Template for use with BOV:

These comments should be directed at the Board of Visitors, GMU Provost and GMU President as it addresses the ethics of this decision-making process.

Date

Address

Subject: BOV Ethics and Responsibility for Public Goodwill

Dear GMU Board of Visitors,

The Board of Visitors approved granting a ground lease to a commercial enterprise to build a professional cricket stadium. If such a stadium were to be built on private land, the commercial enterprise would have been subject to the oversight of state and local governments as is happening with the recent proposal for building professional stadiums in Alexandria.

While the BOV is operating within their charter to manage the public lands of GMU, it seems beyond their charter to enable a commercial enterprise to skirt and avoid any oversight by the state and local governments. Just because they have that authority, is it really consistent with their obligations for ethical behavior and safeguarding of public trust to use it in this case? This appears to be a situation where they are better served to allow for the public oversight that is normal for such a commercial enterprise instead of letting them be used by an entrepreneur to provide him a “get out of jail free” card.

Financial Due Diligence

The building of the cricket stadium has both financial and land use aspects affecting the University and as such should be under the purview of the Finance and Land Use Committee. Based on the review of the November 30, 2023 minutes of the Finance and Land Use Committee, there are no records of this committee reviewing or approving the cricket stadium. This seems highly unusual, and a breach of protocol expected of any responsible Board organization. There is also the additional possibility that the building of the stadium has aspects of being a gift to the University and as such, should have been discussed by the Development Committee. There is no record of this occurring either.

The following are questions regarding the financial relationship of the cricket stadium deal. (the term Owner refers to the owner of the cricket team)

1. If the Owner is building a multi-use stadium and baseball-specific facilities (e.g. batting cages) at no cost to the University does that fall under the definition of a gift? See BOV Bylaws:

***§ 23.1-1304.1 Governing boards; additional duties; policy; acceptance of terms and conditions associated with donations, gifts, and other private philanthropic support.***

The governing board of each public institution of higher education shall establish a policy for the acceptance of terms and conditions associated with any donation, gift, or other private philanthropic support. Each such policy shall include an administrative process for reviewing, accepting, and documenting terms and conditions associated with (i) gifts that direct academic decision-making and (ii) gifts of $1,000,000 or more that impose a new obligation on the institution of higher education, excluding gifts for scholarships or other financial aid. Each public institution of higher education shall retain documentation of such terms and conditions in compliance with the Virginia Public Records Act (§ 42.1-76 et seq.) and such documentation shall be subject to the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

1. Will the University be charged a fee by the Owner when the University baseball team uses the stadium? If not, is the use of the stadium an ongoing gift to the University?
2. As the University is only providing a ground lease to the Owner, will the team Owner also own the stadium?

Lastly, the deceptive language and the engagement with people in the cricket world was significant on GMU’s part but when presenting it to the public, the presentation called it baseball. This sort of deception is demonstrative of the project hiding something from the public. Respectfully, I request that an open public meeting be held to address these issues at your earliest convenience and definitely prior to any sort of construction activity. I look forward to your response.

Sincerely,