

UNITED STATES MERCHANT MARINE ACADEMY
KINGS POINT, NEW YORK

27 June 2018


SUPERINTENDENT INSTRUCTION 2018-07

Subj: MIDSHIPMAN REGULATIONS

1. **Purpose.** To authorize and promulgate revisions to the Midshipman Regulations.
2. **Background:** The Academy is required by the U.S. Department of Transportation, Maritime Administration, as directed by the Merchant Marine Education and Training Act of 1980 to have formal rules governing the operation of the Regiment. These Midshipman Regulations fulfill this requirement.
3. **Applicability.** This policy applies to all Midshipmen at the United States Merchant Marine Academy.
4. **Supersedes.** Midshipman Regulations, dated 16 May 2011; Superintendent Instruction (SI) 2006-26, *Alcohol Awareness Education and Treatment Policy*; SI 1998-11, *Hold Over Program Guide*; SI 1998-04, *Policy Governing Athletic Holdovers and Other Transient Midshipmen*; SI 2012-10, *Illegal Drug Use by Midshipmen and Drug Testing Program*; SI 2016-04, *Sea Year Conduct Policy*; Superintendent Notice (SN) 2017-07, *Revision of Chapter 10 of 2011 Midshipman Regulations*; Commandant Instruction (CI) 2008-06, *Uniform Regulations for USMMA Services*; CI 2009-02, *Drug Paraphernalia*; CI 2009-06, *Noon Mess Attendance*; CI 2012-06, *Cell Phone/Mobile Device Usage in Uniform*; CI 2015-01, *Changes in Special Liberty Request Procedures*; and, CI 2012-01, *Liberty Policy*.
5. **Policy:** The Midshipman Regulations serves as a guide for Midshipmen to ensure they understand the Academy's expectations. This guide is critical to the orderly governance of the Regiment of Midshipmen. By taking the Midshipman Oath, Midshipmen commit to comply with these Regulations. Midshipmen are expected to maintain the highest standards of self-discipline and to enforce the standards of conduct outlined in these Regulations.
 - a. Midshipmen will comply with these Regulations and all other written or oral directives issued.
 - b. Midshipmen are expected to act in accordance with the intent or spirit of these Regulations. A Midshipman who is reported correctly for a deficiency is expected to acknowledge and accept the resultant disciplinary action.
 - c. A Midshipman who believes that a specified policy or regulation is detrimental to the United States Merchant Marine Academy is encouraged to present views and

recommendations to the Midshipman chain of command, Company Officer or Midshipman Council. Nevertheless, a Midshipman is expected to comply with the policy or regulation in effect.

- d. A Midshipman who receives an order which is in violation of the Regulations or in violation of State or Federal laws will seek recourse from a Midshipman in the chain of command senior to the Midshipman who issued the order. If the Midshipman does not receive what he/she believes to be sufficient recourse, he/she should speak with the Deputy Commandant of Midshipmen. A Midshipman who elects to comply with what is known to be an unauthorized order is considered to be accountable for his/her actions.
6. **Expiration.** This Superintendent Instruction goes into effect immediately and remains in effect until superseded or rescinded.



James A. Helis
Rear Admiral, USMS
Superintendent

Dist. Via Email and Intranet

United States Merchant Marine Academy



Midshipman Regulations 2018

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CHAPTER 1 – SCOPE

1.1 BACKGROUND

1. The Regiment of Midshipmen are a select group of women and men who were chosen to serve the national security, marine transportation, and economic needs of the United States as licensed Merchant Marine Officers and commissioned officers in the Armed Forces. The Regiment is predicated on a structure relying on community (Regimental) obligations with the purpose of bringing out the highest standard of moral and ethical strengths of the individual while simultaneously developing a strong sense of self-discipline, camaraderie, responsibility, pride, and professionalism. In short, the Regiment's goal is to build ethical and principled leaders who make sound judgments that foster a positive and healthy work and social environment. The embodiment of the “Regimental way” is the development of leadership skills that are necessary for an individual entering the U.S. Merchant Marine and Armed Forces. Midshipmen are expected to maintain the highest standards of self-discipline and to enforce the standards of conduct outlined in these Regulations.
2. Merchant Marine Officers are licensed professionals who are educated to serve as leaders and who must be able to make difficult, high-stakes decisions affecting life and property, often in unknown and dangerous environments. The demands and expectations of Merchant Marine Officers are completely different from those of individuals engaged in conventional commercial activities. Merchant Marine Officers are trained leaders that look beyond short-term profitability and make decisions affecting the safety of their shipmates and the vessel capabilities. The conventional corporate structure requires development of good management, whereas the seagoing profession requires strong leadership, sound judgment, and principled conduct in demanding and tactically challenging situations. The USMMA graduate is educated to possess both management and leadership acumen that is well beyond that of individuals much more seasoned and in a civilian role.
3. The Academy is required by the U.S. Department of Transportation, Maritime Administration, as directed by the Merchant Marine Education and Training Act of 1980 to have formal rules governing the operation of the Regiment. These Midshipman Regulations fulfill this requirement.

1.2 PURPOSE

1. The primary purpose of the Midshipman Regulations is to further the educational mission of the Academy and to protect the well-being of the Academy community. These Regulations help foster an environment that is conducive to learning, promotes the Academy’s educational purposes, provides order on campus, and protects the rights of all members of the Academy community. These Regulations also help develop ethical character, personal accountability, and civility toward others. All Midshipmen are required to review and comply with these Regulations. Compliance with the Midshipman Regulations is a requirement for all Midshipmen to maintain enrollment at the Academy as well as to graduate.

2. Additional guidance may be issued through Superintendent Instructions, Superintendent Notices, Commandant Instructions, and/or Commandant Notices.
3. In the absence of written or oral guidance, a Midshipman is expected to exercise good judgment, common sense, and initiative to obtain further instructions.

1.3 RESPONSIBILITY FOR IMPLEMENTATION

The Superintendent is granted the overall authority to authorize and implement the Midshipman Regulations, including its Conduct System. The Superintendent delegates the management and implementation of the Midshipman Regulations to the Commandant of Midshipmen.

1.4 JURISDICTION

1. The Midshipman Regulations apply to conduct that occurs on Academy premises, at Academy-sponsored activities, whether on or off-campus, and to off-campus conduct that adversely affects the Academy community and/or the pursuit of its mission or its strategic objectives. This includes conduct during Academy sponsored Team Movements and during sea duty.
2. Each Midshipman will be responsible for his/her conduct from the first day of Indoctrination through graduation day (or earlier withdrawal from the Academy), even though the conduct may occur before classes begin or after classes end, during Academy breaks, during periods between terms, or during leaves of absence. These Regulations apply to a Midshipman's conduct even if he/she withdraws from the Academy while a disciplinary matter is pending (unless the Academy has agreed to dismiss the disciplinary action).
3. A Midshipman committing a criminal offense, on or off-campus, that is also a violation of the Midshipman Regulations may be subject to Academy discipline. Further, the Academy may pursue disciplinary action against a Midshipman at the same time he/she is facing criminal charges for the same offense, even if the criminal prosecution is pending, has been dismissed, or the charges have been reduced.

1.5 PROFESSIONAL ETHICS

Midshipmen must conduct themselves with propriety, sobriety, decorum, and sound judgment. Midshipmen are expected to exercise moderation in all things, and must not engage in any activities that violate Academy policies or procedures, or local, State, or Federal laws. A Midshipman's word is binding; his/her signature or initials attest to the truth and accuracy of a document. A Midshipman's behavior must at all times reflect credit upon the individual and the United States Merchant Marine Academy.

1.6 INTEGRITY

Midshipmen are expected to reflect the highest standards of integrity. The Academy Honor Code is the primary means by which excellence of character and integrity is developed in the Regiment of Midshipmen. Midshipmen are obligated to live by and support the Honor Code: ***A Midshipman Will Not Lie Cheat or Steal.***

1.7 OATH

1. BACKGROUND

In keeping with the high standards expected of Midshipmen preparing to be Merchant Marine Officers and Officers of the Armed Forces, all Midshipmen are expected and required to abide by these Regulations. While it is important to comply with these Regulations, of equal importance is an individual Midshipman's commitment to observe them, and efforts taken toward that end. This individual commitment frames the Midshipman's subsequent actions in terms of personal integrity, honesty, honor and personal courage.

2. USMMA MIDSHPMAN OATH

"I, (state your name), having been appointed a Midshipman to the U.S. Merchant Marine Academy, accept appointment and do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will comply with all the regulations of the U.S. Merchant Marine Academy; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God."

1.8 DUTY

1. RESPONSIBILITY OF ALL MIDSHPMEN

a. All Midshipmen have the following duties:

- 1) Discharge all responsibilities of the position to the best of his/her ability;
- 2) Set a good example for subordinates in appearance, bearing, performance of duty, and personal conduct; and
- 3) Accept responsibility for the actions, whereabouts, and conduct of the Midshipmen under his/her supervision.

1.9 USMMA CORE VALUES AND GUIDING PRINCIPLES

1. USMMA CORE VALUES

a. **Respect**

- 1) Promote an environment where inclusion, multiculturalism, and diversity are encouraged and valued.
- 2) Communicate effectively and engage in healthy relationships.
- 3) Maintain the highest level of professionalism as it relates to behavior and interpersonal skills.

b. **Honor**

- 1) Be honest and trustworthy, and maintain the highest level of integrity.
- 2) Take responsibility and accountability for your actions and for those under your leadership.
- 3) Demonstrate courage and stand up for the honor of others.

c. **Service**

- 1) Generate the highest levels of trust, unity, and pride in all Academy undertakings.
- 2) Consider the needs of others before your own self-interest.
- 3) Engage in leadership opportunities that contribute to our Nation's maritime and military interests and our community.

2. **GUIDING PRINCIPLES (WHAT IS A USMMA GRADUATE?)**

- a. Men and women of exemplary character.
- b. Mentally strong, physically tough, and morally sound.
- c. Capable decision makers, communicators, and critical thinkers (especially under pressure).
- d. Experts in their profession devoted to excellence in everything they do.
- e. Embrace the challenge and the privilege of leadership in the public and private sectors.
- f. Committed to serving the nation's marine transportation and defense needs in peace and war.
- g. **Be KP!!**

1.10 **REGIMENTAL SYSTEM**

1. **DESCRIPTION**

- a. The Regimental system enables the Academy to meet its mission. It is a system where Midshipmen are held accountable to the Academy and each other for their development of leadership, character, and judgment capabilities. It supports the professional training of all Midshipmen and provides a framework for safely managing a large number of Midshipmen while at the Academy and during the sea year training.
- b. The leadership development program is part of the Midshipman education. It begins with the arrival of the new Midshipmen and continues throughout the four years of instruction. The program consists of both practical training and experiences in the Regiment ashore

and at sea. During the first year, the entering Midshipman learns the vital nature of following instructions and how to work as a member of a team. In the subsequent years, the Midshipman is given greater leadership responsibility, accountability, and authority. The leadership program develops servant leadership traits in the upper-class Midshipman that will enable him/her to lead other Midshipmen through positive motivation and to carry these skills into his/her career upon graduation.

2. GOALS

The Regimental System contributes to the education and leadership development of each Midshipman, and has the following goals:

- a. **LEADERSHIP:** to provide training and a progression of experiences that allows Midshipmen to understand how to positively motivate and influence the performance and actions of both individuals and groups, as well as to develop self-discipline.
- b. **HUMAN RELATIONS:** to promote the ability to function in close or team relationships with diverse populations and to understand key principles of interpersonal relationships, and to provide an understanding of how discrimination and harassment (including sexual and gender-based harassment), sexual assault, relationship violence, stalking, and retaliation adversely affect the individual's own performance and self-worth as well as those of others, including classmates.
- c. **INTEGRITY:** to develop within Midshipmen a sense of the importance of integrity and honesty of the individual through their everyday actions in their role as Merchant Marine Officers and Officers in the Armed Forces.
- d. **LOYALTY:** to place mission and service to the greater good above self-interest, including to the ship (organization or Academy), shipmate (supervisor, co-worker or classmate, and subordinate) and one's self, which is an essential element of the seagoing professional.
- e. **RESPONSIBILITY:** to develop within Midshipmen an understanding of the importance of responsibility and accountability for one's actions, both in public, in their private lives, and in their roles as Merchant Marine Officers and Officers in the Armed Forces.
- f. **JUDGMENT AND DECISION MAKING:** to develop within Midshipmen the ability to make correct judgments, and an understanding that decision-making is the essence of intellectual and emotional maturity. Correct judgment and decision-making is highly rewarded when practiced intelligently and especially in a highly complex environment.
- g. **PROFESSIONAL DEVELOPMENT:** to support the professional growth of aspiring Merchant Marine Officers through practical experience within the operation of the Regiment of Midshipmen.

- h. MISSION ACCOMPLISHMENT AND PERFORMANCE: to emphasize the importance of getting the job done effectively, efficiently and on time. Professional tasks and academic achievement while at the Academy are foundational to developing a sense of mission performance.
- i. TRADITIONS OF THE SEA: to instill in Midshipmen an understanding of the culture and traditions of the maritime environment, as well as an appreciation of its history.

CHAPTER 2 – ROUTINE EVENTS

Unless specifically authorized by proper authority, Midshipmen will follow the daily routine published in the applicable Commandant Notice. The Commandant will issue changes to the daily routine as needed through the Chain of Command and the Plan of the Week.

2.1 PRIORITY OF ROUTINE AND ORDERS

1. In cases where a conflict exists concerning routine or procedures, the routine with the highest priority listed on the Table of Priorities (see below) will be followed.
2. When a Midshipman receives conflicting orders or is confronted with conflicting duties, and is in doubt as to his/her proper course of action he/she will seek the advice of his/her chain of command, or the Command Duty Officer (CDO). In any case, when an appointment or class is missed because of a conflict of priorities, it is the responsibility of the Midshipman concerned to ensure that appropriate parties are informed.

a. Table of Priorities

- 1) Emergency Medical Treatment
- 2) Emergency Leave
- 3) Final examinations
- 4) Orders to report to the Superintendent, Deputy Superintendent, Commandant, Deputy Commandant, or CDO
- 5) Scheduled tests or examinations
- 6) Academic Team Movement (STCW competences)
- 7) Routine classes
- 8) Watch Standing
- 9) Accountability formations
- 10) Extra Duty work and Restriction Musters
- 11) Regimental Team/Group Movement
- 12) Appointments with Faculty Members and Commissioned Officers
- 13) Special Liberty or Leave (Midshipmen must have obtained release from all other obligations)
- 14) Routine (non-emergency) medical and dental treatment
- 15) Divine Services
- 16) Evening Study Hours
- 17) Intramural Activities
- 18) Extra-Curricular Activities
- 19) Recreational Activities
- 20) Prescribed Liberty or Leave

2.2 REVEILLE

1. Midshipmen shall be out of their racks with all overhead lights on.
2. Upperclass Midshipmen shall not return to their rack until after the Morning Colors.

3. Plebes shall not return to their rack until 2000 Sunday through Friday or until 1000 Saturday.
4. No events are to take place prior to reveille without the written permission of the Commandant or his/her designee.

2.3 SICK CALL

Walk-in sick call is available at the Office of Health Services. Midshipmen reporting to sick call shall wear the Uniform of the Day (UOD) or regulation physical training (PT) gear.

2.4 FORMATION AND MEAL

1. Midshipmen shall be in a prescribed uniform when attending formation. Any Midshipmen authorized to wear an alternate uniform for medical purposes must carry their chit on their person at all times.
2. Midshipmen will conduct themselves in a professional manner during formation and maintain silence while word is being passed.
3. All meals following formations are mandatory with the exception of Friday evening meal through Sunday evening meal, unless a Midshipman is on a Team Movement or otherwise authorized to be absent by the Commandant or his/her designee. Midshipmen will report to Delano Hall directly following formation.

2.5 QUIET STUDY PERIOD

1. Quiet study hours are to be observed from 2000 to 2300 from Sunday through Thursday.
2. In order to preserve an environment conducive to academic success, Midshipmen shall not play loud music or have loud conversations in the passageways.
3. No 1/C, 2/C, or 3/C Midshipman shall enter a Plebe or 4/C Midshipman's room unless providing academic assistance.
4. Plebes and 4/C Midshipmen shall not use personal cell phones during study hours except for academic purposes.

2.6 CALL TO QUARTERS

1. OVERALL GUIDANCE

- a. For Plebes and 4/C Midshipmen, Call to Quarters accountability will be conducted from 2100 to 2200 Sunday through Thursday, and at 2300 on Friday and Saturday.
- b. For 3/C Midshipmen, Call to Quarters accountability will be conducted from 2100 to 2200 Sunday through Thursday, and at 0000 on Friday and Saturday.

- c. For 2/C Midshipmen, Call to Quarters accountability will be conducted from 2100 to 2200 Sunday through Thursday, and at 0000 on Friday.
- d. For 1/C Midshipmen, Call to Quarters accountability will be conducted from 2100 to 2200 Sunday through Thursday.

2. PROCEDURE

- a. At the prescribed Call to Quarters time, Midshipmen will report to the Company Resource Room and sign next to their name on the Company Accountability Sheet.
- b. The Company Officer of the Day (OOD) will observe each Midshipman sign the accountability sheet.
- c. Midshipmen shall:
 - 1) Be physically present in the Resource Room to sign in.
 - 2) Remain in their company area after Call to Quarters unless authorized to depart by the Company OOD. If authorized to depart, Midshipmen must sign the accountability log upon departure and immediately upon return.
 - 3) All Midshipmen approved to depart their company area must return by 0100.
- d. If a Midshipman does not sign in at the prescribed time, the Company OOD will check the white board and room of the missing Midshipman. The Company OOD shall request to enter the room by knocking and verbally identifying him/herself, waiting for an affirmative response, and then entering. If no response is received, the Company OOD may enter the room. If the Midshipman is not located in the room or is not on an approved Team Movement or Special Liberty, the Company OOD is to report the Midshipman Absent Without Leave to the CDO.
- e. The Company Accountability Sheet is to be turned into the CDO by 2230 Sunday through Thursday and by 0030 on Friday and Saturday.
- f. Any Midshipman returning from a Team Movement or Special Liberty must check in with their Company OOD if they return after Call to Quarters Accountability.

2.7 LIBERTY

1. AUTHORIZATIONS

- a. Liberty and leave privileges are extended to Midshipmen when the Regimental and academic requirements of the Regiment of Midshipmen permit. Liberty and leave privileges will be prescribed by the Commandant of Midshipmen.

- b. Liberty will be authorized as per the schedule below:

Class	Day	Commences	Expires
1/C*	Tuesday & Thursday	ALRF **	2200
	Friday:	ALRF	Overnight
	Saturday:	ALRF	Overnight
	Sunday:	-	2100
2/C	Thursday: ***	ALRF	2200
	Friday:	ALRF	0000
	Saturday:	ALRF	Overnight
	Sunday:	-	2000
3/C	Friday:	ALRF	0000
	Saturday:	ALRF	0000
	Sunday:	0800	1900
4/C	Saturday: ****	ALRF	2300
	Sunday:	0800	1800

* Free Gangway will only be for RC, RX, BC, BX, CC, and CX. One or the other must always be on deck. In season Varsity Team Captains are awarded Free Gangway M-TH. Free Gangway expires at 2200 Monday through Thursday.

** After Last Regimental Function (ALRF)

*** Thursday Liberty may be granted based on Commandant approval; it is not automatic.

**** Plebe Liberty according to Phase Rates; 4/C Liberty only after Recognition.

- c. An upgrade in Class Rates may be awarded at the discretion of the Commandant's Department based on outstanding service to the Regiment.
- d. Midshipmen may not depart on, or return from, Liberty in any uniform other than authorized Liberty attire.

2. WEEKEND LIBERTY REQUIREMENTS

- a. Eligibility requirements:

- 1) GPA of 2.0 or better based on the most recent mid-term or end of trimester grades.
- 2) Not **Academically Deficient*** or on **Conduct Probation**.
- 3) Not on **Restriction**.
- 4) Not deficient in PRT/PFA. **Midshipmen who have failed the PRT/PFA at the beginning of the academic year, or who have not passed the most recent PRT/PFA will not be eligible for Liberty** until they pass a remedial PRT administered by the PE&A Department, an officer from Naval Science, or the Commandant's Command Fitness Officer.

* **Academically Deficient:** Midshipmen on Academic Probation (**AP**), Continued Academic Probation (**CAP**), Suspended Setback (**SS**), Suspended Disenrollment (**SD**), Referred for Disenrollment (**RFD**)

3. SPECIAL LIBERTY

- a. Special Liberty is an authorized liberty for the purpose of receiving medical treatment or conducting important personal obligations which cannot be taken care of during regular Liberty hours. For example, Special Liberty may be authorized to attend a funeral of a family member, or another important family event that is not considered an emergency.
 - 1) Special Liberty requests will only be authorized to miss up to three days of class, if needed.
 - 2) Midshipmen and Plebes will not be granted more than two Special Liberties per Trimester.
 - 3) Midshipmen **Academically Deficient** or on **Conduct Probation** are not normally eligible for Special Liberty.
 - 4) In cases where a Midshipman has been granted a Special Liberty request, and subsequently is placed on restriction because of a Class I offense, such restriction may be lifted or deferred, as determined by the Class I Mastig Official, following a written request by the charged Midshipman.

4. DINNER LIBERTY

- a. Plebes, and 4/C, 3/C, and 2/C Midshipmen may apply for Dinner Liberty as per Class Rates.
 - 1) Requests for Dinner Liberty will be routed through the chain of command and approved by the Platoon Commander, Company Commander, and Company Officer.
 - 2) Dinner Liberty will commence After Last Regimental Function (ALRF) or After Last Class (ALC), whichever is later, and terminate at 2100.
 - 3) Midshipmen **Academically Deficient** or on **Conduct Probation** are not eligible for Dinner Liberty.

5. HOLIDAYS

- a. End of Leave formation will be at Class Rates for the following:
 - 1) Fall Break
 - 2) Thanksgiving Break
 - 3) Winter Break
 - 4) Spring Break
- b. Leave Procedures will follow Section 2.8 listed below.

6. LIBERTY LOGS

Liberty Logs will be maintained by each Company and the Regimental Staff. All Midshipmen are required to sign out/in when departing/returning from Liberty, Weekday Liberty, Special Liberty, and Dinner Liberty. Additionally, a copy of the signed Special Liberty/Dinner Liberty chit will be placed in the Liberty Log when departing on Special/Dinner Liberty.

2.8 LEAVE PROCEDURES

1. Leave will begin for the following breaks ALRF and end at “End Leave Formation” held at Class Rates:
 - a. Fall Break
 - b. Thanksgiving Break
 - c. Winter Break
 - d. Spring Break
 - e. Summer Break
2. Before departing on leave, all Midshipmen must do the following:
 - a. Obtain a Room Check-off by the CO, CC, CX, or PC before departing on Leave. All rooms are to be cleaned to Class B Standards, including the following:
 - 1) Empty all trash
 - 2) Close and lock all windows
 - 3) Pull window shades to half mast
 - 4) Unplug all electronics
 - 5) Turn off all lights
 - 6) Set HVAC to lowest setting
 - 7) Secure all valuables or take home (padlocks may be placed on wardrobes to secure valuables during break)
 - 8) Dispose of perishable food items
 - 9) Secure all gear and clear all belongings from passageways
 - 10) Clean sink area
 - 11) Vacate and secure all laundry rooms
 - b. Post proper accountability on their whiteboards
 - c. Not depart until ALRF or at approved Special Liberty time.
3. Midshipmen residing on campus during Academy Leave Periods must follow all Holdover Regulations as per Section 2.12.
4. **EMERGENCY LEAVE**
 - a. When an emergency, such as serious illness or death, affects the Midshipman, the Midshipman may be granted emergency leave.

- b. The Midshipman's CO, or CDO if outside working hours, must authorize emergency leave. Emergency leave will normally only be authorized for up to three days of class.

2.9 BARRACKS LIFE

1. OVERVIEW

- a. "Midshipman facilities" refer to all athletic, academic, or recreational facilities authorized for Midshipman use. Midshipmen shall not maintain personal belongings or other articles in any locker, closet, or space other than that regularly assigned to him/her or authorized by proper authority to use on Zero Deck within the barracks. Midshipmen must have their Academy-issued ID card with them at all times for security purposes. Midshipmen are required to have their Academy-issued ID card in order to access certain campus buildings. Midshipmen shall not enter or use any space that is locked or restricted, except as authorized.
- b. All rooms will be assigned by the Commandant. At the time of assignment, Midshipmen assuming responsibility for the room will make an inspection of the room and all its contents and sign a property inventory accepting the room, all of its equipment, furniture, and physical condition.
- c. Roommates will be assigned as follows:
 - 1) Upperclass Midshipmen may select their own roommate from among their classmates assigned to the Company, when approved by the Company Officer. Classes must room together; in no instance will members of different classes be berthed together. If the berthing list permits, First Class will have the privilege of singling up with priority based on Midshipman Officer Rank. Fourth Class/Plebes will be tripled or singled up only if there is an odd number of them in the Company.
 - 2) Upon submission of sufficient justification, changes of roommates may be authorized by the Company Officers during the academic year.
- d. Room Changes. When Company Officers approve any room change, Midshipmen making the change will properly checkout of their old rooms and into their new rooms. The Midshipmen Personnel Officer (MPO) must be notified in writing of the approved room changes.

2. ASSIGNMENT OF ACTIVITY SPACES

- a. General. All activity spaces will be assigned to the Midshipman Officer in Charge or the president of the club to which the space is assigned.
- b. Acceptance. At the time of assignment, the Midshipman assuming responsibility for the space will make an inspection of the space and all its contents and will sign a property inventory accepting the space, all its furniture and equipment and the condition of space contents.

- c. **Transfer of Responsibility.** Upon the removal or replacement, for any reason, of a Midshipman responsible for an activity space, the relieving Midshipman will perform an inspection of the space in the presence of the Director of Student Activities, or his/her designee. The relieving Midshipman will examine all of the equipment and furniture and their condition. All missing items and all damaged items not previously noted will be reported and investigated. When damage or loss is the result of negligence, the cost will be evaluated and assessed against the organization or individuals responsible.

4. WORK ORDERS

- a. All damaged government-owned property or equipment will be reported as follows:
 - 1) Work Order Requests will be submitted to the Company Officer via the Company Logistics Officer (CLOG), with the white copy placed on the area or space where damage is located.
 - 2) Emergency Repair Requests will be reported immediately to the CLOG who will report the condition immediately to the CO during normal business hours and to the CDO/MCDO otherwise.

5. FOOD IN ROOMS

- a. Cooking or preparing food in Midshipman rooms is prohibited in accordance with Class Rates. The use of instant beverages is permitted provided supplies used in preparation are packages for individual servings or are kept in air tight containers.
- b. Removing food from the Commissary is not permitted, unless authorized by sick chit.
- c. Non-perishable foods may be retained in a Midshipman's room indefinitely provided they are stored in an airtight container.
- d. Food purchased in the canteen or NEX facilities, food sent from home, and foods purchased on Liberty are permitted in Midshipman rooms if consumed or thrown out prior to the 0730 daily inspection the following morning. However, food may be retained if stored in an airtight container.
- e. In no case are any food items to be left out in the open in any Midshipman's room when that room is unoccupied.
- f. Midshipmen are not to remove any commissary equipment from the Commissary, unless specifically given permission by the Food Service Officer.
- g. Midshipmen are permitted to order food for delivery to Vickery Gate from outside establishments.

6. HOLIDAY DECORATIONS

Midshipmen must have the approval of their CO or his/her designee to display holiday decorations. Live trees are not permitted at any time.

7. LAUNDRY ROOMS

There are three laundry rooms located in the barracks area for the exclusive use of Midshipmen. Midshipmen should not leave their clothing and belongings unattended. Midshipmen must not to leave a laundry room in a disorderly condition.

8. LINEN SCHEDULE

Each Midshipman shall be issued two blankets, one pillow, one pillowcase, one mattress cover and two sheets upon arrival at the Academy on an annual basis. The two blankets are to be considered organizational equipment and must be turned in upon departing the Academy for sea year or graduation. The pillow, pillowcase, mattress cover, and two sheets belong to the Midshipman and should be maintained by him/her at all times.

9. ROUTES OF TRAVEL

- a. The passageways of the barracks complex are maintained by Midshipmen. It is incumbent upon Midshipmen to cooperate in maintaining these areas at a high standard of cleanliness and to maintain a quiet and orderly atmosphere conducive to study at all times.
- b. Zero Decks (basements) of Barracks. The Zero Deck passageway is the primary route of travel between barracks, different parts of the Regiment, and to Delano Hall.
- c. Midshipmen are not authorized to transit Main Deck passageways for the purpose of passing between Companies. Exceptions are those Midshipmen on watch, First Class, and Company personnel.
- d. The following entrances and passages will not be used except when on official business:
 - 1) Regimental Row.
 - 2) Dining Hall as passage from Murphy to Cleveland Hall.
 - 3) Academic Building (unless authorized).
 - 4) Gymnasium Floor.
- e. Except as required for formations, Midshipmen will not walk on the grass.

10. PROPERTY ACCOUNTABILITY

- a. Midshipmen are responsible for safeguarding the property for which they have signed as well as that which is entrusted to them without signature, such as barracks fixtures. Any government property lost, destroyed, or damaged as a result of negligence will result in the financial liability of the responsible Midshipman.
- b. No Midshipman will move or change any piece of equipment, fixture or furniture in any Academy facility without the permission of the CO. The CO will designate where such equipment or furniture may be stored for future use.
- c. The Academy is not responsible for the loss of personal property in any building or areas of the Academy, whether the loss occurs by theft, fire, or other causes. This includes any

belongings left in any baggage storage locker. Midshipmen are advised to have personal property covered by their family's insurance policy or a personal insurance policy.

11. PERSONAL PROPERTY OF GRADUATED, RESIGNED, OR DISENROLLED MIDSHIPMEN

Upon graduation, resignation, or disenrollment, a Midshipman must remove all of his/her personal property from Academy grounds. Baggage lockers, the bike locker, club spaces and the First Class parking lot exist for the convenience and welfare of Midshipmen. There is no room to store former Midshipmen's property on Academy grounds. Personal property left behind, for any reason, shall be considered to be abandoned and appropriate actions will be taken to remove abandoned property from Academy grounds.

2.10 VISTOR POLICY

1. VISITATION BETWEEN MIDSHIPMEN IN MIDSHIPMAN ROOMS

- a. In this section, Midshipmen encompasses Plebes, Plebe Candidates, and 1/C, 2/C, 3/C, and 4/C Midshipmen.
- b. Midshipmen must maintain a professional study hall environment, and comply with the policy on professional relationships set out in Section 3.6, below.
- c. Visitation between Midshipmen will be unrestricted between reveille and 2100 (Call to Quarters), provided all regulations concerning professional relationships are strictly observed.
 - 1) For the purpose of this regulation, the term visiting will be defined as an association between Midshipmen not required by the performance of their duties or as authorized by a commissioned officer.
 - 2) When the door to a Midshipman's room is closed, persons desiring entry will knock and await acknowledgment before entering.
 - 3) All Midshipmen will have their doors open from 0630 until 1200.
 - 4) Midshipmen may lock their doors at any time when they are permitted to close their doors.
 - 5) Midshipmen in a room, who are not occupants of the room, must place their name on the white board of the room they are entering.
 - 6) Midshipmen may close their doors while addressing matters of personal grooming that require privacy.

2.11 CLASS RATES

1. STANDARD DEFINITIONS

- 1) Class Rates are the privileges granted to classes, giving Midshipmen more privileges as they advance in class standing. All Class Rates are listed and maintained in the Class Training Handbooks.
- 2) Issued PT Gear. Issued PT gear includes the Running Suit Top and Bottom, Gray Sweat Suit Top and Bottom, Ringer Tee, and PT Shorts. The Running Suit, Ringer Tee, and Gray Sweat Suit are the only authorized PT gear for Delano.
- 3) Alternate PT Gear. Alternate PT Gear only includes T-shirts and shorts with the USMMA name or logo issued by the Commandant's Department, Athletic Department, or recognized Academy clubs (for members of those clubs only). T-shirts or other attire sold by clubs or teams as a fundraiser must be approved by the Commandant for wear. Personally purchased PT Gear (e.g. Under Armour®, Nike Dri-FIT®, track/XC lined shorts) and alternate shirts/shorts purchased in the NEX that do not have USMMA branding are not approved for wear. USMMA branded PT Gear and alternate shirts/shorts with USMMA branding are authorized for 1/C and 2/C Midshipmen wear. Items purchased in the NEX that were also issued by the Academy can be worn as PT gear in accordance with Class Rates.
- 4) Alternative Liberty Attire. USMMA issued polo shirt, sweat shirt, jacket, khaki pants/shorts or skirt, brown or black belt and shoes.

Midshipman Attire

		Barracks	Transiting to and from non-Class Rates areas	Tomb Field, O'Hara Hall, and Off campus Runs	Departing and returning from Leave/Liberty/ Dinner Liberty
1st Classmen	Uniform	Tasteful shirts/shorts with USMMA, Military, or Maritime Company Logo or Names	Alternate PT Gear	Alternate PT Gear	Civilian Attire
	Shoes	Sandals or flip flops	Non-athletic shoes (no sandals or flip flops)	Tennis shoes	
2nd Classmen	Uniform	Alternate PT Gear	Alternate PT Gear	Alternate PT Gear	Civilian Attire
	Shoes	Closed heal sandals	Tennis shoes	Tennis shoes	
3rd Classmen	Uniform	Class and Company Shirts Alternate PT Gear	Class and Company Shirts Alternate PT Gear	Class and Company Shirts Alternate PT Gear	Seasonal Dress Uniform or Alternative Liberty Attire
	Shoes	Tennis shoes	Tennis shoes	Tennis shoes	
4th Classmen/Plebes	Uniform	Issued PT Gear (Ringer T) and/or Alternate PT Gear	Issued PT Gear (Ringer T) and/or Alternate PT Gear	Issued PT Gear (Ringer T) and/or Alternate PT Gear	Seasonal Dress Uniform
	Shoes	Tennis shoes	Tennis shoes	Tennis shoes	

2.12 HOLD-OVER POLICY

1. A Holdover is any Midshipman who is assigned to, or requests to stay in, the barracks outside of the normal in-residence term for the following reasons:
 - a. Regimental Holdover: Midshipmen may, from time to time, be recalled from sea, or held prior to going to sea, for administrative, academic, disciplinary, medical, athletic, or other purposes.
 - 1) Midshipmen assigned as Regimental holdovers will be berthed in the barracks, in the Company to which they are assigned unless otherwise directed.

- 2) Midshipmen may be assigned to the *T/V Kings Pointer* to accumulate sea time and work on Sea Projects, but will reside in the barracks.
 - a) In such cases, the respective assignment authority shall contact the Department of Shipboard Training to determine whether assignment to the *T/V Kings Pointer* is possible.
 - 3) The respective assignment authority shall establish internal procedures for making such assignments. In addition, the following departments shall be informed beforehand of the arrival and duration of a Holdover:
 - a) Commandant of Midshipmen, via the Midshipman Personnel Officer.
 - b) If assigned to the *T/V Kings Pointer*, the Department of Waterfront Activities, via the Master, *T/V Kings Pointer*.
- b. Sea Year Holdover: Any Midshipman who, during the course of their Sea Year, is assigned by the Department of Shipboard Training to the *T/V Kings Pointer* for the purpose of accumulating credited sea time. In addition, any transient Midshipman who requires berthing traveling from or going to another vessel, but not assigned to the *T/V Kings Pointer*.
- 1) Midshipmen assigned as Sea Year Holdovers will normally be berthed in the barracks.
 - 2) Department of Shipboard Training shall provide advance notification to the following departments, advising of the arrival date and duration of each Sea Year Holdover:
 - a) Commandant of Midshipmen, via the Midshipmen Personnel Officer
 - b) Department of Waterfront Activities, via the Master, *T/V Kings Pointer*

2. PROCEDURE AND DAILY ROUTINE

a. General

- 1) Midshipmen assigned as Holdovers will follow the prescribed Daily Routine, unless modified by the Commandant.

b. Upon Arrival

- 1) During normal Academy operating hours, a Holdover will:
 - a) Report to their Company Officer
 - b) Report to the Company Executive Officer (CX) in order to obtain a room assignment and instructions to obtain personal belongings in the company baggage lockers.
 - c) Once a room is assigned, clearly indicate on their door the following:
 - (1) Name of Occupant
 - (2) Reason Aboard
 - (3) Expected Date of Departure

- d) Occupy and maintain only that room which was assigned to them by the appropriate authority.
- 2) After normal operating hours, a holdover will:
 - a) Report to the CDO immediately upon their arrival on Academy grounds for further instruction. Upon the start of normal operating hours, the Holdover should proceed with the directions in Step (1) above.
- c. Holdovers will be added to company accountabilities by the CX and follow the Plan of the Day without interfering with the normal daily routine of the Regiment.
- d. Holdovers will attend all required musters and accountabilities, including:
 - 1) Sign in at the ATR's office prior to 0715, if assigned as a Sea Year Holdover.
 - 2) Report to the CDO and form up on First/Second Company's Front Company path for morning Colors at 0730, in Boiler Suits and Noon Lunch Muster at 1210 in Issued PT Gear.
 - 3) Sign in for OOD at 2200 within the Company occupied.
- e. Checking Out
 - 1) During normal Academy operating hours, Holdovers will:
 - a) Replace their dirty linens with new linens from GSK, and clean the previously occupied room.
 - b) Report to the CX and CO for checkout and to be removed from the accountability sheet.
 - 2) After normal operating hours, Holdovers will:
 - a) Replace their dirty linens prior to Close of Business, with new linens from GSK, and clean the previously occupied room.
 - b) Report to the CDO to check out and be removed from the accountability sheet.

3. ADHERENCE TO REGULATIONS

- a. Midshipmen Regulations. Midshipmen, regardless of status, are required to adhere to the Midshipmen Regulations at all times.
 - 1) Holdover rooms will be maintained at Class B standards at all times, subject to inspection at any time.
- b. Grooming Standards. Midshipmen in any status are required to adhere to the grooming standards set forth in the USMMA Midshipman Uniform Regulations.
- c. Uniforms. Midshipmen in any Holdover status are required to adhere to the uniform standards established by the Commandant of Midshipmen, which will include the

following:

- 1) USMMA issued blue boiler suit, white undershirt and USMMA baseball cover with black boots.
 - 2) Issued PT gear (Grey Ringer T and Running Suit Pants) in the Mess Hall at the Holdover tables, including lunch muster.
- d. Class Rates. Midshipmen in any Holdover status are subject to their Class Rates Liberty and Leave/Liberty attire.

2.13 TEAM AND CLUB MOVEMENTS (TMs)

1. GENERAL

TMs are essential to Regimental morale. Approved teams and clubs will be allowed to make unsupervised local travel as set forth below. Rules and guidelines are established clearly in regards to travel, vehicle use and expectations of Midshipman conduct while on approved Team Movements in accordance with the applicable Commandant Instruction.

2. DEFINITIONS

- a. Team - A unit of Midshipmen that represents the Academy in a competitive manner, which is approved by either the Department of Athletics, the Waterfront, or the Superintendent.
- b. Club - A unit of Midshipmen who have been designated by the Director of Student Activities as an Academy recognized club and is in good club standing.
- c. Member - a member of a team or club whose name appears on its official roster and is approved by the appropriate authorizing official.
- d. Government Vehicle - any vehicle that is either owned or leased by the Academy for official Academy use.

3. RULES

- a. TM Approval. All TM requests must be routed through the appropriate chain of command, as listed on the TM form, for ultimate approval by the Regimental Officer.
- b. TMs are subject to scheduling conflicts. In the result of conflicting TM requests, the requests will considered in the following order of precedence.
 - 1) Academics
 - 2) Regimental Wide Opportunities (OSA Events)
 - 3) Athletic/Waterfront Team
 - 4) Club
 - 5) Leisure or Service
- c. All drivers of Government Vehicles must be approved through the Academy's Safe Vehicle Operation Course, have a valid driver's license, and be at least 21 years of age.

- d. TMs are restricted to the local vicinity not to exceed 25 miles from Vickery Gate. TMs that extend outside a 25-mile radius are required to have a chaperone, with a Midshipman: Chaperone Ratio of 20:1. The Commandant must approve chaperones. Extended travel is limited to 100 miles from Vickery Gate, regardless of chaperone, unless approved in writing by the Commandant. Unless otherwise authorized in writing by the Commandant, the chaperone for a TM must travel in the Government Vehicle.
- e. All overnight travel will require a Midshipman: Chaperone Ratio of 20:1. Midshipmen must procure appropriate and safe lodging in accordance with appropriate procedures.
- f. The use of alcohol on approved TMs is strictly prohibited by all Midshipmen regardless of age. This applies to all vehicles, venues, lodging, etc.
- g. All TM requests must be submitted in their entirety to the Regimental Officer electronically. Completed TM request shall include (1) Request Form (2) Food Request (3) Driver Agreement

2.14 RESTRICTION

1. GENERAL

- a. Liberty and TMs are privileges that are granted to Midshipmen in good standing and may be rescinded as a result of disciplinary action, or for any other reason as determined by the Commandant or Superintendent. The Superintendent and the Commandant or his/her designee are the approval authorities for placing any Midshipmen in a restricted status.
- b. Conditions of restriction. When restriction is imposed, the Midshipman will be confined to the Academy grounds and is not entitled to Class Rate Liberty or TMs except for emergency absences, varsity athletics, academic, or other pre-approved TMs away from the Academy that were authorized by the Deputy Commandant. Midshipmen that receive permission from the Deputy Commandant to be absent from muster must sign out with the MCDO upon departure and sign in upon return. Restricted Midshipmen will not act as a watch replacement for another Midshipman without the approval of the CDO.
- c. Any Midshipmen having a conflict with fulfilling his/her restriction muster responsibility will inform the MCDO and CDO respectively. In addition, Midshipmen should consult the Table of Priorities listed above in paragraph 2.1.2.a to assist in determining a solution to any conflict.
 - 1) Midshipmen standing watch are authorized to miss restriction muster.
- d. Midshipmen assigned to restriction will not be held from departing on regularly scheduled leave/break periods (Fall/Thanksgiving/Christmas/Spring/Summer) or Sea Year participation for the sole purpose of completing the assigned restriction. If the assigned number of days has not been completed prior to the start of leave/break, the Midshipman will complete those days upon return to the Academy.

- e. Restricted Midshipmen may be entitled to Special Liberty for religious purposes. Such Liberty will be requested on a Special Liberty request form and approved by the Deputy Commandant.
- f. Restricted Midshipmen may attend athletic events conducted at the Academy. They may attend all other special events conducted at the Academy only with the permission of the Deputy Commandant. Under no circumstance are the Midshipmen exempt from scheduled restriction musters.
- g. Restriction, as a result of Class I Mast, Conduct Probation, or a specific action of a Performance Review Board/Executive Board, will be credited on a day-for-day basis. Any excused or non-excused absences from restriction muster will add make-up days on the end of the Midshipman's restriction dates, and non-excused absences may result in further discipline.
- h. Athletes on restriction will not be excused from sign in periods with the exception of those times when the athletic team is going to or coming from competition, or when the team is actually competing at the sign in time. Practice is not an excuse to miss sign in, and the athlete must make arrangements with the CDO for alternate muster times.
- i. First Class Midshipmen on restriction at the time of graduation will be placed on deferred graduate status and may not participate in Commencement unless permission is received from the Superintendent.

2. EXECUTION OF RESTRICTION MUSTER

- a. The MCDO will be responsible for the accountability and execution of Restriction Muster.
- b. The MCDO, supervised by the CDO, will serve as Officer In Charge (OIC) and supervise the musters each day to ensure no talking or inappropriate behavior takes place. The OIC has the authority to remove any Midshipman from the formation for inappropriate conduct; the Midshipman's removal from the formation will be annotated on the muster sheet and he/she will NOT receive credit for that day.
- c. Uniform for all restriction musters will be the uniform of the day only. At the start of Restriction Muster, the MCDO will conduct a formal uniform inspection of all assigned Midshipmen.
- d. All Midshipmen assigned to restriction will muster in front of the NEX on Zero Deck in accordance with the Plan of the Week.
- e. Midshipmen carrying a Sick Chit directing them to remain in their rooms will not be penalized for missing musters; however, they must notify their CC/CO and provide the CDO with a copy of the Chit. Midshipmen who are on Sick Chit, but are not required to remain in their rooms, will report to restriction muster.

2.15 EXTRA DUTY

1. Extra Duty musters will be held every Tuesday and Thursday at 1615. Extra Duty will run for at least 60 minutes for each session.
2. Midshipmen assigned Extra Duty through the mast system will report to at least one Extra Duty Session on Tuesday or Thursday every week until all Extra Duty is completed.
3. The Regimental Logistics Officer (RLOG) and the Regimental Logistics Department will be responsible to ensure that approved Extra Duty assignments are provided to the CDO and MCDO prior to the Extra Duty Musters.
4. Authorized absences from Extra Duty musters must be communicated to the RLOG, Regimental Logistics Department, CDO, and MCDO, but will not be given Extra Duty credit. Authorized absences include approved leave, approved medical authorizations, and authorized academic absences.
5. Additional Extra Duty opportunities will be made available to all Midshipmen in addition to the Extra Duty mandated at Extra Duty musters, but will adhere to the same authorizations and shall not include other (company-level or individual) Extra Duty assignments not authorized by these procedures.
6. Midshipmen reporting to the Extra Duty muster will present a neat appearance in the prescribed mandated working uniform announced for the muster. The assigned Extra Duty assignments will determine the uniform for that Extra Duty assignment.
7. Extra Duty musters will include both accountability and assignments of Extra Duty. Upon completion of Extra Duty musters, all assigned duties will be immediately carried out for the duration of the assigned Extra Duty period assigned. Accountabilities and Extra Duty sheets will be maintained and collected for record by the RLOG and Regimental Logistics Department.
8. Only authorized individuals may validate completion of Extra Duty via Extra Duty Chits describing Extra Duty tasks, amount of Extra Duty credited, authorizing individual name, title, and signature. These authorized individuals include the RLOG, his/her designee, the CDO, the MCDO, and designated staff authorized by the Commandant.

CHAPTER 3 – STANDARDS OF CONDUCT

3.1 GENERAL

1. Midshipmen are required to conduct themselves in a military/professional manner at all times.
 - a. These standards of conduct apply to Midshipmen for conduct that occurs on Academy premises, at Academy-sponsored activities, whether on or off-campus, and to off-campus conduct that adversely affects the Academy community and/or the pursuit of its mission or its strategic objectives. This includes conduct during Academy sponsored Team Movements and during sea duty. Each Midshipman will be responsible for his/her conduct from the first day of Indoctrination through graduation day (or earlier withdrawal from the Academy), even though the conduct may occur before classes begin or after classes end, during Academy breaks, during periods between terms, or during leaves of absence. These Regulations apply to a Midshipman's conduct even if he/she withdraws from the Academy while a disciplinary matter is pending (unless the Academy has agreed to dismiss the disciplinary action).
 - b. Midshipmen are responsible for the conduct and decorum of their guests while they are visiting the Academy.

3.2 ACCIDENTS

Any accident involving Academy vehicles, equipment, or boats in which Midshipmen are involved, or any accident involving injury to Midshipmen, will be reported to the CDO immediately. The CDO and MCDO will enter pertinent facts in the CDO/MCDO log, and, as appropriate, will notify the Office of Public Safety.

3.3 FLOATING EQUIPMENT

1. Midshipman Regulations will be adhered to on all Academy boats and training vessels.
2. Power boats will not be used by Midshipmen for any purpose without authorization from the Director of Waterfront Activities or his/her designee.
3. Small boats, as designated by the Director of Waterfront Activities, will be available during recreational free time periods only. Midshipmen who have been qualified by the Director of Waterfront Activities, or his/her designee, may use small boats for recreational purposes.
4. Midshipmen may not keep privately owned boats at the Academy without permission from the Director of Waterfront Activities. They may not exit the Academy via privately owned boats without the permission of the Commandant or his/her designee.
5. Midshipmen will be authorized to take guests aboard the Academy's floating equipment only when:
 - a. Specifically authorized to do so by the Director of Waterfront Activities, or his/her designee.

- b. A waiver of liability form has been signed by all guests and submitted to the Midshipmen on Dock Watch along with written authorization by the Director of Waterfront Activities, or his/her designee.

3.4 MOTOR VEHICLES

1. First Class Midshipmen may maintain and operate private motor vehicles, and may be granted the privilege of parking them in the lot next to Roosevelt Field on a space available basis.
2. Midshipmen operating vehicles within the Academy grounds must familiarize themselves with the current applicable Superintendent Instruction.

3.5 ALCOHOL, DRUGS AND SMOKING

1. GENERAL

- a. Illegal activity involving alcohol or drugs damages the quality of campus life and is contrary to the qualities required of a Merchant Marine Officer/Commissioned Officer or leader in the maritime industry. The following are examples of the damage alcohol and illicit drugs can do:
 - 1) Places at risk those who are dependent on the professional competence and safe practices of those in positions of responsibility
 - 2) Injures the physiological and psychological well-being of individuals
 - 3) Disrupts and endangers the welfare of those in the immediate environment of the illegal activity.
 - 4) Attracts criminal activity to the Academy.
- b. Illicit drug use poses a serious threat to the safe and efficient transportation of passengers and cargo at sea, the environment, and the members of the vessel's crew. The Academy has zero tolerance for illicit drug use. In compliance with Department of Transportation and Coast Guard regulations, the Academy has a drug testing program as set forth in subparagraph 4 below.
- c. Those Midshipmen who believe that they have either an alcohol or drug abuse problem should seek assistance. The Office of Health Services is available to provide counseling and referrals should a Midshipman so desire. This will be done on a confidential basis and will not be used to charge a Midshipman for violation of these Regulations. However, entering into a counseling program may not be used as a defense at Class I Mast for a violation of the alcohol and drug policies described herein, or the drug testing program.

2. ALCOHOL POLICY

- a. Alcohol use and abuse is a major issue in the community and on the Academy grounds. Physical abuse, sexual assaults, auto accidents, violence, vandalism, self-destruction and poor academic performance are routinely associated with inappropriate or excessive use of

alcohol. Accordingly, the Academy takes both a disciplinary approach and a preventive approach to inappropriate alcohol consumption.

- b. Except as noted below, Midshipman use of, consumption of, possession of, or transportation of alcoholic beverages is strictly prohibited on the Academy grounds, and in any vehicle or craft belonging to or in custody of the Academy. This is a Class I Offense. Additionally, Midshipmen who, whether on or off-campus, dispense or furnish alcoholic beverages to individuals who are not of legal drinking age violate the Academy's alcohol policy, and will be charged with a Class I offense.
- c. Midshipmen returning to the Academy grounds under the influence of alcohol are subject to disciplinary action for this offense.
 - 1) In cases of intoxication and/or alcohol poisoning, the primary concern is the health and safety of the individual(s) involved. Individuals are strongly encouraged to call for medical assistance (516-726-5858 on campus, 911 off campus) for themselves or for a friend/acquaintance who is dangerously intoxicated.
 - 2) No Midshipman seeking medical treatment for an alcohol related overdose will be subject to Academy discipline for the sole violation of using or possessing alcohol. This policy shall extend to another Midshipman seeking help for the intoxicated Midshipman.
- d. Alcoholic beverages may be authorized by the Superintendent in a Superintendent Instruction for certain Midshipman events where the attendees will be 21 years of age or older. At these events, the individuals involved in the serving of alcoholic beverages must also be at least 21 years of age.
- e. The presence of empty alcoholic beverage containers in or about Academy grounds is prima facie evidence of use, consumption, and/or transportation of alcohol and will be dealt with in a disciplinary form.
- f. Midshipmen present in the barracks with alcoholic beverages, regardless if being consumed, will be charged with a Class I offense.

3. DRUG POLICY

- a. The wrongful use, possession, distribution or introduction onto Academy grounds of a controlled substance, prescription medication, over-the-counter medication or intoxicating substance (other than alcohol, the misuse of which is covered by subparagraph 2 above) is strictly prohibited and constitutes a Class I offense.
- b. "Wrongful" means without a prescription, legal justification or excuse. It includes use contrary to the directions of a professional health care provider or the manufacturer and use of any intoxicating substance not intended for human ingestion (such as cleaning solvents or glue). It also includes inhalant abuse (sometimes referred to as "huffing") and steroid usage other than that specifically prescribed by a health care provider.

c. Drugs include, but are not limited to the following:

- 1) Drugs requiring a prescription, but which are obtained without a physician's order, such as methedrine (speed), amphetamines (uppers), antidepressants, sedatives and barbiturates (downers), tranquilizers, and hypnotics.
- 2) Narcotics, such as morphine, heroin, codeine, and cocaine in its many forms.
- 3) Aerosol (Freon), airplane glue, paint thinner, nail polish remover, or gasoline, when used to cause intoxication.
- 4) Chemical substances and organic matter, such as LSD (acid), marijuana, hashish, THC, Peyote buttons, mescaline, DMT, DOM, STP, etc.
- 5) Designer drugs, including but not limited to synthetic marijuana (K2, Spice, herbal potpourri).

4. DRUG TESTING

- a. USMMA recognizes that the prohibition of drug use among commercial vessel personnel in the maritime industry and the Armed Forces is vitally important and considers it an essential part of its professional training program. Accordingly, the Academy conducts drug testing at specified times throughout a Midshipman's enrollment at the Academy, and also conducts random and reasonable suspicion drug testing.
 - 1) **Pre-admission.** Drug testing may be conducted as part of the physical examination process prior to admission to the Academy. A positive test is grounds to refuse admission. This testing program is administered by the Department of Defense Medical Examination Review Board (DODMERB).
 - 2) **Indoctrination.** A drug test will be conducted on each candidate reporting for admission within the first week of reporting. A positive test is grounds for immediate dismissal. This testing is coordinated by the Commandant's Department.
 - 3) **Setbacks.** A drug test will be conducted on each Midshipman who is setback, regardless of the reason, within the first week of reporting back to the Academy. A positive test is grounds for referral to an Executive Board with a recommendation for dismissal. This testing is coordinated by the Commandant's Department.
 - 4) **Pre-Sea Assignment.** A drug test is required for each Midshipman within six months of assignment to sea training. A positive test is grounds for referral to an Executive Board with a recommendation for dismissal. This testing is coordinated by the Commandant's Department.
 - 5) **Coast Guard Licensing.** A drug test is required for each Midshipman within six months of sitting for the licensing examination administered by the United States Coast Guard. A positive test is grounds for referral to an Executive Board with a

recommendation for dismissal. This testing is coordinated by the Commandant's Department.

- 6) **Random.** Midshipmen in residence at the Academy will be tested at random in accordance with the procedures outlined in this instruction. A positive test result is grounds for referral to an Executive Board with a recommendation for dismissal. This testing is coordinated by the Commandant's Department.

a. Procedure:

The Commandant's Department will periodically provide a list containing the names of all Midshipmen in residence at the Academy to the testing contractor who will generate a random sample of the names.

- 1) **Routine.** At a frequency set forth in the agreement with the testing contractor, the contractor will notify the Commandant of the impending test. At the agreed upon time, the Commandant will order the selected Midshipmen to report to the test site. A member of the Commandant's staff will be present throughout the time that samples are being taken to supervise the procedure and support the contractor taking the samples.
- 2) **Reasonable Suspicion.** This type of testing may be required of a Midshipman if an Academy official believes that the Midshipman has used illegal drugs. This belief must be based on specific objective facts and reasonable inferences drawn from these facts in light of experience. Examples of what might constitute reasonable suspicion include, but are not limited to, erratic behavior, possession of illegal drugs or paraphernalia associated with illegal drug use, or an accident that reasonably could be construed as occurring as a result of impairment due to substance abuse. Reasonable suspicion does not require certainty; however, mere assertions are not sufficient to meet this standard. Reasonable suspicion testing will be ordered only upon approval of the Commandant, the Deputy Commandant, the Superintendent or the Deputy Superintendent. This testing is coordinated by the Commandant's Department.
- 3) **Refusal to Submit to Testing.** A Midshipman who refuses to submit to testing will be deemed to have a positive test result and will be referred to an Executive Board or a Superintendent Hearing.
- 4) **USCG Notification.** All positive drug tests will be reported to the United States Coast Guard.

5. TOBACCO POLICY

- a. Midshipmen will not smoke when in public areas. They may not smoke within the confines of the barracks or any other Academy building, or in any Academy vehicles. Smoking is

only permitted in the “smoke shack” located outside of Palmer Hall and outside of Rogers Hall.

- b. Smokers must clean up after themselves. Failure to do so may result in smoking areas becoming "smoke free."
- c. Midshipmen may use smokeless tobacco in the confines of their rooms. When using these tobacco products, Midshipmen will not spit in water fountains, carry containers around, or leave containers with spit in them in any area.

3.6 RELATIONSHIPS

- 1. Midshipmen are encouraged to engage in healthy and meaningful relationships with one another. However, Midshipmen must be mindful of their environments and conduct themselves appropriately. All mentoring activities between Midshipmen are to occur in public spaces on Academy grounds. Mentoring must not take place in a barracks room or off campus.
- 2. **Fraternization.** An improper senior-subordinate relationship is defined as an unduly familiar association or dealing between seniors and juniors/subordinates, which prejudices good order and discipline, either by compromising regard and respect for authority, or by impairing the ability of the senior member to exercise fair and impartial judgment. Fraternization is an abuse of interpersonal relations between various levels, which may result in an overly familiar attitude, favoritism in treatment, or the perception of either. Fraternization is a gender-neutral concept.
- 3. The basis for relationships between the classes must be that of a proper professional relationship between seniors and juniors/subordinates. Such a relationship is based on the principles of regard for human dignity and personal respect. There must be intelligent deference by the junior, but also there must be patience, understanding, impartiality, and a feeling of responsibility on the part of the senior for the growth and professional development of the underclass. Treatment of subordinates in a manner that degrades or humiliates is a violation of these principles. Midshipmen are prohibited from relationships and actions that violate these principles. The senior Midshipman bears the primary responsibility for the prevention of improper senior-subordinate relationships, and shall be held accountable for violations of this regulation and any violation of other regulations that he/she commits as a result of the improper relationship. Similarly, the junior Midshipman is accountable for any violations of this regulation and any violation of other regulations that he/she commits by virtue of acquiescing in an improper relationship. When considering whether a relationship is appropriate, Midshipmen should not date individuals within their chain of command.

4. RELATIONSHIP OF UPPERCLASS TO PLEBE CANDIDATES, PLEBES AND 4/C MIDSHIPMEN

- a. Upperclass Midshipmen shall maintain a proper professional relationship with Plebe Candidates, Plebes, and 4/C Midshipmen.
- b. Upperclass Midshipmen shall **not**:
 - 1) Attempt to degrade or humiliate Plebe Candidates, Plebes, or 4/C Midshipmen.

- 2) Date, have sexual relations, or engage in other fraternization with any Plebe Candidates, Plebes, or 4/C Midshipmen.
- 3) Request or direct Plebe Candidates, Plebes, or 4/C Midshipmen to perform personal services.
- 4) Impose any informal or unauthorized punishment on Plebe Candidates, Plebes, or 4/C Midshipmen.
- 5) Touch Plebe Candidates, Plebes, or 4/C Midshipmen (exception: for the purpose of correcting or adjusting uniform, drill or rifle position, or other legitimate training purpose.)
- 6) Borrow anything from a Plebe Candidates, Plebes, or 4/C Midshipmen.
- 7) Direct a Plebe Candidates, Plebes, or 4/C Midshipmen to participate in any activity that could be described as hazing, bullying, or a prank.
- 8) Enter the rooms of Plebe Candidates, Plebes, or 4/C Midshipmen except on official business or to provide academic assistance.
- 9) Use any real-time electronic communication with any Plebe Candidates, Plebes, or 4/C Midshipmen for any purpose at any time, except for electronic communication via the Academy e-mail system for official Academy business. This includes, but is not limited to, social media and texting. Participating in group social media platforms created by Academy, Regimental, athletic, human relations, or student activities departments are an exception.

5. MARRIAGE, PREGNANCY, and PARENTHOOD

- a. Parenthood is defined as having legal, financial or custodial obligations for a child or children, as determined by court adjudication, self-admission, or other evidence. Any Midshipman who becomes pregnant, causes pregnancy of another, or incurs the obligations of parenthood, must report the condition to their chain of command.
- b. Midshipmen who become pregnant and choose not to resign may be allowed a Medical Leave Of Absence (MLOA) of no more than one year.
- c. Midshipmen who are pregnant and who fail to resign or request a MLOA may be disenrolled.
- d. Midshipmen may be married. However, married Midshipmen will not receive special accommodations in the form of leave, medical coverage, housing, or privileges. Midshipmen family members will not be allowed to live on Academy grounds.
- e. The Academy assumes no responsibility of any kind for the dependents of Midshipmen, including, but not limited to, providing berthing or meals for such dependents.

3.7 MIDSHIPMEN SAFETY AND CONDUCT

1. SAFETY

- a. It is the duty of each Midshipman to observe safe practices (abide by posted and published safety rules) in carrying out their daily activities and to report unsafe conditions they notice to the chain of command or to any watch officer.

2. DANGEROUS MATERIAL

- a. No Midshipman will, without proper authority, possess, or cause to be introduced onto Academy property any dangerous materials, such as ammunition, explosive substances, chemicals or liquids of inflammable nature or poisonous composition, i.e., gasoline, carbon tetrachloride, lye, etc., except small quantities of cleaning fluid, lighter fluid, hobby supplies or similar items in cans or bottles.
- b. Midshipmen will not keep candles, incense or any other lamp, lantern, etc., which utilizes an open flame or burning material in their rooms. Exceptions to these regulations are cigarette lighters and matches, which can only be lit in designated areas established in section 3.5.

3. FIREARMS, AMMUNITION, FIREWORKS, KNIVES, AND OTHER WEAPONS

- a. No firearms, ammunition or fireworks of any description, air rifles, paintball guns, spear fishing, or archery equipment will be introduced into or used on Academy limits, except with official written permission of both the Director of Public Safety and the Commandant, and only in places specifically designated by them.
- b. Midshipmen will not have in their possession hunting sheath knives or switchblade knives. Ordinary pen knives with blades less than three inches and the Midshipman knife are authorized.
- c. Clubs, brass knuckles, axes, or other weapons, except as delineated above, are prohibited at all times on Academy grounds.

4. PHYSICAL VIOLENCE/ INTIMIDATING BEHAVIOR

- a. Midshipmen will not offer or accept a challenge to fight, or encourage others to fight.
- b. Midshipmen will not strike or attempt to strike another person or encourage someone to strike another person.
- c. Midshipmen will not threaten another person or their property whether or not they intend to carry out such threats. Communication of a threat includes, but is not limited to, in person, or through a third party, telephone (including text messaging), in writing by letter, fax, or electronic mail, via social media, including Facebook, Twitter, Skype or any other social medium.

- d. Intimidating behavior on the part of any Midshipmen, but especially in the case of upper classmen versus under classmen will not be tolerated. It is a violation of both this paragraph and paragraph 3.6 Relationships.

5. DISRESPECTFUL AND PROFANE LANGUAGE

- a. Under no circumstances will a Midshipman:
 - 1) Use contemptuous, disrespectful, or insolent language/gestures toward a superior officer, toward any person in authority, or towards any other Midshipman in an attempt to intimidate or defame.
 - 2) Use profane, obscene, or vulgar words in official discourse, or in a public place where one must respect the rights of others.

6. FALSIFYING OFFICIAL DOCUMENTS

Midshipmen are prohibited from falsifying any Official Document, such as a Watch Log, Ship's Log, Boat's Log, or any other Official Government/Academy Document, application or form. Falsifying official documents is a both a violation of these Regulations and an Honor Offense.

7. GAMBLING

Midshipmen may not gamble for money on Academy grounds, on any Academy property, or at any Academy function.

8. INFORMAL PUNISHMENT

Informal or unauthorized punishment is prohibited. Under no circumstances will Academy officers, staff or Midshipmen prescribe any punishment that is not acknowledged by these Regulations, or authorized by the Commandant. Instances of unauthorized punishment are to be reported to the Commandant through the chain of command. The only exception to the above is that immediate corrective actions may be imposed in order to correct minor deficiencies in Midshipman conduct without reference to the disciplinary system of these Regulations. Such corrective action may relate directly to the deficiency exhibited by the Midshipman (e.g. sweep the hallway because the Midshipman left trash in the area, stand an extra watch for failure to properly execute a minor watch duty, etc.). Any other disciplinary action must be done in accordance with the procedures in these Regulations and Class Training Manuals.

9. IDENTIFICATION CARDS

Midshipmen will not alter, damage, lend, counterfeit, or use any ID card, including a driver's license in an unauthorized manner. Reproducing, possessing, or using false Academy, military, State, or Federal government identification is a serious violation. Midshipmen will immediately report the loss or theft of ID cards to their Company Officer and to the Office of Public Safety.

10. NEX FACILITY

Midshipmen must be in uniform of-the-day for transactions in the uniform shop, NEX, and the Seafarer until 1600 daily. Midshipmen may get their haircut at the Academy Barber Shop in clean Academy issue gym gear during the duty day.

11. CONDUCT IN THE DINING HALL

- a. The Regimental Commander (RC) is charged with the responsibility of the internal organization, accountability, and the conduct of the Regiment in the dining hall.
- b. The RC or, in his/her absence, the senior Midshipman present, will preside at meals.
- c. Each table will be under the supervision of a Midshipman table captain designated by the Regimental Commissary Officer (RCO). Table captains will sit at the head of their respective tables for each mandatory meal. If unable to do so they will designate another 1/C Midshipman to serve as table captain. Each table captain will be responsible for:
 - 1) The enforcement of regulations at that table.
 - 2) Maintenance of order and proper table etiquette.
 - 3) The orderly cleaning/stacking of all eating gear/utensils at the conclusion of the meal.
 - 4) Ensuring that no Commissary utensils/equipment leave the Dining Hall.

12. ARREST BY CIVIL AUTHORITIES

If arrested, Midshipmen will notify the CDO and/or their Company Officer as soon as possible. Violations of law that result in arrest may result in disciplinary charges against the Midshipman.

3.8 HAZING AND BULLYING

Hazing and bullying are unacceptable and are prohibited in all circumstances and environments, including but not limited to, on or off campus, during TMs or while at sea. The prohibition on hazing and bullying extends to misconduct committed in person, through a third party, or via electronic or other communications, such as text messaging, written or faxed letters, email, or social media (Facebook, Twitter, Instagram, Snapchat, Skype, Facetime, etc.).

- a. **Hazing:** any act committed or any situation intentionally created that is embarrassing, humiliating, harassing, intimidating or demeaning, or endangers the physical or mental health or safety of another person, for the purpose of initiation into, admission into, affiliation with, change in status or position within, or as a condition for continued membership in any team, organization, club, or group. Hazing occurs regardless of the willingness to participate by the person against whom the behavior is directed. Examples of hazing include, but are not limited to, the following:
 - 1) Any form of initiation or congratulatory act that involves physical acts against another in any manner, or threatening to do the same

- 2) Oral or written berating of another for the purpose of belittling or humiliating him/her
 - 3) Encouraging another to engage in illegal, harmful, demeaning, or dangerous acts
 - 4) Playing abusive or malicious tricks
 - 5) Forced or required consumption of food, alcohol, drugs, or any other substance
- b. **Bullying:** aggressive behavior toward another that may cause physical or psychological harm and that is repeated, or has the potential to be repeated, over time. Bullying may involve the singling out of an individual from others for ridicule because he/she is considered different or weak. It often involves an imbalance of power between the aggressor and the target. Examples of bullying include, but are not limited to, the following:
- 1) Taunting, teasing, name-calling, or threatening to cause harm
 - 2) Playing abusive or malicious tricks
 - 3) Degrading or damaging a person's reputation
 - 4) Physical acts against another in any manner, or threatening to do the same
 - 5) Forced consumption of food, alcohol, drugs, or any other substance
- c. Soliciting, coercing, or knowingly permitting another person to solicit or coerce acts of hazing or bullying may be considered acts of prohibited hazing and bullying.
- d. Incidents of hazing or bullying that involve allegations of sexual assault, sexual harassment, or discrimination will be addressed in accordance with the full panoply of laws, regulations, and policies pertaining to such allegations.

3.9 DISCRIMINATION AND HARASSMENT

Discrimination and harassment are unacceptable and are prohibited in all circumstances and environments, including but not limited to, on or off campus, during TMs or while at sea. The prohibition on discrimination and harassment extends to misconduct committed in person, through a third party, or via electronic or other communications, such as text messaging, written or faxed letters, email, or social media (Facebook, Twitter, Instagram, Snapchat, Skype, FaceTime, etc.).

- d. **Discrimination:** is adverse treatment of another based on race, color, national origin, ethnicity, gender and/or gender identity or expression, disability, religion, age, sexual orientation, veteran or military status, or any other status protected by law.
- e. **Harassment:** is unwelcome verbal or physical conduct based on race, color, national origin, ethnicity, gender and/or gender identity or expression, disability, religion, age, sexual orientation, veteran or military status, or any other status protected by law. Harassment includes conduct that creates an intimidating, hostile, or offensive academic or residential environment, or otherwise adversely affects academic opportunities or participation in any Academy activity or benefit. Examples of harassment include, but are not limited to, the following:

- 1) Verbal abuse or hostile behavior, such as insulting, teasing, mocking, degrading, or ridiculing another person or group.
- 2) Inappropriate physical contact, comments, questions, advances, jokes, epithets, or demands.
- 3) Physical assault or stalking.
- 4) Displays or physical or electronic transmission of derogatory, demeaning, or hostile materials.

3.10 RETALIATION

Retaliation is unacceptable and is prohibited in all circumstances and environments, including but not limited to, on or off campus, during TMs or while at sea. The prohibition on retaliation extends to misconduct committed in person, through a third party, or via electronic or other communications, such as text messaging, written or faxed letters, email, or social media (Facebook, Twitter, Instagram, Snapchat, Skype, FaceTime, etc.).

- a. **Retaliation** (sometimes referred to as reprisal) means taking or threatening to take any adverse action taken against an individual for making a good faith report of conduct prohibited under this Policy, or for participating in any investigation or proceeding resulting from such a report. Retaliation includes threatening, intimidating, harassing, or any other conduct that would discourage a reasonable person from making a report, or from participating in proceedings related to such a report. Examples of retaliation include, but are not limited, to the following:
 - 1) Disadvantaging or restricting a person in their status as a Midshipman or employee, or in their ability to gain benefits or opportunities available at the Academy;
 - 2) Precluding a person from filing a report of prohibited conduct;
 - 3) Pressuring someone to drop or not support a complaint, or to provide incomplete, false, or misleading information; or
 - 4) Adversely altering the educational or work environment of someone who has complained or participated in the complaint process.
- b. Ostracism, which is a form of retaliation, means wrongfully excluding a Midshipman, or faculty or staff member, from social acceptance or membership in or with a recognized Academy group, such as the chain of command, intercollegiate or intramural team, or Academy club, of which such individual was a part of or a reasonable person would conclude wanted to be part of, with the intent to do any of the following:
 - 1) Inflict emotional distress on the individual.
 - 2) Discourage reporting of conduct prohibited under this Policy.
 - 3) Discourage participation in administrative proceedings related to such prohibited conduct.

and, because the perpetrator knew or believed any of the following:

- 1) That the individual reported or was planning to report prohibited conduct.
- 2) That the individual had been or had alleged to be subjected to prohibited conduct.
- 3) That the individual was reported by another as being subject to prohibited conduct.
- 4) That the individual intervened to prevent or attempted to prevent prohibited conduct from occurring.
- 5) That the individual cooperated in an investigation, or has served or will serve as a witness, or otherwise cooperate in the future in an administrative and/or criminal investigation or proceeding involving prohibited conduct.

3.11 SEXUAL MISCONDUCT

1. Midshipmen may not engage in sexual misconduct, which is defined as consensual sexual acts on Academy grounds, on Academy vessels, on TMs, on board vessels assigned during sea training, under circumstances that are discrediting to the Academy or the Midshipman, or are prejudicial to good order and discipline in the Regiment of Midshipmen.
2. Examples of sexual misconduct include kissing, touching, sexual intercourse of any sort, sexually motivated nudity, and indecent exposure.
3. In addition to the above, Midshipmen may not hold hands while in uniform, and may not sit or lay on the same bed on Academy grounds, or aboard a ship or vessel.

3.12 SEXUAL ASSAULT, SEXUAL OR GENDER-BASED HARASSMENT, RELATIONSHIP VIOLENCE, STALKING. AND SEXUAL EXPLOITATION

1. Standards of decorum, and performance are expected of a Midshipmen as Officers in training. This includes actions or words which would bring discredit upon the Academy. Sexual assault, sexual or gender-based harassment, relationship violence, and stalking are unacceptable and are prohibited in all circumstances and environments, including but not limited to, on or off campus, during TMs or while at sea. This prohibition extends to misconduct committed in person, through a third party, or via electronic or other communications, such as text messaging, written or faxed letters, email, or social media (Facebook, Twitter, Instagram, Snapchat, Skype, FaceTime, etc.).
 - a. Sexual assault is a crime of violence defined as intentional touching of a sexual nature against the will (by use of force, physical threat, coercive conduct, or abuse of authority) or without the consent of another person, or where that person is incapacitated (e.g., “passed out,” sleeping, or impaired due to the use of alcohol or drugs, including prescription medications) or otherwise incapable of giving consent. The other person can be male or female and the perpetrator of the sexual assault can be of the same or opposite sex. Examples of sexual assault include, but are not limited to, the following:
 - 1) Sexual intercourse, including anal, oral or, vaginal penetration, however slight, with a body part (e.g., penis, finger, hand or tongue) or an object
 - 2) Kissing, touching, groping, fondling, or other intentional contact with the breasts, buttocks, groin, or genitals (over or under an individual’s clothing) for purposes of

- sexual gratification or when such private body parts are otherwise touched in a sexual manner
- 3) Sexual contact with someone who is unable to say “no” and/or change their mind due to the presence of coercion or intimidation
 - 4) Sexual contact with someone who is under the age of consent in the jurisdiction in which the sexual assault occurs.
- b. Sexual harassment is any unwelcome sexual advance request for sexual favors, or other unwelcome verbal, non-verbal, graphic or physical conduct of a sexual nature, including, but not limited to, the following:
- 1) Submission to or rejection of such conduct is either an explicit or implicit term or condition of an individual’s employment or advancement in employment, evaluation of academic work or advancement in an academic program, or basis for participation in any aspect of an Academy program or activity, including Regimental duties (*quid pro quo*);
 - 2) Submission to or rejection of such conduct by an individual is used as a basis for decisions affecting the individual (*quid pro quo*); or
 - 3) Such conduct has the purpose or effect of unreasonably interfering with an individual’s learning, working, or living environment; in other words, it is sufficiently severe, pervasive, or persistent as to create an intimidating, hostile, or offensive learning, working, or living environment under both an objective (a reasonable person’s view) and subjective (the Complainant’s view) standard (hostile environment).
- c. Gender-based harassment includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature.
- d. Examples of sexual or gender-based harassment include, but are not limited to, the following:
- 1) Unwanted flirtation, advances or propositions of a sexual nature;
 - 2) Verbal conduct, including lewd or sexually suggestive comments, jokes, or innuendos, or unwelcome comments about an individual’s sexual orientation or gender identity; and
 - 3) Written conduct, including letters, notes, or electronic communications containing comments, words, jokes, or images that are lewd or sexually suggestive, or relate in an unwelcome manner to an individual’s sexual orientation or gender identity.
- e. Relationship violence refers to controlling, abusive behavior, including any act of violence or threatened act of violence, against a person who is, or has been involved, in a sexual, dating, domestic, cohabiting or married relationship with that person. Relationship violence can take place in heterosexual or same-sex relationships, and sometimes also involves violence against the children in the family. Relationship violence can take a number of forms including physical, verbal, emotional, economic and sexual abuse, or any combination thereof.

- 1) Domestic violence: The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the applicable jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the applicable jurisdiction.
 - 2) Dating violence: The term "dating violence" means violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.
- f. Stalking is a course of conduct directed at a specific person that would cause a reasonable person to fear bodily injury or experience substantial emotional distress. Such conduct includes, but is not limited to, unwelcome acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicate to or about a person or interferes with a person's property. It includes cyber-stalking, in which electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used. Stalking can occur in a dating relationship, friendship, or past relationship, or can be perpetrated by a stranger.
 - g. Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another person for their own advantage or benefit, or for the advantage or benefit of anyone else. Examples of sexual exploitation include, but are not limited to, the following:
 - 1) Voyeurism (such as watching or taking pictures, videos, or audio recordings of another person engaging in a sexual act, in a state of undress, or in a place and time where such person has the reasonable expectation of privacy, such as a changing room, toilet, bathroom, or shower, each without the affirmative consent of all parties)
 - 2) Disseminating, streaming, or posting pictures or video of another in a state of undress or of a sexual nature without the person's affirmative consent
 - 3) Exposing one's genitals to another person without affirmative consent
 - 4) Knowingly exposing another individual to a sexually transmitted infection or virus without the other individual's knowledge
 - h. Failure to obtain consent
 - 1) Consent is defined as an affirmative decision given by clear words or actions to engage in mutually agreed upon sexual activity. Consent may not be inferred from silence, passivity or lack of resistance alone. Consent to one form of sexual activity does not imply consent to other forms of sexual activity, and the existence

of a current or previous dating or sexual relationship is not sufficient to constitute consent to additional sexual activity. Consent may be initially given but can be withdrawn at any time.

- 2) Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness, being asleep, being involuntarily restrained, or being coerced or intimidated. Depending on the degree of intoxication, an individual who is under the influence of alcohol, drugs, or other intoxicants, may be incapacitated and, therefore, unable to consent.

3.13 SEA YEAR CONDUCT POLICY

Sailing aboard commercial and military vessels as a cadet is a privilege that should not be taken for granted. At all times, on duty or off, Midshipmen represent the Academy and the Regiment, and are expected to act as leaders of exemplary character. Midshipmen will be respectful of all crew members and others working on and with the vessel and with anyone with whom they interact on liberty. In all matters, a Midshipman's conduct is a reflection of the Academy, and the Regiment of Midshipmen.

1. PROCEDURES

Liberty is granted at the discretion of the ship's master. While on Liberty, Midshipmen must carry identification, conduct themselves in an exemplary manner, and be accompanied by a liberty buddy. A liberty buddy may be a fellow Midshipman or a crewmate. Liberty buddy relationships must be in compliance with fraternization policies.

2. PROHIBITED CONDUCT

- a. Midshipmen under age 21 may not consume alcohol even if local laws permit it.
- b. Midshipmen will not engage with prostitutes or other sex workers, even if local laws permit it, and will not encourage others to do so.
- c. Midshipmen will not become involved in or promote human trafficking in any way.
- d. Midshipmen will not engage in sexual assault, harassment of any form, including sexual harassment, bullying, hazing or coercion of others to engage in inappropriate behavior.
- e. Midshipmen will not retaliate against any person for reporting misconduct or refusing to submit to coercion to engage in inappropriate behavior.
- f. Midshipmen will not date, have sexual relations, or engage in romantic or other unduly familiar associations with any member of the crew, including other Midshipmen assigned to the vessel. If two Midshipmen with a romantic or dating relationship at the Academy are assigned to the same vessel, both must immediately notify their Academy Training Representative (ATR) so they can be assigned to different ships.

3. **OBLIGATION TO REPORT:** Midshipmen who have witnessed any type of misconduct or inappropriate behavior have an ethical obligation to report it.

4. **SHIP REGULATIONS:** If the regulations of the ship or shipping company to which a Midshipman is assigned are more restrictive than the policies outlined in these Regulations, Midshipmen must follow the more restrictive policy. For example, if a company has a policy that alcohol is never to be consumed while assigned to one of their ships, Midshipmen must comply with that policy.

3.14 SPIRIT RELATED ACTIVITIES

1. Spirit-related activities, including cheers, sheet posters, decorations, or skits, will remain within the bounds of good sportsmanship, good taste, and common decency. Spirit should focus on the efforts of Academy teams, and not on tearing down the opposition. Such activities should not be destructive in any way.
2. Midshipmen will obtain Company Officer approval before conducting any spirit-related activity or “recon.”
3. **MIDSHIPMEN WILL NOT:**
 - a. Demean or offend any individual or group through offensive language or actions that could cause physical harm.
 - b. Deface, destroy, or move any property, including cannons, monuments, memorials, items of historical significance, and other decorative art or objects, unless sanctioned by the Commandant.
 - c. Move, lift, or rearrange tables, chairs, or other equipment in Wiley Hall, Delano Hall, academic buildings, athletic facilities, or associated spaces.
 - d. Gain or attempt to gain access to any roof tops at any time. At no time will items be placed or hung from roofs of any buildings.
 - e. Block egress from occupied spaces.

4. INTERNET VIDEOS

- a. Midshipmen may create videos for morale and expression purposes. Videos intended for online publication must be in good taste and must avoid offensive and inappropriate behavior that could bring discredit upon themselves or the Academy. Such videos must be reviewed and approved by the Commandant or his/her designee and the Academy Office of External Affairs before being posted to any online website (i.e., YouTube) or Social media (i.e., Facebook). When submitted for approval, the videos must be in appropriate media format to be viewed from a computer, and must be accompanied by a typed memorandum format description of the video’s content and proposed location of online posting (i.e., YouTube, Vimeo, etc.).
- b. When posted, the video must include the following disclaimer: “This video is the personal work of [person/group or persons], and not of the United States Merchant Marine

Academy". Midshipmen are personally responsible for all content they publish on social networking sites, blogs, video hosting websites, or other websites. Midshipmen must be acutely aware that they lose control over content they post on the internet. Such loss of control will not absolve Midshipmen of responsibility under these Regulations.

- c. All Facebook pages operated as a function of the Academy must be accessible to the Commandant's Office, the Office of Public Safety, the Office of External Affairs and the Department of Information Technology.
- d. Posting any defamatory, libelous, obscene, abusive, threatening, racially or ethnically discriminatory, or otherwise offensive or illegal information or material is prohibited.
- e. No miswear or inappropriate wear of uniforms may be used in the videos.

3.15 ETIQUETTE

1. BACKGROUND

While Merchant Marine Officers do not generally follow military courtesies or rules of etiquette, the understanding and practice of them prepares Midshipmen for those situations in which they might find themselves while at the Academy and in their chosen careers.

2. ACADEMY COURTESIES

- a. Deference of juniors to seniors is expected at all times. Specific rules are as follows:
 - 1) Juniors always initiate the salute and greeting.
 - 2) A Midshipman rises when an officer approaches and stands at attention, if addressing the officer or being addressed by the officer.
 - 3) When ordered to report to an officer, a Midshipman reports promptly.
 - 4) When accompanying a senior, a junior walks on the senior's left.
 - 5) When a Midshipman is issued an order he or she always responds by saying, "Aye-Aye Sir/Ma'am" or "yes sir/ma'am" meaning that the Midshipman understands and will obey the order.

3. ADDITIONAL FORMS OF MILITARY COURTESY

- a. When ordered to report to an officer outdoors, approach the officer at attention and halt about two paces from him/her, render the appropriate salute and say, "Sir/Ma'am, Midshipman [name], [no.] class reporting as ordered, Sir/Ma'am." Hold the salute until it is acknowledged.
- b. When the business is completed, salute and, after that salute has been returned, take one-step backward, execute an about face and depart.
- c. When reporting to an officer indoors, follow the same procedure, except remove the headgear before approaching the officer and do not salute.

- d. Midshipmen and other uniform personnel entering or leaving Wiley Hall will salute the Memorial and the colors flying in the center of the main deck. This practice has a three-fold significance; it honors our National Ensign, it conforms to saluting the Quarterdeck on a ship when coming aboard or going ashore, and honors the 142 Merchant Marine Academy midshipmen who lost their lives during World War II.

4. SALUTING

- a. The saluting custom goes back to the earliest recorded history. Just as you show marks of respect to seniors in civilian life, military courtesy expect that you show respect to your seniors in the regimented profession such as the Merchant Marines. Regulations require that all officers be saluted by Midshipmen and that they return such salutes. When a salute is executed, the right hand is raised smartly until the tip of the forefinger touches the lower part of the headgear. Thumb and fingers are extended and joined. The palm is turned slightly inward until the person saluting can just see its surface from the corner of the right eye. The upper arm is parallel to the deck with the elbow slightly in front of the body. The forearm is inclined at a 45-degree angle; hand and wrist are in a straight line. Completion of the salute is executed by dropping the arm to its normal position in one sharp, clean motion.
- b. The following are some general rules regarding saluting:
 - 1) When meeting an officer who is either driving or walking, salute when six paces away in order to give him/her time to return your salute before you are abreast of him/her.
 - 2) Hold the salute until it is returned. Accompany the salute with the greeting of the day, i.e. "Good morning sir/ma'am".
 - 3) Render the salute once if the officer remains in the immediate vicinity. If conversation takes place, however, salute again when the officer leaves or when you depart.
 - 4) When passing an officer who is going in the same direction, as you come abreast of him/her, salute and say, "By your leave, sir/ma'am." He/she will return the salute and say, "Carry on," or "Granted." You then finish your salute and pass ahead of him/her.
 - 5) Upon approach of an officer superior in rank, individuals of a group not in formation are called to attention by the first person noticing the officer, and all come smartly to attention and salute.
 - 6) Midshipmen shall salute Commissioned Officers when they are out of uniform, as long as the Midshipman is in uniform.
- c. Do not salute:
 - 1) If you are engaged in work, unless spoken to directly.
 - 2) When not wearing a cover or inside. Persons in the maritime service never salute "uncovered"; that is, not wearing a cover. If indoors, Midshipmen are required to remove headgear and would not salute. For purposes of these rules and regulations, the term "outdoors" is construed to include such buildings as gymnasiums and other roofed enclosures used for drill or exercise of midshipmen, theater marquees,

- covered walks, and other shelters open on the sides to the weather. "Indoors" includes classrooms, offices, passageways, galleys, dining halls, watch offices, recreation rooms, heads, washrooms, dormitory rooms, etc.
 - 3) With a tooth pick, cigarette, or other items in your mouth.
 - 4) When in formation, EXCEPT at the command, "Present Arms."
 - 5) When moving at "double time" - ALWAYS slow to a normal walk before saluting.
 - 6) When carrying articles in both hands, or otherwise so occupied as to make saluting impractical. It would be advisable to render a proper greeting.
- d. A Midshipmen in uniform who recognizes an officer in civilian clothes is required to render the proper salute. Civilians entitled by reason of their position to honors, e.g., President of the United States, senators and other members of congress, governors, etc., rate a hand salute.
 - e. When personal honors are being rendered to individuals of high rank and you are NOT IN FORMATION, salute at the first note of the music, and hold the salute until the completion of the ruffles, flourishes and march.

5. COLORS AND NATIONAL ANTHEM

- a. Honors to the National Anthem or to the colors are rendered as follows:
 - 1) Whenever the "National Anthem" or "To the Colors" is played and you are not in formation and not in a vehicle, come to attention. At the first note of the music, face the flag and render the hand salute. Hold the salute until the last note of the music has sounded.
 - 2) If no flag is near, face the music and salute.
 - 3) If in formation, salute only on the order, "Present Arms."
 - 4) If outdoors and uncovered, stand at attention and face the direction of the flag or music. When the "National Anthem" is played indoors, Midshipmen will stand at attention and face the music or flag if one is present.
 - 5) When passing or being passed by an uncased color that is being paraded, presented, or is on formal display, salute at six paces distance, and hold the salute until six paces beyond it or until it has passed you by six paces.
 - 6) If uncovered, stand at attention or march smartly when passing or being passed by an uncased color.
- b. The marks of respect shown above are also rendered to the National Anthem of any friendly country when played on official occasions.

3.16 PHYSICAL APPEARANCE AND UNIFORMS

- a. Midshipmen will dress neatly and smartly at all times. Uniforms shall be scrupulously clean. All buttons, snaps, zippers, etc. shall be fastened at all times. This includes the "neck button" on all jackets for Plebe/Fourth Class Midshipmen, and the boiler suit and pocket buttons for all uniforms and classes. Nothing shall be protruding from shirt pockets; all pens and pencils should be stowed completely within. Pants pockets are for stowing necessary items only; they should never be overstuffed. The only time a Midshipmen

should put their hands in their pockets is to retrieve an item. If your hands are cold, wear gloves. Midshipmen are subject to these Regulations at any time while in uniform on Academy property, and Academy sponsored trips and events, or at any other such time that the uniform is worn.

- b. The uniform of the day will be prescribed by announcement by the MCDO. On most days, the uniform of the day will be “standard issue” (Poly-Wool) Khakis. Seasonal changes of uniform will be announced in advance. Only the uniforms prescribed by the RC, or that are necessary for special classes or laboratories, shall be worn between 0700 and 1600. While in attendance at evening classes, all Midshipmen will be in the prescribed khaki uniform. No faculty member is authorized to allow Midshipmen to be out of uniform at any time while in class. On some days (Admissions Open Houses, Career Fairs, etc.), the uniform of the day will be the in-season dress uniform. All will be required to wear the dress uniform on those designated days from 0700 – 1600.
- c. After 1600 and on weekends, PT gear is authorized as per Class Rates.
- d. While attending classes, or participating in Academy-related or sponsored event, while in any official place of business on campus (i.e. the Registrar, Student Accounts, Regimental Assistant), and/or while in the Navy Exchange or Seafarer, Midshipmen are to be in the proper uniform of the day. The only exceptions to this rule are the Academic Center for Excellence and the Bland Library.
- e. For security purposes, United States Government ID cards should be carried with you at all times and presented when requested by higher authority.
- f. Uniform components deemed unserviceable will be replaced at the Midshipman’s expense.

3. GROOMING STANDARDS

Midshipmen must have a neatly groomed appearance while wearing uniforms. Midshipmen are required to read and adhere to the Commandant Instruction on Uniform and Grooming Standards. This Instruction gives detailed requirements for both male and female grooming requirements as well as jewelry restrictions. Every Midshipman will be held accountable for these requirements.

CHAPTER 4 – DISCIPLINARY SYSTEM

4.1 PURPOSE

The Academy is committed to maintaining a safe, healthy and respectful environment in which Midshipmen may pursue their academic goals. The Academy seeks to instill in Midshipmen self-discipline as a daily way of life, to correct Midshipmen whose conduct is not in accordance with prescribed standards, and when necessary, to separate Midshipmen who are unwilling to conform to the minimum standards of conduct required at the Academy.

4.2 RIGHTS AND OBLIGATIONS DURING CONDUCT PROCEEDINGS

1. A Midshipman has the following rights during a conduct proceeding that has reached the level of a Mast (Rights a. through d. also apply to any investigative meeting held with the Investigating Officer):
 - a. To remain silent and not have that silence used against him/her.
 - b. To receive a written statement of the charges against him/her, in accordance with the provisions of the Midshipman Regulations.
 - c. To receive adequate notice of dates set for Mast, and any related conferences and/or meetings.
 - d. To review the disciplinary case file maintained by the Commandant's Office prior to a Mast and/or appeal.
 - e. To present witnesses and submit any pertinent, supportive documentation.
 - f. To have a closed Mast hearing unless he/ she provides written permission for others to attend.
 - g. To receive a written statement of the outcome of the proceeding, and a description of the appeal procedure.
 - h. To appeal the Mast decision, subject to the provisions of the Midshipman Regulations.
2. In any investigation or inquiry made pursuant to the Midshipman Regulations, it is the duty of every Midshipman to fully answer every question as to facts within their knowledge, no matter who, except themselves, may be incriminated by their answer.

4.3 REPORTING

1. Any member of the Academy community may initiate a complaint against a Midshipman for an alleged violation of these Regulations through the Commandant. A complainant shall submit the complaint to the Commandant within a reasonable amount of time from the date he/she becomes aware of the alleged violation of the conduct system. All complaints will be reviewed by the Commandant's Office for possible Midshipman Regulations violations, except that all complaints

of sexual assault, sexual or gender-based harassment, relationship violence, stalking or retaliation will be handled in accordance with the appropriate Superintendent Instructions.

2. CHARGES AND NOTICE

- a. The Commandant's Office will investigate each complaint, and if the circumstances surrounding the complaint indicate that a violation of these Regulations may have occurred, disciplinary charges will be issued. The Midshipman will be notified of the charges in writing. However, if the disciplinary charge(s) might warrant deferred graduation, a setback, or disenrollment, the Commandant's Office will make a recommendation to the Superintendent to conduct either an Executive Board or a Superintendent's Hearing on the disciplinary charge(s).
- b. Proper written notice to a Midshipmen will include the following:
 - 1) A recitation of facts surrounding the incident, in as sufficient detail as possible, including date, time, and location.
 - 2) A statement of the specific offense committed in violation of these Regulations.
 - 3) The amount of time in which the Midshipman has to respond to the notice.
 - 4) The ramifications of not responding to the notice within the time limit.
 - 5) A copy of the rights of a charged Midshipmen in conduct proceedings, listed in 4.2.1 above.
- c. The Commandant's Office may place a disciplinary hold on a Midshipman's academic record and/or may go forward with disciplinary action against a Midshipman in either of the following situations:
 - 1) The Midshipman fails to respond to a charge letter within the applicable time limit.
 - 2) The Midshipman withdraws from the Academy after allegedly committing a violation, whether or not the Commandant's Office has yet had the opportunity to charge the Midshipman with a violation.
 - 3) The Midshipman fails to appear at his/her scheduled Mast or appeal hearing.

4.4 ORGANIZATION OF THE ACADEMY CONDUCT SYSTEM

Any violation of these Regulations is subject to disciplinary action. In cases where a violation is committed by an individual member or members of a Midshipman organization, the organization may be subject to sanctions, in addition to the individual member, when those members not directly involved participate in the activity by encouraging, witnessing or condoning the act in any manner. Violations will be classified as either **Class I** or **Class II offenses**.

1. **CLASS I OFFENSES.** Class I offenses are serious and/or deliberate violations of the standards of conduct. Class I offenses may result in the following sanctions:
 - a. Assignment of not more than 50 demerits per Class I charge.
 - b. Assignment of 1 hour of Extra Duty (ED) per every 5 demerits.
 - c. Assignment of Restriction of no more than 60 days per Class I charge.

- d. Refer for counseling services.
- e. Referral to a Performance Review Board (PRB) to determine suitability to remain at the Academy.
- f. Referral to Executive Board or a Superintendent's Hearing in cases of offenses sufficiently severe that they may warrant deferred graduation, setback, or disenrollment.
- g. Class I Offenses include the following:
 - 1) **Absent Without Leave or Over Liberty over 60 minutes**
 - 2) **Aiding and abetting another in any violation of laws and/or Academy policies**
 - 3) **Alcohol; Unauthorized use and/or possession of**
 - a) Serving/providing to an individual under the legal drinking age
 - b) Unauthorized possession or consumption of alcohol on Academy grounds regardless of age is an alcohol violation
 - 4) **Assault/Personal Combat; with intent to do harm**
 - 5) **Authority; flagrant unwarranted assumption of**
 - 6) **Breach of Restriction**
 - 7) **Bullying, Physical Abuse, or Endangerment**
 - 8) **Conduct that prejudices good order and discipline, or reflects discredit on the Academy or on the Midshipman**
 - 9) **Cruelty, Hazing, Oppression, Personal Servitude or Maltreatment of any person**
 - 10) **Disrespect to superiors; in manner, language, or tone**
 - 11) **Drugs; possession of, use of, sale of, or possession of paraphernalia**
 - 12) **Duty: Improper performance of;**
 - a) Through neglect
 - b) Causing endangerment
 - c) So as to be disruptive in nature
 - 13) **Failure to Comply with Academy personnel or policies**
 - 14) **Falsification/Fraud/False Testimony**
 - 15) **Failure to comply with Academy or shipboard rules or regulations**
 - 16) **Fire and Safety Alarms; setting off or tampering of**
 - 17) **Fraternization**
 - 18) **Gambling for money or other items of value**
 - 19) **Gross Lack of Good Judgment**
 - 20) **Harassment or Discrimination**
 - a) Harassment or discrimination complaints based on race, national origin, color, religion, gender, age, sexual orientation, disability, marital status, genetic information or any other status protected by law will be handled in accordance with the applicable Superintendent Instructions.
 - b) Harassment complaints that are not based on a protected category set forth in the preceding subparagraph will be handled in accordance with this Disciplinary System.
 - 21) **Information Technology; Unauthorized use of**
 - a) Any act in violation of law and/or Academy policies and guidelines regulating computer-related use.

- 22) **Insubordination**
- 23) **Missing Movement**
 - a) This includes buses, vessels, aircraft transportation to or from vessel assignments, ground transportation to or from vessel assignments, or Academy vehicles.
- 24) **Moral Turpitude; Indecent acts; Indecent exposure**
- 25) **Property/Facilities/Services;**
 - a) Endangering or hazarding.
 - b) Willful destruction of Federal, or another's
 - c) Unauthorized entry into Academy facilities
- 26) **Retaliation**
 - a) Retaliation complaints will be handled in accordance with the applicable Superintendent Instructions.
- 27) **Sexual Misconduct, Consensual, on Academy grounds/buildings/vessels**
- 28) **Sexual Assault, Sexual or Gender-Based Harassment, Relationship Violence, or Stalking**
 - a) Sexual assault, sexual or gender-based harassment, relationship violence, or stalking complaints will be handled in accordance with the applicable Superintendent Instructions.
- 29) **Violation of Academy Policy or Federal Laws**
- 29) **Watch;**
 - a) Absence from
 - b) Sleeping or malingering on
- 30) **Weapons/Firearms/Explosives/Fireworks; Unauthorized use and/or possession of**
 - a) Including non-lethal weapons. Examples of such weapons may include, but are not limited to pellet guns, air-soft guns and paintball guns, or knives with illegal length blades. Knife blades must be 4 inches in length or less.

h. Procedures for Class I Mast:

- 1) Investigation of Alleged Class I Violations
 - a) The Deputy Commandant will have reported Class I violations investigated by a Company Officer (Investigating Officer) other than the Midshipman's Company Officer or the reporting officer.
 - b) The Investigating Officer will, whenever possible, interview all those individuals involved with first-hand knowledge of the case and obtain written statements.
 - c) The Investigating Officer is to complete the investigation within five business days from the time being assigned, unless an extension is requested in writing to the Deputy Commandant and granted.
- 2) Notice of Mast - Class I Mast will be conducted to adjudicate any of the infractions listed above, and may be combined with Class II offenses if they are part of the same incident. The Deputy Commandant will notify the Midshipman involved of the date, time and place of the Mast.

- a) At least 24 hours prior to Mast, the Midshipman involved will have the opportunity review all documentation relating to the charge.
- 3) Mast Processes - The following process will govern all Masts:
 - a) All Class I Masts will be adjudicated by the Deputy Commandant or his/her designee, with the RC and/or RX, CO, and the Midshipman's CC/CX/PC. No other individuals will be present without the written consent of charged Midshipman
 - b) The focus of inquiry in a Mast will be the determination of whether a violation of Academy rules occurred. Such inquiry will be totally unrelated to any criminal or civil actions against the Midshipman arising from the same incident.
 - c) Formal rules of evidence will not apply to Mast, nor will deviations from these prescribed procedures necessarily invalidate a decision or proceeding unless significant prejudice to the charged Midshipman or the Academy may result.
 - d) The charged Midshipman will be presumed to have not violated the Midshipman Regulations until it is proven otherwise.
 - e) The burden of proof during a Mast will rest with the Academy. The Academy must prove its case by a preponderance of the evidence, meaning that the evidence, considered in its entirety, indicates that, more likely than not, the charged Midshipman committed the violation(s).
- 4) Disposition of Class I Mast
 - a) The Deputy Commandant or his/her designee, with input from the RC and/or RX will adjudicate the Class I Mast and administer one of the following sanctions:
 - (1) Clear the Midshipman of charges, if no violation has occurred.
 - (2) Reclassify the violation as a Class II offense and adjudicate the Class II Offense.
 - (3) Find the Midshipman responsible for the offense and assign sanctions in accordance to the Midshipmen Regulations, as listed above in paragraph (4.6.1.a – f)
 - (4) Refer the Midshipman to a Performance Review Board (PRB) to determine suitability to remain at the Academy. In case where the Midshipman's suitability is in question, he/she will be referred to an Executive Board or a Superintendent's Hearing for final determination.
 - (5) Refer the matter to the Academy Honor Board, which may accept or reject the referral in accordance with its procedures.
 - b) Decisions of the Class I Mast will be in writing and delivered to the Charged Midshipman at the conclusion of Mast. If a violation is found, the decision will state what rule was violated, the behavior constituting the violation, and any sanctions issued.
- 5) Appeal of Class I Mast Results

- a. Right to and Grounds for Appeal – The Midshipman may request that the Commandant review the decision rendered at the conclusion of the Mast process. The following are the only grounds for an appeal:
 - i. There is new evidence of a substantive nature not previously available at the time of the hearing, which would have materially affected the decision.
 - ii. There were procedural errors in the case or in the interpretation of Regulations serious enough to deny the Midshipman a fair hearing.
 - iii. The severity of the sanction is disproportionate to the violation(s) committed in accordance with the Regulations.
- b. Appeal Process - The steps to file an appeal are as follows:
 - i. The Midshipman must submit a written, typed request for an appeal to the Commandant within five (5) business days from the date of the Mast. Unless extenuating circumstances can be shown, failure to appeal within the allotted time will render the Mast decision final.
 - ii. The written request for an appeal must state the grounds for appeal (citing the appropriate grounds from the Para. 1 above), include a discussion of the evidence and facts in support of the appeal, propose a recommended solution, and include any supporting documentation that should be considered by the Commandant.
- c. Appeal Hearing
 - i. The Commandant, when possible, is not to exceed five (5) business days from the receipt of the written appeal to schedule a hearing for the appeal.
 - ii. The Commandant shall call in the Deputy Commandant and the Midshipman to the appeal hearing.
 - iii. The Midshipman may bring an advisor to the hearing. The advisor must be a member of the Academy community (other than a Chaplain, Counsel or Assistant Counsel to the Academy or a member of the Commandant's office). If the advisor is a Midshipman, he/she must be a Midshipman in good standing.
 - iv. On appeal, the burden of proof rests with the Midshipman to clearly exhibit that one of the three grounds for an appeal has been met; this is not a re-hearing of the entire case.
 - v. Any sanction(s) issued at the Mast will not take effect until the appeal process is completed.
 - vi. Deviations from these prescribed procedures will not necessarily invalidate a decision or proceeding unless significant prejudice to the charged Midshipman or the Academy may result.
- d. Disposition of the Appeal

- i. The Commandant may take one of the following actions:
 - (1) Uphold the decision of the Mast in its entirety;
 - (2) Decrease the sanctions imposed at the Mast; or
 - (3) Dismiss the case against the Midshipman.
- ii. The Commandant will send the written decision to the Midshipman within one (1) business day following the hearing.

2. **CLASS II OFFENSES.** Class II offenses are minor conduct breaches that do not warrant special consideration by either a Performance Review Board or an Executive Board, but may result in:

- a. Assignment of not more than the pre-determined demerits for each offense.
- b. Assignment of 1 hour of Extra Duty for every 5 demerits issued.
- c. Class II offenses include the following:

**** Note:** The number indicates the demerit amount allocated to each offense that may not be exceeded. The demerit amount may be lowered when mitigating circumstances exist.

Academic Classes:

Absent from class.....	15
Absent from Physical Fitness Examination, or remedial Physical Training.....	15
Late to class.....	10
Leaving class unauthorized.....	10
Engaging directly or indirectly in disruption within the classroom or academic building passageways.....	15

Accountability:

Absent accountability check.....	20
Late to accountability check.....	10
Absent Regimental Formation, Function, Muster, or official scheduled activity.....	20
Late to Regimental Formation, Function, Muster, or official scheduled activity.....	10
Failure to log out.....	05

Appearance:

Out of uniform.....	10
Belt buckle, unshined.....	05
Not properly shaven.....	10
Gross personal appearance.....	15
Haircut, in need of.....	10
Hands in pockets.....	05
Cover; dirty.....	05
Shoes unshined.....	05
Uniform, not properly striped.....	10

Duty:

Interfering with an individual who is performing his duty.....	40
Gross failure to properly perform a duty	30
Late to watch, over 20 minutes.....	30
Neglect of duty	30
Sleeping on watch	40
Improper performance of duty	20
Failing to correct a report of deficiency.....	10
Demonstrating indifference toward the 4/C system.....	10

Government Property:

Losing drill rifle, sword, or other government equipment.....	40
Damaging government property through carelessness or improper use.....	30
Unauthorized use of government property.....	35

Liberty:

Absent over leave, 30 minutes or less.....	20
Absent over leave, special liberty, or long weekend in excess of 30 minutes.....	40
Improper liberty procedures.....	15
Failure to turn in special liberty pass by 1200 the day after the expiration of liberty.....	10

Mess Hall:

Commissary gear, unauthorized possession of.....	10
Handling food before seats.....	10
Mess Hall Duties, improper performance of.....	10
Improper Mess procedure.....	10
Causing a disturbance in the Mess Hall.....	20
Failing to maintain discipline or expected standards of behavior in the Mess Hall.....	20
Removing any food from Delano Hall or galley unauthorized.....	20

Orders and Instructions:

Failing to comply with specific written or oral instructions or orders of a Commissioned officer.....	40
Continuing to violate or disregard instructions, orders, regulations, or corrections which were previously promulgated.....	30
Demonstrating gross ignorance of regulations or directives.....	25
Failing to comply with general instructions, orders, or regulations through neglect, laxness or ignorance, with minor effect	15
Failing to comply with general instructions, orders or regulations through neglect, laxness or ignorance, resulting in a serious violation of these directives.....	35

Quarters:

Reveille, violation of.....	10
Bunk, not made.....	05

Bunk, lying on unauthorized.....	05
Food on window sill.....	05
Articles hanging out of window.....	05
Cleaning station not done.....	10
Cleaning station improperly done.....	05
Inspection, not ready for.....	10
Possession of unauthorized electrical equipment.....	20
Lost key.....	20
Preparing food in room.....	20
Unauthorized furniture in room.....	10
Improper room arrangement.....	10
Unstencilled gear.....	05
Inspection sheet, lack of or improperly written.....	05
Linen, dirty.....	10
Gear adrift.....	10
Room in gross disorder.....	15
Improper door tag.....	05
Unauthorized presence in watch office.....	10

Standards of Behavior:

Guest unauthorized.....	35
Unauthorized destruction of a report or document, including posted material or official bulletin boards.....	25
Gross display of affection reflecting discredit on the Regiment of Midshipmen.....	20
Engaged in unauthorized business activities.....	35
Demonstrating conduct which reflects discredit on the Regiment of Midshipmen.....	35
Entering an unauthorized area outside prescribed Academy limits.....	25
Absent unauthorized from prescribed Academy limits.....	40
Unprofessional relationship.....	35
Failing to submit a report, or rendering an inaccurate report.....	20
Demonstrating gross laxness or inattention to detail in the submission of a written report or muster.....	15
Displaying insubordination toward a superior or individual in a position of Authority.....	20
Demonstrating conduct which reflects discredit on self.....	20
Discourteous conduct.....	20
Failing to demonstrate proper military courtesy.....	10
Using obscene, profane or improper language.....	10
Public display of affection.....	10
Creating a disturbance.....	15
Smoking unauthorized.....	20
Unauthorized assumption of duty/authority.....	20
Failing to safeguard government property.....	20
Removing articles from a building, room, locker, or classroom without the permission of proper authority.....	15

Vehicles:

Car, parked or driven aboard unauthorized.....	15
Allowing unauthorized persons to operate vehicle.....	15

Watches:

Permitting unauthorized personnel in watch office.....	10
Violation of watch standing orders.....	15
Leaving watch post without proper relief.....	20
Gross negligence as to duties.....	20
Unauthorized log entries.....	10

Miscellaneous Regulations:

Extra Duty, absent from.....	15
Extra Duty, late to.....	10
Extra Duty, leaving prior to completion.....	15
Musters, late in submitting.....	10
Ranks, falling out of without authorization.....	15
Improper route of travel.....	10
Improper conduct in ranks.....	15
Unmilitary bearing.....	10

d. Procedures for Class II Mast:

- 1) When a reporting official classifies a violation as a Class II, that individual will submit the report through CAMS or its replacement.
- 2) Once placed in the Conduct System, the charged Midshipman will receive an electronic notification that a charge has been initiated.
- 3) Within three (3) business day of receiving the notification, the charged Midshipman must report to the Regimental Officer (RO) or his/her designee indicating whether or not he/she wishes to make a statement. Failure to make a statement will be deemed acceptance of the charge as preferred.
- 4) When a charged Midshipman wants to make a statement, the following procedures apply:
 - a) First Class Midshipmen: The RO will review the statement and convene a Mast composed of the charged Midshipman with his/her CC to review the facts of the case. Based on the facts of the case, the RO will take one of the following actions:
 - (1) Clear the Midshipman of charges; or
 - (2) Assign appropriate sanctions as outlined in these Regulations.
 - b) Second through Fourth Class Midshipmen/Plebes: The Midshipman Battalion Commanders, under the supervision of the RO, will review the statement and convene a Mast composed of the charged Midshipman with his/her CC to review the facts of the case. Based on the facts of the case, they will take one of the following actions:
 - (1) Clear the Midshipman of charges; or
 - (2) Assign appropriate sanctions as outlined in these Regulations.

e. Appeal of Class II Mast Results

- 1) Right to and Grounds for Appeal - The Midshipman may appeal to the Deputy Commandant whose decision will be final. The following are the only grounds for an appeal:
 - a) There is new evidence of a substantive nature not previously available at the time of the hearing, which would have materially affected the decision.
 - b) There were procedural errors in the case or in the interpretation of the Regulations serious enough to deny the Midshipman a fair hearing.
 - c) The sanctions awarded at Mast were not in line with the standards set forth in the Regulations.
- 2) Appeal Process– The steps to file an appeal are as follows:
 - a) The Midshipman must submit a written, typed request for an appeal to the Deputy Commandant within two (2) business days from the date of the Class II Mast.
 - b) The written request for appeal must state the grounds for the appeal (citing the appropriate grounds from Para. 1 above), include a discussion of the evidence and facts in support of the appeal, propose a recommended solution, and include any supporting documentation that should be considered by the Deputy Commandant.
- 3) Appeal Hearing:
 - a) The Deputy Commandant, when possible, is not to exceed five (5) business days from the receipt of the written appeal to schedule a hearing for the appeal.
 - b) The Deputy Commandant shall call in all parties to the appeal to the hearing.
 - c) On appeal, the burden of proof rests with the Midshipman to clearly exhibit that one of the three grounds for an appeal has been met; this is not a re-hearing of the entire case.
 - d) Any sanction(s) issued at the Mast will not take effect until the appeal process is completed.
 - e) Deviations from these prescribed procedures will not necessarily invalidate a decision or proceeding unless significant prejudice to the charged Midshipman or the Academy may result.
- 3) Disposition of the Appeal
 - a) The Deputy Commandant may take one of the following actions:
 - (1) Uphold the decision of the Mast in its entirety;
 - (2) Decrease the sanctions imposed by the Mast; or
 - (3) Dismiss the case against the Midshipman.

- b) The Deputy Commandant will send the written decision to the Midshipman within one (1) business day following the Appeal decision.
3. **CONDUCT PERIODS:** Conduct periods are utilized to operate the Disciplinary System and commence the day of graduation and end on graduation day each year.
4. **CONDUCT GRADES:** Conduct grades will be determined on a Trimester basis in accordance with the following:
- a. Total Demerits Assigned During a Conduct Trimester

Conduct Grade	First Class Period	Second Class Period	Third Class Period	Fourth Class Period
A	0-10	0-10	0-15	0-20
B	11-20	11-20	16-30	21-40
C	21-30	21-30	31-40	41-55
D	31-39	31-39	41-49	56-74
F	40 or over	40 or over	50 or over	75 or over

- b. The following table sets forth the demerit boundaries for Midshipman conduct:

Conduct Year	Conduct Counseling	Conduct Probation
Fourth Class Period	75	150
Third Class Period	60	120
Second Class Period	55	110
First Class Period	50	100

- 1) Conduct Counseling: The CO will personally meet with a Midshipman who has accrued sufficient demerits to be counseled on his/her conduct to mutually identify the reason(s) for the unsatisfactory conduct record, and advise the Midshipman how to develop a better approach toward achieving conduct standards. At the time of this meeting, the CO will give the Midshipman a letter detailing the number of demerits earned and expectations for participation in the Regiment. A copy of this letter, signed by the Midshipman and the CO, will be made a permanent part of the Midshipman's Company Jacket and the Midshipman's Personnel Jacket.
- 2) Conduct Probation: The Deputy Commandant will place a Midshipman on official conduct probation when he/she accrues demerits as set forth above or, if warranted, when a Midshipman is found guilty of a Class I offense. At the time, the Deputy Commandant will meet with the Midshipman and his/her CO for the purpose of

discussing the Midshipman's record. The Deputy Commandant will give the Midshipman a letter detailing the number of demerits earned by the time of the meeting, and explaining the terms of probation. A copy of this letter, signed by the Midshipman and the Deputy Commandant, will be made a permanent part of the Midshipman's Company Jacket and the Midshipman's Personnel Jacket. Once placed on Conduct Probation, the Midshipman will be considered in a probationary status for the following 120 days not including holidays or Leave break periods.

4.5 SANCTIONS FOR MISCONDUCT

The purpose of the Academy discipline system is to be corrective and educational as well as punitive. The disciplinary process is intended to make clear to Midshipmen the limits of acceptable behavior and to give Midshipmen who violate the rules an opportunity to more fully understand the rules and incorporate the experience into his/her overall development. Assigned discipline may include a combination of sanctions for a particular incident.

1. PROCESS AND SANCTIONS FOR A MIDSHIPMAN

- a. **Mast System:** An official written statement of the Academy's disapproval of a Midshipman's actions. Formal reprimands may include the assignment of restriction, demerits, extra duty, marching tours, or reduction in Class Rates.
- b. **Conduct Probation:** An official notice that the Midshipman's conduct is in violation of these Regulations but does not warrant suspension or permanent dismissal. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the Midshipman commits another conduct violation during the probationary period. The probationary period will be 120 days following being placed on Conduct Probation, not including holidays or Leave break periods. During Conduct Probation, a Midshipman will be considered "not in good standing" and will be excluded from some programs and curricular or extra-curricular activities, including:
 - 1) 1 Month restriction
 - 2) 50 demerit cap for probationary period
 - 3) Loss of all liberty and TM privileges
 - 4) Restricted from running for and/or holding office in any Midshipman organization.

If the specified demerit total is exceeded during Conduct Probation, the Midshipman will be forwarded to a PRB.

- c. **Delay and/or Denial of Degree Award:** During the period disciplinary charges are pending against a Midshipman, the Academy may deny and/or delay issuance of a degree. Further, the Academy will not issue a degree to a Midshipman who is serving a suspension or has been permanently dismissed from the Academy.
- d. **Revocation of degree:** The Academy may revoke an awarded degree for violations of the Regulations that occur prior to the award of the degree but are discovered after the degree

has been awarded, where the violation is sufficient to justify the suspension or permanent dismissal of the Midshipman.

- e. Other secondary sanctions may be imposed instead of or in addition to those specified above. Secondary sanctions include, but are not limited to:
 - 1) Community Service
 - 2) Educational activities such as a reflective writing assignment or attendance at an event related to the violation committed. (e.g. alcohol workshop; diversity awareness training; ethics workshop)
 - 3) Restrictions (temporary or permanent loss of privileges or the use of an Academy facility or service)

2. SPECIAL PROVISIONS GOVERNING THE ACADEMY RECOGNITION OF CLUBS

- a. The Academy may take action against an individual member of a Midshipman organization for misconduct that is both a violation of this provision and of the Conduct Code, regardless of any separate disciplinary action taken against the Midshipman organization.
- b. This section of the Regulations applies only to the relationship between the Academy and the organizations and has no bearing on relations between national agreements set forth by governing bodies.
- c. Good standing must be maintained in order for organizations to participate in Academy sponsored activities. Failure to do any of the following will constitute a violation of these provisions of the Regulations and will subject the organization to disciplinary action, including possible loss of good standing, as described within these provisions:
 - 1) Registering annually as a recognized Midshipman organization with the Office of Student Activities;
 - 2) Submitting a roster for active members during the first month of the fall trimester.
 - 3) Following all rules and guidelines of the Office of Student Activities; and
 - 4) Abiding by all terms and conditions of the alcohol and controlled substance guidelines below:
 - a) The possession, use and/or consumption of alcoholic beverages while on Academy premises during an official event or in any situation sponsored or endorsed by the organization must be in compliance with any and all applicable laws and Academy rules and policies.
 - b) No organization members, collectively or individually, shall purchase for, serve to, or sell alcoholic beverages to anyone under the legal drinking age.
 - c) The possession, sale, and/or use of any illegal or controlled substance at any organization or Academy sponsored event are strictly prohibited.
 - d) Alcohol or controlled substances will be prohibited at any and all recruitment activities.

- e) Open parties where alcohol is provided by the host organization, meaning those with unrestricted access by non-members of the organization, without specific invitation, will be prohibited.
 - f) All organizations must provide, at no charge, an alternative non-alcoholic beverage and food at any event where alcohol is provided.
 - g) There will be no solicitation or encouragement of alcohol consumption by contest or promotion at any event where alcoholic beverages are present.
- d. Organizations whose members are in violation of this policy, regardless of whether the individuals are identified, will be subject to one or more of the sanctions listed in the Regulations.

4.6 INTERIM SANCTIONS

1. For alleged violations of these Regulations, or any other Academy policy, interim sanctions, including but not limited to, reassignment to alternate housing, limitation of access to designated Academy housing facilities and/or campus facilities by time and location, and limitation of privilege to engage in specified Academy activities may be imposed by the Superintendent, Commandant, or their designees. Such interim sanctions are to be utilized only when there is reason to believe that the Midshipman's conduct poses a substantial threat of harm to oneself or others, threatens or endangers Academy property, or disrupts the stability and continuance of normal Academy operations and functions.
2. A Midshipman will be notified of an interim sanction by written notice served on him/her. The interim sanctions takes effect the day it is issued by the Superintendent, Commandant, or their designees.

4.7 MIDSHIPMAN DISCIPLINARY FILES AND RECORDS

1. The Commandant's Office will establish a Midshipman disciplinary file whenever a case is referred for investigation of a possible conduct code violation. The file of a Midshipman found to have violated the Regulations will be retained for five (5) years from the date of the sanction or until the Midshipman's graduation from the Academy, whichever comes first. Midshipman conduct records may be retained longer or permanently if the Midshipman was suspended or permanently dismissed, or if there is reason to believe the case could result in future litigation.
2. The release of Midshipman disciplinary records will be governed by applicable federal and state laws governing the privacy of educational records.

CHAPTER 5 – PERFORMANCE REVIEW BOARD

5.1 GENERAL

1. A Performance Review Board (PRB) is convened under the authority of the Commandant by the Deputy Commandant or the Regimental Officer. The PRB will review performance, and assist in development of Midshipmen with substandard performance in regimental participation, conduct, physical fitness, human relations, and other areas. The PRB can recommend a Midshipman for an Executive Board or Superintendent hearing to determine suitability.
 - a. **Regimental Participation.** Midshipmen are expected to assume leadership responsibilities as they advance in the Regiment. Midshipmen who demonstrate a lack of motivation and fail to assume leadership responsibility may be recommended for a PRB.
 - b. **Conduct.** Midshipmen are expected to comply with these Regulations. Midshipmen who demonstrate recurring non-compliance with the Regulations may be recommended for a PRB.
 - c. **Physical Fitness.** Midshipmen who are unable to meet required physical fitness standards (including height and weight standards), may be recommended for a PRB.
 - d. **Human Relations Skills.** Midshipmen who establish a history of deficient human relations skills which have not been resolved by formal leadership counseling may be recommended for a PRB.
 - e. **Other Areas.** Midshipmen may be brought before a PRB as directed by the Deputy Commandant.

5.2 RIGHTS OF MIDSHIPMEN

1. Midshipmen appearing before a PRB have the following rights:
 - a. To receive notification at least 48 hours prior to convening of the PRB of the time and location of the Board.
 - b. To review their company jacket and conduct record prior to convening of the PRB.
 - c. To receive a copy of the PRB's recommendation to the Commandant.

5.3 PERFORMANCE REVIEW BOARD MEMBERSHIP

1. A PRB convened by the Deputy Commandant or RO will be comprised of:
 - a. The Deputy Commandant or RO, as Chair of the PRB.
 - b. A uniformed member of the faculty and staff.
 - c. An active duty Officer of the Department of Naval Science.

- d. A non-uniformed Academy Staff member.
- e. A CO from outside the Midshipman's Battalion.
- f. The Midshipman's CC as Board Recorder, who is a non-voting member.

5.4 RESPONSIBILITIES OF THE DEPUTY COMMANDANT/REGIMENTAL OFFICER

1. Upon request from a CO for a PRB for a Midshipman in his/her respective company, the Deputy Commandant/RO shall review the petition for a PRB. If a determination is made that a PRB should be convened, the Deputy Commandant/RO will:
 - a. Notify the Midshipman of the time and location of the PRB.
 - b. Conduct the PRB proceedings in accordance with these Regulations.
 - c. Inform the Midshipman, prior to dismissing the PRB, of the PRB's recommendation to the Commandant.

5.5 RESPONSIBILITIES OF THE COMPANY OFFICER TO THE MIDSHIPMAN

1. If a CO makes a determination that a PRB is appropriate, the CO will:
 - a. Recommend a PRB to the Deputy Commandant/RO.
 - b. Explain the Midshipman's rights as per paragraph 5.2 to the Midshipman.
 - c. Provide an opportunity for the Midshipman to view his/her company jacket and conduct record prior to the convening of the PRB.
 - d. Ensure in matters relating to deficient human relations skills that the Midshipman in question is offered Academy counseling as soon as possible.

5.6 RESPONSIBILITIES OF THE MIDSHIPMAN'S COMPANY COMMANDER

The Company Commander (CC) shall serve as Recorder for the PRB and perform other duties as directed by the Chair of the PRB. The Recorder shall serve during all sessions of the PRB and transcribe minutes of the PRB's proceedings. The Recorder shall serve at the pleasure of the Chair until relieved.

5.7 MIDSHIPMAN PERFORMANCE REVIEW BOARD PROCEDURES

1. PRB hearings are conducted in an informal, cooperative manner. The PRB is a fact finding body charged with assessing Midshipman performance, and determining a course of action in the best interests of the Midshipman and the Academy. The specific format and sequence for the PRB shall be at the discretion of the Chair. The general procedures for the PRB are:
 - a. Opening statement by the Chair.

- b. Opening statement by the Midshipman.
- c. A review of the record of performance as contained in the Midshipman's company jacket, sea year record, and other records as determined by the Chair.
- d. Closing statement by the Midshipman.
- e. Closed session of the PRB to review the record and Midshipman's performance, and make a determination by simple majority of their recommendation to the Commandant.
- f. PRB notifies the Midshipman of their recommendation to the Commandant.
- g. PRB is adjourned.

5.8 PERFORMANCE REVIEW BOARD RESULTS

1. Upon adjournment of the PRB, the Chair shall submit a written report to the Commandant of the PRB's recommendation, and as enclosure, the Board transcript. Additionally, a copy of the Chair's report shall be forwarded to the Midshipman, and inserted into the Midshipman's company jacket.
2. The PRB recommendation may include any combination of the following:
 - a. Refer the Midshipman to the Academy Counseling Department for counseling.
 - b. Establish conditions of probation for the Midshipman.
 - c. Restrict participation by the Midshipman in extra-curricular activities.
 - d. Recommend an Executive Board or Superintendent's hearing be convened.
 - e. Establish a course of action not aforementioned, that the PRB concludes is in the best interests of the Midshipman and the Academy.

5.9 DECISION BY THE COMMANDANT

After the Commandant has arrived at a decision based on the PRB's recommendation, he/she will provide a memorandum to the Midshipman setting forth his/her decision. A copy of the memorandum will be placed in the Midshipman's Official Personnel Jacket and copies will be provided to Academy officials who must carry out the terms of the decision.

CHAPTER 6 - EXECUTIVE BOARDS/SUPERINTENDENT'S HEARINGS¹

6.1 INTRODUCTION

The Superintendent may, on his/her own or upon the recommendation of the Commandant, order an Executive Board or a Superintendent's hearing be convened for consideration and recommendation on the following:

1. Any disciplinary offense(s) committed by a Midshipman² that may be sufficiently grave as to warrant a recommendation for disenrollment, or
2. Any report(s) by the Commandant's Performance Review Board which, in the opinion of the Superintendent, indicates a serious lack of aptitude or suitability of a Midshipman for a career in the merchant marine and the United States Navy Reserve, including but not limited to repeated failures of a Midshipman to meet the U.S. Navy physical fitness standards for commissioning or exceeding 300 total demerits at any point during enrollment at the Academy.

6.2 EXECUTIVE BOARDS

1. GENERAL

- a. Executive Board hearings are conducted in an informal, non-adversarial manner. The Executive Board is a fact-finding body charged with presenting a recommendation to the Superintendent. In reaching its recommendation, the Executive Board should consider the best interests of the Academy and of the Midshipman before it.
- b. The rules of evidence for judicial proceedings do not apply to Executive Board proceedings. Because the appearance before the Executive Board may have a major effect on the status of the Midshipman, it is essential that the prospective Board members be knowledgeable in Board procedures and in their duties and responsibilities.

2. MEMBERSHIP

Each Executive Board will consist of five (5) members, each with one vote.

- a. **Deputy Superintendent or designee as Chair.** If challenged for good cause or unable to serve, the Superintendent will designate a replacement.
- b. **Head of the Department of Naval Science or designee.** If challenged for good cause or unable to serve, the Chair will designate a replacement from the Department of Naval Science.

¹ Sexual assault, sexual and gender-based harassment, relationship violence, stalking and retaliation Class I offenses will be adjudicated according to the procedures set out in the applicable Superintendent Instructions or Standard Operating Procedures.

² The term "Midshipman" as used herein is coterminous with the term "cadet" used in Title 46, United States Code, Chapter 513, and includes all undergraduate individuals matriculated at the Academy as students, whether referred to as Midshipman, cadet, or student, and whether U.S. citizens or not.

- c. **An Assistant Academic Dean.** If challenged for good cause or unable to serve, the Chair will designate a replacement who will be either another Assistant Academic Dean or a senior licensed member of the STCW Council.
 - d. **One (1) faculty or senior staff member who will have five (5) or more years of service at the Academy.** This member will be selected by the Chair from a list maintained by the Superintendent. If challenged for good cause or unable to serve, the Chair will designate a replacement from the Superintendent's list.
 - e. **One (1) Midshipman,** selected by the Chair from among the Regimental Commander, the Regimental Executive Officer, the Battalion Commanders, and the Regimental Honor Board Chair. If challenged for good cause or unable to serve, the Chair will designate a replacement from among these Regimental positions or, if necessary, from among all of the Regimental officer positions.
3. The **Executive Board Secretary** is a non-voting participant who will attend the hearing and maintain detailed, but not verbatim, minutes of its proceedings (except for the deliberations). The hearing may also be digitally recorded (except for the deliberations). The Secretary's minutes will be deemed a sufficient record of the proceedings in the event a digital recording is not made or preserved.
 4. At the discretion of the Chair, **Counsel for the Academy** may be present at the hearing to provide advice to the Board.

6.3 SUPERINTENDENT'S HEARINGS

1. Superintendent's hearings are conducted in an informal, non-adversarial manner. The rules of evidence for judicial proceedings do not apply to Superintendent's hearings. In reaching a determination, the Superintendent should consider the best interests of the Academy and of the Midshipman before him/her.
2. The Superintendent may elect to have the Executive Board Secretary attend the hearing and maintain detailed, but not verbatim, minutes of the proceedings (except for deliberations), have the hearing digitally recorded (except for the deliberations), or both. The Secretary's minutes will be deemed a sufficient record of the proceedings in the event a digital recording is not made or preserved.
3. At the discretion of the Superintendent, Counsel to the Academy or his/her designee may be present at the hearing to provide advice to the Superintendent.

6.4 RIGHTS OF MIDSHIPMEN

1. A Midshipman appearing before the Executive Board or Superintendent for a hearing has the following rights:
 - a. To receive written notice of hearing at least five (5) days before the hearing, which notice shall include the following: (1) the specific charges to be considered by the Executive Board or Superintendent; (2) the date, time, and location of the hearing (including notice

that Phase II of the hearing, if necessary, may commence immediately after the conclusion of Phase I); (3) the names of those who will comprise the Executive Board, if applicable; (4) the witnesses to be called by the Executive Board or Superintendent, if any; (5) the uniform to be worn at the hearing; and (6) the Midshipman's additional rights, as delineated below.

- b. To receive, with the written notice, copies of all documentation to be considered by the Executive Board or Superintendent in making its recommendation or decision, subject to the Midshipman's signature of a Confidentiality/Non-Disclosure Agreement upon request by the Chair or Superintendent. (With the Midshipman's consent, the Midshipman's advisor and/or counsel may receive a copy of the relevant documentation, likewise subject to execution of a Confidentiality/Non-Disclosure Agreement, upon request by the Chair or Superintendent.)
- c. To seek advice and assistance of legal counsel in the preparation of his/her case at his/her own expense. Legal counsel will not be permitted to be present during the Board hearing unless the Midshipman is, at the time of the hearing, charged with a criminal offense by a Federal, state, or local jurisdiction arising out of the same circumstances as the charge before the Board or Superintendent. In such cases, counsel shall not actively participate in the proceedings but shall be allowed to be present to consult with the Midshipman and provide advice to him/her.
- d. To request any Academy faculty or staff member other than a Chaplain, Counsel or Assistant Counsel to the Academy, member of the Commandant's Office, or witness to be called at the hearing to act as an advisor as long as serving in that capacity does not present a conflict with the faculty or staff member's professional responsibilities. In the event that the Midshipman is unable to obtain an advisor, the Superintendent will appoint one on request.
- e. To challenge the impartiality of any or all members of the Executive Board. A written justification for any such challenge must be submitted to the Secretary of the Executive Board within 24 hours of the Midshipman being informed of the membership of the Executive Board. The Chair will rule on any such challenge. Members disqualified will be replaced by the Chair. Challenge of the Chair will be resolved by the Superintendent. The Midshipman shall be notified of the decision on any such challenge and the substitution of new members, if any.
- f. To be present during the entire hearing, except for deliberations.
- g. To make opening and closing statements.
- h. To present evidence including but not limited to documentary evidence and the testimony of reasonably available witnesses during each phase of the hearing. The Midshipman must identify witnesses, and provide written notice to the Secretary of the Executive Board³, not later than two (2) days before the hearing. The Academy shall make reasonable efforts to insure the attendance of the witnesses identified by the Midshipman who are enrolled at or

³ The Executive Board Secretary shall also perform administrative tasks, as needed, for Superintendent's hearings.

employed by the Academy. Appearance by witnesses not employed by, or enrolled at, the Academy is the sole responsibility of the Midshipman.

- i. To question all witnesses, whether called by the Academy or the Midshipman.
- j. To receive, upon request, a copy of the minutes prepared by the Executive Board Secretary or a copy of the digital recording of the hearing (exclusive of deliberations), subject to the Midshipman's signature of a Confidentiality/Non-Disclosure Agreement upon request by the Chair or Superintendent. (With the Midshipman's consent, the Midshipman's advisor and/or counsel may also receive a copy of the recording, likewise subject to execution of a Confidentiality/Non-Disclosure Agreement, upon request by the Chair or Superintendent.) Once the disciplinary procedures have been completed, including any appeals, the copy of the minutes or digital recording must be returned to the Executive Board Secretary. Requests for a copy of the minutes or digital recording made after the conclusion of all disciplinary proceedings will be denied.

NOTE: The Executive Board Secretary (or designee) shall deliver a written notice of the foregoing rights as set out in this Section for the Midshipman's signature acknowledging receipt. The Executive Board Secretary (or designee) will provide a copy of the signed notice of rights, as well as copies of all documentation to be considered by the Executive Board or Superintendent to the Midshipman (upon receipt from the Midshipman of signed a Confidentiality/Non-Disclosure agreement as to the file and its contents upon request by the Chair or Superintendent).

6.4 PRE-HEARING PROCEDURES

1. The Superintendent will convene, or will direct the Chair to convene, a disciplinary or suitability hearing, as appropriate.
2. For an Executive Board, the Chair will schedule the appropriate hearing and select the faculty or senior staff member and the Midshipman member to serve on the Executive Board.
3. The Executive Board Secretary (or designee) shall do the following:
 - a. Gather the following documentation on the Midshipman scheduled to appear before the Board or Superintendent: (1) the Commandant's recommendation that an Executive Board or Superintendent's hearing be convened and the Superintendent's notification that a hearing will be held, if applicable; (2) the investigation report (if any), with any attachments; (3) Official Personnel Jacket; (4) Company Jacket; (5) Academic File, including Transcript; (6) Sea Year Jacket; (7) the Midshipman profile prepared by the Midshipman's Company Officer; and (8) any other relevant documents.
 - b. At least five (5) days before the scheduled hearing, meet with the Midshipman and provide him or her with written notice of the hearing and all documentation to be considered by the Executive Board or Superintendent. At this meeting, the Executive Board Secretary will also ensure that the Midshipman is aware of the right to an advisor and obtain the name of the advisor selected by the Midshipman. If the Midshipman wishes to waive the right to an advisor, he/she must do so in writing. The Executive Board Secretary will notify the Superintendent of the waiver request. The Superintendent may exercise his/her discretion to assign an advisor to the Midshipman notwithstanding the waiver request.

- c. At least five (5) days before the scheduled hearing, prepare and distribute all documentation to be considered by the Executive Board or Superintendent to the members of the Executive Board or Superintendent, as appropriate. For Phase I of a disciplinary hearing, the members or Superintendent will be provided with only the Commandant's recommendation that an Executive Board or Superintendent's hearing be convened, the Superintendent's notification that a hearing will be held (if applicable) and the investigation report, with any attachments. For a suitability hearing, and for any Phase II of a disciplinary hearing, the members or Superintendent will be provided with the Official Personnel Jacket, Company Jacket, Academic File, including Transcript, Sea Year Jacket, the Midshipman profile prepared by the Midshipman's Company Officer, and any other relevant documents.

6.5 PROCEDURES FOR DISCIPLINARY HEARINGS BEFORE THE EXECUTIVE BOARD OR SUPERINTENDENT

1. A Disciplinary Hearing will be conducted in two steps, Phase I and Phase II (if necessary), both of which will be recorded as provided above. The deliberations of the Executive Board or Superintendent will not be recorded in any manner.
2. Phase I will deal exclusively with the determination of the facts pertaining to the case at hand, the objective evaluation of those facts and a determination of whether the charge(s) have been proven by a preponderance of the evidence.
 - a. The Chair or Superintendent can recess the hearing at any time for any reason.
 - b. The Chair or Superintendent can request additional witnesses, documents, or other evidence.
 - c. If the Chair or Superintendent requests additional witnesses, documents, or other evidence, the Midshipman will be given the same opportunity to review and prepare as provided in the Notice of Hearing, for a period of five (5) days after notice of the identities of additional witnesses or availability of documentary evidence for review.
3. Phase II, if necessary, will deal exclusively with the Executive Board's recommendation to be made to the Superintendent as to the appropriate penalty or, for a Superintendent's hearing, with the Superintendent's determination as to the appropriate penalty.
4. If the Midshipman elects to admit violation of the Midshipman Regulations as specified in the charge(s), Phase I may be bypassed, provided:
 - a. The Midshipman is advised of the consequences of admitting to the violation(s), including that his/her admission(s) may be used in proceedings outside the jurisdiction of the Academy, that his/her Academy Personnel Jacket will reflect the admission and the penalty imposed and, that if the penalty imposed is disenrollment, his/her transcript will reflect a "non-academic disenrollment," he/she will not be eligible for readmission, he/she will not be eligible for a letter of good standing for other institutions of higher education, and he/she may be financially responsible for the cost of his/her education.

- b. The Midshipman submits a signed statement which indicates formal admission of violation of the charges as specified and that the admission is given freely, without coercion, and with the full knowledge of his/her counsel and/or advisor, if the Midshipman had counsel and/or an advisor.

5. **The procedure for Phase I will be as follows:**

- a. Introductory statement by the Chair or Superintendent, including a review of the Midshipman's rights and a description of and basis for the charges against him/her.
- b. Opening statement by the Midshipman and/or his/her advisor.
- c. Presentation of evidence, including questioning of witnesses identified by the Academy (if any), followed by questioning of Midshipman's witnesses (if any), and presentation of documentary evidence by Midshipman (if any). Witnesses from either side may be recalled at the discretion of the Chair or Superintendent.
 - 1) Witnesses will normally appear in person. However, depending on the nature of the allegations of misconduct, the Chair or Superintendent, either at the request of the Midshipman or on his/her own initiative, may direct that the testimony to be provided by one or more witnesses be by alternative means, such as remotely via VTC or telephone, behind a screen, or through written questions.
 - 2) All Midshipmen and Federal employees will be reminded that they have an affirmative obligation to speak truthfully in any administrative proceeding, including before the Executive Board or Superintendent, and all other witnesses will be advised of their obligation to testify truthfully. Further, Midshipmen will be advised that failure to testify truthfully is a violation of the Honor Code, which may result in a separate charge under the Honor Code. Employees will be advised that failure to testify truthfully may result in disciplinary action. If a witness is recalled, the Chair or Superintendent will remind the witness that he or she must testify truthfully.
 - 3) After all the witnesses have been heard, the Midshipman will be given the opportunity to testify before the Executive Board or Superintendent.
 - 4) The Executive Board members or Superintendent may question any and all witnesses called at the hearing, including but not limited to the Midshipman.
 - 5) The Midshipman will be present during the presentation of all evidence and will be permitted to question any and all witnesses.
- d. Closing statement by Midshipman and/or his/her advisor.
- e. The Executive Board or Superintendent will consider all the data available pertaining to the offense(s) in order to objectively determine, based on a preponderance of the evidence and as agreed by a majority of the Board or by the Superintendent, whether the Midshipman committed the violations as charged.
 - 1) All deliberations will take place outside the presence of the Midshipman, his/her counsel/advisor, and any witnesses. For Executive Board hearings, only the Executive Board members and the Executive Board Secretary will be present during deliberations and all must be present during deliberations. For

Superintendent's hearings, the Superintendent will deliberate alone. For both Executive Board and Superintendent's hearings, the deliberations will not be recorded, digitally or otherwise.

- 2) If, during deliberations, the Executive Board or Superintendent determines it or he/she needs additional documentary or testamentary evidence, the Chair or Superintendent may determine to reconvene the hearing at a later time, subject to providing the Midshipman the same opportunity to review and prepare as provided in the Notice of Hearing for a period of five (5) days after notice of the identities of additional witnesses or availability of documentary evidence for review.
- f. The Executive Board or Superintendent will reconvene the hearing to issue its decision. If the Executive Board or Superintendent determines that the Midshipman has not committed any violations as charged, it will recommend to the Superintendent that the Midshipman be exonerated or the Superintendent will exonerate the Midshipman, as appropriate. If the Midshipman is found to have committed one or more of the violations as charged, Phase II will commence. Phase II may commence immediately after Phase I or may commence at a later time and/or date as determined by the Chair or Superintendent.

6. **The procedure for Phase II will be as follows:**

- a. The Midshipman may present evidence, including written statements from witnesses, and call witnesses to demonstrate exceptional potential for development and present extenuating and/or mitigating evidence and arguments for retention at the Academy or for minimum or no disciplinary action. The burden for demonstrating sufficient cause for retention by a preponderance of the evidence is on the Midshipman.
 - b. The Executive Board or Superintendent will deliberate and determine the appropriate recommended penalty outside the presence of the Midshipman, his/her advisor, and any witnesses. In making its determination, the Executive Board or Superintendent may examine the record pertaining to the charge(s) the Midshipman was found to have violated, any statements or evidence provided by the Midshipman, and the Midshipman's entire Academy record (academic, regimental, sea year, and extra-curricular).
6. The Executive Board or Superintendent will reconvene the hearing to issue its recommendation to the Superintendent on a penalty or the decision of the Superintendent on the penalty, as appropriate.
7. For Executive Board hearings, within two (2) business days after the completion of the hearing, the Chair will submit a written report to the Superintendent, which shall include one of the following recommendations:
- a. Exoneration of the charge(s);
 - b. Imposition of disciplinary or other corrective action, other than a suspension or disenrollment;
 - c. Suspension from the Academy for a specified period of time; or

d. Disenrollment from the Academy.

8. The Executive Board's written report shall include a cover sheet signed by the Chair, the findings of the Board, and the documents considered by the Board.

6.6 PROCEDURES FOR SUITABILITY HEARINGS BEFORE THE EXECUTIVE BOARD OR SUPERINTENDENT

1. A **Suitability Hearing**, unlike a Disciplinary Hearing, has only one phase, as the sole issue for consideration by the Executive Board or Superintendent is whether the Midshipman has the aptitude or suitability needed of a Midshipman for a career in the merchant marine and the United States Navy Reserve. The Midshipman may present evidence, including written statements from witnesses, and call witnesses to demonstrate exceptional potential for development and present extenuating and/or mitigating evidence and arguments for retention at the Academy. The burden for demonstrating sufficient cause for retention by a preponderance of the evidence is on the Midshipman.
 - a. The hearing will be digitally recorded, with the exception of the deliberations of the Executive Board or Superintendent. The Executive Board Secretary will also maintain detailed, but not verbatim, minutes of the hearing (except for the deliberations).
 - b. The Chair or Superintendent can recess the hearing at any time for any reason.
 - c. The Chair or Superintendent can request additional witnesses, documents, or other evidence.
 - d. If the Chair or Superintendent requests additional witnesses, documents, or other evidence, the Midshipman will be given the same opportunity to review and prepare as provided in the Notice of Hearing, for a period of five (5) days after notice of the identities of additional witnesses or availability of documentary evidence for review.
2. The procedures for the hearing will be as follows:
 - a. Introductory statement by the Chair or Superintendent as to the purpose of the hearing, including the basis for questioning the suitability of the Midshipman for continued enrollment, and a review of the Midshipman's rights.
 - b. Opening statement by the Midshipman and/or his/her advisor.
 - c. Presentation of evidence, including questioning of witnesses identified by the Academy (if any), followed by questioning of the Midshipman's witnesses (if any) and presentation of documentary evidence by the Midshipman (if any). Witnesses from either side may be recalled at the discretion of the Chair.
 - 1) All Midshipmen and Federal employees will be reminded that they have an affirmative obligation to speak truthfully in any administrative proceeding, including before the Executive Board or Superintendent, and all other witnesses will be advised of their obligation to testify truthfully. Further, Midshipmen will be

advised that failure to testify truthfully is a violation of the Honor Code, which may result in a separate charge under the Honor Code. Employees will be advised that failure to testify truthfully may result in disciplinary action. If a witness is recalled, the Chair or Superintendent will remind the witness that he/she must testify truthfully.

- 2) After all the witnesses have been heard, the Midshipman will be given the opportunity to testify before the Executive Board or Superintendent.
- 3) The Executive Board members or Superintendent may question any and all witnesses at the hearing, including but not limited to the Midshipman.
- 4) The Midshipman will be present during the presentation of all evidence and will be permitted to question any and all witnesses.
- 5) Closing statement by Midshipman and/or the advisor.
- 6) The Executive Board or Superintendent will deliberate and reach a recommended determination, as agreed by a majority of the Board, or a decision in the case of a Superintendent's hearing, on the Midshipman's suitability to continue as a Midshipman at the Academy.
 - a) This deliberation will take place outside the presence of Midshipman, his/her advisor, and any witnesses. Only the Executive Board members and the Executive Board Secretary will be present during deliberation. For Superintendent's hearings, the Superintendent will deliberate alone. For both Executive Board and Superintendent's hearings, the deliberations will not be recorded, digitally or otherwise.
 - b) If, during deliberations, the Executive Board or Superintendent determines it or he/she needs additional documentary or testamentary evidence, it or he/she may reconvene the hearing at a later time, subject to providing Midshipman the same opportunity to review and prepare as provided in the Notice of Hearing, for a period of five (5) days after notice of the identities of additional witnesses or availability of documentary evidence for review.
- 7) The Executive Board or Superintendent will reconvene the hearing to issue its recommendation to the Superintendent on retention or to issue his/her decision on retention, as appropriate.
- 8) For Executive Board hearings, within two (2) business days after the completion of the hearing, the Chair will submit a written report to the Superintendent, which shall include one of the following recommendations:
 - a) Retention of the Midshipman (with or without corrective action, such as suspension, demerits, etc.); or
 - b) Disenrollment from the Academy.
- 9) The Executive Board's written report shall include a cover sheet signed by the Chair, the findings of the Board, and the documents considered by the Board.

6.7 DECISION BY THE SUPERINTENDENT

After the Superintendent has arrived at a decision regarding a disciplinary or suitability case, he/she will provide a memorandum to the Midshipman and his/her advisor setting forth the Superintendent's decision, including the penalty imposed, if any. This memorandum will describe the Midshipman's right

to request reconsideration of non-disenrollment decisions to the Superintendent and to appeal disenrollment decisions to the Maritime Administrator, and include the procedures for such appeals. Copies of the memorandum will be placed in the Midshipman's Official Personnel Jacket and the Executive Board or Superintendent's hearing file, and copies will be provided to Academy officials who must carry out the terms of the decision.

6.8 MIDSHIPMAN'S REQUEST FOR RECONSIDERATION TO THE SUPERINTENDENT

The Midshipman has the right to request a reconsideration of a non-exoneration decision not providing for disenrollment to the Superintendent. He/she must submit an intent to request a reconsideration, in writing, to the Superintendent within 24 hours after receiving the decision. The Midshipman's request for reconsideration must be submitted, in writing, to the Superintendent within seven (7) days after receiving the decision.

6.9 APPEAL TO THE MARITIME ADMINISTRATOR

1. Midshipmen may only appeal disenrollment decisions to the Maritime Administrator, whose decision will be final. If a Midshipman does not appeal the Superintendent's disenrollment action, the Midshipman shall proceed immediately with checkout procedures.
2. If a Midshipman is disenrolled and wishes to appeal his/her disenrollment, he/she must notify the Superintendent, in writing, within 24 hours after receiving the memorandum of decision of his/her intent to appeal to the Maritime Administrator.
3. Such appeal will be submitted, in writing, to the Superintendent no later than seven (7) days after receipt of the Superintendent's memorandum of decision.
4. The Superintendent will forward the appeal to the Maritime Administrator, with the Superintendent's recommendation. A copy of the Superintendent's recommendation will be provided to the Midshipman and his/her advisor.
5. The Midshipman is entitled to remain at the Academy pending consideration of his/ her appeal, including, as appropriate, in a deferred graduate status, provided that the Midshipman abides with all Academy policies, including the Midshipman Regulations. If the Midshipman is enrolled in classes during the pendency of the appeal, he/she will continue in those classes. If the Midshipman is scheduled to depart for sea year or an internship during the pendency of the appeal, he/she will not do so during the pendency of the appeal. In such case, the Superintendent will determine whether the Midshipman remains on board at the Academy or departs the Academy during the pendency of the appeal.
6. If the Maritime Administrator upholds the decision of the Superintendent, the Midshipman will be disenrolled immediately upon receipt of the Maritime Administrator's written decision. If the Maritime Administrator grants the appeal, his/her written decision should include a statement of the reasons therefor.