

CHAPTER 3  
INVESTIGATIONS AND DISCIPLINARY HEARING PROCEDURES

**301. Investigations.** Investigations of violations must be thorough at all levels, particularly at the company level prior to conducting or forwarding a case for higher level action.

a. Except as otherwise provided in this regulation (and except to the extent that Article 31, UCMJ, applies), any officer, noncommissioned officer, or cadet who has reasonable cause to believe that a cadet is involved in a violation of this regulation or has knowledge of facts pertaining to such violation may require the cadet to state what he or she knows about the incident.

b. The company tactical officer/cadet company commander may request written explanations for all apparent violations which may result in proceedings and for any other violation which in his or her opinion requires further explanation. When it is necessary to obtain additional facts pertinent to a reported violation, the company tactical officer/cadet company commander will coordinate the action with the originator of the report.

**302. Official Questioning.** Cadets involved in an incident under investigation that is to be processed as a delinquency under this regulation, or who otherwise have knowledge of facts pertaining to such incidents, may be questioned about the incident. Oral or written questioning is a convenience, which avoids lengthy, cumbersome investigation of infractions of regulations. In the environment of the Honor Code, a cadet's word is accepted as truthful. Because cadets are expected to answer truthfully, they are vulnerable to abuses in questioning. Cadets should not be questioned about potential violations of this regulation for, which there does not already exist reasonable cause to indicate that a delinquency was committed. For example, it would not be proper to ask a cadet whether he or she had been drinking alcohol merely because he or she was reported absent from taps inspection. Individuals asking official questions incur the significant responsibility of ensuring their questions are necessary. In determining this, a questioner must:

- a. Have evidence indicating that a breach of regulations has occurred, and
- b. Have reasonable cause to believe that the cadet being questioned was involved in the breach or has knowledge of the involvement of others in the breach of regulations.
- c. Questioners must carefully think through their reasons for asking questions that pertain to possible disciplinary matters to ensure they meet the requirements for official questions. In most circumstances it would not be unreasonable for the questioners to explain their rationale prior to asking them. This practice would resolve doubt in the mind of the person being questioned as to the propriety of the questions, and would reduce the level of anxiety that is frequently associated with questioning about disciplinary matters.
- d. Cadets should not be questioned about the involvement of other cadets in disciplinary breaches unless the questioner has reasonable cause to believe that the cadet has knowledge of other cadets' involvement.
- e. Inform the cadet whose conduct is subject to investigation of his or her rights against self-incrimination subject to the provisions of paragraph 3-3. Witnesses questioned are required to answer the questions of the commander or to state, if requested by the commander, what they know about the alleged offense, provided there is reason to believe that the individuals have knowledge of the incident and subject to their rights against self-incrimination. Regimental Tactical Officers may question witnesses for a respondent in lieu of having the respondent question the witness directly. This procedure acts to protect the witness. Should a cadet refuse to testify, the commanding officer will follow the procedures outlined in paragraph 3-3 of this regulation on answering questions. If the cadet continues to refuse to answer the questions of the commander, the commander will report the incident to the next higher level for disposition. The hearing may continue or recess, depending on the nature of the information requested and withheld.

**303. Self-incrimination (Criminal Actions).** A cadet may be required to state orally what he or she knows about the incident, subject to his or her rights against self-incrimination. A cadet whose conduct is subject to investigation and cadets who are witnesses thereto may decline to answer questions if their statements would tend to incriminate themselves. For this purpose, self-incrimination is defined as a situation in which a cadet could be required to admit to a criminal offense in violation of the Fifth Amendment and Article 31 of the Uniform Code of

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Military Justice. An Article 31 rights warning (DA Form 3881) is required when a person subject to the UCMJ reasonably suspects that a violation of the UCMJ has occurred and intends to conduct official questioning. A cadet is not afforded the right to remain silent merely because he or she is suspected of committing a delinquency under this regulation.

**304. Deferring Cadet Summer Departures.** Any cadet who has been recommended for a field grade Article 10 prior to departure on summer leave or training may not depart West Point until the proceeding has been held or RTO approval has been granted. If the proceeding results in a deficient in conduct standing, and the tactical officer's recommendation is suspension or separation, the cadet will remain at West Point until further notice.

**305. Pass or Leave.** Cadets pending formal Article 10 proceedings should consult with their tactical officer before making pass or leave plans.

**306. Discovery during Proceedings.**

a. If, during the proceedings, the commander suspects or identifies a possible violation of Regs, USMA, Honor Code, or possible criminal activity that should be handled by court-martial, questioning of that cadet will cease and the case will be immediately referred for investigation under appropriate regulations.

b. If, during the hearing, the commander discovers involvement by other cadets, he or she will take note of this, but proceed with the hearing unless the commander feels the discovery has significant bearing on the proceedings. Discovery of other cadet involvement in the offense or of other violations by cadets is cause for either further investigation or separate investigation into the discovery. If the imposing commander feels that further investigation of other cadet involvement may significantly effect the outcome of the hearing, he or she may recess the hearing for a reasonable time to investigate, resuming the hearing as soon as possible. See the regulations and discipline officer for advisement as necessary.

**307. Convening Authority, Composition of Proceedings, and Timely Processing.**

**a. Summarized Proceedings.**

(1) A summarized Article 10 is an informal procedure for use by commanders (Cadet or Tactical Officer). A commander, after a preliminary inquiry into an alleged offense by a cadet, may use summarized proceedings if it is determined that should punishment be found to be appropriate, it cannot exceed:

- (a) 10 tours extra-duty.
- (b) 7 days withdrawal of privileges.
- (c) 7 days restriction
- (d) Oral reprimand or admonition.
- (e) Any combination of the above.

(2) The Company Commander may delegate authority to a platoon leader within his/her command to convene a Summarized Article 10. The commander may delegate this authority only on a case by case basis, and only if it is determined that should punishment be found to be appropriate, it should not exceed 10 tours of extra-duty.

(3) USMA Form 2-3-1 (Record of Summarized Proceedings under Article 10, CDC) or USMA Form 2-3-1A (Record of Summarized Proceedings under Article 10 for Minor or Recurring Offenses) will be used to record the proceedings if the Cadet waives his or her hearing.

(4) The convening officer will notify the cadet of the commander's intent to initiate summarized Article 10 proceedings, the maximum punishment allowed under summarized proceedings, the Article of the CDC allegedly violated, the offenses allegedly committed with the specific reference and, the right to call and confront witnesses, the right to submit matters in defense, extenuation, and mitigation, the right to appeal to the next higher commander, and the right to refuse summarized proceedings and elect to have misconduct adjudicated under formal Article 10 proceedings. A reasonable amount of time, normally 24 hours, should be given the cadet to make a decision regarding rights and to gather matters in defense, extenuation, and mitigation. Under summarized proceedings, a

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cadet does not have the right to have a spokesperson to speak on his/her behalf. If the offense is adjudicated under USMA Form 2-3-1A (Record of Summarized Proceedings under Article 10 for Minor or Recurring Offenses), the Cadet has the opportunity to accept or decline the proceedings. If the Cadet does not accept the Summarized Proceedings under Article 10 for Minor or Recurring Offenses, the Tactical Officer will initiate formal proceedings.

### b. Formal Proceedings

(1) Formal Article 10 proceedings are used by the Tactical Officer chain of command. Any Tactical Officer or cadet commander who, after a preliminary inquiry, determines that punishment, if it should prove to be appropriate, might exceed punishment available under summarized proceedings, will proceed as set forth below. Also, proceed with formal proceedings if a cadet elects to refuse a summarized proceeding and requests a formal proceeding. All entries will be recorded on USMA Form 2-3(Revised) (Record of proceedings under Article 10, CDC.)

(a) **Company Grade Article 10.** Company and Battalion level Article 10 proceedings are convened by tactical officers serving at company and battalion level. Battalion tactical officers, while also having company-level authority, will ensure distinction between the proceedings when conducting these proceedings on members of their own company by checking the appropriate block on the USMA Form 2-3. At a minimum, the proceeding will consist of the tactical officer. The reported cadet will appear before the tactical officer. If possible, the company commander and the cadet's first line supervisor should also be present. By direction of the regimental tactical officer, a company tactical officer from within the battalion may be designated as the acting company or battalion tactical officer in the absence of the actual Company or Battalion Tactical Officer for the purpose of administering company/battalion level Article 10 proceedings. A memorandum order of appointment signed by the RTO must be filed with the USMA Form 2-3 upon completion of a company grade proceeding that was administered by an acting Company or Battalion Tactical Officer.

(b) **Field Grade Article 10.** Field Grade Article 10 proceedings are convened by the Brigade Tactical Officer, Regimental Tactical Officers and the Commanders of Cadet Basic Training (CBT), Cadet Field Training (CFT), and Summer Garrison Regiment (SGR). For good cause, the Commandant or the Brigade Tactical Officer may direct that a Regimental Tactical Officer from a regiment other than that to which the cadet under investigation is assigned, serve as the Article 10 proceeding officer. The proceeding consists of the regimental tactical officer (or appropriate summer commander). A non-voting secretary may be present. Additionally, it is recommended but not required that members of the cadet's chain of command be present. If previously appointed on orders as the acting RTO, a regimental executive officer may administer a field grade Article 10. A copy of the assumption of command orders must be filed with the USMA Form 2-3 upon completion of a field grade proceeding administered by an acting Regimental Tactical Officer.

c. **Timely Processing.** The timely processing of Article 10 proceedings is of great importance. Optimum processing goals from identification through imposition of punishment are:

<u>Type of Proceeding</u>	<u>Cadet Duty Days (Monday-Saturday )</u>
Summarized	3 days
Company/Battalion	7 days
Regimental/Brigade	12 days

While failure to meet these goals does not affect the validity of the board action, every possible effort will be made to ensure timely processing of proceedings.

### 308. Procedures for Conduct of Formal Article 10 Proceedings

#### a. Proceedings Preparation.

(1) The commanding officer administering the Article 10 proceeding will designate a room for the proceeding and will notify all concerned of the time and place for the proceeding, to include the uniform to be worn.

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(2) The commanding officer may review the cadet's TAC file or any other information regarding the cadet.

**b. Conducting the Proceedings.** The conduct of proceedings under Article 10, CDC, involves a three-step process in the presence of the cadet: (1) notification, (2) hearing, and (3) imposition of punishment (if the findings result in determination of guilt.)

(1) The cadet concerned and all witnesses will report as follows to the commanding officer: "Sir/Ma'am, (Rank) (Name) reports." The commanding officer then will direct the individual to be seated or remain standing. If more than one cadet is present, the cadet concerned will report first.

(2) The commander may excuse the cadet from the room at the conclusion of all testimony and will consider all the facts and testimony related to the offense being investigated, including the cadet's explanation, to determine whether the cadet committed a violation of regulations.

(3) The commanding officer will conduct the proceedings following the general guidelines below.

### Notification.

#### **a. Statements of the Commanding Officer:**

(1) "As your commander, I have disciplinary powers under Article 10 of the CDC. I have received a report that you violated the Cadet Disciplinary Code, and I am considering imposing punishment. As a record of these proceedings I will use USMA Form 2-3(Formal) or 2-3-1 (Summarized). I now hand you this form. Read items 1 and 2. Item 1 states the offense(s) you are reported to have committed and item 2 lists the rights you have in these proceedings."

(2) "Do you understand Item 1? Do you understand the offense(s) you are reported to have committed?" (Cadet response is yes/no.)

(3) "Do you understand Item 2? Do you have any questions about your rights in these proceedings?" (yes/no response.)

(4) "You are allowed to submit evidence in your behalf:

(a) Evidence in defense are facts showing that you did not commit the offense(s) stated in item 1. Even if you cannot present any evidence in defense, you can still submit evidence in extenuation or mitigation,

(b) Evidence in extenuation are circumstances surrounding the offense, showing that the offense was not very serious.

(c) Evidence in mitigation are facts about you, showing that you are a good cadet and that you deserve light punishment."

(5) "You can make a statement and have available witnesses present at the proceeding.

(6) \*"You may request to have a spokesperson appear with you and speak on your behalf." \* (no spokesperson may appear for summarized proceedings.)

(7) "I will interview any available witnesses and consider any evidence you think I should examine."

(8) "Do you understand these matters regarding your defense?" (yes/no response from cadet)

(9) "If, after you have presented your evidence, I am convinced that you committed the offense, I could then punish you. The maximum punishment I could impose on you would be \_\_\_\_"(punishment from Table 19-1.)

(10) For summarized only: "Do you refuse a summarized proceeding and request a formal proceeding?"

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(11) “Do you need additional time to gather evidence or witnesses?” (Yes/no response from cadet. If cadet answers yes, give the cadet a reasonable period of time to gather evidence. Tell the cadet when the proceedings will resume, and then recess the proceedings. If the answer is no, the proceedings may continue. If someone else conducted the notification proceedings, the imposing commander will conduct the remainder of the proceedings.)

### Hearing

#### a. Statements by Commanding Officer

(1) \* “Do you have a spokesperson to speak on your behalf?” \*(not part of summarized proceedings.)

(2) “Do you have a statement to present?”

(3) “Do you have any witnesses available?”

(4) “Do you have any evidence to present, either in defense, extenuation, or mitigation?”

(5) “Do you have any further evidence to present.”

(6) Have the cadet initial the appropriate blocks in items 3a and 3b (item 3 on form 2-3-1), then have cadet date and sign.

b. If the evidence persuades you that you should not punish the cadet, terminate the proceedings, inform the cadet of your decision, and destroy all copies of USMA Form 2-3 or 2-3-1. If you are convinced that the cadet committed the offense(s) and deserves to be punished, impose punishment. If you are convinced that the cadet is guilty of some, but not all offenses, strike out in pen those offenses the cadet is not guilty of and then proceed to impose punishment.

### Imposition of Punishment

a. **Statement of CO:** “I have considered all the evidence. I am convinced that you committed the offense(s). I impose the following punishments:” ( announce punishment.)

b. After you have imposed punishment, complete items 4 and 5. Sign and date

c. Hand the USMA Form 2-3 (or 2-3-1) to the cadet. Inform the cadet of his/her right to appeal.

#### **Statements of CO:**

(1) “Read item 4 which lists the punishment I have just imposed on you. Now read item 5 which points out that you have a right to appeal this punishment to (title and organization of next superior authority.) You can appeal if you believe that you should not have been punished at all, or that the punishment is too severe. Any appeal should be submitted within 3 calendar days. An appeal submitted after that time may be rejected. Even if you appeal, the punishment is effective today(unless the imposing commander sets another date.) Once you submit an appeal, it must be acted upon by (title and organization of next superior) within\_\_\_ duty days ( 3 for summarized; 5 for formal), excluding the day of submission.”

(2) “Do you understand your right to appeal?”(yes or no from cadet)

(3) “Do you desire to appeal?” (If cadet responds yes, go to (6). If no, then continue.)

(4) “If you do not want to appeal, initial block “a” in item 6 and sign the blank below item 6.”

(5) “You are dismissed.”

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### **(6) (if yes regarding appeal)**

(a) “Do you want to submit any additional matters to be considered in an appeal?” (If cadet responds yes, go to (7). If no, then continue.)

(b) “Initial block b in item 6 and sign the blank below item 6. I will notify you when I learn what action has been taken on your appeal. You are dismissed.”

**(7). (if yes regarding additional matters)** “If you intend to appeal and do not have the additional matters with you, item 6 will not be completed until after you have obtained all the additional material you wish to have considered on appeal. When you have obtained this material, return with it by (specify a date within 2 calendar days from the date punishment is imposed) and complete item 6 by initialing the box and signing the blank below. After you complete item 6, I will send the USMA Form 2-3 and the additional matters you submit to (title and organization of next superior authority.) Remember that the punishment will not be delayed (unless the imposing commander sets another date.) You are dismissed.”

### **309. Appeal of Punishment under Article 10 proceedings.**

#### **a. General.**

(1) Only one appeal is permissible under Article 10 proceedings. An appeal not made within a reasonable time may be rejected as untimely by the superior authority. A reasonable time will vary according to the situation; however, an appeal(including all documentary matters) submitted more than 3 calendar days after the punishment is imposed will be presumed to be untimely, unless the superior commander, in his or her sound discretion for good cause, determines it to be timely.

(2) If, at the time of imposition of punishment, the cadet indicates a desire not to appeal, the superior authority may reject a subsequent election to appeal, even though it is made within the 3-day period. A vacation of a suspended punishment may not be appealed.

(3) Regardless of whether the cadet appeals, commanders should be aware that they have the authority to suspend, mitigate, or remit any unexecuted punishment which they imposed, at any time. This provides them the opportunity to reward a cadet’s good performance that indicates that the intended re-mediation effect of the punishment has been accomplished.

#### **b. Who may act on an appeal.**

(1) The next superior commander to the commanding officer who imposed the Article 10 will act on an appeal if the cadet punished is still of the command of that officer at the time of appeal. If the commander has acted under a delegation of authority, the appeal will be acted on by the next superior commander to the delegating officer. If, at the time of appeal, the soldier is no longer of the imposing commander’s command, the next superior commander to the cadet’s present commanding officer(who has the same authority for imposing punishment) will act on the appeal.

(2) The “next superior commander” to an imposing commander is normally the next superior in the chain of command. Appeals of punishment imposed by the Brigade First Captain are acted on by the Brigade Tactical Officer or his designee. In cases of question, the Brigade Tactical Officer or Commandant may designate a officer who is senior in rank or position as the “next superior commander” for the purpose of acting on an appeal.

(3) Appeals of punishments received from summarized proceedings are acted upon within the cadet chain of command, with appropriate advice from the tactical officer counterpart for that cadet commander. Appeals of punishments received from formal proceedings are acted upon by the tactical officer chain of command.

**c. Procedure for submitting an appeal.** All appeals will be made on USMA Form 2-3 or 2-3-1 and forwarded through the imposing commander or successor-in-command, when applicable, to the superior authority. The superior authority will act on the appeal. The cadet may attach documents to the appeal for consideration. A cadet is not required to state reasons for the cadet’s appeal; however, the cadet may do so.

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d. **Action by the imposing commander.** Upon appeal, the imposing commander may take any action on the appeal with respect to the punishment that the superior commander could take. If the imposing commander or a successor suspends, mitigates, remits, or sets aside any part of the punishment, this action will be recorded to notes 8 and 9, USMA Form 2-3, or notes 9 and 10 of USMA Form 2-3-1. The commander must then ask the cadet if he or she wishes to withdraw the appeal. The appeal must be voluntarily withdrawn; if not, then forward the appeal. If the cadet withdraws the appeal, he or she will sign such a statement in block 9 or on the reverse of USMA Form 2-3. An officer forwarding an appeal may attach any statements of rebuttal regarding a cadet's assertions. An officer forwarding an appeal will provide reasonable assistance to the cadet, and will promptly forward the appeal to the next superior commander (see para e below).

e. **Action by the superior authority.** Action by the superior authority on appeal will be entered in item 7, USMA Form 2-3, or item 7, USMA Form 2-3-1. The superior authority will act on the appeal expeditiously. Once the cadet has submitted an appeal, including all pertinent allied documents, the appeal normally should be decided within 5 calendar days (3 days for summarized proceedings.) The superior authority may conduct an independent inquiry into the case, if necessary or desirable. The superior authority normally will not accept an appeal in person, but may do so at his or her discretion. In acting on an appeal, the superior authority can approve or reduce, but not increase, the punishment imposed by the first commander.

f. **Action by superior authority regardless of appeal.** Any superior authority may exercise the same powers as may be exercised by the imposing commander, whether or not an appeal has been made IAW the above procedures.

### 310. Review.

a. **Formal Article 10.** After completion of actions by the imposing commander, completion of any appeal, and recording into the Automated Discipline System (ADS) by the Regimental disciplinary clerk, the USMA Form 2-3 is forwarded to the Regulations and Discipline Office for administrative review.

b. **Summarized Article 10.** After completion of actions by the commander and any appeal by the cadet, the Tactical Officer will review the USMA Form 2-3-1 or USMA Form 2-3-1A for completeness and correctness, forward to Regiment for recording into the ADS and filing in the TAC file. The cadet company commander and company tactical officer will review any platoon-leader administered Summarized Article 10 before forwarding it to Regiment for recording.

### 311. Publication of Results

a. In order to be effective, the Cadet Disciplinary System must not only function properly, but it must also appear to function properly. The commander may announce the disposition of all cases involving punishment. This may be done orally, as in a routine formation, and also in writing by posting a formal notice on bulletin boards or other such locations.

b. All formal punishments (company and field grade Article 10s and Superintendent actions) including suspended punishments, will be announced in a disciplinary punishment orders published by the regulations and discipline officer.

### 312. Other Sanctions for Misconduct Outside the Cadet Disciplinary System.

a. Regulations, USMA. Chapters 8 and 10 of Regulations for the United States Military Academy (Regulations, USMA) also pertain to the discipline of the Corps of Cadets. Misbehaviors for which cadets may be separated or otherwise punished within or outside the provisions of the cadet disciplinary system include the following (as further defined in Chapters 8 and 10, Regulations, USMA):

(1) Undesirable habit or trait of character; possession, use or transfer of drugs or narcotics; while on the West Point Military Reservation, drinking, possession or trafficking in intoxicating beverages, except as authorized by regulation, or being found in any degree under the influence of intoxicating beverages; sexual misconduct; ungentelemanly or unladylike conduct; hazing; combinations among cadets in joint action for the purpose of violating

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or evading regulations, orders, or instructions; indebtedness; criminal conviction in civil or military court; and, any misbehavior punishable under the UCMJ by confinement for 6 months or more.

(2) Misconduct processed for separation or other punishment outside the provisions of the cadet disciplinary system (i.e., this regulation) may also be processed under provisions of this regulation, except that if an act could lead to separation, it will be processed under only one system which could lead to separation (unless the offense elements are different under the different systems).

(3) Tactical officers must identify misconduct and determine the appropriateness of referring such cases for action under Regulations, USMA.

(4) Attention must be given to the proper identification of serious infractions, which in the military environment are punished as misconduct. Such infractions should be considered for processing as misconduct under the provisions of Regulations, USMA, particularly when committed by second and first class cadets.

**b. Separation.** A cadet will be recommended for separation when the retention of a deficient cadet is not considered to be in the best interests of the Corps of Cadets, the Military Academy or the United States Armed Forces. Only the Secretary of the Army, or his or her designee, may direct separation. When the Superintendent recommends a cadet be separated, he or she may also direct that the cadet be immediately suspended from the Military Academy pending the final decision of the Secretary of the Army. The cadet will immediately out process without regard to term-end examinations or military programs unless otherwise directed by the Superintendent.

**c. Suspension..** Suspension is an alternative to separation for deficiency in conduct. Its purpose is to permit a deficient cadet with an otherwise extraordinarily good record to examine his or her commitment to the Military Academy and to the Army, and to allow that cadet to mature sufficiently to meet the standards of conduct should the commitment be reaffirmed. The Superintendent may direct suspension in lieu of forwarding a case to HQDA with a recommendation for separation, or the Secretary of the Army may direct suspension in lieu of separation. The period of suspension is usually 1 year or less.

**d. UCMJ.** Uniform Code of Military Justice. The cadets at the United States Military Academy are members of the Regular Army on active duty and subject to the Uniform Code of Military Justice, except that a cadet may not be given punishment under Article 15 of the UCMJ. Cadets are subject to trial by Courts Martial.

**e. Turn-back.** If a cadet is found to be deficient in conduct, the Superintendent may direct that the cadet be turned back to the next lower class. This action may or may not be taken in conjunction with suspension from the Military Academy and other punishments.



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USMA FORM 2-3; NOT for use in summarized proceedings

## RECORD OF FORMAL PROCEEDINGS UNDER ARTICLE 10, CADET DISCIPLINARY CODE

Level of Proceeding(check one):    **Company**    **Battalion**    **Regimental**    **Brigade**  
☐    ☐    ☐    ☐

**SEE NOTES ON REVERSE BEFORE COMPLETING FORM**

a. Cadet Name (Last, First, MI)	b. Class	c. SSN	d. Unit	e. Corps Squad/DCA Club: Yes    No Notification sent? YES    NO
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### **NOTIFICATION:**

- I am considering whether you should be punished under Article 10, CDC, for the following misconduct: 1/
- You have several rights under this Article 10 proceeding. First I want you to understand I have not yet made a decision whether or not you will be punished. I will not impose punishment unless I am convinced by a preponderance of the evidence that you committed the offense(s). You may request a person to speak on your behalf. You may present witnesses or other evidence to show why you shouldn't be punished at all (matters of defense) or why punishment should be very light (matters of extenuation and mitigation). I will consider everything you present before deciding whether I will impose punishment or the type and amount of punishment I will impose. 2/
- Your hearing will proceed on \_\_\_\_\_. (date/time/location; at least 48 hours) You have until then to prepare any matters for your defense. 3/

DATE:	NAME, GRADE, AND ORGANIZATION OF COMMANDER (OR DESIGNATED REPRESENTATIVE)	SIGNATURE
TIME:		

### **HEARING:**

- Having been afforded the opportunity to prepare for this hearing, my decisions are as follows: (initial appropriate blocks, date, and sign)
  - A person to speak on my behalf    ☐ Is requested    ☐ Is not requested.
  - Matters in defense, mitigation, and/or extenuation:    ☐ Are not presented    ☐ Will be presented in person    ☐ Are attached.

DATE	NAME AND GRADE OF CADET	SIGNATURE
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### **IMPOSITION OF PUNISHMENT:**

- In this hearing, all matters presented in defense, mitigation, and/or extenuation, having been considered, the following punishment is imposed: 4/
  - Admonition/Reprimand
  - Extra-Duty(hours)
  - Restriction(Days)
  - Reduction in Rank to: \_\_\_\_\_(rank)
  - Other \_\_\_\_\_
- Withdrawal of Privileges: (circle one) ALL    or    AS SPECIFIED: \_\_\_\_\_ for \_\_\_\_\_ days.
- Suspension (para): \_\_\_\_\_ ; to be automatically remitted if not vacated before \_\_\_\_\_(date) 5/    h. Demerits Awarded \_\_\_\_\_ (Discipline Clerk Use)
- You are advised of your right to appeal to BTO within 3 calendar days. An appeal made after that time may be rejected as untimely. Punishment is effective immediately unless otherwise stated above.

DATE	NAME, GRADE, AND ORGANIZATION OF COMMANDER	SIGNATURE
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### **APPEAL:**

- (initial appropriate block, date, and sign)
  - ☐ I do not appeal
  - ☐ I appeal and do not submit additional matters. 6/
  - ☐ I appeal and submit additional matters. 6/

NAME AND GRADE OF CADET	SIGNATURE
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- After consideration of all matters presented in appeal, the appeal is:
   
☐ Denied    ☐ Granted as follows: 7/

DATE	NAME, GRADE, AND ORGANIZATION OF COMMANDER	SIGNATURE
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8. I have seen the action taken on my appeal.	DATE	SIGNATURE
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- ALLIED DOCUMENTS AND/OR COMMENTS. 8/ 9/

USMA Form 2-3 (APR 01)

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### NOTES

(for use with USMA Form 2-3)

#### THIS FORM IS TYPE WRITTEN

- 1/ Insert a concise statement of each offense in terms citing the appropriate Article of the Cadet Disciplinary Code and stating a specific violation of the USCC SOP referencing the para, chapter, section, and annex.
- 2/ Inform the cadet of the maximum punishment which may be imposed under Article 10.
- 3/ Give the member a copy of this form.
- 4/ Offenses determined not to have been committed will be lined out. If the imposing commander decides not to impose punishment, the member will be notified and all copies of this form destroyed.
- 5/ If a punishment is suspended, indicate which part(s) by referencing the appropriate paragraph in item 4. Fill in the date that the suspension is over. This date cannot be beyond the date that punishment would have been completed had it not been suspended. If punishment includes a written admonition or reprimand, it will be attached to this form and listed in Item 9 as an allied document.
- 6/ If the member appeals, this form and all written evidence considered by the imposing commander will be forwarded to the superior authority.
- 7/ The superior authority will initial the appropriate block. If the appeal is granted, the specific relief granted will be stated according to note 9.
- 8/ In this space indicate the number of pages attached as follows: Allied documents on appeal consist of \_\_\_\_\_ pages. Allied documents include all written matters considered by the imposing commander submitted by the member on appeal and the commander's rebuttal, if applicable. If addition space is needed for completion of any item(s), use plain paper headed "Continuation Sheet 1," etc.
- 9/ Applicable portions of the following format may be used to record action taken on appeal. Appropriate language should be entered in item 9 or, if necessary, on a continuation sheet.

#### Suspension, Mitigation, Remission, or Setting Aside

On (date), the punishment(s) of \_\_\_\_\_ (cadet name) \_\_\_\_\_, imposed on (date of punishment) (was) (were) (suspended and will be automatically remitted if not vacated before(date)) (mitigated to) (set aside, and all rights, privileges, and property affected restored) (by my order) (by order of) (the officer who imposed the punishment) (as superior authority.)

(typed name, grade, and organization of commander) /s/ \_\_\_\_\_

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USMA FORM 2-3-1; for use in summarized proceedings

## RECORD OF SUMMARIZED PROCEEDINGS UNDER ARTICLE 10, CADET DISCIPLINARY CODE

SEE NOTES ON REVERSE BEFORE COMPLETING FORM

This form will be used only by cadet commanders and then ONLY when no punishment OTHER THAN oral admonition or reprimand, 10 hours extra-duty or less, withdrawal of privileges for 7 days or less, or a combination thereof will be imposed. 1

a. Cadet Name (Last, First, MI)

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b. Class

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c. SSN

d. Unit
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**NOTIFICATION:**

1. On \_\_\_\_\_ (at least 24 hours prior), the above cadet was advised that I was considering imposition of punishment under the provisions of Article 10, Cadet Disciplinary Code, Summarized Proceedings, for the following misconduct: 2/

2. The cadet was advised that no statement was required. The cadet was informed of the right to refuse summarized proceedings and receive adjudication under formal Article 10 proceedings. The cadet was also informed of the right to present matters in defense, extenuation or mitigation, and that any matters presented would be considered by me before deciding whether to impose punishment, the type or amount of punishment if imposed, or that no punishment would be imposed unless I was convinced by a preponderance of the evidence that the cadet committed the misconduct. The cadet was afforded 24 hours to make a decision regarding these rights.<sup>3/</sup>

**HEARING:**

3. Having been afforded the opportunity to prepare for this hearing, the cadet's decision was as follows: (initial appropriate block)  
Matters in defense, mitigation, and/or extenuation: ☐ were not presented ☐ were presented in person ☐ Are attached.

**IMPOSITION OF PUNISHMENT:**

4. In this hearing, all matters presented in defense, mitigation, and/or extenuation, having been considered, the following punishment was imposed: 4/

a. \_\_\_\_Admonition/Reprimand)      b. \_\_\_\_Extra-Duty(hours)      c. \_\_\_\_Restriction (days)

d. Withdrawal of Privileges:(circle one) ALL or AS SPECIFIED:\_\_\_\_\_ for \_\_\_\_\_days.

e. Suspension (para): \_\_\_\_\_; to be automatically remitted if not vacated before \_\_\_\_\_ (date) 4/ h. Demerits Awarded \_\_\_\_\_  
(Discipline Clerk Use)

5. The cadet was advised of the right to appeal to the \_\_\_\_\_ within 3 calendar days, that an appeal made after that time may be rejected as untimely, and that punishment is effective immediately unless otherwise stated above. The cadet :

☐ Elected immediately not to appeal. 5/

☐ Requested time to decide whether to appeal and the decision is indicated in item 6, below. **6/**

DATE \_\_\_\_\_

NAME, GRADE, AND ORGANIZATION OF COMMANDER

SIGNATURE

**APPEAL:**

6. (initial appropriate block, date, and sign)

a. ☐ I do not appeal.      b. ☐ I appeal and do not submit additional matters.<sup>7/</sup>      c. ☐ I appeal and submit additional matters.<sup>7/</sup>

DATE \_\_\_\_\_

NAME, GRADE, AND ORGANIZATION OF CADET

SIGNATURE

7. After consideration of all matters presented in appeal, the is: 8/

☐ Denied      ☐ Granted as follows:

DATE \_\_\_\_\_

NAME, GRADE, AND ORGANIZATION OF COMMANDER

SIGNATURE

8. I have seen the action taken on my appeal.

---

DATE

SIGNATURE OF CADET

9. ALLIED DOCUMENTS AND/OR COMMENTS. 9/ 10/ 11/

USMA Form 2-3-1 (APR 01)

## CHAPTER 3, USCC Regulation 351-2

### NOTES

(for use with USMA Form 2-3-1)

**1/** Ordinarily, entries on this form will be handwritten in ink.

**2/** Insert a concise statement of each offense in terms citing the appropriate Article of the CDC and stating a specific violation of the USCC SOP referencing the para, chapter, section, and annex.

**3/** Offer the cadet 24 hours to decide on accepting summarized proceedings and to prepare any defense. If the cadet elects to accept the summarized proceeding and does not want time, proceed with the hearing.

**If the cadet elects not to accept the summarized proceedings and requests formal Art 10 proceedings, stop the proceeding and begin processing for a formal Art 10.**

**4/** a. Offenses determined not to have been committed will be lined out. If the imposing commander decides not to impose punishment, the cadet will be notified and no copies of this record will be prepared.

b. If a punishment is suspended, indicate which part(s) by referencing the appropriate paragraph in item 4. Fill in the date when the suspension is over. This date cannot be beyond the date that punishment would have been completed had it not been suspended. If punishment includes a written admonition or reprimand, it will be attached to this form and listed in Item 9 as an allied document. \_\_\_the following statement should be added after it: "To be automatically remitted if not vacated before (date)."

**5/** If the cadet elects immediately not to appeal,, items 6 and 7 will not be completed.

**6/** The imposing commander will initial the appropriate block.

**7/** If the individual appeals, this form and all matters set forth in item 9 will be forwarded to the superior authority.

**8/** The superior authority will initial the appropriate block.

**9/** In this space indicate the number of pages attached as follows: Allied documents on appeal consist of \_\_\_\_\_ pages. Allied documents include all written matters considered by the imposing commander submitted by the member on appeal and the commander's rebuttal, if applicable. If addition space is needed for completion of any item(s), use plain paper headed "Continuation Sheet 1," etc.

**10/** Applicable portions of the following format may be used to record action taken on appeal. Appropriate language should be entered in item 9 or, if necessary, on a continuation sheet.

Suspension, Mitigation, Remission, or Setting Aside

On (date), the punishment(s) of \_\_\_\_\_(cadet name)\_\_\_\_\_, imposed on  
(date of punishment) (was) (were) (suspended and will be automatically remitted if not  
vacated before(date)) (mitigated to) (set aside, and all rights, privileges, and property  
affected restored) (by my order) (by order of) (the officer who imposed the punishment)  
(as superior authority.)

(typed name, grade, and organization of commander) /s/ \_\_\_\_\_

**11/ Tactical Officer will review all Forms 2-3-1. Tactical Officer Initials:\_\_\_\_\_.**

### CHAPTER 3, USCC Regulation 351-2

<b>Summarized Article 10 Proceedings for Minor or Recurring Offenses</b> <small>For Use of this Form See Annex A USCC SOP: Proponent Agency is R and D USCC</small>									
<b>PART I - ADMINISTRATIVE DATA</b>									
a. NAME OF CADET OBSERVED (Last, First, MI)				b. POSITION			c. GRAD YR		d. COMPANY
e. TASK/SITUATION/COURSE (e.g. "inspection in ranks, 27Sep 98" or "Classroom Participation EV203, 27 Sep 98")							f. DATE OBSERVED		
<b>PART II - OBSERVATION DATA</b>									
Categorize the observed behavior(s) into the appropriate Cadet Leader Values/Attributes/Skills/Actions below. Use the scale to assess the cadet's performance only in the area(s) observed.									
OUTSTANDING --4		SATISFACTORY-- 3			MARGINAL--2			UNSAT--1	
<b>VALUES</b>		<b>ATTRIBUTES</b>		<b>SKILLS</b>		<b>ACTIONS</b>			
Loyalty		Mental		Conceptual		Communicating		Assessing	
Duty		Physical		Interpersonal		Planning		Learning	
Respect		Emotional Attributes		Technical		Developing			
Selfless Service				Tactical		Decision Making			
Honor						Executing			
Integrity						Building			
Personal Courage						Motivating			
Cite <b>specific observed behaviors</b> that are relevant to the position/situation. (e.g., "inspected each item as required and made appropriate remarks," or "Cadet Smith could not answer simple questions which would have been obvious if the material had been read.")									
Observer Comments: <i>Observer's judgment on the impact of these behaviors on either the situation or task/mission accomplishment. (Mandatory for marginal or unsatisfactory assessments)</i>									
NAME			POSITION/UNIT SIGNATURE					DATE	
Observed Cadet Comments: (Optional, if more space needed, attach a memorandum for record)									
SIGNATURE			POSITION/UNIT				DATE		
<b>FORWARD TO CADET COMPANY FOR DISPOSITION</b>									
<b>PART III -UNIT ACTION DATA <u>1/</u></b>									
<b>PLT LDR:</b> Complete and sign below. (If the cadet is assigned out of company, then the immediate supervisor will complete this portion) <div style="display: flex; justify-content: space-between;"> <span><b>No further action required</b> <input type="checkbox"/></span> <span><b>Record of Counseling required and attached</b> <input type="checkbox"/></span> <span><b>Refer to higher authority for disposition/disciplinary action</b> <input type="checkbox"/></span> </div> Name: _____ Signature: _____ Date: _____									
<b>CO CDR:</b> initial after review _____ TAC Officer: initial after review _____									
<b>PART IV -SUMMARIZED PROCEEDINGS (CO CDR or TAC)</b>									
INFRACTION ARTICLE # <u>2/</u>	_____ Admonition/Reprimand) _____ Extra-Duty(hours) _____ Restriction (days)		Withdrawal of Privileges: _____ Suspension: _____ Demerits _____			Accept SUM ART 10 (Waive 24 Hrs period) 3/ <input type="checkbox"/>		Request Formal ART 10 3/ <input type="checkbox"/>	
Comments: (Specify offense or required when referring to higher level for action) <u>2/</u>									
SIGNATURE <u>5/</u>			UNIT				DATE		

## CHAPTER 3, USCC Regulation 351-2

### NOTES

#### USMA Form 2-3-1A Summarized Article 10 Proceedings for Minor or Recurring Offenses

1/ Ordinarily, entries on this form will be handwritten in ink. This form is may be used to adjudicate minor and recurring offenses under the Cadet Disciplinary Code.

2/ Insert Article infraction and a concise statement of the offense(s) in terms citing the appropriate Article of the CDC and stating a specific violation of the USCC SOP referencing the para, chapter, section, and annex in comments section.

3/ The cadet must elect to Accept the Summarized proceedings (waiving their 24 hours decision period) or request a Formal Article 10. **If the cadet elects not to accept the summarized proceedings and requests formal Art 10 proceedings, stop the proceeding and begin processing for a formal Art 10.**

4/ a. If the imposing commander decides not to impose punishment, the cadet will be notified and no copies of this record will be prepared.

b. If a punishment is suspended, indicate which part(s) in the Suspension portion. Fill in the date when the suspension is over. This date cannot be beyond the date that punishment would have been completed had it not been suspended. If punishment includes a written admonition or reprimand, it will be attached to this form.

c. Baseline punishment for a violation of Article 3, Delinquency in Accountability (for being absent or late), or Article 5, Delinquency in Academic Requirements or Reports, is 5 demerits and 5 extra duty tours and the loss of privileges for the following Saturday after punishment is imposed.

5/ The imposing commander will sign the appropriate blocks.

#### ***Tactical Officer Review:***

Initials: \_\_\_\_\_ Date: \_\_\_\_\_