

UNITED STATES NAVAL ACADEMY BRIGADE HONOR PROGRAM





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

From: Superintendent, U.S. Naval Academy

Subj: BRIGADE HONOR PROGRAM

Ref: (a) COMDTMIDNINST 1602.1
(b) SECNAVINST 1531.4B

1. Purpose

a. To define, clarify, and update the Brigade Honor Board process and Honor Adjudication process to ensure alignment with standards set forth by the United States Naval Academy's Honor Concept.

b. This revision improves alignment with governing regulations, clarifies the rights afforded to midshipmen under this instruction, and makes other minor updates to the processing of cases under this instruction.

2. Cancellation. USNAINST 1610.3M. This instruction is a complete revision; therefore, it should be read in its entirety.

3. Scope and Applicability. This instruction applies to the entirety of the USNA.

4. Discussion. 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 promote trust and confidence within the Brigade of Midshipmen. Midshipmen are responsible for enforcing these standards. The honor procedures outline the mechanism by which the Brigade will enforce USNA's standards of honor. Although this instruction impacts all of USNA, ownership of the Honor Concept remains with the Brigade of Midshipmen.

5. Action. This instruction serves as the Brigade's mechanism for upholding its own standards. USNA faculty and staff are also responsible for supporting the moral development of midshipmen. In pursuit of this aim, all midshipmen, four year and term foreign exchange students, USNA faculty, and USNA staff should make every reasonable effort 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 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 via the Brigade Honor Congress. While this instruction applies to the entire USNA, the authority and responsibility to revise this instruction rests with the Brigade and its elected Brigade Honor Congress. Future changes will be made per section 1.4.e.

7. Records Management

a. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned per the records disposition schedules located on the DON Assistant for Administration, Directives and Records Management Division portal page at <https://portal.secnave.navy.mil/orgs/DUSNM/DONAA/DRM/Records-and-InformationManagement/Approved%20Record%20Schedules/Forms/AllItems.aspx>.

b. For questions concerning the management of records related to this instruction or the records disposition schedules, please contact your local record custodian or the USNA Records Manager.

8. Review and Effective Date. Per OPNAVINST 5215.17A, the Leadership Education and Development Division will review this instruction annually on the anniversary of its effective date to ensure applicability, currency, and consistency with Federal, DoD, SECNAV, and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction.



M. J. BORGSCHULTE

Releasability and distribution:

This instruction is cleared for public release and is available electronically only via the USNA Issuance Website, <https://www.usna.edu/AdminSupport/Inst/>

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CHAPTER 1

HONOR ORGANIZATION

1. 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.

2. General Composition. The Midshipman Honor Organization is comprised of two distinct groups: the Brigade Honor Staff and the Honor Congress. Members of 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.

3. Brigade Honor Staff. The Brigade Honor Staff will consist of midshipmen approved by the Commandant of Midshipmen (Commandant). They are responsible for maintaining and implementing the honor procedures per the Brigade's desires. The Brigade Honor Staff consists of the following positions:

a. Brigade Honor Advisor (Midshipman Commander)

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

(2) Oversees the Brigade Honor Staff.

b. Brigade Honor Advisor for Investigations (Midshipman Lieutenant Commander)

(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 (BIO).

c. Regimental Honor Advisor (Midshipman Lieutenant Commander)

(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 respective regiment.

(3) Oversees the implementation of the Honor Development Program, as defined in Chapter 2, to educate and train midshipmen within their respective regiment.

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

d. Brigade Honor Faculty and Staff Liaison (Midshipman Lieutenant). Responsible to the Brigade Honor Advisor for liaising with USNA faculty and staff regarding the Brigade Honor Program and potential violations.

e. Brigade Honor Secretary (Midshipman Lieutenant)

(1) Responsible to the Brigade Honor Advisor for Investigations to process administrative paperwork related to honor cases and schedule Brigade Honor Boards (BHB).

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

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

(4) Notifies potential BHB members and required attendees.

(5) Ensures the proper composition of BHB board members.

(6) Serves as the point of contact for those interested in observing a BHB.

f. Regimental Honor Investigations Advisor (Midshipman Lieutenant)

(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 respective regiment.

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

g. Battalion Honor Advisor (Midshipman Lieutenant)

(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 respective Battalion.

(3) Oversees the implementation of the Honor Development Program, as defined in Chapter 2, within their respective Battalion.

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

(5) May serve as a counselor to a midshipman accused of an honor violation.

h. Company Honor Advisor (Midshipman Lieutenant Junior Grade)

(1) There are 36 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 respective Company.

(3) Responsible for indoctrinating exchange students to ensure they understand the Honor Concept.

(4) Oversees the implementation of the Honor Development Program, defined in Chapter 2, within their respective Company.

(5) Tracks the progress of honor remediation and adherence to sanctions within their respective Company.

(6) Serve as a counselor to a midshipman accused of an honor violation.

i. 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 USNA and its necessity to develop 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.

j. Second Class Honor Billets. The following billets are filled by Second Class midshipmen. They serve as assistants to their respective First-Class counterparts.

(1) Brigade Honor Sergeant. Assists the Brigade Honor Advisor and oversees the creation of XYZ cases.

(2) Regimental Honor Sergeants. Assistant to their respective Regimental Honor Advisor.

(3) Honor Secretary Sergeant. Assists the Brigade Honor Secretary in administrative duties.

(4) Honor Board Coordinator Sergeant. Assists the Brigade Honor Secretary in scheduling and coordinating BHBs.

(5) Battalion Honor Sergeants. Assistant to their respective Battalion Honor Advisor.

(6) Brigade Investigating Officer (BIO)

(a) There are up to 32 BIOs, 16 in each regiment, comprised of up to four First-Class midshipmen (MIDN LTJG) and 12 Second Class midshipmen per regiment.

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

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

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

k. Selection Process

(1) Company Approval. Any midshipman desiring to serve on the Brigade Honor Staff must be approved by at least 90 percent of their respective Company. Eligible midshipmen are then interviewed by the Brigade Honor Staff. The Brigade Honor Staff will select the candidates for Brigade, Regiment, and Battalion positions which will then be approved by the Honor Officer. The Company Commander is responsible for selecting the Company Honor Advisor.

(2) Brigade Selection Board. The Brigade Selection Board will nominate midshipmen to serve as a member of the next academic year's Brigade Honor Staff. The proposed midshipmen and recommended positions will be submitted to the Commandant via the Honor Officer and Deputy Commandant, Leadership and Character Development for approval. Any midshipman not selected or approved to serve on the Brigade Honor Staff remains eligible to serve as a 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 Faculty and Staff Liaison,
- (e) Brigade Honor Secretary, and
- (f) Both Regimental Honor Investigations Advisors

(3) Plebe Summer Honor/Character Staff. Selections for the Plebe Summer Honor/Character Staff will be conducted through an interview process and recommended to the Commandant via the Deputy Commandant, Leadership and Character Development.

(4) 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 Battalion Honor Advisors, Company Honor Advisors, and the Plebe Summer Honor/Character Staff. The Battalion Honor Advisors and Company Honor Advisors serve for one semester, but may be selected for another semester. If a Battalion Honor Advisor or Company Honor Advisor is selected to serve for a second semester, they will not be required to serve in any additional billet.

(b) Impeachment. In the event that the First-Class Honor Congress members find a member of the Brigade Honor Staff unfit to carry out their assigned duty, they may, by a unanimous vote and support from over 80 percent of the entire Honor Congress, recommend to the Commandant 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. Those midshipmen currently serving on the Brigade Honor Staff or Honor Congress who are under investigation shall be suspended for the duration of the investigation. During the investigation, a substitute will serve in their stead. If found not-in-violation, these midshipmen may and are encouraged to resume service on the Brigade Honor Staff or Honor Congress.

(e) Timeline. The Brigade Honor Staff selection process will 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 per the Brigade Staff turnover plan.

4. Honor Congress. The Honor Congress is responsible for fostering an environment that emphasizes honorable living, supports the Honor Concept, and enforces its standards. The Honor Congress will meet at least twice per semester to evaluate the current status and perception of honor within the Brigade. The Deputy Commandant for Leadership and Character Development will be invited to attend at least one such meeting each semester. The Honor Congress also provides the pool of midshipmen who serve as Honor Congress Jurors (HCJ) at BHBs.

a. Honor Congress President (Midshipman Lieutenant)

(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.

(3) Elected by Honor Congress Representatives to serve as the President of the Honor Congress. A majority vote of interested candidates is required to be elected the President of the Honor Congress.

(4) Provides and leads votes on proposed changes to the Honor Instruction in cooperation with the Brigade Honor Advisor and Brigade Honor Staff as a whole.

b. Honor Congress Representatives

(1) There are 144 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 Honor Congress Jurors (HCJ) at BHBs per prescribed board composition.

(4) Each class in each company will elect an 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. This billet is year-long with no reelections per semester.

(5) Any member currently serving as a Company Honor Advisor, Battalion Honor Advisor, Brigade Investigating Officer, or serving in any capacity on the Brigade Honor Staff cannot be selected as an Honor Congress Representative nor stand as an Honor Congress Juror or member-at-large on a BHB.

(6) 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 will be overseen by the Honor Congress President from the respective Company of the relieved midshipman.

c. Honor Congress Vice President

- (1) Serves with Honor Congress in assistance with meetings, organization, and logistics.
- (2) If the Honor Congress President must be absent from a meeting, the Vice President can attend in lieu of the President.
- (3) The Honor Congress Vice President will be chosen from the Honor Congress by the Honor Congress Representatives when the President is elected.
- (4) Must be a First or Second-Class midshipman.
- (5) Eligible to be re-elected to either Vice President again or President.
- (6) If not serving as Vice President or President, this individual may serve as an Honor Congress Representative.

d. Brigade Honor Advisor Address. At the beginning of each semester, the Brigade Honor Advisor shall 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.

e. 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. As representatives of the Brigade, the Honor Congress will indicate Brigade approval by a majority vote. The Brigade Honor Staff will revise the Honor Instruction as appropriate and submit via the Honor Office and Deputy Commandant, Leadership and Character Development to the Commandant for review. The proposed revision shall be forwarded to the Superintendent for approval.

5. Officer Responsibilities

a. Deputy Commandant, Leadership and Character Development. The Deputy Commandant, Leadership and Character Development is responsible for advising the Commandant on all matters regarding the contents of this instruction and implementing associated procedures and programs at USNA. The Deputy Commandant, Leadership and Character Development will

work closely with the Commandant, Honor Officer, and the Brigade Honor Staff to discharge the following responsibilities:

(1) Ensure the Leadership Education and Development Division includes honor discussions throughout USNA (e.g., inclusion of honor education during Plebe Summer).

(2) Ensure records, survey data, and statistics associated with honor are maintained.

(3) Evaluate the results of these efforts through periodic surveys.

(4) Receive regular reports from the Honor Officer regarding disposition of cases.

(5) Oversee the Honor Remediation Program.

(6) Brief the Senior Leadership Team regarding honor within the Brigade.

b. Honor Officer. The Commandant will appoint the Honor Officer to serve as an advisor to the Deputy Commandant, Leadership and Character Development. The Honor Officer will also act as a mentor to the Brigade Honor Advisor. The Honor Officer will:

(1) Ensure each honor proceeding is in compliance with all guidelines per this instruction.

(2) Brief the Commandant and Deputy Commandant, Leadership and Character Development on Brigade Honor Staff actions, status of individual cases, and remediation concerns.

(3) Ensure Officer representation at each Brigade Honor Board.

(4) Ensure faculty and staff members are briefed on procedures prior to Brigade Honor Boards, Battalion Officer Adjudications, or Commandant Adjudications.

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

(6) Advise the Brigade Honor Staff regarding proposed changes to this instruction.

c. Honor Case Officer. The Commandant will appoint an Honor Case Officer to be the principal assistant to the Honor Officer to oversee 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 their duties.

d. Legal Advisor. The Commandant will appoint a Legal Advisor to be responsible for advising the Commandant, Honor Officer, and Brigade Honor Staff on all legal matters including, but not limited to, investigations, sufficiency of and objections to evidence, and honor proceedings. If the Legal Advisor is not in attendance at a BHB and a legal question or issue

arises, the Presiding Officer or the officer representative is encouraged to contact the Legal Advisor.

e. Team, Club, and Extracurricular Activities (ECA) Representatives. Every team, club, and ECA Officer, Enlisted, and faculty representative, in conjunction with their team captain or activity president, will ensure an atmosphere conducive to honor within their organization. They will be responsible to the Commandant for emphasizing honorable conduct and overseeing implementation of an annual Honor Spotlight discussion with their team, club, or ECA.

f. Academic Departmental Honor Liaison Representative. Each department will appoint an Honor Liaison Representative with the following responsibilities:

(1) Serve as the primary point of contact for midshipmen, faculty, and staff regarding honor within their respective department.

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

(3) Coordinate, disseminate, and thoroughly explain policies that are consistent with the Brigade Honor Program and its associated procedures regarding documentation requirements, collaboration limitations, and instructor-provided information.

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

CHAPTER 2

HONOR DEVELOPMENT PROGRAM

1. Brigade Honor Program Website. The intranet website, <http://intranet.usna.edu/Honor/>, is the primary access point for information pertaining to USNA's Brigade Honor Program.
2. XYZ Cases. A written forum in which honor case summaries are shared with the Brigade, faculty, and staff to keep them informed of honor proceedings as well as provide an opportunity to share lessons from specific cases or decisions. XYZ cases will be posted on the Brigade Honor Program website and may be distributed via email to Company Honor Advisors, staff, and faculty. Personally identifying information or specific details of a case will not be included in summaries.
3. Plebe Summer Honor Concept Education Program. During Plebe Summer, Fourth-Class 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 USNA. Overall, the focus of this training will be placed on developing a comprehensive and conceptual understanding of what honor is and its crucial role as a midshipman and future officer. The training will also include basic details of the Brigade Honor Program including the Honor Concept and Midshipman Ethos to familiarize the incoming class with the Honor System. This will provide the context behind the moral mission and serve as a positive first interaction with the Honor System to foster a culture of development. 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.

CHAPTER 3

PROCESSING ALLEGED HONOR OFFENSES

1. Responsibility Upon Learning of or Witnessing a Possible Honor Offense. Upon learning of (or witnessing) a potential 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 will take no further action beyond informal counseling for professional development purposes. If the witness believes that an honor offense may have occurred, they have two options: 1) discuss the suspected offense and counsel the midshipman, or 2) submit a formal report of a suspected honor violation to the Brigade Honor Staff.

2. Options for Addressing Honor Violations

a. Discussion and Counseling

(1) If the witness believes an honor offense occurred and the accused admits the error and accepts responsibility, the witness may counsel the midshipman, provided the act did not present any premeditation or does not reflect a deeper moral flaw within the accused. Counseling should only be used for what the accuser deems to be a "simple or negligible mistake."

(2) Counseling is merely a discussion with the accused midshipman after the witness determines the act in question does not warrant a formal investigation. Should the witness wish to document the counseling, they may do so and submit that record to the Brigade Honor Advisor directly or through the accused midshipman's Company Honor Advisor. Before a record of counseling may be submitted to the Brigade Honor Advisor, the midshipman who committed the act in question must sign the counseling record. If the accused midshipman refuses to sign the counseling record, the witness should submit a formal report of the suspected honor violation to the Brigade Honor Staff.

(3) Should a witness of a potential honor offense have difficulty determining whether the act did not present any premeditation or does not reflect a deeper moral flaw within the accused, they may consult the Brigade Honor Advisor. The Brigade Honor Advisor will review records of counseling and inform the witness whether the accused midshipman has received documented counseling for similar acts in the past.

(4) Only the Brigade Honor Advisor and the Officers assigned to the Brigade Honor Program will be designated to conduct reviews of counseling records. The purpose of recorded counseling is to help a witness of a potential honor case determine whether the act represents a pattern, and therefore a potentially deeper moral flaw within the accused, warranting a formal investigation.

(5) Counseling, whether recorded or not, will not be considered a prior honor offense nor will records of counseling be used as evidence, including in aggravation, at a Brigade Honor Board. Relevant counseling records may be considered by the adjudicating authority to assess

the midshipman's understanding of the Brigade Honor Concept per Chapter 3, sections 10-12, but they may not be used as evidence of prior offenses or misconduct. Counseling records maintained by the Honor Staff shall not be made available for consideration for Midshipmen Development Reports.

b. Formal Reporting of a Possible Honor Violation

(1) Prior to reporting a potential honor offense, the accuser should first address the matter with the suspected midshipman to identify any misunderstanding or ambiguity. However, this is not a requirement. The accuser will be defined as any individual who becomes aware of a potential violation of the Honor Concept. The purpose of this initial meeting is not meant to be adversarial; rather the meeting is meant to provide awareness to the suspected midshipman and provide him or her an opportunity to clear up any misunderstandings. However, if the accuser reasonably thinks an honor violation occurred, then the accuser may bypass this step.

(2) In the event the individual is suspected of the honor offense, that individual may be confronted by the accuser through the Company Honor Advisor if the accuser does not feel comfortable with the situation (e.g., a junior midshipman reporting on a senior midshipman). Once the accuser has taken appropriate steps to ensure the situation is not the result of a simple misunderstanding, a formal report for investigation of the suspected offense may 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>).

(3) Accusations should be reported as soon as possible. Optimally, an investigation of a potential honor offense will not be convened beyond 60 days after the incident is discovered by the reporter. Specific circumstances can override this time limit if the Brigade Honor Advisor or Honor Officer determines that an exception is warranted. These circumstances should relate to the egregiousness of the potential offense.

(4) All aspects of processing an alleged honor offense will be handled with respect for all parties involved and the privacy rights of the accused will be strictly observed in accordance with applicable laws and regulations.

c. Honor and Conduct Charges. A midshipman shall not be adjudicated under both the Honor and Conduct Systems for the same offense (e.g., Tap and Go, theft). All charges stemming from a single course of conduct, without an intervening event, will normally be adjudicated through only one of the systems. While a reporter may choose to report a case through any appropriate system, the Conduct Officer and Honor Officer should coordinate, in consultation with the Commandant's Legal Advisors, to determine the most appropriate system for disposing of any case which was or could have been referred into both systems. However, the Commandant has final authority as to which system will be used in any particular case. This does not preclude the possibility that a midshipman will be charged in both systems for a particular case based on subsequent acts (e.g., lying at any time to cover up prior or ongoing misconduct). The Commandant invariably reserves the authority to assign Honor Remediation for a conduct offense that contains an honor element (e.g., theft or using/possessing a false ID).

3. Initial Processing

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

b. Once the accused midshipman is notified, he or she will select a Midshipman Honor Advisor from the midshipmen serving as Company or Battalion Honor Advisors. If the accused does not select a Midshipman Honor Advisor within two working days, the Brigade Honor Advisor will appoint an advisor for the accused.

4. Notification of the Accused. 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 Chapter 3, section 5.

5. Rights of the Accused

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

(1) To be treated with fairness, dignity, and respect at all times, including strict observance of privacy rights in accordance with applicable laws and regulations.

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

(3) To seek consultation. This includes a midshipman Honor Advisor, see Chapter 3, section 3(b), to assist with the procedural aspects of the honor investigations process and any resulting Brigade Honor Board. The accused may also consult with a lawyer (military, civilian, and/or both), to prepare their defense. This lawyer may be a personal representation military lawyer (PERSREP) at no cost to the accused, or a civilian lawyer retained by the accused at no cost to the United States, or both. While an accused midshipman may use any source to prepare for a BHB, that midshipman, assisted by the Midshipman Advisor, must present their own case before the BHB. 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

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and duration, to consult with such advisors during the BHB. Outside advisors, including legal counsel, other than the Midshipman Advisor, are not permitted inside the BHB, but may remain in the vicinity of the courtroom. If the accused is found in violation by the BHB and forwarded to either the Battalion Officer or the Commandant for adjudication, the midshipman does not have the right to have any advisor present in the adjudication.

(4) To choose their Midshipman Advisor from among Company or Battalion Honor Advisors.

(5) To examine and to review a copy of all evidence that may be presented to the Brigade Honor Board. This shall occur at least 48 hours prior to the BHB in order to allow an accused to prepare their defense after being served with the formal charges. The day of service 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.

(6) To object to evidence prior to a BHB, per Chapter 3, section 9(f).

(7) To be present at the board of their case.

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

(9) 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. Although an in-person appearance is preferred, such appearance may be telephonic.

(10) To present any relevant physical, documentary, or testimonial evidence at the BHB. The accused may call witnesses, provided they are reasonably available.

b. Waiver of Rights

(1) A midshipman may voluntarily waive any right.

(2) Once a midshipman is suspected of an honor violation, they should be informed of such prior to any questioning, including by the accuser, and they should be informed of their right to remain silent. The right to remain silent applies throughout the investigative and adjudicative processes without any adverse inference drawn from their silence. Should an accused waive his or her right to remain silent, the accused cannot pick and choose when to remain silent. Once an accused invokes his or her right to remain silent, no further questions will be asked of the accused, nor may the accused personally present further evidence. If the accused provides a written statement to the BIO, this is not considered a waiver of the right to remain silent; however, the Board members can consider the nature of the statement in determining its due weight.

(3) Failure to object to any evidence prior to, or during the convening of the BHB, per section 3.9.f, waives the right to object to the inclusion of that evidence subsequently and shall not be considered as a basis for reconsideration.

(4) Failure to produce evidence that is, or could be, reasonably available up until the BHB issues its findings, constitutes waiver of the right to produce that evidence and shall not be submitted or considered as a basis of reconsideration.

(5) If the accused is voluntarily absent from a BHB, having been given advance written notice of the time and location of the BHB, the accused is deemed to have waived the right to be present in addition to all other relevant 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 properly notified and was voluntarily absent as part of the official record during the board.

c. Responsibility for Safeguarding Rights. The BIO, Midshipman Advisor, and the Presiding Officer will ensure that the accused has been fully apprised of their rights and that the accused's rights are observed and fully protected.

d. Acceptance or Denial of Charge(s). If the accused accepts the charge(s) for which they have been brought before the BHB, they must do so knowingly, intelligently, and voluntarily. The BHB will affirm this through a providence inquiry. If the accused denies the charge(s) for which they have been brought before the BHB, the BHB will hear the case and determine whether a violation of the Honor Concept occurred.

6. Rights of the Accuser and Witnesses

a. In accordance with supporting a thorough investigation, all persons that are potential witnesses shall comply with investigations, including civilian and active-duty staff members. Witnesses may refuse to make a statement or provide evidence that violates any right protected under the Fifth Amendment to the Constitution of the United States. Persons involved in the investigation are not anonymous in the report and will be named in the final memorandum.

(1) Witnesses and the accuser will not be retaliated against for fulfilling their roles during the investigation. Should an incident of retaliation occur, it will be investigated under COMDTMIDNINST 1610.2 (series).

7. Investigating and Drafting Charges

a. 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 will ensure the accused midshipman is aware of their rights per Chapter 3, section 5. The BIO should not deliberately build a case against the accused; instead, the BIO will gather all pertinent evidence to present an impartial case.

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b. Upon completing the investigation, the BIO will submit a written report of the investigation to the respective Regimental Honor Investigations Advisor. The Brigade Honor Advisor will review the report and, in consultation with the Honor Office, determine whether the case requires further processing or warrants dismissal.

c. 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. The Brigade Honor Advisor for Investigations and Brigade Honor Advisor, with final approval from the Honor Officer, will determine whether the charges within the formal statement of charges are relevant to each other. If the charges are not relevant to each other, then it must be determined whether between the occurrence of the charges, the accused had the opportunity to develop a greater understanding of honor and moral integrity. If the accused did not have the opportunity to improve their moral character, then there should be one board. In all other instances there should be multiple boards for each applicable charge.

d. At least 48 hours 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.

8. Formal Company Honor Board

a. Upon completing the investigation, the Brigade Honor Advisor will review the case and may refer it to a Formal Company Honor Board (FCHB), if appropriate. To be eligible for a FCHB, the accused must be a Third or Fourth-Class midshipman, accept the accusation of violating the Honor Concept, and show remorse for committing the violation.

b. The FCHB is comprised of the Company Commander, Company Honor Advisor, and Battalion Honor Advisor. Though not voting members, the Company Officer, Senior Enlisted Leader, Platoon Commander, and Squad Leader must also be present.

c. The Company Commander, Company Honor Advisor, and Battalion Honor Advisor are responsible for determining whether the honor offense will be resolved through a FCHB.

(1) A vote of at least two out of the three members is required to approve the FCHB.

(2) If the FCHB is not approved and the honor offense was referred to a FCHB by the Brigade Honor Advisor, the case will be forwarded to a BHB.

d. A midshipman cannot undergo an approved FCHB and be forwarded to a BHB for the same offense.

e. The goal of the FCHB is to review the honor offense, ensure the midshipman in violation of the Honor Concept 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. The FCHB may recommend sanctions to the Company Officer not to exceed the maximum limits of a minor conduct offense. The Company Officer may award sanctions up to

the maximum limits of a minor conduct offense. The Company Officer may delegate the authority to award sanctions to the Company Commander for training purposes.

f. Upon completing the FCHB, the Battalion Honor Advisor will submit a report to the Brigade Honor Advisor summarizing the case and provide details of counseling and remediation actions. Remediation actions will include, at a minimum, weekly meetings with an Officer with the paygrade of O-5 or senior for a period of 4 to 6 months.

9. Brigade Honor Board

a. General. For all cases not dismissed or resolved through the FCHB process, a Brigade Honor Board (BHB) will be convened to determine whether a midshipman has violated the Honor Concept. If found "In Violation," the midshipman will be forwarded to their respective Battalion Officer or the Commandant for adjudication.

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

(1) Presiding Officer. The Presiding Officer is a non-voting member of the BHB and is responsible for the administrative aspects of the board. They will ensure a professional atmosphere is maintained and all personnel are treated respectfully. At the conclusion of the BHB, the Presiding Officer will prepare a report 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, both Regimental Honor Investigation Advisors, Brigade Honor Faculty and Staff Liaison, and Brigade Honor Secretary.

(2) Honor Congress Jurors (five total)

(a) If the accused is a First-Class Midshipman, all Honor Congress Jurors shall be First-Class midshipmen.

(b) If the accused is a Second, Third, or Fourth-Class Midshipman, the following requirements apply:

1. One First-Class Honor Congress Juror.
2. Two Second-Class Honor Congress Jurors.

3. Two Honor Congress Jurors from the same class as the accused.

(3) Members at Large (four total)

1. If the accused is a First-Class midshipman, all members at large shall be First-Class midshipmen.

2. If the accused is a Second, Third, or Fourth-Class midshipman, the following requirements apply:

- a. Two First-Class midshipmen.
- b. One Second-Class midshipman.
- c. One midshipman from the same class as the accused.

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

4. A midshipman under investigation or pending adjudication for an honor or major conduct offense is ineligible to serve on a BHB until the case has been dismissed or adjudicated. A midshipman undergoing honor, conduct, or dignity and respect remediation is ineligible to serve on a BHB until the semester following their successful completion of remediation.

(4) The Honor Officer will ensure Officer representation at each BHB. If the Legal Advisor is not in attendance at a BHB and a legal question or issue arises, the Presiding Officer or the Officer representative will contact the Legal Advisor or the standby Judge Advocate designated by the Legal Advisor.

(5) 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.

c. 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. The Presiding Officer will brief the observers before the start and after the completion of the board concerning the private nature of the proceedings.

d. Admissibility of Evidence

(1) Limitations. BHBs should uncover facts relevant to the potential violation of the Honor Concept. The military rules of evidence do not apply and all relevant evidence is presumed to be admissible, including hearsay. "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. Relevant evidence includes that which may show witness or Accuser bias but should not discredit the other party. 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 Presiding Officer will note the inclusion of all evidence for the record. Consultation with the Legal Advisor is strongly encouraged prior to making any such ruling, but is not required.

(2) Self-Incrimination

(a) Per subparagraph 5(a)(2) of this chapter, the accused midshipman has the right to remain silent. The BHB will not consider a confession or admission obtained by coercion or inducement such that it is considered to have been made involuntarily. However, the fact that an accused midshipman was not advised of their right to remain silent does not automatically exclude the confession or admission as evidence. The accused must object to consideration of any such evidence prior to commencement of the BHB. Failure to object to consideration of that evidence waives any error, and cannot be challenged upon reconsideration. Upon receipt of a timely objection, the Presiding Officer should consult with the Legal Advisor. The Presiding Officer will decide whether the statement is admissible. The Presiding Officer will note for the record the consideration of the evidence.

(b) 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.

(3) A BHB will not admit or consider previous honor violations to determine whether the accused violated the Honor Concept except in rebuttal to evidence presented by the accused, and in that situation only after consultation with the Legal Advisor. The Superintendent, Commandant, and Battalion Officer shall consider evidence of past honor offenses and prior performance when adjudicating an honor violation.

e. Convening the Board

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

(2) 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 USNA and individual experiences to evaluate the case. They cannot, however, rely on any knowledge of the case outside of what is presented during the 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.

(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 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 per 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 will 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 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.

g. Acceptance of Charge(s)

(1) For cases in which the accused midshipman "accepts the charge(s)" they have been brought before the BHB for, 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 accepting the charge(s) in question, they will accept the accused's plea, allow the BIO to add any pertinent facts, and close the proceedings for final deliberations. Any voting member may challenge the accused's acceptance of the charge(s) if they feel the pre conditions are not met.

(2) If the accused midshipman withdraws their acceptance of the charge(s), the Presiding Officer will instruct the board members that a "denial" plea has been entered by the accused, and they must not consider any previous discussion of the "acceptance" plea. The board will proceed to present evidence by the BIO as if a "denial" plea had originally been entered.

(3) If a midshipman "accepts" the charges of an honor offense and the board accepts the plea, the board will only vote on whether the case warrants a recommendation of retention or separation.

h. Presenting the Case on the Issue of Acceptance or Denial of the Charge(s)

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

(2) The BIO will present the findings of the investigation to the board and will call witnesses and present other relevant matters. 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, before calling the next witness. At the conclusion of the BIO's presentation, the accused may make a statement, call witnesses, and present other pertinent evidence. The board members may call additional witnesses to gain pertinent information if those witnesses are reasonably available.

(3) All witnesses are assumed to be honorable. 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.

(4) During witness testimony, the Presiding Officer may inquire into the purpose of a line of questioning and will ensure questions are relevant to the case at hand. The Presiding Officer must not curtail inquiry into issues relevant to the acceptance or denial of charge(s).

i. Voting on the Issue of Violating the Honor Concept

(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 that the accused violated the Honor Concept, 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.

(2) After presenting 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 "in violation" of the Honor Concept, six of nine board members must vote that the accused midshipman violated the Honor Concept.

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

(4) If the Commandant feels the BHB has made an egregious error in their finding of an Honor violation, the Commandant may convene a hearing to determine whether an Honor violation occurred, and to potentially award sanctions, to include recommending separation to the Superintendent, for the honor offense. The nature of the error, however, will first be reviewed by the Brigade Honor Advisor, Honor Officer, and Legal Advisor, prior to submitting to the Commandant for consideration, in evaluating its egregiousness. The Brigade Honor Advisor will be responsible for submitting their evaluation to the Commandant, if they believe an egregious error has occurred.

(5) An egregious error is defined as an error that is extremely or remarkably bad and/or flagrant.

(6) As a result of the evidence presented, the board may find the accused violated the Honor Concept in a manner which is different from the original charge. In this situation, the board, with the assistance and concurrence of the Presiding Officer, will 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 should consult with the Legal Advisor and/or Honor Faculty and will either:

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

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

(c) 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 this situation, the board shall reconvene using the same members as when it recessed. As a general rule, the board should be reconvened within 5 business days, unless the Honor Officer deems it appropriate for a longer delay.

j. Voting on a Recommendation for Separation or Retention

(1) If the accused midshipman has been found "In Violation" of committing an honor offense, the board members will conduct a separate vote, recommending separation or retention. This vote will take into account the rank of the midshipman, any prior honor offenses committed by the midshipman, and the egregiousness of the offense, but no other aspects of the midshipman's performance.

(2) All First and Second-Class midshipmen and all repeat honor offenders will automatically be forwarded to the Commandant for adjudication, regardless of the board's vote. The board members will still individually vote in favor of retention or separation, and the results of the vote will be included in the Presiding Officer's report of the BHB to the Commandant.

(3) For Third and Fourth-Class midshipmen who have not previously been found in violation of an honor offense, the Brigade Honor Board will vote on a recommendation for separation or retention, based solely on whether the act committed is irreconcilable with respect

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to the ideals set forth by the Honor Concept of the Brigade of Midshipmen. A vote of at least five of nine board members for separation is required to forward the midshipman to the Commandant for adjudication. All other cases will be forwarded to the Battalion Officer for adjudication, with a recommendation of retention.

(4) The board members may consider any prior honor offenses as evidence in aggravation, mitigation, or extenuation. The midshipman in violation of the Honor Concept will be present when the Presiding Officer briefs any previous offense(s) to the board members. The midshipman in violation of the Honor Concept will be afforded an opportunity to address the Presiding Officer's summary of the previous honor offense(s) and present mitigating circumstances on their behalf. Additionally, the BIO may present relevant evidence pertaining to matters of mitigation, aggravation, or extenuation.

(5) This vote will be forwarded to the Brigade Honor Advisor, who will take this into account when providing a recommendation to the Commandant.

k. Appealing the Findings of a BHB

(1) Any midshipman found in violation of the Honor Concept by the BHB may appeal the board's ruling. This appeal will be in writing and forwarded to the Commandant via the Legal Advisor within five working days of the board's decision (excluding weekends and holidays). Extensions may be granted, if good cause is demonstrated, by the Honor Officer. A midshipman may also supplement their appeal, prior to its adjudication, with the approval of the Honor Officer, if good cause is demonstrated. The reasons for submitting an appeal are strictly limited to:

(a) 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 and/or could not have been reasonably presented to the BHB at the time the BHB was convened. Of note, a midshipman may not present evidence upon appeal that could have been sought and/or presented at the BHB, but was not due to the failure of the midshipman to do so.

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

(2) The Commandant 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. The Brigade Honor Advisor shall ensure the accused is notified with the results of their appeal.

(3) If, however, a valid basis of appeal is not stated by a midshipman, the Commandant may summarily deny the appeal on those grounds alone.

(4) The Commandant also has the authority to amend a charge, if the situation warrants.

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

m. Record. The Presiding Officer will ensure BHB proceedings are documented in summary format via the Presiding Officer memorandum.

10. Battalion Officer Adjudication

a. If a BHB finds that the accused midshipman violated the Honor Concept, then the midshipman will be adjudicated by their Battalion Officer if:

(1) It is the midshipman's first offense; and

(2) They are a Third or Fourth-Class midshipman.

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

c. The Battalion Officer of the midshipman in violation of the Honor Concept will review the report of the case, including the summarized transcript of the BHB. The Battalion Officer will 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.

d. The midshipman in violation of the Honor Concept may present matters in extenuation and mitigation only. They may not present evidence on the issue of whether or not the violation occurred.

e. Midshipmen, faculty, and staff may observe the adjudication at the Battalion Officer's discretion. The midshipman in violation of the Honor Concept may request the Battalion Officer exclude observers from all or part of the proceedings.

f. The Battalion Honor Advisor will be present at the Battalion Officer's adjudication to provide recommended sanctions. The Regimental Honor Advisor may also be present depending on the case.

g. Following the adjudication, the Battalion Officer will either:

(1) Recommend retaining the midshipman and sanctions per Chapter 3, section 13, to the Commandant for approval, or

(2) Forward the case to the Commandant with a recommendation for separation from USNA.

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

11. Commandant of Midshipmen Adjudication

a. If a BHB finds an accused midshipman in violation of the Honor Concept, then the midshipman will be adjudicated by the Commandant if:

(1) They are a First or Second-Class midshipman,

(2) They have a prior honor offense,

(3) The BHB determined that the act was irreconcilable with respect to the ideals set forth by the Honor Concept of the Brigade of Midshipmen and forwarded them to the Commandant with a recommendation for separation, or

(4) The Battalion Officer forwards the midshipman with a recommendation for separation per section 10(g)(2) of this chapter.

b. When international students are adjudicated by the Commandant, the International Programs Office (IPO) will provide relevant documentation and country agreements for inclusion in the case package.

c. The Commandant will review the report of the case, including the transcript of the BHB. The Commandant will 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.

d. The midshipman in violation of the Honor Concept may present matters in extenuation and mitigation, but may not present evidence on the issue of whether the violation occurred. This includes a maximum of three-character witnesses. Character witnesses will provide only character evidence on behalf of a midshipman, and not opine as to whether the midshipman should have been found in violation by the BHB. Parents, family members, and/or legal guardians are not permitted to be character witnesses.

e. Midshipmen, faculty, and staff may observe the adjudication at the Commandant's discretion. The midshipman in violation of the Honor Concept may request the Commandant exclude observers from all or part of the proceedings.

f. The Honor Officer and 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.

g. If the Commandant decides to recommend the offending midshipman for separation, the case will be forwarded to the Superintendent via the Staff Judge Advocate (SJA).

h. The Commandant may award sanctions in accordance with Chapter 3, section 13, to midshipmen forwarded to the Superintendent with a recommendation for separation. Such sanctions will be effective immediately and time served will count against subsequent sanctions awarded by the Superintendent for the same offense.

12. Superintendent Interview

a. The Superintendent will review all cases forwarded to the Superintendent to include the report of the BHB and Commandant of Midshipmen's memorandum.

(1) If the Superintendent, for any reason, is unable to interview a midshipman, the Chief of Staff (COS) shall act in his or her stead. The COS will follow the same procedures as provided in this section.

b. The Superintendent will meet with the midshipman. A key element of the meeting is to provide an opportunity for the midshipman to be heard and present information in mitigation and extenuation, not to relitigate the case or otherwise dispute the findings of the BHB. No live witnesses will be allowed at a Superintendent interview.

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

(1) In accordance with reference (b), for midshipmen who have incurred a service obligation, recommend to the Assistant Secretary of the Navy for Manpower and Reserve Affairs (ASN (M&RA)) that the midshipman be disenrolled from USNA for unsatisfactory conduct.

(2) In accordance with reference (b), for midshipmen who have not incurred a service obligation, disenroll the midshipman from USNA and discharge them from the Naval service.

(3) Retain the midshipman in the Brigade of Midshipmen. If retained, the Superintendent will refer the case back to the Commandant. The Commandant may subsequently take the following actions:

(a) No further action.

(b) Placement of midshipman on honor probation and/or remediation.

(c) Award sanctions.

13. Honor Sanctions

a. Following the adjudication of the honor offense, the Commandant shall place the midshipman found "In Violation" of the Honor Concept on Honor Probation.

(1) Honor probation is a sanction imposed by the Commandant, subject to a specific time period where the midshipman will be on a heightened period of evaluation. A midshipman will

be notified in writing, via the Honor sanctions sheet, that they have been placed on probation and the length of the probationary period.

(2) In the event that a midshipman is found in violation of a subsequent honor offense/s during the probationary period, the Commandant, at his or her discretion, may automatically forward the midshipman to the Superintendent with a recommendation to separate for the totality of the misconduct, including any previous case which may have resulted in retention.

b. Assignment to the Honor Remediation program per reference (b). While Honor Remediation is not a sanction, assignment to the Honor Remediation program pursuant to reference (b) may be applied at the discretion of the Commandant.

(1) In the event a Battalion Officer is an adjudication authority for an honor offense, and assesses Honor Remediation is appropriate, the Battalion Officer will make a recommendation to the Commandant. The Commandant, COS, and/or the Superintendent may either concur with a recommendation for remediation, or assign it if they are the adjudicating authority.

c. The Commandant may impose any number of sanctions as part of Honor Probation as an alternative to separation. Sanctions under the Honor System will not typically be imposed for offenses which were committed more than 2 years before the date of imposition. Possible sanctions may include, but are not limited to, the following:

(1) Restriction, not to exceed 60 days per the restriction policy.

(2) Aptitude Grade not greater than a D. This applies to the semester in which the honor offense was committed.

(3) Recommend delayed graduation to the Superintendent, if the honor offense was committed by a First-Class midshipman and the remediation and/or probation period extends past the class graduation date. The Superintendent must approve all delayed graduations.

(4) Relief for cause from any position of authority.

(5) Loss of leave.

(6) Loss of class privileges.

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

(8) Assignment to a new company within the Brigade of Midshipmen.

(9) Loss of vehicle privileges.

(10) Non-Representation. The Commandant may place a midshipman in a “non-representation” status, meaning the midshipman is prohibited from traveling with a team or activity and from representing the USNA as part of that team or activity for the time period set

forth by the Commandant; however, the midshipman may still attend practices and meetings during that time.

(11) Removal. The Commandant may remove members and managers from Varsity teams, club teams, or other extracurricular activities for misconduct.

(12) Suspension. The Commandant may suspend midshipmen from any or all team or group activities including meetings, practices, training, competition, social functions, or any other involvement.

(13) Removal from Leadership Position. The Commandant may remove a midshipman from a leadership position within the Brigade.

d. 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.

e. Regardless of plea, any midshipman who considers the awarded sanctions disproportionate to the offense(s), may request reconsideration of the award itself. The only basis for reconsideration is that the sanctions awarded were disproportionate to the offense. Such an appeal should address whether the level of the original punishment awarded was an abuse of discretion under the circumstances of a given case. An assigned punishment should not be changed simply because the Reviewing Authority would have awarded a different punishment.

(1) Requests for reconsideration must be submitted within five (5) working days of the hearing at which sanctions were awarded. Failure to submit a request for reconsideration within the prescribed time limit will result in denial of the appeal. Requests must be submitted to the Reviewing Authority via the Legal Advisor.

(2) Midshipmen must serve awarded sanctions while making a request for reconsideration, in cases where the midshipman is challenging the sanctions on the basis of disproportionality.

(3) Requests for reconsideration must be in writing and must include the appellant's reasons for regarding the punishment disproportionate.

(4) If the request for reconsideration is not acted upon within five working days of receipt by the Reviewing Authority, the midshipman may request, in writing, that any unserved sanctions that have been designated for review be temporarily suspended until the request is acted upon. The request may be included within the reconsideration letter or made by special request chit.

(5) The Reviewing Authority for sanctions awarded by the Battalion Officer is the Commandant, and the Reviewing Authority for sanctions awarded by the Commandant is the Superintendent or their designee (i.e., the COS).

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14. Processing Guidelines. 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. Where each case is unique, processing honor cases should strive to observe the following general timeline:

Administrative Action (in working days)	Elapsed Time
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
FCHB convenes (if appropriate)	14
Brigade Honor Board convenes	14
Commandant or Battalion Officer adjudication	21

15. Joint BHBs

a. Resolution by joint proceedings may occur where two or more midshipmen are accepting the charge(s) of 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.

b. 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 negatively affect their case. This objection must be raised by 1200 on the day prior to the scheduled BHB. After consulting with the Legal Advisor, the Brigade Honor Advisor will make the final determination.

c. 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.

d. If, during a joint BHB, the Presiding Officer believes that further proceedings should occur separately, the current board will be adjourned. If separate boards are required, new BHBs will be convened to hear the cases individually.

e. If a group of midshipmen of different ranks are accused of committing an honor offense under the same circumstances, the BHB will be composed of board members for the senior midshipman.

f. 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 will consult with the Legal Advisor to determine whether the case should be forwarded directly to the Commandant for adjudication or be heard by a BHB.

16. Privacy of Honor Proceedings and Case Records

a. All records of alleged honor offenses will be treated as Privacy Act protected information. Disclosing 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 will caution everyone present of the private and official nature of the BHB.

b. 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.

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

d. 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 will retain all records for two years after the midshipman leaves USNA. Midshipmen may request a copy of records generated during the Honor Case by submitting a Privacy Act request to the USNA Privacy Act office. Midshipmen may also request to review audio recordings that exist in their record in the Honor Office spaces.

e. After destroying records, the Brigade Honor Staff will retain a general case summary of the cases for administration and analysis purposes in MIDS or follow on midshipmen database/s.

f. The accusation of an honor offense will remain on the record of the accused, but will 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.

g. When a potential honor offense involves extraordinary circumstances where exceptional concerns are warranted to protect the accused, the Commandant may appoint an investigating authority and adjudicate the offense without a BHB. Before proceeding, the accused midshipman shall give written consent that their potential offense be investigated and adjudicated in this manner. This provision is intended to address cases where the circumstances are such that it is either blatantly inappropriate or directly contrary to law or regulation that a midshipman investigator be appointed and a BHB be conducted.