

MIDSHIPMAN HONOR MANUAL



**UNITED STATES
MERCHANT MARINE ACADEMY
JUNE 2015**

FOREWORD

This revised Honor Manual supersedes the version published in 2007. It is noteworthy that it represents the first changes in eight years to the rules and guidelines for Honor at Kings Point. No less significant is the fact that this new Manual is the result of the initiative of members of the Regimental Honor Board. It also represents the input and participation of other members of the Regiment of Midshipmen. The most important single change in this Manual is the addition of the Honor Concept. This statement expresses the broad purpose of the observance of Honor among Midshipmen, its vital role in the training and education of officers and “leaders of exemplary character.”

Other changes reflect a desire to simplify procedures and to ensure that they are both rigorous and fair. Additional safeguards have been added to protect the rights of midshipmen. A section on Honor Remediation has also been included.

The new Manual will be the subject of instruction and of discussion. Emergent ideas to further improve and strengthen the place of Honor at the Academy may already be the subject of conversation in barracks, mess hall and classroom. I welcome this, and I enjoin every Midshipman and member of the Academy community to read and ponder this new Honor Manual, repository of our most prized possession.

**James A. Helis
Rear Admiral
U.S. Maritime Service
Superintendent**

THE MISSION OF THE UNITED STATES MERCHANT MARINE ACADEMY

To educate and graduate licensed merchant mariners and leaders of exemplary character who will serve America's marine transportation and defense needs in peace and war.

THE HONOR CODE

A Midshipman will not Lie, Cheat or Steal.

THE HONOR CONCEPT

The United States Merchant Marine Academy is a place of honor, committed to the belief that a Midshipman's character is his or her most prized possession. This concept is required by the far-reaching nature of our professional heritage and the fact that an officer's word aboard ship or ashore must be utterly reliable. To that end, the Academy realizes that honor itself goes far beyond a set of rules enforced through sanctions; it is a direct reflection of character and the ideals we wish to embody. To protect and cultivate this standard, Midshipmen have created an Honor Concept at the Academy to which we are all responsible.

The Academy provides a safe and supportive environment for midshipmen and other members of our community. It is united by heritage, esprit de corps and a common mission. The Regiment of Midshipmen has standards that it expects to be met by every midshipman. A Midshipman at the United States Merchant Marine Academy will not break this bond of trust by lying, cheating or stealing in any form. We further characterize noble action as that which strives toward continual self-improvement and the realization that honorable living is what defines an honorable person.

Membership in the Regiment requires that every Midshipman realizes that loyalty to their principles supersedes any friendships or cultivated relations with their classmates. A person who is lacking high moral and ethical standards is unfit to lead. In pursuance to this end it is each Midshipman's personal duty to ensure their classmates are maintaining the high standards which they have sworn to uphold.

THE HONOR CREED

May your life's course be defined by Honor.

INTRODUCTION

Authority.

Under Title 46, section 310.65(b)(1)(iv) of the United States Code of Federal Regulations, a Midshipman must comply with the prescribed disciplinary and honor systems to graduate from the Academy. This manual defines the honor system and describes the procedures to be followed to measure Midshipman compliance with the system.

History.

Honor is as important to today's society as it was in the societies we inherited its ideals from, in particular from such heroic and chivalric societies as that of ancient Greece and medieval and Renaissance Europe. Certain modern communities preserve the idea of honor because it provides a sense of personal responsibility for actions within the community, and as a way of retaining a sense of tradition. Many professional associations, institutions of higher learning, as well as the armed forces espouse and practice the idea of honor. Honor is an ancient ideal of conduct. It has been the means by which close-knit, hierarchical, and highly-directed societies have developed a moral sense.

Aspects of Honor

The practice of honor can be broken down into four parts. These are Honesty, Reciprocity, Forbearance and Restraint, and Autonomy and Free Choice.

Honesty

Good faith and values can only be maintained if all members of a community can trust one another. This is why honor systems like those at service academies and other military schools put such a premium on honesty. Honesty is honor at the entry-level. Honor is not just about telling the truth, but without truth-telling, the practice of honor is impossible. If someone is "out there" telling lies, cheating or stealing, he or she isn't a person of honor, isn't one of the community, but is isolated from the community and its standards. If too many people insist on acting this way, out of false pride, or because they are "alienated," disaffected, or cynical, the connection between members is lost, and the community of honor collapses into individuals each pursuing selfish ends through unscrupulous means. Too many in today's society have traveled or are traveling down this path.

Reciprocity

The person who desires honor relies on the good opinion of peers, so as much as possible he or she will observe the golden rule, live up to obligations, repay debts, and return favors in full. Persons desiring honor must pull their own weight in the community of honor. The military unit or ship's company is such a community that may appear simple but which is really quite complex. Superimposed on the formal structure of the community or regiment is the unofficial framework of status and obligation, favors and repayment, past record and expectation

that determine how the individual and unit function. Members of the organization enter into a social contract to treat one another with respect.

Forbearance and Restraint

The kind of structured and mission-oriented communities that traditionally embrace honor often wield considerable power, and honor requires that this power be used wisely and for the good of all. Because of the power of officers to influence the lives of their subordinates, for good or ill, the officer has a traditional obligation to demonstrate self-restraint in the use of authority. Since military organizations have an enormous ability to do harm, those who carry arms must likewise subscribe to a concept of forbearance and restraint, which involves the commitment to use a weapon only in the service of the avowed cause, and to limit the destructiveness of that use as much as possible, not harming, and even shielding those who are unarmed. The military organization should, as one of the requirements of honor, act to provide a climate of values that condemns the irresponsible use of authority or of force.

Autonomy and Free Choice

Autonomy and free choice are most characteristic of honor communities composed of experienced individuals, in professional organizations both military and civilian. A profession is identified by the independence and self-governing capability of the profession. The degree of autonomy granted to an individual in an honor community rests on experience, on confidence born of achievement, on reputation, on the practical wisdom of long service. Among the core values of the maritime and naval services, honor, courage and commitment, honor is the pinnacle, coming after commitment has led to the development of virtues like courage and wisdom.

Conclusion.

The Regiment of Midshipmen is an organization dedicated to training and educating officers and leaders of character. We cherish the tradition of honor as an inheritance from the past and as the basis for the character of every officer in the Armed Forces and Merchant Marine. As Midshipmen and future officers, honor is our most prized possession.

“The most tragic thing in the world is a man of genius who is not a man of honor.” George Bernard Shaw

“The shortest and surest way to live with honor in the world is to be in reality what we would appear to be; all human virtues increase and strengthen themselves by the practice and experience of them.” Socrates

CHAPTER ONE - General Overview

101. Scope of the Honor Concept

All persons entering the Academy must accept the obligation of adhering to the Honor Concept at all times. All Midshipmen will sign an Honor Oath document during their indoctrination period upon completion of the introduction to the Honor Concept and preliminary honor education classes. The signed Honor Oath will be placed in the 1st LT Aaron Seesan Room. Honor Board Officers are charged with the instruction and administrative duties. This Oath consents to adherence to both the Concept and its procedures contained herewith. Ignorance of the Concept and procedures is not an excuse. **All Midshipmen are bound by the Concept at all times including leave, liberty, sea-year, and internships. Midshipmen are bound by the Concept in all hemispheres of the globe and on all oceans.**

The Honor Concept describes behavior that demonstrates a person's character. Violations of the Concept are indications of deficiencies in a person's ethical standards. The Honor System is a method for Midshipmen to evaluate whether or not actions by another Midshipman actually occurred, whether or not the actions demonstrate a deficiency in character, and whether or not the deficiency can be remedied without disenrollment.

102. Definitions of Honor Terms

Honor - Exhibiting behavior that is characterized by integrity and adherence to ethical and moral standards.

Lie- A lie is considered a deliberate attempt to present an oral or written untruth, quibble, or make a non-verbal communication with the intent of misleading another person(s). Examples include, but are not limited to:

- a) False Identification The possession or use of an identification card with any false information of any kind shall be considered a lie. This includes modifying an existing identification, or using an identification card other than a Midshipman's own for any purpose.
- b) False Official Report. Making a false report of any kind. Examples include log book entry, liberty request, and statement to investigating officer or watch stander.

Cheat- To cheat is to possess or obtain unauthorized assistance in submitting work designed to represent one's own efforts to deliberately gain an unfair advantage over others, or to attempt to do so. Cheating also involves knowingly assisting another person by word or action when such assistance is prohibited, or attempting to do so. Some examples of Cheating are the possession, communication, or use of information, materials, notes, study aids, or other devices not explicitly authorized by the instructor in any academic exercise, or any communication on the substance of the exercise with another person before, during, or after such exercise. Failure to adhere to the standards of academic honesty, as defined in the Academy's Academic Policies Handbook is considered cheating. The definitions of academic dishonesty are set forth below:

- a) Plagiarism – To steal and pass off the ideas or words of another as one’s own without crediting the source; to present as new and original an idea or product derived from an existing source.

- b) Multiple Submission – The submission of academic work for which academic credit has already or will be earned, when such submission is made without explicit instructor authorization.

- c) Fabrication/Falsification of Research Results – Inventing or counterfeiting information; creating results not obtained in a study or laboratory experiment; the deliberate alteration or changing of results to suit one’s needs in an experiment or other academic exercise.

- d) Pony – A pony is an exam or other piece of academic work completed previously by another Midshipman, which has been graded and/or returned by a professor. Midshipman use of ponies will be determined by a policy detailed in the syllabus of each individual instructor. If ponies are authorized in the syllabus, their use must be cited in a manner approved by the instructor.

Steal- To steal is to attempt to wrongfully take, obtain, or withhold property without the consent of the owner, either temporarily or permanently, with the intent of depriving the owner of the property.

CHAPTER TWO- Midshipman Honor Board Organization

201. Midshipman Honor Board

- A. The Regimental Honor Board Chair (RHBC) will be appointed by the Superintendent, will be a member of the First Class and will hold the rank of MIDN LCDR. The RHBC will be appointed as Chair for both rotations of his/her first class year. This is necessary to establish consistency in hearings, due to the nature of the material he/she is privy to, and due to the carryover of cases between rotations.
- B. The Regimental Honor Board Vice-Chair (RHBVC), Regimental Honor Board Vice Chair of Education (RHBVCE), Regimental Honor Board Vice Chair of Investigation (RHBVCI), and Regimental Honor Board Vice Chair of Operations (RHBVCO) will be appointed by the Superintendent. These members will be members of the First Class and will hold the rank of MIDN LT. At the discretion of the Superintendent they may continue their duties during the second rotation of officer billets.
- C. The Company Honor Board Chairs (CHBCs) will be appointed by the Superintendent. The Company Chairs will be members of the First Class and will hold the rank of LT(JG). At the discretion of the Superintendent the CHBCs may continue their duties during the second rotation of officer billets.
- D. The Honor Board Petty Officers will be appointed by the RHBC. Petty Officers may be members of the Second or Third Class.
- E. The Plebe Candidates will elect 2 Honor Board Representatives per company at the completion of their Honor education program during Indoctrination. The length of the term will be one year. These Plebes will assist in Honor Board procedures and act as ambassadors of the Honor Board.

202. Duties of Honor Board Members

- A. The RHBC will coordinate all the actions of the Midshipman Honor Board. The Chair's responsibilities include:
 - 1. Supervising the planning and organization of Honor education with respect to both Midshipmen and faculty/staff members.
 - 2. Arranging for investigations and hearings. The Chair will oversee the progress of the Investigating Team, and insure the expedient processing of violations.
 - 3. Presiding over Honor Board Hearings in an impartial manner and insuring that only relevant testimony is heard.

4. Presenting the Honor Board's findings, decisions, and reasoning to the Honor Review Officer, as well as posting memoranda to the Regiment informing the Regiment of Honor Board actions.
 5. Confer with the Superintendent in regards to all hearings to assist in the final action. A meeting will be held after each Formal Hearing of the Superintendent, the Commandant, and the RHBC to discuss recommended actions for each case.
- B. The RHBVC will act as the chief of staff for the Honor Board. The RHBVC acts as a liaison between the RHBC and the other Honor Board Officers, thereby allowing the RHBC to handle cases and other matters more freely and efficiently.
 - C. The RHBVCE is responsible for coordinating and planning all Honor education for the Regiment, Faculty, and Staff. He/she will also coordinate the Honor education program for the incoming class before he/she graduates.
 - D. The RHBVCI will be responsible for assigning an Investigating Team to each case. In addition, he/she will review the methods and content of the investigation before the case is forwarded to the RHBVC.
 - E. The RHBVCO is responsible for the organization and operating procedures concerning the Honor Board. His/her duties include the proper organization and transfer of case files and paperwork concerning an investigation, to include record keeping and audio recording during formal hearings.
 - F. The CHBCs provide representation of the Honor Board on the Company level. They are responsible for the education, investigations, counseling, etc. that involves their Company.
 - G. Honor Board Petty Officers' primary responsibility is to learn the billet of the Midshipman officer they are assigned to. Honor Board Petty Officers are able to assume any of the duties of regular Honor Board members, including acting as presiding officer. Any duties that are assigned to Petty Officers will be at the discretion of the RHBC and their respective Midshipman officer. Honor Board Officers may have more than one Petty Officer.
 - H. Plebe Honor Representatives will be available for duties assigned to them by the Honor Board, including counseling and company honor education. Representatives should have an intimate knowledge of the Honor Board's processes in order that they may advise other Midshipmen, including violators, of their rights and duties under the Honor system.
 - I. No member of the Honor Board may serve as an advisor to a suspected honor violator.

203. *Honor Board Officer Advisor*

- A. The purpose of the Honor Board Officer Advisor is to provide the Honor Board with advice and direction, and to act as a reviewing officer. This individual will monitor all case reviews and hearings to ensure that the procedures are followed and to ensure that the rights of the accused are not violated.
- B. This individual will be a faculty/staff member appointed by the Superintendent, after consultation with the outgoing Honor Board Officer Advisor and Midshipman Honor Board Officers. The term of office is at the discretion of the Superintendent, upon the advice of the Honor Board.

204. Advisor to the Accused

- A. The Accused may select an Advisor in the event he or she has committed a possible honor violation, which has been put under a formal investigation. An Advisor's role is to assist the Accused in Honor Board procedures, and to counsel the Accused during the course of the investigation and hearing. The Advisor may attend all hearings on the case but cannot answer questions for the Accused. The Advisor may not question the witness nor address the jury members directly during the Formal Hearing. The Advisor may protest any of the Honor Board procedures.
- B. The Advisor may be a Faculty/Staff member or Midshipman, except for members of the Commandant's staff, Counsel to the Academy or chaplains. Under no circumstances may an Advisor be anyone that is not employed by or enrolled at the Academy. The Accused may seek the advice and assistance of legal counsel in the preparation of his or her case at his or her own expense. However, legal counsel will not be permitted to be present during any of the Honor Board proceedings, including but not limited to interviews and hearings.
- C. The Accused Advisor is required to be present at a Formal Hearing.
- D. The Accused may only have one.

205. Honor Board Hearing Voting Members (Jury)

- A. Nine Midshipmen will comprise the Honor Board Voting Members (Jury). The members will consist of:
 - 1. A Battalion Commander (BC) other than the BC of the battalion of the accused, or in his/her absence, the Battalion Executive Officer (BX).
 - 2. Three Company Commanders (CC), or in their absence their Executive Officers (CX). The CCs (or CXs) will not be from the accused's company.

3. Five members selected at random from members of the accused's class, but not from the accused's company. Midshipmen who are serving Class I or II restriction, or who are in the same class section or on the same varsity team, club or activity as the accused are not eligible to serve as members.
- B. It is every Midshipman's duty to ensure that the Honor Concept is upheld, and, for this reason, every Midshipman may be called to serve as a Voting Member. Jury duty has priority over other Midshipman responsibilities, including athletic practice and events, club activities, or liberty. A Voting Member will be given 5 days' notice prior to a Formal Hearing, and may request from the RHBC in writing to be excused from jury duty if it is in conflict with another activity, or in the case of illness or a medical appointment. Normally, excuses for illness and medical will be granted. If the RHBC declines to excuse a Midshipman who has asked to be excused, this decision may be appealed to the Honor Board Advisor, who may consult with the Commandant for a final decision. Should a Midshipman feel that, for any reason, they are incapable of casting a fair or unbiased vote, it is their obligation to request relief from voting duty.
 - C. Before the first Honor Board case of each rotation of Midshipman Officers, the Commandant of Midshipmen, Regimental Honor Board Staff, and the Honor Advisor will meet with the BCs, BXs and CCs (standing members of the Jury) and undergo a conduct briefing to ensure all members are prepared to serve effectively in a formal hearing.

206. Composition of Honor Board Hearing

- A. Midshipman Presiding Officer (no vote): RHBC or an officer appointed by him or her. In the event that the RHBC feels that he or she may be too close to the case being heard whereas it may affect his or her impartiality, the RHBC shall excuse him or herself as Presiding Officer. The RHBC will then appoint the RHBVC or the RHBVCE as Presiding Officer.
- B. Midshipman Investigating Officer (no vote).
- C. Recorder (A Midshipman designated by the RHBC and having no vote).
- D. Nine voting members as described in para 205(A) above.
- E. No Honor Board member, or any other Midshipman directly involved in the case, may sit as a Voting Member hearing the case.

207. Dismissal of Board Members

If any Honor Board Officer or Representative fails to maintain the standards of the Concept or the Regiment, as determined by the RHBC, the RHBC may recommend to the Superintendent

through the Honor Board Advisor and the Commandant that the person be dismissed from his or her Honor Board position. Conduct grades and disciplinary actions will be monitored to ensure that those Midshipmen voting on Boards maintain an acceptable standard of conduct. Those members with poor conduct grades may be recommended for removal by the Chair. If an Honor Board Officer is dismissed, his or her position will be filled based on the recommendation of the existing Honor Board Staff, Honor Board Advisor, and the Commandant, and the approval of the Superintendent.

CHAPTER THREE - Honor Violation Procedures

301. Path of a Possible Honor Violation

If a Midshipman becomes aware or otherwise learns of a dishonorable act, the burden of action falls on any party having knowledge of the act. The Midshipman must then take appropriate measures, in line with this Academy's Honor Concept, to determine the subsequent action to be taken with the accused. Each midshipman has an individual responsibility for the Honor of the Regiment, and if a breach of that trust has occurred in the form of an Honor Violation, then they are bound to take informal or formal action, as set forth below.

A. Informal Action

The path of a possible Honor Concept violation is left to the discretion of the witness. Every Midshipman is bound to do *something* upon witnessing a violation of the Concept, and an informal action may be the first step.

1. Confrontation

Informal action may be taken by any member of the Regiment who witnesses a violation of the Academy's Honor Concept by personally confronting the individual and counseling him/her on how and why they possibly violated the Honor Concept. This informal confrontation is meant to foster a collective responsibility for the Honor Concept by allowing the Midshipmen of the Regiment to practice it among themselves. The Honor Board recognizes that confrontation of a fellow midshipman is not an easy task to undertake. The Honor Board recognizes this fact, but maintains that confrontation is a necessary aspect of the Honor System.

Confrontation with a fellow Midshipman should be used to determine basic information about the incident, such as why it occurred, and how that Midshipman feels about it now. The accusing Midshipman must be ready to challenge their counterpart to do the right thing. Confrontation may be deemed satisfactory, in the sense that the confronting midshipman is satisfied that he/she need not report the confronted Midshipman to the CHBC or Regimental Honor Board, if and only if the following conditions are met:

- a. The confronted individual can give a satisfactory, believable exculpatory explanation that is consistent with the known facts; or
- b. The confronted individual confesses to the act and is prepared to make a full reparation by, for example, returning stolen property and admitting the theft to the owner, or confessing an act of cheating to the instructor, or personally rescinding an untrue statement to the person to whom it was originally made. The option to report could then be in the hands of the victim or subject of the honor violation, but the violator would have in his or her favor the fact that he or she had made an effort to make reparations.

If confrontation is satisfactory, the confronting individual shall fill out an HB-0 form (Appendix 1) and submit it to his or her CHBC. This not only protects the confronting party from future actions, but allows the Honor Board to track the type and frequency of minor cases. If the confronted individual acknowledges that he or she has violated the Honor Code, he or she should be encouraged to self-report. If the confronted individual refuses to self-report in the case of what appears to be a violation, the confronting individual should take responsibility to see that a written report (HB-1) is submitted.

2. Report to Company Honor Board Chair

A Midshipman who witnesses a violation of the Academy's Honor Concept may report the incident to his or her CHBC, who will hold an Informal Counseling Session with the accused. The CHBC will then forward a summary report of the informal counseling session to the RHBC, who will determine whether further counseling is needed. Confrontation, while encouraged, is not a mandatory step; it is possible for a violation to go straight to a formal report. If further counseling occurs, the Honor Board members and the CHBC from the accuser's company will determine if a formal investigation should be initiated, based on the information/evidence and recommendations presented by the members who formally counseled the accused Midshipman.

B. Formal Report

A report of an honor violation may be made by any Midshipman or any member of the faculty or staff who has knowledge of the possible honor violation. The report is made by submitting an HB-1 form, entitled "Report of a Possible Honor Violation" (Appendix 2). The HB-1 form may be submitted to any member of the Commandant's staff or to any member of the Honor Board, who will forward it expeditiously to the RHBC. After the HB-1 form has been submitted to the RHBC, and he or she has ensured the veracity of the charge(s), he or she will direct the RHBVCI to conduct an investigation. The Honor Board reserves the right to not consider any case that is not reported within thirty days of the occurrence of the suspected violation.

302. Investigation of a Formal Report of an Honor Violation

A. Initial Investigation Interview of the Accused

The Initial Investigation Interview is the first step in the investigation of a formal report of an honor violation. It commences when the RHBVCI completes and delivers, in person, as soon as possible, Form HB-2, entitled "Notification to the Accused" (Appendix 3) to the accused Midshipman. This Notification shall include the following enclosures: (1) The Rights of a Midshipman Accused of an Honor Violation Notice; and (2) Advisor Selection.

The RHBVCI will schedule the Initial Investigation Interview within five days of the delivering the Notification to the Accused. This Interview will be conducted by an Interview Team, which shall include the Accused's CHBC, his or her Company Commander (CC), his or her CHBC, and a member of the Regimental Honor Board Staff. Other Honor Board Officers and Petty Officers may be present to observe. In addition, if the Accused wishes to have an Advisor, the Advisor,

who must be selected by the date of the Initial Investigation Interview, may be present at the Interview. If a Regimental or Battalion Officer is accused, the process will be moved to the Regimental Level, (i.e. a Regimental Honor Board Officer will act as CHBC for the Accused).

Prior to or at the Interview, the Accused shall complete, sign and return to his or her CHBC the two enclosures included with the Notification – the Rights of a Midshipman Accused of an Honor Violation Notice and the Advisor Selection Form. In addition, the Accused may also submit a written statement to his or her CHBC within seven days from the date of receiving the Notification.

The Interview Team shall conduct the Initial Investigation Interview and the CHBC shall keep detailed notes of it, including as many facts as possible. The purpose of the Interview is to determine the Accused's version of the events that took place with regard to the possible honor violation. The Interview is for preliminary fact-finding, to determine whether more information needs to be uncovered, and whether enough evidence exists to warrant a Formal Investigation. Each individual present is permitted to interview the Accused. Anyone not involved with the Investigation team is not allowed to interview the accused.

Upon completion of the Initial Investigation Interview, all individuals present will sign Form HB-3, entitled "Initial Investigation Interview Muster" (Appendix 5). The CHBC will compile the notes from the Interview, and attach them as a Report to Form HB-3. In this Report, the CHBC, CC, and Regimental Honor Officer shall recommend, in writing and with their rationale, one of the following: (1) that the case be dismissed; (2) that the case be referred to the Commandant for disciplinary review (for situations involving infractions of the regiment's rules, not of the Academy's Honor Code); or (3) that a Formal Investigation be conducted.

The CHBC will forward Form HB-3, and its attachments, to the Honor Review Board, via the RHBVCI. The Honor Review Board will consist of the Regimental Honor Board members, the CHBC from the Accused's Company and the Honor Board Advisor. The Honor Review Board will vote on one of the following actions: (1) dismiss the case where there is a lack of evidence to determine whether a violation has occurred; (2) refer to case to the Commandant for disciplinary review; or (3) initiate a Formal Investigation.

Until such time as a Formal Investigation is ordered or the case is referred to the Commandant, the Accused may review only his or her statements and evidence that he or she has entered into the case file.

B. Formal Investigation

The purpose of a Formal Investigation is to uncover all facts and evidence regarding a potential Honor Concept violation. An Investigation Team will be convened, consisting of an Investigating Officer from the Honor Board Staff, a Company Honor Representative, and one or more Petty Officers, appointed by the RHBVCI will appoint the Honor Board Staff member, the Company Honor Representative, and the Petty Officers who will conduct the investigation. The

Investigating Team must remain objective and unbiased throughout the course of the Formal Investigation. All points of view should be examined and fully considered. The Investigation Team should complete the Formal Investigation, including interviews and evidence collection, and prepare its Investigation Report within seven days.

The Investigating Officer shall be responsible for scheduling interviews with the Accused, the Accuser, and any other witnesses. The Investigating Officer must take notes during each interview; electronic recordings of the interviews are also encouraged. For each interview conducted, the Investigating Officer shall also complete Form HB-4, entitled "Record of Interviews" (Appendix 6). The first interview conducted should be of the Accused. The Accused is under no circumstances required to answer any questions; however, the Investigation Team is required to ask.

After interviewing the Accused, the Investigation Team shall interview the Accuser, whether it is a Midshipman or faculty or staff member. Once this is complete, the Investigation Team shall interview any other individuals who may have knowledge of the potential Honor Concept violation. The Investigation shall also compile any non-witness evidence of the potential violation. Thus, for example, in a cheating case, the Investigating Team should interview the professor (if the professor was not the accuser), and obtain (if available) a copy of the test or other evidence.

After completing these interviews, the Investigation Team shall collect character statements from individuals involved with the development of the Accused, such as Athletic Coaches, Company Training Officers, Company Commanders, or Company Officers. The purpose of a character statement is to give the Investigation Team and Honor Board members a more complete picture of the character of the Accused. Additionally, the academic and disciplinary records of the Accused Midshipman shall be obtained by the Investigation Team or the RHBC and included with the Formal Investigation Report. The RHBVCI ensures confidentiality throughout the entire process and protects sensitive documents and information.

Upon completion of the Formal Investigation, the Investigating Officer shall submit the Formal Investigation Report, attached to Form HB-5, entitled "Report of Formal Investigation" (Appendix 7), to the Honor Review Board, via the RHBVCI. This Report shall be type-written in memorandum format using a font that is easily read and submitted without grammatical and spelling errors. This Report shall consist of the following in the order listed: (1) Investigating Officer's summary; (2) interview of the Accused; (3) interview of the Accuser; (4) interviews of witnesses; (5) statements from the Accused; (6) statements from the Accuser; (7) statements from Witnesses; and (8) any other additional evidence.

C. Honor Review Board

The Honor Review Board is composed of the following individuals: the RHBC, RHBVC, RHBVCE, RHBVCI, Honor Advisor, and the Investigation Team. The purpose of the Honor Review Board is to examine the Formal Investigation Report, and determine whether a Formal Hearing is necessary. The Accused shall not be present for deliberations of the Honor Review Board.

The Honor Review Board shall meet within two days of receipt of the Formal Investigation Report. Each member of the Honor Review Board will be presented with a copy of the Formal Investigation Report, all of which will be collected at the end of the review and secured. The Investigating Officer shall give the Honor Review Board a synopsis of interviews conducted, evidence collected, and any other pertinent information. After reading this material and hearing the Investigating Officer's presentation, the Honor Review Board shall vote. The outcome shall be decided by a majority vote, with each member except the Honor Advisor casting a vote. The possible outcomes are as follows:

1. Formal Hearing: The case shall be forwarded to a Formal Hearing, to allow a jury drawn from the Regiment to vote on the outcome of the case; this step shall be taken when a majority of the Board feels that the case requires the examination of the jury.
2. Case Dismissal: The case shall be dismissed and erased from the record; this step shall be taken when a majority of the Board feels that the case does not merit further proceedings or consequences.
3. Refer to Commandant: The case shall be dismissed as an honor case and referred to the Commandant for disciplinary action; this step shall be taken when a majority of the Board feels that the case does not meet the qualifications of an Honor Board case, yet may still require disciplinary action

The Honor Review Board decision will be documented on Form HB-6, entitled "Review of Formal Investigation" (Appendix 8) and turned over to the RHBC. If the recommendation is to dismiss the case or for other non-Honor Board action, the RHBC will endorse the recommendation and forward it to the Honor Board Advisor. For a case where a formal hearing is recommended, the RHBC will convene a hearing and cause the Formal Investigation Report to be made available for the hearing. The Honor Review Board decision will be conveyed to the Accused on Form HB-7, entitled "Result of Honor Review Board" (Appendix 9)

303. Formal Honor Board Hearings

A. The Open Board Program

The Open Board Program has been designed so that the Regiment, faculty, and staff may learn more about the Honor System at the Academy. The Program allows a limited number of Midshipmen, faculty, and staff personnel to attend Formal Honor Board Hearings as observers, except during deliberations. Under no circumstance may non-Academy personnel attend any Honor Board process.

The Accused may elect whether to have an Open Board, via Form HB-10, entitled "Formal Hearing" (Appendix 12), which shall be included with the Notification of Hearing (Form HB-8) and must be returned no later than 48 hours before the scheduled hearing. RHBC, with the advice of the Honor Board Officer Advisor, may disallow an Open Board at any point. Open hearings are preferred for the majority of cases, and should be the norm. If an Open Board is being held, all persons wishing to observe must sign Form HB-11, entitled "Formal Hearing Accountability" (Appendix 13) before the beginning of the hearing. The RHBC may deny any

persons the privilege to observe these proceedings with or without disclosing his or her reason. This is done for the protection of the Accused, Accuser, witnesses, Board Members and due to the sensitivity of the material being presented. The RHBC may choose at any time to have a closed Board, even if after the commencement of an Open Board. Should the board be closed, a written report as to the reason must be submitted along with the accused Midshipman's case packet.

B. Jury Selection Process

The composition of a Formal Hearing Jury is detailed above in Section 204(A). The jury shall be selected five days prior to the Formal Hearing, and notification shall be delivered that same day via Form HB-9, entitled "Formal Hearing Jury" (Appendix 11). The RHBVC is responsible for selecting the jurors and alternates for every Formal Hearing and notifying them of the Formal Hearing.

Nine jurors shall be present for every Formal Hearing, with four alternates. Two Alternates are to be eligible to replace one of the designated Midshipman officer members, and the other two eligible to replace any of the other members. Any juror who fails to appear without prior approval (see Section 204(B)) shall face disciplinary action.

All Midshipmen are obligated to provide a fair and impartial vote. Should any juror feel themselves incapable of casting a fair or impartial vote for any reason, they must request to be removed from the voting panel (see Section 204(B)).

The jurors shall be selected using the random number generator function in the Microsoft Excel application. A complete list of all Midshipmen onboard at the Academy shall be obtained from the Office of Midshipmen Personnel. All members of the Accused's company, academic section, and varsity athletic team shall have their names removed from the list. Any Midshipmen currently serving restriction shall also have their names removed from the list. Current lists of these names shall be obtained from the Company Commander, Academic Dean, Director of Athletics, and Commandant's Office.

The Battalion Commander shall not be from the Battalion of the Accused. In the event the Accused is in Band Company, either Battalion Commander may sit as a voting member. In this case, the Battalion number shall be drawn at random. In the event that the Accused is a member of the Regimental Staff, jury selection will proceed based on his/her parent company and battalion.

The Company Commanders who will be sitting as the standing members of the jury shall not be from the Company of the Accused. The Company Commanders shall be selected by drawing Company numbers at random. Three names shall be drawn as voting members.

Upon completion of jury selection, the thirteen drawn names shall be cross-checked by the RHBVC. Should a voting member be found to be a member of the Accused's company,

academic section, or athletic team, their name will be removed from the roster, and the random number generator will be used to find another replacement.

Prior to the Formal Hearing, the Accused shall be presented with a roster of the voting members. If the Accused feels that one or more of these representatives may be prejudiced in the case, he or she may challenge the selection and request another Midshipman be appointed to the Board. The Accused must explain his or her reason for the challenge. The Presiding Officer will make the final decision whether to replace the challenged board member when the final selection is made. After the Accused has approved the list, he or he will sign the list to document approval. Should the Presiding Officer disapprove the Accused's challenges of the jury members, the Accused must still sign a document acknowledging the jury members.

C. Notice to the Accused

At least five days before the Formal Hearing, the Accused and his or her Advisor will receive written notification of the date and time of the Formal Hearing via Form HB-8, entitled "Notification of Hearing" (Appendix 10). This notice will include a copy of the Formal Investigation Report and the identities of the members of the Jury, and all evidence to be presented to the jury by the Investigating Officer, as well as any witnesses who may be called by the Investigating Officer.

D. Overview of Formal Hearing

A Formal Hearing is presided over by a Presiding Officer and heard by the nine Voting Members of the Jury. The Investigating Officer presents the case summary and witnesses of the possible Honor violation. The Accused may make opening and closings statements, question the witnesses called by the Investigating Officer and present witnesses of his or her own. After presentation of the case, the Jury deliberates and can dismiss the case, refer the case to the Commandant for possible disciplinary action or find the Accused guilty. If found guilty, the Accused will have an opportunity to present evidence, including written statements from witnesses, and call witnesses to present extenuating and/or mitigating evidence and arguments for retention at the Academy or for minimum or no disciplinary action. Where the Accused has admitted guilt, the hearing will be limited to the Accused presenting such evidence.

304. Detailed Procedures for Honor Board Hearings (other than admitted guilt)

A. The RHBC shall determine the date and time of the Formal Hearing, which shall be held in the Eliot M. See Room, in Wiley Hall, in the seasonal dress uniform. If it will be an Open Board, the Regiment shall be extended notification of the Hearing, and those who are interested may attend subject to the limitations set forth above in Section 303(A). The Presiding Officer has the responsibility for maintaining order during the Board. Any improper conduct during the Board is cause for immediate dismissal from the Board and will result in disciplinary action.

B. The designated Recorder will take a muster prior to the Honor Board Hearing.

C. The Midshipman Presiding Officer will read the following after the 9 Voting Members have been seated and given the opportunity to read the case file:

1. **"May I have your attention. This Honor Board Hearing will now come to order. All Midshipmen are reminded that this is a formal hearing and that all persons in this room will be held to the highest standards of conduct."**
2. **"The accused is Midshipman (Name) who is charged with lying/cheating/stealing."**
3. **"If any member of the Honor Board Hearing sitting on this case feels that he or she will not be able to cast all unbiased vote, it is your moral responsibility to excuse yourself from the Hearing."**

(In the event of this occurrence, the Presiding Officer will appoint one or more of the four (4) alternate Honor Board Representative(s), who has been approved by the accused, to act as a voting member(s).

4. **"The testimony of this Hearing is confidential and is not to be discussed at any time. This includes the statements of any individual participating in the hearing. Only after final action by the Superintendent may these matters be discussed outside of this hearing."**

D. The Recorder will introduce the Accused and his or her Advisor to the Board.

"The recorder will now present the accused and his/her advisor."

E. The Midshipman Presiding Officer will read the following:

1. **"Midshipman (Name), this Honor Board Hearing has been convened to hear evidence and reach a recommendation concerning allegations that you have violated the Honor Concept by lying/cheating/stealing. Around this table are nine Midshipmen from the Regiment who will vote on your case."**
2. **"Midshipman (Name), you are entitled to be present during the presentation of all evidence except closed deliberations and balloting. You will be given the opportunity to call witnesses and present any relevant evidence you may wish to offer. You may testify on your behalf. We believe that the Honor Concept which you have accepted by becoming a Midshipman imposes a duty upon you to disclose any relevant information you might have. However, if you prefer not to testify, your silence will not be considered as evidence against you. If you do testify, any statements you make during the course of the proceedings may be used against you in further proceedings. When the hearing begins, the Board will first hear the investigating officer's opening statement."**

3. **As a Midshipman accused of an honor violation, you have rights. You have already signed a form acknowledging your rights. I will now read the rights for the benefit of the Board.**
 - i. **The right to remain silent.**
 - ii. **The right not to be subjected to self-incrimination.**
 - iii. **The right to an advisor.**
 - iv. **The right to submit a statement to the Investigating Officer for consideration during the course of the Investigation.**
 - v. **The right to protest any Honor Board Representative selected for the Honor Board Hearing.**
 - vi. **If found guilty of an honor violation, the right to submit an appeal to the Honor Advisor concerning procedural matters.**
 - vii. **The right to submit a statement to the Superintendent for consideration in the final decision.**
 - viii. **The right to appeal to the Maritime Administrator if disenrollment sanction is imposed.**

Do you acknowledge and understand your rights?

4. **"You have the right to question any witnesses and challenge any statements or documents presented at the Board. You may introduce any new evidence which may help clarify or further your defense. You may question any of the procedures which occur during the Hearing. Your advisor or I will answer any of your questions regarding your rights or Honor Board Hearing procedures, on your behalf. Do you understand?"**

5. The Presiding Officer now addresses the Board.

"We are about to hear evidence presented concerning an alleged violation of our Honor Concept and a member of the Regiment. This Midshipman is charged with (lying/cheating/stealing). The purpose of an Honor Board Hearing is to uncover all the facts in the case and make a final recommendation based on these facts."

- F. The Midshipman Presiding Officer now instructs the Investigating Officer to present his/her case to the Board. The Investigating Officer will call witnesses and conduct an examination. The Investigating Officer's witnesses will be available for questioning by the Accused at the conclusion of the witness's testimony. If statements are used, the Accused will be provided with copies of the statements at least five days before the Formal Hearing. The Accused may challenge any statement, testimony, or evidence presented. Board members may ask questions of the witnesses or the Investigating Officer, and may examine any evidence presented.

- G. The Investigating Officer will now present the case.

"Will the Investigating Officer please make an opening statement and Case summary?"

I. Witnesses.

1. **"Does the Investigating Officer wish to call any witnesses?"**

(Requested witnesses are called and questioned by the investigating officer, after which the accused is offered the opportunity to question each witness.)

"Does the accused wish to question this witness?"

(After the accused questions or declines to question each witness, the Hearing Members are offered the opportunity to question each witness.)

"Do any of the members wish to question the witness?"

(After questions or if no questions, the witness will cautioned to not discuss the case with anyone, and be dismissed and leave the hearing room.)

The Midshipman Presiding Officer then requests the Accused to present his/her case to the Board.

"Does the accused wish to make an opening statement? This can include any information that will inform the Board in your own words of the circumstances as they relate to this incident. You may enter documents, call witnesses, or present statements during your testimony at this time."

(Accused responds.)

"Does the accused wish to call any further witnesses?"

(Requested witnesses are called and questioned by the accused, after which the investigating officer is offered the opportunity to question each witness.)

"Does the Investigating Officer wish to question this witness?"

(After the Investigating Officer questions or declines to question each witness, the Hearing Members are offered the opportunity to question each witness.)

"Do any of the members wish to question the witness?"

(After questions or if no questions, the witness will cautioned to not discuss the case with anyone, and be dismissed and leave the hearing room.)

(Only witnesses with direct knowledge of the specific alleged Honor Offense may be called as witnesses. Any character witnesses may submit written statements, but may not testify.)

J. Questioning the Accused:

“The Jury may now ask the accused any questions to clarify evidence”

K. After all evidence has been presented by the Investigating Officer and the Accused, the Presiding Officer will proceed as follows:

"Does the Board have any further questions?"

If there are questions they may be asked.

L. After any questions or if no questions, the Presiding Officer will proceed as follows:

"Does the Investigating Officer wish to make any closing statements?"

(Investigating Officer makes summary statement.)

"Does the Accused wish to make a closing statement?"

(This may be either the accused or his/ her advisor.)

M. After closing statements, the Presiding Officer should remind the Midshipmen, not to discuss the case with anyone until the Superintendent's final action it is released to the Regiment. The Presiding Officer will then require the Accused, his/her advisor and all observers to leave the room.

N. The Presiding Officer will then read the following to the Board:

"We have heard all the evidence concerning this possible violation of the Honor Concept. If as a result of the evidence introduced, you are convinced by a preponderance of the evidence that an Honor Violation has been committed by the accused then you must vote so. If you are not so convinced, then you must vote to terminate this case. "

“Preponderance of the evidence is a lesser burden of proof standard than the criminal “beyond a reasonable doubt” standard. Plainly stated, it is when the jury finds that “it is more likely than not” that the defendant is guilty of a violation. In other words, when making a decision using this standard, all reasonable doubt need not be dispelled to find a Midshipman guilty of a violation. Instead, a Midshipman will be found guilty of a violation if there is a greater than 50% chance that the

Midshipman committed the violation. The burden of proof is on the jury to determine whether the Midshipman committed the violation; the accused Midshipman does not have the burden to prove that he or she did not commit the violation. Midshipman (Name), you, your advisor, and all observers or visitors are excused, while the Board deliberates.”

- O. The Presiding Officer will ask the members if they feel the case should be referred to the Commandant as a matter of violation of Midshipman Regulations, or to an Executive Board or Superintendent’s Disciplinary Hearing. If necessary, the Presiding Officer will take a vote on the question. If six (6) of the members (all members shall cast a vote) determine that the case should be referred to the Commandant, or to an Executive Board or Superintendent’s Disciplinary Hearing, the Presiding Officer will order all parties brought into the room and will read the following:

"Midshipman (Name), the Board has determined that this case should be referred to the Commandant (or Executive Board/Superintendent’s Disciplinary Hearing) for action, and will forward that recommendation to the Superintendent.

The Presiding Officer will remind the Accused that final action on the case will be taken by the Superintendent, and announce:

"The testimony of this Board is confidential and is not to be discussed at any time. This includes the statements of any individual participating in the hearing, including the names of the Voting Board members. Only after final action by the Superintendent may these matters be discussed outside of this hearing."

“This Board, hearing case _____ is now closed pending the Superintendent’s final action”

Otherwise, the Presiding Officer will proceed as follows.

- P. The Presiding Officer will ask the members if they are prepared to make a finding of guilty or not guilty, and allow discussion of the question. When the discussion is complete, the Presiding Officer will ask the Recorder to distribute guilty/not guilty ballots to the members. No discussions will be permitted once the Presiding Officer calls for the vote. All members shall cast a vote and six (6) votes are required for a finding of guilty. The vote will be conducted by secret ballot. Only one ballot shall be taken. In the event of a failure to obtain six votes for “Guilty,” the Presiding Officer will dismiss the members and inform the Accused that a verdict of “Not – Guilty” has not been reached.
- Q. When the votes are obtained, the Presiding Officer will inform the members of the finding.

- R. If the vote is "Not Guilty", the Presiding Officer will order the Accused, his or her Advisor, and all observers brought into the room, and will read the following:

"Midshipman (Name), the Board will forward a verdict of Not Guilty to the Superintendent.

The Presiding Officer will remind the accused that final action on the case will be taken by the Superintendent, and announce:

"The testimony of this Board is confidential and is not to be discussed at any time. This includes the statements of any individual participating in the hearing, including the names of the Voting Board members. Only after final action by the Superintendent may these matters be discussed outside of this hearing."

"This Board, hearing case _____ is now closed pending the Superintendent's final action"

- S. If the vote is "Guilty," then the Presiding Officer will reconvene the Formal Hearing and read the following:

"Midshipman (Name), the Board will forward a verdict of Guilty to the Superintendent.

The Presiding Officer will then allow the Accused to present evidence, including written statements from witnesses, and call witnesses to 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 Midshipman.

The voting members will then deliberate and determine the appropriate recommended penalty outside the presence of the Accused, his or her Advisor and any witnesses. In making its determination, the members may re-examine the record pertaining to the Honor Concept violation, any statements or evidence provided by the Accused, and the Accused's entire Academy record (academic, regimental, sea year, and extra-curricular).

- T. After deliberations have been completed, the Recorder will distribute blank ballots. The Presiding Officer will require each voting member to indicate his/her recommendation for either retention or separation on the ballot. All members shall cast a vote and six votes are required for separation. If six votes are not reached for separation, then the result is automatically retention. The vote will be conducted by secret ballot.
- U. The Presiding Officer will read the decision to the members.

- V. If the recommendation is separation, the Accused, his/her Advisor, and all observers will be brought into the room, and informed of the Midshipmen Honor Board's recommendations by the Presiding Officer. The Presiding Officer will read the following:

“The Board recommends separation.”

The Presiding Officer will remind the Accused that final action on the case will be taken by the Superintendent, and announce:

"The testimony of this Board is confidential and is not to be discussed at any time. This includes the statements of any individual participating in the hearing, including the names of the Voting Board members. Only after final action by the Superintendent may these matters be discussed outside of this hearing."

“This Board, hearing case _____ is now closed pending the Superintendent’s final action.”

- W. If the recommendation is retention, the Presiding Officer will initiate a discussion of sanctions that Hearing Members may recommend. All Midshipmen retained will participate in an honor remediation program as described in paragraph 312. The jury may suspension with setback to succeeding class in addition to remediation.. When the Presiding Officer believes that the members have reached a point in the discussion where a vote is appropriate, he/she will distribute ballots calling for votes on the sanctions discussed. All members shall vote and a majority vote (5 of 9) is required to approve a sanction short of separation.

The Presiding Officer will now instruct the members to deliberate:

(The members of the Honor Board may answer questions that the jury might have. While anyone can answer the questions, the Presiding Officer should principally answer questions regarding procedural matters. Questions pertaining to the case itself shall be directed to the Investigating Officer.) Prior to a vote taking place it is the responsibility of the Vice Chair to brief jurors on sanction standards. The Vice Chair shall make available previous cases and their awarded sanctions for reference to a Jury. The Jury however shall not make a decision based on a previous case and its specific circumstances, as the Honor Board views every suspected Honor Violation as its own case. However, these previous cases and their sanctions can be used as an informative tool from the Honor Board to help guide a Jury in their deliberations on sanctions.

Following the completion of the above procedures, the Accused, his/her Advisor, and all observers will be brought into the room, and informed of the Midshipmen Honor Board's recommendations by the Presiding Officer. The Presiding Officer will read the following:

"Midshipman (Name), the Board will forward a verdict of Guilty to the Superintendent. In addition, the Board will recommend retention with the following sanctions: _____. You are reminded that the only possible penalty for a further honor violation on your part is disenrollment from the academy."

The Presiding Officer will remind the accused that final action on the case will be taken by the Superintendent, and announce:

"The testimony of this Board is confidential and is not to be discussed at any time. This includes the statements of any individual participating in the hearing, including the names of the Voting Board members. Only after final action by the Superintendent may these matters be discussed outside of this hearing. "

"This Board, hearing case _____ is now closed pending the Superintendent's final action"

304. *Procedures for Admitted Honor Violations*

In the case that a midshipman admits to violating the Honor Concept, the procedure will be modified so that guilty or not guilty is not what is being determined. Rather the hearing will be used to discern a suitable and equitable recommendation for the admitted offense. The Honor Board hearings will be conducted in a formal manner in a designated conference room. The Presiding Officer has the responsibility for maintaining good order during the Board. Any improper conduct during the board is cause for immediate dismissal from the Board and disciplinary action. The procedure is as follows:

- A. The nine (9) Honor Board Voting Members along with four (4) alternates will assemble as directed by the RHBC.
- B. The designated Recorder will take a muster prior to the Honor Board Hearing.
- C. Once the representatives have completed reading the investigation packet, observers will be brought in the Board room. The observers are to be reminded that they will be held to the highest standards of conduct, they will not be permitted to speak to anyone during the proceedings, nor will they discuss the case, in detail, with anyone outside of the Board. Due to the length of some hearings, observers may leave quietly at any point during the hearing. The Midshipman Presiding Officer will read the following:

- 1. **"May I have your attention. This Honor Board Hearing will now come to order. All Midshipmen are reminded that this is a formal hearing and that all persons in this room will be held to the highest standards of conduct."**

2. **"The accused is Midshipman (Name), who has admitted to lying/cheating/stealing."**
3. **"If any Voting Member sitting on this case feels that he or she will not be able to cast an unbiased vote, it is your moral responsibility to excuse yourself from the hearing."**

(In the event of this occurrence, the Presiding Officer will appoint one or more of the four alternate Voting Members(s), who have been approved of by the accused, to act as a voting member(s).

4. **"The testimony of this Hearing is confidential and is not to be discussed at any time. This includes the statements of any individual participating in the hearing, including the names of the Voting Board members. Only after final action by the Superintendent may these matters be discussed outside of this hearing."**

D. The recorder will introduce the accused midshipman and his/her advisor to the Board.

"The recorder will now present the accused and his/her Advisor."

E. The Midshipman Presiding Officer will read the following:

1. **"Midshipman (Name), this Honor Board Hearing has been convened to hear evidence and reach a recommendation concerning allegations that you have violated the Honor Concept by lying/cheating/stealing. Around this table are nine Midshipmen from the Regiment who will vote on your case."**
2. **"Midshipman (Name), you are entitled to be present during the presentation of all evidence except closed deliberations and balloting. You will be given the opportunity to call witnesses and present any relevant evidence you may wish to offer. You may testify on your behalf. We believe that the Honor Concept which you have accepted by becoming a Midshipman, imposes a duty upon you to disclose any relevant information you might have. However, if you prefer not to testify, your silence will not be considered as evidence against you. If you do testify, any statements you make during the course of the proceedings may be used against you in further proceedings. When the hearing begins, the Board will first hear the investigating officer's opening statement."**
3. **As a midshipman accused of an honor violation, you have rights. You have already signed a form acknowledging your rights. I will now read the rights for the benefit of the board.**
 - ix. **The right to remain silent.**
 - x. **The right not to be subjected to self-incrimination.**

- xi. **The right to an advisor.**
- xii. **The right to submit a statement to the Investigating Officer for consideration during the course of the Investigation.**
- xiii. **The right to protest any Honor Board Representative selected for the Honor Board Hearing.**
- xiv. **If found guilty of an honor violation, the right to submit an appeal to the Honor Advisor concerning procedural matters.**
- xv. **The right to submit a statement to the Superintendent for consideration in the final decision.**
- xvi. **The right to appeal to the Maritime Administrator if disenrollment sanction is imposed.**

Do you acknowledge and understand your rights?

4. **"You have the right to question any witnesses and challenge any statements or documents presented at the Board. You may introduce any new evidence which may help clarify or further your defense. You may question any of the procedures which occur during the Hearing. Your advisor or I will answer any of your questions regarding your rights or Honor Board Hearing procedures, on your behalf. Do you understand?"**

5. The Presiding Officer now addresses the Board.

"We are about to hear evidence presented concerning an alleged violation of our Honor Concept and a member of the Regiment. This midshipman is charged with (lying/cheating/stealing). The purpose of an Honor Board Hearing is to uncover all the facts in the case and make a final recommendation based on these facts."

F. The Midshipman Presiding Officer now instructs the Investigating Officer to present his/her case to the Board. The Investigating Officer will call witnesses and conduct an examination. The Investigating Officer's witnesses will be available for questioning by the accused at the conclusion of the witnesses testimony, if statements are used, the accused will be provided with copies or permitted to view the statements or documents presented. The accused may challenge any statement, testimony, or evidence presented. Board members may ask questions of the witnesses or the Investigating Officer, and may examine any evidence presented.

G. The Investigating Officer will now present a summary of the case.

"Will the Investigating Officer please present a case summary?"

H. The Presiding Officer will then allow the Accused to present evidence, including written statements from witnesses, and call witnesses to 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 Midshipman.

I. Witnesses.

1. **"Does the accused wish to call any witnesses?"**

(Requested witnesses are called and questioned by the accused, after which the investigating officer is offered the opportunity to question each witness.)

"Does the Investigating Officer wish to cross examine this witness?"

(After the Investigating Officer questions or declines to question each witness, the Hearing Members are offered the opportunity to question each witness.)

"Do any of the members wish to question the witness?"

(After questions or if no questions, the witness will cautioned to not discuss the case with anyone, and be dismissed and leave the hearing room.)

(Only witnesses with direct knowledge of the specific alleged Honor Offense may be called as witnesses. Any character witnesses may submit written statements, but may not testify.)

J. After all evidence has been presented by the Investigating Officer and the accused, the Presiding Officer will proceed as follows:

"Does the Board have any further questions?"

If there are questions they may be asked.

K. After any questions or if no questions, the Presiding Officer will proceed as follows:

"Does the Investigating Officer wish to make any closing statements?"

(Investigating Officer makes summary statement.)

"Does the accused wish to make a closing statement?"

(This may be either the accused or his/ her advisor.)

L. After closing statements, the Presiding Officer should remind the Midshipmen not to discuss the case with anyone until The Superintendent's final action it is released to the Regiment.

M. The Presiding Officer will then read the following to the Board:

"We have heard all the evidence concerning this admitted violation of the Honor Concept. Midshipman (Name), you, your advisor, and all observers are excused, while this Board deliberates."

- N. The voting members will then deliberate and determine the appropriate recommended penalty outside the presence of the Accused, his or her Advisor and any witnesses. In making its determination, the members may re-examine the record pertaining to the Honor Concept violation, any statements or evidence provided by the Accused, and the Accused's entire Academy record (academic, regimental, sea year, and extra-curricular).
- O. Once the Presiding Officer determines that the members are prepared to vote on recommended sanctions, he/she will ask the Recorder will distribute blank ballots. The Presiding Officer will require each voting member to indicate his/her recommendation for either retention or separation on the ballot. All members shall cast a vote and six (6) votes are required for separation. The vote will be conducted by secret ballot.
- P. The Presiding Officer will read the decision to the members.
- Q. If the recommendation is separation, the accused, his/her advisor, and all observers will be brought into the room, and informed of the Midshipmen Honor Board's recommendations by the Presiding Officer. The Presiding Officer will read the following:

"Midshipman (Name), for this case of admitted guilt, the Board will forward a recommendation for separation to the Superintendent."

The Presiding Officer will remind the accused that final action on the case will be taken by the Superintendent, and announce:

"The testimony of this Board is confidential and is not to be discussed at any time. This includes the statements of any individual participating in the hearing, including the names of the Voting Board members. Only after final action by the Superintendent may these matters be discussed outside of this hearing."

"This Board, hearing case _____ is now closed pending the Superintendent's final action."

- R. If the recommendation is retention, the Presiding Officer will initiate a discussion of sanctions that Hearing Members may recommend. The sanctions may include any combination of the following: suspension with setback to succeeding class, demerits, restriction, extra duty, and/or participation in an honor remediation program. When the Presiding Officer believes that the members have reached a point in the discussion where a vote is appropriate, he/she will distribute ballots calling for votes on the sanctions

discussed. All members shall cast a vote and a majority vote (5 of 9) is required to approve a sanction short of separation.

Following the completion of the above procedures, the accused, his/her advisor, and all observers will be brought into the room, and informed of the Midshipmen Honor Board's recommendations by the Presiding Officer. The Presiding Officer will read the following:

"Midshipman (Name), for this case of admitted guilt, the Board will forward a recommendation for retention to the Superintendent. In addition, the Board will recommend retention with the following sanctions: _____ . You are reminded that the only possible penalty for a further honor violation on your part is disenrollment from the academy."

The Presiding Officer will remind the accused that final action on the case will be taken by the Superintendent, and announce:

"The testimony of this Board is confidential and is not to be discussed at any time. This includes the statements of any individual participating in the hearing, including the names of the Voting Board members. Only after final action by the Superintendent may these matters be discussed outside of this hearing. "

"This Board, hearing case _____ is now closed pending the Superintendent's final action."

305. RHBC's Action

Following the hearing, the RHBC shall forward the case to the Honor Board Advisor, with the jury's recommendation and the RHBC's recommendation. The RHBC will review the case with the Honor Board Advisor for procedural accuracy.

306. Honor Board Advisor's Action

The Honor Board Advisor shall review the file and recommendations for procedural accuracy. If he or she determines that procedural errors occurred, the Honor Board Advisor will take appropriate steps to correct them to the extent possible. The Honor Board Advisor will forward the entire file, with his or her recommendation, to the Commandant. If the Honor Board Advisor finds that errors committed prejudice the outcome of the case (such as a violation of the rights of the accused), he or she may recommend that the case be dismissed.

307. Commandant's Action

Upon receipt of the file, with the recommendations of the jury, the RHBC and Honor Board Advisor, the Commandant will review the case and forward the entire file, with his recommendation, to the Superintendent.

308. Superintendent's Review of Honor Proceedings and Final Action

The Superintendent reviews the case and the findings of the Formal Hearing and renders a final decision regarding the sanctions imposed. In the event of a *not guilty* decision, the case file will be placed in the *not guilty file* and stored for four years.

If the sanction of a guilty decision is *disenrollment*, and this sanction is upheld by the Superintendent, the accused may then proceed with a written appeal to the Maritime Administrator, as set forth below in Section 310.

309. Notification of the Accused as to the Superintendent's Final Decision

The Superintendent will notify the Accused of the decision through a written statement containing the basis for the decision and the sanction imposed. The Honor Board will then publish the final decision to the Regiment, Faculty and Staff in a XYZ report.

310. Appeals

- A. If the Accused wishes to make an appeal to the Honor Advisor regarding *procedural* matters, he or she shall be allotted 24 hours following the adjournment of the Formal Hearing to submit a written appeal to the Superintendent.
- B. If the Accused receives a sanction other than disenrollment, he or she may appeal that sanction to the Superintendent. The Accused must notify the Superintendent, in writing, by close of business of the next business day after receiving the decision of his or her intent to appeal and must submit the written appeal to the Superintendent no later than seven days after receipt of the decision. The Superintendent may, if he or she so chooses, meet with the Accused and/or his or her Advisor, prior to issuing a decision on the appeal. The Superintendent's decision on appeal is final.

The Superintendent will notify the Accused, the Honor Board Advisor, the RHBC, and the Commandant of the decision. The Accused should then contact the Honor Board Advisor to commence remediation.

- C. Appeal of Disenrollment Decision
 - 1. If the Accused is disenrolled and wishes to appeal his or her disenrollment, he or she must notify the Superintendent, in writing, by close of business of the next business day after receiving the decision of his or her intent to appeal to the Maritime Administrator. If the Accused

does not appeal the disenrollment, the Accused shall proceed immediately with checkout procedures.

2. Such appeal will be submitted, in writing, to the Superintendent no later than seven (7) days after receipt of the decision.
3. The Superintendent will forward the appeal to the Maritime Administrator, with his or her recommendation. A copy of the Superintendent's recommendation will be provided to the Accuse and his or her Advisor.
4. The Accused is entitled to remain at the Academy pending consideration of his or her appeal, including, as appropriate, in a deferred graduate status, provided that the Accused abides with all Academy policies, including the Midshipman Regulations. If the Accused is enrolled in classes during the pendency of the appeal, he or she will continue in those classes. If the Accused is scheduled to depart for sea year or an internship during the pendency of the appeal, he or she will remain on board at the Academy until a decision has been reached.
5. If the Maritime Administrator upholds the disenrollment decision, the Accused will be disenrolled immediately upon receipt of the Maritime Administrator's written decision. If the Maritime Administrator finds merit in the appeal, his or her written decision should include a statement of the reasons therefor.

311. Records of Honor Board Proceeding

- A. Proceedings of the Honor Board will be electronically recorded. Original case files and recordings will be retained by the Honor Board Advisor and the Midshipman Honor Board for a period of four years after final action has been completed. The case files and recordings may be requested by any reviewing authority in the Honor Board chain of command, including the Maritime Administrator.
- B. Each year, the RHBC will insure that all records are complete and that records over four years old are destroyed. At the end of each academic year, the RHBC will report in writing on the total number of Honor Cases reported, investigated, and heard by the Honor Board, to the Commandant and Superintendent.
- C. The RHBC will ensure that all Honor Board rules and regulations have been complied with before turning the records over to his or her successor.

312. *Honor Remediation*

A. General. Any midshipmen found guilty of an honor violation will be assigned to Honor Remediation. Honor Remediation is conducted under the oversight of the Director of Ethics, who shall at his/her discretion conduct the Remediation personally or permit the midshipman undergoing Remediation to nominate another individual to supervise the Remediation. This individual must be an employee of the Academy and will normally be a commissioned officer and/or member of the faculty. This additional duty is voluntary. Honor Remediation is both punitive and developmental. In fact these two purposes are linked, since the restrictions and sanctions placed on a midshipman undergoing Remediation are intended to remove distractions and to ensure that the midshipman fully grasps the immediate need for self-correction. Midshipmen will remain in a remediation status for at least 120 days, or longer at the discretion of the remediation supervisor, Director of Ethics, or Commandant. Remediation officially begins with the Superintendent's decision and completion of all appeals.

B. Restrictions. All midshipmen found guilty of an Honor violation and undergoing Remediation will be subject to the following restrictions for the duration of the remediation.

Restriction to conduct probation limits.

Loss of all class privileges.

No TMs, other trips, leave or liberty (unless approved on a case by case basis in writing by the Commandant).

Midshipmen in a remediation status are ineligible for intercollegiate or club athletics, waterfront activities, or trips associated with Midshipmen clubs.

Midshipmen in a remediation status will not be released for sea duty. Midshipmen who are returned to the Academy for an honor violation during sea year who are placed in remediation status will not return to sea until remediation is complete.

C. Required. All midshipmen undergoing Remediation will be required to complete the following, under the direction of the Remediation Supervisor.

Keep a journal of ethical challenges, leadership opportunities, and personal development throughout the period of Remediation.

Meet with or report to the Remediation Supervisor at least once a week.

Perform 50 hours of Extra Duty, at least 20 of which should be community service.

Conduct and report on at least three interventions with fellow midshipmen over some matter of conduct related to Honor or ethics.

- D. Elective. At the discretion of the Remediation Supervisor, the midshipman undergoing Remediation may be required to perform the following tasks.

Directed Readings. A Supervisor may assign a midshipman to read, write about, and discuss with him/her any book that seems pertinent to the offense or to the general development of judgment and responsibility. A midshipman should usually be required to write about or discuss a work, not just in an abstract or purely academic sense, but in terms of its personal relevance. The reading lists published (and made available online) by the Marine Corps Commandant and Navy Chief of Operations may be consulted for appropriate readings, and the Leadership and Ethics section of Bland Library has many books that might suit the purpose.

Interviews and Consultation. A midshipman may be instructed to interview certain members of the faculty, staff or Regiment in order to gain perspective on his or her offense. The Supervisor might also have an occasion to consult with members of the Midshipman Development or Chaplain's office in a case in which an honor offense may be linked to psychological or spiritual problems. The Supervisor of a Remediation is not bound by the strict rules of confidentiality that apply to psychological counselors or chaplains, so can and should report violations of the law, threats to safety, and (with normal discretion permitted) hitherto unreported violations of regulations.

Presentation. A midshipman undergoing Remediation may be required to give a presentation to a group of midshipmen on his or her offense and the means to avoid similar lapses. This activity requires coordination with the Regiment and a clear appraisal on the ability of the midshipman to give a valuable presentation. A presentation is the capstone, rather than the basis of a course of Remediation.

- E. Written Instructions and Reporting. Within the first two weeks of taking on a Remediation, the Remediation Supervisor will present the midshipman with a letter setting forth a plan for the activities and timeline of the Remediation. This letter will be copied to the Director of Ethics. Supervisors will report on the progress of Remediations by the 20th of each month, and by the end of each month the Director of Ethics will submit a report to the Superintendent on the progress of all Remediation. This report will be copied to the Commandant and Regimental Honor Board Chairman.
- F. Timing. Remediation will normally commence once the Superintendent has made a final decision on an Honor case. If a setback is mandated, Remediation will be deferred until the Midshipman returns to the Academy. A midshipman undergoing or beginning a Remediation is ineligible for sea.

- G. Duration. A Remediation will normally take four months. If at the end of this period, the Director of Ethics deems that the midshipman has not demonstrated sufficient effort or progress, the midshipman may be granted an extension of up to 90 days to complete the Remediation. During this extension, all Remediation Restrictions will remain in effect.
- H. Completion. When a Remediation has reached the limit of its four month duration or extension, the Supervisor and Director of Ethics will forward a memorandum to the Commandant containing a summary of the Remediation with any necessary enclosures, such a writings by the midshipman. This memorandum should also bear the endorsement of the midshipman's Company Officer. On reviewing this information, and if he concurs with the recommendation of the Supervisor and Director of Ethics, the Commandant will instruct the Regimental Officer to convene and chair a board of three officers to interview the midshipman and to make a final recommendation to the Commandant. The Commandant may make a final decision on Remediation cases which he deems to have been successfully completed. In cases of a failed Remediation, the Commandant will forward a recommendation to the Superintendent. Normally, the consequence of a failed Remediation will be disenrollment. This decision is made by the Superintendent and may be appealed to the Superintendent and Maritime Administrator in the same manner as for an Honor violation.

APPENDIX 1



UNITED STATES MERCHANT MARINE ACADEMY
KINGS POINT, NEW YORK
REGIMENTAL HONOR BOARD

REPORT OF CONFRONTATION

Date:

Confronting Midshipman: _____

To: Regimental Honor Board Chairman via Company Honor Board Chairman _____ Company

Subj: Report of Midshipman Confrontation

Ref: MIDSHIPMAN HONOR MANUAL

Confronted Midshipman (Optional) _____

Description of circumstance requiring confrontation: (Include dates/times, locations/ method and description of confrontation and description of reason for confrontation.)

Submitted: (sig) _____

HB-0

APPENDIX 2



UNITED STATES MERCHANT MARINE ACADEMY
KINGS POINT, NEW YORK
REGIMENTAL HONOR BOARD

REPORT OF POSSIBLE HONOR VIOLATION

Date:

From: _____

To: Regimental Honor board Chairman

Subj: REPORT OF POSSIBLE HONOR VIOLATION

Ref: HONOR CONCEPT MANUAL

1. Midshipman who may have committed an honor violation:

2. Time/date of violation: _____

3. Part of Concept broken: Lying/Cheating/Stealing

4. Did you counsel the Midshipman on the matter? Yes / No

5. Description:

Submitted: (sig) _____

Form HB-1

APPENDIX 3



UNITED STATES MERCHANT MARINE ACADEMY
KINGS POINT, NEW YORK
REGIMENTAL HONOR BOARD

ACCUSED NOTIFICATION

Date: _____

To: MIDN _____

From: Regimental Honor Board

Subj: Accused of Honor Violation

MIDN _____ you have been accused of violating the Academy's Honor Concept by **lying/cheating/stealing/toleration**. You are hereby ordered to complete the following tasks:

1. The RHBVCI will set up an Initial Investigation Interview among your Company Commander, Company Honor Board Chair, a Regimental Honor Board Staff Member and you, which will be scheduled within five (5) days from the date above.
2. You must sign your Rights of the Accused (enclosed) and bring them to your Interview and turn them into your Company Honor Board Chair.
3. If you choose to have an advisor, you must make your selection and complete and return the enclosed form prior to or at you Interview. Your Advisor may be present at the Interview.
4. If you choose to write an official statement it must be turned into your Company Honor Board Chair within seven (7) days from the date above.

If you have any questions please refer to the Honor Manual and/or ask your Company Honor Board Chair.

Very Respectfully,

(original signed)

MIDN LCDR _____, 1/C

Regimental Honor Board Chairman

Form HB-2

Enclosure

APPENDIX 4



UNITED STATES MERCHANT MARINE ACADEMY KINGS POINT, NEW YORK REGIMENTAL HONOR BOARD

The Rights of a Midshipman Accused of an Honor Violation

Every Midshipman who is accused of an honor violation has the following rights:

1. The right to remain silent.
2. The right not to be subjected to self-incrimination.
3. The right to have an advisor.
4. The right to submit a statement to the Honor Board for consideration in the case.
5. The right to protest any Honor Board Representative selected for the Formal Honor Board Hearing.
6. If found guilty of an Honor Violation, the right to submit an appeal to the Honor Officer Advisor concerning procedural matters.
7. The right to submit a statement to the Superintendent for the consideration in the final decision.
8. The right to appeal to the Maritime Administrator if a disenrollment sanction is imposed.

If there are any questions concerning your rights or the procedures that the Honor Board will follow during its course of action, please direct them to your Company Honor Board Chairman.

Accused Name (Print) _____

Accused Signature _____

Date _____

HB-3

APPENDIX 5



UNITED STATES MERCHANT MARINE ACADEMY
KINGS POINT, NEW YORK
REGIMENTAL HONOR BOARD

ADVISOR SELECTION

Date: _____

From: _____

To: Regimental Honor Board Chair

Subj: Selection of an Advisor, Case No. _____

As the Accused, I have decided to (circle 1 or 2):

1. Select _____ as my advisor.
2. Waive my right to an advisor.

Very Respectfully,

Name: _____

Signature: _____

HB-4

APPENDIX 6



UNITED STATES MERCHANT MARINE ACADEMY

KINGS POINT, NEW YORK
REGIMENTAL HONOR BOARD

Accused Midshipman Plea in Regards to Accusations against Him or Her

After studying the Honor Manual, and having a full and fair understanding of what I am

being accused of, I Midshipman _____
plead

Guilty

Not Guilty

To the accusation(s) that have been made against me.

Signed: (Printed Name) _____

Signature: _____

Date: _____

HB-5

APPENDIX 7



UNITED STATES MERCHANT MARINE ACADEMY
KINGS POINT, NEW YORK
REGIMENTAL HONOR BOARD

INITIAL INVESTIGATION INTERVIEW MUSTER

To: Honor Review Board
From: Company Honor Board Chair
Subj: MIDN _____

The following people were present for the Formal Investigation session that was held on,

Date: _____

Company Commander

Print Name: _____

Signature: _____

Company Honor Board Chair

Print Name: _____

Signature: _____

Regimental Honor Board Staff Member

Print Name: _____

Signature: _____

Accused Midshipman

Print Name: _____

Signature: _____

Accused Advisor

Print Name: _____

Signature: _____

Enclosed with this sheet is the report from the Initial Investigation Interview, for the use in the Honor Review Board.
Form HB-6

APPENDIX 8



UNITED STATES MERCHANT MARINE ACADEMY
KINGS POINT, NEW YORK
REGIMENTAL HONOR BOARD

RECORD OF INTERVIEWS

To: Honor Review Board

From: Investigating Team

Subj: Record of Interviews conducted for Investigation

A record of all interviews conducted during the formal Investigation process should be kept. All interviews should be recorded on this form, with multiple copies present if necessary to denote multiple interviews.

DATE OF INTERVIEW: _____

PLACE OF INTERVIEW: _____

PERSONS PRESENT AT INTERVIEW:

Name: _____ Title: _____

Signed: _____

Name: _____ Title: _____

Signed: _____

Name: _____ Title: _____

Signed: _____

Name: _____ Title: _____

Signed: _____

APPENDIX 9



UNITED STATES MERCHANT MARINE ACADEMY
KINGS POINT, NEW YORK
REGIMENTAL HONOR BOARD

REPORT OF FORMAL INVESTIGATION

Date: _____

To: Honor Review Board
From: Investigation Team

Subj: Investigation Results

Following is a report of the investigation regarding a possible honor violation by MIDN _____, Class of _____.

All materials pertaining to the investigation of the above mentioned midshipman should be included in this report of investigation. All records of interviews (HB-6), copies of tests, and other pertinent documentation should be included in this report. This report will be used in the formal hearing process, so the materials included should be as complete and accurate as possible to ensure a fair process for the accused.

Note; before turning this Investigation Report in to the Honor Review Board, the Investigation Team should sign this report.

Name: _____ Title: _____

Signed: _____

Name: _____ Title: _____

Signed: _____

Name: _____ Title: _____

Signed: _____

Name: _____ Title: _____

Signed: _____

APPENDIX 10



UNITED STATES MERCHANT MARINE ACADEMY
KINGS POINT, NEW YORK
REGIMENTAL HONOR BOARD

REVIEW OF FORMAL INVESTIGATION

After holding an Honor Review Board on **Date:** _____ the board voted on the case of the accused MIDN _____, who is held in violation of the Honor Concept by:

LYING / CHEATING / STEALING

The results are as followed:

- | | |
|--------------|--|
| RHBC _____ | Formal Hearing / Dismiss / Refer to Commandant |
| RHBVC _____ | Formal Hearing / Dismiss / Refer to Commandant |
| RHBVCI _____ | Formal Hearing / Dismiss / Refer to Commandant |
| RHBVCE _____ | Formal Hearing / Dismiss / Refer to Commandant |
| RHBVCO _____ | Formal Hearing / Dismiss / Refer to Commandant |
| CHBC _____ | Formal Hearing / Dismiss / Refer to Commandant |

APPENDIX 11



UNITED STATES MERCHANT MARINE ACADEMY
KINGS POINT, NEW YORK
REGIMENTAL HONOR BOARD

RESULT OF HONOR REVIEW BOARD

Date: _____

To: MIDN _____

From: Honor Review Board

Subj: Result of Honor Review Board

After examining the report from your Formal Interview and your written statement, if you chose that right, the Honor Review Board has voted in majority to:

Proceed with a Formal Hearing

- You are hereby advised to familiarize yourself with the Honor Board procedures, outlined in the Midshipman Honor Manual and SOP.
- Your Formal Hearing will be held in the Eliot M. See room in Wiley Hall on:
 - Date: _____
 - Time: _____
- The uniform for this Honor Board is the seasonal dress uniform.
- Be prepared (with witnesses and statements) to present your case to the nine voting members of the jury. All statements and the names of any witnesses must be presented to the RHBC prior to the Hearing.

OR

Dismiss your case.

If you have any further questions, please direct them to your Company Honor Board Chairman.

Very Respectfully,

(original signed)

MIDN LCDR _____, 1/C
Regimental Honor Board Chairman

Form HB-10

APPENDIX 12



UNITED STATES MERCHANT MARINE ACADEMY
KINGS POINT, NEW YORK
REGIMENTAL HONOR BOARD

NOTIFICATION OF HEARING

Date: _____

To: _____ [Insert Witness Name]

From: Regimental Honor Board Chairman

Subj: Request to Attend Formal Honor Board Hearing

- Your presence is requested at an upcoming Honor Board hearing as a **WITNESS**.
- You are hereby advised to familiarize yourself with the Honor Board procedures, outlined in the Midshipman Honor Manual.
- The Formal Hearing will be held in the Eliot M. See room in Wiley Hall on:
 - Date: _____
 - Time: _____
- The uniform for this Honor Board is the seasonal dress uniform or the civilian equivalent.
- Please be prepared to present a statement to the voting members of the board regarding the Honor Board case for the accused, MIDN _____.
- Please contact the RHBC within one day of receiving this notification to verify your attendance.
- If you are unable to attend, please provide the RHBC with a statement of any information you believe would be relevant to the Honor Board case in question.
- Additionally, this information is confidential, and must remain so until the Superintendent's final decision.

Very Respectfully,

(original signed)

MIDN LCDR _____, 1/C

Regimental Honor Board Chairman

Form HB-11

APPENDIX 13



UNITED STATES MERCHANT MARINE ACADEMY
KINGS POINT, NEW YORK
REGIMENTAL HONOR BOARD

FORMAL HEARING JURY

Date: _____

To: Formal Hearing Jury

From: Regimental Honor Board

Subj: Jury Duty

If you are receiving this you have been selected to sit on the jury for an Honor Board Formal Hearing, using the jury selection process described in the Honor Manual Section 203. You are hereby ordered to report to the Formal Hearing, which will be held in the Eliot M. See room in Wiley Hall, on **Date**, _____ at **Time** _____. The dress for the hearing will be seasonal dress uniform.

In addition you are ordered to keep this information confidential and schedule this event as a priority. Jury duty is considered a Regimental function and as having priority over other midshipman responsibilities, to include athletic events and practice, club activities, or liberty. A midshipman designated as a juror will normally be given 48-72 hours' notice previous to a Formal Hearing, and may request from the RHBC in writing to be excused from jury duty if it is in conflict with another activity, or in the case of illness or a medical appointment. Normally, excuses for illness and medical will be granted. If the RHBC declines to excuse a midshipman who has asked to be excused, this decision may be appealed to the Honor Board Advisor, who may consult with the Commandant for a final decision. If you have watch, you have been given authorization from the Senior Watch Officer to exchange it for extra duty credit.

If you have any further questions please direct them to the Regimental Honor Board Vice Chairman.

Very Respectfully,

(Original signed)

MIDN LCDR _____, 1/C
Regimental Honor Board Chairman

Form HB-12

APPENDIX 14



UNITED STATES MERCHANT MARINE ACADEMY
KINGS POINT, NEW YORK
REGIMENTAL HONOR BOARD

FORMAL HEARING

Date: _____

To: MIDN _____

From: Honor Review Board

Subj: Option for Open Board Proceedings

The decision has been made to proceed with to a formal hearing. You now have the option to allow the members of the Regiment of Midshipmen to attend your hearing. This option is one that you must approve of. Additionally, the RHBC has final choice on this matter and may disallow the open board at any point. Please circle one of the following indicating your preference.

I wish to have an open hearing

I have no issue with members of the Regiment attending my formal hearing. I understand that the final decision on the allowance of an open hearing is at the discretion of the RHBC. I acknowledge that certain members of the Regiment may be permitted to observe the hearing with or without my consent.

I do not wish to have an open hearing

I, for my own reasons, do not wish members of the Regiment to attend my formal hearing. I understand that certain members of the Regiment may be permitted to observe the hearing with or without my consent.

Very Respectfully,

MIDN _____

APPENDIX 15
 UNITED STATES MERCHANT MARINE ACADEMY
 KINGS POINT, NEW YORK

REGIMENTAL HONOR BOARD

This is the accountability for MIDN _____ Formal Hearing.
 Held on:

Name	Signature/Printed Name
ACCUSED	_____
ADVISOR	_____
RHBC	_____
RHBVC	_____
RHBVCI	_____
RHBVCE	_____
CHC1	_____
CHC2	_____
CHC3	_____
CHC4	_____
CHCB	_____
BC / BX	_____
CC / CX	_____
CC / CX	_____
CC / CX	_____
JURY	_____
JURY	_____
JURY	_____
JURY	_____
JURY	_____
ALTERNATE JURY	_____
ALTERNATE JURY	_____
ALTERNATE JURY	_____
ALTERNATE JURY	_____
WITNESS	_____
WITNESS	_____
WITNESS	_____
WITNESS	_____
WITNESS	_____
OBSERVER	_____
OBSERVER	_____
OBSERVER	_____
OBSERVER	_____
OBSERVER	_____
OBSERVER	_____



UNITED STATES MERCHANT MARINE ACADEMY
KINGS POINT, NEW YORK
REGIMENTAL HONOR BOARD

DELIBERATION RESULTS

Date: _____

A Formal Hearing was convened on Date: _____, for the accused,
MIDN _____.

The possible honor violation presented before the voting members was:

LYING / CHEATING / STEALING/ TOLERATION

The ballot results are as follows:

Refer to Commandant _____

Case Dismissal _____

Guilty _____

Not Guilty _____

As per the Midshipman Honor Manual, a two-thirds majority vote reached the following conclusion:

REFER TO COMMANDANT

GUILTY

NOT GUILTY

Sanctions Imposed under Guilty Verdict: _____

Presiding Officer Name: _____

Signed: _____

Form HB-15



UNITED STATES MERCHANT MARINE ACADEMY
KINGS POINT, NEW YORK
REGIMENTAL HONOR BOARD

RESULT OF HONOR BOARD FORMAL HEARING

Date: _____

To: The Superintendent
Via (1): Honor Advisor
Via (2): Commandant of Midshipmen

From: MIDN LCDR _____, 1/C, RHBC

Subj: Result of Honor Board Formal Hearing

Sir,

On the evening of _____ [insert date of hearing], a Formal Hearing was convened to hear case _____ [insert case number] concerning allegations of MIDN _____ [insert accused name] _____ [insert offence]. (S)He was found _____ [insert Guilty/ Not Guilty/ case dismissed/ referred to Commandant's Department/ Admitted Guilt] and the Voting Members of the board recommended

_____ [insert punishment].

Attached is the case file. The Honor Board _____ [insert upholds the recommended punishment/recommends XXX]. (Add additional comments as desired)

Very Respectfully,

MIDN LCDR _____, 1/C
Regimental Honor Board Chairman

APPENDIX 18



UNITED STATES MERCHANT MARINE ACADEMY
KINGS POINT, NEW YORK
REGIMENTAL HONOR BOARD

HONOR BOARD CASE CONTROL FORM

CASE NO: _____

1. HB-0 Submitted (If applicable) _____ By: _____

2. Report of Possible Honor Violation (**HB-1**) received on _____

3. Investigation Team: Date of Assignment: _____

Regimental Honor Board Officer: _____

Company Honor Board Chairman: _____

4. Notification (**HB-2**) given to accused Midshipman on _____

5. Accused acknowledgement of rights (**HB-3**) received on _____

6. Selection of Advisor (**HB-4**) _____

7. Accused submits guilty or not guilty plea (**HB-5**) _____

8. Accused Midshipman's Statement Received on _____

9. Interview with Accused held on _____

10. Interview with Witness _____ held on _____

Interview with Witness _____ held on _____

Interview with Witness _____ held on _____ Interview

with Witness _____ held on _____

Interview with Witness _____ held on _____

11. Formal Investigation completed by _____

12. Formal Investigation Report (**HB-8**) received on _____

13. Honor Review Board Review of Formal Investigation (**HB-9**) completed on _____
14. Result of HRB (**HB-10**) received by Accused _____
15. Notification of Hearing to Witnesses (**HB-11**) distributed on _____
16. Notification of Hearing to Jurors (**HB-12**) distributed on _____
17. Open Board Option (**HB-13**) selected on _____
18. Formal Hearing convened on _____
19. Hearing Accountability (**HB-14**) _____
20. Deliberation Results (**HB-15**) completed _____
21. Result of Formal Hearing (**HB-16**) forwarded to Honor Advisor _____
22. Superintendent's Final Action received on _____

HB-17