

CHAPTER 1, USCC Regulation 351-2

CHAPTER 1 USCC COMMANDER'S LEGAL GUIDE

101. Cadet Discipline System

a. **Purpose.** The cadet discipline system exists to maintain good order and discipline within the Corps of Cadets. The system is both developmental and correctional in nature. Cadets learn to live within the standards of behavior necessary to support the requirements of military service. They also learn how to support, enforce, and administer a disciplinary system through corrections, counseling, and punishment. The system creates an environment so that each cadet may further develop a sense of duty, strengthen self-discipline to live within the spirit of all regulations and directives regardless of the origin, and accept responsibility for his or her actions. The obligations, standards, authorizations, and privileges described by cadet regulations provide cadets opportunities to demonstrate their level of responsibility and performance. The discipline system provides for counseling, reprimand, punishment, re-mediation, and conduct reviews. When corrective action is necessary, the tactical chain of command furthers the cadet chain of command's understanding throughout the discipline process on how individual behavior impacts on the command climate of a unit.

b. **Special Provisions.**

(1) Arrest. Only the Superintendent and the Commandant are authorized to place cadets in Arrest unless the offense is mutiny, direct disobedience of orders, gross disrespect to an officer, or participating in disorders, at which time any officer may place cadets in arrest. All arrests will be reported promptly to the Commandant and Superintendent. For the limits of arrest, refer to paragraph 13.03, *Regulations, USMA*.

(2) Withholding of Authority. The Commandant or any tactical officer (or summer Equivalent) may withhold the authority of a subordinate to dispose of a violation of regulations in individual cases, types of cases, or in general. In such cases, the individual withholding that authority may direct referral of the violation to the level of adjudication that he or she deems appropriate. Commanders will publish and distribute a memorandum specifying their withholding-of-authority policy.

102. Leaders' Roles and Alternatives. The Military Academy provides several courses of action to all leaders and commanders to deal with disciplinary issues and violations of the USCC SOP, Regulations for the United States Military Academy(Regs, USMA), UCMJ, and civil law. While some corrective methods are available to all leaders, some are reserved for specific leaders or commanders. Before making any decision or recommendation concerning an alleged violation, a leader conducts a preliminary inquiry. The most appropriate means of handling an infraction is derived from the exercise of sound judgment after considering the individual, the infraction, and all the attendant circumstances. The elected course of action must be the product of wise and informed discretion supported by staff advice. **Generally commanders use the least severe means sufficient to solve a disciplinary problem.** All leaders and commanders should consider non-punitive measures, administrative actions, punishment under Article 10, the different levels of cadet conduct status, and conduct reviews and their accompanying dispositions.

103. Nonpunitive Measures and Administrative Actions. While not appropriate in serious cases, nonpunitive measures are often the most prompt and effective way to dispose of minor disciplinary infractions. In adverse administrative actions, the development level of an offender and his or her state of mind at the time of the misbehavior determine the value of each action. In other words, what might be effective corrective action for one cadet may not be as effective for another. The situation might warrant a combination of the following actions (see also table 1-2):

a. **On-the-Spot Corrections.** An on-the-spot correction is frequently the most appropriate and expedient remedial action. A leader (or peer) who observes sub-standard performance and fails to take note or to correct it ultimately contributes to erosion of the standard. Appropriate use of spot corrections requires leaders to determine "when" and "how" to take this type of action. While all leaders bear responsibility for making spot corrections, follow-up remedial action is the responsibility of leaders in the subordinate's immediate chain of command.

CHAPTER 1, USCC Regulation 351-2

b. **Counseling.** Correction of cadets may also be accomplished with counseling. It may be written or verbal and may be used by cadets and staff and faculty to assist cadets in identifying their strengths and weaknesses and to assist in the day-to-day aspects of cadet life. Coaches, instructors, and mentors may be included in the counseling process to assist in cadet development and to reinforce counseling efforts. Some situations result in professional counseling by the chaplain, CPD counselors, or other agencies available to cadets. Counseling is also a critical part of any administrative or punitive measure taken with cadets as it serves to enhance their understanding and development. In most cases, it is a mandatory part of the disciplinary process involving formal action.

c. **Admonitions and Reprimands.** Reprimands and admonitions are more formal than counseling and should be construed as warnings against further misbehavior. An admonition is a mild reproach to correct misbehavior; a reprimand is a more serious action. Cadets and staff and faculty may issue admonitions or reprimands, either oral or written, as a corrective action. Written admonitions or reprimands must be filed in a cadet's leader log or TAC file. Since admonitions or reprimands may also be imposed as punishment, leaders should distinguish between administrative action and punishment.

d. **Extra Training.** Extra training is for cadets who have demonstrated that they need and would benefit from additional instruction or practice in a particular area. Extra training and instruction, if timely and appropriate, may correct deficiencies and eliminate the need for formal disciplinary measures in the future. Before using this measure, keep in mind that it is appropriate only when the training relates to the deficiency. It is impermissible if the purpose is solely or primarily to impose punishment. In addition, the training may not conflict with other duty requirements to include the evening study period.

e. **Remedial Skills Training.** There are many agencies that offer remedial skill training, such as the Center for Enhanced Performance and the Center for Professional Development. Leaders should consider these resources and what services they provide to assist correcting deficiencies. Cadets may participate in this training on a voluntary basis, but only the tactical chain of command may refer cadets to these agencies.

f. **Withdrawal of Privileges.** Commanders may deny the use of all or part of a cadet's privileges for administrative reasons such as sub-standard performance in academics, physical education, and military duties. The intent of the withdrawal of privileges is to allow for time to re-mediate the deficiency. Constructive counseling is necessary so that the individual understands the relationship between the deficiency and the withheld privileges. Withdrawal of privileges may also be imposed as punishment; therefore leaders must distinguish between administrative action and punishment when using this measure. See table 1-1 for commanders' limits on withdrawal of privileges, and refer to para 1-4 k for Cadet Flagging Procedures.

g. **Performance Grade.** Substandard performance can, in many situations, negatively reflect on a cadet's performance grade in any of the developmental programs. Supervisors and instructors should appropriately use this measure to influence conduct or to report and record substandard performance.

h. **Suspension and Relief from Duty.**

(1) **Suspension.** Any cadet officer or cadet noncommissioned officer who demonstrates a poor sense of duty, or who is suspected of committing a serious breach of regulations, or who otherwise appears to be unable or unwilling to meet the required standards, may be temporarily suspended from assigned command or staff duties until such time as the situation is resolved. Company Tactical Officers, Regimental Tactical Officers, and the USCC Officer-in-Charge are authorized to suspend cadet officers and noncommissioned officers. The Brigade Tactical Officer will be advised of these actions by the chain of command.

(2) **Relief.** Company or Battalion Tactical Officers with the approval of the Regimental Tactical Officer are authorized to relieve for cause cadet noncommissioned officers. Regimental Tactical Officers with the approval of the Brigade Tactical Officer may relieve for cause cadet lieutenants and non-commissioned officers (minus CSMs) within their chains of command. The Brigade Tactical Officer with the approval of the Commandant of Cadets may be relieve for cause cadet captains or CSMs within the chain of command.

(3) **Documentation and Follow on Actions.** All actions involving suspension and relief will be

CHAPTER 1, USCC Regulation 351-2

documented by the chain of command and the individual cadet involved in the action will be counseled in writing. Follow on actions may include, but are not limited to, reinstatement, reassignment within the current chain of command, rehabilitative transfer out of their current organization, or other re-mediation at the direction of the chain of command.

(4) **Reinstatement.** The suspending or relieving authority or other senior commander within the chain of command may reinstate a suspended or relieved cadet.

i. **Removal from Corps Squad, Competitive Club and Extracurricular Activities.** Members or managers of corps squad teams, competitive club teams or other extracurricular activities will be removed from all such activities in accordance with subparagraphs (1) through (5) below. All team activities include meetings, practices, training, competition, social functions, and any other team-related activity. Extracurricular activities include, but are not limited to, all organized cadet activities under the supervision of the Director of Cadet Activities.

(1). A cadet who is found guilty of misconduct by an investigation convened by the Superintendent under provisions of *Regulations, USMA*, will be removed from all team, club or extracurricular activities until such time as the Superintendent makes a decision in the case. The tactical officer will notify either ODIA or DCA, as appropriate.

(2) A cadet who is recommended by the Commandant to the Superintendent for separation, suspension, or turnback due to conduct deficiency may be temporarily removed from all team and extracurricular activities until the Superintendent makes a formal decision. The Commandant may also direct similar removal for cases involving lesser action, i.e., suspended separation, probation, etc.

(3) A cadet who is found on an honor investigative hearing will be removed from all team and extracurricular activities until the honor investigative review is resolved IAW The Honor System and SOP.

(4) Cadets who are placed on restriction as a punishment imposed under the provisions of Article 10 proceedings or *Regulations, USMA*, are ineligible to participate in extracurricular activities until the restriction is complete. Cadets may be authorized by the tactical officer to participate in those activities that directly contributes to their athletic performance index (API).

104. Punishment under the Cadet Disciplinary System. Commanders (the tactical chain of command and cadet commanders) may impose punishment on cadets under their command for offenses under the provisions of Article 10, Cadet Disciplinary Code (Chapter 4) subject to a superior commander's withholding. Commanders must maintain a fair and judicious approach to proceedings under Article 10. The commander may not decide whether the cadet is guilty until the cadet has presented all evidence in defense. If the commander concludes that the cadet is guilty by a preponderance of the evidence, he or she should consider the cadet's evidence in extenuation and mitigation, and then decide what punishment is appropriate. The USMA Legal Assistance office does not normally assist cadets facing Article 10 proceedings.

a. **Summarized Article 10.** Cadet commanders and Tactical Officers may hold disciplinary hearings and impose punishment under summarized Article 10 proceedings or summarized Article 10 proceeding for minor or recurring offenses as outlined in table 1-1. If the cadet commander or Tactical Officer determines that the offense would be more appropriately adjudicated under more formal proceedings, he or she should forward the case to the tactical officer chain of command.

b. **Company Grade Article 10.** Company and battalion tactical officers may impose punishment as outlined in table 1-1. If the company tactical officer determines that the offense would be more appropriately addressed in a proceeding at battalion level, he or she should forward the case to the battalion tactical officer with a request that he or she exercise battalion-level authority under the provisions of Article 10. A tactical officer may also elect to refer the offense to the regimental tactical officer or above for adjudication under field grade Article 10 proceedings.

c. **Field Grade Article 10.** Regimental tactical officers and above in USCC may hold field grade Article 10 proceedings and impose punishment as outlined in table 1-1. If the regimental tactical officer determines that the offense would be more appropriately adjudicated by a higher commander, he or she should forward the case to the

CHAPTER 1, USCC Regulation 351-2

Brigade Tactical Officer or Commandant with a request that he or she exercise authority under the provisions of Article 10.

d. **Determining level of punishment.** Table 1-1 is put forth as a guideline for commanders to use when determining level of proceedings for a specific offense. The chart is not all inclusive and offenses not included should be judged in accordance with similar offenses. However, it is mandatory for a Tactical Officer to initially send up the offense to the level indicated. The adjudicating authority may send the board up or down one level based on extenuating and mitigating circumstances.

e. **Procedure for Administering Article 10.** (refer to Chap 3 for further details on the conduct of Article 10 proceedings.)

1. Summarized Proceedings (cadet chain-of-command/Tactical Officer). During summarized proceedings, Cadet Commanders, Tactical Officers or their designated representative will notify the accused cadet of the commander's intent to initiate summarized Article 10 proceedings, take the following actions, and record the proceedings on USMA Form 2-3-1(Revised) or USMA Form 2-50:

(a) The imposing commander, or a designated cadet officer, or a cadet NCO in the position of platoon sergeant or above, must inform the accused cadet of the nature of the alleged offense(s) and certain rights that cadets have in the proceeding. This allows the accused cadet time to prepare for the proceedings. In these proceedings the cadet has the right to:

- (1) Refuse summarized Article 10 and request formal Article 10.
- (2) Examine all available evidence
- (3) Present his/her case to the imposing commander
- (4) Call and question witnesses
- (5) Submit matters in defense, extenuation, and mitigation.
- (6) Appeal within the Cadet Chain-of-command

(b) Cadets under consideration for summarized Article 10 proceedings are allowed a reasonable time, normally 24 hours, to prepare for the proceedings. The imposing commander should ensure the cadet is notified in a timely manner that facilitates both protection of the cadet's rights and the disposition of the proceedings within the processing guidelines.

(c) If the cadet does not request time to make a decision regarding rights or to gather evidence, the hearing part of the proceedings may immediately follow notification.

(d) The hearing consists of examination of evidence (written or oral) against and in favor of the cadet; determination of guilt or innocence; and, if the cadet is found guilty, consideration of evidence in extenuation and mitigation; followed by imposition of the punishment; and explanation of the right of appeal to the next higher cadet commander.

(e) If the chain of command elects to dispose of the offense under a summarized Article 10 for Minor or Recurring Offenses, the Cadet will be provided the opportunity to waive a hearing and be immediately adjudicated by the imposing commander. If the Cadet refuses the proceedings, the Company Tactical Officer will immediately initiate formal proceedings.

2. Formal Proceedings (Tactical Officer Chain of Command)

(a) If the cadet commander determines that an appropriate punishment may exceed the maximum for summarized proceedings, but not the maximum for formal Article 10 proceedings, the cadet commander may recommend formal proceedings.

(b) The imposing commander, or a designated officer, NCO, cadet officer, or a cadet NCO in the position of platoon sergeant or above, must inform the accused cadet of certain rights. This allows the accused cadet time to prepare for the formal proceedings. This may be done using the USMA Form 2-3 (Revised).

CHAPTER 1, USCC Regulation 351-2

This is the same form used to record and file formal Article 10 proceedings, and it specifies the rights of the accused during the proceedings. In formal proceedings the cadet has the right to:

- (1) Request a spokesperson
- (2) Examine all available evidence
- (3) Present his/her case to the imposing commander
- (4) Call and question witnesses
- (5) Submit matters in defense, extenuation, and mitigation.
- (6) Appeal within the Tactical Officer Chain-of-command

(c) Cadets under consideration for formal Article 10 proceedings are allowed a reasonable time, normally 48 hours, to prepare for the proceedings. The imposing commander should notify the cadet in a timely manner that facilitates both protection of the cadet's rights and the disposition of the proceedings within the processing guidelines. If someone else conducts the notification proceedings, the imposing commander must still conduct the remainder of the proceedings.

(d) The standard for determining guilt or innocence is by a preponderance of the evidence.

e. Imposition of Punishment.

1. General. Article 10 authority must be exercised in a just and dignified manner. Commanders must safeguard the cadet's right to present matters in defense, extenuation or mitigation, and to discuss the nature of the offense and the cadet's record with the commander. It is normal and appropriate for commanders to consult the cadet's chain of command concerning the circumstances of alleged misconduct and appropriate punishment.

2. Informing the Offender of Punishment. If the imposing commander determines, by a preponderance of the evidence, that the soldier has committed an offense under the Cadet Disciplinary Code, and decides to impose punishment, the commander will personally announce the punishment to the cadet, and write it on USMA Form 2-3 or 2-3-1 in the appropriate section.

3. Maximum Punishments. Table 1-2 outlines the maximum punishments authorized under Article 10. A field-grade level commander may impose greater punishment than a company-grade level commander. Tactical Officers may impose greater punishment than Cadet Commanders.

4. Minimum punishments. Minimum punishments for duty requirements are established as Table 1-5. These are specified only for absences/lates for class and assignments not turned in/late.

5. Filing. The records for summarized Article 10 proceedings will be filed at the company level, as determined by the Company Tactical Officer. Records of Formal Article 10 proceedings will be filed in the cadet's TAC file.

6. Recording. Regiments will record all Article 10's in the Automated Disciplinary System. The Regulations and Discipline office will maintain a database of all Article 10's.

f. Clemency.

1. General. Commanders must be aware of their power to grant clemency in order to realize the full effectiveness of the Article 10. Commanders imposing punishment under Article 10 have the power to suspend, remit, mitigate, or set aside punishment if they conclude that such action is warranted. These powers give commanders an effective means of rehabilitating offenders. A successor in command, or the next superior commander, may take any action the imposing commander could have taken.

2. Suspension. Suspension permits offenders the opportunity to demonstrate good conduct and efficiency. It also provides them with an incentive to stay out of further trouble. You may suspend an unexecuted portion of any punishment for a reasonable time, not to exceed the time it would take to serve the punishment. If

CHAPTER 1, USCC Regulation 351-2

during that time the cadet commits further acts of misconduct resulting in the award of 5 demerits and 5 hours or more, under Article 10 proceedings, the imposing Company or Battalion TAC (of the suspension) **must** make a recommendation to the RTO whether or not to vacate the suspension of punishment (i.e. put the original punishment immediately into effect). The RTO is the approval / disapproval authority for vacation of suspended punishment for Regimental boards and below.

3. Mitigation. Mitigation reduces the punishments severity and is appropriate when offenders demonstrate subsequent good conduct that merits a decrease in punishment. Mitigation is also warranted when the punishment is disproportionate to the offense.

4. Remission. Remission is the cancellation of the unserved portion of the punishment. Remission is appropriate when offenders demonstrate improved performance in their moral/ethical conduct. The chain of command may initiate a request for remission based upon their evaluation of the cadet's performance. The request must be routed in memorandum format through the COC to the imposing commander. Requests for remission will not be submitted until one-half of the award (tours, withdrawal of privileges, and/or restriction) has been served

5. Setting Aside. Commanders may set aside an Article 10 when he or she is convinced that an injustice has occurred. Setting aside restores all rights and privileges. A set-aside would be appropriate, for example, in a case in which new evidence or information proves the accused is innocent.

g. Appeals. Every cadet who receives an Article 10 has the right to appeal adverse findings and/ or the punishment. Appeals of summarized proceedings are within the cadet chain of command. Appeals of formal proceedings are within the tactical officer chain of command.

1. Effective Date and Execution of Punishment. Punishments under Article 10 are normally effective on the date of the imposition. Commanders may delay certain punishments for such reasons as academic, military, or physical program requirements, class events, etc. If the cadet files a timely appeal (normally within 3 calendar days of the hearing), the cadet continues to serve the punishment. If the appeal is not decided upon within a reasonable time limit (normally 5 days formal, 3 days informal), the commander imposing punishment may interrupt any punishment involving loss of privileges pending the decision on the appeal.

2. Procedure. The cadet is entitled to submit statements dealing with the offense or with the appropriateness of the punishment. The commander who originally imposed the punishment should consider these statements and, if warranted, modify the punishment imposed. Essentially, the commander treats the appeal as a request for reconsideration. If additional action such as suspension, mitigation, or remission is taken, the commander should then inquire if the cadet wishes to withdraw the appeal. If the cadet declines to withdraw the appeal, or if the commander takes no modification action, the commander must forward the appeal to the next higher commander. The forwarding commander should include a written endorsement addressing the issues raised in the cadet's appeal so the next higher commander will have all the necessary information to act. The next superior commander can approve or reduce, but not increase, the punishment imposed by the first commander.

h. Publication of Results. 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. The commander will protect all information subject to the Privacy Act of 1974 (SSN, Date of Birth etc.).

i. Restoration of Rank. For a reduction in rank under Article 10, cadets regain their rank after they complete the term of punishment as specified by the imposing commander. Rank is generally restored upon completion or suspension of extra-duty tours unless the tactical officer directs otherwise. If reduction in rank is not accompanied by extra-duty, the imposing commander will specify when the reduction-in-rank will be restored. This time period will not exceed the time it would take to serve the maximum extra-duty tours the imposing commander could have imposed.

j. Restriction. Restriction imposed under Article 10 proceedings or Superintendent's action is quarters limits with the following modifications:

CHAPTER 1, USCC Regulation 351-2

1. Loss of privileges. Cadets who are on restriction may not exercise authorizations or privileges unless specifically authorized in writing by the company tactical officer. Cadets on restriction must sign in/out in their unit departure book every time they depart their cadet room (except for the nearest latrine) after their last class Monday through Friday, and from reveille on Saturday through taps on Sunday. The restriction is in effect continuously 24 hours per day, 7 days a week, except during the summer training period and leave periods as stated in the next paragraph.

2. During the summer leave and training months, any unserved portion of restriction remaining from the academic year is suspended from the day of graduation until the first day of academics. The leave periods for Christmas and Hanukkah, Thanksgiving, Spring, and Summer are not counted in computing restriction start and end dates.

3. Performance of duty. Cadets are required to perform all normal duties and requirements commensurate with their rank.

4. One scheduled on-post chapel service per week.

5. One 90-minute period in Arvin Gymnasium each day for personal conditioning between 0520 and 1930 hours provided there are no conflicting duties (this may include running within post limits).

6. Use of library for academic reasons.

7. Studying in a company designated study room in the company barracks.

8. Studying in a platoon member's room.

9. Use of Keller Army Hospital and the Cadet Health Clinic for sick call and official appointments.

10. Post limits for attendance at official activities for applicable class weekends.

11. The cadet mess hall for no more than 60 minutes for each optional meal.

12. Cadets on restriction are not authorized to visit outside their own cadet room.

13. Cadets on restriction are not authorized to participate in extracurricular activities until the restriction is complete. Cadets will be authorized to participate in those activities that directly contribute to their athletic performance index (API).

14. 1st and 2nd class cadets on restriction will take no longer than 60 minutes to move their cars to and from Camp Buckner/Natural Bridge for home football games.

K. Flagging of Cadets.

1. A Cadet who is considered not in good standing by the Chain of Command may be Flagged. Flagging actions are initiated by program area and tracked on the Cadet's electronic CRB. A Flagging action may be initiated by the Company Tactical Officer or higher commander. The Tactical Officer will identify the reason why the Flag is in place, the administrative sanction or limits designated, the required remediation for removal of the Flag, and the duration or date of review of the Flag. Flagging actions are intended to focus the Cadet's attention and efforts to ensure their success in achieving standards and overcoming challenges.

2. Circumstances by Program Area in which a Flag may be initiated.

(a) Academic Program.

(1) 6, 10, and 15 week grade report reflecting a failing grade (F) ICW with the Cadet's instructor.

CHAPTER 1, USCC Regulation 351-2

(2) Academic Probation.

(3) Indications of poor Academic performance, attendance problems, tardiness, poor class preparation, or negative instructor feedback.

(4) Other specified reason- as determined by the Chain of Command.

(b) Military Program.

(1) Military Development grade of “D” or “F.”

(2) Special Leader Development Program enrollment.

(3) Sub-standard duty performance.

(4) Summer remediation requirements for MIAD, CBT/CFT details, or DCLT/CTLT assignments.

(c) Physical Program.

(1) Enrollment in the Army Weight Control Program (AWCP).

(2) Indoor Obstacle Course Test (IOCT) failure.

(3) Army Physical Fitness Test (APFT) failure.

(d) Conduct.

(1) Investigation under AR 15-6.

(2) Conduct Review or Investigation.

(3) Investigation or charges under Regulations, United States Military Academy.

(4) The finding of Unsatisfactory or Deficient in conduct and/or Conduct Probation.

(5) Pending Field Grade (BN or above) Article 10 under the Cadet Disciplinary Code.

(6) A pattern of misconduct.

(7) Other specified reason- as determined by the Chain of Command.

(e) Honor.

(1) While under investigation for an alleged Honor Code violation (**Flagging action will be for CoC visibility only – no administrative sanction or limitation will be imposed**).

(2) Substantiated finding by an Honor Board.

(3) Other. As directed by the Chain of Command for a specified reason.

3. Actions which may be limited or withdrawn by a Flag (at the discretion of the Chain of Command).

(a) Class privileges to include, but not limited to, pass, off-post, and walking privileges.

(b) Post driving privileges.

CHAPTER 1, USCC Regulation 351-2

(c) Use of Cadet Area or on-post facilities.

(d) Trip section authorization.

4. Transferability of a Flag. A flag, once in place, will follow the Cadet in the event of reassignment within USCC. The gaining unit may modify or remove the Flag as appropriate.

5. Guidelines for initiating a Flag.

(a) A Flag will be initiated for Cadets pending, or undergoing, an investigation or at the report of an incident or action.

(b) Tactical Officers will direct the Flagging action.

(c) Flags are effective upon initiation by the Tactical Officer.

6. The Flagging Process.

(a) The Tactical Officer identifies a Cadet as not in good standing due to an investigation, incident, or action.

(b) The Tactical Officer initiates the Flag on the Cadet's Cadet Record Brief (CRB) within the Cadet Records Database Company-Level Retrieval System.

(c) Once the Flag is initiated, the Tactical Officer will specify on the Flag Section of the CRB which program area(s) the Cadet is not in good standing, the limitations or withdrawal of privileges/authorizations in effect, the required remediation for the removal of the flag, and the duration of the Flag or the date the flag will be reviewed.

(d) The Tactical Officer will counsel the Flagged Cadet in writing and inform the Cadet Chain of Command. Additionally, if the Flagging action affects a Cadet's participation in a Corps/Club Squad program or other extracurricular activity, the Tactical Officer will inform the Cadet's Coach or OR.

(e) There is no formal appeals process for the implementation of a Flagging action for a Cadet, but they may utilize their appropriate chain of command channels.

(f) There is no minimum or maximum duration for a Flag. Tactical Officers will review flagging actions, at a minimum, monthly. The Cadet Records Database Company-Level Retrieval System has a rollup capability to track flagging actions by individual company. Flag statuses will be reviewed at Regimental and Brigade level monthly.

(g) Flags will be removed once the Cadet has returned to good standing through remediation of a specified task or the completion of the action or sanction that has been imposed.

able personnel actions, commanders may place cadets on Reduced Privileges (RP). It is a punitive measure resulting from certain proceedings, is not imposed as an adverse administrative/non-punitive action, and is not automatic. All commanders and the Superintendent may apply Reduced Privileges to any of the following actions:

(a) Article 10 proceeding

(b) Unsatisfactory or Deficient in Conduct status

(c) Conduct Probation

(d) Academic Probation

(e) Suspended Separation

CHAPTER 1, USCC Regulation 351-2

(f) Found by an honor investigation hearing

105. Demerits and Allowances.

1. Demerits are automatically awarded one demerit for each tour of extra duty given as punishment from an Article 10 proceeding. The demerits are awarded when the Article 10 is entered into the Automated Disciplinary System, and therefore are not annotated on the Article 10 form by the imposing commander.

2. Cadets may accumulate a specified number of demerits during any six consecutive calendar months. Exceeding that total number within a 6-month period may result in a conduct review and recommendation for a conduct investigation. The 6-month allowance is computed by adding monthly allowances as shown in Table 1-3. For purposes of this computation, the monthly allowance of the next higher class applies to cadets effective 1 July.

106. Amnesty

a. IAW normal operating procedures at the United States Military Academy, at the request of a visiting head of state (not a former head of state); the Commandant may elect to grant amnesty to the Corps of Cadets for outstanding disciplinary tours. This amnesty may be total or partial as directed by the Commandant. Demerits are not remanded when amnesty is granted. Normally, amnesty will only be granted once during any given academic year.

b. Amnesty is not granted to cadets who receive Regimental, Brigade, or Commandant Article 10s, undergoing investigations under the provisions of AR210-26 (Regulations, USMA), UCMJ action, or awards of punishment imposed by the Superintendent.

c. This policy does not apply to reduction in rank, restriction, or the punitive withdrawal of privileges as part of an Article 10 (i.e., **Cadets on restriction remain on restriction**).

CHAPTER 1, USCC Regulation 351-2

TABLE 1-1
LEVEL OF PUNISHMENT GUIDELINE

Nature of offense	Type I (BDE or REGS USMA)	Type II (Regimental level)	Type III (Battalion level)	Type IV (Company level)
Withhold	Sex/Drugs/Alcohol related			
	Crimes/Hazing			
	Outside reports			
	Unauthorized POV (Underclass)			
Academic		Improper documentation	Failure to submit (4 +)	Failure to submit (1,2,3)
Accountability		TAPS-not in barracks	TAPS-not in company	TAPS- not in room
		Sunday/Acct formation >3 hrs	Acct formation 1-3 hours	Acct formation <1 hour
		Absent for movements (A/N)	Routine formation (major)	Routine formation (minor)
			Class absence (4 +)	Class absence (1, 2, 3)
			Class/assignment late(5 +)	Class/assignment late(2,3,4)
Appearance		Reflecting poorly on USMA	Major or multiple infractions	Minor infractions
			Barracks closeout	Room unprepared for insp
Behavior		Major PDA	Improper conduct in lecture	Obscene language
		Disrespect towards faculty	PDA (minor or innocent)	Check not honored
		Horseplay (major)e.g. fire alarm, injuries	Horseplay (minor) bday party	Disrespect/disobedient
		Fraternization (major)	Improper relationship	Falling out
		Failure to report major regs	Duty (multiple offenses)	Failure to do duty (minor)
Duty				

CHAPTER 1, USCC Regulation 351-2

		Failure/absent duty (major)		Out of Uniform
Regs, orders, instr		Willful disobedience	Unauthorized Items in Room	Failure to respond to corrections
		Unnecessary or harsh actions		Borrow/loan vehicle w/o auth
		Intentional violation of limits	Violation of reduced privileges	Failure to sign out
		Parking (3d violation)	Parking (2d violation)	Parking (1st)
		Failure to register POV		

CHAPTER 1, USCC Regulation 351-2

TABLE 1-2
MAXIMUM PUNISHMENTS UNDER ARTICLE 10

Commanding Officer	Admonition or Reprimand	Demerit Award*	Extra Duty Tours	Withdrawal of Privileges	Restriction	Reduction in Rank
<u>Summarized:</u>						
Platoon Leader**	Yes	10	10	7 Days	7 Days	No
CDT Commander***	Yes	10	10	7 Days	7 Days	No
Company Tactical Officer***	Yes	10	10	7 Days	7 Days	No
<u>Company Grade:</u>						
Company Tactical Officer	Yes	20	20	30 Days	14 Days	To one lower rank; CPL or below
Battalion Tactical Officer	Yes	30	30	30 Days	30 Days	To one lower rank; SGT and below
<u>Field Grade:</u>						
Regimental Tactical Officer	Yes	35	80	60 Days	45 Days	To one or more lower ranks
Brigade Tactical Officer	Yes	35	100	90 Days	60 Days	To one or more lower ranks
Commandant	Yes	35	120	120 Days	90 Days	To one or more lower ranks

* Commanders do not award demerits. The demerit award is automatic and matches the award of tours for a maximum of 35 demerits (e.g. 1 demerit per 1 tour)

** Only when authority is delegated by the Company Commander.

*** 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.

CHAPTER 1, USCC Regulation 351-2

TABLE 1-3

TABLE OF NONPUNITIVE MEASURES & ADVERSE ADMINISTRATIVE ACTIONS

ACTION	FORMAT	REPORTING/RECORDING
On-the-spot correction	Verbal	None required
Counseling	Verbal or written	Counseling form or observation report
Admonition or reprimand	Written	Memorandum, counseling form, or observation report
Extra training	Written specific tasks or training plan	Counseling form or observation report
Remedial skills training	Written	Referred IAW CPD, CEC, or ADAPC procedures
Withdrawal of privileges	Written; specify which privileges are withdrawn and why	observation report, counseling form, or memo
Negative performance grade (Academic, Physical, or Military)	Written in accordance with appropriate regulation	Counseling form and as per appropriate regulations (for MD grade see USCC SOP Annex D)
Relief from duty	Written or verbal	As per paragraph 1-3 h, USCC REG 351-2
Removal from corps squad, competitive cub, and extracurricular activities	Written	As per paragraph 1-3 i, USCC REG 351-2

CHAPTER 1, USCC Regulation 351-2

TABLE 1-4

DEMERIT ALLOWANCE TABLE

<u>Fourth Class Year</u>					
Aug-Jan	Sep-Feb	Oct-Mar	Nov-Apr	Dec-May	Jan-Jun
144	144	144	144	144	144
<u>Transition from Fourth to Third Class</u>					
Feb-Jul	Mar-Aug	Apr-Sep	May-Oct	Jun-Nov	Jul-Dec
138	132	126	120	114	108
<u>Third Class Year</u>					
Aug-Jan	Sep-Feb	Oct-Mar	Nov-Apr	Dec-May	Jan-Jun
108	108	108	108	108	108
<u>Transition from Third to Second Class</u>					
Feb-Jul	Mar-Aug	Apr-Sep	May-Oct	Jun-Nov	Jul-Dec
105	102	99	96	93	90
<u>Second Class Year</u>					
Aug-Jan	Sep-Feb	Oct-Mar	Nov-Apr	Dec-May	Jan-Jun
90	90	90	90	90	90
<u>Transition from Second to First Class</u>					
Feb-Jul	Mar-Aug	Apr-Sep	May-Oct	Jun-Nov	Jul-Dec
87	84	81	78	75	72
<u>First Class Year</u>					
Aug-Jan	Sep-Feb	Oct-Mar	Nov-Apr	Dec-May	Jan-Jun
72	72	72	72	72	72

Note: (a) Fourth class cadets enter the demerit system on the day after they arrive in their letter companies during Reorganization Week.

(b) Demerits received by New Cadets during Cadet Basic Training do not count against these allowances.

(c) Periods of summer leave are included in the demerit periods and allowances for all classes.

(d) The Jan-Jun allowance for First class cadets is computed as if Jun were a full duty month.

(e) Each period runs from the first calendar day of the first month shown through the last calendar day of the last month shown.

CHAPTER 1, USCC Regulation 351-2

TABLE 1-5
MINIMUM PUNISHMENTS FOR OFFENSES

Unexcused absence/assignment not turned in/missed appointment*

Offense	Adjudication Level	Minimum Punishment (Demerits/Hours)
1 st	Summarized Article 10	5/5
2 nd	Company Article 10	6-10/6-10
3 rd	Company Article 10	11-20/11-20
4th and subsequent offenses	Battalion Article 10	20-30/20-30

Unexcused late/late assignment/late to appointment *

Offense	Adjudication Level	Minimum Punishment (Demerits/Hours)
1 st	N/A	Written Counseling
2 nd	Summarized Article 10	5/5
3 rd	Company Article 10	6-10/6-10
4 th	Company Article 10	11-20/11-20
5 th and subsequent offenses	Battalion Article 10	20-30/20-30

Unexcused absence from General Officer Briefing*

Offense	Adjudication Level	Minimum Punishment (Demerits/Hours)
1 st	Summarized Article 10	8/8
2 nd	Company Article 10	11-20/11-20
3 rd and subsequent offenses	Battalion Article 10	20-30/20-30

* As determined by the Tactical Officer

TABLE 1-5
MINIMUM PUNISHMENTS FOR OFFENSES

Violation of the “Late Lights” Policy

Offense	Adjudication Level	Minimum Punishment (Demerits/Hours)
1 st	Summarized Article 10	5/5
2 nd	Company Article 10	6-10/6-10
3 rd	Company Article 10	11-20/11-20
4 th and subsequent offenses	Battalion Article 10	20-30/20-30

Violation of the “Door Lock” Policy*

Offense	Adjudication Level	Minimum Punishment (Demerits/Hours)
1 st	N/A	Written Counseling
2 nd	Summarized Article 10	5/5
3 rd	Company Article 10	6-10/6-10
4 th	Company Article 10	11-20/11-20
5 th and subsequent offenses	Battalion Article 10	20-30/20-30

Violation of the Parking Policy

Offense	Adjudication Level	Minimum Punishment (Demerits/Hours)
1 st	Company Article 10	10/10
2 nd	Battalion Article 10	21/21
3 rd and subsequent offenses	Regimental Article 10	35/35

* When in effect