

**USCC PAM 15-1**

**United States Corps of Cadets**

# **The Cadet Honor Code, System, and Committee Procedures**

**Headquarters  
United States Corps of Cadets  
West Point, NY**

**01 October 2018**

**UNCLASSIFIED**

## SUMMARY OF CHANGES

USCC Pamphlet 15-1

The Cadet Honor Code, System, and Committee Procedures

This major revision, dated **01 October 2018**—

- Supersedes USCC PAM 15-1, 09 October 2015.
- **(Throughout)** Makes administrative changes and generally updates the publication. The first four chapters are intended for all audiences, while the subsequent chapters provide detailed information for those involved in the hearing process.
- **(1-5)** Updates the “Three Rules of Thumb” to the “Three Rules to Live by.”
- **(2-5, c)** Adds clarity to the definition of social tact.
- **(Chapter 3)** Adds a chapter identifying the stewards of the Honor Code and System.
- **(Chapter 5)** Clarifies the processes for approaches for clarification and notification. Identifies the key personnel involved and the steps involved.
- **(Chapter 6)** Clarifies the roles, responsibilities, and processing outcomes of the Investigative Team (IT), Regimental Honor Representative (RHR), Honor Investigative Officer (HIO), Special Assistant to the Commandant for Honor (SAH), USCC Trial Counsel, and Commandant from investigation to referral.
- **(6-5 and 6-6)** Adds time limit for case processing at the RHR and HIO level.
- **(Chapter 7)** Changes the point at which a Cadet Under Investigation (CUI) becomes the Respondent to the date of referral by the Commandant.
- **(7-4)** Clarifies the personnel allowed to attend the preliminary hearing, the timeline from service to the date of the preliminary hearing, and the timeline/authority to delay the hearing.
- **(Chapter 8)** Consolidates the responsibilities of the key members of the Honor Investigative Hearing (HIH) and/or Cadet Advisory Board (CAB). Within each position, the responsibilities are defined based on the processing step.
- **(8-4)** Adds the responsibilities of the Respondent during the HIH and/or CAB.
- **(8-10)** Adds rules for personnel observing a board. The purpose of these rules is to maintain proper decorum within the hearing room and minimize distractions.
- **(Chapter 9)** Consolidates the guidance for conducting the HIH and/or CAB.
- **(9-2)** Updates the definition of the board composition based on a Commandant approved addendum signed 22 March 2017.

- **(9-3)** Updates the board composition based on a Commandant-approved addendum signed 22 March 2017.
- **(9-4, d(3))** Changes Corps Squad Athlete exemption for boards to reflect that the Respondent, Investigative Representative (IR), or witnesses will serve in their respective capacity regardless of their status as in/out of season.
- **(9-8)** Adds section detailing the documents available to board members during the HIH and/or CAB.
- **(9-16)** Modifies the procedures for boards (HIH and/or CAB) that go beyond 0200. The update allows the SAH to excuse hearing members from morning formation and morning class prior to 0945.
- **(11-5)** Modifies the consequences resulting from a case FOUND at an HIH, CAB, or entered into the Willful Admission Process (WAP). Modifications include the timing of implementing consequences and the categorization of consequences.
- **(11-8)** Removes the requirement for a legal review conducted by the Chief, Military Justice following the Hearing Advisors authentication of the transcript.
- **(Chapter 12)** Consolidates all information regarding New Cadet Honor cases. Added additional procedural guidance for processing New Cadet cases.
- **(12-3)** Removes the Modified Cadet Advisory Board (MCAB). New Cadets are eligible for the Willful Admission Process (WAP). The 24 hour period associated with the WAP starts from the time the New Cadet is served by the Cadet Honor Secretary (HSEC).
- **(Chapter 13)** Updates the Special Leader Development Program- Honor (SLDP-H) program to include program requirements, program duration, and policy for extension requests.
- **(Chapter 13-3)** Allows Officer Representatives to serve as SLDP-H Developmental Coaches
- **(Annex A)** Updates the duty descriptions and election procedures for the Brigade and Regimental Honor Staff.
- **(A-7, c)** Changes the Honor Liaison Officer to Honor Support Officer.
- **(A-7, d)** Removes the Deputy Honor Investigations Officer position and replaces with Honor Investigations Officer. This Cadet is now equal in position to the other Honor Investigations Officer.
- **(A-7, e)** Removes the Deputy Honor Secretary position and replaces with Honor Secretary. This Cadet is now equal in position to the other Honor Secretary.

Headquarters  
United States Corps of Cadets  
West Point, NY  
01 October 2018

USCC PAM 15-1

Personnel—General

The Cadet Honor Code, System, and Committee Procedures

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**History.** This publication is a major revision.

**Summary.** This publication incorporates changes regarding the administration and operation of the Cadet Honor Code, System and Committee Procedures at the United States Military Academy.

**Applicability.** This publication applies to the United States Military Academy Corps of Cadets. It also applies to those individuals assigned, appointed,

or detailed to the United States Military Academy, or West Point Military Reservation.

**Proponent and exception authority.** The proponent of this pamphlet is the Simon Center for the Professional Military Ethic (SCPME).

**Suggested improvements.** Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes

to Publications and Blank Forms) directed to the Director SCPME, ATTN: Special Assistant to the Commandant for Honor, Bldg. 747, West Point, NY 10996.

**Distribution.** This publication is made in accordance with USCC command guidance. Approved for public release.

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## **CHAPTER 1**

### **THE CADET HONOR CODE**

#### **1-1. THE CADET HONOR CODE.**

The mission of the United States Military Academy is to produce leaders of character. For over a century, the Cadet Honor Code has provided the foundation for character development at West Point.

**A Cadet will not lie, cheat, steal, or tolerate those who do.**

The Cadet Honor Code emerged in the 1800's from grass-roots efforts by Cadets to establish and enforce a code of honesty in their ranks. It was formalized in the 1920's with the creation of the Cadet Honor Committee and officer oversight. Since then, the Honor Code has become the hallmark of West Point and a time-tested touchstone of character for generations of Cadets and Graduates.

The ideals affirmed in the Honor Code attract to West Point young men and women who aspire “to live above the common level of life.” The unyielding requirements of the Code instruct, motivate, and ultimately shape Cadets during their years at the Academy. Most importantly, the effects of the Code continue to guide and inspire Graduates during their years of military service and beyond. More than any other aspect of West Point, the Honor Code unites the “Long Gray Line” of Cadets and Graduates by expressing their shared commitments to personal integrity and professional responsibility.

#### **1-2. STEWARDSHIP OF THE CADET HONOR CODE.**

When New Cadets take their Oaths on R-Day, they voluntarily inherit a national treasure—West Point's Cadet Honor Code. Regardless of its impact on previous generations of Cadets, the Honor Code would become mere words on a page unless each new generation of Cadets kept those words alive through their decisions, actions, and attitudes. The Honor Code is powerful yet fragile. It relies on each generation of Cadets to internalize its meaning, model its values, and hand it on to the next generation.

Along with military and civilian Staff, Faculty, and Coaches, Cadets are stewards of the Cadet Honor System. In particular, Cadets are responsible for educating their fellow Cadets on the Honor Code and Honor System, conducting honor investigations, and deliberating and making “FOUND or NOT FOUND” decisions at honor hearings. Officers who possess years of experience in the Army Profession also steward the Code by providing oversight to the process, adjudicating the disposition of Cadets who have violated the Honor Code, and serving as role models and developmental coaches for Cadets.

#### **1-3. THE CADET HONOR CODE, CHARACTER, AND TRUST.**

The Honor Code is a straightforward standard that develops Cadets' moral character and fosters a culture of trust at West Point. The first three tenets of the Code—a Cadet will not lie, cheat, or steal—are prohibitions against behaviors that would destroy trust and teamwork. Those elements of the Code establish a minimum standard that all Cadets are capable of meeting from their first day at the Academy. Refusing to lie, cheat, or steal on any typical day is not particularly demanding. However, living up to that standard every day—for four consecutive years, in all situations and despite all temptations and personal consequences—can be uncomfortable or difficult at times. The Honor Code pushes Cadets to perceive the ethical aspects of situations and then “to choose the harder right instead of the easier wrong” whenever faced with that choice. Over their years at West Point, Cadets' daily

adherence to the Honor Code—on decisions both big and small—forges within themselves strong habits of trustworthy character.

The fourth tenet of the Code—a Cadet will not tolerate any Cadet who has lied, cheated, or stolen—builds upon the first three and is essential to maintaining West Point’s culture of honor and integrity. The “non-toleration clause” challenges Cadets to embrace their roles as heirs and stewards of the Cadet Honor Code. Unenforced standards inevitably decline and generate cynicism. The “non-toleration clause” requires Cadets to maintain West Point’s most important standard. For many Cadets, the non-toleration clause is especially difficult to internalize. The bonds of personal loyalties are strong at West Point, and a culture of tolerance is ascendant in society. Regardless, the non-toleration clause exists because—for those preparing to become trusted leaders in the Army Profession—professional responsibilities must take priority over personal loyalties. In this way, upholding the fourth tenet of the Honor Code prepares Cadets for their years of service as Army Professionals, during which they will be responsible for policing their own ranks in order to maintain trust with their Soldiers, Families, and Nation.

Despite its demands, living under the Cadet Honor Code is supremely rewarding for Cadets, whose lives are enhanced in many ways. Their words are accepted as absolute truth unless positive evidence indicates otherwise. They enjoy a trustworthy barracks environment at West Point, an honorable reputation and the esteem of others wherever they go, and the sublime satisfaction of living to a high standard for something greater than themselves. Over time, Cadets come to appreciate that their adherence to the Honor Code is preparing them to lead successfully in the Army, where building trust is absolutely essential.

#### **1-4. THE HONOR CODE AND THE ARMY PROFESSION.**

Cadets who graduate from West Point become commissioned officers in the U.S. Army, which serves the American people by supporting and defending the Constitution. As Army Professionals, Graduates fight in our Nation’s wars, often making decisions that put lives in danger. Given this enormous responsibility, officers must be absolutely trustworthy—individually and collectively. Trust is the bedrock of the Army Profession. An officer who is not trustworthy creates unnecessary risk to Soldiers’ lives and mission success, and must not be tolerated.

The Honor Code is intended to help Cadets develop into Army leaders who are unequivocally trustworthy—who possess a strength of character that earns them the confidence of their fellow Soldiers, especially in the dangerous, morally-challenging environments of war.

#### **1-5. THE SPIRIT OF THE CADET HONOR CODE.**

Read literally, the Honor Code merely prohibits the dishonorable acts of lying, cheating, stealing, and tolerating those behaviors in other Cadets. The intent of the Honor Code is much greater— to transform Cadets’ motivation from compliance with the letter of the Cadet Honor Code to internalization of the Spirit of the Code by the time they are commissioned.

The Spirit of the Cadet Honor Code is manifest when Cadets are guided by the virtues of truthfulness, fairness, respect, and responsibility. The Cadet Honor Code prohibits lying. The Spirit of the Code takes pride in truthfulness. The Cadet Honor Code prohibits cheating. The Spirit of the Code insists on fairness. The Cadet Honor Code prohibits stealing. The Spirit of the Code respects others’ property. The Cadet Honor Code prohibits toleration of violations. The Spirit of the Code recognizes that Cadets are already responsible, contributing members of the Army Profession.

## **1-6. THE THREE RULES TO LIVE BY.**

“The Three Rules to Live by” (formerly known as “The Three Rules of Thumb”) were developed to help Cadets internalize the Cadet Honor Code—to make the transition from simply obeying the prohibitions of the Code to exemplifying the Spirit of the Code. The Three Rules challenge Cadets to expand their moral apertures and sympathize with those who would be affected by their actions.

a. “The Three Rules to Live by” are questions that Cadets can ask themselves to test whether a proposed action is honorable. The Three Rules ask:

- (1) Does this action attempt to deceive anyone or allow anyone to be deceived?
- (2) Does this action gain or allow the gain of privilege or advantage to which I or someone else would not otherwise be entitled?
- (3) Would I be dissatisfied by the outcome if I were on the receiving end of this action?

If a Cadet can answer “Yes” to any of these questions, the act is likely dishonorable. Committing the act would likely be unethical, undermine trust in that Cadet, and tarnish the honor of the Corps. An act that fails the “Three Rules” test is not necessarily a violation of the Cadet Honor Code; there is sometimes a gap between avoiding what’s wrong and doing what is right. Nonetheless, Cadets should strive always to act in accord with the Spirit of the Code and the Three Rules to Live By. The character of that Cadet and the honor of the Corps and the Long Gray Line are at stake.

## **1-7. THE CADET CREED.**

The Cadet Creed conveys how fundamental the Honor Code is to what it means to be a West Point Cadet. It states:

As a future officer, I am committed to the values of Duty, Honor, Country. I am an aspiring member of the Army Profession, dedicated to serve and earn the trust of the American People. It is my duty to maintain the honor of the Corps. I will live above the common level of life, and have the courage to choose the harder right over the easier wrong. I will live with honor and integrity, scorn injustice, and always confront substandard behavior. I will persevere through adversity and recover from failure. I will embrace the Warrior Ethos, and pursue excellence in everything I do. I am a future officer and member of the Long Gray Line.

## **1-8. THE CADET HONOR SYSTEM.**

A well-functioning Cadet Honor System is absolutely necessary to ensuring that stewardship of the Cadet Honor Code is carried out effectively and justly. The Honor System is a partnership between Cadets and military and civilian Staff, Faculty, and Coaches to promote and protect the Honor Code. The Cadet Honor System’s many definitions, roles, rules and procedures have developed over decades, and they continue to be regularly reviewed and revised. The details of how that essential partnership operates are described in the ensuing chapters of this pamphlet.

## CHAPTER 2

### TENETS OF THE CADET HONOR CODE

This chapter outlines the purpose and elements for each tenet of the Honor Code. Additionally, this section discusses intent as it relates to Honor violations.

#### 2-1. LYING.

A Cadet's word is accepted without challenge until significant evidence calls that assumption into question. That a Cadet's verbal and non-verbal communications are honest, without qualification, is fundamental to the Cadet Honor Code and System and a great source of pride for Cadets past and present.

a. *Definition.* Cadets violate the Cadet Honor Code by lying if they deliberately deceive another person by stating an untruth, or by any direct or indirect form of communication, to include a quick response ("pop-off"), the telling of a partial truth, and the vague or ambiguous use of information or language to equivocate, with the intent to deceive or mislead. To equivocate or "quibble" is to use deliberately vague, misleading, or ambiguous language. Equivocation usually occurs when a Cadet tells a literal truth which he/she knows will mislead another person, when a person tells a "half-truth," or when a person attempts to avoid the act of telling an untruth by making vague statements with the intent to mislead another. Equivocation is dishonorable and constitutes lying.

b. *Elements of lying.*

- (1) That on or about a certain date(s) the Cadet made a certain statement or communication.
- (2) That such statement or communication was false or the Cadet believed the statement or communication to be false.
- (3) That the Cadet knew such statement or communication was false at the time he/she made it, or did not believe the statement or communication to be true at the time it was made.
- (4) That the Cadet made it with the intent to deceive or mislead another person.

c. *Elements of lying by equivocation.*

- (1) That on or about a certain date(s) the Cadet made a certain statement or communication.
- (2) That such statement or communication was purposefully vague, misleading, or ambiguous.
- (3) That the Cadet made the statement or communication with the intent to deceive or mislead another person.

d. *Forms of Communication.* Verbal or non-verbal communications that create an impression, states an action, or conveys a message to someone else, must be truthful. Verbal and non-verbal communications are equally important for conveying ideas truthfully. The Cadet Honor Code violation of lying (to include lying by equivocation) includes both verbal statements and non-verbal actions that substitute for oral or written statements. Each is intended to communicate an idea or thought to another person. Examples of non-verbal communications are nodding one's head, raising one's hand, or giving a "thumbs-up." Other examples of non-verbal communication include displaying another person's driver's license or identification card as one's own, wearing incorrect military badges or insignia, and wearing items such as wristbands or ink stamps that indicate a person is of legal drinking age when he/she is not. Silence can also be communication when one's silence indicates an acceptance of another statement made. For example, a Cadet Academic Officer says to Cadet X, "I made a mistake, it looks like you were on time to your physics class last Wednesday." If Cadet X surely heard the statement and does not respond, his/her silence is a non-verbal

communication indicating that Cadet X was on time to physics class.

e. *Altering an Identification (ID) card.* Altering the birth date on one's driver's license, Common Access Card (CAC), or any other identification card is an Honor violation. The act of altering the ID constitutes the intent to deceive. Altering the ID may include removing the plastic coating; destroying the birth date, rank, or expiration portion of the ID; or altering any of the information on the ID.

f. *Implications of the Signature.* When Cadets affix their signature or initials to a document, manually or electronically, they make an official statement that, to the best of their knowledge, the document is true and accurate. Placing one's initials or signature on a document, such as a drill roll when one is uncertain of meeting the requirement for signing or initialing constitutes a possible violation. Cadets are never authorized to sign another person's name. If necessary, a Cadet may sign his/her own name and write the word "for" to indicate that the response is for another person. For example, if Cadet X forgets to sign a cover sheet and Cadet Y is turning in the assignment for Cadet X, Cadet Y is not permitted to sign Cadet X's name.

g. *Individual Responsibility and Reporting Procedures.* Cadets are personally responsible for knowing the standards for accountability. The Cadet Information System (CIS) is the primary accountability tool for Cadets. The act of signing in/out on CIS indicates that the Cadet is both authorized to depart/return and intends to depart/return, or is in an official duty status and will perform the official duty indicated. Cadets are responsible for the annotation of correct pass/leave location information on CIS prior to their signing out or departure. For example, Cadets will ensure that the entries for "time in" and "time out" are the times the Cadet is actually arriving or departing from their company area.

## **2-2. CHEATING.**

Cadets should be fair and honest in all of their activities, never attempting to gain or give an unfair advantage. The prohibition against cheating applies to all contexts—including classroom activities, homework assignments, military training, club activities, the APFT, the IOCT, the ACFT, etc. Cadets are expected to accomplish all requirements without gaining or giving an unfair advantage.

a. *Definition.* Cadets violate the Cadet Honor Code by cheating if they do work or obtain results with the intent to gain for themselves or others an unfair advantage, or with the intent to deceive or mislead, regardless of the grade or point advantage. Actions that assist another Cadet to do these things also constitute cheating. Cheating includes such acts as intentional plagiarism (presenting someone else's ideas, words, data, or work as one's own), intentional misrepresentation (failing to document the assistance of another in the preparation of an assignment with the intent to deceive, mislead, gain, or give an unfair advantage), citing sources that were not actually consulted, and using unauthorized references (e.g.- crib sheets, notes, texts, purchased papers) during an examination or assignment. Cheating is not related to the number of points gained, and a Cadet can violate the Honor Code without gaining any advantage. Simply acting with an intent to cheat can meet the elements below.

b. *Elements of Cheating.*

- (1) That on or about a certain date, the Cadet did a certain act.
- (2) That the Cadet did so with the intent to gain or give an unfair advantage or with the intent to deceive another person.

c. *Documentation.* The *Documentation of Academic Work* (DAW) published by the Office of the Dean provides explicit guidance for standards of how to document academic work and is the authoritative publication on procedures for Cadets. Cadets are required to document all graded homework and academic submissions, which includes the cover sheet acknowledgment statement, citations, and a list of bibliographic data (if applicable). A Cadet will ensure the academic integrity of their work by proper documentation in order to distinguish their work and any work taken from a source.

## **2-3. STEALING.**

Being respectful of each other's property is an essential building block of a trustworthy community. Cadets must understand that stealing, regardless of the stolen item's monetary value, cannot be tolerated. Two unalterable aspects of Cadet life are the close living conditions of the barracks environment and the general trust that each Cadet places in his or her peers. Trust provides the basis by which Cadets can live in close quarters without locks (other than privacy locks) on the doors and can maintain their personal property without fear of theft.

a. *Definition.* Cadets violate the Cadet Honor Code by stealing if they wrongfully take, obtain, or withhold, by any means, from the possession of the owner or any other person any money, personal property, article, or service of value of any kind, with intent to deprive or defraud another person of the use and benefit of the property, or permanently appropriate it for either their own use or the use of any person.

b. *Elements of stealing.*

(1) That on or about a certain date the Cadet wrongfully took, obtained, or withheld certain property from the possession of another.

(2) That the property belonged to another.

(3) That the property had sentimental, personal, or monetary value of any kind.

(4) That the taking, obtaining, or withholding by the Cadet was with the intent to deprive or defraud the owner of the use and benefit of the property, or permanently appropriate the property for his/her own use or the use of any person other than the owner. ("Owner" refers to the person or entity who at the time of the taking, obtaining, or withholding had a greater right to possess the property than the accused did.)

c. *Improper Borrowing.* Improper borrowing occurs when a Cadet takes another Cadet's property with the intention of returning it, but without prior verbal or written permission, or fails to return it in a manner and condition satisfactory to the owner. Abuses of borrowing will normally be resolved in the Cadet disciplinary system. In cases of a failure to return the item, these abuses may be investigated as an allegation of stealing.

d. *Theft of Services.* Stealing does not require the possession of tangible objects. Obtaining a service without permission or payment constitutes stealing. Examples include tapping into TV cable, altering a bus ticket resulting in a free ride, sneaking into movies, "stacking" hotel rooms, or using someone else's password for a paid internet site.

e. *Theft of Intellectual Property.* The United States No Electronic Theft Act (NET Act), a federal law passed in 1997, provides for criminal prosecution of individuals who engage in copyright infringement under certain circumstances, even when there is no monetary profit or commercial benefit from the infringement. Criminal Copyright violations are actions that clearly subvert the Spirit of the Code. Legally, a person who purchases a CD, DVD, or digital format of electronic

copyrighted works (i.e.- mp4, m4v, mp3) may copy it for personal use. Similarly, copying files or software as a personal “backup” is normally acceptable. However, letting others download copyrighted software or files, such as MP3s, video games, and movies for illegitimate purposes, could be a violation of copyright laws, and the Cadet Honor Code.

(1) *Pirated Videos*. Pirating videos is the criminal misappropriation of intellectual property without due compensation, and is considered stealing. Activities such as the use, sale, or distribution of a known pirated video could be violations of the Cadet Honor Code by stealing. This includes but is not limited to use of torrent software (e.g.- utorrent, bitorrent) or video hosting services where a Cadet knowingly distributed a video in violation of a copyright.

(2) *Pirated Music*. It can be challenging to determine the original source of music files. Therefore, Cadets must be highly cognizant of the music files that they acquire or to which they listen. Some music files are legal to listen to, while others are copyright protected. For example, acquiring an MP3 file from a peer-to-peer sharing program like LimeWire or from a site such as MP3search.ru may be a violation of the Cadet Honor Code if the copyright of the file has been violated. It is a Cadet’s ethical responsibility to determine whether the acquisition of a given music file violates the owner’s copyright or your integrity.

(3) *Pirated Software*. Electronic software, like videos and music, is copyright-protected material and intellectual property. Software piracy is a crime; moreover, it is a thoroughly unethical act. As men and women of Honor, Cadets will neither traffic or use pirated computer software.

(4) *Pirated Books*. Electronic copies of books are copyright protected material and intellectual property. Cadets will not traffic or use pirated/illegally downloaded books. If a Cadet locates a “free” version of a text book, he/she should contact the publisher to find out if that is an authorized copy. Failure to do so may constitute an Honor violation.

f. *The Library*. The wrongful removal of material from the USMA Library, the removal of pages from journals or solution books, and the deliberate misfiling of references within the library, even if the intent is to return the material at some future date, are unethical acts.

g. *Solution Books*. The unauthorized removal of department reference materials, solution books, or language tapes may constitute stealing under the Cadet Honor Code.

h. *Found Property*. If a Cadet finds property of another person, the Cadet has a duty to attempt to identify the owner. If a Cadet wrongfully keeps the property rather than turning it in or identifying the owner, the Cadet may be subject to an investigation for stealing.

## **2-4. TOLERATION.**

In swearing an Oath of Allegiance on R-Day, Cadets voluntarily accept a number of obligations and responsibilities. By taking the Oath, they personally commit to abide by the Cadet Honor Code, which includes the responsibility to hold themselves and their fellow Cadets accountable for maintaining the Honor of the Corps. Each Cadet is a steward of the Code. Although the toleration clause was not added to the Code until 1970, toleration has been considered an Honor violation since the early 1900s. The 1951 and 1976 cheating scandals highlighted the need for accountability within the Honor System. Today, the non-toleration clause remains essential to maintaining an honorable culture at USMA and preparing Cadets for their future role as stewards of the Army Profession.

a. *Definition*. Cadets violate the Cadet Honor Code by tolerating if they fail to report an unresolved incident with Honor implications to a member of the Cadet Honor Committee, CoC, or a member of USMA Staff and Faculty within a reasonable length of time, usually considered to be 24 hours. There is no specific intent tied to a Cadet Honor Code violation of toleration. Any Cadet who

is aware of a possible Honor violations must ensure that the Cadet who may have committed a violation speaks with their Company Honor Representative within a reasonable amount of time. If the suspected Cadet does not, the Cadet who is aware of the possible violation must immediately inform a member of the Cadet Honor Committee or Cadet CoC. Cadets should keep in mind that speedy resolution of the issue is in the best interest of all concerned.

b. *Elements of tolerating.*

(1) That on or about a certain date, the Cadet became aware of an unresolved incident with implications of conduct in violation of the Cadet Honor Code.

(2) That the Cadet failed to report that incident to the proper authority within a reasonable period of time or knowingly benefited from the violation.

## **2-5. FACTORS INFLUENCING INTENT.**

Intent is a key element in determining violations of lying, cheating, and stealing. Below are factors that may influence intent and help determine if a Cadet committed an Honor violation.

a. A Cadet does not need to have malicious or premeditated intent in order to commit a violation of the Honor code. The probable result of their actions is sufficient to determine intent.

b. The fact that a person may have been sleep deprived or intoxicated does not necessarily indicate that they were not able to form the intent to receive an unfair advantage, deceive another, or deprive another of property. In these situations, it is possible that the person may be drunk or sleep deprived yet still be aware of their actions and the probable results.

c. *Social Tact.* Social tact does not preclude or excuse violations of the Cadet Honor Code. Cadets are expected to exercise appropriate tact in social situations. Social tact is designed to spare the feelings of others. Social tact involves opinion-based responses and not facts. An example of this is telling a sponsor that a meal was delicious vs telling a sponsor that you cannot attend dinner because of a formation. With the use of social tact, a Cadets may gain no personal advantage, either tangible or intangible, from such tact.

d. *Personal Relationships.* Communication within personal relationships does not preclude or excuse violations of the Cadet Honor Code. All interpersonal communication, including communication with friends and family, is subject to the Cadet Honor Code.

## **2-6. REGULATIONS AND HONOR.**

The disciplinary and Honor systems are distinct. Regulatory violations may violate one of the seven Army Values (e.g.- failure to perform a duty or disrespect towards a superior). Such infractions will be addressed, but not under the Cadet Honor System. Although a distinction is made between “Honor” violations and “regulations” violations, it must be understood that regulations violations may be unethical in their very nature. Deliberate disregard of known and established regulations for personal gain is a clear dereliction of military discipline and a divergence from ethical behavior.

a. If in the process of committing an Honor violation, a Cadet violates AR 210-26 *The United States-Military Academy*, the United States Corps of Cadets (USCC) Standard Operating Procedures (SOP) or any other official policy or regulation; he/she may be investigated for both the Honor offense and the disciplinary offense. Adjudication of regulations violations is governed by USCC Regulation 351-2. The violation of a regulation does not necessarily constitute an Honor violation. Conversely, an Honor violation does not automatically constitute a regulations violation. All



accusations will be independently investigated in accordance with the appropriate regulations.

b. *Example of related regulations and Honor violations.* If a Cadet consumes alcohol in the barracks and lies about the action, the Cadet is likely to appear before a disciplinary board for consuming alcohol in the barracks and an Honor hearing for lying about the alcohol consumption. The two actions are distinct and will lead to separate investigations and adjudications under each system. However, any relevant facts that are admitted by one board are binding on subsequent boards.

## CHAPTER 3

### STEWARDS OF THE CODE AND SYSTEM

#### 3-1. DEFINING STEWARDSHIP.

Stewardship of the Cadet Honor Code and System is the duty of all Cadets and Staff/Faculty (military and civilian). The decisions of all must enhance the fairness, accountability, and values of the institution. Active participation in the Honor System strengthens the Honor Code and furthers the institutional legacy of commissioning leaders of character. In total, the involvement of multiple stewards enhances the fairness and effectiveness of the Cadet Honor System.

Cadets	Staff / Faculty/ Coaches	SCPME	TACs	Commandant	Superintendent
<ul style="list-style-type: none"> <li>Honor education</li> <li>Elect members of the Honor Committee</li> <li>Investigate cases</li> <li>Drop cases</li> <li>Recommend referral</li> <li>Provide testimony at a board</li> <li>Serve as board members</li> <li>Serve as board presidents</li> <li>Determine found or not found (if contested)</li> <li>Adjudication recommendation</li> </ul>	<ul style="list-style-type: none"> <li>Reinforce the importance of the Honor Code</li> <li>Initiate a case</li> <li>Provide testimony at a board</li> <li>Serve as an SLDP-H Developmental Coach</li> </ul> <div>SJA</div> <ul style="list-style-type: none"> <li>Provide legal assistance</li> <li>Serve as Hearing Advisor during a board</li> <li>Review all cases and ensure due process</li> </ul>	<ul style="list-style-type: none"> <li>Supervise Honor education</li> <li>Mentor CDT Honor Committee</li> <li>Administrative processing of cases</li> <li>Ensure compliance with USCC PAM 15-1</li> <li>Adjudication recommendation</li> </ul>	<ul style="list-style-type: none"> <li>Reinforce the importance of the Honor Code</li> <li>Support a culture of Honorable living</li> <li>Supervise Honor Education</li> <li>Initiate a case</li> <li>Provide testimony at a board</li> <li>Adjudication recommendation</li> <li>Meet with the Commandant and Superintendent</li> </ul>	<ul style="list-style-type: none"> <li>Refers case to a board</li> <li>Remove a Cadet from the Willful Admission Process (WAP)</li> <li>Adjudication recommendation after meeting with the Cadet and his / her chain of command</li> </ul>	<ul style="list-style-type: none"> <li>Remove a Cadet from the Willful Admission Process (WAP)</li> <li>Adjudication after meeting with cadet and his/her chain of command</li> </ul>

Figure 3-1. Key stakeholders in the Cadet Honor System

#### 3-2. RESPONSIBILITIES OF THE SUPERINTENDENT.

The Superintendent will establish and maintain a system to administer the Cadet Honor Code in accordance with AR 210-26, *United States Military Academy*, Rapid Action Revision 6 September 2011. Responsibilities of this position include:

- a. Approve the appointment of the Honor Captain.
- b. Review the record and may meet with the Cadet, prior to final action for all Honor procedures resulting in a finding of a violation.
- c. Take final action following a hearing for Honor resulting in a finding of a violation. The Superintendent may:
  - (1) Grant discretion and retain the Cadet. In doing so, the Superintendent may delay graduation.
  - (2) Separate Third and Fourth Class Cadets.
  - (3) Recommend separation for First and Second Class Cadets to the Assistant Secretary of the Army, Manpower and Reserve Affairs.

(4) Approve or modify the administrative consequences resulting from a FOUND violation.  
(5) Suspend or restore representation in ODIA competitions, DCA Club Sport competitions, DCA Club trips, Semester Abroad and Academy Exchange programs, and Brigade Open finals. See section 11-5 for more information.

d. Approve completion of the Special Leader Development Program- Honor (SLDP-H) in accordance with chapter 13 of this pamphlet.

e. Maintain the Superintendent's Honor Review Committee (SHRC) which provides the Superintendent a reflective and routine examination of the health and effectiveness of the Cadet Honor System. The SHRC seeks input from Cadets, Staff, and Faculty about the Cadet Honor System through a variety of means and uses that information to develop policy recommendations to improve the effectiveness of the Cadet Honor System. The SHRC consists of a diverse group of military, civilian, and Cadet representatives under the direction of a SHRC Chairperson, who is a Professor, United States Military Academy (PUSMA), and a Deputy Chairperson, who is a senior civilian faculty member.

### **3-3. RESPONSIBILITIES OF THE COMMANDANT.**

a. Appoint a Special Assistant for Honor (SAH) to supervise and advise the Cadet Honor Committee's administration of the Cadet Honor System in accordance with the specific responsibilities set forth in this pamphlet. The role of the SAH does not include investigation or filing of motions.

b. Approve the appointment of the Cadet Regimental and Brigade Honor Staffs with the exception of the Honor Captain.

c. Review all cases of alleged Honor violations. After review, the Commandant may request further investigation, drop the case (elect to not refer allegations), or refer the case to a hearing.

d. Impose the administrative consequences described in section 11-5 of this pamphlet following a finding of a violation of the Cadet Honor Code.

e. Review the record, may meet with the Cadet, and make a recommendation to the Superintendent on final action for all Honor procedures resulting in a finding of a violation. The Commandant is the final authority for all New Cadet cases.

f. Make a recommendation to the Superintendent on successful completion of SLDP-H in accordance with chapter 13 of this pamphlet.

### **3-4. RESPONSIBILITIES OF SCPME.**

The Simon Center for Professional Military Ethic (SCPME) includes several positions that support the Cadet Honor Code and System.

a. *Director of SCPME.* The Director of SCPME is responsible for the holistic planning, synchronization, and supervision of the Honor System and Honor Education program. The Director's responsibilities include:

(1) Recommends a slate of Cadet Regimental and Brigade Honor Staffs for approval by the Commandant, as well as recommends a Brigade Honor Captain for approval by the Superintendent.

(2) Serves as a coach for the Cadet Honor Committee.

- (3) Is the approval authority for all board presidents.
- (4) Makes recommendations on the disposition of Cadets FOUND to have violated the Honor Code.
- (5) Is the release authority for Honor-related information internal to West Point.

b. *Special Assistant to the Commandant for Honor (SAH).* The SAH is the principal advisor to the Commandant and Superintendent with regards to Honor. As such, the SAH serves as the primary proponent for Honor related policies. Responsible for mentoring the Cadet Honor Committee, the SAH supervises the training of the Cadet Honor Committee and the conduct of all Honor investigations. In performing these duties, the SAH maintains communication with the USCC Trial Counsel, Administrative Law, and any other necessary legal personnel. The SAH is also responsible for the development of Honor-related education material in conjunction with the Hottell Chair for Character Development, the SCPME Education Officer, and the Cadet Honor Education Officer. Lastly, the SAH serves as the primary person responsible for communicating with USCC and USMA personnel with regards to Honor.

c. *Education Officer.* The education officer works, in conjunction with the SAH and Cadet Honor Education Officer, to plan and execute a program within the Cadet Character Development Program that educates, empowers, and inspires Cadets to become stewards of the Honor Code.

d. *Chair for Honor and Character Assessment.* The Chair for Honor and Character Assessment works, in conjunction with the SAH and Cadet Honor Education Officer, to design and conduct rigorous assessments of the fairness of the Honor System and of the effectiveness of the Honor-education program.

### **3-5. RESPONSIBILITIES OF USMA LEGAL.**

The USMA legal team is comprised of several sections, each with unique responsibilities within the Honor System. Their purpose is to protect due process and ensure policy compliance. Their primary responsibilities include:

- a. Provide legal counsel for the Cadet Honor Committee and SAH.
- b. Provide pre-referral advice to the Commandant.
- c. Serve as Hearing Advisors for all preliminary hearings and Honor boards (as necessary).
- d. Serve as Legal Advisors to the Cadet Under Investigation (CUI) or Respondent.
- e. Provide post-hearing legal review of each hearing's procedures and outcomes.

### **3-6. RESPONSIBILITIES OF USMA STAFF/FACULTY.**

Staff and Faculty (military and civilian) have a special responsibility to demonstrate the values of the Army Profession and draw parallels to the Cadet Honor Code and System. Their example should inspire Cadets to a lifetime of honorable service. Whether in the classroom or during extracurricular activities, Staff and Faculty (military and civilian) have a responsibility to support the letter and spirit of the Cadet Honor Code, to explain to Cadets the value and importance of living honorably under the Code, and to educate cadets on the Honor System's contribution to developing leaders of character for the Army Profession. The Staff and Faculty (military and civilian) also have a professional responsibility to report any suspected violations of the Cadet Honor Code. In doing so,

the Staff/Faculty member may be required to provide written and oral testimony as part of a Cadet-led Honor hearing. Members of the Brigade Tactical Department (BTD) will also provide recommendations for retention or separation for each FOUND case. The recommendations will incorporate a holistic perspective of the Cadet's actions to include the Cadet's performance after committing the Honor violation. These recommendations not only inform senior Academy leaders but also educate the Cadet Chain of Command on what it means to be a steward the profession.

### 3-7. RESPONSIBILITIES OF THE CORPS OF CADETS.

With the help and guidance of the groups above, the Corps of Cadets holds a central and important role within the Cadet Honor System. Many of these responsibilities apply to the Corps at large, not just members of the Cadet Honor Committee. Education, for instance, is the responsibility of all Cadets as they rise through the Academy. Upper-class Cadets serve as formal leaders in CCDP, must demonstrate honorable living, and are responsible for the character development of their subordinates. Only Cadets have the authority to find/not find their peers at an Honor hearing. Furthermore, each Cadet is responsible for reporting all violations of the Cadet Honor Code. In doing so, Cadets practice living the values of the Army Profession. Reporting a violation requires trust in the Honor System. This trust is built and maintained through the Cadet-driven election of competent and qualified Cadet Honor Representatives.

### 3-8. RESPONSIBILITIES OF THE CADET HONOR COMMITTEE.

While all are stewards of the Cadet Honor Code, members of the Cadet Honor Committee bear special responsibility for its maintenance. The Committee maintains and communicates the standards of the Cadet Honor Code and System to the Corps of Cadets. This is accomplished through stewardship, transparency, accountability, and education between the Corps of Cadets and USMA staff, faculty and leadership. Members of the Cadet Honor Committee are charged with special trust and confidence. For details regarding the roles of the Committee and qualification criteria, see annex A.

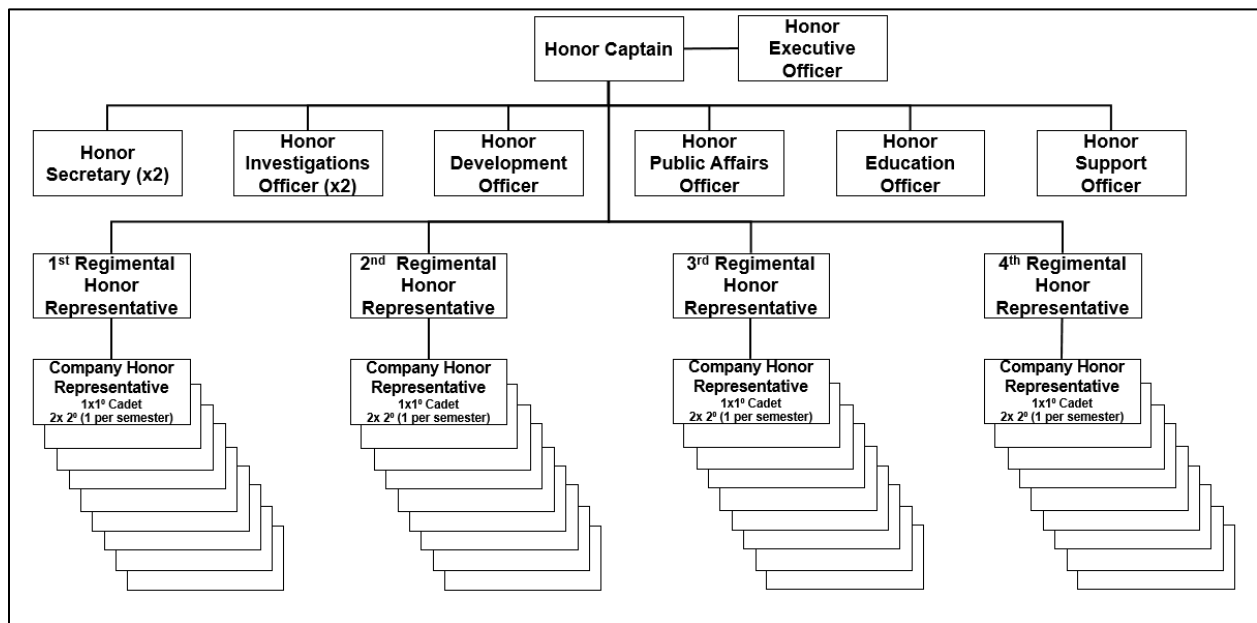


Figure 3-2. Composition of the Cadet Honor Committee

## **CHAPTER 4**

### **HONOR SYSTEM OVERVIEW**

#### **4-1. IDENTIFYING POTENTIAL VIOLATIONS.**

All Cadets and personnel assigned to West Point (military and civilian) are responsible for reporting violations of the Cadet Honor Code. Personnel can report Honor Code violations to either the Cadet Honor Committee or the Honor Office within SCPME. If a case is the result of an academic violation, the Department Honor Liaison may initially receive the report prior to sending the information to the Honor Office. All academic Honor cases will be handled in accordance with the procedures of this pamphlet and the Dean's Policies and Operating Memoranda 02-04 *Honor*.

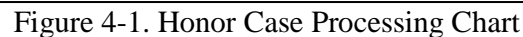
#### **4-2. WHO CAN REPORT POTENTIAL VIOLATIONS.**

All Cadets and personnel assigned to the Military Academy share the responsibility for clarifying and reporting all alleged Honor violations to the Cadet Honor Committee or Honor Office. Personnel not affiliated with West Point can also report potential violations. In these situations, the individual may seek to clarify the situation directly with the accused Cadet. The violation may also be reported to the Brigade Tactical Department, the Cadet Honor Committee, or the Honor Office. In these cases, a member of these organizations will assist in facilitating an approach for clarification.

#### **4-3. HOW TO REPORT POTENTIAL VIOLATIONS.**

Cadets and personnel assigned to the Academy should make every effort to conduct an approach for clarification or notification prior to forwarding the case to the Cadet Honor Committee or Honor Office. See chapter 5 for further information on the approach/notification process. All personnel who witness a potential violation or the approach/notification should write a sworn statement. The accused Cadet may write a sworn statement but should first be advised of their rights. All evidence will be collected and provided to the Cadet Honor Committee or Honor Office. For academic cases, evidence includes a copy of the assignment, assignment instructions, and the syllabus.

Honor case processing consists of five phases: 1) approach for clarification/notification, 2) Cadet-led investigation to Commandant referral, 3) Hearing preparation, 4) Hearing procedures, and 5) Post-Hearing Procedures. These procedures are described in chapters 5 through 11. Not pictured here are the procedures for New Cadet Honor Cases (chapter 12) and SLDP-H in chapter 13. SLDP-H is the developmental program for all FOUND and retained Cadets. The SLDP-H program begins following a FOUND violation and is conducted simultaneously to the Superintendent's adjudication. See figure 4-1 for further reference to the process and corresponding chapters.



## CHAPTER 5

### CONDUCTING AN APPROACH FOR CLARIFICATION/ NOTIFICATION

#### 5-1. OVERVIEW.

The approach for clarification or notification is an exercise in stewardship. The person who witnessed or became aware of a potential violation addresses the issue and either tries to clarify the situation with the Cadet in question, or notifies the Cadet of their intention to turn the case over to the Cadet Honor Committee. Individuals exercise judgment when determining if a Cadet's actions are intentional or unintentional. This judgment does not authorize personnel (Cadets or Staff/Faculty) to ignore potential Honor violations. Rather, the process is intended to eliminate misunderstandings at the lowest level. When in doubt, the situation should be brought to the attention of the Cadet Honor Committee. The approach for clarification and notification process is outlined in figure 5-1.

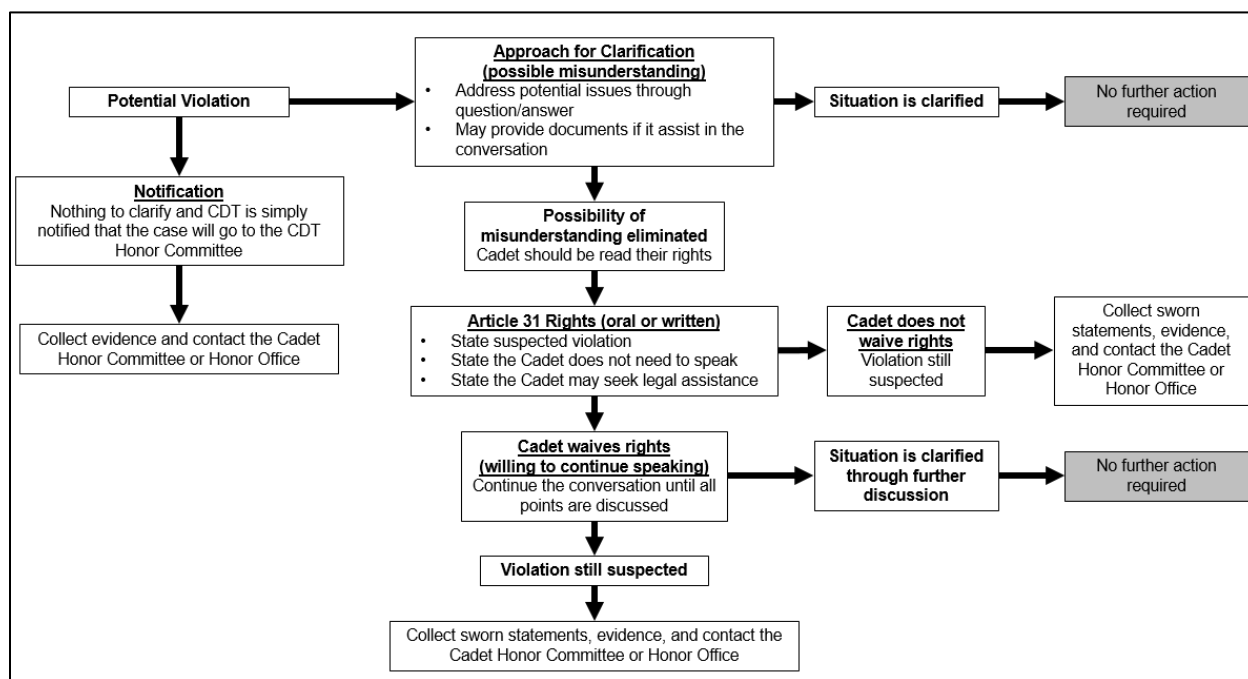


Figure 5-1. Distinction between the notification and approach for clarification process.

#### 5-2. APPROACH FOR CLARIFICATION.

The intent of an approach for clarification is to determine if there is a reasonable explanation for the situation when it is not clear that an Honor violation has occurred. The approach for clarification recognizes the principle of presumption of innocence. The meeting may begin with a conversation but all discussion and questioning should cease as soon as the possibility of a misunderstanding is eliminated. At that point, the Cadet should be read their rights before continuing. See paragraph d of this section for more information regarding Article 31 rights.

a. *Factors to consider when conducting an approach for clarification.*

- (1) Cadets are not authorized to miss class for an approach for clarification. This includes members of the Cadet Honor Committee.
- (2) Find a private environment that will allow for uninterrupted discussion.
- (3) The accused Cadet may see evidence of the potential violation if it aids in the discussion.



(4) Print a copy of the Article 31 rights (DA3881), if feasible, to conduct a written rights warning.

(5) Be prepared to write/type sworn statements (DA 2823) following the approach, if the situation is not resolved.

b. *Roles during the approach for clarification.*

(1) *Person who suspects a violation.* The person who suspects a violation of the Honor Code is the primary facilitator of the approach for clarification. This person should be present except for extreme situations where that is not feasible. The person who suspects the violation should be prepared to discuss all of the issues that indicate a potential violation. At the end of the approach, the person who originally observed the potential violation will determine whether the situation is clarified (not a violation) or requires investigation by the Cadet Honor Committee.

(2) *Cadet suspected of the violation.* The suspected Cadet must come to the approach for clarification but is not required to waive their Article 31 rights. If the Cadet waives their rights and wishes to discuss the matter, he/she should be given ample time and opportunity to fully explain the situation. The accused Cadet should be notified as soon as possible whether the issue is resolved or if the case will go to the Cadet Honor Committee for investigation.

(3) *Cadet Honor Committee.* A member of the Cadet Honor Committee should be present at all approaches for clarification. Members of the Regimental and Brigade Honor Staff should make every attempt to utilize Company Honor Representatives for this duty in order to decrease conflicts of interest. If the issue is related to academics, the department should utilize its assigned Cadet Honor Liaison. This individual is a current member of the Cadet Honor Committee assigned to the department for the purpose of advising on Honor matters. The suspected Cadet can request the presence of their Company Honor Representative.

(4) *Neutral observer.* One additional person should be present for the approach for clarification if feasible. This individual is not directly involved in the case and is simply there to witness the proceedings.

c. *Starting the approach for clarification.* The approach for clarification can begin with a discussion and the answering of questions with the purpose of clarifying any points of potential misunderstanding. If the situation is clarified, nothing further is required and the situation is considered closed. If, on the other hand, the possibility of an honest misunderstanding is eliminated, and it appears that the suspected Cadet may have indeed violated the Honor Code, all discussion should cease and the Cadet should be read their Article 31 rights.

d. *Conducting the Article 31 rights.* These rights can be administered orally or written via DA Form 3881. If the rights warning advisement is done orally you must ensure that all of the rights included in DA Form 3881 are included in the verbal warning. If you suspect greater misconduct, beyond an Honor violation, utilize DA Form 3881 to render the Article 31 rights. The questioner should document compliance with Article 31 via a memorandum for record or incorporate into a written statement. The questioner will advise the Cadet of the following rights:

- (1) State the suspected offense (e.g.- cheating on homework 1).
- (2) State that the Cadet does not need to speak.
- (3) Inform the Cadet that they may seek legal assistance before further questioning.

e. *After reading the Cadet their Article 31 rights.* The Cadet suspected of the violation will chose to either waive their rights (provide oral/written statements) or not waive their rights (seek legal assistance and/or not provide a statement). Questioning must cease if the Cadet does not waive their rights. If the Cadet waives their rights, the conversation can continue. All parties should provide

a sworn statement following the conversation. The accused Cadet can stop answering questions at any time and/or choose not to provide a statement. Anything said at the approach may be documented in the statements of other personnel. All sworn statements, evidence, and related documents (e.g.- course syllabus) will be provided to the Cadet Honor Committee or Honor Office for initiation of an investigation.

### **5-3. POSSIBLE OUTCOMES OF AN APPROACH FOR CLARIFICATION.**

a. *Satisfactory Resolution.* If, after discussion with the Cadet in question, the observer concludes that a violation did not occur, the observer will take no action. If the observer is satisfied after the approach for clarification, the issue is now “clarified.”

b. *Unsatisfactory Resolution.* If the observer concludes a violation may have occurred, he/she will conduct a notification and turn the case over to the Cadet Honor Committee. Cadets and Tactical Officers/Non-Commissioned Officers (NCOs) should report this information to their Company Honor Representative. Other staff and faculty should report the information to their respective Cadet Honor Liaison, Department Honor Liaisons Officer, or the SAH. Each person involved in the approach for clarification will document all facts surrounding the case and approach on a DA Form 2823 and submit it to the Cadet Honor Committee.

### **5-4. EXAMPLE APPROACH FOR CLARRIFICATION SCRIPT.**

The following script provides a brief example of an approach for clarification conducted between an instructor and a Cadet.

a. *Present parties.* LTC O (an academic instructor), a neutral witness (MAJ W-another instructor within the same department), and Cadet H (the department Honor Representative) call Cadet X into their department’s conference room (a private, non-hostile environment).

b. *Beginning the approach.* LTC O starts the conversation by presenting Cadet X with their assignment and the work of another Cadet with similar work. LTC O states that she is concerned about the similarities between the two and wants to clarify how that occurred.

(1) *Example of misunderstanding resolved.* Cadet X answers initial questions and upon viewing the citation page realizes that this is an incorrect version. Cadet X shows LTC O their computer where the correct citation page is saved. The timestamp shows that the citation page was made and edited prior to final paper submission. LTC O believes that Cadet X submitted the wrong citation page. LTC O tells Cadet X, “Re-submit the document with the correct citation page. I no longer suspect that this is an Honor violation.”

(2) *Example of misunderstanding not resolved.* Cadet X provides a timeline regarding the situation and states that they received an old paper from a friend. Based on the time stamp of the submissions, and the fact that the document was emailed to Cadet X, LTC O feels that this is no longer a misunderstanding and decides to read Cadet X their rights.

c. *Oral Article 31 rights.* LTC O states “Cadet X, I believe you cheated on your last paper by intentionally failing to cite. You do not need to answer any further questions and you may see legal assistance, at no expense, or a civilian attorney, at your own expense. Do you still want to speak to me?”

(1) *Cadet X does not waive their rights.* Cadet X states, “I want to speak to legal.” LTC O acknowledges this request and does not ask any further questions. LTC O notifies Cadet X that there are still concerns and therefore the case will go forward. LTC O, MAJ W, and Cadet H write sworn statements and all information is provided to the Cadet Honor Committee.

(2) *Cadet X waives their rights.* Cadet X states, “I want to talk.” LTC O asks some additional follow-up questions about the similarities and timing. Further questions do not clarify the situation.

d. *Notification.* LTC O states “I am not satisfied with your responses. I suspect that you may have cheated and I will be submitting the matter to the Cadet Honor Committee.” Cadet H asks Cadet X to fill out a sworn statement. LTC O, MAJ W, and Cadet H also provide sworn statements and all documents are forwarded to the Cadet Honor Committee.

### **5-5. CONDUCTING A NOTIFICATION.**

If you know or strongly suspect an Honor violation has occurred, it is your duty as the observer of the suspected violation to notify the Cadet that he/she is suspected of an Honor violation and encourage them to report the violation to an Honor Representative within a reasonable amount of time (generally one duty day). The notification may be done in writing to avoid soliciting an incriminating statement from a Cadet in violation of their Article 31 rights.

a. *Factors and roles during the notification.* If the notification is conducted in person, the factors and personnel associated with the approach for clarification apply. See section 5-2, paragraph a-b.

b. *Conducting the notification in person.* Anyone conducting a notification in person should read the Cadet their Article 31 rights and complete the DA Form 3881. If the subject does not invoke his/her Article 31 rights, he/she may choose to provide an oral statement or a written statement. If the notification involves a conversation about the issue, each person involved should provide a sworn statement. All evidence, sworn statements, and related documents will be provided to the Cadet Honor Committee.

c. *Outcomes of a notification.* The purpose of a notification is simply to inform the Cadet of the intent to send the case to the Cadet Honor Committee. The observer of the violation will turn the case over to the Cadet Honor Committee.

### **5-6. REQUESTING ELECTRONIC EVIDENCE AT THE APPROACH/NOTIFICATION.**

Electronic evidence may be located on the Cadet’s computer, phone, iPad, or other electronic device. The observer, with a neutral witness, will read the Cadet their Article 31 rights and will request to see the device and inform the Cadet the reason why. If the Cadet waives their rights, the observer will question the Cadet and look at the electronic device. The observer and neutral witness will document on the DA Form 2823 what they saw on the electronic device and forward the completed form to the Cadet Honor Committee. The SAH should consult with the USCC Trial Counsel regarding a search authorization if it is believed that evidence exists on the suspected Cadet’s personal electronic media devices.

## **CHAPTER 6**

### **INVESTIGATIVE PROCEDURES THROUGH REFERRAL**

#### **6-1. OVERVIEW.**

The investigative procedures of the Cadet Honor System are designed to collect all of the facts concerning possible violations of the Cadet Honor Code. The Cadet Honor Committee conducts investigations for all alleged breaches in order to find evidence showing whether or not a violation occurred.

#### **6-2. INITIAL CASE FORWARDING.**

a. *Reports received through Cadet channels.* Cadets will utilize their Company Honor Representatives (CHR) to report violations of the Cadet Honor Code. CHRs will notify their Regimental Honor Representatives (RHR) and provide all applicable evidence. If the accused Cadet is in a different regiment, the RHR will provide the documents to the appropriate regiment for processing. RHRs will report all new cases to the Honor Office for tracking purposes.

b. *Reports received from staff, faculty, and other sources.* The Honor Office will serve as the primary point of contact for these reports. The individual reporting the event will provide all related documents. The Honor Office will notify the appropriate RHR.

#### **6-3. DISPOSITION OF DISCIPLINARY CASES WITH HONOR IMPLICATIONS.**

a. *Infractions involving discipline and Honor.* The BTd may concurrently process disciplinary matters relating to violations of the USCC SOP, despite potential Honor implications and an ongoing Honor investigation. If a Cadet violates a regulation (e.g.- consumes alcohol in the barracks) and violates the Cadet Honor Code (e.g.- subsequently lies about consuming alcohol in the barracks), he/she may be investigated simultaneously for the regulation violation and for the Honor violation.

b. *Investigation timeline.* In the event that a Cadet has potentially committed a violation of the USCC SOP or Uniform Code of Military Justice (UCMJ) and an Honor violation, the RHR must consult with the SAH before incepting the case. The SAH will consult the BTd or USCC Trial Counsel before advising the Honor Committee. If BTd conducts an investigation into the regulations violation, the Honor Committee will typically wait to process the Honor Case. Once the BTd investigation is complete, the SAH will receive a copy. The SAH will provide all relevant documents to the Cadet Honor Committee. If the investigations occur simultaneously, the SAH must confirm that all Honor allegations are identified before the Honor Committee completes its investigation.

#### **6-4. HONOR CASE INCEPTION.**

a. *Cadet Honor Committee.* A case is considered incepted when the RHR notifies the Cadet Under Investigation (CUI) and assigns an Investigative Team (IT). The RHR appoints the IT on behalf of the Commandant. The investigation is conducted by a team from the CUI's regiment but not the same company. The inception date is the date reflected on the RHR's appointment memorandum. The RHR will supervise the investigation and ensure it is complete, thorough, and follows the established procedures outlined in this document. If the potential Honor violation is connected to misconduct, the RHR must contact the SCPME Honor Office prior to incepting the case.

b. *SCPME Honor Office.* The Honor Office will notify the CUI's BTd leadership and Department Academic Counselor (DAC) upon notification from the RHR. The Honor Office will also notify the Academic Department Honor Liaison and Office of the Directorate of Intercollegiate

Athletics (ODIA) as applicable. Additionally, the Honor Office will open an administrative flag in the Academy Management System. The Honor Office will add the CUI's name to any other tracking systems utilized to track open cases.

#### **6-5. CADET INVESTIGATIVE TEAM (IT).**

a. The IT is composed of one First Class Honor Representative and one Second Class Honor Representative, usually from the same company. The purpose of the IT is to perform a thorough and complete investigation of the case to enable the RHR and Honor Investigative Officer (HIO) to make a referral decision. When the RHR and HIO disagree, the Honor Captain will make the referral decision. The IT must remain impartial and will make a recommendation on allegations based solely on the facts of the case. The IT will know the elements of potential Honor violation(s) and the potential for exonerating evidence.

b. The IT is appointed by the Commandant through the RHR, and is authorized to miss drill, intramurals, formations and other duties, apart from class, to conduct investigations.

c. The IT has seven (7) duty days from the time the RHR provides the investigation folder to complete the investigation. The IT will ensure it completes the investigation in a timely manner. Administrative action such as a negative Cadet Observation Report will be recommended for teams that are not adhering to their appointed duty instructions (i.e.- not picking up the case from the RHR or not conducting interviews). ITs will provide the progress of the case to the RHRs daily via email or as designated by the RHR. RHRs will provide updates to the HIO as requested by the HIO, but no less than once per week.

(1) Investigations within two weeks of graduation for a First Class Cadet will be given three calendar days to complete the investigation.

(2) Investigations take priority over all non-duty-related activities (e.g.- pass and off-post privileges).

d. The IT will serve both the CUI and witnesses with a standard notification, identifying the time and location for investigative interviews with a courtesy copy to the Company Tactical (TAC) Officer, Cadet Company Commander, and Company Honor Representative. The CUI and all witnesses are excused from drill and intramurals to provide statements. These interviews will take priority over all other duties except class, scheduled additional instruction, scheduled competitions, and scheduled medical appointments. In cases where the CUI or witnesses are in-season Corps Squad or Club Squad athletes, the IT may coordinate interview times with the assistance of the TAC.

e. *Article 31 Rights for CUI.* The IT will read the CUI his/her Article 31 rights exclusively by using DA Form 3881 and have the Cadet sign a copy of the Rights Warning Statement. The CUI must choose to sign in Section B to "waive" his/her Article 31 rights or Section C to not waive his/her Article 31 rights.

(1) *CUI does not waive their rights (invokes).* If the CUI invokes the right to remain silent or speak with a lawyer, the IT will cease all questioning until after the CUI has seen a lawyer or requests to speak with the IT.

(2) *CUI waives their rights (agrees to speak).* The IT will conduct the interview on a DA 2823, Sworn Statement. The IT will input all questions and the CUI will input all responses. The IT and CUI will sign and date that sworn statement. Any additional statements submitted by the CUI must be signed and dated. Should a CUI waive his/her rights, and then later invokes his/her rights, all questioning must cease by the IT. The IT should include in the sworn statement any admission or statement made by the CUI in-between waiving his/her rights and invoking his/her rights. Each time

a CUI is questioned, the rights warning will be read and the DA 3881 will be signed and added to the case packet.

f. *Best evidence.* The IT may consider lesser evidence even when there may be better evidence available to prove the same fact. Generally, however, an effort should be made to obtain the best evidence reasonably available. The IT will consider factors such as time, importance, and expense as well as the availability and reliability of secondary (substitute) evidence. Although hearsay evidence is acceptable, a personal statement or testimony of a witness is usually better evidence than an earlier written statement by that witness or having someone else state what the witness said. Therefore, the IT should recommend all pertinent witnesses be called to testify at a hearing unless the witness is not reasonably available (e.g.- cannot be located, cannot be ordered to appear and refuses to do so, the importance of such testimony or personal appearance is disproportionate to the delay, expense or difficulty in obtaining it). An original or written document is better evidence than a copy. However, a copy is acceptable if the original is not readily obtainable.

g. *Marking of Evidence.* Evidence originating from one party may be marked on by another party if it serves the purposes of the assisting in the investigation. Examples are grading from instructors on evaluated examinations, marks clarifying computer code, titling documents for clarity, highlighting specific text, etc.

h. *Questioning witnesses.* The IT will question all witnesses in order to determine the facts of the case. Asking a witness to make an open-ended statement without following up with additional questions may not be a thorough interview and could require additional interviews with the witness. Witnesses do not need to have the Article 31 rights read unless there is a possibility for a witness to incriminate themselves.

i. *Academic cases.* In cases where an alleged Honor violation is reported by an academic department, the IT will involve the instructor who may serve as an academic subject matter expert. The IT will interview the instructor for all academic Honor violations. Instructors who are no longer assigned to USMA may be interviewed via telephone or other means of communication. In suspected plagiarism cases, this investigation should include, as a subset, an independent evaluation of the paper(s) or project(s) by a neutral and detached senior faculty member appointed by the Department Head or Department Honor Liaison. All evaluations will be provided to the IT and submitted as evidence. All cases involving academic cheating allegations will also have the assignment prompt, syllabus, assignment with signed coversheet and any applicable class Honor briefings or counseling.

j. *Electronic Evidence.* If electronic evidence may be located on the Cadet's computer, phone, iPad, or other electronic device, the IT should contact the SAH before moving forward. The SAH will consult with USCC Trial Counsel prior to advising the IT. With approval from the USCC Trial Counsel, the IT will read the Cadet their Article 31 rights and will request to see the device and inform the Cadet the reason why. If the Cadet consents, the IT will look at the electronic device. The IT will document what was seen on the DA Form 2823 and include it in the investigation.

k. *Honor investigation uncovering discipline issues.* If a violation of the USCC SOP or the UCMJ is known or suspected during the course of an Honor Investigation, the RHR will provide copies of all the evidence to the CUI's TAC. The BTM, in consultation with the SAH and USCC Trial Counsel, will make a decision on whether to postpone the Honor investigation based on the unique facts of the case. Normally both investigations will run simultaneously.

1. *Completed investigation.* The IT will forward the thorough and complete investigation to the RHR along with a summary memorandum. The memorandum will provide a timeline of the allegation(s), a summary of evidence collected, pertinent issues, identify if the CUI requested the WAP, and recommend allegations based on the evidence gathered.

#### **6-6. REGIMENTAL HONOR REPRESENTATIVE (RHR).**

The RHR conducts a review for completeness and merit of the investigation compiled by the IT. The RHR has two (2) duty days to conduct this review. The RHR is authorized to miss drill and intramurals to perform RHR duties. Any absence must be communicated to the chain of command. If the RHR is unable to meet this deadline, he/she will inform the HIO and SAH. In reviewing the case, the RHR will evaluate all available evidence and compare it to the elements of the possible offense(s) committed by the CUI.

a. *Processing outcomes.* The RHR may recommend the case move forward to a hearing, recommend drop, or return it to the IT for further investigation. The RHR will evaluate all available evidence, and compare it to the elements of the possible offenses committed by the CUI.

(1) *Forward.* If there is some evidence for each element of proof required for an allegation, the RHR will recommend to forward the case. The RHR will review the IT allegation(s) and witness recommendations. The RHR has the ability to recommend additional allegations or witnesses. These allegations must be supported by the evidence in the packet. When forwarding additional allegations, the RHR will prepare a memorandum for the HIO. If the case involves more than one allegation, the RHR can provide a mixed recommendation to drop and forward allegations. The RHR will provide the full case packet to the HIO for review.

(2) *Drop.* If any of the elements of proof required for the allegation have no evidence, the RHR will recommend to drop the case. If the case involves more than one allegation, the RHR can provide a mixed recommendation to drop and forward allegations. The RHR will provide the full case packet to the HIO for review.

(3) *Return for investigation.* If the RHR feels that the case is not complete, he/she can return the case to the IT. The RHR must provide the IT with detailed guidance and a timeline for completion. Once the case is returned, the RHR must provide the case to the HIO.

#### **6-7. HONOR INVESTIGATIONS OFFICER (HIO).**

The HIO reviews the case folder (all evidence, statements, and recommendations) and determines whether to forward, drop, or return the case for investigation. The HIO has two (2) duty days to conduct this review. The HIO is authorized to miss drill and intramurals to perform HIO duties. Any absence must be communicated to the chain of command. If the HIO is unable to meet this deadline, he/she will inform the SAH. In reviewing the case, the HIO will evaluate all available evidence and compare it to the elements of the possible offense(s) committed by the CUI.

a. *Processing outcomes.* The HIO may forward the case through the SAH to the Commandant (for referral), drop the case from consideration, or return it to the IT for further investigation. The HIO will evaluate all available evidence, and compare it to the elements of the possible offenses committed by the CUI.

(1) *Forward.* If there is some evidence for each element of proof required for an allegation, the HIO will forward the case. The HIO will review the IT allegation(s) and witness recommendations, add any additional recommended allegation(s) based on the evidence, and draft the allegation(s) recommendation and recommended witness list. The HIO will forward this recommendation and the investigation (including all documentation from the IT) through the SAH and USCC Trial Counsel, to the Commandant, with the recommendation to convene a hearing.

(2) *Drop.* If any of the elements of proof required for the allegation have no evidence, then the case will be dropped. If the investigation is dropped, then the HIO will prepare a Memorandum for Record explaining the rationale for dropping the case and will inform all pertinent personnel through the RHR. The HIO will also forward this decision and the investigation (including all documentation from the IT) to the SAH.

(3) *Return for investigation.* If the HIO feels that the case is not complete, he/she can return the case to the IT. The HIO will provide detailed guidance to the RHR who will communicate the guidance to the IT. The HIO can have the SAH review the case, prior to return, in order to capture all feedback.

b. *RHR and HIO disagree.* If the HIO disagrees with the recommendation of the RHR or is unable to make an impartial decision, the HIO will refer the case to the Honor Captain, who will either forward or drop the case. In the event that the Honor Captain cannot impartially review a case, they will assign the Honor Executive Officer (HXO) to review the case. In the event that neither the Honor Captain nor the HXO can impartially review the case, the Brigade Honor Staff line of authority is the Honor Education Officer, Honor Support Officer, Honor Secretary, Honor Development Officer, and the Honor Public Affairs Officer.

#### **6-8. SPECIAL ASSISTANT TO THE COMMANDANT FOR HONOR (SAH).**

The SAH is the first person outside of the Cadet Honor Committee to review the case. The purpose of this review is to examine the investigation packet, allegation(s), and witness list to ensure the Cadet Honor Committee conducted a thorough and complete investigation. The SAH will review all Honor cases regardless of the Honor Committee's recommendation.

a. *Processing outcomes.* The SAH provides mentorship and guidance to the Cadet Honor Committee but does not have authority to overturn the decision of the Cadet Honor Committee. The SAH will meet with the Honor Committee if he/she disagrees with the recommendation. The SAH may ask questions and offer different perspectives in helping the Committee make a decision.

(1) *Forward.* The SAH will review the elements of the case and all evidence gathered. If recommended by the Honor Committee and sufficient evidence exists, the SAH will forward the allegations and the investigation packet to the USCC Trial Counsel for legal review.

(2) *Drop.* The SAH does not have the authority to drop a case that the Cadet Honor Committee recommends move forward. Furthermore, the SAH does not have the authority to forward a case that the Honor Committee determines should be dropped. The SAH, however, can recommend additional investigation.

(3) *Return for investigation.* The SAH may recommend that the case return to the IT for further investigation. The SAH will provide recommendations regarding additional evidence or witnesses to the HIO, RHR, and IT.

b. *Connected cases.* If cases are connected (e.g.- same witnesses, same evidence, or joint action of Respondents), the SAH may make a recommendation to the Commandant through the USCC Trial Counsel as to whether the cases should be heard jointly or separately at a hearing.

c. *Administrative responsibilities.* The SAH ensures that any case dropped or forwarded to the USCC Trial Counsel is annotated in the Academy Management System and on any other pertinent trackers. Dropped cases are considered closed and will be scanned into the on-line database and hardcopy stored by academic year. The SAH will notify the CUIs BTD leadership, the DAC, the Academic department (as necessary), and ODIA (as necessary). Others may be notified at the discretion of the SAH. Forwarded cases will be scanned into the on-line database.



d. *SCPME Honor Non-Commissioned Officer.* In the absence of the SAH, the SCPME Honor NCO will perform the duties of the SAH.

#### **6-9. UNITED STATES CORPS OF CADETS (USCC) TRIAL COUNSEL.**

The USCC Trial Counsel reviews only those cases that the Cadet Honor Committee recommends move forward. The USCC Trial Counsel reviews the case and allegations for legal sufficiency and attaches a “Pre-referral Advice on Disposition of Honor Investigative Allegations” memorandum. After drafting pre-referral advice, the USCC Trial Counsel returns all documents to the SAH for review and signature. Once signed, the original documents are provided to the Commandant for review and decision. If there is a concern with legal sufficiency, the USCC Trial Counsel will return the case to the SAH. The USCC Trial Counsel may also recommend that connected cases be held at the same time.

#### **6-10. COMMANDANT OF CADETS.**

The Commandant reviews the case, to include materials gathered or produced by the IT, RHR, HIO, SAH, and USCC Trial Counsel. The Commandant is the only one who has authority to refer a case to a hearing. The Deputy Commandant may fulfill this role in the absence of the Commandant.

a. *Processing outcomes.* The Commandant may refer a case to a hearing, dismiss a case, or send a case back to the Cadet Honor Committee for further investigation.

(1) *Refer to hearing.* The Commandant will review the case packet and the pre-referral advice produced by the USCC Trial Counsel. The Commandant may choose to refer all or some of the allegations. Any allegations not referred will be annotated on the pre-referral memorandum. Once referred, the Commandant is the only person that can dismiss an allegation. The Commandant may dismiss or combine individual allegations without dropping the case.

(2) *Return to the Honor Committee.* The Commandant may direct further investigation and return the case to the Cadet Honor Committee. In these instances, the SAH will clarify what additional evidence or witnesses are necessary. If the Commandant returns a case to the Cadet Honor Committee, the case will follow the same investigation steps as outlined above.

(3) *Drop a case for lack of evidence.* In these instances, the USCC Trial Counsel and SAH should be consulted prior to making a decision. If the Commandant believes that there is insufficient evidence of a violation(s), the Commandant will direct that the case is dropped without further investigation.

b. *Connected cases.* The Commandant may refer connected cases to be heard jointly or separately at a hearing. If referred jointly, and one or more Respondents desire the case to be held separately, the Respondent(s) will make this request to the Hearing Advisor. The Hearing Advisor will act as the final arbiter for these requests.

c. *Case dismissal after referral.* The Commandant may choose to dismiss a case, after referral, based on a motion submitted by the Respondent or their legal assistance. The Honor Captain must be provided an opportunity to make a recommendation on the motion prior to the Commandant’s decision. See section 7-4, paragraph f.

## CHAPTER 7

### SERVING THE RESPONDENT THROUGH THE PRELIMINARY HEARING

#### 7-1. OVERVIEW.

After the Commandant refers a case, the CUI is called the Respondent. The purpose of serving the Respondent is to allow them the opportunity to see all evidence that will be presented at a hearing. The Cadet also has the opportunity to annotate their intention to admit or not admit to the violation. After receiving the case packet, the Cadet can begin preparing for the Honor board. Prior to the board, the Cadet will have the opportunity to object to evidence/witnesses and add evidence/witnesses. This occurs at the preliminary hearing. Further information regarding the preliminary hearing is in section 7-7.

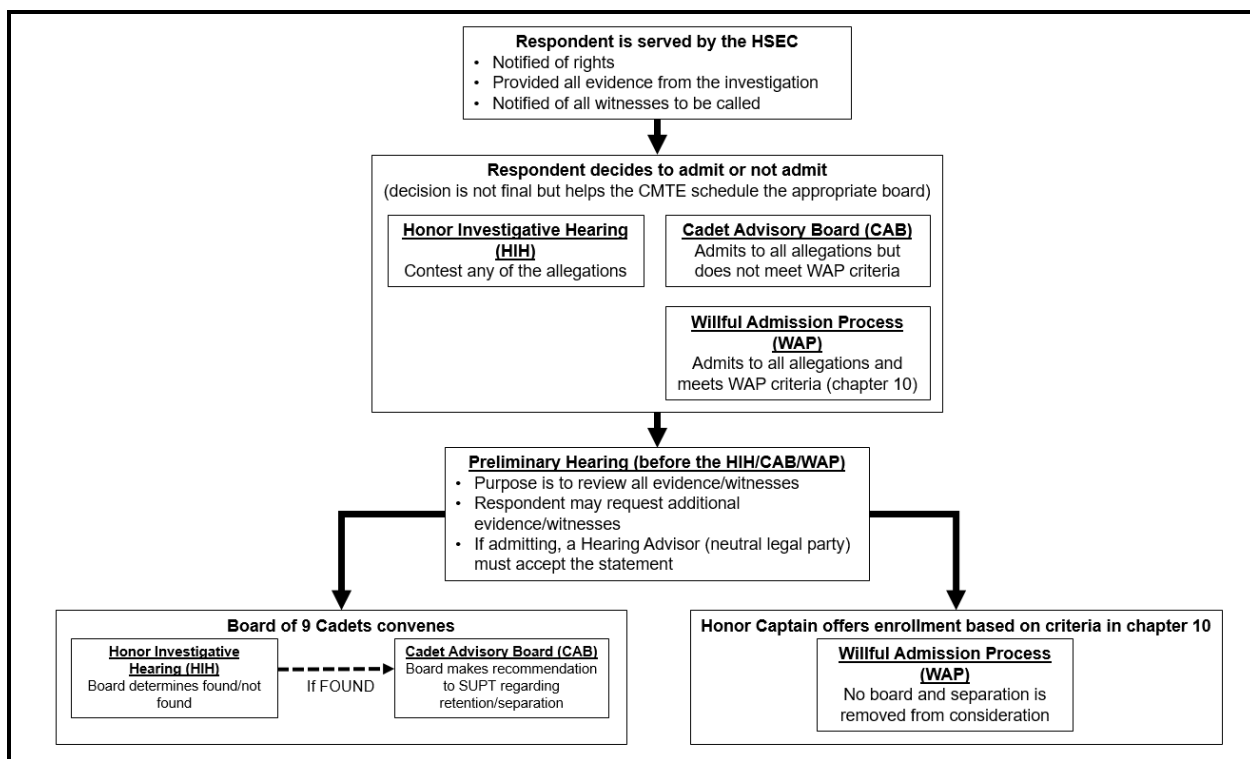


Figure 7-1. Process from serving the Respondent through the preliminary hearing.

#### 7-2. SERVING THE RESPONDENT.

The Cadet Honor Secretary (HSEC) will serve the Respondent with notification of the Commandant's decision to refer the case to a hearing and the complete investigation packet. This packet includes all relevant documents and the Respondent's notice of rights and responsibilities. The HSEC will serve the Respondent within 24 hours after receiving the Commandant-signed referral of charges. The SAH or SCPME Honor NCO will serve the Respondent if the Brigade Honor Staff is unavailable. If new evidence is obtained after the Respondent is served, the Respondent must receive a copy within 24 hours.

- a. The Respondent will be informed in writing of the following rights:
  - (1) The right to remain silent.
  - (2) To consult with legal assistance before all proceedings and, if the alleged Honor violation is connected to a pending criminal proceeding, to have legal counsel present to observe all

proceedings.

- (3) To request in writing for a member of the Respondent's minority group to be on the board panel as a voting member.
- (4) To question all witnesses who testify at the hearing.
- (5) To call witnesses, and present evidence on his/her behalf.
- (6) To object to evidence.
- (7) To appear personally.
- (8) To be present during open sessions of all hearings.
- (9) To question all witnesses against him/her.
- (10) To challenge any board member "for cause."
- (11) To obtain copies of all investigative reports, recommendations, statements, and other official documents relating to the investigation, hearing, and subsequent review process.
- (12) To have a Cadet Advisor present at the hearing.
- (13) To bring matters to the attention of the Hearing Advisor during any proceedings if he/she perceive anything as unfair.
- (14) To challenge the Hearing Advisor "for cause."
- (15) To make an opening statement and a closing argument before the board.
- (16) To request consideration for the WAP.

b. The Honor Office will forward the completed Notification of Respondent's Rights and Responsibilities and case documents to the Chief, Military Justice (or designee). The Chief, Military Justice (or designee) will ensure that the Notification of Respondent's Rights and Responsibilities is included in the Honor packet.

### **7-3. DISTINCTION BETWEEN ADMITTED AND CONTESTED CASES.**

When a Cadet is served by the HSEC, he/she will annotate their intentions to admit or not admit to the violation(s). If a Respondent does not admit to the allegation(s), the case will proceed to an Honor Investigative Hearing (HIH). If the Respondent admits to the allegation(s), the case will proceed to either a Cadet Advisory Board (CAB) or enter the Willful Admission Process (WAP). This decision is not final. All admissions must be made during a preliminary hearing and the Cadet must admit to all elements of a violation. A case is not sent forward to a CAB or WAP until the admission has been accepted by a Hearing Advisor. Additionally, the Cadet must meet the requirements for the WAP which includes approval by the Cadet Honor Captain and Commandant.

a. *Admitted cases.* A Cadet can admit to a violation during multiple points of the investigation and case processing. A Cadet can also chose to self-admit to a case without being approached. In all instances, the Cadet will provide a statement of admission to all elements of the allegation. Additionally, the Cadet will provide all details of the violation to include relevant witnesses and evidence. It is not until the Cadet's admission is accepted during the preliminary hearing that it is formally referred to as an "admit" case. The Cadet is not guaranteed that their admission will result in entrance into the WAP. The Honor Captain makes this determination only after the preliminary hearing and based on the criteria of the WAP as outlined in section 10-2. If the Honor Captain denies enrollment in the WAP, the case will proceed to a CAB. Further clarification is below:

(1) *Self-Report.* A case is considered self-reported and informally identified as "willful admission" when a Cadet comes forward to report their own Honor violation without being confronted by anyone. Generally, this means that the Cadet Honor Committee would not have learned of this Honor violation had the Cadet not come forward to report it him/herself.

(2) *Admit within 24 hours of approach for clarification/notification.* A case is informally referred to as a "willful admission" case when a Cadet admits to the violation within 24 hours of the

approach for clarification/notification.

(3) *Admit after 24 hours of approach/notification or later.* A Cadet may decide to admit, for the first time, during the course of the investigation, during notification of rights, or during the preliminary hearing. If the Cadet decides to admit during the investigation, the Cadet IT will annotate this in the memorandum and record on a sworn statement. After formal admission at the preliminary hearing, the case will then proceed to a CAB (chapter 9). These cases will typically not be considered for the WAP except in extenuating circumstances as identified by the Honor Captain. In these instances, the Honor Captain, or their designee, can recommend the case for the WAP.

(4) *Admit after the preliminary hearing but before the HIH.* If a Cadet decides to admit after the preliminary hearing but before the HIH, a new preliminary hearing must be held. If the admission is accepted, the HIH will be canceled and replaced with a CAB.

b. *Contested cases.* A Cadet can chose to contest any or all allegations. In these instances, the Cadet will still participate in the preliminary hearing in order to raise any objections to witnesses or evidence. In cases where a Respondent contests some of the allegations and admits to others, the Hearing Advisor will ask the Respondent to admit to the appropriate allegations at the preliminary hearing. If any of the allegations remain contested following the preliminary hearing, the case will go to an HIH. A CAB may be held following the HIH if the Cadet admits to some of the allegations, regardless of the verdict on the contested allegations.

#### **7-4. PREPARATION FOR PRELIMINARY HEARING.**

a. *Legal assistance.* The Respondent will meet with a Legal Assistance attorney, provided at Government expense, or a civilian attorney at no expense to the Government, prior to the preliminary hearing.

b. *Scheduling of prelims and hearings.* The Office of the Staff Judge Advocate (SJA), in coordination with the HSEC and SAH, will schedule the preliminary hearing and HIH. The Respondent will be notified of the HIH board date prior to the preliminary hearing being held. The SCPME Honor Office is responsible for scheduling all CABs and may wait until the completion of the preliminary hearing to schedule the board. The Honor Office will not schedule the Willful Admission Process (WAP) in-brief until after the Honor Captain has made a recommendation for enrollment.

(1) *Personnel required to attend the preliminary hearing.* The Hearing Advisor, a neutral member from the SJA Office, runs the preliminary hearing. A legal technician, or trained representative, will record the hearing. Also present is the Respondent and the Investigative Representative (IR). The IR is the senior Cadet who conducted the investigation. If the senior investigator is not available, the RHR will fulfill the role. The SAH is the appointing authority if neither of these Cadets is available.

(2) *Timeline of preliminary hearing.* The Hearing Advisor will ensure that the Respondent and the IR have adequate notice of the time, date, and location of the preliminary hearing. The day of service by the HSEC is considered day zero and the Respondent is authorized a minimum of four (4) duty days to prepare for the hearing. The preliminary hearing can occur on day five or later.

(3) *Waiving the duty days between service and the preliminary hearing.* The Respondent may choose to waive these time requirements, in writing, to the Hearing Advisor. The written waiver should be included as an appellate exhibit to the record. If a case for a First Class Cadet is brought up during graduation week, the four-duty-day requirement may be waived in order for the case to be heard prior to graduation. If the four-duty-day requirement is not waived and the four days is later than three days prior to graduation, the Cadet will not graduate as scheduled and the board will be held after re-organization week in the following semester. The last possible date for a First Class

Cadet hearing is the two days prior to graduation. No hearing will occur on graduation day.

(4) *Location.* The primary location for all HIHs and CABs is Nininger Hall, 4th Floor of Bldg. 747. The secondary location for all HIHs and CABs is the SJA Courtroom, 4th Floor, Bldg. 606, which should only be used if it is determined that two boards must be convened simultaneously. If two boards need to be convened simultaneously and the SJA Courtroom is unavailable, or if three boards need to be convened simultaneously, the alternate location will be the Red Reeder Room, 4<sup>th</sup> Floor, Bldg. 745B. The SAH determines the location of all HIHs and will coordinate with the SJA Office if alternative locations are required.

c. *Request for delay prior to the preliminary hearing.* Any IR or Respondent's request for delay must be made, in writing, as soon as possible after being served by the HSEC. Requests for delay are not automatically granted, so justification for the delay must accompany the request. A Respondent should anticipate his/her preliminary hearing being held in accordance with section 7-7, with the HIH/CAB as early as the day following the preliminary hearing. Requests for delays may be denied based solely on the un-timeliness of the request. The request should be made to the SAH unless a Hearing Advisor has already been assigned to the case. The SAH will consult with the office of SJA Administrative Law prior to making a decision. If a Hearing Advisor is assigned to the case, the Hearing Advisor will consider the request. Either the SAH or Hearing Advisor may grant a delay of up to five duty days. Requests for delays longer than five duty days must be approved by the Director of SCPME or the Commandant. All requests will be processed through the SAH regardless of final approval authority. Additionally, all paperwork associated with a delay will be added as an appellate exhibit to the case packet.

d. *Submission of additional matters.* The IR and Respondent will submit all evidence, witness lists (merit, specific character, expert and character), and requests to the Hearing Advisor. The IR and Respondent will submit these matters in writing no later than 24 hours prior to the start of the preliminary hearing. The IR or Respondent may raise issues at the preliminary hearing for the first time if he/she could not reasonably have identified them 24 hours before the preliminary hearing as determined by the Hearing Advisor in their discretion. If either the IR or Respondent fails to submit requests or matters earlier than 24 hours before the scheduled date of the preliminary hearing, the request, evidence, witness, or matter may be summarily denied by the Hearing Advisor. The IR or Respondent may raise the issues listed below:

- (1) A challenge to the Hearing Advisor on the grounds of lack of impartiality or lack of qualification.
- (2) Objections concerning investigative procedures.
- (3) Objections or redactions to documents contained in the investigative folder or submitted by the Respondent.
- (4) Requests for attendance of additional merit or character witnesses or introduction of evidence that was not known within 24 hours prior to the preliminary hearing.

e. *Request for minor alterations to allegation(s).* The Commandant delegates authority to the SAH to approve minor alterations to the allegation(s) referred by the Commandant. This request should be made prior to or at the preliminary hearing but may also occur on the day of the hearing. The Respondent, IR, or Hearing Advisor may make a request to alter the allegation(s). The SAH will consult the Hearing Advisor prior to approving the alterations of allegation(s). If the IR or Respondent objects to the alterations, the Commandant will make a final decision.

f. *Request for major alterations/dismissal of allegation(s).* As the referral authority, only the

Commandant can approve major alterations of allegation(s). Additionally, only the Commandant can dismiss an allegation once referred. All requests to alter/dismiss allegation(s) must be processed through the SAH. In these cases, the Honor Captain will also make a recommendation to the Commandant after reviewing the request and any additional submitted matters.

#### **7-5. RULES OF EVIDENCE.**

Honor proceedings are administrative and not judicial in nature. Therefore, the rules of evidence prescribed for trials by courts-martial, or for court proceedings, do not generally apply. Accordingly, subject only to the limitations set forth below, the Honor board may accept anything that, in the mind of a reasonable person, is relevant and material to whether the Respondent committed or attempted to commit the alleged act(s) and the Respondent's intent at the time the alleged act(s). The Hearing Advisor will make final rulings on whether evidence or testimony is admissible, and the Hearing Advisor's decision is not appealable.

a. *Best evidence.* An investigator may consider lesser evidence even when there may be better evidence available to prove the same fact. Generally, however, an effort should be made to obtain the best evidence reasonably available. The investigator will consider factors such as time, importance, and expense as well as the availability and reliability of secondary (substitute) evidence. Although hearsay evidence is acceptable, the personal statement or testimony of a witness is usually better evidence than an earlier written statement by that witness or having someone else state what the witness said. Therefore a witness should appear before the investigative hearing unless the witness is not reasonably available (e.g.- cannot be located; cannot be ordered to appear and refuses to do so; the importance of such testimony or personal appearance is disproportionate to the delay; expense or difficulty in obtaining it). All original or duplicate original of a document or writing is better evidence than a copy. However, a copy is acceptable if the original is not readily obtainable.

b. *Circumstantial Evidence.* Board members may use circumstantial evidence to infer facts. Circumstantial evidence is evidence that tends to prove a factual matter by proving other events or circumstances from which the occurrence of the matter at issue can be reasonably inferred. [Merriam-Webster's Dictionary of Law ©1996 at Findlaw.com] Circumstantial evidence is often as useful as direct evidence in drawing conclusions.

c. *Limitations.* The Honor hearing is not subject to exclusionary rules precluding the use of relevant evidence. However, the following limitations do apply with regard to evidence that may be accepted and considered at the hearing:

(1) *Privileged Communications.* The Honor hearing will recognize only those forms of privileged communication as stated in Military Rules of Evidence 502, 503, 513, and 514 concerning the Lawyer – Client, Communications to Clergy, and Psychotherapist – Patient privileges.

(2) *Polygraph Tests.* The HIH will not receive or consider any evidence of the results, taking, or refusal of a polygraph (lie detector) test.

(3) *Self-incrimination during witness testimony.* The HIH or CAB will not compel any witness or Respondent to incriminate him/herself or to answer any question in which the answer might be incriminating. In addition, the board will not require a witness to make a statement or produce evidence if the statement or evidence is not material to the issue and might tend to degrade the witness or would violate Article 31, UCMJ. The board will not require a witness, not subject to the UCMJ, to make a statement or produce evidence that would deprive the witness of rights under the Fifth Amendment of the United States Constitution. However, the witness must state specifically that refusal to answer a question is based on the protection afforded by Article 31 or the Fifth Amendment. Whenever it appears appropriate and advisable to do so, the Hearing Advisor will

explain the rights of a witness or Respondent using the procedure found on DA Form 3881.

(4) *Exclusionary Rule.* The exclusionary aspect of Article 31, UCMJ by its terms, does not apply to administrative proceedings such as an HIH, CAB, or WAP. Therefore, a statement taken in violation of Article 31 may be admitted provided that the failure to provide the Article 31 warning was not made in bad faith. Further, statements taken through the use of coercion, unlawful influence, or unlawful inducement may not be received in evidence against them.

(5) *Involuntary Admissions.* The Hearing Advisor will ensure that the HIH will not accept a Respondent's statement obtained by unlawful coercion or inducement likely to affect its truthfulness, or in situations where the admission of the subject evidence would be contrary to fairness and fundamental due process. However, the fact that a Respondent was not advised of his/her Article 31 rights does not, of itself, prevent acceptance of the confession or its admission as evidence.

(6) *Immunity.* In rare cases, the Superintendent may grant a witness or Respondent testimonial immunity and require the individual to testify notwithstanding Article 31 or the Fifth Amendment. The USMA SJA Office will provide additional guidance on this subject.

(7) *Bad Faith Unlawful Searches.* Unless the Hearing Advisor determines that the evidence would inevitably have been discovered, the HIH will not consider evidence obtained from an unlawful search conducted or directed by a member of the Armed Forces, acting in an official capacity. The HIH will not accept or consider any evidence against a Respondent whose rights were violated from a search. Otherwise, the board may accept any other evidence obtained because of a search or inspection.

(8) *Marking of Evidence.* Evidence originating from one party may be marked on by another party if it serves the purposes of the HIH. Examples are grading from instructors on evaluated examinations, marks clarifying computer code, titling documents for clarity, highlighting specific text, etc.

## **7-6. TYPES OF EVIDENCE.**

a. *Real evidence.* A tangible object (e.g.- term paper, drill roll) that is material and relevant to the subject of the inquiry is real evidence. Whenever an item of real evidence would aid in establishing the existence or nonexistence of a fact, the evidence, or a photograph, description, or other suitable reproduction of it, should be included in the report of proceedings together with any statements of witnesses necessary to identify the item and verify the accuracy of the reproduction. If the physical layout of a building, room, or other place is relevant, the board members, together with the IR, Board President, Hearing Advisor, and the Respondent, may visit the scene, if practical. In any event, a diagram should be included in the report. If applicable, it should be noted at the hearing that the scene was visited by board members.

b. *Documentary evidence.* Documentary evidence consists of records, reports, video recordings, audio recordings, emails, text messages, letters, and other written, printed, electronic or graphic materials that indicate the existence or nonexistence of a fact.

c. *Official notice.* Some facts are of such common knowledge that there is no need to obtain specific evidence to prove them (e.g.- general facts and laws of nature; general facts of history; location of major elements of the Army; organization of the Department of Defense and its components). This includes, but is not limited to, those matters of which judicial notice may be taken. The Hearing Advisor will determine whether official notice of specific facts may be taken.

## **7-7. PRELIMINARY HEARING.**

The purpose of the preliminary hearing is to have the Hearing Advisor advise the Respondent of their rights under the Cadet Honor Code and System, to address any requests, challenges, additions,

redactions, and/or questions the Respondent has, and to formally receive any admission to the Honor violation(s) under oath. Only Cadets who admit to allegation(s) will be found provident by the Hearing Advisor. Finding a Cadet provident means that the admission is voluntary, accurate, and meets the elements of proof outlined in chapter 2 of this pamphlet.

a. The preliminary hearing will take place on the scheduled day regardless of whether the allegation(s) will be contested at an HIH or admitted during a CAB, or whether the Respondent is eligible for the WAP. The only exception is if a delay has been approved in accordance with section 7-4, paragraph c. When possible, the preliminary hearing will take place no earlier than two duty days prior to the HIH or CAB.

b. *Authorized personnel in the preliminary hearing.* In attendance at the preliminary hearing will be the Hearing Advisor, the Respondent, the Respondent's Cadet Advisor, a legal technician or trained recorder, and the IR. The Respondent's legal counsel, RHR, Honor Captain, SCPME Honor NCO, SAH, Director of SCPME, and SJA may also attend the preliminary hearing but will not participate in the proceedings. The Hearing Advisor has final authority on the personnel allowed to attend the preliminary hearing.

c. *Unauthorized personnel in the preliminary hearing.* The preliminary hearing is a closed proceeding, which is not open to observers. Merit or character witnesses, to include TAC Officers, will not attend the preliminary hearing or any closed sessions.

d. *Actions during the Preliminary Hearing.*

(1) The preliminary hearing will be recorded and a summarized transcript prepared, as per Army Regulation 210-26 (06 September 2011), United States Military Academy, Chapter 7, Section 7-3.

(2) The provision for written transcripts will remain in effect unless superseded by other Army policy or regulation. This applies to written transcripts for both the preliminary hearing and hearing, for every Honor case (HIH, CAB, and WAP).

(3) The Hearing Advisor will advise the Respondent of their rights under the Cadet Honor Code and System.

(4) The Hearing Advisor will decide upon and announce decisions concerning the requests for the addition or redaction of evidence, addition or exclusion of witnesses, or other requests made by the Respondent. The Hearing Advisor may request additional time to consider matters after the preliminary hearing. In these situations, the Hearing Advisor will contact both the Respondent and IR regarding final decisions.

(5) The Hearing Advisor will address all issues raised by the IR and Respondent.

(6) If the IR or Respondent believes that the Hearing Advisor may be biased either for or against the Respondent, either party may stop the preliminary hearing. Only the SJA, or a designee, may replace a Hearing Advisor.

(7) The Hearing Advisor may, at his/her discretion, report any matter arising at the preliminary hearing to the Commandant through the SAH. The SAH will also inform the Honor Captain of these matters. If, at the conclusion of the preliminary hearing, the Hearing Advisor has suppressed evidence which precludes the finding of a violation, the Hearing Advisor may recommend, through the SAH to the Commandant, that the Commandant dismiss the allegation(s) against the Cadet. The Hearing Advisor does not have the authority to dismiss the allegation(s). In these situations, the HIH may be delayed in order to allow the Commandant the appropriate amount of time to review all matters.

(8) The Hearing Advisor will determine if the Respondent is found provident to the



allegation(s), if the Respondent provides an admission for the allegation(s). To be found provident, the admission must be voluntary, accurate, and meet the elements of proof. The admission will be conducted under oath.

(9) If the Commandant has referred the HIH as a joint hearing, the Hearing Advisor will determine if each Respondent desires to admit the allegation(s) individually while the other Respondents are removed from the hearing room.

(10) The legal technician or trained representative will prepare a summarized record of the proceeding. This record will become part of the summarized record of the case. If the Respondent admits, the provident portions of the hearing will be included in a summarized record within the case file.

e. *Scheduling of the CAB or WAP after the preliminary hearing.* If a Respondent admits to the violations and is found provident, the HSEC, in coordination with the SAH, will schedule the time, date, and location for the CAB. Scheduling will occur after the conclusion of the preliminary hearing. If the Respondent is a potential candidate for the WAP, the legal technician, or representative, will provide the Honor Captain with a recording of the admission. For further information regarding processing of the WAP, see section 10-3.

f. *Request for delay at the preliminary hearing.* If the IR or Respondent requests a delay at the preliminary hearing, the Hearing Advisor may delay the HIH/CAB for up to two (2) duty days. Requests for delay are not automatically granted and justification for the delay must accompany the request. Before making a decision, the Hearing Advisor will consult with the SCPME Honor Office to determine the hearing schedule. The Director of SCPME or the Commandant is the authority for authorizing a delay of three duty days or more. The Hearing Advisor may provide a recommendation for scheduling based on their knowledge of the situation. All requests will be processed through the SAH regardless of final approval authority. Additionally, all paperwork associated with a delay will be added as an appellate exhibit to the case packet.

g. *Requests for delay between the first preliminary hearing and the scheduled hearing date.* If a delay is requested based on new evidence or witnesses, the Hearing Advisor may approve a delay, not to exceed two days. The Hearing Advisor may also approve a delay if the Cadet cannot reasonably represent themselves (e.g.- just had surgery and is on medication.) The approval authority for delays longer than two days due to new evidence/witness introduction is the Director of SCPME or Commandant.

## CHAPTER 8

### KEY PERSONNEL INVOLVED IN THE HONOR HEARING (HIH AND CAB)

#### 8-1. OVERVIEW.

The purpose of this section is to outline the key personnel involved in the HIH and CAB and identify their responsibilities throughout the proceedings. All personnel may not be involved in the preliminary hearing, HIH, or CAB. This will be identified in each section.

#### 8-2. BOARD PRESIDENT.

The Board President orchestrates the hearings (HIH and CAB) and provides leadership to the members of the board. The Board President is a nonvoting member of the board. The Board President serves as a volunteer and is a member of the First Class who holds a graded position outside the Cadet Honor Committee. Four weeks prior to graduation, Second Class Board Presidents will serve on all CABs and Fourth, Third, and Second Class HIHs. Duties and responsibilities of the Board President include:

a. *General guidelines.*

- (1) Conducts the voir dire, HIH and/or CAB in a professional manner.
- (2) Recesses or adjourns the voir dire, HIH and/or the CAB as appropriate.
- (3) May speak with Hearing Advisor, IR, or Respondent during closed sessions.
- (4) Administers the oath to all board members and witnesses in accordance with UCMJ

Article 136, Authority to Administer Oaths and Act as Notary.

b. *Before and during voir dire.*

- (1) Receives the investigation folder from the Hearing Advisor and reviews the packet after the Board President voir dire. The folder contains the allegation(s), names of all witnesses (including those requested by the Respondent), and all pertinent documents and other evidence.
- (2) Ensures that the board is properly constituted by conducting a voir dire process as outlined in the board instructions and in this pamphlet. Indicates on the record when an alternate board composition has been seated and that its composition has been approved by the SAH.
- (3) Rules on all challenges of the potential board members raised by the IR and Respondent. Indicates, on the record, each member that has been excused or challenged off the board and the basis for excusal.

c. *During the HIH and/or CAB.*

- (1) Ensures the appropriate conduct of board members, witnesses, Cadet Advisor, Respondent, and IR during open and closed session. The Board President ensures all parties maintain proper military bearing, respect, and courtesies. The Board President also ensures that all personnel remain alert and engaged throughout the proceedings.
- (2) Ensures appropriate conduct of observers in the gallery during open session. The Board President may permanently dismiss any observers in the gallery for the remainder of the hearing should they conduct themselves in a manner disruptive to the proceedings.
- (3) Rules on challenges and procedural and evidentiary matters in consultation with the Hearing Advisor at an HIH. During a CAB, the Hearing Advisor will be available telephonically should the Board President have questions.
- (4) The Board President may recommend dismissing allegations against the Respondent that are not legally supported by evidence. In doing so, the Board President must make the recommendation for dismissal through the SAH to the Commandant. In light of a recommendation to dismiss by the Board President, the Commandant decides the final disposition on the status of the

case.

(5) Directs the appearance of witnesses scheduled to testify at the HIH and calls them into the hearing room. The order is determined after consultation with the Hearing Advisor and the HSEC or their selected designee. During a CAB, the Board President will direct the order of the character witnesses after consulting with the Respondent and HSEC or their designee.

(6) Leads the questioning of merit and character witnesses.

(7) Censors or directs board member, Respondent, or witness's questions and answers as he/she deems appropriate, in consultation with the Hearing Advisor. This includes character testimony provided by merit witnesses during an HIH.

(8) Instructs the board members on applicable procedural matters prior to closing for deliberations.

d. *Deliberations and hearing completion.*

(1) Presides over and participates in all closed deliberation sessions of the HIH and CAB.

(2) Announces all findings of the HIH in an open session following closed deliberations. Additionally, announces any recommendations produced by the board.

(3) Completes a Memorandum of Findings following the HIH (if the Respondent was NOT FOUND) or CAB (if the Respondent was FOUND.)

(4) Speaks on behalf of the board members in all matters relating to their deliberations.

### **8-3. HEARING ADVISOR.**

The Hearing Advisor is a Judge Advocate Commissioned Officer and a non-voting member of the HIH. The Hearing Advisor presides over all preliminary hearings and associated HIH if the case is contested. At an HIH, the Hearing Advisor provides guidance to the Board President regarding the conduct of non-deliberation sessions and ensures that the hearing is conducted in a fair and orderly manner and in accordance with the procedures outlined in this pamphlet. The Hearing Advisor reviews all board and Respondent exhibits to ensure that they are admissible, sets a date for the HIH, and rules on any requests for and the evidentiary issues raised by the Respondent. The Hearing Advisor is not present for the CAB unless requested by the Respondent, IR, or Board President. When the Hearing Advisor attends a CAB, the legal technician (or trained representative) will record the proceedings and add the summarized transcript to the case file. Duties and responsibilities of the Hearing Advisor include:

a. *General guidelines.*

(1) May ask neutral or clarifying questions during preliminary hearings, voir dire, or the HIH.

(2) It is the responsibility of the Office of the SJA Office to arrange a replacement if the Hearing Advisor for the preliminary hearing is unable to conduct the associated HIH.

b. *Before and during voir dire.*

(1) Conducts a second preliminary hearing prior to an HIH and rules on any additional evidence, witnesses, or requests that were not known prior to the HIH.

(2) Advises the Board President during the questioning of potential board members to ensure impartiality during voir dire process.

(3) Advise the Board President on all challenges of the members raised by the IR and Respondent. In order to maintain fairness and impartiality of the board process, the Hearing Advisor is the final arbiter if there is a disagreement between the IR, Respondent and the Board President.

(4) Advise the Board President to ensure that the board is properly constituted.

(5) Reviews the investigation packet prior to dissemination to the Cadet members to ensure

that it contains only admissible information.

*c. During the HIH and/or CAB.*

(1) Ensures all board members understand the board packet prior to beginning the hearing. The Board President begins the proceedings after all board members review the evidence.

(2) The Hearing Advisor, along with the Board President, ensures all parties maintain proper military bearing, respect, and courtesies. The Hearing Advisor assists the Board President if anyone fails to remain alert and engaged throughout the proceedings.

(3) Ensures appropriate conduct of observers in the gallery during open session. The Hearing Advisor may permanently dismiss any observers in the gallery for the remainder of the hearing should they conduct themselves in a manner disruptive to the proceedings.

(4) Advise the Board President on challenges and procedural and evidentiary matters. The Hearing Advisor may recommend dismissing allegations against the Respondent which are not legally supported by evidence. In doing so, the Hearing Advisor must make a recommendation for dismissal through the Board President, to SAH and the Commandant. In light of a recommendation to dismiss by the Hearing Advisor, the Commandant decides the final disposition on the status of the case.

(5) Advises the Board President as to the order in which all witnesses are questioned.

(6) Has the ability to recess the hearing to confer with the Board President in private during an open or closed hearing off the record to prevent possible mistakes or assist in pending decisions or rulings.

(7) Ensures that the Board President instructs the board members on applicable procedural matters prior to closing for deliberations.

*d. Deliberations and post hearing.*

(1) Is available during deliberations to answer any questions from the Board President, but is not present for and does not participate in deliberations.

(2) Ensures the Board President announces all findings of the HIH in an open session.

(3) Authenticates the summarized record of the proceedings, including certification of findings and recommendations. The legal technician or the Board President may also do this if the Hearing Advisor is not reasonably available.

**8-4. RESPONDENT.**

The Respondent should take an active role throughout the Honor hearing. This includes participation in the second preliminary hearing (HIH only), the voir dire process, and open/closed sessions during the hearing. The Respondent is encouraged to ask questions throughout the procedures if he/she does not understand the process.

*a. General guidelines.*

(1) May speak with board witnesses prior to the hearing day in the same manner in which the IR is allowed to prepare.

(2) May speak with their assigned Legal Assistance when preparing for the hearing and on the day of the hearing. Any communication will occur during authorized recesses and should be conducted in private, away from the board or witnesses.

(3) May speak with their Cadet Advisor throughout the hearing to include open/closed sessions and recesses.

(4) May speak with the Board President or Hearing Advisor during closed sessions.

(5) May chose to testify during the HIH or CAB. The Respondent will be read their rights

prior to giving testimony.

b. *Before and during voir dire.*

(1) The Respondent can ask questions during voir dire and can challenge potential board members.

(2) The Respondent may prepare an opening statement and present it to the Hearing Advisor at the second preliminary hearing (typically the day of the HIH). The Respondent may also provide an opening statement for a CAB and should present it to the Board President prior to the start of the board.

c. *During the HIH and/or CAB.*

(1) The Respondent may provide an opening statement at the HIH and/or CAB. All statements made during the opening must be supported by the evidence that is before the panel. The Board President will remind the board members that the opening statement of the Respondent is not evidence.

(2) The Respondent can question all board and Respondent witnesses during the HIH or CAB.

(3) The Respondent may choose to testify at the HIH and follow-on CAB. The Respondent will sit at the witness stand and follow normal procedures for a witness.

(4) The Respondent will be read their Article 31 rights prior to giving testimony. If the Respondent admits to the violation(s), the board may question the Respondent. By admitting to the violation(s), the Respondent waives the right to remain silent and is required to answer questions.

(5) Upon completion of the witness testimony, the board will have a brief recess. The Respondent may make a closing statement after the recess. The closing statement is not evidence.

d. *Deliberations and post hearing.*

(1) The Respondent is not present during HIH or CAB deliberations and will wait in the hearing waiting room. If the board takes a break during deliberations, the Respondent will not address any members of the board.

(2) The Respondent may utilize this time to arrange for character witnesses should he/she be FOUND (HIH only). No character witnesses for a CAB will be called prior to the announcement of findings.

(3) The Respondent is not present for the count of the vote (HIH) and will not be notified of any result other than the result of FOUND or NOT FOUND.

(4) The Respondent is present post-deliberations when the Board President announces the findings during open session.

(5) In the event of a CAB, the Respondent may leave when the board enters deliberations. If the Respondent leaves, the SAH will provide the Respondent with a copy of the Board President summary memorandum and the hearing member worksheets.

## **8-5. CADET ADVISOR.**

The Respondent may elect to bring any one member of the Corps of Cadets to all preliminary hearings, the HIH and/or CAB to act as a Cadet Advisor. The role of the Cadet Advisor is to provide moral support and advice, not to represent the Respondent. A Cadet Advisor is authorized to accompany the Respondent during all preliminary hearings, the HIH and/or CAB. The Cadet Advisor is subject to the following restrictions:

a. *Eligibility to serve as Cadet Advisor.* The following applies to all Cadets wanting to serve as

a Cadet Advisor:

(1) A Cadet may serve as a Cadet Advisor only two times during his/her enrollment at the United States Military Academy.

(2) A Cadet is not eligible to serve as the Cadet Advisor if he/she will potentially be called as a board or Respondent merit witness. The Cadet Advisor may be called as a character witness during a CAB.

(3) A Cadet is not eligible to serve as the Cadet Advisor if he/she is the Respondent in a related case that has not yet been adjudicated.

(4) The Cadet Advisor should not accept appointment if he/she is unable to serve as the Cadet Advisor during the entire board proceeding.

(5) Cadet Honor Committee members serving in a graded position, IT for the Respondent's case, or Board Presidents may not sit as Cadet Advisors to Cadets facing an HIH or CAB. Because the objective of these procedures is to provide the Respondent a fair and impartial hearing, the Cadet Honor Committee recognizes that a member acting as an advisor could inappropriately or unintentionally influence the board members. Exceptions to this rule must be requested in writing through the Honor Captain to the SAH.

b. *Communication between Cadet Advisor and Respondent.* Communication between the Cadet Advisor and the Respondent is not privileged, as in an attorney-client relationship. Moreover, a Cadet Advisor is not exempt from abiding by the Cadet Honor Code, to include the toleration clause, and must report any suspected Honor violation by the Respondent. The Cadet Advisor is prohibited from advising the Respondent on how to answer questions during Respondent testimony.

c. *Communication between Cadet Advisor and other parties.* The Cadet Advisor may not address the Hearing Advisor, Board President or members of the board. This applies during the preliminary hearing, HIH or CAB, at any time during recess, or before the announcement of findings. A Cadet Advisor will not communicate with anyone other than the Respondent (e.g.- Legal Assistance or witness) during open sessions of the proceeding via text, telephonic, email, or any other means.

d. *Cadet Advisor unable to remain for entire process.* A Respondent will ensure his/her Cadet Advisor is able to conduct Cadet Advisor duty without interruption to board proceedings. The Respondent will inform the Cadet Advisor of the time requirement for the preliminary hearing and that the board may take one to two full duty days. If the Cadet Advisor cannot attend the HIH or CAB in its entirety, the Respondent will either request a recess or continue without the Cadet Advisor. Multiple Cadet Advisors are not permitted during the HIH and/or CAB proceeding. Any recess in proceedings due to Cadet Advisor absence is not mandatory and will be requested through the Hearing Advisor. The IR may object to any recess, delay, or postponement resulting from the absence of the Cadet Advisor.

e. *Removal of the Cadet Advisor.* The Respondent will ensure that the Cadet Advisor adheres to the restrictions outlined in this pamphlet. The Cadet Advisor may be removed from the board proceeding if he/she is unwilling to follow these restrictions. The Hearing Advisor will determine if a new Cadet Advisor will be allowed if the Cadet Advisor is removed. The hearing will not be delayed to another day due to the removal of a Cadet Advisor.

f. *Observing related hearings.* Cadet Advisors may not observe HIH or CAB open proceedings for cases that are directly related to the case they have volunteered for. Exceptions to policy will be requested through the CUI/Respondent to the Hearing Advisor and SAH.

## **8-6. INVESTIGATIVE REPRESENTATIVE (IR).**

The IR serves on behalf of the Cadet Honor Committee during all preliminary hearings and the subsequent HIH or CAB. The IR uses their knowledge of the case to highlight the important aspects that the board should consider during their deliberations. During the CAB, the IR is present and facilitates in the board's understanding of the Respondent's overall character.

a. *Eligibility.* The First Class Honor Representative from the investigation will serve as the IR. If unable to serve, the Honor Sergeant from the case, the RHR, or a member of the Brigade Honor Staff will fill the role of IR. The SAH is the approving authority.

b. *General guidelines.*

(1) May speak with board witnesses prior to the hearing day and may prepare witness questions prior to the hearing in the same manner that the Respondent may prepare their case.

(2) May speak with the SAH or Honor NCO when preparing for the hearing and on the day of the hearing. Any communication will be conducted in private away from the board or witnesses.

(3) The IR may speak to the Board President or Hearing Advisor during closed sessions.

(4) The IR may be removed from the proceeding if he/she fails to follow instructions from the Board President or Hearing Advisor.

c. *Preliminary Hearings and voir dire.*

(1) The IR will participate in closed session hearings, to include preliminary hearings and voir dire.

(2) The IR may ask questions during voir dire and may challenge potential board members.

(3) The IR will prepare an opening statement and present it to the Hearing Advisor at the second preliminary hearing (typically the day of the HIH). The opening statement will not contain the IR's personal opinion or any argument.

d. *During the HIH and/or CAB.*

(1) The IR presents an opening statement which will include a timeline of the facts and an explanation of the board evidence. All statements made during the opening must be supported by the evidence that is before the panel. The IR may not speculate, provide opinions, or speak of things that are not in evidence. The purpose of the summary is to:

(a) Provide the board members with an overview of the known evidence.

(b) Provide the timeline of the case facts.

(c) Clarify and bring the issues into focus.

(d) Discuss facts surrounding violation notification and whether the violation is admitted or contested.

(2) The board may ask questions of the IR after the opening statement in order to understand facts of the investigation or clarify questions. The IR may not offer a personal opinion on whether the Respondent committed an Honor violation. The Board President will remind the board members that the statements of the IR are not evidence, but are only the IR's personal assessment.

(3) The IR can question all board, character, and Respondent witnesses during the HIH or CAB, to include questioning the Respondent.

(4) Upon completion of the Respondent's witness list, the board will have a brief recess. The IR may make a closing statement after the recess. The closing statement will include the timeline and explanation of the board's evidence that was presented at the beginning as well as any final statements the IR would like to make. The closing statement is not evidence and the IR may not offer a personal opinion on whether the Respondent committed an Honor violation. However, the IR may

offer argument which ties the facts presented as evidence, to the elements of the offense, in order to call or argue towards the conclusion that the Respondent violated or did not violate the Cadet Honor Code. The IR may not make any statements that are not supported by facts entered into evidence at the hearing or speculate or provide opinions.

e. *Deliberations and findings.*

(1) The IR will not be present during the board deliberations for the HIH or CAB. In the case of an HIH, the IR will wait in the hearing waiting room. If the board takes a break during deliberations, the IR will not address any members of the board.

(2) The IR is not present for the count of the vote (HIH) and will not be notified of any result other than FOUND or NOT FOUND.

(3) The IR will be present for the reading of the HIH findings during the open session.

(4) The IR will be present for the CAB but may leave after the board goes into deliberations. The IR will not provide a recommendation to the Superintendent regarding final adjudication.

### **8-7. BRIGADE HONOR STAFF REPRESENTATIVE.**

The Brigade Honor Staff representative, normally the HSEC, will coordinate witnesses and informally advise the Board President in the presence of the Hearing Advisor on procedural matters in conducting the hearing. Any member of the Brigade Honor Staff, to include RHRs, may serve in this position except for the Honor Captain. The RHR is prohibited from serving as the representative if their regiment conducted the investigation.

### **8-8. LEGAL TECHNICIAN.**

A legal technician or trained representative will record all preliminary hearings and the HIH. This will result in a summarized transcript which will be added to the case file. A legal technician is not required for a CAB but may be requested by the Board President, Respondent, IR, or SAH. If a legal technician is requested after the CAB has begun, the Board President may reschedule the CAB until the legal technician is available. The recording from the CAB will result in a summarized transcript which will be added to the case file.

### **8-9. LEGAL CONSULTATION.**

a. *Between the Board President and Hearing Advisor.* During the board proceedings, the Board President and Hearing Advisor may need to discuss legal issues. The Hearing Advisor may initiate legal consultation and will decide whether the legal consultation is on the record in an open session, closed session, or off the record. If advice is delivered off the record, the Hearing Advisor should summarize the nature of the advice at the next open session. During a CAB, the Hearing Advisor will be available telephonically to answer any questions for the Board President.

b. *Between Respondent and legal advisor.* The Respondent may request a recess for legal consultation with his/her attorney at any point during open and closed sessions. Outside of authorized recesses, the Respondent will not communicate with anyone (e.g.- Legal Assistance or a witness) via text, telephonic, email, etc.

### **8-10. OBSERVERS.**

Observers are allowed to view all open sessions of the HIH and CAB. Observers are not allowed to view closed sessions, to include deliberations. Audio or video recording by observers is prohibited. Observers will conduct themselves in an orderly manner and may be removed by the Board President, Hearing Advisor, or SAH if they are disruptive.



a. *Personnel allowed to observe.* Attendance of non-witness observers is limited to Department of Defense personnel with official interest in the proceeding, Cadets, Civilian and Military Personnel assigned to USMA, and members of the Respondent's family. Respondents should notify the SAH in advance if their parents plan on attending.

b. A witness, including individuals not in the above category of authorized observers, may observe the hearing if the Board President determines, after consultation with the Hearing Advisor, that the witness will not be recalled or otherwise required.

c. Neither CUIs for directly related cases nor their representative (i.e.- Cadet Advisor) may not observe a CAB or HIH due to potentially gaining an unfair advantage.

d. The SAH may admit other persons to observe a proceeding if their attendance will not have an adverse effect on the fairness and dignity of the proceeding or the Respondent's right of privacy.

e. *Rules for observing a board.* The following rules apply to all personnel that observe Honor boards. Anyone failing to follow these rules may be removed by the Board President, Hearing Advisor, or SAH. The purpose of these rules are to maintain proper decorum within the hearing room and minimize distractions.

(1) All visitors must check in with the Cadet Honor Secretary or the designated member of the Brigade Honor Staff. Identification badges must be signed for and worn at all times while in Nininger Hall.

(2) Observers may not communicate (verbally or non-verbally) with any of the witnesses, board members, Respondent, IR, Board President, Hearing Advisor, or other observers. This rule applies to open hearing sessions and during hearing recesses.

(3) Observers may not bring food or drinks (outside of water) into the board room or provide food to witnesses, board members, Respondents, IR, Board President, or the Hearing Advisor. This rule applies to open hearing sessions and during hearing recesses.

## CHAPTER 9

### GUIDELINES FOR HONOR HEARINGS (HIH OR CAB)

#### 9-1. OVERVIEW.

The Honor hearing procedures are administrative proceedings. This chapter covers both the HIH and the CAB. The Willful Admission Process (WAP) does not consist of a board. WAP procedures are located in chapter 10.

I. HIH. The purpose of the HIH is to determine if a Cadet violated the Honor Code. To make this decision, a board of nine (9) Cadets convenes. Board members will ask relevant questions of the witnesses to clarify and understand the circumstances surrounding the alleged violation(s). After hearing all the evidence, board members will deliberate and vote on whether or not a violation of the Cadet Honor Code occurred. A two-thirds majority vote (6 out of the 9 members) is required to find that the Respondent violated the Cadet Honor Code. It is the solemn duty of all board members to act as stewards of the Cadet Honor Code and System, aggressively pursue the facts, and determine if the Respondent violated the Cadet Honor Code based upon those facts.

II. CAB. The purpose of the CAB is to discuss the overall character of the Respondent and provide recommendations to the Superintendent on the final disposition of the case. The CAB hears only from the Respondent, the board's character witnesses, and the Respondent's character witnesses. The merits of the case should not be the focus of the CAB.

#### 9-2. DEFINING BOARD COMPOSITION.

I. HIH. The HSEC will use the following guidelines when selecting Cadets to serve the various roles established within the board composition.

a. *Company Honor Representatives*. The HSEC will choose these personnel based on a list of trained Company Honor Representatives currently serving in their graded position. The HSEC will notify the SAH if they must select trained CHRs that are not currently serving on the Committee. The SAH has final approval authority.

b. *Cadet chain of command*. Chain of command (CoC) is defined as Commander, Command Sergeant Major, First Sergeant, and Executive Officer at the Company, Battalion, and Regimental level. Members of the Second Class (2<sup>o</sup>) that serve in these positions are authorized to fulfill the role of CoC when applicable.

c. *Corps at large*. The HSEC randomly selects all Corps at Large hearing members through the Cadet Information System (CIS). Current members of the Cadet Honor Committee or CoC, as defined above, are excluded from this category.

II. CAB. The guidelines for the HIH also apply to the CAB.

#### 9-3. BOARD COMPOSITION.

I. HIH. The board composition is based on the class of the Respondent. See figure 9-1 for the board compositions.

II. CAB. The board composition is based on the class of the Respondent. If a Respondent is FOUND at an HIH, the board members remain for the CAB. See figure 9-1 for the board

composition.

First and second semester- standard board composition			
<b><u>Respondent 1° Cadet</u></b> 1- 1° Honor Rep 1- 2° Honor Rep 2- 1° Co/Reg/Bn CoC 5- 1° Corps at large	<b><u>Respondent 2° Cadet</u></b> 1- 1° Honor Reps 1- 2° Honor Reps 2- 1°/2° Co/Reg/Bn CoC 3- 1° Corps at large 2- 2° Corps at large	<b><u>Respondent 3° Cadet</u></b> 1- 1° Honor Reps 1- 2° Honor Reps 2- 1°/2° Co/Reg/Bn CoC 3- 1° Corps at large 2- 3° Corps at large	<b><u>Respondent 4° Cadet</u></b> 1- 1° Honor Reps 1- 2° Honor Reps 2- 1°/2° Co/Reg/Bn CoC 3- 1° Corps at large 2- 4° Corps at large
Second semester- within four weeks of graduation day			
<b><u>Respondent 1° Cadet</u></b> 1- 1° Honor Rep 1- 2° Honor Rep 2- 1°/2° Co/Reg/Bn CoC 3- 1° Corps at large 2- 2° Corps at large	<b><u>Respondent 2° Cadet</u></b> 1- 1° Honor Reps 1- 2° Honor Reps 2- 1°/2° Co/Reg/Bn CoC 3- 1° Corps at large 2- 2° Corps at large	<b><u>Respondent 3° Cadet</u></b> 1- 1° Honor Reps 1- 2° Honor Reps 2- 1°/2° Co/Reg/Bn CoC 3- 1° Corps at large 2- 3° Corps at large	<b><u>Respondent 4° Cadet</u></b> 1- 1° Honor Reps 1- 2° Honor Reps 2- 1°/2° Co/Reg/Bn CoC 3- 1° Corps at large 2- 4° Corps at large
Second semester- graduation week			
<b><u>Respondent 1° Cadet</u></b> 1- 1° Honor Rep (HIH) 3- 2° Honor Rep (HIH) 1- 1° Corps at large (HIH) 4- 2° Corps at large (HIH/CAB) 5- 2° Honor Rep (CAB)	<b><u>Respondent 2° Cadet</u></b> 4- 2° Honor Reps 5- 2° Corps at large	<b><u>Respondent 3° Cadet</u></b> 4- 2° Honor Reps 3- 2° Corps at large 2- 3° Corps at large	<b><u>Respondent 4° Cadet</u></b> 4- 2° Honor Reps 3- 2° Corps at large 2- 4° Corps at large

Figure 9-1. Board Composition

#### 9-4. PREPARING THE BOARD COMPOSITION.

The HSEC is responsible for selecting all personnel for boards, notifying Cadets of duty, and maintaining a DA6 Duty Roster or similar tracking systems for personnel chosen to sit on a board. The HSEC will follow the procedures listed below when establishing a board composition.

##### I. HIH.

a. *General Guidelines for board members.* The following guidelines apply to all Cadets regardless of the position that they fulfill on the board composition, to include the Board President. The HSEC will provide all names to the SAH for review of the Cadet record via the Academy Management System. It is the responsibility of the SAH to determine if a potential board member is disqualified. The SAH will inform the HSE, who will find a suitable replacement.

(1) No board member of an HIH will be from the same academic year company as the Respondent. Normally, no more than two members of an HIH will be from the same regiment as the Respondent.

(2) Potential board members must be in “good standing” as a member of the Corps of Cadets. “Good standing” is defined as the following:

- (a) Not flagged for a current investigation (any type).
- (b) Not presently serving out punishment for a major disciplinary infraction (i.e.- regimental board or higher).
- (c) Not on academic probation.
- (d) Not currently enrolled in a Special Leader Development Program for Honor, Respect, Alcohol, or Conduct. Cadets who have successfully completed these programs are allowed

to serve on a board.

b. *Appointment of a Board President.* The HSEC will assign a First Class Board President for all boards until four weeks from May graduation. Four weeks through and including two days prior to May graduation, a Second Class Board President will preside over all CAB and all Second, Third, and Fourth Class HIH. A First Class Board President will preside over all First Class HIH to include graduation week.

c. *All Honor Committee members.* All Cadet Honor Committee Representatives serving on an Honor board, in any capacity, must be trained and certified for duty during the semester re-organization week. This includes the Cadet HSEC or their designated representative, the IR, and any board members. The RHRs will provide make-up training for Cadets that did not attend re-organization week training. Any exceptions will be approved by the SAH or Director of SCPME.

d. *Corps Squad athlete exemption.* USMA Regulation 350-12, *Intercollegiate Athletics*, states that during the traditional playing seasons, varsity team members are excused from all weekday (except Commandant's Hour) and weekend/holiday duties and unit training that would degrade their physical performance during competition and practice.

(1) ODIA will provide the SAH a list of in-season dates for the Corps Squad teams.

(2) Any in-season Corps Squad athlete that is selected for board duty must respond to the HSEC to inform him/her of the in-season status. The HSEC will excuse in-season athletes and call additional board members.

(3) This exception does not apply to a Respondent, IR, or any witnesses who may be Corps Squad athletes currently in season.

e. *Minority Respondent.* If the Respondent is a member of a minority group, as defined by AR 600-20 *Army Command Policy*, he/she may make a written motion to the Hearing Advisor to include one minority member in the board composition. After the motion is approved, the HSEC will include at least one minority or female board member and will take reasonable steps to replace requested minority members excused as a result of absence, voir dire, or other disqualification. If the HSEC determines that minority representation is not reasonably available; that obtaining replacement minority or female representation would unnecessarily delay the proceedings; or that such representation is otherwise impractical, the SAH in consultation with the Hearing Advisor may authorize the hearing to proceed without minority representation, and so inform the Respondent. In such instances, the HSEC will notify the Board President of the SAH's decision, and the Board President will state the reasons for the decision on the record of proceedings.

f. The HSEC or Board President may recommend an alternate composition to the SAH or Hearing Advisor when the normal composition provided in this section is impractical. If an alternate board composition is requested prior to Commandant appointment of board members, the Commandant is the decision authority. If the request for an alternate board composition occurs after Commandant appointment, the decision authority is delegated to the SAH. The Respondent should be notified of changes to the composition of the board and the rationale for the changes, and should be allowed an opportunity to object to the changes.

g. *Approval of board composition.* The HSEC prepares orders for the Commandant appointing the Board President, as well as Primary, Alternate, and Reserve Board Members. The SCPME Honor Office will review the Academy Management System and ensure board members are in good standing. A new order will be produced in order to replace any disqualified members. The board

appointment memo will be forwarded to the Commandant for review and approval. After the Commandant's approval, the Brigade Honor Staff representative (typically the HSEC) may excuse certain board members for good cause with the SAH's approval. The HSEC is also responsible for notifying all selected board members, to include the Board President, of their scheduled duty. The HSEC will not reveal the name of the Respondent or any information about the case in the tasking.

h. *Duty requirements.* Once selected, a Cadet's service as a board member constitutes that Cadet's primary duty until officially relieved. A board member must attend all sessions of a hearing unless excused in advance. At the discretion of the Board President, the hearing may proceed into session even though a board member is absent, provided there are sufficient board members to properly constitute a hearing. See section 9-5, paragraph e for further details.

II. CAB. The procedures outlined for the HIH also apply to preparing the board composition for a CAB.

### **9-5. ALTERATIONS TO BOARD COMPOSITION ON DAY OF HEARING.**

This section discusses the procedures for replacing board members on the day of hearing due to failure to report or as a result of voir dire. Further information regarding the voir dire process can be found in section 9-7.

I. HIH.

a. *Failure to report for duty.* Board members who fail to report for duty on the day of the hearing, and were not previously excused, will receive a negative Cadet Observation Report (COR). This includes in-season athletes and other Cadets who are excused from duty but failed to inform the HSEC. A board member who fails to request excusal from board duty and is not present at the report time will be considered to have failed to report for duty. The HSEC or their designee will write the negative COR and send a copy to the SAH.

b. *Appointment of additional board members on the day of the hearing.* On the day of an HIH or CAB, the Commandant delegates to the SAH the authority to detail additional hearing members to the Board Appointment Memorandum, if necessary, due to absences, challenges, or excusals.

c. *Board president removed by voir dire.* If the Board President is removed by voir dire, an alternate Board President will be called and assume his/her duties. If the Board President is unable to complete the HIH/CAB, the hearing is considered invalid and a new HIH/CAB must be conducted.

d. *Board members removed by voir dire.* The Board President, in consultation with the Hearing Advisor, will replace excused board members with the first appropriate alternate for their position and class. The Board President can direct that the removed Cadet will remain as on observer.

e. *Board members removed during the HIH.* During the HIH, only the Board President may excuse a board member, and then only for good cause after the SAH or Hearing Advisor has approved the excusal. The Respondent, IR, other board members, or HSEC may raise the issue to the attention of the Board President. A board member will be removed due to failure to follow board instructions (e.g.- discussing the case during recess). It still requires a vote from six of the remaining board members to find a Respondent in violation of the Cadet Honor Code. If two or more board members must be excused, then the HIH/CAB is considered invalid and a new HIH/CAB must be conducted. The legal technician or representative will annotate all changes in the composition of the HIH in the record of the proceedings. If the issue occurs during a CAB, the Board President will annotate the change in their final memorandum.

f. *Postponing a hearing.* The HSEC or Board President, in conjunction with the SAH and Hearing Advisor, may postpone a hearing prior to seating the board if they believe the board will not be able to impartially conduct the hearing.

II. CAB. The rules and procedures for altering the board composition of an HIH also apply to the CAB.

## **9-6. SECOND PRELIMINARY HEARING.**

The purpose of the second preliminary hearing is to finalize the board packet and witness list. This second hearing normally occurs on the morning of the scheduled board.

I. HIH. The second preliminary hearing is conducted by the Hearing Advisor. The second preliminary hearing will follow the guidelines below:

a. *Parties present for second preliminary hearing.* The same parties present for the first preliminary hearing are present for the second preliminary hearing. See section 7-4, paragraph b(1) for full list of participants. The Board President, witnesses, or potential board members are not authorized to participate in or observe the second preliminary hearing.

b. *Discovery of new evidence or witnesses.* Any evidence or witnesses discovered after the first preliminary hearing will be provided to the IR or Respondent. The IR or Respondent may request a delay in order to formulate any redaction, exclusion, or provide any additional evidence or witness requests based on the introduction.

(1) *Delay request on the scheduled hearing date.* On the day of the HIH, the Hearing Advisor may approve a delay not to exceed two days. The Director of SCPME or Commandant are the approval authorities for delays longer than two days. The SAH will provide the board schedule to the appropriate office in order to determine the next available date.

c. *Request for minor alterations to allegation(s).* The same authorities apply at the second preliminary hearing as the first preliminary hearing. See section 7-4, paragraph e.

d. *Request for major alterations/dismissal of allegation(s).* The same rules apply at the second preliminary hearing as the first preliminary hearing. See section 7-4, paragraph f.

e. *Actions after the second preliminary hearing.* After the second preliminary hearing, the HSEC will receive the case file and prepare to disseminate the file to the sitting board members. The Hearing Advisor will also allow the IR and Respondent to update their opening statement, as needed, based on the addition or exclusion of witnesses or evidence.

II. CAB. A second preliminary hearing is not required prior to convening a CAB. The Hearing Advisor, IR, or Respondent may request a second preliminary hearing. The IR or Respondent will make the request, in writing to the Hearing Advisor, prior to the date of the scheduled CAB. All procedures for the second preliminary hearing will follow those outlined above within this section.

## **9-7. VOIR DIRE.**

The purpose of voir dire is to determine the suitability of board members to serve impartially on the board. Board members are grouped into primary, alternate, and reserve. Board members should only

be removed if they cannot serve impartially or “for cause”. Potential board members are subject to a negative COR if there is an attempt to be removed from the board panel based on a desire not to serve as a board member.

I. HIH. Prior to selecting the board, the Hearing Advisor will question the Board President as to his/her ability to serve. The Board President will then conduct a group voir dire and record answers to these questions. Following this, the Board President will conduct an individual voir dire as he/she, in consultation with the Hearing Advisor, deems necessary. Individual voir dire stops once the nine board members are selected based on the board composition in this pamphlet or as changed and approved by the SAH.

a. *Key steps in voir dire.*

(1) The Hearing Advisor will administer the oath to the legal technician or representative, if not previously sworn, and indicate such on the record.

(2) The Hearing Advisor will administer the oath to the Board President.

(3) The Board President will administer the oaths to the board members during these procedures.

(4) The Board President will ask questions designed to inform potential members on the standard of proof, ensure they understand their responsibilities as members of the Corps of Cadets, and ensure they will do their duty to be fair to the Respondent and the requirements of the Cadet Honor Code.

(5) The Respondent may ask any questions that the Board President rules relevant. The Respondent will also have the opportunity to question the members regarding possible bases for challenges.

(6) The IR and Respondent will have the opportunity to question the members regarding possible bases for challenges. The IR and Respondent may challenge voting members of the HIH for cause. Accusatory questions and answers are not permitted.

II. CAB. The voir dire process for a CAB is the same as an HIH with the exception of the role of the Hearing Advisor. The HSEC will voir dire the Board President to determine his/her ability to serve. The Board President will then conduct the voir dire in the same manner as the HIH. For Respondents FOUND at an HIH, the board members remain the same and do not require a second voir dire.

## **9-8. DOCUMENTS AVAILABLE TO THE BOARD MEMBERS.**

a. *Baseline documents available to the board.* The board will have access to digital copies of USCC PAM 15-1 and the Dean’s *Documentation of Written Work*.

I. HIH. In addition to the baseline documents, the board will receive a copy of the specific allegations, elements of proof, a redacted copy of the board exhibits, Respondent exhibits, and anything else approved by the Hearing Advisor. The packet will not contain character statements unless they contain specific character traits and the documents are approved by the Hearing Advisor.

II. CAB. The CAB packet will contain all of the same documents as the HIH with the addition of two items.

a. *Character statements.* The Respondent is not required to provide written character statements. The presence/absence of character statements does not preclude an individual from providing oral character testimony at the CAB. Any written character statements should be provided

on the morning of the hearing (admitted case) or during the recess between the HIH and CAB (contested case). The Board President may decide to continue with the CAB if waiting for the statements would be infeasible or unnecessarily delay the hearing.

b. *Audio from preliminary hearing.* If the Respondent admitted to the allegation(s), the HSEC will play the audio from the preliminary hearing for the CAB. The audio will consist only of the portion where the Respondent admitted to the allegation(s). The playing of the audio will typically occur after the board has read the board packet but before opening statements.

#### **9-9. READING THE CASE PACKET AND OPENING STATEMENTS.**

I. HIH. The Board President will allow the board sufficient time to read the board packet. If the board members have questions regarding procedures or the allegation, they should direct questions to the Hearing Advisor or Board President. After the board packet has been read by board members, the Board President will allow the IR and Respondent the opportunity to provide opening statements. These statements should focus on the evidence provided in the packet.

II. CAB. The procedure for reading the board packet is the same. Prior to opening statements, the HSEC will play the audio from the preliminary hearing (admitted cases). If the Respondent was FOUND in an HIH, the board will take an opportunity to review the written character statements provided by the Respondent. The IR and Respondent can provide opening statements for the subsequent CAB, but this is not required.

#### **9-10. WITNESS TESTIMONY.**

a. *General.* The Cadet Honor Committee does not have the authority to subpoena witnesses to appear and testify at an HIH or CAB. However, an appropriate commander or supervisor may order military personnel, Cadets, and Department of the Army civilian employees to do so. Other civilians who agree to appear may be issued invitational travel orders in selected cases (see Appendix E of the Joint Travel Regulation, Volume 2). An investigator should normally inform a witness of the nature of the investigation before taking a statement or testimony. The Hearing Advisor and Board President should protect every witness from improper questions, harsh or insulting treatment, and unnecessary inquiry into his/her private affairs.

b. *Classification of witnesses.* Witnesses are requested either by the Cadet Honor Committee (board witnesses) or the Respondent (respondent witnesses). The Cadet Honor Committee will secure the attendance of all board witnesses. The Respondent is responsible for securing the attendance of respondent witnesses. All requests for witnesses will be provided to the Hearing Advisor no later than 24 hours prior to the preliminary hearing. See the HIH and CAB paragraphs of this section for further classification of witnesses.

c. *Cadet Honor Committee Members as Merit and Character Witnesses.* The testimony and statement of Cadet Honor Committee members will be admissible to the same extent and subject to the same rules as the testimony and statements of any other witness. Cadet Honor Committee members with close personal knowledge of Respondents may also appear as character witnesses. Honor Committee members, to include Board President, will not appear as expert witnesses based on their knowledge of Honor proceedings or investigations.

d. *Uniform for all witnesses.* Witnesses will be in the proper uniform prescribed by the Cadet Honor Committee. Respondents are responsible for informing their witnesses of the correct uniform.



The Board President will approve the appearance of Military and Cadet witnesses that are not in the correct uniform.

e. *General rules for the witness.* These rules apply to all witnesses regardless of the testimony provided.

(1) Witnesses will not speculate or provide opinions based on a possible state of mind, etc., for the Respondent.

(2) Witnesses will not provide their opinion or recommendation on the specific board finding or recommendation (e.g.- “NOT FOUND”, “remain with class”).

(3) Witnesses will not have a prepared statement that will be read for their testimony. Witnesses may review and reference the board packet, evidence, and statements (e.g.- sworn statements).

f. *Witness discussion of evidence given.* The Board President will direct military and civilian witnesses not to discuss their statements or testimonies with other witnesses, or with persons who have no official interest in the proceedings, until the hearing is completed. Witnesses may discuss any relevant matters with the Board President, Hearing Advisor, IR, the Respondent, the SAH, or the Respondent’s Cadet Advisor or legal counsel.

g. *Witnesses as observers.* Witnesses (regardless of type) will not be present during closed sessions to include voir dire, the preliminary hearing, or deliberations. Additionally, witnesses are not permitted to observe the open sessions of the hearing, either before or after their testimony. A witness may be recalled by the board at any point up until deliberations. The only exception to this is the Cadet Advisor who may testify as a character witness during the CAB.

l. HIH.

a. *General procedures/rules for testimony.* The HIH will consider both oral and written accounts on matters within the personal knowledge of the witness. Witnesses will appear in person unless they are unavailable. Telephonic testimony is permitted if it is not possible or not reasonable for a witness to testify in person. The absence of sworn evidentiary statements does not preclude merit witnesses from testifying if desired by the board, IR, or the Respondent. Witness testimony will generally consist of the following:

(1) The Board President will swear all witnesses before they testify at the HIH.

(2) Prior to giving testimony, the Board President will ask a witness to review and confirm any prior written statements entered as exhibits. The Board President will inform all witnesses that portions of their statement(s) may have been redacted and they should not discuss any redacted portions of their statements. If the witness is testifying telephonically, the Hearing Advisor may authorize that the witness receive a digital copy of their sworn statement or related material.

(3) The Board President will begin the testimony by asking the witness to provide a brief overview of their involvement in the case.

(4) Following this overview, the Board President may ask initial questions or open questioning up to the members of the board, IR, and Respondent. The board will normally elicit witness testimony through question and answers. The Hearing Advisor may also ask clarifying questions.

b. *Sub classification of witnesses.* There are three sub-classifications for witnesses authorized at an HIH. Each of the sub categories, below, can be called on behalf of the Cadet Honor Committee (board witness) or the Respondent (respondent witness). General character witnesses are not

authorized at an HIH.

(1) *Merit Witness.* The purpose of merit witness testimony is to speak to the allegations under consideration by the board. Testimony will be halted if merit witnesses speculate or provide testimony that is not relevant to the allegations.

(2) *Specific Character Witness.* Specific character witnesses must be approved by the Hearing Advisor prior to testimony at an HIH. Furthermore, specific character witnesses or evidence will not become part of the official file until after the Respondent opens the door by introducing specific character witnesses or evidence and the Hearing Advisor makes a ruling on entering them into the hearing. Once approved, the IR may also call specific character witnesses. The Honor Committee may call the Company TAC Officer/NCO, Cadet Company Command team, or other individuals that can speak to specific character traits of the Respondent. In preparation for a hearing, the IR may gather this testimony/identify witnesses only after the case has been referred by the Commandant. This evidence will not be considered by any party when determining whether to refer the case. Specific character testimony requires precise examples where the Respondent demonstrated a character trait (good or bad). As an example, the Cadet notified their instructor that they received too many points on an exam and brought the issue forward.

(3) *Expert Witness.* If potential expert testimony is given by a board or respondent witness, qualifications will be given to the Board President and Hearing Advisor, outside of the presence of the board, in order to review the witness's Curriculum Vitae as well as answer questions about the scope of their education and training on a particular subject. This will safeguard the board from testimony from witnesses who are not able to produce expert credentials. The following are examples of testimony that is not admissible and should be ceased:

(a) The acceptance for future study at a technological institute does not mean that a Cadet is an expert and is able to give accurate testimony based on a future academic route.

(b) A USMA graduate who has no professional training on a piece of equipment cannot give expert testimony about the equipment or tests of the equipment based on an unrelated USMA degree.

(c) An individual who is practicing in the mental health field that has never established a therapist-patient relationship cannot give testimony regarding the Respondent from the viewpoint of a therapist.

(d) A member of the faculty (military or civilian) cannot serve as a subject matter expert regarding department documentation standards for a department that they do not serve in.

c. *Additional evidence or witnesses.* Subject to availability and evidentiary ruling of the Hearing Advisor, the Board President recalls witnesses and calls for additional documents desired by the IR, Respondent, or any board member, when the motion is seconded by another board member. No witness testimony or evidence may be collected or heard after the board closes for deliberations.

## II. CAB.

a. *General procedures/rules for testimony.* The CAB will consider both oral and written accounts on matters within the personal knowledge of the witness. Witnesses will appear in person unless they are unavailable. Telephonic testimony is permitted if it is not possible or not reasonable for a witness to testify in person. The absence of written character statements does not preclude a character witness from providing oral testimony. Witness testimony will generally follow the following process/rules:

(1) The Board President will swear all witnesses before they provide character testimony at the CAB.

(2) The Board President will have all witnesses review the allegation(s) that the Cadet was FOUND on at the HIH or admitted to.

(3) The Board President will begin the testimony by asking the witness to provide a brief overview of how they know the Respondent and their knowledge of the case.

(4) Following this overview, the Board President may ask initial questions or open questioning up to the members of the board, IR, and Respondent. The board will normally elicit witness testimony through question and answers.

(5) Character witnesses will ensure they speak to the ability for future service as an officer.

(6) Character witnesses should testify only about matters of extenuation or mitigation a Cadet was experiencing during the time of the actual violation. Character witnesses should not discuss mitigating or extenuating circumstances that are not related to the Honor violation or use them as explanation as to why a Cadet had an Honor violation (e.g.- injury, sleep deprivation, or taking medication) or speculate on reasons they committed an Honor violation.

(7) Character witnesses may not give general testimony or opinions about any other subject other than the Respondent's character. The Board President will halt this line of character witness testimony. If the Respondent or IR object to testimony, the Board President will rule on the objections.

(8) If the Respondent admitted to the allegation(s), the Respondent waives the right to remain silent concerning the violation(s) and will be required to answer questions from the board.

b. *Sub classification of witnesses.* Unlike the HIH, there are only two sub-classifications of witnesses authorized at a CAB. Each of the sub categories, below, can be called on behalf of the Cadet Honor Committee (board witness) or the Respondent (respondent witness).

(1) *Character Witness.* The purpose of character testimony is to determine the Respondent's overall character, relative to the violation, and their potential for retention.

(a) *Board- Character witnesses.* At a minimum, the Honor Committee will call the Company TAC Officer or NCO and Cadet Company Commander or Company First Sergeant. The purpose of these character witnesses is to provide the board the CoC's perspective. For that reason, the Honor Committee may request to call a different CoC in instances where the Respondent has recently scrambled, works above the company level, or other reasons. The IR will request the change at the preliminary hearing. The Respondent may object to the change. The Hearing Advisor will serve as the final decision authority. Board- character witnesses are the responsibility of the Cadet Honor Committee.

(b) *Respondent- Character witnesses.* There is no limit to the number of witnesses a Respondent can request to testify; however, the Board President may determine the witnesses' testimony to be cumulative based on the standard of uniqueness of perspective. The Board President may halt testimony that is cumulative or not based on the Respondent's character and potential for service. The Cadet Advisor may serve as a character witness during a CAB. All Respondent-character witnesses are the responsibility of the Respondent. The HSEC will assist the Respondent, when possible and if requested.

(2) *Expert Witness.* If a character witness is a subject matter expert (e.g.- Chaplain, Psychologist, or SARC) they are not to give testimony explaining general or expert information regarding mitigating or extenuating circumstances (e.g.- common grief reactions or common reactions due to a traumatic event). All character witnesses are limited to speaking about a Respondent's character and what a Respondent may have experienced during the time of the violation. They should not speculate on what a Respondent was thinking, give an opinion on the Cadet's behavior or reaction, or generalize about reactions to certain events regardless of a character witness' professional training or credentials.

(a) *Example.* Cadet Smith, the Respondent, was FOUND in violation of the Cadet Honor Code by cheating. His character witness speculates that Cadet Smith may have forgotten to document sources due to medication Cadet Smith was taking. This is speculation and is not permitted. If Cadet Smith's character witness states that Cadet Smith was hospitalized and taking

medication during the time of the violation, that would be a permissible statement of fact, not speculation.

(b) *Example.* If Cadet Smith, the Respondent, had a death in his family and was FOUND in violation of the Honor code by cheating, a character witness may not give testimony regarding common/general grief reactions for people dealing with death of a loved one. The witness may state his/her observations of Cadet Smith during the time the violation occurred.

c. *Recalling witnesses.* Subject to availability, the Board President recalls witnesses desired by the IR, Respondent, or any board member, when the motion is seconded by another board member. No witness testimony may be collected or heard after the board closes for deliberations.

## 9-11. CONCLUSION OF TESTIMONY.

I. HIH. At the conclusion of the testimony, the IR and the Respondent may each make a closing statement. The Board President will issue appropriate instructions and guidance to the board members. The board members will thereafter enter closed deliberations. After the hearing has been closed for deliberations, the board will receive no further evidence. However, the Board President or Hearing Advisor may provide further instructions to the board members.

II. CAB. At the conclusion of the testimony, the IR and the Respondent may each make a closing statement. The Board President will issue appropriate instructions and guidance to the board members. The board members will thereafter enter closed deliberations. After the hearing has been closed for deliberations, the board will receive no further testimony. However, the Board President may provide further instructions to the board members.

## 9-12. STANDARD OF PROOF.

**More likely than not that a violation occurred**

I. HIH. The most often used methods of proving or disproving (either directly or through inferences) facts and circumstances relevant to the matter under investigation are through real (tangible) evidence; documentary evidence; testimony or statements of witnesses; and matters of which official notice may be taken without proof. See section 7-5 for rules of evidence and section 7-6 for types of evidence.

a. *Standard.* Preponderance of the evidence standard is used in order to find a Respondent in violation of the Cadet Honor Code and NOT the beyond a reasonable doubt standard. **If it is more likely than not that a violation occurred based on the evidence and testimony, a Respondent will be FOUND.** Mathematically, the evidentiary standard of a preponderance of the evidence is expressed as “greater than 50%.”

II. CAB. In a CAB, it is not necessary for the board to consider the standard of proof. The Cadet has either been FOUND at an HIH or admitted to the allegations at a preliminary hearing.

## 9-13. DELIBERATIONS.

I. HIH. The Board President and the board members will deliberate in order to determine whether sufficient evidence exists to support a finding that the Respondent violated the Cadet Honor Code. The decision as to whether or not a violation has occurred must be based solely on the evidence received from the witness testimony and which has been admitted as exhibits and not based on mitigating or extenuating circumstances.

a. *Matters for consideration.* Only matters properly brought before the hearing as evidence or testimony may be considered in deliberations. In weighing the evidence, the board is expected to utilize common sense and knowledge of human nature. The weight of evidence is not determined by the number of witnesses or volume of exhibits, but by considering all the evidence and evaluating factors such as the witness' demeanor, opportunity for knowledge, information possessed, ability to recall and relate events, and other indications of veracity.

b. *Evidence to reach FOUND violation.* A finding that the Respondent violated the Cadet Honor Code must be supported by a greater weight of evidence than supports a contrary conclusion, which is the preponderance-of-the-evidence standard. The board may not base any decision on mitigating or extenuating circumstances, personal feelings, whether for or against the Respondent, or on a desire to spare the Respondent the possible consequences of his/her actions.

c. *Voting and findings.* The board members vote by secret written ballot on each allegation, after adequate opportunity for full discussion.

(1) The finding of a violation of the Cadet Honor Code requires an affirmative vote from six of the nine members. Only one vote may be taken per allegation.

(2) The board members secretly mark the ballots. The Board President will then count the ballots, in a private room, in the presence of the SAH, Hearing Advisor, and the Brigade Honor Staff Representative. The Board President will destroy the ballots after the Hearing Advisor verifies the accuracy of the count and signs the allegation sheet. In the case of a mistaken vote or other compelling circumstances, the Hearing Advisor or Board President may direct a re-ballot.

(3) No one present for the vote count will record the outcome nor release this information to anyone. Cadets should report any attempt to discover the vote of an individual HHH member to the Hearing Advisor, the Honor Captain, the SAH, the Commandant, or the Superintendent, as appropriate.

II. CAB. The Board President and the board members deliberate in order to fully discuss the Cadet's overall character and potential for retention. The Board President will ensure that the board members address all presented information as it relates to the questions listed on the Superintendent's Hearing Member Worksheet. The Board President will also address the adjudication options available to the Superintendent. The board does not need to reach a consensus with regard to final adjudication. Once all discussion is ceased, the board members will each anonymously complete the Superintendent's Hearing Member Worksheet. The board members are complete with their duties following completion of the worksheet unless otherwise instructed by the Board President or Brigade Honor Staff representative.

a. *Matters for consideration.* The board may consider the evidence presented in the board packet and written/oral character testimony. The board should consider the egregiousness of the violation, the Cadet's willingness and desire to grow in SLDP-H, and the Cadet's overall record during their time at the academy. The board may also consider factors of extenuation or mitigation. In doing so, they should be able to draw a direct correlation to the issue and the violation.

#### **9-14. ANNOUNCEMENT OF FINDINGS.**

I. HHH. Following the vote, the Board President will announce the findings in the presence of the Hearing Advisor, IR, Respondent, Cadet Advisor, and all board personnel. This announcement will be recorded during an open session. The Board President may request that the Hearing Advisor assist in arranging the findings on the form prior to announcement to the Respondent.

a. The Board President will announce the findings to the Respondent when the proceeding is reconvened after the Hearing Advisor has reviewed the findings for technical correctness. The Board President will not announce the breakdown of votes (i.e.- five votes for “FOUND”) or record the findings in the board recommendation memorandum.

b. If there is more than one allegation, the Board President will announce the outcome of each allegation. Any allegations considered “FOUND” will result in a CAB.

c. The board members will enter findings supported by the evidence and any advisory recommendations deemed appropriate. The Board President will include these findings and recommendations in the Board President’s memorandum.

II. CAB. There is no announcement of findings associated with a CAB.

### **9-15. ACTIONS IMMEDIATELY FOLLOWING THE BOARD.**

I. HIH. The possible outcomes of an HIH are FOUND or NOT FOUND. The overall board is considered FOUND if the Respondent is FOUND on one or more allegation.

a. *NOT FOUND violation at an HIH*. If the Respondent is NOT FOUND to have violated the Honor Code, the case is closed and no further action is taken. The Board President prepares a written memorandum for the SAH outlining the general thoughts of the board in coming to their decision. The memorandum is only for the purpose of the SAH and will not be released to outside personnel.

b. *FOUND violation at an HIH*. If the Respondent is FOUND to have violated the Cadet Honor Code, the board will immediately transition to a CAB. The Respondent may present matters to the CAB pertaining to their retention as a Cadet. The HIH board members will remain as the board members for the CAB. The board will follow CAB procedures outlined in this chapter.

c. *Cases with admitted and contested allegations*. If the Cadet contested and admitted to allegations, the case will immediately transition to a CAB, regardless of the outcome of the HIH. The resulting CAB will only consider the allegations that the board “FOUND” at an HIH and those that the Cadet admitted. The board will follow CAB procedures outlined in this chapter.

II. CAB. Following a CAB, each board member will fill out the Superintendent’s Hearing Member Worksheet. Board members must complete this worksheet regardless of their vote during the HIH. The Board President will not complete a worksheet but will provide a memorandum to the Superintendent summarizing the board’s findings. The Respondent will receive a copy of all nine worksheets at the Board President memorandum, either directly after the CAB or during the follow-up meeting with the SAH.

a. *Available board recommendations*. As part of the Superintendent’s Hearing Member Worksheet, each board member will provide a recommendation for final adjudication. Enrollment in SLDP-H is automatic if the Cadet is retained.

- (1) Remain with class.
- (2) December graduation with the current class (6 month turn-back).
- (3) Turn back to the next lower class (1 year turn-back).
- (4) Academy Mentorship Program (AMP).
- (5) Separation.

## **9-16. LATE HEARING PROCEEDINGS.**

### **I. HIH.**

a. *Academic grading/ attendance.* If the hearing continues beyond 1930, Cadets involved are exempt from unannounced grading in their morning classes. If the hearing continues beyond 2200, Cadets involved are exempt from grading all day. Grading does not refer to scheduled exams or projects/papers due. The purpose of exemption is to compensate the Cadets for study time lost. If the hearing continues beyond 0200, the SAH may also excuse hearing members from morning formation and class on the following day up until 0945. Cadets must report to class at 0945 regardless of the class start time. The SAH submits the Cadets' names to the Registrar's office and the BTD via email. Hearing members are responsible for notifying their Cadet CoC. The provisions in this paragraph do not apply to Cadets observing the board.

b. *Completing the board.* The HIH will continue until a finding. If the HIH, to include the deliberations, ends after 2200, and the Respondent is FOUND to have violated the Cadet Honor Code, see below.

### **II. CAB.**

a. *Completing the board.* If an HIH, to include deliberations, ends after 2200 and the Respondent is FOUND to have violated the Honor Code, the CAB may be rescheduled for the following day starting at 0730. If the HIH ends after 0200, the CAB may convene the following day at 0930. The Board President, in conjunction with the SAH, will make this determination. The Commandant delegates authority to the SAH to approve board extension memorandums for boards that continue through the next day. The Commandant also delegates to the SAH the ability to schedule the CAB based upon other scheduled hearings. The SAH will make every attempt to hold the CAB the following day. The SAH submits those Cadets' names to the Registrar's office via email in order to report their absence for an additional day.

b. *Academic grading/ attendance.* If the CAB goes beyond 1930, the same rules apply as to the HIH proceedings.

## **9-17. EVIDENCE OF OTHER HONOR VIOLATIONS OR DISCIPLINARY ISSUES.**

### **I. HIH.**

a. *Evidence of other Honor violations.* If it appears that the Respondent, a member of the Honor Committee, a panel member, or a witness may have committed a violation of the Cadet Honor Code during the HIH, the SAH, IR, Board President, Respondent, or the hearing member who suspects another Cadet will report such matters to the SAH and Hearing Advisor. The individual who suspects the violation will write a sworn statement prior to departure from the hearing. The Board President may write the memorandum, on behalf of the board, if multiple board members identify a potential issue. The memorandum will be provided to the Cadet Honor Committee for processing.

b. *Evidence of other violations.* If it appears that the Respondent, a member of the Honor Committee, a panel member, or a witness may have violated USMA or UCMJ regulations during the HIH proceedings, regardless of the finding, the SAH, IR, Board President, Respondent, Cadet Advisor, or the hearing member will report the suspected violation to the SAH. The SAH will inform the Company TAC or proper channel about the potential violation and recommend investigation of the violation.

### **II. CAB.**

- a. *Evidence of other Honor violations.* The same standards apply to the CAB.
- b. *Evidence of other violations.* The same standards apply to the CAB.



## **CHAPTER 10**

### **THE WILLFULL ADMISSION PROCESS (WAP)**

#### **10-1. OVERVIEW.**

To be accepted into the WAP, a Cadet must admit to their Honor violation(s), demonstrate a desire to grow through the SLDP-H, and meet other criteria listed in this chapter. Cadets enrolled in the WAP do not go before an Honor board and separation is removed from consideration. As such, the egregiousness of the case, the Cadet's time under the Honor Code, Cadet record, and other factors must be considered. The Honor Captain, Commandant, and Superintendent all have a role in determining if a Cadet has demonstrated the traits necessary for enrollment into the WAP.

#### **10-2. CRITERIA FOR THE WILLFULL ADMISSION PROCESS.**

Entrance into the WAP is not guaranteed simply because a Cadet admitted. The Cadet must meet the criteria below to be considered by the Honor Captain for enrollment into the program. The SAH will assist the Honor Captain with identifying flags or pending disciplinary matters. Criteria for the WAP are as follows:

- a. Admit to the violation(s) and all elements of the Honor violation(s) on their own or within 24 hours after an approach for clarification/notification. If a Cadet is notified of a suspected Honor violation later than 24 hours after the approach for clarification, the 24 hour timeline is based on the approach for clarification.
- b. Demonstrates the desire for development through future participation in the Special Leader Development Program- Honor.
- c. Has not had a previous FOUND violation of the Cadet Honor Code.
- d. Not currently flagged for misconduct, under investigation, or pending a regimental level or higher board. If the Honor violation is connected to misconduct, this may prevent the Cadet from entering the WAP.
- e. Recommended for retention by the Honor Captain and the Commandant of Cadets, and the Superintendent approves a discretionary alternative and retains the Cadet at USMA.

#### **10-3. CASE PROCESSING FROM INVESTIGATION TO THE PRELIMINARY HEARING.**

All inception, investigative, and preliminary hearing procedures for the WAP are the same as the procedures for the HIH or CAB. Throughout the process, the case will be considered a "potential WAP" until an admission at the preliminary hearing and acceptance by the Honor Captain.

- a. *Investigation through referral.* The IT will annotate in their investigative memorandum any Cadets that admit within 24 hours of an approach/notification or who self-report an Honor violation. The RHR and the HIO may recommend a case for the WAP when a case goes forward.
- b. *Serving the Respondent.* If the Respondent elects to admit to violating the Cadet Honor Code on the notification of Respondent's rights and responsibilities, the Respondent will select if he/she would like to have their case considered for the WAP. A request for consideration for the WAP does not mean that a case will be entered into the WAP.
- c. *Preliminary Hearing.* The preliminary hearing for a WAP follows the same guidelines as the

preliminary hearing for an HIH or CAB. The general guidelines for the preliminary hearing can be found in section 7-7. Specific details regarding potential WAP cases include:

(1) If the Respondent elects to admit to violating the Cadet Honor Code, the Hearing Advisor will conduct a providence inquiry, during the preliminary hearing, prior to enrollment into the WAP. The purpose of the providence inquiry is to ensure that the admission is voluntary, accurate, and meets the elements of proof outlined in chapter 2 of this pamphlet. The providence inquiry will be conducted on the record and an audio-recording or written transcript of the providence inquiry will be provided to the Honor Captain for determination of enrolment into the program.

(2) Admission at the preliminary hearing does not guarantee the Respondent's enrollment in the WAP.

(3) If a Respondent is not found provident during the preliminary hearing or does not admit to the elements of the violation(s), the case will go to a HIH.

#### 10-4. ENTRANCE INTO THE WILLFULL ADMISSION PROCESS.

Honor Captain and no less than two members of the Brigade/Regimental Honor Staff will review the audio recording or summarized transcript of the providence inquiry and the case packet. The team will only utilize the case packet resulting from the preliminary hearing.

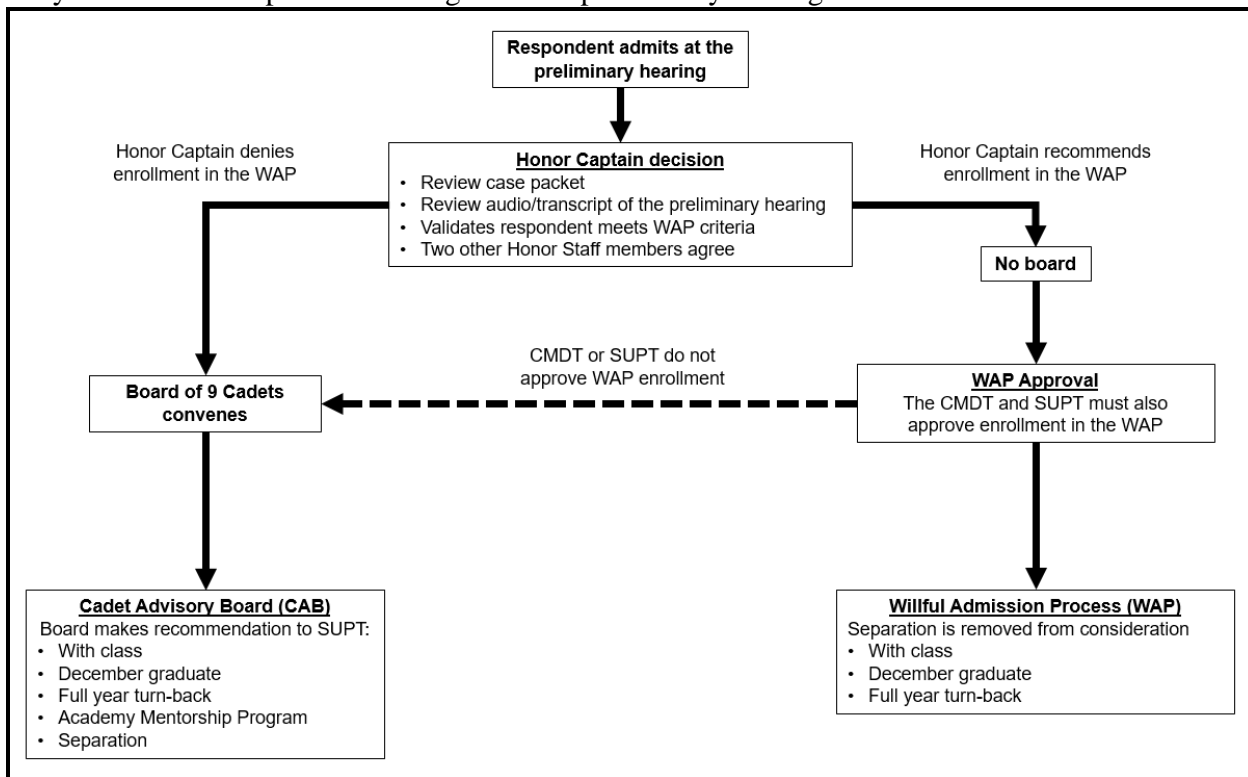


Figure 10-1. The WAP approval/disapproval process.

a. *Honor Captain approves the WAP.* If two out of the three personnel agree that the case should enter the WAP, the Honor Captain will make a recommendation to the Superintendent for disposition and then forward the packet to the SAH.

b. *Honor Captain denies enrollment in the WAP.* If the Honor Captain denies enrollment in the WAP, the Honor Captain will annotate the decision in a memorandum. Following this decision, the

case will go to a CAB. Any information regarding recommendation for a case not entered in or continuing through the WAP will not be given to the CAB.

c. *Status Change.* The case is considered FOUND after the Honor Captain recommends enrollment into the WAP and the SAH meets with the Cadet to impose the consequences associated with a FOUND Honor violation. Further post-hearing procedures are located in chapter 11.

d. *Recommendations and Disposition.* Cases that enter the WAP will include all of the same recommendations as a FOUND HIH/CAB with the exception of the board recommendations. Additionally, the Commandant and Superintendent must approve participation in the WAP.

(1) *Removal from the WAP.* If the Commandant or Superintendent disapproves enrollment or retention in the WAP, the case will be sent to a CAB. After the CAB, the case will be routed back through the CoC for recommendations.

#### **10-5. WILLFULL ADMISSION PROCESS SENT TO A CADET ADVISORY BOARD.**

a. If a WAP is sent to a CAB, any potential recommendations for separation or AMP will not be part of the CAB evidence packet. The board will make a recommendation, and the packet will be returned through the Honor Captain, SAH, and CoC for recommendation. All recommendations will be reviewed and the Commandant will normally meet with the Cadet in person. The Superintendent will review all recommendations and normally meet with the Cadet when making an adjudication determination.

b. If a WAP is sent to a CAB during winter or summer leave, the CAB will be scheduled for the next semester.

## **CHAPTER 11**

### **POST HEARING PROCEDURES (FOUND HIH/CAB/WAP)**

#### **11-1. OVERVIEW.**

This chapter covers the actions that occur following either an Honor board or enrollment into the WAP. Some administrative procedures apply to all cases while others apply to only FOUND HIH, CAB and WAP.

#### **11-2. NOTIFICATION OF RESULTS.**

The SCPME Honor Office will notify the Commandant, USCC Command Sergeant Major, Brigade Tactical Officer (BTO), USCC S-1, Leader Development Branch, Regulations and Discipline office, Registrar, and the applicable academic departments or ODIA on the results of all HIH, completion of a CAB, or entrance in the WAP.

#### **11-3. UPDATE TO THE ACADEMY MANAGEMENT SYSTEM FLAGS.**

a. *Cadets NOT FOUND in violation of the Cadet Honor Code (HIH only).* Following a NOT FOUND verdict, the case is considered closed. The SCPME Honor Office will close the administrative flag in the Academy Management System (AMS).

b. *Cadets FOUND in violation of the Cadet Honor Code (FOUND HIH, CAB, WAP).* The SCPME Honor Office will update the administrative flag in the Academy Management System to reflect that the Cadet either was FOUND at an HIH, admitted at a CAB, or enrolled in the WAP. The updated flag will reflect that the case is FOUND and pending adjudication. The flag will again be updated following the Superintendent's adjudication and again after successful completion of SLDP-H (if retained).

#### **11-4. ACTIONS FOLLOWING A FOUND VIOLATION.**

a. Immediately following the HIH, CAB, or entrance into the WAP, the SAH will speak with the Cadet and report their emotional state to the TAC Officer/NCO as the situation warrants. Additionally, within 48 hours, the SAH will take the following actions:

(1) *Flags.* Notify the Cadet of the administrative flag that is changed from "under investigation" to "FOUND in violation of the Cadet Honor Code".

(2) *Consequences.* The Cadet will sign a memorandum that acknowledges understanding of all imposed consequences. Consequences apply to all FOUND HIH and admitted CAB/WAP cases. Further information regarding consequences are located in section 11-5.

(3) *Privacy act statement.* The SAH must receive permission from the Cadet to release information (orally/written) regarding the results or dynamics of the case. If the Cadet consents, the Cadet will indicate the individuals authorized to receive the information.

(4) *Company assignment.* The Cadet FOUND to have violated the Cadet Honor Code may request to remain in the same company or request to move to a new company. Decision authority lies with the Commandant and will normally be adjudicated during the Commandant's meeting with the Cadet.

(5) *Resignation.* In accordance with AR 210-26, *The United States Military Academy*, Rapid Action Revision, 6 September 2011 paragraph 7-6, a Cadet may submit a qualified resignation in lieu of involuntary separation. A Cadet may meet with legal assistance for further information regarding this option.

b. *Documents provided to the Cadet.* The Cadet receives signed copies of the documents listed in section 11-4. If the case was FOUND at an HIH or went to a CAB, the Cadet will also receive the

nine (9) Superintendent's Hearing Member Worksheets and the Board President summary memorandum to the Superintendent.

c. *Special Leader Development Program- Honor.* The SAH will inform the Cadet about SLDP-H, the enrollment process, and Developmental Coach (DC) selection. The Cadet will receive an email from the SAH or the SLDP-H program manager with further details about the program. The Cadet will not formally begin the program with their DC until they conduct an in-brief with the SAH or SLDP-H program manager. For further information regarding SLDP-H, see chapter 13.

#### **11-5. CONSEQUENCES OF A FOUND VIOLATION.**

After a Respondent is FOUND at an HIH, CAB, or entered into the WAP, the SAH will serve the Cadet with a memorandum from the Superintendent, through the SAH, identifying administrative consequences separate from the final disposition of the case. The Cadet will sign the memorandum acknowledging receipt and understanding of the consequences. The TAC Officer/NCO will receive a copy of this memorandum. Consequences are imposed immediately, during the Commandant's recommendation meeting, and during the Superintendent's adjudication. See below for information regarding the timing of implementation and the imposing authority.

a. *Immediate.* These consequences are imposed immediately after a FOUND HIH, CAB, or entrance into the WAP. The imposing authority is detailed below. The imposing authority is also the approval authority to request an Exception to Policy (ETP).

(1) *Reduction in rank (Authority: Commandant).* First, Second, and Third Class Cadets will be reduced to Private First Class (PFC). Fourth Class Cadets may be promoted to PFC but not promoted to Corporal until completion of SLDP-H. Fourth Class Cadets who repeat their Plebe year, as directed by the Superintendent, are authorized to wear PFC rank and assume the privileges of a PFC. For rank during summer training, see paragraph 11-5.c.(1) below.

(2) *Loss of privileges (Authority: Commandant).* Privileges are commensurate with rank and not class year. Fourth Class cadets, not yet promoted to PFC, will have the privileges of a Cadet Private.

(a) A PFC retains the same privileges as a Cadet Private; may also be "at ease" in the Cadet Area, may dine at Grant Hall, and use the 4th Floor entrance to Thayer Hall.

(b) PFCs are not permitted to wear civilian clothes (to include Cadet Casual) regardless of their class year (unless on an authorized trip section where military uniforms are not authorized). First Class Cadets demoted to PFC are not authorized to carry sabers, wear the feather plume with tarbucket, or wear the red sash during drill practice, military reviews, or while serving area tours. Red sashes are authorized at all other times.

(c) No alcohol use for Cadets over age 21 while reduced to PFC, and regardless of their academic year are not permitted in the First Class (Firstie) or Second Class (Cow) club.

(3) *Loss of pass privileges, Off-Post Privileges (OPPs), and walking privileges (Authority: Commandant).* Regular or special passes are not authorized. Special passes do not include emergency leave situations as identified by the Company TAC team. However, Cadets are authorized to visit their sponsor regardless if that sponsor lives on or off post. A Cadet must inform their Company TAC team when they are departing to visit their sponsor's home, and the Cadet must limit

their visit to the confines of their sponsor's home. Company TACs may revoke or limit this privilege if they feel it is being abused.

(4) *Authorized leave (Authority: Commandant).* Authorized leave periods to include Thanksgiving, winter, spring, Term End Examination (TEE) Week, and Summer Leave, may be taken upon approval of the BTD. A Cadet must submit an ETP, to the Commandant, if they desire to take leave outside of the BTD policy.

(5) *Starting the Special Leader Development Program- Honor (SLDP-H) (Authority: Superintendent).* Cadets FOUND at an HIH, CAB or entering the WAP are eligible to begin SLDP-H immediately. For cases FOUND at an HIH or CAB, the Superintendent reserves the right to separate the Cadet, regardless of their progress in SLDP-H.

(6) *Academic grade (Authority: Dean of the Academic Board).* IAW DPOM 2-4, if a Cadet is FOUND for a violation resulting from work in an academic class, the grade will immediately change to an "F" for the course unless otherwise recommended by the concerned department head and approved by the Dean. The authority lies with the Dean of the Academic Board.

(7) *Honor representatives FOUND at a board (Authority: Commandant).* A current member of the Honor Committee who is FOUND to have violated the Honor Code will be immediately removed from the position. If the Cadet serves as an Honor Liaison to an academic department, that Cadet will immediately be removed from those duties.

(8) *Representation (Authority: Superintendent).* Representation is defined as participation in the following: ODIA competitions, DCA Club Sport competitions, DCA Club trips, Semester Abroad and Academy Exchange programs, and Brigade Open Finals. Cadets may continue to be a member of the team or club and attend practice, meetings, team developmental activities, etc., but cannot participate in games/competitions both at and away from the Academy. Only the Superintendent can reinstate a Cadet (player or manager). For the purpose of this consequence, DCA Teams and Clubs include academic, competitive sports, diversity, hobby, religious, and support clubs. This consequence does not apply to academic trip sections. Cadets are eligible to attend academic trip sections as long as they meet all other requirements to attend that trip section.

(9) *Public relations (Authority: Superintendent).* Public relations includes participation in Cadet Public Relations Council (CPRC), media interviews, or serving as an invited guest to events external to USMA. Cadets FOUND on Honor are not permitted to participate in public relations activities. Cadets are authorized to participate in community service projects as part of their company initiatives or SLDP-H.

b. *Decisions that occur during the meeting with the Commandant.* The Commandant may impose these consequences during his/her recommendation meeting.

(1) *Military grade (Authority: Commandant).* A Cadet may receive a military grade of "F" if recommended by the CoC and approved by the Commandant.

(2) *Duty position (Authority: Commandant).* The Commandant will determine if a Cadet maintains their duty position (without matching rank and privileges) or becomes a member of squad. The Commandant will base this decision on the developmental benefits of the duty position as contributing to remediating the character flaw.

(3) *Scrambling (Authority: Commandant)*. The Commandant will determine if a Cadet will remain in their assigned Company or move to a new Company. This decision will be made based on the developmental needs of the Cadet.

c. *Decisions that occur during the Superintendent's adjudication*. The Superintendent will review the following consequences during the adjudication meeting.

(1) *Summer training opportunities (Authority: Superintendent unless graduation requirements have been met, in which case the authority is the Commandant)*. Summer details are considered developmental opportunities and are graduation requirements. These experiences include, but are not limited to: West Point summer detail, MIAD, and CTLT. As a result, only the Superintendent has the authority to withhold these opportunities from a Cadet as long as the Cadet has not fulfilled the graduation requirement. If the Cadet has already fulfilled the graduation requirement, they must request an ETP from the Commandant. If the Cadet is participating in a West Point summer detail, they are authorized the rank associated with that detail. The rank is to be worn only for the purpose of the West Point detail and does not authorize the Cadet the privileges associated with the rank. Upon completion of the detail, the Cadet will immediately return to the rank of PFC.

(2) *Representation reinstatement (Authority: Superintendent)*. Only the Superintendent can reinstate a Cadet's participation in ODIA competitions, DCA Club Sport competitions, DCA Club trips, Semester Abroad and Academy Exchange programs, and Brigade Open Finals. The earliest that reinstatement can occur is at the Superintendent's adjudication of the Honor case. If the Cadet is not reinstated at the time of adjudication, the Cadet may request an ETP.

(3) *Public relations reinstatement (Authority: Superintendent)*. Only the Superintendent can reinstate a Cadet's participation in public relations activities. The earliest that reinstatement can occur is at the Superintendent's adjudication of the Honor case. If the Cadet is not reinstated at the time of adjudication, the Cadet may request an ETP.

#### **11-6. EXCEPTION TO POLICY FOR CONSEQUENCES.**

Any ETP will be requested in writing to the TAC and routed through the CoC. The approval authority for each sanction is dependent on the imposing authority as outlined in section 11-5.

#### **11-7. RELIEF FROM ADMINISTRATIVE ACTIONS AND CONSEQUENCES.**

Administrative actions and consequences are in effect from the time of implementation through completion of SLDP-H or based on approved ETPs. This includes the academic year as well as summer training. Once imposed, only completion of SLDP-H or approved ETP from the imposing authority will lift a consequence. In the case of representation consequences, the Superintendent may lift the consequence during his adjudication of the Honor case.

#### **11-8. THE REVIEW AND RECOMMENDATION PROCESS.**

The USMA review process begins with a FOUND decision by an HIIH, the conclusion of a CAB, or entrance into the WAP; and ends when the Superintendent makes the final adjudication determination.

a. *Process the record of proceedings*. In any investigation resulting in a finding of one or more violations of the Cadet Honor Code, a summarized transcript will be produced. This applies to

preliminary hearing/providence inquiry (HIH, CAB, WAP) and the HIH proceedings (or CAB if legal technician was present). The Hearing Advisor, or in his/her absence the legal technician or Board President, will authenticate the accuracy of the summarized transcript and certify the findings and recommendations. The Hearing Advisor will ensure the packaged case file includes the summarized transcript, the board exhibits, the appellate exhibits, the Respondent's exhibits, the Superintendent's Hearing Worksheets, and the Board President summary of the CAB.

- b. When the Hearing Advisor authenticates the transcript, he/she will also ensure the following:
  - (1) Compliance with legal requirements.
  - (2) The effect of any error (including whether any error had a material adverse effect on any individual's substantial rights).
  - (3) Whether the findings of the investigation are supported by sufficient evidence and by a greater weight of evidence than supports a contrary conclusion.

c. *Honor Captain recommendation.* The Honor Captain will review the completed case file. The memorandum will include a recommendation for final adjudication.

d. *SAH recommendation.* After the Honor Captain's recommendation, the SAH reviews the Honor case file and makes a written recommendation on final disposition. In addition to this, the SAH will annotate all FOUND violations, provide a summarized timeline of the violation(s), and provide a summary of the board members recommendations. The SCPME Honor NCO will make the recommendation if the SAH is unavailable. The packet will then be routed through the CoC for review and recommendations.

e. *CoC recommendations.* The Cadet Company Commander or First Sergeant, Company TAC Officer or NCO, the Regimental Tactical Officer (RTO), and BTO review the case file and forward their recommendation on the final disposition of the case to the Commandant using the CoC Recommendation Worksheet located within the case file.

f. *Commandant's interview and recommendation.* Normally the Commandant will meet with the FOUND Cadet. Members of the CoC (Company TAC Officer/NCO, Cadet Commander/First Sergeant), Honor Captain, and SAH will attend the interview. The Commandant may request additional personnel to include the RTO, BTO, and if applicable the team coach/officer representative. Following the interview, the Commandant makes a written recommendation to the Superintendent on the final disposition of the Cadet. Additionally, the Commandant has final authority to assign a MD "F", scramble the Cadet to a new company, and remove the Cadet from their duty position.

g. *Cadet response and rebuttal.* The Commandant's Executive Officer (XO) or designee provides a copy of the recommendations of the Honor Captain, SAH, CoC, the summarized transcript, and any matter to be considered by the Superintendent to the FOUND Cadet. The XO notifies the Cadet of their right to submit a rebuttal and additional matters to the Superintendent. The Commandant's XO provides a memorandum for the Respondent to sign outlining these points. The memorandum is the acknowledgement of the receipt of the recommendations and the right to take/waive three duty days to submit any additional matters to the Superintendent in writing. The Commandant's meeting is considered day zero.

h. *SJA review.* The SJA (or his/her designee) will address any allegations raised by the Respondent or his/her counsel no later than two duty days following receipt of the FOUND Cadet's rebuttal. The SJA then prepares the record for action.



#### **11-9. ACTIONS BY THE SUPERINTENDENT.**

The Superintendent may meet with the FOUND Cadet prior to final adjudication. Members of the CoC (Company TAC Officer/NCO, Cadet Commander/First Sergeant), Honor Captain, and SAH will attend the interview. The Superintendent may request additional personnel to include the RTO, BTO, and if applicable the team coach/officer representative. In making a decision, the Superintendent will carefully consider the case record, all recommendations, the SJA's review and any matters offered by the Respondent. The Superintendent will come to his/her own conclusions, and then take action on the matter.

a. *NOT FOUND in violation of the Cadet Honor Code.* The Superintendent is bound by an HIH finding of "NOT FOUND." As a result, all paperwork associated with the case will be filed at the Honor Office and not processed through the CoC, Commandant, or Superintendent.

b. *FOUND in violation of the Cadet Honor Code.* The Superintendent is not bound by the HIH finding of a violation or by the HIH, CAB, or WAP recommendations. In order to find that the Cadet violated the Cadet Honor Code, a greater weight of evidence must exist than supports a contrary conclusion. The Superintendent may approve only such findings as are supported by sufficient evidence. If the Superintendent determines that the findings are not supported by the evidence, then he/she may "set aside" the findings and may then close the case or direct further investigation.

c. *Harmless errors.* If the Superintendent notes a harmless defect in the proceeding, he/she may take action notwithstanding the defect.

d. *Minor errors requiring correction.* The Superintendent or Commandant may return the case to the same HIH for corrective action if there has been a minor procedural error or omission that may be corrected without prejudice to the Respondent's substantial rights.

e. *Substantial errors.* In case of a jurisdictional error (e.g.- failure to meet essential requirements with regard to appointment or composition) or of an error which has a materially adverse effect on an individual's substantial rights, the Superintendent may not use the affected part of that investigation as the basis for adverse action against the Cadet whose substantial rights were prejudiced. If the error can be corrected without prejudice to the Respondent, the Superintendent may do so, if necessary, by returning the matter to the same investigative body for corrective action. In the event an error cannot be corrected, the Superintendent may set aside the findings and recommendations and instruct the Commandant to convene a new HIH composed of new voting members. The new HIH receives any evidence properly considered at the previous hearing. The new HIH may also consider additional evidence.

f. *New evidence identified after an HIH but before adjudication.* Following an HIH that resulted in a finding of a violation, the Superintendent may convene a new HIH when presented with new evidence of an exculpatory nature. The new evidence must be likely to produce a result more favorable to the FOUND Cadet and have been discovered after the original hearing but before the sanction is fully executed. If the Department of the Army already separated the Cadet, the Honor Captain will present the facts and appropriate recommendations to the Superintendent through the SAH and Commandant. In investigations resulting in a finding that does not sustain the allegation, the Cadet Honor Committee may not initiate new Honor proceedings with respect to the same alleged violation of the Cadet Honor Code. The Cadet FOUND in violation of the Honor Code may enter new evidence with his/her rebuttal.

g. *Disposition.* If the Superintendent approves the HIH, CAB, or WAP findings, he/she has two basic options in determining the final disposition of the Cadet. He/she may separate the Cadet or exercise discretion. In cases of separation, the Superintendent's decision for any First Class and Second Class Cadets is subject to review by the Assistant Secretary of the Army for Manpower and Reserve Affairs.

(1) *Factors considered when determining disposition.* Normally, the Superintendent will consider the following factors when making a decision on the disposition of a Cadet FOUND in violation of the Cadet Honor Code. These factors aid in assessing the Cadet's potential to serve as a commissioned officer and leader of character.

- (a) Time under the Cadet Honor Code.
- (b) Egregiousness of the Honor violation(s).
- (c) The manner in which the case was reported.
- (d) Overall performance and conduct history of the Cadet.
- (e) Cadet's resolve to live honorably in the future.
- (f) Factors of mitigation/extenuation.
- (g) Recommendations by the Hearing Members at the CAB (if applicable).
- (h) Recommendations by the Honor Captain, SAH, Director of SCPME, Cadet CoC, BTD leadership, and the Commandant.
- (i) The Respondent's verbal/written statements.

(2) *Separation.* The Superintendent directs separation for Third and Fourth Class Cadets and recommends separation for First and Second Class Cadets with or without a formal invitation to reapply to West Point at some point in the future. In cases where the Superintendent deems appropriate, he may elect to invite the Cadet to reapply pending a successful period of enlistment and successful completion of the AMP in the U.S. Army. If the Superintendent determines that the Cadet should be separated, the decision will be forwarded to the Secretary of the Army or appointed designee for final action. Only the Secretary of the Army, or appointed designee, may reinstate a Cadet once separated from the Military Academy.

(3) *Discretion.* If the Superintendent does not separate or recommend separation, he/she may elect to retain the Cadet in the United States Corps of Cadets. Discretion entails any developmental alternative to separating the Cadet. The Superintendent may direct such sanctions or developmental alternatives, as he/she deems appropriate. The Superintendent may choose to "turn back" the Cadet to the next graduating class or delay the Cadet's graduation until December of his/her current graduation year. The Superintendent will normally use these options when the Cadet needs more time to develop and mature before commissioning. The developmental methods mentioned above are the most common; however, the Superintendent is not limited to them and may take any action that he/she has the authority to administer. When the Superintendent exercises discretion, he/she directs that the Cadet enroll in a SLDP-H and places the Cadet in a state of suspended separation until graduation. Terms of the suspension will be included in the Superintendent's action document.

(4) *Terms of suspended separation.* The Superintendent will normally vacate the suspension when and if the Cadet meets one of the following criteria:

- (a) Is FOUND for a second violation of the Honor Code.
- (b) Fails to complete any requirement of SLDP-H.
- (c) Is found at a misconduct investigation under the provisions of AR210-26, paragraph 6-15, to have violated the provisions of AR210-26, Chapter 6, Section II, Major Misconduct while under suspended separation.
- (d) Receives an individual award of 35 demerits while under suspended separation.
- (e) Exceeds the six-month demerit allowance for any six-month period while under suspended separation.

(f) Receives a Military Development (MD) grade of “F” for any term while under suspended separation.

#### **11-10. POLICY REGARDING RELEASE OF HONOR CASE DETAILS.**

a. *Release of hearing evidence or audio recording.* Any party requesting access to evidence used at a hearing and/or the audio recording of the hearing must make that request in writing. All requests will be routed through the SAH, to the SJA for legal review, and to the Commandant for final decision authority. In making the request, the individual must articulate the reason for requesting the information and the manner in which the information will be utilized. The SJA will provide a legal review prior to the Commandant’s final decision. In approving the release, the Commandant will provide guidance regarding the manner in which the information may be utilized and individuals authorized to receive the information.

b. *General statistical information.* General statistical information pertaining to Honor trends may be used openly within the Academy. Examples of such information include the number of Honor cases, number and class year of “FOUND” Cadets, and types of violations that occurred in a given time period. The Director of SCPME is the release authority for information internal to West Point. There is no release of detailed Honor statistics without the specific approval of the Commandant or Superintendent to agencies outside West Point.

c. Specific case information can be requested through the Freedom of Information Act (FOIA) or Privacy Act (PA). Submit requests to the FOIA/PA administrator at West Point or through [www.foia.gov](http://www.foia.gov).

## **CHAPTER 12**

### **NEW CADET HONOR CASES**

#### **12-1. OVERVIEW**

New Cadets are subject to the Cadet Honor Code upon taking the oath on R-day. New Cadets who violate the Honor Code will not be subject to separation or consequences typically associated with a violation. New Cadets who commit an Honor violation will complete SLDP-H. The Commandant is the final approval authority for New Cadet SLDP-H packets. New Cadets transition to Fourth Class Cadets at the end of the Acceptance day parade. After this point, Fourth Class Cadets are subject to separation and/or standard consequences.

a. *Approach for clarification/notification.* If an individual witnesses a potential violation of the Cadet Honor Code by a New Cadet, he/she will conduct an approach for clarification or notification. If, after the approach, the individual is not satisfied with the New Cadet's explanation, he/she will report the suspected Honor violation to a Company Honor Representative or a member of the Brigade/Regimental Honor Staff. If an Honor Representative is unavailable, the New Cadet's CoC will collect sworn statements and any relevant evidence. Individuals, including Cadre, will not try to resolve Honor violations themselves by such means as remedial PT or developmental instruction. Doing so may confuse New Cadets as to the proper procedures for addressing Honor violations and teach New Cadets that tolerating Honor violations is acceptable.

b. *Investigation.* Due to summer training requirements, formal investigations for New Cadet Honor cases will not occur until the start of the academic year. The CoC may collect initial sworn statements or gather evidence to preserve the elements of the case. All collected documents will be provided to the Honor Office. The Cadet Honor Committee will officially begin the investigation at the start of the academic year.

c. *Electronic evidence.* If evidence of a New Cadet violation involves electronic evidence, the IT will follow the procedures outlined in section 6-5, paragraph j.

d. *Processing of a New Cadet case.* The New Cadet case will follow the standard investigative procedures outlined in chapter 6. The SAH has the same authorities as outlined in section 6-8 of this pamphlet. If the case is forwarded, the USCC Trial Counsel will review all documents and has the same authorities as outlined in section 6-9. Following Trial Counsel review, the case will go to the Commandant for referral. The Commandant has the authorities outlined in section 6-10.

#### **12-2. SERVING THE NEW CADET RESPONDENT.**

The Cadet Honor Secretary (HSEC) will serve the Respondent with notification of the Commandant's decision to refer the case to a hearing and the complete investigation packet. This packet includes all relevant documents and the Respondent's notice of rights and responsibilities. At the time of service, the Respondent has the following options: admit or contest.

#### **12-3. DISTINCTION BETWEEN ADMITTED AND CONTESTED NEW CADET CASES.**

The New Cadet Respondent has the same rights as other Respondents listed in section 7-2. The exception is if the New Cadet chooses to admit to the case. In these instances, the case will not go to a preliminary hearing and will immediately enter into the Willful Admission Process (WAP). If the New Cadet contests the allegation(s), the case will go to an HIH. The Commandant will be the final adjudicating authority for all FOUND New Cadet cases. See below for further details regarding

admitted and contested New Cadet cases.

a. *New Cadet admits.* Respondents in New Cadet cases are eligible for the Willful Admission Process. Given the unique nature of Cadet Basic Training, the 24 hour period begins when the HSEC serves the Respondent at the start of the academic year. This modification to the 24 hour period only applies to New Cadet Honor cases. If the New Cadet admits to the allegation(s), the case will immediately enter the WAP. With entrance into the WAP, the New Cadet and TAC Officer/NCO will meet with the SAH. During this meeting, the New Cadet will sign a privacy act statement and a memorandum admitting to the Honor allegations. Following this meeting, the case is considered FOUND. Of note:

- (1) This process does not include a preliminary hearing.
- (2) The only outcome of the WAP is enrolment in SLDP-H. Enrollment will typically begin during the first semester of the academic year.
- (3) The Commandant may meet with the New Cadet to discuss the case. The purpose of this meeting is only to discuss the case and no further consequences will result from the meeting.
- (4) Suspended separation and consequences are not applicable to New Cadet cases to include enrollment in the WAP.

b. *New Cadet contests.* If the case goes forward and the New Cadet does not admit to all allegations, the case will go to an HIIH. Prior to the HIIH, the case will be heard at a preliminary hearing and follow the same procedures as other contested cases. Of note:

- (1) The HIIH will consist of a standard board composition for a Fourth Class Cadet.
- (2) If the case is “NOT FOUND” at an HIIH, the case is closed and no further action is taken.
- (3) If the case is “FOUND” at an HIIH, the Respondent will meet with the SAH to sign a privacy act statement and acknowledgment of HIIH findings. The board will not move into a CAB.
- (4) The only outcome of the “FOUND” HIIH is enrollment into SLDP-H.
- (5) The Commandant may meet with the New Cadet to discuss the case. The purpose of this meeting is only to discuss the case and no further consequences will result from the meeting.
- (6) Suspended separation and administrative consequences are not applicable to New Cadet cases FOUND at an HIIH.

## **CHAPTER 13**

### **SPECIAL LEADER DEVELOPMENT PROGRAM- HONOR**

#### **13-1. OVERVIEW.**

The Special Leader Development Program- Honor (SLDP-H) is designed to address and correct a character deficiency following a Cadet's violation of the Honor Code. A Developmental Coach (DC) guides the Cadet through structured reflection and introspection. Accordingly, the DC helps the Cadet examine and modify their behavior, thoughts, values, and beliefs. The Cadet is ultimately responsible for making the changes necessary for moral-ethical growth and development.

a. *Purpose.* SLDP-H enables a Cadet to evaluate and reflect on their values and behaviors. In doing so, a Cadet has an opportunity to grow in self-awareness, moral understanding, and moral courage that demonstrate the Army values and inspire Honorable living.

b. *Outcome.* The successful end state is a Cadet's resolute confidence in his/her ability to "choose the harder right" and inspire Honorable living without the assistance and supervision of an experienced DC.

#### **13-2. GENERAL PROGRAM REQUIREMENTS.**

a. *Program Completion.* Successful completion of this program is mandatory for all Cadets FOUND in violation of the Cadet Honor Code and given discretion by the Superintendent. The Superintendent is the approval authority for completion of SLDP-H. If a Cadet does not successfully complete SLDP-H, the Superintendent may vacate the separation suspension and the Cadet will be separated from the Academy.

b. *New Cadets.* New Cadets FOUND in violation of the Cadet Honor Code are required to complete SLDP-H. In the case of a New Cadet, the Commandant is the approval authority for successful completion. New Cadets enrolled in SLDP-H are not subject to suspended separation or consequences resulting from a violation.

c. *Confidentiality.* The Superintendent cannot grant confidentiality to the DC. Prior to the start of the program, the Cadet must be notified that their communications (verbal and written) are not confidential. The DC should inform the Cadet that they must report certain information to appropriate officials. Such information includes indications that the Cadet poses a danger to himself or others, criminal acts, or additional Cadet Honor Code violations.

d. *Privacy.* Despite limitations on confidentiality, the content of SLDP-H is considered private. This means that DCs will not volunteer personal and sensitive information about the Cadet outside of an official capacity. The DC needs to develop a trusting relationship with the Cadet. This does not preclude the DC from providing the necessary information through the officer CoC to the Superintendent about the Cadet's developmental progress in the program.

#### **13-3. DEVELOPMENTAL COACH (DC) SELECTION.**

a. *Recommendations.* Cadets enrolled in SLDP-H will recommend potential DCs to the SLDP-H Program Manager. The Cadet will supply at least three names and a brief explanation for each potential DC. A Cadet will not coordinate for his/her own DC. DCs do not need to have an existing relationship with Cadet prior to SLDP-H. TAC Officers can also submit potential DC names to the SLDP-H Program Manager.

b. The SLDP-H Program Manager will review the potential DCs and determine the best DC for the Cadet. The SLDP-H Program Manager will coordinate directly with the potential DCs to finalize DC selection. In the event of a disagreement regarding DC selection, the Director of SCPME is the final decision-making authority.

c. *Disqualifying Factors.* The following personnel are not eligible to serve as a DC:

- (1) The Cadet's current instructor, chaplain, or coach.
- (2) The SLDP-H Program Manager, SAH, Honor NCO, or Director of SCPME.
- (3) Anyone in the Cadet's SLDP-H approval / recommendation process: TAC Officer/NCO, RXO, RTO, BXO, BTO/NCO, Deputy Commandant, USCC CSM, Commandant, USMA CSM, or Superintendent.
- (4) Anyone working in an official capacity for the Cadet as an Equal Opportunity Liaison or Advisor, Sexual Assault Response Coordinator, or Unit Victim Advocate.
- (5) Any staff of the Office of the SJA.
- (6) Any staff working in an official capacity for the Cadet from the Center for Personal Development.
- (7) Any staff or faculty scheduled for a permanent change of station or departure from USMA within nine months.

d. After selection, if the DC falls into one of the disqualifying categories, a new DC will be selected and replace the disqualified DC for the duration of SLDP-H.

#### **13-4. ENROLLMENT.**

a. Cadets will be enrolled in SLDP-H after they have been FOUND to have violated the Cadet Honor Code and have been read their consequences by the SAH.

b. *In-brief.* Cadets are prohibited from beginning SLDP-H prior to receiving an official in-brief from the SLDP-H Program Manager. The SLDP-H Program Manager will coordinate the in-brief, which serves to establish the responsibilities of the individuals involved and ensure the standards for successful completion are understood. The required attendance for the in-brief is the SLDP-H Program Manager, Cadet, and DC. The date of the in-brief is the start date for SLDP-H. An in-brief acknowledgement memorandum will be provided by the SLDP-H Program Manager to the Cadet and DC to ensure all requirements have been briefed and understood.

### 13-5. PROGRAM REQUIREMENTS.

a. *Organization.* The purpose of the program portfolio is to provide an organizing framework that can accurately represent the scope, nature, and quality of a particular SLDP-H.

(1) *Program portfolio.* The program portfolio will be organized in a three-ring binder in the following order:

#### **TAB A: Recommendations**

Tab 1. Tactical Officer's Evaluation.

Tab 2. Honor Development Officer's Recommendation.

Tab 3. Developmental Coach's Recommendation.

#### **TAB B: Cadet Record Brief**

#### **TAB C: SLDP-H Portfolio**

Table of Contents.

Tab 1. Reflective Summary Essay.

Tab 2. Planning Calendar.

Tab 3. XY Case.

Tab 4. Character Self-Assessment.

Tab 5. Journals (15 entries).

Tab 6. Military Role Model Interview.

Tab 7. Developmental Project.

Tab 8. Counseling Reports from DC

b. *Cadet Requirements.*

(1) *Reflective Summary Essay.* The purpose of the reflective summary essay is to provide the Cadet with a final opportunity to reflect upon the developmental experience of SLDP-H and should summarize their entire journey. The essay should not be a diary of what the Cadet did, but rather an explanation of the lessons learned and personal growth. The summary will be no less than six pages double-spaced. This should be the final product completed by the Cadet for the SLDP-H portfolio.

(2) *Planning Calendar.* The Cadet will put all planning and execution dates on a calendar for every SLDP-H portfolio requirement. The Center for Enhanced Performance publishes an academic calendar which can be used for the base of the planning calendar. The recommended format is one-month sheets, but the design is up to the Cadet.

(3) *XY Case.* The XY case will follow the XY case template provided by the Honor Development Officer. The XY case is used to reinforce the reflection process by allowing Cadets to confront their Honor violation and to identify and examine the actions that led up to the violation. There is no page minimum for this requirement.

(4) *Character Self-assessment.* The Cadet will assess their adherence to, belief in, and ability to lead others in relation to the seven Army Values. There is no page minimum for this requirement, but the Cadet will discuss their character with respect to each individual Army Value.

(5) *Journals.* Journaling is used to reinforce the reflective and rehabilitative processes of SLDP-H. Journaling allows the Cadet to document actions and reflect upon the associated thought processes behind those actions. The goal is to reflect upon events that involve the Cadet's moral bearings. Additionally, journaling provides a good opportunity to discover personal habits that relate to moral decision-making. The Cadet should write down brief descriptions of events that stimulated or challenged their character or ethical beliefs.

(a) *Requirement.* Each Cadet is required to complete a total of 15 journal entries. No more than one journal will be written per day, to ensure proper time for reflection and introspection.

(b) *Format.* Each journal will be titled and checked for spelling and grammar. The



length of each journal is one to two pages double-spaced. All journals will be typed.

(c) *DC role.* The DC is afforded the autonomy to assign appropriate topics for the journals. DCs may also take input on topics from the Cadet. DCs may assign journal topics at their discretion, whether it be one journal at a time or a consolidated list of journal topics. DCs will provide feedback on the journals in the manner they deem most effective. This feedback can be hand-written, electronically added, or discussed in person. If feedback is added to the journals, the feedback will be included in the final portfolio submission.

(6) *Military Role Model Emulation.* The purpose of role model emulation is to reinforce the rehabilitative process by providing the Cadet with a tangible example of an individual who exemplifies the values of USMA and the Army in his/her life. Role-model emulation will also assist in the admission and reflection processes.

(a) *Selection.* Cadets may select any active duty or retired Officer or NCO to serve as their military role model. Cadets may not select a role model who recommends approval for the Cadet's SLDP-H completion (TAC through Superintendent).

(b) *Format.* The Cadet will provide a two-paged double-spaced reflection on the interview. Additionally, the Cadet will include the questions they asked their role model as well as the role model's responses.

(7) *Developmental Project.* The purpose of the developmental project is to reinforce the rehabilitative process. All three phases – planning, execution, and review –will serve this purpose. This project will help the Cadet understand how the Cadet Honor Code relates to personal and professional values.

(a) *Format.* All developmental projects will include a five-page double-spaced reflection explaining the project and its link to character development.

(b) *Options.* DCs are provided a great deal of autonomy in shaping the Cadet's developmental project. Projects should be individually tailored to best impact each Cadet's developmental needs. Common projects include literary reviews, community service projects, and videos. In the event that a DC is unsure if a proposed developmental project meets the program requirements, the Director of SCPME is the final approval authority.

(c) *Coordination and Resources.* Cadets are responsible for coordinating their own program activities and resources.

(8) *Counseling.* The main purpose of counseling is to reinforce the reflective process by providing feedback. Counseling is intended to assist the Cadet in realizing and internalizing his/her ethical standards of conduct. At a minimum, DCs are required to write three counseling statements (Initial, Mid-term, Final). Counseling will be recorded on a DA Form 4856.

### **13-6. PROGRAM DURATION.**

a. *Progress.* The Cadet will report the progress of their SLDP-H weekly to the Cadet Honor Development Officer (HDO) at a specified time; failure to do so will result in a negative Cadet observation report from the HDO to the Cadet. Any delays or problems the Cadets may have during SLDP-H should be reported immediately to the HDO in order to ensure completion of the program. The HDO will report the progress of all SLDP-H Cadets to the SLDP-H Program Manager on a weekly basis.

b. *Duration.* The duration for this program is four to six months from start (in-brief) to end (portfolio submission to the HDO). No periods of inactivity exist for SLDP-H (i.e.- Summer Leave, Winter Leave, and Spring Break). Upon submission of the portfolio to the HDO, the timeline stops as the portfolio is routed to the Superintendent for approval. The Cadet is still enrolled in SLDP-H and all Honor consequences still apply until the Superintendent approves the portfolio. The program follows the following four-phase operation:

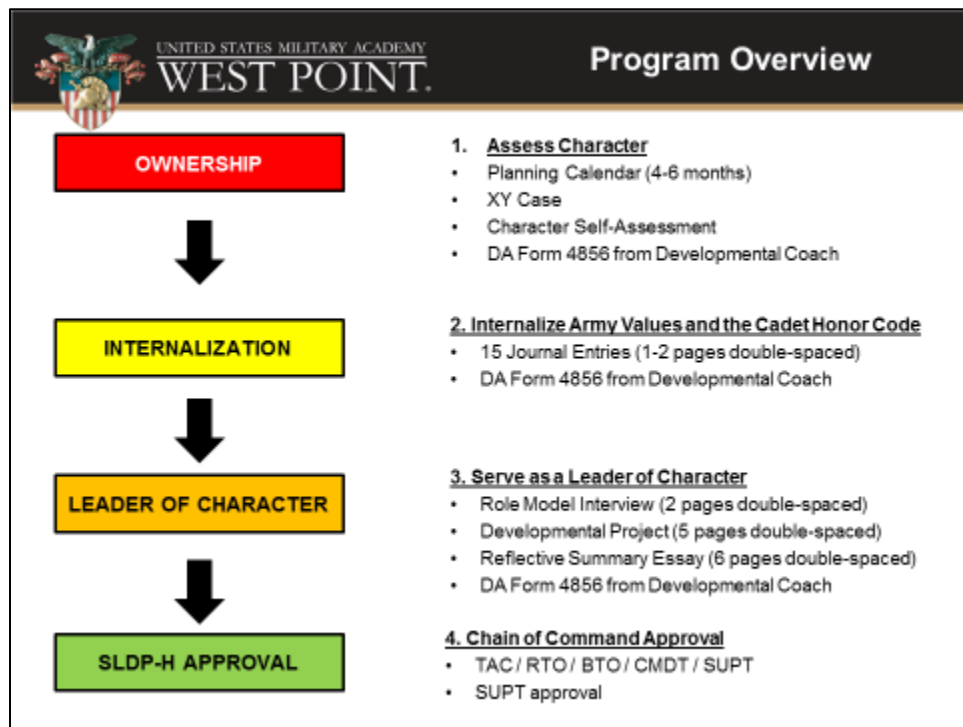


Figure 13-1. SLDP-H program overview.

c. *Developmental Focus.* Successful remediation is both an objective and subjective evaluation and is not based solely on completion of requirements or a timeline. If a Cadet is clearly not remediating, the program may be terminated early at the request of the DC and the approval of the Commandant. If a program is terminated, the Cadet will be assigned a new DC and the program will restart.

d. *Extension Requests.* In the event that a Cadet will not complete the program in six months, extensions must be submitted to the Commandant for approval. Extensions for failure to complete requirements will be submitted by the Cadet. Extensions for insufficient development will be submitted by the DC. Timeline extensions are granted on a one-month basis. Copies of each timeline extension request will be included in the final portfolio.

e. *Program Completion.* The DC will prepare a memorandum with their recommendation and submit it along with the Cadet's portfolio to the HDO for review. The HDO will then route the completed portfolio for approval or disapproval from the CoC. Upon approval by the Superintendent, the SLDP-H Program Manager will inform the Cadet, DC, and CoC.

### 13-7. DUTIES AND RESPONSIBILITIES.

a. *Cadet.* Ultimate responsibility for program completion resides with the individual Cadet. See paragraph 13-5 for specific program requirements.

b. *Developmental Coach.*

(1) *Counseling.* Counsel the Cadet during scheduled meetings and conduct at least three written counselings.

(2) *Evaluation.* Evaluate products submitted by the Cadet.

(3) *Updates.* Provide interim updates via telephone or email to the TAC or SLDP-H Program Manager as needed.

(4) *Final Report.* Prepare a recommendation requesting the Superintendent approve or disapprove the SLDP-H Portfolio.

(5) *Honor Case Review.* At the request of the DC, the SAH will provide a “For Official Use Only” copy of the Cadet’s complete Honor file to the DC.

c. *Honor Development Officer.* The HDO supervises the progress of Cadets enrolled in SLDP-H. Specific duties include:

(1) *Communication.* Establish a working relationship with each Cadet and serve as the Cadet’s point of contact with the Cadet Honor Committee.

(2) *Feedback.* Provide feedback regarding the Cadet to the SLDP-H Program Manager.

(3) *Tracking.* Track each Cadet’s progress through SLDP-H and provide a weekly update to the SLDP-H Program Manager. If a Cadet fails to report their status at the required time, the HDO will submit a negative COR.

(4) *Portfolio Guidance.* Provide guidance and assistance in the preparation of the Cadet’s portfolio.

(5) *Recommendation.* Prepare a memorandum for submission to the Superintendent recommending approval or disapproval of the Cadet’s portfolio. This recommendation is based off the portfolio, counseling sessions, and actions observed of the Cadet.

d. *SLDP-H Program Manager.* The SAH or SCPME Honor NCO may fulfill the following duties in the absence of the SLDP-H Program Manager.

(1) *Developmental Coach Assignment.* The SLDP-H Program Manager ensures that each Cadet is assigned a Developmental Coach. Cadets enrolled in SLDP-H are responsible for providing nominations.

(2) *Periodic Progress Review.* Maintain an updated SLDP-H roster and send a weekly update to the SAH.

(3) *Communications.* The SLDP-H Program Manager will be the main point of contact for the DCs. Along with the HDO, serve as a point of contact for all matters related to SLDP-H.

(4) *Portfolio Processing.* Review the Cadet’s portfolio before its submission to the Director of SCPME.

(5) *File.* Maintain a copy of the Cadet’s completed portfolio with the rest of the files from his/her Honor case.

e. *Chain of Command*

(1) *Supervision.* Company TAC Officers should conduct periodic status checks on their Cadets in SLDP-H through the DC and SLDP-H Program Manager.

(2) *Feedback.* When appropriate, the Cadet and TAC Officer should provide feedback to the DC concerning any issues or challenges facing the Cadet.

(3) *Recommendation.* The TAC officer will submit a recommendation for inclusion in the portfolio. The recommendation for successful or unsuccessful completion of SLDP-H will be based on the Cadet’s Honorable performance as demonstrated over the duration of the program.

f. *Director of SCPME.* The Director of SCPME is the final approval authority for the following:

(1) *Administrative Leave.* If a Cadet is placed on administrative or medical leave, the Director of SCPME will determine whether the program may continue, or if SLDP-H will be placed on a hold status.

(2) *Hybrid SLDP*. If a Cadet is simultaneously enrolled in another Special Leader Development Program in addition to SLDP-H, the Director of SPCME will determine if the Cadet can conduct a hybrid SLDP program. The duration and make-up of the hybrid SLDP is at the discretion of the Director of SCPME.

(3) *Developmental Coach Change*. In the event of a DC change, the Director of SCPME may grant a one-month extension to the program without approval of the Commandant.

(4) *Developmental Coach Assignment Final Authority*. The Director of SCPME is the final approval authority for any SLDP-H Developmental Coach assignment. The Director of SCPME typically delegates this authority to the SLDP-H Program Manager.

## ANNEX A

### THE CADET HONOR COMMITTEE

#### A-1. OVERVIEW.

The Cadet Honor Committee maintains and communicates the standards of the Cadet Honor Code and System to the Corps of Cadets. This is accomplished through stewardship, transparency, accountability, and education between the Corps of Cadets and United States Military Academy (USMA) staff, faculty and leadership. Members of the Cadet Honor Committee are charged with special trust and confidence. All Cadets are stewards of the Cadet Honor Code, and members of the Cadet Honor Committee bear special responsibility for its maintenance.

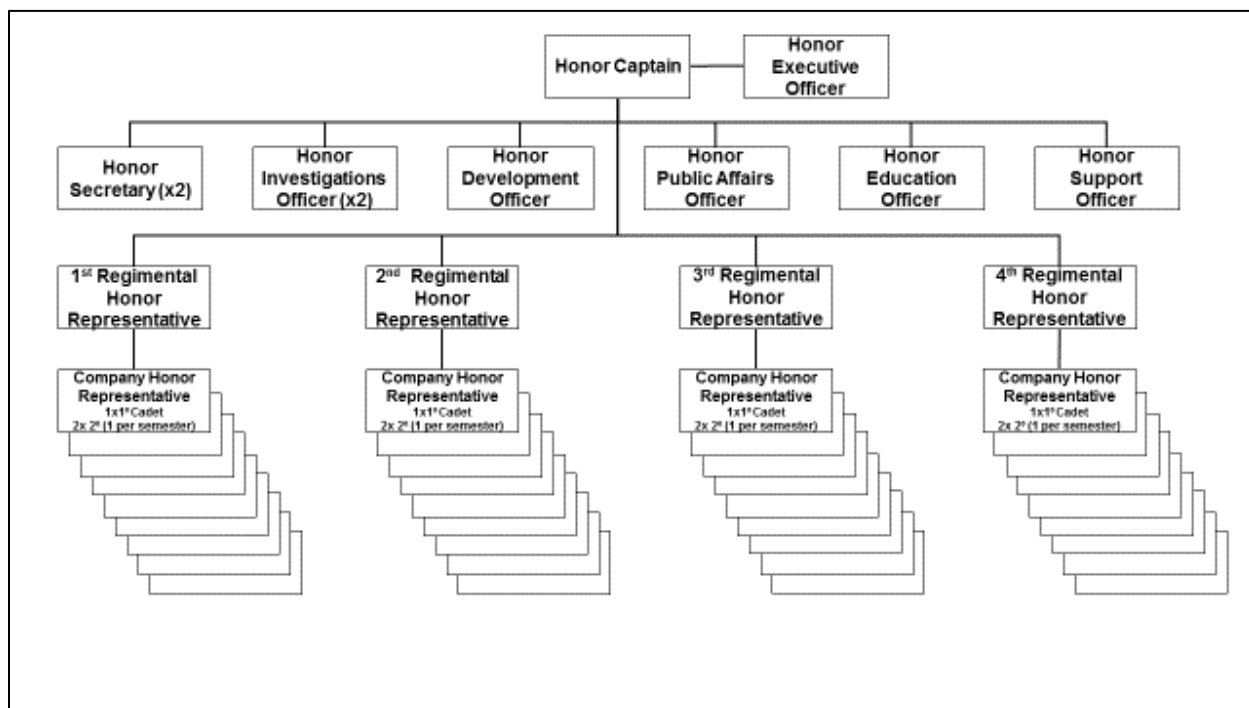


Figure A-1. The Cadet Honor Committee

#### A-2. CADET HONOR COMMITTEE QUALIFICATIONS.

Members of the Cadet Honor Committee must meet strict qualifications to serve on the committee. These qualifications will apply at the time of election and during execution of duties as a member of the Honor Committee.

- a. Cadets are ineligible to serve as a Company Honor Representative (CHR) or other Honor Committee positions if they:
  - (1) Have been FOUND to have violated the Cadet Honor Code and have not successfully completed SLDP-H.
  - (2) Have been found deficient during a Conduct Investigation, a Regimental Board or higher, or are currently enrolled in SLDP or SLDP-R.
  - (3) Have less than a 2.5 APSC, 2.5 MPSC, or 2.5 PPSC.
  - (4) Are undergoing review for possible separation for any reason.
  - (5) Are deficient in physical, academic, or military education.
  - (6) Are unwilling or unable to perform Honor investigations, serve as a board member, or

serve as an Investigative Representative (IR) during Cadet Honor proceedings.

- b. The BTO is the approving authority for exceptions to policy for CHR positions.

### **A-3. BOARD PRESIDENTS, REGIMENTAL HONOR REPRESENTATIVES, AND BRIGADE HONOR STAFF QUALIFICATIONS.**

a. Board Presidents, Regimental Honor Representatives (RHR), and Brigade Honor Staff (BHS) members must meet all requirements outlined for Company Honor Representatives, with the following further qualifications:

- (1) If FOUND on an Honor violation, the Cadet must be complete with SLDP-H. Additionally, the Cadet must receive a letter of recommendation from their Tactical Officer/Non-Commissioned Officer (TAC/TAC NCO) to serve in any these positions.
- (2) Regimental and Brigade Honor Staff must have a minimum APSC of 2.7.
- (3) Board Presidents must have a minimum APSC of 2.9.

b. The Director of SCPME is the approval authority for all board presidents. The Commandant is the approving authority for all Regimental and Brigade Honor Staff except for the Honor Captain. The Superintendent is the approval authority for the Honor Captain. The approval authority outlined above is also the approval authority for any exceptions to policy.

### **A-4. COMPANY HONOR OFFICER/ SERGEANT ELECTIONS.**

a. *Third Class Cadets.* Third Class Cadets will elect their CHR no later than Spring Break. Prior to elections/nominations, the Company TAC Officer/ NCO will scrub the Company roster against the Cadet Committee Qualifications (see section A-2). From this list of qualified Third Class Cadets, the Company will hold elections for the position of Company Honor Sergeant. Two (2) Third Class Cadets will be elected and each will hold the graded CHR position for one semester during the following academic year.

b. *Second Class Cadets.* Second Class Cadets will elect their CHR no later than Spring Break. The Cadets will elect their Company Honor Officer from the two Company Honor Sergeants that were elected during the Third Class year. Additional Cadets may self-nominate for the position but experience as an Honor Sergeant is preferred. At a designated time, nominees have the opportunity to address their classmates. Following these remarks, Second Class Cadets elect one (1) Company Honor Officer who will hold the graded CHR position as a primary duty for a full year.

c. *Scrambling.* If the Third or Second Class is scrambled, the TAC Officer/NCO will facilitate elections as soon as the BTD identifies the organization of the companies for the following year. The elections/ nominations will occur as outlined above and names must be submitted prior to summer training. Once a Cadet is identified to fill the role of CHR, the TAC Officer/NCO will speak with the Cadet's previous TAC team to ensure they are fully qualified to meet the requirement.

d. *Post-election processing.* The RHR will collect the names of all elected Cadets and forward to their respective Regimental Tactical Officer and Honor Captain for approval. The BTD will collect all names and confirm all elected personnel meet the qualifications outlined above. The BTD will send all names to the SCPME Honor Office.

e. *BTD responsibilities.* Company TACs will input the First and Second Class CHRs into the Academy Management System (AMS) as their graded positions. Company TACs may allow for

additional Cadets to participate in the election or hold an additional election if the elected representatives are not eligible to hold the position or are not a good steward of the Cadet Honor Code and System. The Company TAC Officer/NCO will notify the SAH if new elections are required.

f. *Holding new elections when selected Cadet is unable to serve.* If a First or Second Class CHR can no longer serve in that capacity, the company will hold elections for a new representative at the earliest opportunity. Cadets nominate and elect replacements for the CHR following review and approval by the Company TAC. The new names will be provided to the SCPME Honor Office.

#### **A-5. REGIMENTAL AND BRIGADE STAFF APPOINTMENTS.**

The outgoing BHS is responsible for planning the nomination/appointment process for the next staff under the guidance of the SAH.

a. No later than 1 February, the BHS will contact the Second Class requesting nominations or volunteers for the following year's Regimental and Brigade Honor Staff. There is no limit to the number of positions that a Cadet can interview for. Members of the staff/faculty may also nominate personnel and should contact the SAH.

b. The SCPME Honor Office will validate the qualification of all candidates. Candidates must meet the qualifications to serve on the Honor staff at the time of nomination. SCPME will provide the names of all qualified candidates to the current Regimental and Brigade Honor Staff.

c. The current Regimental and Brigade Honor staff will interview qualified candidates and provide a recommended slate to the SAH and Director of SCPME. The SAH and Director of SCPME, at a minimum, will interview the nominees for Honor Captain. They may interview additional candidates prior to providing a recommended slate to the BTO. The Regimental Tactical Officers (RTOs) may conduct interviews for the RHR position and provide additional input to the recommended slate. The Director of SCPME and the BTO will provide the recommended slate to the Commandant for approval of the Regimental and Brigade Honor Staff positions. The Commandant will make a recommendation to the Superintendent for final confirmation of the Honor Captain.

d. *Replacements.* As necessary, each of the companies from which the RHR or BHS officers were elected, will elect replacement Honor Representatives from the Second Class. This provision ensures that there will be a First Class Honor Representative in each company who is available to perform the CHR duties.

#### **A-6. ASSUMPTION OF HONOR COMMITTEE DUTIES (ALL LEVELS).**

b. *Company Honor Representatives.* The elected Second Class and Third Class CHRs will begin training with their counterparts after elections and will assume the next level duties no less than two weeks prior to graduation. These duties include investigations, education, and service as board members, IRs, and Department Honor Liaisons. This allows for the incoming staff and committee members to work under the supervision of the outgoing staff and committee members.

c. *Board Presidents, Regimental and Brigade Honor Staff.* The incoming Board Presidents, Regimental and Brigade Honor Staff-Elect will work alongside their counterparts after the selection and will assume the next level duties no less than two weeks prior to graduation. Incoming RHR will be assigned to their respective Regimental Staff. First Class officers are responsible for preparing the Second Class Officers for their new duties. During this period, the Second Class staff will assist the

First Class staff and learn the detailed mechanics of their respective duty positions. The BHS primary responsibility will be to learn the practical application of their roles. They will also prepare the following summer's education program, as well as conduct preliminary work on the following year's Honor Education Program and committee goals.

d. *Exceptions.* An exception to this process is made if a First Class Cadet is under investigation or has a scheduled HIH four weeks prior to graduation. In these circumstances, the current First Class Honor Representatives and First Class BHS will process the case. The Commandant is the approval authority for Second Class Cadets to process cases for First Class CUIs two weeks prior to graduation.

#### **A-7. INDIVIDUAL DUTIES OF CADET HONOR COMMITTEE MEMBERS.**

a. *Honor Captain.* The Honor Captain is responsible to the Corps of Cadets, the Cadet Honor Committee, and the First Captain for the education and communication of the Cadet Honor System. As the Chairperson of the Cadet Honor Committee, the Honor Captain coordinates and supervises all aspects of Honor education and investigations and is responsible for the general functioning of the Cadet Honor Committee. Specific duties include:

- (1) Advise the First Captain, SAH, Director of SCPME, SHRC, Commandant of Cadets, and the Superintendent on issues pertaining to the Cadet Honor Code and the Cadet Honor System.
- (2) Set the Cadet Honor Committee's vision in conjunction with the First Captain.
- (3) Oversee the education, training, and certification for all CHR, RHR, and members of the BHS.
- (4) Act as the official spokesperson for the Cadet Honor Committee to all internal and external organizations.
- (5) Preside over the Cadet Honor Committee meetings and leads the Committee in formulation of Cadet Honor System change recommendations.
- (6) Oversee the election of CHRs and the Cadet-level selection of the succeeding BHS and RHR.
- (7) Maintain a continuity file and train the incoming Honor Captain.
- (8) Perform other duties as determined by the SAH, Director of SCPME, Commandant, and Superintendent.

b. *Honor Executive Officer (HXO).* Under the supervision of the Honor Captain, the HXO supports the BHS in executing their responsibilities. Specific duties include:

- (1) Perform the Honor Captain's duties and functions in the Honor Captain's absence.
- (2) Organize and facilitate Cadet Honor Committee and BHS meetings.
- (3) Synchronize the BHS in the completion of their duties.
- (4) Act as the point of contact for staff duties and ensure that all responsibilities are tasked to the staff in an appropriate and timely manner.
- (5) Coordinate with the Brigade Executive Officer for any issues pertaining to the BHS.
- (6) Plan and provide logistical support for trip sections, rations requests, and other designated activities.
- (7) Maintain a continuity file and train the incoming HXO.
- (8) Perform other duties as determined by the Honor Captain or SAH.

c. *Honor Support Officer (HSO).* Under the guidance of the Honor Captain and the supervision of the HXO, the HSO provides logistics support for the BHS. Specific duties include:

- (1) Establish Cadet Honor liaisons for each academic department. Each academic department will have at least one trained Honor representative that can assist in approach for



clarification/notification situations. Some departments may require additional Cadet Liaisons based on their department's needs. The HSO is responsible for establishing the liaison list during Reorganization Week.

(2) Assist the SAH in coordinating liaisons for an academic department if the assigned Cadet liaisons are not available to conduct an approach/notification.

(3) Educate and train Cadet Honor Committee liaisons on Honor System procedures outlined in this pamphlet and the *Dean's Policy and Operating Memorandum 02-04 (Honor)* with respect to their responsibilities as a Department Honor Liaison.

(4) Coordinate the resources necessary to conduct a weekly BHS sync meeting. This includes reserving meeting space and drawing rations.

(5) Maintain a log of all rations received and cleared in support of BHS operations.

(6) Plan and resource all BHS sensing sessions with the Corps of Cadets. Planning will occur with both the SAH, USCC S3/4, and the Cadet S3.

(7) Maintain a continuity file and train the incoming HSO.

(8) Perform all other duties as determined by the HXO, Honor Captain, or SAH.

d. *Honor Investigations Officer (HIO)*. Under the guidance of the Honor Captain and supervision of the HXO, the HIO supervises Cadet Honor Committee investigations of suspected violations of the Cadet Honor Code. Two (2) Cadets are appointed as HIO with each performing work for two of the four regiments. Specific duties include:

(1) Ensure all Honor investigations are performed in accordance with this pamphlet.

(2) Work directly with the RHRs and SCPME Honor Office for all investigations.

(3) Maintain control of all sensitive documents pertaining to cases under investigation.

(4) Make recommendations to the Commandant to refer violations of the Cadet Honor Code to a Cadet hearing.

(5) In coordination with the Honor Captain and the Honor Education Officer, implement Reorganization Week investigative training of CHR.

(6) Maintain a continuity file and train the incoming HIOs.

(7) Perform other duties as determined by the HXO, Honor Captain, or SAH.

e. *Honor Secretary (HSEC)*. Under the guidance of the Honor Captain and the supervision of the HXO, the HSEC is responsible for coordinating all HIH and CAB boards. Two (2) Cadets are appointed to the HSEC position and share the duties and responsibilities. Specific duties include:

(1) Serve Respondents with the notification of their rights and responsibilities. The Respondent will also receive a copy of all relevant information.

(2) Maintain a separate file of all case summaries and case-related communications for the Cadet Honor Committee.

(3) Work directly with the SCPME Honor Office to perform administrative functions in support of an HIH/CAB.

(4) Prepare the list of proposed board members (in accordance with this pamphlet) for submission to the Commandant.

(5) Notify selected board members and ensure they understand their duties and responsibilities.

(6) Supervise the board, witnesses, and observers on the day of the hearing and ensure all personnel abide by hearing procedures.

(7) Train Board Presidents on the standard operating procedures of the HIH/CAB.

(8) Maintain a continuity file and train the incoming HSECs.

(9) Perform other duties as determined by the HXO, Honor Captain, or SAH.

f. *Honor Development Officer (HDO)*. Under the guidance of the Honor Captain and the supervision of the HXO, the HDO is responsible for monitoring and counseling all Cadets in the Special Leader Development Program- Honor (SLDP-H). Specific duties include:

- (1) Establish a working relationship with each SLDP-H Cadet and serve as the Cadet's point of contact with the Cadet Honor Committee.
- (2) Assist the Cadet in attaining program goals.
- (3) Conduct a mid-term progress review with the Cadet to ensure satisfactory progress in the program. Report any recommendations to the Developmental Coach (DC), SLDP-H program manager, and TAC.
- (4) Track each Cadet's progress through the SLDP-H and update the SLDP-H program manager weekly.
- (5) Provide guidance and assistance in the preparation of the Cadet's portfolio.
- (6) Provide a weekly update on the status of Cadets enrolled in the SLDP-H to the HXO, Honor Captain, and the SAH.
- (7) Provide reviewed XY cases from the SLDP-H Cadets to the Honor Education Officer (HEO) and Honor Public Affairs Officer (HPAO) for publishing.
- (8) Report the outcome (approval or disapproval) to the SAH and/or the SLDP-H program manager.
- (9) Maintain a continuity file and train the incoming HDO.
- (10) Perform other duties as determined by the SAH, HXO, or Honor Captain. The SAH may not be responsible for SLDP-H. In these instances, the HDO will receive guidance from the SCPME-appointed SLDP-H program manager.

g. *Honor Education Officer (HEO)*. Under the guidance of the Honor Captain and the supervision of the HXO, the HEO plans and provides staff supervision of the education of the Corps concerning Honor matters. Specific duties include:

- (1) Assist the SCPME Education Officer in planning and executing all CCDP Honor Education.
- (2) Assist the Honor Captain, SAH and SCPME Education Officer in planning and executing training on Honor System procedures in order to reinforce weak areas or to correct misunderstandings.
- (3) Assist the SCPME Education Officer in evaluating the quality of Honor Education and provide feedback to the HXO, Honor Captain, and the SAH.
- (4) Assist the SCPME Education Officer in developing lesson plans, syllabi, and any other instructional materials.
- (5) Assists with training preparatory sessions prior to each Honor-related lesson and for Leader Training Program (LTP) prior to summer training (when available).
- (6) With the assistance of the BHS, develop and supervise the Honor Certification and Training Program (H-CERT) for CHRs.
- (7) Maintain a continuity file and train the incoming HEO.
- (8) Perform other duties as determined by the HXO, Honor Captain, SCPME Education Officer, or SAH.

h. *Honor Public Affairs Officer (HPAO)*. Under the guidance of the Honor Captain and the supervision of the HXO, the Honor Public Affairs Officer provides the overall strategic communication and transparency of Honor cases to the Corps of Cadets and USMA Staff & Faculty, while also protecting the privacy of the accused. Specific duties include:

- (1) Write and publish XY cases through the Company Honor Representatives as a method of communicating with the Corps. These topics should address common trends and pitfalls.

(2) Notify the Corps of Cadets on the schedule of Honor Hearings through announcements at formations or in the Mess Hall.

(3) Write and publish a relevant and professional monthly Honor newsletter or publication. Potential topics include but are not limited to: profiling a Cadet's experience with the SLDP-H program (Cadet must volunteer), monthly case statistics, inspiring examples of Cadets making honorable decisions, etc.

(4) Responsible for managing any Cadet Honor Committee social media presence through social networks. All social network sites must first be approved by the SAH or Director of SCPME.

(5) Coordinate Cadet Honor Committee outreach projects.

(6) Maintain a continuity file and train the incoming HPAO.

(7) Perform other duties as determined by the HXO, Honor Captain, or SAH.

j. *Regimental Honor Representative (RHR)*. The RHR is responsible for Honor matters within their respective regiments. As members of the regimental staff, they are responsible to the Regimental Commander and Honor Captain. Specific duties include:

(1) Ensure successful implementation of Honor Education by the CHRs within their regiment.

(2) Assist in preparation and attend Honor Classes/Training within the regiment and provide feedback as appropriate to CHRs and the HEO.

(3) Serve as the senior Cadet supervising all Honor-related matters in the regiment.

(4) Advise the Cadet Regimental Commander and Regimental Tactical officer on Honor matters within their respective regiment.

(5) Provide feedback and suggestions to appropriate members of the BHS to keep them informed of pertinent issues in each regiment.

(6) Act as a liaison between other members of the BHS and CHRs in the regiment.

(7) Assign Investigative Teams (IT) and supervise investigations within the regiment, ensuring they are completed within seven duty days and in accordance with the procedures detailed in this pamphlet.

(8) Serve as the alternate Investigative Representative (IR) during preliminary hearings, HIR, or CAB from their regiment.

(9) Train and assist the ITs member who will serve as the IR for cases in their regiment.

(10) Provide weekly case updates to the HIO.

(11) Conduct bi-weekly meetings with all CHRs within the regiment in order to discuss current cases and issues facing the committee, disseminate information obtained at BHS meetings, and maintain working relationships between CHRs and the RHR.

(12) Ensure CHRs serve as points of contact for the CUIs within their company and update them on the status of their pending cases.

(13) Maintain a continuity file in order and train the incoming RHR.

(14) Perform other duties as determined by the HXO, Honor Captain, or Cadet Regimental Commander, or SAH.

k. *Board Presidents*. Board Presidents are not members of the Cadet Honor Committee but do receive training in order to fulfill the role of Board President. The training typically occurs during reorganization week and is conducted by the HSEC. Specific duties are detailed in section 8-2.

l. *Company Honor Representatives (CHR)*. CHRs provides the link between the Corps and the Cadet Honor Committee. Within the Cadet Honor Committee, they are responsible to the Cadet Company Commander and RHR. They are the principal advisors to their Cadet Company Commander and TAC Officer on Honor matters in the company. Specific duties include:

- (1) Implement Honor education across all platoons and classes within their company and provide feedback to the RHR and HEO as needed.
- (2) Serve as principal advisors to the Cadet Company Commander and Company TAC Officer on all Honor matters.
- (3) Ensure all Cadets in the company remain informed about matters related to the Cadet Honor Code and System.
- (4) Represent the views and solicit feedback from the company in Cadet Honor Committee meetings.
- (5) Conduct investigations in a thorough and timely manner. Comply with the reporting and completion timelines set forth by the RHR and inform the RHR of any issues that may hinder the investigation.
- (6) Serve as a point of contact for the CUI within the company for matters relating to pending cases. Update the CUI(s) on the status of their pending case.
- (7) (First Class CHR) Serve as the primary Investigative Representative (IR) during preliminary hearings, HIH, or CAB for their assigned cases.
- (8) Serve as board members on an HIH/CAB when appointed.
- (9) Attend all Cadet Honor Committee meetings and training.
- (10) Maintain the Company Honor Book and a continuity file to facilitate the education of the rising CHRs.
- (11) Perform other duties as determined by the Cadet Company Commander, RHR, or Company TAC Officer.

m. *Academic Department Honor Liaisons.* Academic departments will be assigned a Cadet from the current Cadet Honor Committee who will hold an additional duty as the Academic Department Honor Liaisons. The Honor Support Officer (HSO) will work with the staff/faculty Department Liaisons to assign members of the Cadet Honor Committee to this additional duty for the next Academic Year. Liaison duties include:

- (1) Provide an exchange of information and serve as a link between an Academic Department and the Cadet Honor Committee.
- (2) Work with the Academic Department Liaison Officer to assist department personnel in conducting approaches for clarification or notifications.
- (3) Answer questions from department personnel about the Cadet Honor Code, System, and Cadet Honor Committee procedures.
- (4) Assist IT and RHR with investigations of possible Honor violations occurring within assigned academic departments.
- (5) Educate and orientate their respective department or agency on Honor matters.

n. *Office of the Directorate of Intercollegiate Athletics (ODIA) Honor Liaison.* ODIA may have a Cadet Honor Representative that will serve as the ODIA Honor Liaison for a full Academic Year. ODIA may also have Corps Squad team Honor Liaisons. The ODIA or team Honor Liaison(s) do not need to be in a graded Honor Committee position, but they should receive Cadet Honor Committee training during Reorganization Week prior to each semester. Liaison duties include:

- (1) Provide an exchange of information and serve as a link between ODIA and the Cadet Honor Committee.
- (2) Serve as the primary Cadet point-of-contact for ODIA for Honor issues or cases involving members of the team.
- (3) Inform the coach of Cadets on the team who are under investigation or who are pending an HIH, CAB, or WAP.
- (4) Meet periodically with the HSO and disseminate information to coaches and players.

- (5) Serve as a role model of honorable conduct both on and off the field for the team.

#### **A-8. AUTHORITY TO SUSPEND OR REMOVE CADET HONOR COMMITTEE MEMBERS.**

a. A Cadet Honor Committee member will normally be suspended from their position if the member is pending any removal criteria outlined in this annex. Suspension is not a permanent action and does not automatically lead to removal. The suspending authority will automatically lift the suspension upon a favorable outcome of the investigation, but may lift the suspension as the situation warrants.

(1) *Company Honor Representative/ Department Honor Liaison.* The Company TAC Officer may suspend a CHR and Department Honor Liaison.

(2) *Regimental Honor Representative.* The RTO may suspend a RHR.

(3) *Brigade Honor Staff Member/ Board President.* The BTO or Director of SCPME may suspend a member of the BHS or Board President.

(4) *Honor Captain.* The Commandant of Cadets or Superintendent may suspend the Honor Captain.

b. *Presumption of Innocence.* Suspension and/or limitation of duties are not a presumption of guilt, but are administrative actions that help to protect the interests of the unit and the Cadet Honor System and prevent individuals from placing themselves in a situation that may affect their ability to perform their duty. The presumption of innocence remains in effect.

#### **A-9. SUSPENSION OR REMOVAL OF CADET HONOR COMMITTEE MEMBERS.**

a. *Initiation of Review.* The Cadet Honor Committee, the representative's company, BTDC, or members from USMA Staff and Faculty may initiate a request to the Cadet's Company TAC Officer for a review of an Honor representative's suitability to serve as a representative due to any of the following situations:

(1) *Poor Attitude.* Poor Attitude toward the Cadet Honor Code, the Cadet Honor System (including representation during HIH/CAB), or the Cadet Honor Committee which is unbecoming of an Honor representative. The representative's statements, actions, or both may demonstrate this attitude.

(2) *Dereliction of Duties.* The representative has been derelict in the performance of his/her duties as a Cadet Honor Committee member, or has demonstrated apathy, disinterest, or inability to adequately perform assigned duties, including representation during HIH/CAB.

(3) *Unsatisfactory Character or Discipline.* The Honor representative has demonstrated poor moral character or serious discipline problems, including representation during HIH/CAB.

b. *Suspension of a Cadet Honor Committee Member (to include BHS members).* The following circumstances warrant automatic review and will normally result in suspension of Cadet Honor Committee members:

(1) Pending suspension or separation from USMA.

(2) Deficient in Military, Academic, or Physical pillars while serving on the Honor Committee.

(3) Military Development Grade of "D" while serving on the Honor Committee.

(4) Pending turn-back for reasons other than medical while serving on the Honor Committee.

(5) Under investigation for a potential violation of the Cadet Honor Code while serving on the Honor Committee.

(6) Under investigation for an offense that will likely result in a regimental-level board or

higher.

- (7) Under investigation by any law-enforcement agency.
- (8) Pending move to June, August, or December Graduate for reasons other than medical (after normal class graduation) while serving on the Honor Committee.

c. *Removal of a Cadet Honor Committee Member (to include BHS members).* A Cadet may be removed from the Honor Committee for offenses listed below. Removal can occur regardless of whether or not a Cadet was suspended prior to removal. The following circumstances warrant automatic removal if any of the events occur while assigned to the Cadet Honor Committee:

- (1) Suspension or separation from USMA.
- (2) Receive a Military Development Grade of “F”.
- (3) Turn-back for reasons other than medical.
- (4) FOUND to have violated the Cadet Honor Code.
- (5) Found deficient during a Conduct Investigation.
- (6) Found guilty by a law-enforcement agency for serious conduct.
- (7) June, August, or December Graduate for reasons other than medical (after normal class graduation).

d. *Resignation of a Cadet Honor Committee Member (to include BHS members).* In the event that any member of the Cadet Honor Committee no longer feels they can perform the duties, the committee member may choose to resign. The representative should take the following steps:

(1) *Company Honor Representatives.* The CHR should provide a memorandum through the representative’s Cadet Company Commander to the Company TAC Officer/NCO outlining the reason for resigning. The Company TAC Officer will schedule a company election to elect a new representative. The RHR will report all such changes to the SAH.

(2) *Regimental Honor Representative/ Brigade Honor Staff.* The RHR or BHS member should provide a memorandum through the Honor Captain, through the SAH, to the Director of SCPME outlining the reason for resigning. The BTO or Director of SCPME will inform the Commandant and appropriate members of the BTB.

(3) If a member of BHS resigns or is removed during the first semester, the SAH and BTB will assign a Cadet to fill the vacant position. All First Class Cadet Honor Committee Representatives, to include the BHS, are eligible for the vacant position.

(4) If the Honor Captain either resigns or is removed from the position during the second semester of the current academic year, then the HXO will assume the position of Honor Captain.

(5) If any person, other than the Honor Captain, either resigns or is removed during the second semester of the current academic year, then the Honor Captain may fill the position from within the current BHS.

e. *Removal Authority.* The removal authority for Cadet Honor Committee members is the same as the suspension authority listed in section A-8.

f. *Military Development Grade.* If a Cadet resigns or is removed from a graded Cadet Honor Committee position, he/she may receive a Military Development (MD) grade of “F”.

## **ANNEX B**

### **PROCESSING TIMELINE FOR HONOR CASES**

a. During the periods outlined in this paragraph, processing days through the date of the hearing, are defined as follows:

(1) Academic Year Period (The first academic day, first semester through the last academic day, second semester): Any day on which regular academic classroom periods are scheduled for the Corps of Cadets and when the CUI is present for duty at West Point.

(2) Summer Training Period (From first TEE, second semester, until the first academic day, first semester): No processing days.

b. The following days are not considered duty or processing days through the date of the hearing:

(1) All Saturdays and Sundays.

(2) All Federal Holidays.

(3) Term End Examination/Leave Periods.

(4) Corps Leave Periods: Thanksgiving Leave, Winter Leave, Spring Leave, and Summer Leave.

(5) Compressed Class Days – typically the Wednesday prior to Thanksgiving and the Friday prior to the Army-Navy Football Game. Other days may be included depending on the Academic year.

(6) Reorganization Weeks.

(7) Any other day when the Corps is not present for duty at West Point, such as Project's Day/Reading Day or the Mission Command Conference.

(8) National Conference on Ethics in America (NCEA).

(9) Fridays prior to Ring Weekend, 500<sup>th</sup> Night Weekend, Yearling Winter Weekend, 100<sup>th</sup> Night Weekend, and Plebe Parent Weekend.

c. Following the HIH/CAB/WAP, only duty days for USMA military and civilian personnel are counted as processing days.

d. The Cadet Honor Committee may investigate or hold outstanding hearings during these times if the necessary personnel are available and the Respondent has been afforded four days of preparation time or has waived this right.

e. *Graduation Week.* During graduation week, only First Class Cadets pending graduation at the end of the current semester will have an HIH. CAB and WAP cases may be processed during graduation week for all classes.

## GLOSSARY

**AMP-** Academy Mentorship Program

**AMS-** Academy Management System

**BHS-** Brigade Honor Staff

**BTB-** Brigade Tactical Department

**BTO-** Brigade Tactical Officer

**CAB-** Cadet Advisory Board

**CHR-** Company Honor Representative

**CMDT-** Commandant

**COR-** Cadet Observation Report

**CTLT-** Cadet Troop Leader Training

**CUI-** Cadet Under Investigation

**DC-** Developmental Coach

**ETP-** Exception to Policy

**HDO-** Honor Development Officer

**HEO-** Honor Education Officer

**HHH-** Honor Investigative Hearing

**HIO-** Honor Investigations Officer

**HPAO-** Honor Public Affairs Officer

**HSEC-** Honor Secretary

**HSO-** Honor Support Officer

**HXO-** Honor Executive Officer

**IT-** Investigative Team

**MIAD-** Military Individual Advanced Development

**NCO-** Non-Commissioned Officer



**ODIA-** Office of the Directorate of Intercollegiate Athletics

**RHR-** Regimental Honor Representative

**RTO-** Regimental Tactical Officer

**SAH-** Special Assistant to the Commandant for Honor

**SCPME-** Simon Center for the Professional Military Ethic

**SLDP-H-** Special Leader Development Program- Honor.

**SJA-** Staff Judge Advocate

**SOP-** Standard Operating Procedure

**SUPT-** Superintendent

**TAC-** Tactical (Officer or NCO)

**UCMJ-** Uniform Code of Military Justice

**USCC-** United States Corps of Cadets

**USMA-** United States Military Academy

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