOV has the authority to act at the upcoming meetings.

In accordance with the Code of Virginia, The VMI BOV By-laws, and Statement of Governance, the published BOV agenda may be amended once a meeting is commenced by a vote of a majority of the members of the Board present. Any BOV member can request our adding our resolution to the agenda. If the BOV President refuses, any member can offer it and a simple majority can vote it onto the agenda.

We call on all BOV members to show their support for veterans and cadets by placing this topic on the agenda.

7. The BOV and VMI cannot reasonably be “too busy” to support veterans.

VMI and the BOV cannot reasonably use the excuse the agendas for the June 27 – 28 meetings are “too full”. The current situation with the VMSDEP is affecting those cadets currently enrolled who use it and those prospective cadets who will matriculate in August 2025 and after. The BOV has several options to deal with this issue and support current and future members of the VMI Family:

- a. Current BOV Meeting: Work with us and pass our proposed Resolution at the Full BOV meeting on June 27, 2024.
- b. Convene a Special Meeting within 10 days of July 1, 2024: According to the BOV Bylaws, special meetings of the Board may be called by the President of the Board, the Superintendent, by a majority vote of the Executive Committee, or by the request of a majority of the members of the Board for specific and limited purposes and noticed in accordance with Virginia Code § 2.2-3707(D). ***Does the BOV have time to consider NCAA Sports and a Strategic Plan based on “inclusive Excellence” but not have time for veterans and their families who gave so much to this country?***
- c. If the current BOV leadership does nothing, the new BOV President, Executive Committee and BOV Members can convene such a meeting to support the governor and Virginia Veterans within 10 days of their taking office on July 1, 2024.

If the BOV declines to take action it will show veterans, the people of Virginia, and the VMI Family that not one BOV member supports them in regard to this issue.

8. Friends of VMSDEP will be watching and engaging

Given the continuing deadlock and political maneuvering within and between the various political factions in Richmond, the BOV must act now in the best interest of veterans and cadets by passing our proposed resolution. Friends of VMSDEP and our partners will attend the June 26th and June 27th meetings then report on the BOV's action, *or lack of action* on our request and supporting Virginia' Veterans.

Based on VMI's history, legacy and mission the Institute must set the example in this regard. Your actions June 26th and 27th will tell the VMI Family, veterans, the Commonwealth and our nation if VMI will continue to be an exemplary leader in the tradition of Gen. Marshall or others or revert to merely being an “ordinary follower.”

Respectfully submitted for action in coordination with, and support from, of The Cadet Foundation,

Kayla Owen, VMSDEP Friends Co-Founder

Enclosures: AS

**Resolution Supporting the Virginia Military
Survivors & Dependents Education
Program (VMSDEP)
27 June 2024**

WHEREAS, VMSDEP program was originally created in 1930 to provide college tuition to the children of active-duty service members killed in action, and/or totally or permanently disabled due to service in World War I (1914–18), and

WHEREAS, VMSDEP evolved with the singular goal of supporting to veterans and their families in attaining their educational goals, and

WHEREAS, VMSDEP is a Commonwealth of Virginia program that provides education benefits to survivors, spouses, and dependents of qualified Veterans or Service members who have been rated by the U.S. Department of Veteran Affairs (USDVA) as totally and permanently disabled or at least 90 percent permanently disabled as a result of military service or qualifying Military Service, Members killed, missing in action, taken prisoner, or who have been rated by the USDVA as totally and permanently disabled or at least 90 percent permanently disabled as a direct result of involvement in covered military combat, and

WHEREAS, Military service includes the United States Armed Forces, United States Armed Forces Reserves, or the Virginia National Guard, and

WHEREAS, the Virginia Military Institute (VMI) is a public institution of higher education created by Virginia Code; and

WHEREAS, the VMI mission is to produce educated, honorable men and women, prepared for the varied work of civil life, imbued with love of learning, confident in the functions and attitudes of leadership, possessing a high sense of public service, advocates of the American Democracy and free enterprise system, and ready as citizen-soldiers to defend their country in time of national peril, and

WHEREAS, over 50 percent of VMI graduates are commissioned each year and the VMI Board of Visitors has set a goal of having 70 percent of VMI cadets take a commission, and

WHEREAS, VMI alumni include more than 285 general and flag officers, including the first five-star General of the Army, George Marshall; seven recipients of the highest U.S. military decoration, the Medal of Honor; and more than 80 recipients of the second-highest awards, the Distinguished Service Cross and Navy Cross, and the only soldier in history awarded the Nobel Peace Prize, and

WHEREAS, VMI has graduated more Army generals than any ROTC program in the United States is unique that it offers ROTC programs for five U.S. military branches (Army, Navy, Marine Corps, Air Force, and Coast Guard), and

WHEREAS, VMSDEP is now, and has always been a vital benefit to support veterans and assist veterans and their families to benefit from the unique VMI experience and fulfill VMI's mission to the Commonwealth and the nation.

WHEREAS, Governor Glenn Youngkin, Commander-In-Chief of VMI under the laws of the Commonwealth, issued Executive Directive Seven to address recent changes made by the General Assembly to the VMSDEP that established a stakeholder-driven task force to review the changes and to help inform the development of guidance and other materials that minimize the impact on military and veteran families to the greatest extent possible, and

WHEREAS, Governor Youngkin called for the repeal of all VMSDEP changes enacted in HB/SB 6001 until his Task Force completes its work, reports, and its findings and recommendations are acted upon.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Virginia Military Institute fully supports Virginia's Veterans as citizen-soldiers and affording them, and their qualifying dependents, the unique benefits of the VMI experience under the Virginia Military Survivors & Dependents Education Program (VMSDEP) as a benefit for their selfless service and in order to retain them as valued citizens of Virginia.
2. The Virginia Military Institute fully supports the Governor's call for an immediate repeal of the changes to VMSDEP in HB/SB 6001.
3. Until such time as the Virginia General Assembly properly acts on the Governor's request to repeal the VMSDEP changes and the report by the Governor's Task Force, the Virginia Military Institute will grandfather all cadets applying for VMSDEP by October 1, 2024 and/or whose parents or themselves apply or have pending U.S. Department of Veterans Affairs applications for VMSDEP qualifying U.S. Department of Veterans Affairs disability rating as of that date so as to allow current and new cadets to be exempt from the reform measures.
4. Virginia Military Institute shall waive any late fees or penalties for lack of tuition payment by Cadets impacted by the changes to the VMSDEP legislation and associated application deadlines until their applications are acted upon and the General Assembly makes a determination on program changes. No interest will be charged if it is subsequently found these cadets must pay their tuition and fees as a result of application denial or final program changes.
5. The Superintendent and other staff and employees of VMI, shall not participate in any working group(s), Task Forces or studies on VMSDEP that are in conflict with or separate from the Governor's VMSDEP Task Force without full Board of Visitors approval.
6. The Superintendent and other staff and employees of VMI are hereby directed to provide the Board of Visitors all data requested by the State Council of Higher Education for Virginia and/or the Governor's Task force on VMI's participation in and the impact of VMSDEP for review and approval before submission to ensure accuracy and that any recommendations support the VMI mission.
7. The Superintendent and other staff and employees of VMI, within the next 30 days, will provide the Board of Visitors and VMSDEP Task Force stakeholders a by-line item breakdown of the cost of VMSDEP to Virginia Military Institute for an individual cadet and the total program cost from its first use at the Institute to the present.
8. The Superintendent and other staff and employees of VMI, shall work with Friends of VMSDEP, Veterans Service Organizations and groups working with them to provide all required data and receive their input, to inform Board of Visitors Decisions, on submissions for the task force to ensure stakeholders are properly represented. All Freedom of Information Act or other fees to provide such information shall be waived.

Col. William Wyatt
Secretary of the Board of Visitors of Virginia Military Institute