DEPARTMENT OF THE NAVY
UNITED STATES NAVAL ACADEMY
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USNA INSTRUCTION 1610.3H

Subj: 2010 HONOR CONCEPT OF THE BRIGADE OF MIDSHIPMEN

Encl: (1) Honor Procedures

1. Purpose. Living honorably is central to the character of a midshipman. The Honor Concept is the ethical baseline that reaffirms our commitment to the good. The purpose of the Honor Concept is to offer the ethical and moral guidelines for officers in training and to promote trust and confidence within the Brigade of Midshipmen.

2. Cancellation. USNA Instruction 1610.3G. This instruction is a complete revision. It should be read in its entirety.

3. Background. The Honor Concept of the Brigade of Midshipmen outlines the expectations for honorable behavior within the Brigade. Its lasting simplicity declares that, above all else, *Midshipmen are persons of integrity; they stand for that which is right*. While this basic phrase has remained unchanged for a generation, the enforcement and implementation of this standard has undergone several revisions.

4. Discussion. Midshipmen are responsible for enforcing these standards. The procedures in enclosure (1) outline the mechanism by which the Brigade will enforce the United States Naval Academy's standards of honor. While this important document impacts the entire Naval Academy complex, the revision keeps ownership of the Honor Concept where it belongs, with the Brigade of Midshipmen, and also implements the following changes:

(a) Timeliness: Cases will be processed considerably faster. A streamlined and consistent process will be implemented and consist of one Brigade Honor Board and normally one adjudication for each offense.

(b) Remediation: All honor offenders will be assigned to a senior officer mentor in the effective Remediation Program. Midshipmen remediators will no longer be utilized.

(c) Elected Representatives: Recommendations to the Commandant, concerning the disposition of cases and standards for the Brigade, will be made by a representative group of midshipmen instead of the designated striper leadership.

(d) Brigade Ownership: The Brigade Honor Congress is responsible for changes to this instruction. All changes to the Honor Concept will be approved by the Brigade of Midshipmen.

5. Action. This instruction is effective on 22 May 2010. The Brigade of Midshipmen, the faculty and staff will familiarize themselves with the contents of this instruction. All are responsible for compliance with this instruction and will support the continued moral development of the future officers of the United States Navy and United States Marine Corps.

6. Future Revisions. This instruction was revised by the Brigade of Midshipmen with support from the USNA faculty and staff, and ultimately approved by the Brigade of Midshipmen. While applicable to the entire Naval Academy complex, the authority and responsibility to change this instruction rests with the Brigade of Midshipmen. Future changes to this instruction will be made in accordance with Chapter 5, "The Honor Congress."

/S/
J. L. FOWLER

Distribution:
All Non-Mids (electronically)
Brigade of Midshipmen (electronically)

Honor Procedures

Chapter 1
Honor Organization

0101. General Composition

The Midshipman Honor Organization is composed of two distinct groups: Honor Representatives and Honor Advisors. Honor Representatives and Jurors are elected midshipmen responsible for implementing and upholding the procedures and standards commensurate with the Honor Concept. Honor Advisors are approved and appointed midshipmen tasked with carrying out the administrative aspects of these procedures.

0102. Honor Representatives

a. Company Honor Congress Representatives

(1) Attend meetings of the Honor Congress and relay feedback from the Brigade to the Honor Staff about the current status of the honor system and all associated procedures.

(2) 1/C Company Honor Congress Representatives compose Battalion Selection Boards (see paragraph 0103.n.(2)) for the selection of Honor Advisors in the spring semester.

b. Battalion Honor Jurors

(1) Sit on Brigade Honor Boards in accordance with the prescribed board composition (see paragraph 0307.b).

(2) 1/C Battalion Honor Jurors compose the Brigade Selection Boards (see paragraph 0103.n.(3)) for the selection of Honor Advisors in the spring semester.

c. Nominations and Elections

(1) Company Honor Congress Representative. Each class in each company will elect a Company Honor Representative to represent their classmates and company mates in the Honor Congress.

(2) Battalion Honor Jurors. Battalion Honor Jurors from each class will be selected from the newly elected Company Honor Congress Representatives. The Replacement Company Honor Congress Representatives will be elected from the Company that provides the Battalion Honor Juror. This process will be completed by the second week of the semester.

(3) Relief of Honor Representatives or Jurors. Any honor representative or juror whose attitude or performance is judged to be not in keeping with the highest standards of the Brigade will be dismissed from his or her position. There must be a majority recommendation from the Battalion Honor Jurors of the class of the

midshipman in question and approval by the Brigade Honor Advisor. Elections to fill any vacancy created will be conducted by the Honor Advisor from the respective unit of the relieved midshipman.

0103. Honor Advisors

The Brigade Honor Staff will consist of midshipmen selected as Honor Advisors. They are responsible to maintain and implement procedures in accordance with the Brigade's wishes. The Brigade Honor Staff will consist of the following positions:

a. Brigade Honor Advisor (Five Striper)

(1) Responsible to the Brigade Commander for the implementation of the Honor Concept within the Brigade

(2) In charge of the Midshipman Honor Organization

b. Honor Investigations Advisor (Four Striper)

(1) Responsible to the Brigade Honor Advisor for the status of timely processing of Honor Offenses.

(2) Oversees all Brigade Investigating Officers (BIOs), Secretary, and Board Coordinator.

c. Honor Development Advisor (Four Striper)

(1) Responsible to the Brigade Honor Advisor for the status of Honor education and training within the Brigade.

(2) Chairs the Development Committee.

(3) Coordinates honor training with the Training Officer and Character Development staff members

(4) Responsible for sorting, cataloguing, and archiving all documents and media relating to the Honor Staff for historical record keeping purposes

d. Honor Remediation Advisor (Four Striper)

(1) Responsible to the Brigade Honor Advisor for the updated status of all current remediation cases.

(2) Maintains a list of all Officers willing to conduct remediation

(3) Coordinates with the Honor Education and Remediation Officer for the assignment of an Officer mentor when remediation is required.

e. Regimental Head Investigating Officer (Three Striper)

(1) 1/C BIO responsible to the Honor Investigations Advisor for the status of all ongoing Honor investigations.

(2) Assigns each Honor case to a BIO

f. Faculty and Staff Liaison (Three Striper)

(1) Responsible to the Brigade Honor Advisor for liaising with the faculty, staff, and Naval Academy officials on the Honor Concept and offenses.

(2) Generates the Brigade Honor Chronicle, which provides feedback, current information, and news about the Honor Concept.

g. Secretary (Three Striper)

(1) Responsible to the Honor Investigations Advisor for the processing of administrative paperwork with regards to honor cases.

(2) Updates the status of Honor cases in MIDS.

(3) Oversees the creation of XYZ case reports for every honor case that gets reported.

(4) Responsible for ensuring that accusers are informed of final case disposition.

(5) Eligible to serve as recorder on Brigade Honor Board.

h. Board Coordinator (Three Striper)

(1) Responsible to the Honor Investigations Advisor for scheduling honor boards and hearings.

(2) Notifies potential board members and required attendees of Honor Hearings and Boards.

(3) Ensures the proper composition of board members for each Honor Board.

(4) Oversees observers and witnesses who testify at a Hearing/Board and briefs all observers of board procedures.

(5) Contact point for observers interested in watching a Brigade Honor Board.

i. Regimental Honor Advisor (Four Striper)

(1) Responsible to the Regimental Commander and Brigade Honor Advisor for the status of the Honor Concept within the Regiment.

(2) Oversees the implementation of the Development Program within the respective regiment.

(3) Tracks the progress of remediation and adherence to sanctions within the regiment.

j. Battalion Honor Advisor (Three Striper)

(1) Responsible to the Battalion Commander and Regimental Honor Advisor for the status of the Honor Concept within the Battalion.

(2) Oversees the implementation of the Development Program within the respective battalion.

(3) Tracks the progress of remediation and adherence to sanctions within the battalion.

(4) May serve as a remediation assistant and midshipman counselor to a midshipman accused of an honor violation.

k. Company Honor Advisor (Two Striper)

(1) Responsible to the Company Commander and Battalion Honor Advisor for the status of the Honor Concept within the Company.

(2) Oversees the implementation of the Development Program within the respective company.

(3) Tracks the progress of remediation and adherence to sanctions within the company.

(4) Serve as a remediation assistant and midshipman counselor to a midshipman accused of an honor violation.

l. Plebe Summer Detail

(1) Responsible for indoctrinating the newly entering class into the Brigade's Honor Concept. The Plebe Summer detail, while indoctrinating plebes with the Honor

Concept, should direct most of their focus on introducing the importance of honor and its necessity as a midshipman and a future officer. The Detail is also responsible for processing new honor cases and monitoring remediation efforts of all midshipmen during the summer break.

m. Second Class Billets. The following billets are filled by 2/C midshipmen whose general responsibility is to serve as assistants to their respective first class counterpart. All 2/C billet holders are eligible to serve as recorders for Brigade Honor Boards.

(1) Honor Sergeant. Assistant to Brigade Honor Advisor.

(2) Honor Development Assistant. Assistant to Honor Development Advisor.

(3) Honor Remediation Assistant. Assists the Honor Remediation Advisor in tracking remediation cases.

(4) Secretary Assistant . Write XYZ case reports for every honor case. Assist the Secretary in administrative duties, to include informing accusers of final disposition of cases.

(5) Brigade Investigating Officer (BIO).

(a) Investigates cases assigned by the Head Brigade Investigating Officer.

(b) Gathers evidence, interviews witnesses, collects statements, and presents cases to the Brigade Honor Board in a fair, impartial, and objective manner, presenting all relevant information to the case.

(c) Submits written reports of the investigation to the Brigade Investigations Advisor via the Head Brigade Investigating Officer.

(d) There will be 24 BIOs, 4 in each Battalion, comprised of three second class midshipmen and one first class midshipman (Two Striper).

n. Selection Process

(1) Company Approval. Any midshipman who desires to serve as an Honor Advisor, at any level, must be approved by at least 90% of his or her respective company. Midshipmen, who desire to serve in an out-of-company honor billet and have received company approval, will be forwarded to a Battalion Selection Board. Once the respective Battalion has selected a Battalion Honor Advisor, the Company Commander will appoint a Company Honor Advisor from the remaining approved candidates.

(2) Battalion Selection Board. The Battalion Selection Board is composed of five 1/C Company Honor Congress Representatives from the respective companies within the battalion and the current Battalion Honor Advisor. The selection board is responsible for approving midshipmen to serve as the Battalion Honor Advisor and forwarding qualified midshipmen to the Brigade Selection Board. A five-sixths vote from the Battalion Selection Board is required for approval of any candidate desiring a Brigade or Regimental Honor Advisor position. Once the Brigade Honor Advisor, Regimental Honor Advisor and Brigade Honor Staff positions have been selected, the Battalion Commander will appoint a Battalion Honor Advisor from the remaining approved candidates.

(3) Brigade Selection Board. The Brigade Selection Board is composed of the six 1/C Battalion Honor Jurors and the current Brigade Honor Advisor. The selection board will select midshipmen to serve as Brigade Honor Stripers and alternates. Those names and recommended positions will be submitted to the Commandant via the Honor Officer for approval. The Brigade Selection Board also approves midshipmen to fill the billets on the Brigade Honor Staff. A five-sixths vote from the Brigade Selection Board is required for any candidate to be approved for an Honor Staff position. Any midshipmen not selected or approved to serve on the Brigade Honor Staff remains eligible to serve as a Battalion or Company Honor Advisor. Academic Honor Liaisons can observe and contribute during the Selection Board, but cannot vote.

(4) Officer Review. The Honor Officer will coordinate with the Director of Character Development and Training to review the midshipmen nominated by the Brigade selection board and forward the candidates to the Commandant with their comments and recommendations.

(5) Eligibility

(a) Term Limits. Midshipmen selected for a billet on the Honor Staff will remain in the selected billet for the entire academic year.

(b) Impeachment. In the event that the 1/C Battalion Honor Jurors find a Brigade Honor Staff Striper unfit to carry out his or her assigned duty, they may, by a unanimous vote and support from over eighty percent of the Honor Congress, recommend to the Commandant that the midshipman be relieved of his or her responsibilities.

(c) Succession. If a striper on the Brigade Honor Staff is relieved of his or her duties, that midshipman will be replaced by another qualified member currently on the staff. If a member of the honor staff is relieved and is not a striper, the Brigade Honor Advisor will assign a qualified midshipman to fill the vacancy.

(d) Honor/Conduct Record. Past performance offenses or dishonorable acts are not disqualifiers for service as an Honor Advisor given they successfully

completed the remediation process, but will be taken into consideration during the selection process. However, midshipmen undergoing honor remediation are not eligible to serve as Honor Representatives or Advisors.

(e) Timeline. It is intended for the Honor Advisor selection process to be completed before the Striper board has convened, allowing midshipmen not selected to Honor positions to interview for other leadership billets.

(f) Change Over. The new Honor Stripers will begin training with their relief immediately. The official change over will occur after the last day of final exams.

o. Relief of Honor Advisors. Any Honor Advisor, not on the Brigade Honor Staff, whose attitude or performance is judged to be outside of the highest moral standards, will be dismissed from his or her position by their respective unit commander.

0104. Officer Responsibilities

a. Director of Character Development and Training. The Director of Character Development and Training is responsible for advising the Commandant in all matters regarding the contents of this instruction and the implementation of associated procedures and programs at the Naval Academy. The Director of Character Development and Training will work closely with the Commandant, Honor Officer, and the Brigade Honor Staff to discharge the following responsibilities:

(1) Ensures that the Character Development and Training Division includes honor considerations throughout the Naval Academy community

(2) Maintains records, survey data, and statistics associated with developing a high sense of honor throughout the Brigade.

(3) Evaluates the success of these efforts through periodic surveys.

(4) Receives regular reports from the Honor Officer in regards to the disposition of individual cases.

(5) Administers the Honor Remediation Program in conjunction with the Commandant's Chain of Command.

(6) Brief the Naval Academy Senior Leadership Team (SLT), Academic Assembly and Departmental Honor Liaison Representatives on the state of honor within the Brigade on a semi-annual basis.

b. Honor Officer. The Commandant appoints the Honor Officer who will be an advisor to the Director of Character Development and Training and act as a mentor to the Brigade Honor Advisor. The Honor Officer also:

(1) Ensures each honor proceeding is in compliance with all guidelines set forth in this instruction.

(2) Keeps the Commandant and Director of Character Development and Training informed of all Brigade Honor Staff actions and the status of individual cases.

(3) Advises the Brigade Honor Staff in recommending changes to this instruction.

(4) Shall attend Brigade Honor Boards whenever practicable.

(5) Briefs all faculty members scheduled to appear at Brigade Honor Boards, Battalion Officer Hearings, or Commandant Hearings on the procedures and functions of the proceedings.

(6) Ensures that each case is processed expeditiously and is consistent with the processing goals set forth in 0311.a.

c. Legal Advisor. The Commandant will appoint a Legal Advisor to be responsible for advising the Commandant, Honor Officer, and Brigade Honor Staff on the procedural and lawful correctness of any honor proceedings or investigations, and the sufficiency of evidence.

(1) Shall attend Brigade Honor Boards whenever practicable.
(2) Destroys all case records following Commissioning.[1]

d. Honor Education and Remediation Officer. The Commandant appoints the Honor Education and Remediation Officer to work for the Honor Officer in the execution of the Honor Concept. He is responsible for mentoring the Honor Development Advisor and Honor Remediation Advisor in the execution of their duties and serves as the liaison between Officer mentors conducting remediation and the Honor Officer.

e. Team/Club/ECA Representative. Every (Officer-Enlisted-Faculty) Representative and Team Captain or Activity President will work to ensure they are creating a sense of honor within the group. They will be responsible to the Commandant and the organization's Departmental Honor Liaison Representative for ensuring honorable conduct is being emphasized.

f. Departmental Honor Liaison Representative. All Cost Center Heads at the Naval Academy will appoint an Honor Liaison Representative with the following responsibilities:

(1) Serves as the point of contact for the midshipman, Faculty, and Staff Liaison.

[1] Records will be maintained for six months after the last midshipman from the accused's class graduates.

(2) Responsible for keeping members of their department informed about the honor system and its associated procedures in regards to possible dishonorable acts.

(3) Coordinates and disseminates policies that are consistent with the Brigade's Honor Concept and its associated procedures regarding documentation requirements, collaboration limitations, and instructor provided information, and ensures they are distributed and explained thoroughly.

(4) Receives charges alleging a dishonorable act that arises within his or her respective department and ensures they are reported to the Brigade Honor Staff.

Chapter 2
Honor Development Program

0201. Components and Initiatives

Honor Development efforts will be conducted on Brigade, battalion, and company levels.

a. Saturday Morning Training (SMT). SMT will be utilized in conjunction with the training staff to carry out lessons and training evolutions involving moral, mental and physical exercises pertaining to honor. SMTs shall utilize XYZ cases and enable the plebes to participate in reenacting these situations, discussing the key breakdowns in each situation and ramifications of violating one's personal honor. Midshipmen who miss honor-related SMT sessions are accountable for the lessons missed and must coordinate with their Company Honor Advisor to review the material covered in their absence.

b. Honor Talks. Honor talks range from guest speakers to small forum events where speakers, to include midshipmen and officers, can share their personal experiences with honor and morality at the Naval Academy, in the Fleet, or other operational settings.

c. Honor Displays. These displays are large scale permanent visuals that detail the creation and historical development of the Honor Concept. They should focus on the Brigade Honor Organization, Honor Congress structure and purpose, as well as a flow-chart of how cases are routed and the maximum sanctions that are awarded.

d. Honor Staff Website. This site is the primary access point for information pertaining to the midshipman honor program.

(1) XYZ Case Report Database. This is a forum in which case reports are posted to keep the Brigade informed of all honor proceedings, as well as provide an opportunity to share opinions about specific cases or decisions. XYZ cases shall be distributed via handouts to Company Honor Advisors and posted in Company area on a bi-weekly basis. Personal identifying information or specific details of a case will not be included in the report and shall not be posted on the database.

e. Brigade Honor Advisor's Reading List. This reading list provides the Brigade with resources to assist individual study of morality, ethics, honor, and personal integrity, and how it relates to military officers.

f. Honor Chronicle and Handouts. These publications shall be displayed in company area and during meals to the Brigade relating to the Honor Concept, such as unique case reports, Brigade Honor Staff news, case studies, pertinent articles, parables, and other appropriate information.

g. Daily Honor Quotes. A different quote pertaining to morality, honor, and personal integrity shall be written on company chalk boards each day.

h. Plebe Summer Honor Concept Education Program. During Plebe Summer, the fourth class will be introduced to the historical development of the Honor Concept and be instructed on the importance of honor in the military. Overall, the focus of this training shall not be on the specifics and procedures of the Honor Concept, but should instead aim to develop a comprehensive and conceptual understanding of what honor is and its crucial role as a midshipman and future officer. At the end of Plebe Summer, the fourth class shall be provided with an opportunity to take a voluntary oath, reaffirming their commitment to live honorably.

Chapter 3
Processing Alleged Honor Offenses

0301. Responsibility upon learning of a possible dishonorable act

Upon learning of a dishonorable act (within the definition of the Honor Concept) the witness after initially confronting the midshipman shall decide what action to take. If the witness believes that an honor offense did not occur, they shall dismiss the allegation and take no further action. If the witness believes that an honor offense has occurred, they have three options: discuss and informally counsel, submit the midshipman to be formally counseled, or address the midshipman and report the suspected offense to a member of the midshipman's Honor Chain-of-Command. In cases where the witness is uncomfortable with confronting a midshipman concerning an offense, the Company Honor Advisor should be consulted.

0302. Options

a. Discuss and Informal Counseling. If the witness believes an offense occurred and the accused admits the error, the witness can counsel the Midshipmen informally if the act did not present any premeditation or does not reflect a deeper moral flaw within the accused. Informal counseling should only be used for simple mistakes. The Company Honor Advisor will be notified in all cases where informal counseling was administered.

b. Formal Counseling

(1) Requirements. The following requirements must be met before a midshipman can formally counsel another midshipman for a dishonorable act:

(a) The accused must be confronted about the act in question.

(b) The accused must admit guilt and show remorse for committing the act.

(c) The witness must submit a request to the accused's Formal Company Counseling Board to initiate the process. The decision to formally counsel must be approved by the FCCB.

(d) The accused midshipman may request that the formal counseling be conducted in conjunction with the accused's Company Honor Advisor.

(e) Records will be maintained for all approved counseling.

(2) Formal Company Counseling Board (FCCB). The FCCB is a formal board composed of the Company Commander, Company Honor Advisor, and Battalion

Honor Advisor. The Battalion Honor Advisor must be from a different battalion if originally from the same company as the accused.

(a) The Company Commander, Battalion Honor Advisor, and Company Honor Advisors are responsible for determining whether an act only requires counseling. A vote of two out of the three will be needed for the Counseling to be approved. If the request is not approved the case will be forwarded to a Brigade Honor Board with a guilty plea for review. The Company Honor Advisor is responsible for notifying the midshipman who submitted the request of the board's decision as well as notifying the Honor Staff of the counseling. (**Note: Company Officer or Company SEL must be present).

(b) If the Brigade Honor Advisor feels the act warrants review by a Brigade Honor Board, he will present the case to the Regimental Commander and Brigade Commander. If all three are in agreement, the case shall be sent to a Brigade Honor Board for review.

(c) The Honor Officer and Regimental Honor Advisors will conduct quarterly reviews of all FCCB decisions with all Battalion Honor Advisors.

(d) A Midshipman cannot be formally counseled and forwarded to a Brigade Honor Board for the same act.

(3) Formal Counseling Conducted by a Faculty or Staff member. A faculty or staff member may recommend or conduct formal counseling for any midshipman for a dishonorable act at his or her discretion. The results of the formal counseling shall be reported to the FCCB.

c. Reporting a Formal Dishonorable Act

(1) Anyone who decides to report a suspected dishonorable act shall first confront the suspected midshipman before any official action should be taken. The individual suspected of the honor violation may be confronted by the accuser, through the Company Honor Advisor, if the accuser does not feel comfortable with the situation (e.g. underclass midshipman reporting on an upperclass midshipman). If after confronting the suspected midshipman, the accuser still believes a dishonorable act has been committed, a formal report should be submitted to any Honor Advisor.

(2) Accusations should be reported as soon as possible. An honor offense will not normally be reported beyond sixty days after the incident is discovered. Exigent circumstances can override the statue of limitations if the Brigade Honor Advisor feels that it is warranted.

(3) All aspects of processing an alleged dishonorable act shall be treated as "For Official Use Only" and shall not be disclosed, except in the execution of official duties or required by applicable law or regulation.

0303. Notification of the Accused. The Brigade Investigations Advisor will ensure an accused midshipman is notified of the following information concerning their alleged honor offense.

a. The BIO assigned to investigate the case
b. The accuser
c. The time and date of the suspected offense
d. The place of the suspected offense
e. The nature of the suspected offense
f. The rights afforded under section 0304.

0304. Rights of the Accused

a. Specific Rights. A midshipman accused of committing a dishonorable act has the following rights:

(1) To have identifying information concerning a pending or completed investigation of a dishonorable act kept private. The right of the accused, however, must be balanced against the Brigade's right to have a transparent system of handling alleged dishonorable acts, specifically including open hearings. The Brigade Honor Staff and the Naval Academy will respect the rights of the accused under the Privacy Act, to include avoiding public identification of the accused without the accused's consent.

(2) To seek free consultation. To select Midshipman Counsel from any of the Company Honor Advisors to assist in the accused's defense. After choosing counsel, the accused midshipman will provide the name of the counsel to the assigned BIO. If the accused does not choose counsel in a reasonable amount of time, one will be appointed by the Brigade Honor Advisor. If further assistance is desired to prepare for a Brigade Honor Board, the Office of Legal Counsel provides qualified military counsel to advise the accused. While an accused midshipman is authorized to use any source for preparation for an honor hearing, that midshipman, assisted by the Midshipman Counselor, must present his or her own case before the Brigade Honor Board, Battalion Officer, or Commandant. The accused midshipman may seek advice outside of the Honor Board hearing room and, at the discretion of the Presiding Officer, be allowed reasonable opportunity, in frequency and duration, to consult with such advisors during the honor hearing. Advisors other than the Midshipman Counselor are not permitted inside a Brigade Honor Board, but may remain in the vicinity of the honor hearing room. In cases of extraordinary complexity or those involving technical expert advice, the accused may request in writing to permit an advisors attendance at the Commandant's hearing. The Commandant may approve or deny such a request and specify the role of the advisor.

(3) To be provided copies of all evidence. This shall occur at least two working days prior to an honor hearing in order to allow an accused to prepare his or her case after being served with formal charges. The day of service will not be counted, but the day of the first hearing in the case will be counted.

(4) To be present during the hearing of his or her case and, if before the Brigade Honor Board, to be present with his or her midshipman counsel.

(5) To confront his or her accuser and the witnesses against him or her. This requires that absent unusual circumstances, the accuser and witnesses must appear at a Brigade Honor Board rather than the Board merely relying upon a written statement from the accuser or witness. This also includes the right of the accused to question the accuser or witness.

(6) To challenge members of the Brigade Honor Board for cause; that is, for a reason which would prevent a member from being impartial.

(7) To present evidence on his/her own behalf.

(8) To call relevant witnesses, provided they are reasonably available.

(9) To remain silent. No adverse inference shall be drawn from the decision to remain silent.

(10) To make either a written or oral statement concerning the alleged act(s).

b. Midshipmen Rights and the Commensurate Responsibility for Honorable Behavior

(1) Honor hearings are administrative hearings, not trials. Once an accuser submits an allegation of a dishonorable act to the Brigade Honor Staff, the accused midshipman shall have the right to remain silent without any adverse inference drawn from his or her silence. If an accused makes a written or oral statement to an Honor Board, the accused automatically waives his or her right to remain silent and is required to answer any questions raised by the board members.

(2) Prior to the convening of an honor board or hearing, the accused midshipman may specifically object to any evidence, including statements, which may have been obtained in violation of this instruction. Failure to object to any exhibit prior to the convening of the honor board or hearing waives any error. The Presiding Officer will decide whether the evidence will be considered at that board or hearing.

(3) A midshipman may voluntarily waive any right, including the right to a particular composition of the Brigade Honor Board.

c. Boards/Hearings Without the Accused Present

(1) The accused may waive the right to be present at the Brigade Honor Board.

(2) If the accused is given advanced, written notice of the time and place of the board/hearing, but is absent, the accused is deemed to have waived the right to be present and all other rights including their right to confront and cross-examine witnesses against them or call character witnesses on their behalf.

(3) Midshipmen will be present for Brigade Honor Boards in accordance with the Table of Priorities.

d. Responsibility for Safeguarding Rights. The BIO shall ensure the accused fully understands all rights before proceeding with the case. Each person involved in the case shall ensure that the accused's rights are fully protected.

e. Guilty Pleas If the accused enters a guilty plea, he or she must do so knowingly, intelligently, and voluntarily. The Presiding Officer of the Brigade Honor Board, the Battalion Officer, and/or the Commandant will affirm this at their respective hearings.

0305. Initial Processing

a. Upon receipt of an allegation, the Honor Investigations Advisor will appoint a BIO, ensuring that the individual chosen is impartial and has no significant relationship with the accused. The Company Officer, Battalion Officer, and Company Commander of the accused will then be notified of the case.

b. Upon receipt of the notice described in paragraph 0303, the accused will select a Midshipman Counsel. Only Company Honor Advisors are eligible to serve as Midshipman Counsels. The accused may chose another Company Honor Advisor outside of his Company. If the accused does not select a Midshipman Counsel within two working days, the Brigade Honor Advisor will appoint counsel for the accused.

c. Cases Arising from Performance Offenses

(1) The accuser or any subsequent reviewer up to final adjudication may submit a midshipman for committing a dishonorable act while also committing a performance violation.

(2) The dishonorable act will be processed independently of the performance offense.

(3) Any sanctions awarded from the honor violation may at the discretion of the adjudicator be served consecutively with any sanctions awarded through the performance system.

0306. Investigating and Drafting Charges

a. The BIO will conduct a thorough investigation of the alleged dishonorable act, gathering and preserving relevant documents and physical evidence, and interviewing

any witnesses, the accused midshipman, and accuser. With respect to interviewing the accused, see paragraph 0304. The BIO should not deliberately build a case against the accused; instead the BIO shall gather and present all the pertinent evidence.

b. Admissibility of Evidence

(1) Limitations. Brigade Honor Boards will uncover all facts relevant to the issue of innocence or guilt. The Presiding Officer will note the inclusion of all evidence for the record. All relevant evidence is presumed to be admissible. "Relevant evidence" means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence. Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, misleading to the board members, or by considerations of undue delay, a waste of time, or needless presentation of cumulative evidence. Consultation with the Legal Advisor may be requested prior to making any such ruling.

(2) Self-incrimination

(a) Paragraph 0304.a.ix sets forth the accused midshipman's right to remain silent. The Brigade Honor Board shall not consider a confession or admission obtained by coercion or inducement. Not advising a midshipman of all rights under Article 31, Uniform Code of Military Justice (UCMJ), the Fifth Amendment to the Constitution of the United States, or those rights granted under these procedures before a confession or admission is made, does not necessarily prevent acceptance of the confession or evidence. The accused must object to consideration of any such evidence prior to commencement of the board or hearing. Failure to object waives any error. Upon receipt of a timely objection, the Presiding Officer must decide whether the totality of the circumstances surrounding the taking of the accused's confession or statement demonstrate – by clear and convincing evidence – that the accused's free will was not overcome. The Presiding Officer or other officer conducting an honor proceeding shall note for the record the consideration of the evidence.

(b) Midshipmen appearing as witnesses at honor proceedings are not required to make statements implicating themselves in any honor or performance case which has not been adjudicated and for which separation is an authorized punishment. Unless separation from the Naval Academy is authorized for the offense and no adjudication of the case has occurred, the Presiding Officer or other hearing officer shall require the witness to testify. Witnesses who are not midshipmen but who are subject to the UCMJ must be advised of their rights under Article 31(b) before they are asked any questions that may tend to incriminate them. Witnesses who are not subject to the UCMJ may refuse to make a statement or produce any evidence violating any rights protected by the Fifth Amendment to the Constitution of the United States. The person must specifically state that the refusal to answer questions is based on the protection offered by the Fifth Amendment. When appropriate or advisable to do so, the Presiding

Officer should first consult the Legal Advisor and then explain these rights to the witness.

(3) Past Dishonorable Acts. A Brigade Honor Board shall not admit or consider past dishonorable acts except in rebuttal to evidence presented by the accused, and in that situation only after consultation with the Legal Advisor. The Battalion Officer, Commandant, and Superintendent shall consider evidence of past dishonorable acts, documented formal counseling, and prior performance when adjudicating an honor violation.

(a) Upon completion of the initial investigation, the Honor Investigations Advisor and BIO will draft the formal statement of charges and forward them with the case packet to the Brigade Honor Advisor and Legal Advisor for review.

(b) At least two working days prior to the Brigade Honor Board, the Honor Investigations Advisor will present the case packets to the accused along with a copy of all evidence.

(c) All honor proceedings will be placed on hold for any midshipman already recommended for separation by the Commandant. If feasible, the Honor Investigations Advisor will ensure statements are obtained from all relevant witnesses prior to suspension of the investigative inquiry. Should the accused midshipman be retained by either the Superintendent or the Secretary of the Navy, or readmitted to the Naval Academy, the honor investigation will resume at the point where the suspension of the case occurred. When the suspension of the investigation begins, the accused midshipman will sign a written acknowledgement of the suspension.

0307. Brigade Honor Board

a. General. For all cases not being resolved through formal counseling in accordance with section 0302.a, a Brigade Honor Board shall determine whether a midshipman has lied, cheated or stole and will forward all findings of the act to the Battalion Officer or Commandant for adjudication.

b. Composition of the Board. A Brigade Honor Board consists of 9 voting members from the Brigade plus a Presiding Officer and Recorder (11 total).

(1) Presiding Officer. The Brigade Honor Advisor, Honor Development Advisor, Honor Remediation Advisor, and Regimental Honor Advisors shall serve as Presiding Officers. The Presiding Officer is a non-voting member.

(2) Recorder. The Secretary, Secretary Assistants, Honor Sergeant, Honor Remediation Assistant, and Honor Development Assistant will be assigned as recorders.

(3) Members at Large (4 total).

(a) If the accused is a first class midshipman, all members at large shall be first class midshipmen.

(b) If the accused is a second, third, or fourth class midshipman, the following requirements apply:

1. Two first class midshipmen.
2. One second class midshipman.
3. One midshipmen from the same class as the accused.

(c) Members at large must be chosen from different battalions than the accused.

(d) A midshipman undergoing Honor Remediation is ineligible to serve on a Brigade Honor Board.

(4) Battalion Honor Jurors (5 total)

(a) If the accused is a first class midshipman, all Battalion Honor Jurors shall be first class midshipmen.

(b) If the accused is a second, third, or fourth class midshipman, the following requirements apply:

1. Two first class Battalion Honor Jurors.
2. Two second class Battalion Honor Jurors.
3. One Battalion Honor Juror from the same class as the accused.

(c) Every battalion will have at least three Battalion Honor Jurors per class.

(5) The Board Coordinator will ensure that all potential board members are sent written notification at least 48 hours before the board convenes. The Presiding Officer will include a written record of the membership of the board in the Presiding Officer's memorandum to the Commandant.

(6) The Legal Advisor and Honor Officer shall attend Brigade Honor Boards whenever practicable. If the Legal Advisor's presence is not practicable, then the Legal Advisor shall ensure that the Presiding Officer has a way of contacting the Legal Advisor or another Judge Advocate by telephone should an issue arise during the hearing.

c. Changes to Board Composition. For a Brigade Honor Board, all members, as prescribed in this instruction must be present unless the accused waives the deficiency. Once the Presiding Officer convenes the board and the BIO begins

presenting evidence, board membership will not change except in the case of challenge or self-disqualification.

d. Presence of Observers at Brigade Honor Boards. Midshipmen, staff, or faculty who have been designated by the Board Coordinator and approved by the Brigade Honor Advisor may observe open sessions of a Brigade Honor Board. The Presiding Officer may exclude the observers from all or part of the proceeding with the consent of the accused. The accused may request exclusion of observers from all or part of the proceedings and the Presiding Officer may grant the request if good cause exists to do so. The Presiding Officer will brief the observers before the start and after the completion of the board concerning the private nature of the proceedings.

e. Convening the Board

(1) All board personnel will wear the uniform of the day. Before the presentation of the case, the Presiding Officer will explain the board procedures and charges, ensuring that the accused understands this information.

(2) The Presiding Officer will conduct a preliminary screening to ensure that all board members are impartial and have not been involved in the case. All board members must be free from bias or prejudice, either for or against the accused, which would prevent them from making a fair decision based solely on the facts presented during the board. Board members may use their general knowledge of the Naval Academy and individual experiences to evaluate a case. They cannot, however, rely on any knowledge of the case outside of what is presented during open sessions of the board. Any member who feels unable to render a fair vote because of bias, prejudice, or prior knowledge of the case will so inform the Presiding Officer when asked. The Presiding Officer will excuse that member without further discussion.

(3) The Presiding Officer will allow the accused or BIO to challenge any member of the board for cause. If the accused or BIO desires to challenge a member of the board, the Presiding Officer will hear the evidence and then decide whether to sustain the challenge and excuse the member. The Presiding Officer may seek advice from the Legal Advisor prior to making a ruling.

(4) The Presiding Officer will appoint a replacement for any member excused in accordance with the requirements set forth above. The accused shall make any objection to the composition of the board at this time. The accused may waive any deficiencies in the composition of the board. Such waivers shall be included in the record of the board proceedings. Once completed, changes to board membership are prohibited.

f. Objections to Evidence. Prior to allowing the board members to review the packets containing evidence pertinent to the case, the accused will be given an opportunity to object to anything contained therein. The Presiding Officer will rule on objections to evidence, but may consult with the Legal Advisor before ruling. No

evidence should be presented at the board that is not relevant to the commission of the dishonorable act.

g. Presentation of the Case on the Issue of Guilt or Innocence. A Brigade Honor Board conducts an informal, non-adversarial proceeding to uncover the facts of the case and make decisions on the basis of those facts. The Presiding Officer will conduct the hearing in accordance with the Brigade Honor Advisor's guidelines. The BIO will present the results of the investigation to the board. The BIO shall call witnesses and present other relevant matter during this time. The Presiding Officer will allow the BIO, the accused, and members of the board to ask questions of each witness. Upon completing their testimony, the Presiding Officer will excuse each witness, except the accused and the accuser, before calling the next witness. At the conclusion of the BIO's presentation, the accused may make a statement, call pertinent witnesses, and present other pertinent evidence. The board members may call additional witnesses to gain pertinent information if those witnesses are reasonably available.

(1) All witnesses are assumed to be honorable and their testimony should be accepted at face value. Board members must treat all participants in board proceedings with dignity and respect. The Presiding Officer will state these precepts at the beginning of each Brigade Honor Board.

(2) During witness testimony, the Presiding Officer may inquire into the purpose of a line of questioning and shall limit inquiry into irrelevant matters. The Presiding Officer must not curtail inquiry into issues relevant to guilt or innocence, particularly with regards to the intent of the accused.

h. Voting on the Issue of Guilt or Innocence

(1) Board Member Guidance. Board members must draw on their individual experiences and evaluate each act using their own moral reasoning abilities. In order to find the accused guilty of committing a dishonorable act, the board must find by a preponderance of the evidence that the accused committed the act described in the charge and that the act(s) constituted a dishonorable act. If the board finds that the accused committed the acts alleged in a charge, then it becomes the responsibility of each board member to use their own experience, judgment, and sense of what is right and wrong in determining whether or not to label the act(s) as dishonorable.

(2) After presentation of all the evidence, the Presiding Officer will call for a closed session to vote. In the event that there is more than one charge, the board will vote separately for each charge. To be found guilty of committing a dishonorable act, six of nine members must vote that the accused midshipman is guilty.

(3) If the board determines that a dishonorable act was committed, then immediately after the initial vote, another vote will be held to determine the seriousness of the offense.

(4) If the board determines that a dishonorable act was not committed, then the case will be terminated, and the Presiding Officer will submit a report of the findings to the Commandant via the Legal Advisor and Honor Officer.

(5) If the Commandant feels that the board has come to an egregious error in their decision, he may convene his own hearing to award sanctions, to include recommending separation to the Superintendent, for that dishonorable act.

(6) As a result of the evidence presented, the board may find the accused guilty of a dishonorable act that is different from the original charge. To do so, the Board shall amend the language of the original charge to correctly identify the dishonorable act.

(7) As a result of the evidence presented, the board may identify additional charges that should be brought against the accused. In such a case the Presiding Officer will consult with the Legal Advisor and shall either:

(a) Complete the case already in progress, cautioning the members to consider only the charges originally brought before the board,

(b) Complete the case already in progress, using the evidence presented to support the additional charges, or

(c) Recess the Board as long as is necessary and appropriate for the accused and BIO to produce the evidence to support the additional charges. In this situation, the Board shall reconvene using the same members as when it recessed.

(8) If the accused has plead guilty and a voting member of the board believes that the dishonorable act does not warrant either the Battalion Officer or Commandant Review and Hearing, then that board member may make a motion to adjourn the board and send the case to formal counseling. A unanimous vote is required to uphold the motion.

i. Voting on the Issue of Seriousness of the Offense. After the accused midshipman has been found guilty of committing a dishonorable act, the board members will then hold a separate vote on whether or not the act alone warrants forwarding to the Battalion Officer or directly to the Commandant for review and hearing.

(1) This vote will take into account previous honor offenses, but no other aspects of the guilty midshipman's performance. The guilty midshipman will be present when the presiding officer presents the brief summary of the previous offense(s) to the board members.

(2) Additionally, the guilty midshipman will be afforded the opportunity to talk after the Presiding officer presents the summary of the previous honor offense(s).

(3) For an act to warrant forwarding to the Commandant, a vote of seven of nine board members is required.

(4) Cases not forwarded to the Commandant will be forwarded to the Battalion Officer Review and Hearing.

j. First and Second Class Midshipman. All First Class and Second Class Midshipmen will be sent to the Commandant for adjudication.

k. Repeat Offenders. All repeat offenders found guilty before a Brigade Honor Board will be forwarded to the Commandant for adjudication. Repeat offenders include midshipmen that have been formally counseled for a prior dishonorable act.

l. Appeal. Any midshipman found guilty of committing a dishonorable act may appeal the Board's ruling. This appeal will be in writing and forwarded to the Commandant via the Legal Advisor within 48 hours of the Board's decision. The reasons for submitting an appeal are limited to claims by the accused that:

(1) New evidence exists which could be exculpatory, extenuating or mitigating and which could not reasonably have been known at the time the board was held.

(2) A procedural violation of this instruction was committed which worked to the substantial prejudice of the accused midshipman and cannot subsequently be cured.

m. Confidentiality of Closed Sessions. Closed sessions of a Brigade Honor Board are confidential and handled with absolute privacy.

n. Record. The Presiding Officer and recorder will prepare the record of the board and submit it to the Commandant via the Legal Advisor and Honor Officer. The Presiding Officer shall attach a report to the Commandant describing the evidence presented and facts as developed at the board, the board's deliberations, and the Presiding Officer's own opinion as to the appropriateness of the finding. All boards will be recorded.

o. Guilty Pleas

(1) In cases involving a "guilty" plea, the Presiding Officer will modify normal board procedures by requiring the accused to give a brief synopsis of the case explaining the dishonorable act(s) and why they are considered dishonorable. If the board members feel that the accused is knowingly, willingly, and intelligently pleading guilty, they will accept the guilty plea, allow the BIO to add any pertinent facts, and then close the proceedings for final deliberations.

(2) If the accused midshipman withdraws a "guilty" plea, the Presiding Officer will instruct the board members that a plea of "not guilty" has been entered for the accused, and that they must not consider any previous mention of a "guilty" plea. The board shall proceed with the presentation of the evidence by the BIO as if a "not guilty" plea had originally been entered.

(3) If a midshipman pleads "guilty" to a dishonorable act, the board will only vote on whether or not the case should be sent to the Battalion Officer or the Commandant for Review and Hearing.

0308. Battalion Officer's Review and Hearing. If an Honor Board finds an accused midshipman guilty of committing a dishonorable act, it is the accused midshipman's first offense, and that the act does not warrant the Commandant's Hearing, then the accused midshipman will be forwarded to a Battalion Officer's Hearing.

a. The Battalion Officer of the guilty midshipman will review the report of the case, including the transcript of the Brigade Honor Board if so desired.

b. Unless the Honor Legal Advisor identifies a suspected procedural error, the Battalion Officer will hold a hearing with the offending midshipman. The midshipman may present matters in extenuation and mitigation but may not present evidence on the issue of guilt or innocence. The Battalion Officer shall take into consideration matters that aggravate the seriousness of the case as well as the midshipman's performance and aptitude records. Additionally, the Battalion Officer should consider sanctions given out for cases similar in nature. The Battalion Honor Advisor will be tasked with briefing him on XYZ's of similar offenses in other Battalions.

c. Midshipmen, staff, and faculty may observe the hearing at the Battalion Officer's discretion. The accused may make a request to the Battalion Officer for the exclusion of observers from all or part of the proceedings. The Regimental Honor Advisor will be present at the Battalion Officer Hearings to provide terms of reprimand recommendations.

d. In the event that the Honor Legal Advisor finds a procedural error, the findings of the board will be held in abeyance and forwarded to the Commandant for final disposition.

e. Following the hearing, the Battalion Officer will:

(1) Forward the charges and any recommendations to the Commandant, via the Deputy Commandant for final approval.

(2) Enforce sanctions as approved by the Commandant and Superintendant (as applicable) as outlined in Chapter Four.

f. The accuser and all witnesses at the Brigade Honor Board will be informed of the results of the hearing by the Honor Secretary.

0309. Commandant's Review and Hearing. The guilty Midshipman will be forwarded to the Commandant if a Board determines that the act warrants separation or they have another dishonorable act in their record. The same stipulations and guidelines for a Battalion Officer's Review and Hearing (see paragraph 0308) also apply to the Commandant's Review and Hearing. The Brigade Honor Advisor shall be present at the Hearing to provide terms of reprimand recommendations. If the Commandant decides to recommend the offending midshipman for separation, the case will be forwarded to the Superintendent via the Staff Judge Advocate.

a. Discretion

(1) In cases where the accused has filed an appeal, any reviewing authority raises an issue of prejudicial error, or new evidence is discovered, the Commandant will thoroughly review the case. If, after such review, the Commandant determines that the grounds for appeal are justified, the Commandant may direct that a new board be convened or find the midshipman "not guilty" and terminate the case. In this event, the Commandant will provide the Brigade Honor Advisor with a memorandum for the record discussing the basis for such action. The Brigade Honor Advisor shall ensure the accused is notified if an appeal is upheld.

(2) The Commandant will present a letter documenting the sanctions imposed upon any midshipman retained at the Naval Academy after being found guilty of committing a dishonorable act. A copy of the letter will be retained in the midshipman's performance jacket.

0310. Superintendent's Review and Action

a. The Superintendent's Staff Judge Advocate will review all cases forwarded to the Superintendent to include the report of the Brigade Honor Board and Commandant's memorandum.

b. The Superintendent shall personally meet with the midshipman, in the presence of the Company Officer and Brigade Honor Advisor, to discuss the honor offense. A key element of the meeting is to provide an opportunity for the midshipman to be heard and present information in extenuation.

c. Following this review, the Superintendent may perform the following:

(1) Find that no dishonorable act has been committed, but refer the case back to the Commandant for imposition of performance sanctions or other administrative measures as the Commandant deems appropriate.

(2) Find that a dishonorable act was committed, but does not warrant separation. In such a case the Superintendent will refer the case back to the Commandant for imposition of performance sanctions or other administrative measures as the Commandant deems appropriate.

(3) Recommend to the Secretary of the Navy that the midshipman be discharged from the Naval Academy for unsatisfactory conduct.

d. If the Superintendent recommends separation, the midshipman may submit a qualified resignation. The midshipman may also appeal the recommended discharge by petitioning the Secretary of the Navy through a written statement. The written statement should clearly state the reasons the midshipman should be retained and must be routed through the chain of command.

0311. Processing Guidelines

a. The processing guidelines are:

Administrative Procedure	Elapsed Time (Calendar Days)
Accusation of honor offense reported	0
Notifications distributed, Case forwarded to Honor Investigations Advisor	1
Notification of preliminary investigation prepared, Brigade Investigating Officer assigned, notification form signed by accused midshipman	2
FCCB Convenes	5
Investigation complete, formal charges drafted, presented and initialed by the accused midshipman	12
Brigade Honor Board completed	14
Battalion Officer's Hearing held	17

b. These are intended to be guidelines and, while it is anticipated that most cases should be resolved within them, it is emphasized that each and every case must be afforded the time and individual attention it warrants from the investigative stage through final adjudication.

0312. Joint Hearings

a. Resolution by joint proceedings may occur where two or more midshipmen are alleged to have committed dishonorable acts arising out of the same circumstances. The Brigade Honor Advisor will consult with the Legal Advisor before directing a joint proceeding. When a joint proceeding is directed, each accused midshipman is required to choose separate Midshipman Advisors.

b. The BIO will notify the midshipmen accused at least two days before any joint proceeding that their proceeding will be heard together. A midshipman may object to the joint proceeding, but must specifically state how a joint hearing would hurt their case. This objection must be raised by 1200 on the day before the scheduled proceeding. After consultation with the Legal Advisor, the Brigade Honor Advisor will make the final determination.

c. During Joint proceedings, the Presiding Officer will allow each midshipman to be present during the presentation of all the evidence. Each midshipman will be permitted to question each witness in turn, including the other accused midshipmen.

d. If, during a joint proceeding, the Presiding Officer believes that further proceedings should occur separately, the current proceeding shall be adjourned. This may occur in the case of a joint Brigade Honor Board where the accused each have a different plea. If separate proceedings are required, a new Brigade Honor Board will be convened to hear the case.

e. If a group of midshipmen of different ranks are accused of committing dishonorable acts under the same circumstances, the composition of the Brigade Honor Board will be as comprised of the board members for the senior midshipman.

f. Where evidence suggests that multiple accused midshipmen conspired to either commit the underlying dishonorable act or to fabricate evidence on each other's behalf, the Brigade Honor Advisor shall consult with the Legal Advisor to determine whether the case should be sent directly to the Commandant for adjudication or be heard by the Brigade Honor Board.

0313. <u>Privacy of Honor Proceedings/Case Records</u>

a. All aspects of an alleged dishonorable act shall be treated as "Official Use Only." Disclosure of information concerning an alleged honor offense, except as authorized by the Legal Advisor or to those with a "need to know," is strictly prohibited. Presiding Officers shall caution everyone present of the private and official nature of the Honor proceeding.

b. Statements and other evidence gathered in an honor investigation may be used in subsequent conduct proceedings. In such a case, the nature of the original investigation will be noted.

c. Statements and other evidence gathered in an honor investigation may be released for official government inquiries such as background investigation for security clearances.

d. If the final action of an honor investigation results in a finding of "guilty," whether or not the midshipman is separated, the Honor Officer will retain all records for six months after the graduation of the last Midshipman in the class. If the case is

terminated at any point during the review, the record will be destroyed when the midshipman leaves the Naval Academy, either through graduation or other means.

e. After destruction of the record, the Brigade Honor Staff shall retain a general case summary of the case for purposes of administration and analysis.

f. When performance offenses are discovered during honor proceedings, those case records shall be turned over to the Performance Officer to be retained under the guidelines contained in the Performance Manual.

g. The accusation of a dishonorable act will remain on the record of the accused, but shall not be used in any way against the accused in subsequent conduct, honor, or military performance hearing if the accusation was unfounded or deemed not to be a violation.

Chapter 4
Remediation and Reprimand

0401. Honor Remediation Program

a. General. While each remediation will be uniquely constructed by the Chain-of-Command and Officer Mentor, all such efforts will have following basic components:

(1) Communication between the midshipman being remediated, chain of command, and Officer Mentor.

(2) Weekly counseling sessions between the Officer Mentor and midshipman being remediated to discuss lessons learned, Plan of Action & Milestones, journal review, and reflective thought. Additional sessions can be assigned by the Officer mentor as required.

(3) The remediation shall encompass any specific sanctions or projects assigned to the individual during the adjudication of the dishonorable act (i.e. training for classmates, reflective essay, etc.).

b. Organization

(1) Officer Mentors. Officer Mentors are assigned by the Honor Education and Remediation Officer and approved by the Honor Officer to oversee the remediation efforts of midshipmen found guilty of committing a dishonorable act. Senior faculty members and retired senior Officers may also serve as Officer Mentors.

(2) Assistant Mentors. Each Officer mentor will be assigned a First Class Midshipman assigned from within the offending midshipman's company to serve as a liaison between the company and the Officer Mentor. The Squad Leader shall be assigned as the Assistant Mentor and shall make weekly status reports to the Company Officer via the Company Honor Advisor on the progress of the remediation.

(3) Company Honor Advisors. Company Honor Advisor will track the status of all remediation within their company and assign Assistant Mentors as required.

c. Program Description

(1) Expectations. Honor Remediation is a developmental program focused on the moral development of a midshipman that has committed a dishonorable act. The Officer Mentor and chain of command must continually monitor the progress of the remediation process. Failure in any mission area, to include performance and physical readiness, may initiate a review of the offending midshipman's remediation progress.

(2) Timeline. Length of remediation is at the discretion of the Officer Mentor, but will normally last 4 months.

(3) Completing Remediation. Upon completing all assigned sanctions and remediation, the Officer Mentor will submit a report to the Commandant of Midshipmen assessing the remediated midshipman's potential for commission. The Commandant may convene a remediation review board to determine if the midshipman has been successfully remediated. The members of the remediation review board will be determined by the Director of Character Development and Training.

(4) Remediation Failure. At any point during the remediation process, the Officer Mentor may recommend to the Commandant that the midshipman be evaluated as a remediation failure. In the case of a proposed remediation failure, the Commandant may convene a hearing to evaluate the midshipman, separate the midshipman, or retain the midshipman and assign a different Officer Mentor. Any midshipman in remediation that is counseled for committing another dishonorable act, found guilty by a Brigade Honor Board, or otherwise violates terms of their probation is considered a remediation failure.

(5) Removal of Sanctions. During the remediation period, if the Officer Mentor feels that significant progress has been demonstrated, the mentor may request from the Commandant that specific terms of the reprimand be altered.

0402. Honor Reprimand. Following review of the Battalion Officer recommendations or the Commandant Hearing, the Commandant will award a consistent set of reprimand terms from the list below to any midshipman found in violation of a dishonorable act. The length of the term of each reprimand is at the discretion of the Commandant and may be adjusted at anytime:

a. Delayed graduation if the dishonorable act is committed by a first class midshipman and the remediation extends past the class graduation date.

b. Loss of leave.

c. Loss of class privileges.

d. Weekend liberty ineligibility.

e. Prohibition of participation in sport contests, extracurricular activities, or performances, to include Movement Orders.

f. Restriction not to exceed 21 days in accordance with the restriction policy.

(1) Restriction will start upon completion of the Commandant Review and Hearing.

(2) Restriction will commence immediately following the adjudication of a dishonorable act or the morning following the last day of any performance restriction the midshipman is currently serving.

(3) Any midshipman serving more than 21 consecutive days of restriction may request remission of no more than 12 days of restriction provided the Officer mentor has observed and documented significant progress.

g. Relief for cause from any position of authority.

h. Aptitude Grade of D or F. This applies to the semester in which the dishonorable act was committed.

i. Assignment of an F in aptitude as a result of committing a dishonorable act alone will not warrant an Aptitude for Commissioning Board.

0403. Academic Grades. In cases where academic grades are called into question, the ultimate decision rests with the professor. In cases where a midshipman feels he or she has been wrongfully awarded a low grade as a result of an unsubstantiated dishonorable act, the grade may be appealed through the normal Academic Appeal Process.

Chapter 5
Honor Congress

0501. **Introduction.** The Honor Congress is responsible for creating, maintaining, and administering the Honor Concept and its procedures. Any changes to the Honor Concept must receive support from the Brigade. However, the Honor Congress will make suggestions to the Commandant and Superintendent with regards to the Honor Instruction. Additionally, the Honor Congress will conduct hearings throughout the year focusing on the areas of Development, investigations, and remediation.

0502. **Brigade Honor Advisor Address.** At the beginning of each semester the Brigade Honor Advisor will make an address to the Honor Congress presenting the challenges or issues facing the Honor Concept and Instruction. The Brigade Honor Advisor will work with the Head Representative of the Honor Congress to establish the means of accomplishing the goals of the Brigade. Following reform, Company Honor Representatives will meet with the Brigade Honor Staff to evaluate the current procedures, programs, and state of the Honor Concept. This meeting will provide an opportunity for the Company Honor Representatives to relay feedback from the Brigade to the Brigade Honor Staff as well as provide the Brigade Honor Staff an opportunity to present the Company Honor Representatives with any issues relating to the procedures.

0503. **Procedures for revisions** In the event that a revision must be made, the following process will be conducted:

a. Company Honor Representative Approval. The Honor Congress will approve any reasonable measures to implement within the Honor Instruction. Brigade Honor Advisor will give his feedback to the Honor Congress. Once the Honor Congress Representatives approve, the Brigade Honor Staff will draft a proposal and submit it through the Honor Officer and Director of Character Development and Training to the Commandant for review.

b. Commandant Approval. If the Commandant approves the proposed revision(s) to the instruction, they will be presented to the Superintendent for approval. If, for any reason, a proposed revision that was approved by the Company Honor Representatives is not approved by the Commandant, the Commandant will present a letter documenting his or her reasoning to the Brigade Honor Staff.

c. Brigade Approval. For any revision to the Honor Concept, the Brigade as a whole must approve them by a majority vote. The exact methods by which this vote will be conducted should be determined as the situation presents itself. However, it must be overwhelmingly clear that a significant majority of the Brigade is in favor of the proposed changes before they may be implemented.

d. Superintendent Approval. The Superintendent has final signatory authority over any instructions governing the implementation of the midshipman honor program.

Any revisions or changes that receive Brigade and Commandant approval should be strongly considered for implementation by the Superintendent. If, for any reason, a proposed revision that was approved by the Brigade is not implemented, the Superintendent will present a letter documenting his or her reasoning to the Brigade.

0504. Honor Congress Committees. Tasked with the mission of oversight, the Honor Congress shall form Committees to support and review the measures of the instruction and actions of the Honor Staff. Each committee shall meet at least once a semester with the Honor Staff member of interest.

a. Honor Development Committee. The committee is responsible for oversight of the Development Program. The Brigade Development Officer must report his actions to the committee.

b. Honor Investigation Committee. The committee is responsible for oversight of the Investigations. The Brigade Investigation Officer must report his actions to the committee. These actions include:

(1) XYZ cases
(2) Board Procedures and Investigations

c. Honor Remediation Committee. The committee is responsible for oversight of the Remediation Program. The Brigade Remediation Officer must report his actions to the committee.

d. Additional Committee's. The Honor Congress may create more committees for functions they determine necessary.