



DEPARTMENT OF THE NAVY
UNITED STATES NAVAL ACADEMY
121 BLAKE ROAD
ANNAPOLIS MARYLAND 21402-1300

USNAINST 1610.3J
1/COMDT

28 APR 2015

USNA INSTRUCTION 1610.3J

From: Superintendent

Subj: BRIGADE HONOR PROGRAM

Encl: (1) Honor Procedures

1. Purpose. Living honorably is central to the character of a midshipman. The Honor Concept of the Brigade of Midshipmen is the ethical baseline that reaffirms the Brigade's commitment to doing that which is right. 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. USNAINST 1610.3H and USNAINST 1610.4B. This instruction combines both instructions and is a complete revision; therefore, 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,

*Midshipmen are persons of integrity:
WE STAND FOR THAT WHICH IS RIGHT.*

*We tell the truth and ensure that the full truth is known.
WE DO NOT LIE.*

*We embrace fairness in all actions.
We ensure that work submitted as our own is our own, and that assistance received from any source is authorized and properly documented.
WE DO NOT CHEAT.*

*We respect the property of others and ensure that others are able to benefit from the use of their own property.
WE DO NOT STEAL.*

While this basic concept has remained unchanged since its inception in 1953, the enforcement and implementation of this standard has undergone several revisions. In compliance with the Honor Concept, midshipmen shall treat each other with dignity and respect to establish a culture of inclusion, openness, and trust, serving to support midshipmen moral, mental, and physical development.

4. Discussion. Midshipmen are responsible for enforcing these standards. The procedures of enclosure (1) outline the mechanism by which the Brigade will enforce the United States Naval Academy's standards of honor. Although this instruction impacts the entire Naval Academy, ownership of the Honor Concept remains with the Brigade of Midshipmen.

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5. Action. This instruction serves as the Brigade's mechanism for upholding its own standards. All members of the Naval Academy faculty and staff are also responsible for ensuring that they support the moral development of midshipmen. In pursuit of this aim, all reasonable efforts should be made by the faculty and staff of the United States Naval Academy to achieve the following:

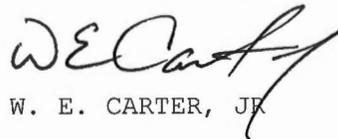
(a) Maintain ownership of the standards of honorable behavior with the Brigade of midshipmen.

(b) Ensure the transparency of honor case processing to the faculty, staff, and midshipmen. Concerted efforts should be made to share redacted case information and statistics with the Brigade, faculty, and staff.

(c) Ensure consistent processing and effective sanctions are levied as a result of an honor violation. Sanctions and remediation should be consistent with efforts to morally, mentally, and physically develop midshipmen.

(d) In conjunction with this effort, we must all rededicate ourselves to the sacred task of developing midshipmen morally, mentally, and physically; a task which can only be achieved through establishing high standards, leading by example, and actively mentoring midshipmen.

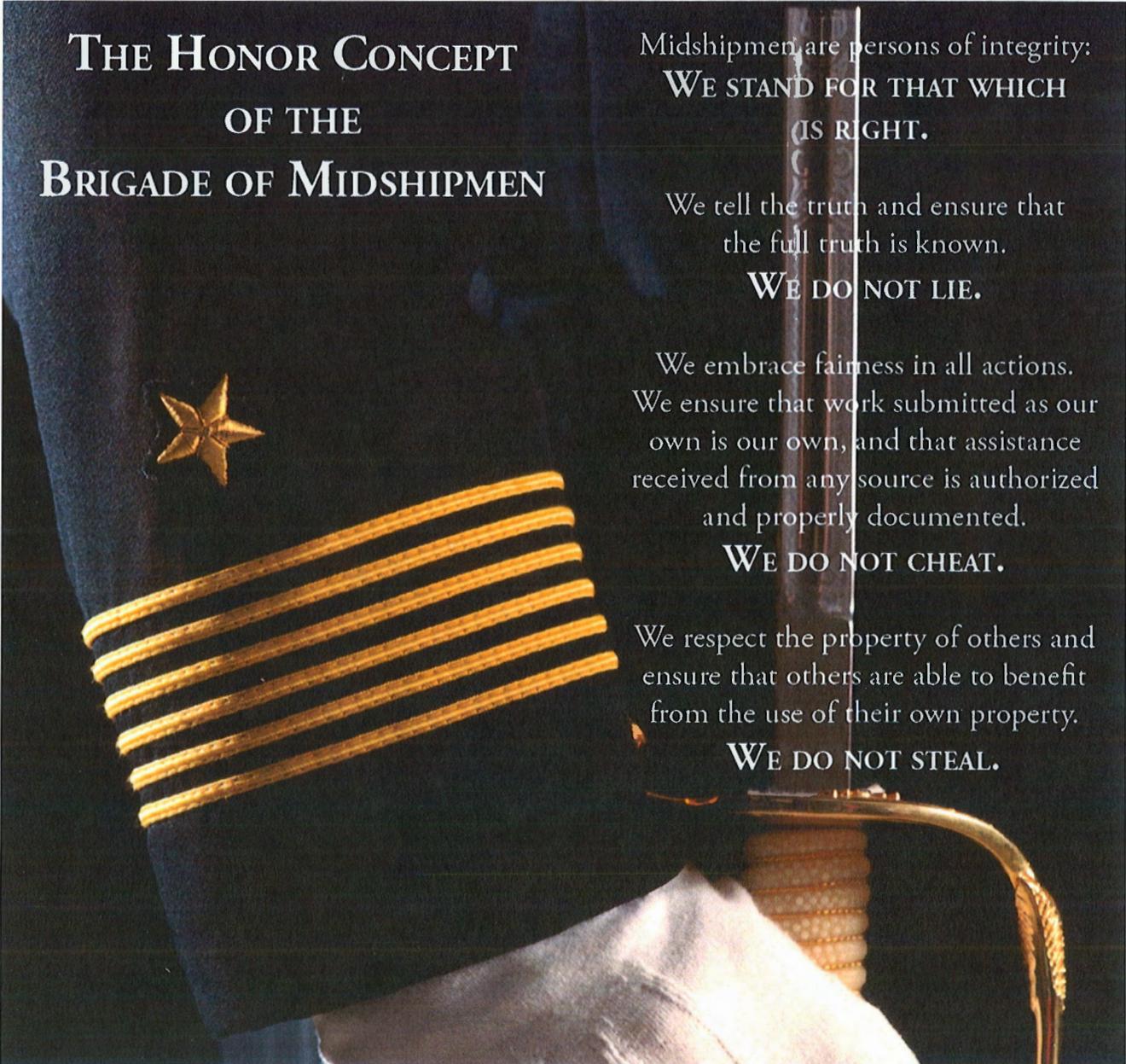
6. Future Revisions. This instruction was revised and approved by the Brigade of Midshipmen. While this instruction applies to the entire Naval Academy, the authority and responsibility to revise this instruction rests with the Brigade. Future changes will be made in accordance with page 1-6 of enclosure (1).



W. E. CARTER, JR

Distribution:
All Non-Mids (electronically)
Brigade of Midshipmen (1 per room)
Commandant Staff

Honor Procedures



THE HONOR CONCEPT OF THE BRIGADE OF MIDSHIPMEN

Midshipmen are persons of integrity:
**WE STAND FOR THAT WHICH
IS RIGHT.**

We tell the truth and ensure that
the full truth is known.

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CHAPTER 1
HONOR ORGANIZATION

0101. General Composition

1. The Midshipman Honor Organization is comprised of two distinct groups: the Brigade Honor Staff and the Honor Congress. The Brigade Honor Staff are nominated, approved, and appointed midshipmen charged with carrying out the administrative aspects of the honor system and its procedures. The Honor Congress is comprised of elected midshipmen responsible for implementing and upholding the procedures and standards commensurate with the Honor Concept.

0102. Brigade Honor Staff

1. The Brigade Honor Staff will consist of midshipmen approved by the Commandant of Midshipmen. They are responsible for maintaining and implementing the honor procedures in accordance with the Brigade's desires. The Brigade Honor Staff consists of the following positions:

a. Brigade Honor Advisor (five striper)

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

(2) Oversees the Brigade Honor Staff.

b. Brigade Honor Advisor for Investigations (four striper)

(1) Responsible to the Brigade Honor Advisor for the status and timely processing of honor offenses.

(2) Oversees the Brigade Honor Secretary, Board Coordinator, Regimental Honor Investigations Advisors, and all Brigade Investigating Officers (BIOs).

c. Regimental Honor Advisor (four striper)

(1) There are two Regimental Honor Advisors, one for each Regiment.

(2) Responsible to the Regimental Commander and Brigade Honor Advisor for the status of the Brigade Honor Program within their Regiment.

(3) Oversees the implementation of the Honor Development Program, as defined in Chapter 2, to facilitate the education and training of midshipmen within their respective Regiment.

(4) Tracks the progress of honor remediation and adherence to sanctions within their Regiment.

d. Brigade Honor Development Advisor (four striper)

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

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

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(3) Responsible for maintaining and archiving all documents and media relating to the Brigade Honor Staff for historical record keeping purposes.

e. Brigade Honor Remediation Advisor (four striper)

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

(2) Coordinates with the Honor Education and Remediation Officer for the assignment of Senior Officer Remediators, as required.

f. Brigade Honor Faculty and Staff Liaison (three striper)

(1) Responsible to the Brigade Honor Advisor for liaising with Naval Academy faculty and staff regarding the Brigade Honor Program and potential violations.

(2) Generates the Honor Chronicles, which provides feedback, current information, and news related to the Brigade Honor Program.

g. Brigade Honor Secretary (three striper)

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

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

(3) Oversees the creation of XYZ case summaries for each reported honor case.

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

h. Brigade Honor Board Coordinator (three striper)

(1) Responsible to the Brigade Honor Advisor for Investigations for scheduling Brigade Honor Boards (BHBs).

(2) Notifies potential board members and required attendees of BHBs.

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

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

(5) Point of contact for individuals interested in observing a BHB.

i. Regimental Honor Investigations Advisor (three striper)

(1) There are two Regimental Honor Investigations Advisors, one for each Regiment.

(2) Responsible to the Brigade Honor Advisor for Investigations for the status of all ongoing honor investigations within their Regiment.

(3) Assigns a BIO to investigate each reported honor violation.

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j. Battalion Honor Advisor (three striper)

- (1) There are six Battalion Honor Advisors, one for each Battalion.
- (2) Responsible to the Battalion Commander and Regimental Honor Advisor for the status of the Brigade Honor Program within their Battalion.
- (3) Oversees the implementation of the Honor Development Program, as defined in Chapter 2, within their Battalion.
- (4) Tracks the progress of honor remediation and adherence to sanctions within their Battalion.
- (5) May serve as a counselor to a midshipman accused of an honor violation.

k. Company Honor Advisor (two striper)

- (1) There are 30 Company Honor Advisors, one for each Company.
- (2) Responsible to the Company Commander and Battalion Honor Advisor for the status of the Brigade Honor Program within their Company.
- (3) Responsible for indoctrination of exchange students to ensure their understanding of the Honor Concept of the Brigade of Midshipmen.
- (4) Oversees the implementation of the Honor Development Program, as defined in Chapter 2, within their Company.
- (5) Tracks the progress of honor remediation and adherence to sanctions within their Company.
- (6) Serve as a counselor to a midshipman accused of an honor violation.

l. Plebe Summer Honor/Character Staff. Responsible for indoctrinating the newly entering class into the Brigade's Honor Concept. The Plebe Summer Staff should focus on introducing the importance of honor at the Naval Academy and its necessity as a midshipman and future officer. The Brigade Honor Staff shall maintain responsibility for processing honor cases and monitoring remediation efforts of all midshipmen during the summer.

m. 2/C Honor Billets. The following billets are filled by 2/C Midshipmen whose general responsibility is to serve as assistants to their respective 1/C counterpart.

- (1) Honor Sergeant. Assistant to Brigade Honor Advisor.
- (2) Honor Development Sergeant. Assistant to Brigade Honor Development Advisor.
- (3) Honor Remediation Sergeant. Assists the Brigade Honor Remediation Advisor.
- (4) Honor Secretary Sergeant. Assists the Brigade Honor Secretary in administrative duties.

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(5) Honor Board Coordinator Sergeant. Assists the Brigade Honor Board Coordinator.

(6) Brigade Investigating Officer (BIO).

(a) There are 24 BIOs, four in each Battalion, comprised of one 1/C Midshipman (two striper) and three 2/C Midshipmen.

(b) Investigates cases assigned by the Regimental Honor Investigations Advisor.

(c) Gathers evidence, interviews witnesses, collects statements, and presents cases at BHBs in a fair, impartial, and objective manner, ensuring all relevant information is presented.

(d) Submits written reports of the investigation to the Brigade Honor Advisor for Investigations via the Regimental Honor Investigations Advisor.

n. Selection Process

(1) Company Approval. Any midshipman desiring to serve on the Brigade Honor Staff must be approved by at least 90% of their respective Company. Eligible midshipmen are forwarded to a Battalion Selection Board. Once the respective Battalion has selected a Battalion Honor Advisor, the Regimental Honor Advisor and Company Commander will appoint a Company Honor Advisor from the remaining approved candidates.

(2) Battalion Selection Board. The Battalion Selection Board is composed of the Battalion Honor Advisor and five 1/C Honor Congress Representatives from the Battalion. The Selection Board is responsible for nominating midshipmen for the Battalion Honor Advisor and forwarding qualified midshipmen to the Brigade Selection Board. A five-sixths vote from the Selection Board is required for candidate approval.

(3) Brigade Selection Board. The Brigade Selection Board will nominate midshipmen to serve as members of the next Academic Year's Brigade Honor Staff. The proposed midshipmen and recommended positions will be submitted to the Commandant of Midshipmen via the Honor Officer and Director, Character Development and Training for approval. Any midshipman not selected or approved to serve on the Brigade Honor Staff remains eligible to serve as a Battalion or Company Honor Advisor. The Brigade Selection Board is comprised of the following Midshipmen:

- (a) Brigade Honor Advisor,
- (b) Brigade Honor Advisor for Investigations,
- (c) Both Regimental Honor Advisors,
- (d) Brigade Honor Development Advisor,
- (e) Brigade Honor Remediation Advisor,
- (f) Brigade Honor Faculty and Staff Liaison,
- (g) Brigade Honor Secretary,

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(h) Brigade Honor Board Coordinator, and

(i) Both Regimental Honor Investigations Advisors

(4) Plebe Summer Honor/Character Staff. Selection of the Plebe Summer Honor/Character Staff will be conducted through an interview process and recommendation to the Commandant of Midshipmen via the Director, Character Development and Training.

(5) Eligibility and Turnover

(a) Term Limits. Midshipmen selected for a billet on the Brigade Honor Staff will fill the selected billet for the entire academic year with the exception of the Plebe Summer Honor/Character Staff.

(b) Impeachment. In the event that the 1/C Battalion Honor Jurors find a member of the Brigade Honor Staff unfit to carry out his/her assigned duty, they may, by a unanimous vote and support from over 80 percent of the Honor Congress, recommend to the Commandant of Midshipmen that the midshipman be relieved of their responsibilities.

(c) Succession. If a member of the Brigade Honor Staff is relieved of their duties, that midshipman will be replaced by another qualified member currently on the staff. The Brigade Honor Advisor will assign a qualified midshipman to fill the vacancy.

(d) Honor/Conduct Record. Past performance, offenses, or honor violations are not disqualifiers for service on the Brigade Honor Staff, provided the midshipman successfully completed the remediation process. Midshipmen currently undergoing honor remediation are not eligible to serve on the Brigade Honor Staff or Honor Congress.

(e) Timeline. The Brigade Honor Staff selection process shall be completed prior to the Striper Board convening, allowing midshipmen not selected to honor positions to interview for other leadership billets.

(f) Turnover. The current Brigade Honor Staff will train and mentor their replacements once approved. The official turnover will occur in accordance with the Brigade Staff turnover plan.

0103. Honor Congress

1. The Honor Congress is responsible for fostering an environment that emphasizes honorable living, supports the Honor Concept and enforces its standards. The Honor Congress shall meet at least monthly to evaluate the current status and perception of honor within the Brigade. The Honor Congress also provides the pool of midshipmen who serve as Battalion Honor Jurors at BHBs.

a. Honor Congress President

(1) Responsible for the efficient resolution of honor issues raised by the Honor Congress.

(2) Coordinates with the Brigade Honor Advisor to ensure Brigade adherence to, and ownership of, the Brigade Honor Program.

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(3) The Honor Congress Representatives will elect a member from the Honor Congress to serve as the President of the Honor Congress. A majority vote of interested candidates is required to elect the President of the Honor Congress.

b. Honor Congress Representatives.

(1) There are 120 Honor Congress Representatives, one per Company, per class.

(2) Attend meetings of the Honor Congress and provide feedback to the Brigade Honor Staff about the current status and perception of honor within the Brigade.

(3) Serve as Battalion Honor Jurors at BHBs in accordance with the prescribed board composition.

(4) Each class in each Company will elect a Honor Congress Representative to represent their classmates and Company mates in the Honor Congress. Potential representatives can either volunteer themselves or be nominated by a classmate. The list of candidates is submitted to their class for a majority vote.

(5) If at any time, an Honor Congress Representative displays an attitude not in keeping with the highest standards of the Brigade, they may be dismissed from their position. Relief requires a majority recommendation from the Honor Congress Representatives of the class of the midshipman in question and approval by the Brigade Honor Advisor and Honor Congress President. Elections to fill vacancies shall be overseen by the Honor Congress President from the respective Company of the relieved midshipman.

c. Brigade Honor Advisor Address. At the beginning of each semester, the Brigade Honor Advisor will address the Honor Congress presenting the issues and challenges facing the Brigade. The Brigade Honor Advisor will work with the Honor Congress President to establish the means of accomplishing the goals of the Brigade. Following reform, Honor Congress Representatives will meet with the Brigade Honor Staff to evaluate the current procedures, programs, and state of the Honor Concept. This provides an opportunity for the Honor Congress Representatives to provide feedback from the Brigade to the Brigade Honor Staff as well as provide the Brigade Honor Staff an opportunity to discuss procedural-related issues.

d. Procedures for Instruction Revision. Changes to the Brigade Honor Program instruction must receive support from the Brigade. The Brigade Honor Staff will initiate the process by proposing changes to the Honor Congress, who will review, modify, and approve the recommendations. The Brigade then votes on the changes, indicating approval by a majority vote. The Brigade Honor Staff will revise the Honor Instruction as appropriate and submit via the Honor Office and Director, Character Development and Training to the Commandant of Midshipmen for review. The proposed revision shall be forwarded to the Superintendent for approval.

0104. Officer Responsibilities

1. Director, Character Development and Training. The Director, Character Development and Training is responsible for advising the Commandant of Midshipmen on all matters regarding the contents of this instruction and the

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implementation of associated procedures and programs at the Naval Academy. The Director, Character Development and Training will work closely with the Commandant of Midshipmen, Honor Officer, and the Brigade Honor Staff to discharge the following responsibilities:

a. Ensure the Character Development and Training Division includes honor discussions throughout the Naval Academy (e.g., inclusion of honor education during Plebe Summer).

b. Ensure records, survey data, and statistics associated with honor are maintained.

c. Evaluate the results of these efforts through periodic surveys.

d. Receive regular reports from the Honor Officer regarding the disposition of individual cases.

e. Oversee the Honor Remediation program.

f. Brief the Naval Academy Senior Leadership Team (SLT) regarding honor within the Brigade.

2. Honor Officer. The Commandant of Midshipmen shall appoint the Honor Officer to serve as an advisor to the Director, Character Development and Training. The Honor Officer will also act as a mentor to the Brigade Honor Advisor. The Honor Officer shall:

a. Ensure each honor proceeding is in compliance with all guidelines set forth in this instruction.

b. Brief the Commandant of Midshipmen and Director, Character Development and Training on Brigade Honor Staff actions, status of individual cases and remediation concerns.

c. Ensure officer representation at each BHB.

d. Ensure faculty and staff members are briefed on procedures prior to BHBs, Battalion Officer Adjudications, or Commandant Adjudications.

e. Ensure each case is processed expeditiously, fairly, and consistent with the goals of the Honor Concept of the Brigade of Midshipmen.

f. Advise the Brigade Honor Staff regarding proposed changes to this instruction.

3. Honor Case Officer. The Commandant of Midshipmen shall appoint an Honor Case Officer to be the principal assistant to the Honor Officer in overseeing the proper investigation and conduct of Brigade Honor Boards. They are responsible for mentoring the Brigade Honor Advisor and Brigade Honor Advisor for Investigations in the execution of their duties.

4. Honor Education and Remediation Officer. The Commandant of Midshipmen shall appoint an Honor Education and Remediation Officer to be the principal assistant to the Honor Officer in overseeing education efforts and the Honor Remediation program. They are responsible for mentoring the Brigade Honor Development Advisor and Brigade Honor Remediation Advisor in the execution of

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their duties and serves as the liaison between Senior Officer Remediators and the Honor Officer.

5. Legal Advisor. The Commandant of Midshipmen shall appoint a Legal Advisor; responsible for advising the Commandant, Honor Officer, and Brigade Honor Staff on the procedural aspects and legitimacy of investigations, sufficiency of evidence, and honor proceedings. The Legal Advisor shall attend BHBs whenever practicable.

6. Team/Club/ECA Representatives. Every Team, Club, and ECA officer, enlisted, and faculty representative, in conjunction with their Team Captain or Activity President, will work to ensure they are creating an atmosphere conducive to honor within their organization. They are responsible to the Commandant of Midshipmen for emphasizing honorable conduct.

7. Academic Departmental Honor Liaison Representative. Each department shall appoint an Honor Liaison Representative with the following responsibilities:

a. Serve as the primary point of contact for midshipman, faculty, and staff regarding honor within their department.

b. Responsible for keeping members of their department informed about the honor program and its associated procedures regarding possible violations.

c. Coordinate and disseminate policies that are consistent with the Brigade Honor Program and its associated procedures regarding documentation requirements, collaboration limitations, and instructor provided information; and ensure they are distributed and explained thoroughly.

d. Receive allegations of potential honor violations that arise within their respective department and ensure they are reported to the Brigade Honor Staff.

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CHAPTER 2
HONOR DEVELOPMENT PROGRAM

0201. Brigade Honor Program Website

1. The intranet website (<http://intranet.usna.edu/Honor/>) is the primary access point for information pertaining to USNA's Brigade Honor Program.

0202. XYZ Cases

1. A written forum in which honor case summaries are shared with the Brigade, faculty, and staff to keep all informed of honor proceedings, as well as provide an opportunity to share lessons learned from specific cases or decisions. XYZ cases shall be posted on the Brigade Honor Program website and distributed via e-mail to Company Honor Advisors, staff, and faculty, and posted in Company areas on a weekly basis. Personally identifying information or specific details of a case will not be included in summaries.

0203. Honor Chronicles

1. These publications include XYZ case summaries, Brigade Honor Staff news, pertinent articles and other honor-related information. They shall be distributed weekly and displayed in Company areas.

0204. Weekly Honor Quotes

1. A different quote pertaining to morality, honor, and personal integrity shall be written on Company chalk boards each week.

0205. Honor Reading List

1. A reading list shall be displayed on the Brigade Honor Program website. The reading list contains articles, books, and recordings illuminating the importance of honor and integrity within military and civilian communities.

0206. Plebe Summer Honor Concept Education Program

1. During Plebe Summer, 4/C Midshipmen will be introduced to the historical background of the Honor Concept and be instructed on the importance of honor in the military and at the Naval Academy. Overall, the focus of this training shall not be on specific procedures of the honor system, but should instead focus on developing a comprehensive and conceptual understanding of what honor is and its crucial role as a midshipman and future officer. Plebe Summer Honor education is part of the Plebe Summer Character and Honor Lecture Series and is implemented by the Plebe Summer Honor/Character Staff.

0207. Brigade Honor Advisor Addresses

1. At each Reform of the Brigade in August and January, the Brigade Honor Advisor shall discuss honor issues, trends and potential problem areas with each class. The Brigade Honor Advisor shall also address individual classes prior to commencing summer training events.

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CHAPTER 3
PROCESSING ALLEGED HONOR OFFENSES

0301. Responsibility Upon Learning of/Witnessing a Possible Honor Offense

1. Upon learning of (or witnessing) an honor offense (within the definition of the Honor Concept) the witness should initially confront the midshipman. If the witness believes that an honor offense did not occur (e.g., a simple misunderstanding), they shall dismiss the situation and take no further action. If the witness believes that an honor offense may have occurred, they have two options: 1) discuss and informally counsel the midshipman, or 2) submit a formal report of an honor violation to the Brigade Honor Staff.

0302. Options for Addressing Honor Violations

1. Discuss and Informal Counseling. If the witness believes an honor offense occurred and the accused admits the error and accepts responsibility, the witness may counsel the midshipman informally, provided 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 of the counseled midshipman will be notified when informal counseling was administered.

2. Formal Reporting of a Possible Honor Violation

a. Prior to reporting a potential honor offense, the accuser shall first confront the suspected midshipman. 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 an honor violation has been committed, a formal report should be submitted to the Brigade Honor Staff. The Brigade Honor Program website contains information for submitting a formal report of an honor offense (<http://intranet.usna.edu/Honor/ReportOffenses.php>).

b. Accusations should be reported as soon as possible. An honor offense will not normally be reported beyond 60 days after the incident is discovered. Exigent circumstances can override the statute of limitations if the Brigade Honor Advisor feels it is warranted.

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

3. Honor and Conduct Charges. A midshipman will not be charged under both the Honor System and Conduct System for the same offense. This does not preclude the possibility that separate charges for additional offenses may arise from the same incident as the investigation and adjudication process unfold.

0303. Initial Processing

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

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The Battalion Officer, Company Officer, Senior Enlisted Leader, and Company Commander of the accused will also be notified of the case.

2. Once the accused midshipman is notified, he/she will select a Midshipman Advisor. Only Company Honor Advisors are eligible to serve as Midshipman Advisors. The accused may elect to choose another Company Honor Advisor outside their Company. If the accused does not select a Midshipman Advisor within two working days, the Brigade Honor Advisor will appoint an advisor for the accused.

0304. Notification of the Accused

1. The Brigade Honor Advisor for Investigations will ensure the 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, date, and location of the suspected offense,
- d. The nature of the suspected offense, and
- e. The rights afforded under section 0305.

0305. Rights of the Accused

1. Specific Rights. A midshipman accused of committing an honor offense has the following rights:

a. To have all proceedings and information concerning a pending or completed investigation of an honor offense kept private to the maximum extent possible. The Brigade Honor Staff and the Naval Academy faculty and staff will respect the rights of the accused under the Privacy Act, to include making no public identification of the accused or respond to public inquiries without the accused's consent.

b. To seek free consultation. The Honor Concept of the Brigade of Midshipman provides for a Midshipman Advisor to assist in the accused's defense. If further assistance is desired to prepare for a BHB, the Office of Legal Counsel will provide qualified military counsel to advise the accused. While an accused Midshipman may use any source to prepare for their BHB, that midshipman, assisted by the Midshipman Advisor, must present their case before the BHB, Battalion Officer, or the Commandant of Midshipmen. The accused midshipman may seek advice outside of the Honor Courtroom and, at the discretion of the Presiding Officer, be allowed reasonable opportunity, in frequency and duration, to consult with such advisors during the BHB. Outside advisors, other than the Midshipman Advisor, are not permitted inside the BHB, but may remain in the vicinity of the courtroom. In cases of extraordinary complexity or those involving technical expert advice, the accused midshipman may request in writing that advisors be permitted to attend the Battalion Officer's or Commandant's adjudication. The Commandant is the approval authority for such requests.

c. To choose their Midshipman Advisor from among Company Honor Advisors.

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will not be counted, but the day of the first hearing in the case will be counted. Saturdays, Sundays, and federal holidays are not counted.

e. To be present at the board of their case.

f. To confront and question their accuser and the witnesses against them. This requires that, absent unusual circumstances, the accuser and witnesses appear at the BHB rather than the Board relying upon written statements.

g. To challenge members of the BHB for cause; that is, for a reason which could prevent a member from being impartial.

h. To examine all physical or documentary evidence in the case and to present such evidence in their own defense.

i. To call witnesses, provided they are reasonably available, and to cross-examine witnesses against the accused.

j. To remain silent. No adverse inference shall be drawn from an accused's decision to remain silent.

k. To make either a written or oral statement concerning the alleged offense(s).

2. Midshipmen Rights and the Commensurate Responsibility for Honorable Behavior

a. BHBs are administrative hearings, not trials. Once an accuser submits an allegation of an honor violation to the Brigade Honor Staff, the accused midshipman shall have the right to remain silent without any adverse inference drawn from their silence. If the accused makes a written or oral statement to the BHB, the accused automatically waives the right to remain silent and is required to answer any questions raised by Board members.

b. Prior to the convening of a BHB, 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 BHB waives any error. The Presiding Officer will decide which evidence will be considered at the BHB.

c. A midshipman may voluntarily waive any right, including the right to a particular composition of the BHB.

3. BHBs Without the Accused Present

a. The accused may waive the right to be present at the BHB.

b. If the accused is given advanced, written notice of the time and location of the BHB, but is voluntarily absent, the accused is deemed to have waived the right to be present and all other rights, including their right to confront and question witnesses against them or call witnesses on their behalf. At the discretion of the Presiding Officer, the BHB may either be delayed or allowed to proceed in the accused's absence, so long as the accused's Midshipman Advisor is available to observe the case. If the BHB proceeds, the Presiding Officer shall provide evidence that the accused was

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properly notified and was voluntarily absent as part of the official record during the board.

c. Midshipmen shall be present for BHBs in accordance with the Table of Priorities.

4. 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.

5. Guilty Pleas. If the accused enters a guilty plea, they must do so knowingly, intelligently, and voluntarily. The Presiding Officer of the BHB, Battalion Officer, and/or the Commandant of Midshipmen will affirm this at their respective hearings.

0306. Investigating and Drafting Charges

1. The BIO will conduct a thorough investigation of the alleged honor violation, gathering and preserving relevant documents and physical evidence, and interviewing the accuser, accused midshipman, and any witnesses. The BIO shall ensure the accused midshipman is aware of their rights in accordance with paragraph 0305. The BIO should not deliberately build a case against the accused; instead the BIO shall gather all pertinent evidence to present an impartial case.

2. Upon completion of the investigation, the BIO shall submit a written report of the investigation to the respective Regimental Honor Investigations Advisor. The Brigade Honor Advisor shall review the report and, in consultation with the Honor Office, determine whether the case requires further processing or whether the case warrants dismissal (e.g., a result of miscommunication or misinterpretation of events).

3. The Brigade Honor Advisor for Investigations and BIO will draft the formal statement of charges and forward them with the investigation report to the Brigade Honor Advisor, Honor Officer and Legal Advisor for review.

4. At least two working days prior to the BHB, the Brigade Honor Advisor for Investigations will ensure the case package is presented to the accused along with a copy of all evidence.

5. Honor investigations and/or proceedings shall be placed on hold for any midshipman already recommended for separation by the Commandant of Midshipmen. If feasible, the Brigade Honor Advisor for Investigations will ensure statements are obtained from all relevant witnesses prior to suspension of the investigative inquiry. Should the accused midshipman be retained, 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. Formal Company Counseling Board (FCCB)

1. Upon completion of the investigation, the Brigade Honor Advisor shall review the case and determine if an FCCB is appropriate. To be eligible for an FCCB, the accused must be a 3/C or 4/C Midshipman, admit guilt and show remorse for committing the violation.

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2. The FCCB is a formal board comprised 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. The Company Officer, Senior Enlisted Leader, Platoon Commander, and Squad Leader may also be present, but are not required.

3. The Company Commander, Company Honor Advisor, and Battalion Honor Advisor are responsible for determining whether the honor offense will be resolved through formal counseling. A vote of at least two out of the three members is required to approve the counseling. If formal counseling is not approved, the case shall be forwarded to a BHB. The Company Honor Advisor is responsible for notifying the accuser of the board's decision as well as the Brigade Honor Staff of the counseling.

4. A midshipman cannot undergo approved formal counseling and be forwarded to a BHB for the same offense.

5. The goal of the FCCB is to review the honor offense, ensure the guilty midshipman understands the violation and assumes responsibility, determine the level of contrition of the midshipman, and develop a process by which the midshipman will be remediated.

6. Upon completion of the FCCB, the Battalion Honor Advisor shall submit a report to the Brigade Honor Advisor summarizing the case and provide details of counseling and remediation actions.

0308. Brigade Honor Board (BHB)

1. General. For all cases not dismissed or resolved through the FCCB process, a BHB shall be convened to determine whether a midshipman has violated the Honor Concept. If found "In Violation," the midshipmen will be forwarded to their respective Battalion Officer or the Commandant of Midshipmen for adjudication.

2. Composition of the BHB. A BHB consists of a Presiding Officer and nine voting members from the Brigade.

a. Presiding Officer. The Presiding Officer is a non-voting member of the BHB and is responsible for the administrative aspects of the board. They shall ensure a professional atmosphere is maintained and all personnel are treated respectfully. At the conclusion of the BHB, the Presiding Officer shall submit a report to the Commandant of Midshipmen detailing the board membership, board proceedings, deliberations, and recommendations. Eligible Presiding Officers are: the Brigade Honor Advisor, Brigade Honor Advisor for Investigations, both Regimental Honor Advisors, Brigade Honor Development Advisor, Brigade Honor Remediation Advisor, Brigade Honor Faculty and Staff Liaison, and Brigade Honor Secretary.

b. Battalion Honor Jurors (five total)

(1) If the accused is a 1/C Midshipman, all Battalion Honor Jurors shall be 1/C Midshipmen.

(2) If the accused is a 2/C, 3/C, or 4/C Midshipman, the following requirements apply:

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- (a) Two 1/C Battalion Honor Jurors
- (b) Two 2/C Battalion Honor Jurors
- (c) One Battalion Honor Juror from the same class as the accused.

c. Members at Large (four total)

(1) If the accused is a 1/C Midshipman, all members at large shall be 1/C Midshipmen.

(2) If the accused is a 2/C, 3/C, or 4/C Midshipman, the following requirements apply:

- (a) Two 1/C Midshipmen
- (b) One 2/C Midshipman
- (c) One midshipmen from the same class as the accused

(3) Members at large must be chosen from different Battalions than the accused.

(4) A midshipman undergoing Honor Remediation is ineligible to serve on a BHB.

d. The Honor Officer shall ensure officer representation at each BHB. If the Legal Advisor's presence is not practicable, then the Legal Advisor shall ensure that the Presiding Officer has a means of contacting him/her or another Judge Advocate by telephone should an issue arise during the Brigade Honor Board.

e. 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.

3. Presence of Observers at Brigade Honor Boards. Midshipmen, faculty or staff who have been approved by the Brigade Honor Advisor may observe open sessions of a BHB. 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.

4. Admissibility of Evidence

a. Limitations. BHBs should uncover all facts relevant to the issue of innocence or guilt. All relevant evidence is presumed to be admissible. "Relevant evidence" is defined as 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. The

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Presiding Officer will note the inclusion of all evidence for the record. Consultation with the Legal Advisor may be requested prior to making any such ruling.

b. Self-incrimination

(1) In accordance with paragraph 0305, the accused midshipman has the right to remain silent. The BHB shall not consider a confession or admission obtained by coercion or inducement. Failure to advise 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 BHB. Failure to object waives any error. Upon receipt of a timely objection, the Presiding Officer shall 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 shall note for the record the consideration of the evidence.

(2) Midshipmen appearing as witnesses at BHBs are not required to make statements implicating themselves in any honor or conduct case which has not been adjudicated. 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 could 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 witness 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.

c. A BHB shall not admit or consider previous honor violations except in rebuttal to evidence presented by the accused, and in that situation only after consultation with the Legal Advisor. The Superintendent, Commandant of Midshipmen, and/or Battalion Officer shall consider evidence of past honor offenses and prior performance when adjudicating an honor violation.

5. Convening the Board

a. All board personnel will wear Summer Whites or Service Dress Blues, as appropriate. Before the presentation of the case, the Presiding Officer will explain the board procedures, charges and ensure the accused understands this information.

b. The Presiding Officer will conduct a preliminary screening to ensure 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 could prevent them from making a fair and impartial 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 the case. They cannot, however, rely on any knowledge of the case outside of what is presented during open session of the board. Any member who feels unable to render a fair vote because of bias, prejudice, or prior knowledge of the case will inform the Presiding Officer. The Presiding Officer will excuse that member without further discussion.

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c. 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 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.

d. The Presiding Officer will appoint a replacement for any member excused in accordance with the requirements set forth above. The accused may raise an 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.

6. Objections to Evidence. Prior to allowing the board members to review the case package containing evidence pertinent to the case, the accused will be given an opportunity to object to anything contained therein. The Presiding Officer may consult with the Legal Advisor and will rule on objections to evidence. No evidence should be presented at the board that is not relevant to the commission of the alleged honor offense.

7. Guilty Pleas

a. For 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 honor offense(s) and why they are considered violation(s). If the board members feel the accused is knowingly, willingly, and intelligently pleading guilty, they will accept the guilty plea, allow the BIO to add any pertinent facts, and close the proceedings for final deliberations. Any voting member may challenge the "guilty" plea if they feel the pre-conditions are not met.

b. 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 by the accused, and they must not consider any previous discussion 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.

c. If a midshipman pleads "guilty" to an honor offense and the board accepts the plea, the board will only vote on whether the case should be forwarded to the Battalion Officer or the Commandant of Midshipmen for adjudication.

8. Presentation of the Case on the Issue of Guilt or Innocence

a. A BHB shall conduct an informal, non-adversarial proceeding to uncover the facts of the case and make decisions on the basis of those facts. The Presiding Officer shall ensure the board is conducted in a professional and respectful manner.

b. The BIO will present the findings 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 witnesses, and present

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other pertinent evidence. The board members may call additional witnesses to gain pertinent information if those witnesses are reasonably available.

c. 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 BHB.

d. During witness testimony, the Presiding Officer may inquire into the purpose of a line of questioning and shall ensure questions are relevant to the case at hand. The Presiding Officer must not curtail inquiry into issues relevant to guilt or innocence, particularly with regards to the intent of the accused.

9. Voting on the Issue of Guilt or Innocence

a. 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 an honor offense, the board must find by a preponderance of the evidence that the accused committed the act(s) described in the charge and that the act(s) constituted an honor violation. If the board finds that the accused committed the act(s) alleged in the 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 the act(s) was a violation of the Honor Concept.

b. After the presentation of all evidence, the Presiding Officer will call for a closed session to allow the board members to deliberate and vote. In the event that there is more than one charge, the board will conduct a separate vote for each charge. To be found guilty of committing an honor offense, six of nine board members must vote that the accused midshipman is guilty.

c. If the board determines that an honor offense was not committed, then the case will be found "Not In Violation," and the Presiding Officer shall submit a report to the Honor Officer detailing the findings of the board.

d. If the Commandant of Midshipmen feels the BHB has made an egregious error in their decision, the Commandant may convene a hearing to award sanctions, to include possibly recommending separation to the Superintendent, for the honor offense.

e. As a result of the evidence presented, the board may find the accused guilty of an honor offense that is different from the original charge. In this situation, the board shall amend the language of the original charge to correctly identify the violation(s). The board may also identify additional charges that should be brought against the accused. In such situations, the Presiding Officer will consult with the Legal Advisor and shall either:

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

(2) Complete the case already in progress, using the evidence presented to support the additional charge(s), or

(3) Recess the board as long as is necessary and appropriate for the accused and BIO to gather evidence to support the additional charge(s). In

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this situation, the board shall reconvene using the same members as when it recessed.

f. For 3/C and 4/C Midshipmen only, if the accused has pled guilty and a voting member of the board believes the honor offense does not warrant either Battalion Officer or Commandant adjudication, then they may make a motion to adjourn the board and forward the case to an FCCB. A unanimous vote is required to uphold this motion.

10. Voting on the Issue of Egregiousness of the Offense

a. If the accused midshipman has been found "In Violation" of committing an honor offense, the board members will conduct a separate vote to determine whether the act warrants forwarding to the Battalion Officer or directly to the Commandant of Midshipmen for adjudication based on the egregiousness of the offense.

b. The guilty midshipman will be afforded an opportunity to present mitigating circumstances on their behalf.

c. All 1/C and 2/C Midshipmen and repeat honor offenders will automatically be forwarded to the Commandant of Midshipmen for adjudication. Otherwise, a vote of seven of nine board members is required to forward the accused to the Commandant of Midshipmen.

d. Cases not forwarded to the Commandant of Midshipmen will be forwarded to the respective Battalion Officer for adjudication.

11. Voting on a Recommendation for Separation or Retention

a. For cases forwarded to the Commandant of Midshipmen for adjudication, the board will conduct a final vote recommending retention or separation of the guilty midshipman.

b. 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 briefs the previous offense(s) to the board members. The guilty midshipman will be afforded an opportunity to address the Presiding Officer summary of the previous honor offense(s).

c. This confidential vote will be forwarded to the Brigade Honor Advisor, who will take this into account when providing a recommendation to the Commandant of Midshipmen.

12. Appealing the Findings of a BHB

a. Any midshipman found guilty of committing an honor offense may appeal the board's ruling. An accuser may appeal a "Not In Violation" finding. This appeal shall be in writing and forwarded to the Commandant of Midshipmen via the Legal Advisor within 48 hours of the board's decision (excluding weekends and holidays). The reasons for submitting an appeal are limited to:

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

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

b. The Commandant of Midshipmen will thoroughly review the case and appeal. If, after such review, the Commandant determines that the grounds for appeal are justified, they may direct a new BHB be convened or find the midshipman "Not In Violation" 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 with the results of their appeal.

13. Confidentiality of Closed Sessions. Closed sessions of a BHB are confidential and handled with absolute privacy.

14. Record. The Presiding Officer will ensure BHB proceedings are properly recorded.

0309. Battalion Officer Adjudication

1. If a BHB finds an accused midshipman guilty of an honor offense, then the midshipman will be adjudicated by their Battalion Officer if:

- a. It is the accused midshipman's first offense,
- b. They are a 3/C or 4/C Midshipman, and
- c. The act does not warrant forwarding to the Commandant of Midshipmen.

2. When international students are adjudicated by their Battalion Officer, the International Programs Office (IPO) shall provide relevant documentation and country agreements for inclusion in the case package.

3. The Battalion Officer of the guilty midshipman will review the report of the case, including the transcript of the BHB. The Battalion Officer shall take into consideration matters that potentially aggravated the egregiousness of the case as well as the midshipman's performance and aptitude records and Chain of Command recommendations.

4. The guilty midshipman may present matters in extenuation and mitigation but may not present evidence on the issue of guilt or innocence.

5. Midshipmen, faculty, and staff may observe the adjudication at the Battalion Officer's discretion. The guilty midshipman may request the Battalion Officer exclude observers from all or part of the proceedings.

6. The Regimental Honor Advisor will be present at the Battalion Officer's adjudication to provide recommended sanctions.

7. In the event the Legal Advisor finds a procedural error, the findings of the BHB will be held in abeyance and forwarded to the Commandant of Midshipmen for final disposition.

8. Following the adjudication, the Battalion Officer shall either:

- a. Recommend retention of the midshipman and sanctions in accordance with paragraph 0312(a) to the Commandant of Midshipmen for approval, or

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b. Forward the case to the Commandant of Midshipman with a recommendation for separation from the Naval Academy.

9. The accuser will be informed of the results of the Battalion Officer adjudication.

0310. Commandant of Midshipmen Adjudication

1. If a BHB finds an accused midshipman guilty of an honor offense, then the midshipman will be adjudicated by the Commandant of Midshipmen if:

a. They are a 1/C or 2/C Midshipman,

b. They have a prior honor offense, or

c. The BHB determined that the act was irreconcilable with respect to the ideals set forth by the Honor Concept of the Brigade of Midshipmen.

2. When international students are adjudicated by the Commandant of Midshipmen, the IPO shall provide relevant documentation and country agreements for inclusion in the case package.

3. The Commandant of Midshipmen will review the report of the case, including the transcript of the BHB. The Commandant shall take into consideration matters that potentially aggravated the egregiousness of the case as well as the midshipman's performance and aptitude records and Chain of Command recommendations

4. The guilty midshipman may present matters in extenuation and mitigation but may not present evidence on the issue of guilt or innocence.

5. Midshipmen, faculty, and staff may observe the adjudication at the Commandant's discretion. The guilty midshipman may request the Commandant exclude observers from all or part of the proceedings.

6. The Brigade Honor Advisor will be present at the Commandant's adjudication to speak on behalf of the Brigade and provide recommended sanctions, including a recommendation for retention or separation.

7. If the Commandant of Midshipmen decides to recommend the offending midshipman for separation, the case will be forwarded to the Superintendent via the Staff Judge Advocate.

0311. Superintendent Adjudication

1. The Superintendent's Staff Judge Advocate will review all cases forwarded to the Superintendent to include the report of the BHB and Commandant of Midshipman's memorandum.

2. The Superintendent shall personally meet with the midshipman, in the presence of their Chain of Command, 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.

3. Following this review, the Superintendent may perform the following.

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a. Find that an honor violation has not been committed and refer the case back to the Commandant for imposition of performance sanctions or other administrative measures as the Commandant deems appropriate.

b. Find that an honor offense was committed, but does not warrant separation. The Superintendent will refer the case back to the Commandant of Midshipmen for imposition of sanctions and other administrative measures as the Commandant deems appropriate.

c. Recommend to the Secretary of the Navy that the midshipman be discharged from the Naval Academy for unsatisfactory performance.

4. 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.

0312. Honor Sanctions

1. Following the adjudication of the honor offense, the Commandant of Midshipmen will place midshipmen found "In Violation" of the Honor Concept on Honor Probation. The Commandant may impose any number of sanctions as part of Honor Probation as an alternative to separation. Possible sanctions may include, but are not limited to, the following:

a. Assignment to the Honor Remediation program in accordance with Chapter 4.

b. Restriction, not to exceed 60 days in accordance with the restriction policy.

c. Aptitude Grade of D or F. This applies to the semester in which the honor offense was committed.

d. Delayed graduation, if the honor offense was committed by a 1/C Midshipman and the remediation period extends past the class graduation date.

e. Relief for cause from any position of authority.

f. Loss of leave.

g. Loss of class privileges.

h. Loss of overnight eligibility (loss of weekend).

i. Prohibition from representing the Naval Academy though participation in sport contests, extra-curricular activities, and performances, to include Movement Orders.

j. Assignment to a new Company within the Brigade of Midshipmen.

k. Loss of vehicle privileges.

l. Prohibition of alcohol consumption.

1. Prohibition of alcohol consumption.
2. In cases where academic grades are called into question, the ultimate decision remains with the faculty member or professor. If the midshipman feels they have been wrongfully awarded a low grade as a result of an unsubstantiated honor offense, the midshipman may appeal through the normal Academic Appeal Process.

0313. Processing Guidelines

1. Each report of an honor offense will be afforded the necessary time and attention to ensure the case is processed fairly, consistently, and without bias. While each case is unique, processing honor cases should observe the following general timeline:

Administrative Action	Elapsed Time (in days)
Accusation of honor offense reported	0
Notifications distributed, case forwarded to Brigade Honor Advisor for Investigations	1
Notification of preliminary investigation prepared, BIO assigned, and notification form signed by accused midshipman	2
Investigation complete, and formal charges drafted, presented and initialed by the accused midshipman	12
FCCB convenes (if appropriate)	14
Brigade Honor Board convened	14
Commandant / Battalion Officer adjudication	17

0314. Joint BHBs

1. Resolution by joint proceedings may occur where two or more midshipmen are alleged to have committed an honor offense arising from 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.
2. The BIO will notify the accused midshipmen 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 prior to the scheduled BHB. After consultation with the Legal Advisor, the Brigade Honor Advisor will make the final determination.
3. During joint BHBs, 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 all accused midshipmen.
4. If, during a joint BHB, the Presiding Officer believes that further proceedings should occur separately, the current board shall be adjourned. This may occur in the case of a joint BHB where the accused each have a

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5. If a group of midshipmen of different ranks are accused of committing an honor offense under the same circumstances, the composition of the BHB will be comprised of board members for the senior-most midshipman.

6. Where evidence suggests that multiple accused midshipmen conspired to either commit the underlying honor offense 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 forwarded directly to the Commandant of Midshipmen for adjudication or be heard by a BHB.

0315. Privacy of Honor Proceedings and Case Records

1. All aspects of alleged honor offenses 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 BHB.

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

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

4. If the final action of an honor investigation results in a finding of "In Violation," whether or not the midshipman is separated, the Honor Officer shall retain all records for two years after the midshipman leaves the Naval Academy.

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

6. The accusation of an honor offense 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 hearings if the accusation was unfounded or deemed not to be a violation.

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CHAPTER 4
HONOR REMEDIATION

0401. Purpose

1. Honor Remediation is a developmental program used during Honor Probation that focuses on the moral development of midshipmen who have committed an honor offense and are subsequently retained in the Brigade of Midshipmen. The Commandant of Midshipmen will assign midshipmen to Honor Remediation in accordance with Chapter 3 of this instruction. Midshipmen may volunteer for Honor Remediation on an informal basis when they believe that such remediation would have a positive impact on their development as future Naval Officers.

0402. Process

1. The Honor Remediation program provides mentorship by Senior Officer Remediators to midshipmen found "In Violation" of the Honor Concept of the Brigade of Midshipmen.

2. The length of remediation is normally set at four months.

a. Honor Remediation may be successfully completed early if the midshipman has made significant positive progress during the remediation period. If the Senior Officer Remediator has determined the midshipman has met all remediation goals and there would be no added benefit to continuing the remediation, the Senior Officer Remediator may recommend the remediation period be shortened. The Senior Officer Remediator must have the concurrence of the Director, Character Development and Training prior to submitting the midshipman's final paper to the Commandant. The justification for early completion of the program must be clearly stated in the Remediator's endorsement.

b. Honor Remediation may be terminated early if the Senior Officer Remediator determines the midshipman has failed to meet any requirement of the remediation, violated assigned sanctions, or committed further honor and/or conduct offenses during the remediation period. The Senior Officer Remediator will prepare a remediation failure report and clearly state the reason(s) for recommending termination of the program. Honor Remediation may not be terminated without conducting at least four meetings (in addition to the initial meeting). Honor Remediation will continue until a final terminated decision is made by the Commandant and/or the midshipman has been officially separated or discharged from the Naval Academy.

3. Remediation shall continue even when the Remediator and midshipman are not co-located. The remediation process shall continue during all holiday and summer breaks to the maximum extent possible. Phone, text, email, and video communications are acceptable alternatives and may be used during these periods. The midshipman may participate in summer training; however, significant events (such as extended illnesses, emergency leave periods, etc.) or inability to make satisfactory progress within the allotted remediation period may require an extension of the remediation period. Normal occurrences in the day-to-day life of midshipmen (such as movement orders, sick days, etc.) will not normally require an extension of the remediation period. The Director, Character Development and Training is the approving authority for all extensions.

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4. A midshipman may be reassigned to a different Remediator if the assigned Senior Officer Remediator determines they have a conflict of interest or for some other reason can no longer effectively mentor that midshipman. The Remediator shall submit a request to the Director, Character Development and Training as soon as possible in order to reduce any delay in the midshipman's remediation. If approved, a new Remediator will be assigned to the midshipman.

5. Honor sanctions assigned to the midshipman during adjudication may be adjusted based on a request from the Senior Officer Remediator to the Commandant of Midshipmen. These adjustments to the sanctions should be used to focus the attention of the midshipman or reward significant progress.

6. At the conclusion of the remediation period, if the Senior Officer Remediator recommends successful completion of remediation, the Commandant may approve the completion of the remediation or may convene a Remediation Review Board to determine if the midshipman has been successfully remediated. The Director, Character Development and Training will determine the members of the Remediation Review Board. If the Senior Officer Remediator recommends remediation failure, the Commandant may convene a hearing to further evaluate the midshipman. The Commandant may forward the midshipman for separation or retain the midshipman with the option of assigning a different Senior Officer Remediator.

0403. Officer Responsibilities

1. Director, Character Development and Training. The Director, Character Development and Training will administer the Honor Remediation program and assign Senior Officer Remediators. Senior Officer Remediators will be formally assigned to a midshipman in a letter explaining the duties and responsibilities of the Senior Officer Remediator.

2. Remediation Training Officer. The Remediation Training Officer shall provide training to all Senior Officer Remediators and conduct periodic Honor Remediation workshops to assist Remediators with mentoring options and share lessons learned among other Remediators.

3. Honor Education and Remediation Officer. The Honor Education and Remediation Officer will notify adjudicated midshipmen of their assigned Senior Officer Remediator and act as the initial liaison between each midshipman and their Senior Officer Remediator. The Honor Education and Remediation Officer will also liaise between the Remediator and the Director, Character Development and Training regarding remediation issues, completions, and failures.

4. Senior Officer Remediator. Senior Officer Remediators are assigned by the Director, Character Development and Training. All USNA Senior Officers in the rank of O-5 and O-6 are eligible to participate in the Honor Remediation program. Additionally, senior faculty members, retired Senior Officers, or other personnel who volunteer to participate in the program may also serve as Remediators. Senior Officer Remediators shall undergo remediation training, which is scheduled through the Honor Office. In addition, all Remediators should attend periodic remediation workshops to share insight with other Remediators that may assist in ongoing and future remediation.

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a. The Senior Officer Remediator should hold an initial meeting with the midshipman, the Company Officer, and the Company Senior Enlisted Leader. Based upon the Remediator's assessment of the situation, they will determine if it would be best to have a joint meeting or two separate meetings. Remediators will discuss attendance requirements and expectations during the initial meeting with the midshipman and their Chain-of-Command. Based upon the results of the initial meeting(s), the Remediator will determine an individual strategy for the midshipman's remediation and involve the Company Officer and/or Senior Enlisted Leader, as appropriate.

b. Remediators shall meet with their assigned midshipman at least weekly to discuss and evaluate the midshipman's progress and development as well as reviewing the midshipman's honor remediation journal.

c. The Senior Officer Remediator may impose additional tasks and training to enhance the remediation process as they see fit. Examples of additional work include: training for classmates, selected readings, and community service assignments.

d. Upon completion of Honor Remediation, the Senior Officer Remediator will forward a Honor Remediation completion report to the Commandant of Midshipmen. The Senior Officer Remediator's report should include a recommendation on the midshipman's suitability for retention or separation from the Naval Academy. This report is not required for midshipmen who have volunteered to participate in Honor Remediation.

0404. Remediated Midshipmen Responsibilities

1. At a minimum, midshipmen in the Honor Remediation program shall meet with the Honor Education and Remediation Officer at the beginning of their remediation, during the midpoint of the remediation, and near the completion of the remediation program.

2. The midshipman shall complete any specific sanctions and tasks assigned at the adjudication of the honor violation (e.g., restriction, reduction-in-rank, etc.).

3. The midshipman shall develop a Character Development Plan and obtain the approval of the Senior Officer Remediator. The Character Development Plan shall establish personal, academic, athletic, and professional goals for the period of remediation. These goals should be specific and measurable.

4. The midshipman shall maintain an honor remediation journal to record their progress. The journal shall be reviewed jointly by the Senior Officer Remediator and midshipman on a routine basis, preferably at each meeting.

5. The midshipman shall prepare a written paper summarizing their honor offense, the remediation process, and their understanding of the Honor Concept. The paper shall be 5 to 10 double-spaced, typed pages. The paper is due at the discretion of the Senior Officer Remediator, but should be requested near the end of Honor Remediation.

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