



**DEPARTMENT OF THE NAVY**  
OFFICE OF THE COMMANDANT OF MIDSHIPMEN  
UNITED STATES NAVAL ACADEMY  
101 BUCHANAN ROAD  
ANNAPOLIS MARYLAND 21402-5100

COMDTMIDNINST 1610.2H CH-1  
CONDUCT  
12 Feb 19

COMMANDANT OF MIDSHIPMEN INSTRUCTION 1610.2H CHANGE TRANSMITTAL 1

From: Commandant of Midshipmen, U.S. Naval Academy

Subj: ADMINISTRATIVE PERFORMANCE AND CONDUCT SYSTEM

Encl: (1) Revised page 2-7

1. Purpose. To publish change 1 to the basic instruction.

2. Action

a. Remove page 2-7 of the basic instruction and replace with enclosure (1).

b. Enclosure (1) has been incorporated into the basic instruction and posted to the website.

A handwritten signature in black ink, appearing to read "R. B. Chadwick", written in a cursive style.

R. B. CHADWICK

Distribution:  
Non-Mids (Electronically)  
Brigade (Electronically)

(3) Trafficking- making alcohol available in any way to someone under the legal drinking age.

(4) Narcotics and other controlled substances- amphetamines, cocaine, heroin, lysergic acid diethylamide, marijuana, methamphetamine, opium, phencyclidine, and barbituric acid, including phenobarbital and secobarbital. "Controlled substance" also applies to any substance included in Schedules I through V established by the Controlled Substances Act of 1970.

b. Prohibited anabolic steroids include all compounds banned by current Department of the Navy regulations which have not been prescribed by authorized medical personnel.

<u>Offense Code</u>	<u>Delinquency</u>	<u>Level</u>
05.01	Irresponsible drinking.	Major
<b>NOTE:</b> Evidence of Irresponsible Drinking includes, but is not limited to, use of excessive profanity, aggressive and/or disrespectful behavior, excessive stumbling or falling down, vomiting.		
05.02	Cancelled.	
05.03	Cancelled.	
05.04	Aiding/abetting an alcohol offense or failure to prevent or act upon an alcohol offense.	Major
05.05	Consumption, possession, or introduction of alcohol within/into Bancroft Hall or aboard ship.	6K
05.06	Providing alcohol to underage persons.	6K
05.07	Being under the influence of alcohol in a nature that brings discredit upon the Naval service, outrages public decency, or results in a breach of the peace.	6K
05.08	Consuming alcohol or being under the influence of alcohol while on duty.	6K
05.09	Cancelled.	
05.10	Consumption or possession of alcohol in violation of applicable federal, state, or local law (this includes underage drinking).	6K
05.11	Consumption or possession of alcohol in circumstances prohibited by COMDTMIDNINST 4653.1 or MIDREGS, other than in Bancroft Hall or aboard ship (e.g., drinking as	Major



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COMDTMIDNINST 1610.2H  
CONDUCT  
MAR 20 2017

COMMANDANT OF MIDSHIPMEN INSTRUCTION 1610.2H

From: Commandant of Midshipmen, U.S. Naval Academy

Subj: ADMINISTRATIVE PERFORMANCE AND CONDUCT SYSTEM

Encl: (1) Administrative Performance and Conduct System Manual

1. Purpose. To update and clarify Administrative Performance and Conduct System requirements and procedures.
2. Cancellation. COMDTMIDNINST 1610.2G
3. Information. Enclosure (1) is published for the information and compliance of members of the Brigade of Midshipmen and all personnel subordinate to the Commandant of Midshipmen.

A handwritten signature in black ink, appearing to read "R. A. Rivera", is positioned above the typed name.

R. A. RIVERA  
By direction

Distribution:  
Non-Mids (Electronically)  
Brigade (Electronically)

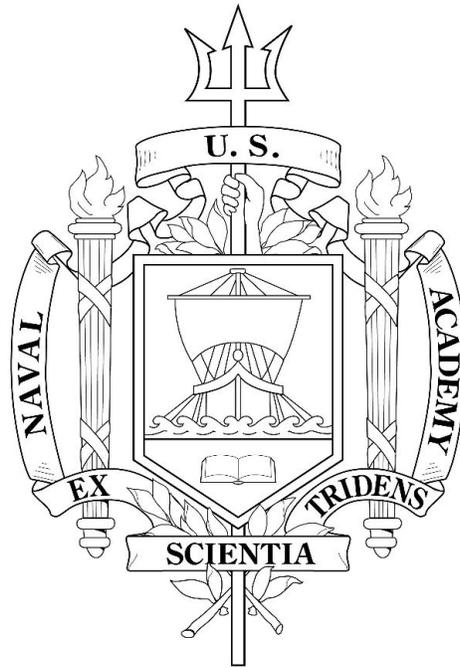
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COMDTMIDNINST 1610.2H  
20 Mar 17

**ADMINISTRATIVE**

**PERFORMANCE AND CONDUCT**

**SYSTEM MANUAL**



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## CHAPTER 1

### INTRODUCTION TO THE ADMINISTRATIVE PERFORMANCE AND CONDUCT SYSTEM

#### 1.1 General

a. Authority. Part V, MCM, 2009, Manual of the Judge Advocate General, Change 13, RCM 306, Title 10, U.S.C. section 6961, Title 10 U.S.C. section 6962(a)(1), Article 2, Article 3, and Article 15, UCMJ.

b. Terminology. For the purpose of brevity within this manual, the Administrative Performance and Conduct System will hereafter be referred to as the Conduct System.

c. Purpose

(1) This manual is intended to provide midshipmen the opportunity to use counseling, remediation and, ultimately, discipline as tools of effective leadership. The Conduct System is not designed to be a substitute for leadership. It is intended to be a leadership resource which should supplement a midshipman's ability to exercise professional leadership, accountability, authority and responsibility. Midshipmen take ownership of the Conduct System through their involvement in investigations, performance of counseling, attendance at hearings, assessment of guilt under limited circumstances, and assignment of discipline with delegated authority. The Conduct System also provides a means of preparing midshipmen for the Fleet by educating them on the investigative process, legal considerations and the importance of appropriate corrective measures. The Conduct System should serve to hold midshipmen accountable to the standards set forth in the Uniform Code of Military Justice (UCMJ), COMDTMIDNINST 5400.6P, other USNA instructions and regulations, U.S. Navy instructions and regulations, and federal, state, and local laws during their time at the Naval Academy. Conduct, both positive and negative, is heavily weighted along with other criteria in evaluating a midshipman's advancement to the next class.

(2) The Conduct System is intended to be remedial and educational rather than legalistic and punitive. The system is designed to be deliberate and to promote positive behavioral changes through discipline that permits midshipmen to show a renewed willingness to adhere to the rules and regulations of the Naval Academy and accept personal responsibility for their actions.

(3) The Conduct System serves as a foundational and practical guide for expected midshipman behavior. The Conduct System should be a source of pride for each and every midshipman at the Naval Academy. While there is not an official merit system structured to specifically reward good conduct, each midshipman must have a strong moral conviction to uphold the highest standards in order to guard the reputation of the Naval Academy and live up to the examples of those who have gone before.

d. Nature. The Conduct System provides disciplinary measures more serious than non-punitive measures such as EMI, counseling, reprimands, or administrative withholding of privileges, but less serious than trial by court-martial. The system provides counseling, reprimand, and award of demerits, restriction, disciplinary tours, conduct probation/remediation programs, and other appropriate sanctions specifically described herein. It is purely administrative in nature and is not governed by the strict rules and procedures provided for in judicial proceedings. Procedural errors or irregularities in the hearing normally do not invalidate the proceedings or any action of the Commandant or Superintendent based thereon. However, those constitutional rights inherent in administrative due process will be afforded each midshipman.

**1.2 Standards of Performance.** A midshipman's dedication, commitment to excellence, and exemplary standards of conduct apply both on and off duty, in personal behavior, and in relations with others in the civilian and military communities. Midshipmen must comply with the substance, spirit, and intent of all directives. Any conduct which reflects discredit upon the Brigade of Midshipmen, the Naval Academy or the Navy, is in violation of any federal, state, or local law, or indicates questionable personal morals is considered unbecoming of a U.S. Navy or Marine Corps officer candidate. Midshipmen found to be unsatisfactory in conduct may be recommended for separation if it is decided that their retention is not in the best interests of the naval service.

### **1.3 Basic Principles of the Conduct System**

#### a. Types of documentation

(1) Form-1 (Basic Counseling Form). A Form-1 (TAB A for an example) may be written and entered to record both positive and negative behavior. While leaders are encouraged to use the Form-1 as a positive counseling tool, the document stands as the lowest level means for reporting misconduct. Negative Form-1s are not punitive, but may result in counseling or Extra Military Instruction (EMI). EMI is never punitive and is designed to assist midshipmen in correcting a specific discrepancy in appearance or behavior or in adapting to military life. The purpose of the Form-1 is to record behavior trends that will encourage improved behavior without punitive consequences. The Form-1 concept should encourage chains of command to document positive and negative behavior, allowing leaders to become more directly involved in midshipman development.

(2) Form-2 (Misconduct Report Form). In the event that appropriate corrective action warrants more than counseling or EMI, punitive action may be sought by initiating a Form-2 through the Midshipmen Information Data System (MIDS). The Form-2 (TAB B provides an example) identifies who is suspected of committing an offense and delineates whether the alleged action is considered a Minor-, Major- or 6K-level offense. Chapter 2 of this manual describes the different levels of offenses. Chapter 4 of this manual identifies the potential types of punishments.

b. **Unit Commander Responsibilities.** Commanders are responsible for good order and discipline within their units. Generally, discipline can be maintained through strong positive leadership including, when necessary, administrative corrective measures. Further action within the Conduct System may be required when non-punitive administrative corrective measures (Form-1) are inadequate. The chain of command and Awarding Authorities contemplating action within the Conduct System should consider the nature of the offense, the record of the midshipman, the need for good order and discipline within the Brigade of Midshipmen, and the effect of action on the midshipman.

c. **Midshipmen Loyalty to Service.** The Conduct System is intended to be correctional and educational rather than legalistic and punitive. Its purpose is to teach midshipmen to accept full responsibility for their actions and conduct and to place loyalty to the service above self-interest or loyalty to friends or classmates. The procedures established in this instruction are discretionary to some extent and are designed in part to assist the Superintendent in assembling all pertinent information prior to submitting a report of unsatisfactory conduct and a recommendation for separation to the Secretary of the Navy under Title 10 USC 6962. The Superintendent may; however, submit such a report without implementing any of the procedures contained in this instruction.

d. **Application to Midshipmen and Cadets.** All persons enrolled as midshipmen at the U.S. Naval Academy and all cadets of other service academies temporarily attached to the Brigade of Midshipmen are subject to this instruction and all provisions of federal, state, and local law made applicable to members of the armed services pursuant to Article 134 of the UCMJ. All midshipmen are further subject to the provisions of U.S. Navy Regulations and applicable instructions and notices.

e. **Double Jeopardy, Multiple Processing of the Same Charge, Limitations on Punishment Awarded Under the Conduct System.**

(1) **Multiple Charges for the Same Incident.** When several related offenses result from a singular event or incident, only one report and case file will be generated for each accused midshipman. The most serious accusation will be documented as the primary charge while all other alleged offenses will be listed as secondary charges. Ultimately, a single comprehensive punishment will be determined by the awarding authority upon finding the accused guilty of any or all charges which resulted from the event.

(2) **Conduct and Honor Charges.** A midshipman will not be charged under both the Conduct System and Honor 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 processes unfold. The Commandant invariably reserves the authority to assign Honor Remediation for a singular conduct offense that contains an honor element (e.g., theft or using/possessing a false ID).

(3) **Civilian Charges and the Conduct System.** It is not considered double jeopardy for a

midshipman who is subject to prosecution by civil authorities also to be charged under the Conduct System. The Conduct System and civilian litigation are not mutually exclusive. It is not incumbent that any civil action be completed, nor that the concerned midshipman be ruled upon by civil authorities prior to administrative action taking place under the Conduct System.

(4) Double Punishment Prohibited. Once punishment has been awarded for a case within the Conduct System, no additional punishment may be imposed for the same case under the Conduct System any time thereafter. Action pursuant to the Conduct System does not necessarily preclude later trial by court-martial, in accordance with the UCMJ.

(5) Increase in Punishment Prohibited. Once punishment under the Conduct System has been imposed, it may not be increased upon appeal.

(6) Statute of Limitations. Punishment under the Conduct System may not be imposed for offenses which were committed more than two years before the date of imposition.

**1.4 Design of the Conduct System.** Alleged violations of the Conduct System are generally categorized as either Minor-level or Major-level offenses. Particularly discreditable Major-level offenses are further defined as 6K-level violations and may be expedited directly to the Deputy Commandant for action.

**1.5 Conduct Semesters Defined.** Any offense for which a midshipman is found guilty contributes to the Conduct grade for the Conduct semester in which the offense took place, regardless of adjudication date or computer entry date. Conduct semesters are defined as:

- a. Fall - 0001 of the day after graduation until 0000 of the overall last day of fall final exams.
- b. Spring - 0001 of the day following the last overall fall final exams until 0000 graduation day.

**1.6 Conduct System and Honor System Relationship.** In accordance with the Honor Concept, midshipmen, like officers in the Fleet, are expected to answer honorably and truthfully all questions posed to them. In order to address situations in which a midshipman responds in a self-incriminating manner to questions which are later determined to have had no basis upon which to be asked, the following will apply:

- a. If disciplinary action was initiated and the sole source of information prompting that action was the midshipman's own response to questioning, which was initiated without any reasonable cause to believe the midshipman had committed or was involved in a conduct violation, the disciplinary action will be terminated.
- b. If sufficient independent evidence exists to establish guilt by a preponderance of the evidence, disciplinary action may be taken, but any evidence improperly derived from the midshipman's responses, either directly or indirectly, will not be considered. It is solely the

responsibility of the accused midshipman to raise objection to evidence which he/she believes to have been derived improperly. During an investigation, the accused midshipman should inform the Preliminary Investigative Officer (PIO) of his or her objection to responses being improperly used as the basis for disciplinary action. The PIO will note the objection in the investigation for review by the Legal Advisor, Conduct Officer and Awarding Authority. During adjudicative hearing, the Awarding Authority will note a midshipman's objection that responses have been used improperly and will assess all pertinent information in the report. The Awarding Authority will then determine whether the midshipman's responses were in fact used improperly against the accused and whether independent evidence exists to proceed with the case. A midshipman's responses will be considered to have been improperly used when:

(1) There was no reasonable cause to believe that the midshipman being questioned had committed or was involved in a conduct violation pursuant to which the questions were being asked, and

(2) The midshipman's answers to the questions resulted in disciplinary action being taken, and

(3) The answers provided were the sole basis for a determination of guilt regarding the alleged violation.

### **1.7 Conditions for Graduation**

a. 1/C Midshipmen who have at least a 2.0 Conduct average (see Chapter 6 for calculations) are eligible to graduate with their class, assuming they meet all other graduation requirements.

b. 1/C Midshipmen may not be allowed to graduate with their class if:

(1) They are suspected of an offense under the Conduct System, UCMJ, or federal, state, or local law, or

(2) They are the subject of a pending conduct case, or

(3) They have unserved restriction as of graduation day.

c. Only the Superintendent may authorize late graduation.

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## CHAPTER 2

### SPECIFIC CONDUCT OFFENSES

#### 2.1 Introduction

a. This chapter lists typical conduct offenses and their corresponding levels of categorization. Though this list is thorough, it is not exhaustive. Any alleged conduct infraction not specifically addressed within this manual may be entered into the Conduct System as a general offense. Individuals involved in the administration of the Conduct System will rely on these typical delinquencies for guidance and seek the advice of the Conduct Office in cases not covered. Details and evidence provided by the accuser are paramount in aiding the smooth and fair execution of the system.

b. Offense Codes. A four-digit offense code is assigned to each delinquency defined within this manual. The first two digits of the offense code indicate the section of this chapter under which the delinquency falls (reflecting the general nature of the offense), while the second two digits identify the specific offense.

#### c. Attempts to Commit an Offense

(1) An attempt is an act done with the intent to commit a conduct offense. An attempt amounts to more than mere preparation, and intends, though fails, to effect the commission of the offense.

(2) Attempts should be charged as the intended offense. The maximum punishment is the same as that which would be warranted by the intended offense were it successful.

(3) A person who undertakes acts with the specific intent to commit an offense, then *voluntarily* abandons the undertaking, is not guilty of attempting to commit the offense. A person whose undertaking is terminated by unforeseen circumstances is guilty of attempting to commit the offense.

#### 2.2 Regulations, Orders, Instructions, Duty

a. Disobedience of orders and regulations normally is more serious than an error in judgment. Direct orders are given with the expectation of compliance in both the spirit and the letter of the order.

b. Orders may be addressed to an individual or to a group. Orders may be issued verbally (e.g., "Midshipman X, do this now.") or in writing (e.g., "The following midshipmen must turn in lacrosse equipment: MIDN 2/C X, MIDN 3/C Y..." or "All 3/C Midshipmen will empty their basement lockers by...").

c. Punishment awarded for delinquencies involving duty should include consideration of the

nature of the duty, the position of the midshipman, and whether the delinquencies were the result of ignorance, laziness, carelessness, negligence, or gross negligence. The effects of the delinquency should also be considered.

d. Failing to assume a responsibility, evading a regulation, permitting other midshipmen under one's command or control to evade responsibility or regulation, or overlooking or failing to report breaches of regulations are all delinquencies which indicate poor motivation and a low concept of duty.

<b><u>Offense Code</u></b>	<b><u>Delinquency</u></b>	<b><u>Level</u></b>
<b>02.01</b>	Violation of a regulation due to gross ignorance of instructions, regulations, or directives (including MIDREGS).	<b>Minor</b>
<b>02.02</b>	Direct and intentional violation of oral or written orders addressed to an individual or group.	<b>Variable</b>
<b>02.03</b>	Violation of MIDREGS with minor effect (specify the MIDREGS article which was violated. If the offense is specifically described by another offense code, that offense code should be used).	<b>Minor</b>
<b>02.04</b>	Violation of MIDREGS with major effect (specify the MIDREGS article which was violated. If the offense is specifically described by another offense code, that offense code should be used).	<b>Major</b>
<b>02.05</b>	Intentional failure to perform a duty.	<b>Major</b>
<b>02.06</b>	Interfering with an individual who is performing a duty.	<b>Variable</b>
<b>02.07</b>	Aiding, abetting, counseling, commanding, or procuring the commission of an offense punishable by this instruction. The level of this offense should generally be equal in magnitude to the offense committed by the principal offender.	<b>Variable</b>
<b><u>NOTE:</u></b> Offense code 05.04 will be used for aiding/abetting an alcohol offense.		
<b>02.08</b>	Failure to properly perform a duty due to negligence, laziness or ignorance, or failure to report/correct a delinquency.	<b>Variable</b>

**02.09** Failure to use good judgment (if the offense is specifically described by another offense code, that offense code should be used). **Variable**

### **2.3 Fourth Class Indoctrination System**

a. Upper class Midshipmen have a duty to lead and be responsible for 4/C Midshipmen. In the execution of that duty, upperclassmen are to behave in a professional manner at all times. 4/C Midshipmen have a duty to abide by the terms of the Fourth Class Indoctrination System.

b. The act of hazing is a breach of federal law set forth by Congress in Title 10 USC 6964, wherein hazing is defined in section (a) as “any unauthorized assumption of authority by a midshipman whereby another midshipman suffers or is exposed to any cruelty, indignity, humiliation, hardship, or oppression, or the deprivation or abridgement of any right.” U.S. Code 6964 further states in section (c) that “...no midshipman may be dismissed for a single act of hazing except by sentence of a court-martial.” Related offenses, however, may result in separation.

<b><u>Offense Code</u></b>	<b><u>Delinquency</u></b>	<b><u>Level</u></b>
<b>03.01</b>	Failure to support or participate in the Fourth Class Indoctrination System when required.	<b>Minor</b>
<b>03.02</b>	Violation of the published Fourth Class Indoctrination System Standard Operating Procedures or temporary directives put in place by Brigade or Regimental leadership.	<b>Variable</b>
<b>03.03</b>	Hazing.	<b>Major</b>

**NOTE:** Report all suspected hazing cases to the Conduct Office **BEFORE** adjudication.

<b>03.04</b>	Unprofessional electronic communications between 4/C and upperclassmen in violation of MIDREGS.	<b>Minor</b>
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**NOTE:** This includes, but is not limited to, instant messaging, chat rooms, Facebook, or any comparable mode of communication.

**2.4 Standards of Behavior.** The standards of decorum and conduct expected of a commissioned officer and a gentleman/lady are also expected of midshipmen.

<u>Offense Code</u>	<u>Delinquency</u>	<u>Level</u>
04.01	Fraternization that undermines good order and discipline within the Brigade of Midshipmen. This offense code applies to unduly familiar relationships not of a romantic or sexual nature.	Major
04.02	Fraternization that undermines good order and discipline within the Brigade of Midshipmen. This offense code applies to unduly familiar relationships of a romantic or sexual nature.	6K
04.03	Sexual misconduct (sexual acts on the Naval Academy or other military grounds, ships, or crafts, or under other circumstances which are service-discrediting or prejudicial to good order and discipline within the Brigade of Midshipmen).	6K

**NOTE:** Examples of sexual misconduct include fondling, displays of affection or sexual activity on a midshipman rack (clothed or unclothed), oral sex, sexual intercourse, sexually motivated nudity, indecent sexual acts, indecent exposure, lying in the rack together, and having the door locked when two or more individuals are in a room who are not all assigned roommates of the room. This charge also includes sexual assault.

<u>Offense Code</u>	<u>Delinquency</u>	<u>Level</u>
04.04	Sexual harassment as defined in current SECNAV, OPNAV, and USNA Instructions.	6K/Major

**NOTE:** Sexual harassment includes (but is not limited to) unwelcome sexual advances, requests for sexual favors, passive or indirect actions that create a hostile work environment, such as sexually explicit posters, pictures or screen savers and other verbal or physical conduct of a sexual nature.

04.05	Disrespect or insubordination to a superior or an individual in a position of authority (including company Senior Enlisted Leaders).	Variable
04.06	Challenge to personal combat or threat of physical violence.	Major

**NOTE:** When the challenge or threat culminates in physical action, conduct code 04.21 (UCMJ Article 128) will be charged.

- |              |   |              |
|--------------|---|--------------|
| <b>04.07</b> | Inappropriate use of computer or government network.  | <b>Major</b> |
| <b>04.08</b> | Possession, generation, viewing, or display of pornographic materials in Bancroft Hall or on the Naval Academy complex. | <b>Major</b> |
| <b>04.09</b> | Displays of affection (anytime in Bancroft Hall or when in uniform in public).  | <b>Major</b> |

**NOTE:** Displays of affection include, but are not limited to, massages, sitting on a lap, kissing, and touching.

- |              |   |                 |
|--------------|---|-----------------|
| <b>04.10</b> | Harassment of another midshipman (non-sexual). This includes, but is not limited to, abusive or pejorative language and actions that denigrates another person due to age, ethnicity, race, religion, sex, or sexual orientation. | <b>Variable</b> |
|--------------|---|-----------------|

**NOTE:** Examples include, but are not limited to, racial or ethnic slurs; humor, jokes, or teasing about sex, race, age, religion, disability, or gender-specific traits; abusive language, insults, or threats; vulgar sounds or gestures; offensive or hateful pictures, posters, calendars, cartoons, or obscene e-mail; offensive or derogatory written materials; exclusionary or demeaning actions or activities based on age, ethnicity, sex or race.

<b><u>Offense Code</u></b>	<b><u>Delinquency</u></b>	<b><u>Level</u></b>
----------------------------	---------------------------	---------------------

- |              |  |              |
|--------------|--|--------------|
| <b>04.11</b> | Destruction or damage of government or private property, whether intentional or due to gross negligence. | <b>Major</b> |
|--------------|--|--------------|

**EXCEPTION:** This does not refer to destruction or damage of one's own property. However, such an action may be covered by another offense code, depending on the circumstances.

**NOTE:** Restitution for the destruction or damage may be made a part of the awarded punishment.

- |              |   |              |
|--------------|---|--------------|
| <b>04.12</b> | Introduction of, or failure to remove, unauthorized persons from Bancroft or King Hall.   | <b>Major</b> |
| <b>04.13</b> | Entering a restricted area, including roof areas or any areas marked as such.   | <b>Major</b> |
| <b>04.14</b> | Unauthorized means of ingressing or egressing either Bancroft Hall (not including "class doors") or the Naval Academy grounds (i.e., "jumping the wall"). | <b>Major</b> |

<b>04.15</b>	Possession or use of a false, altered, or unauthorized identification card, pass, or similar document (includes driver's licenses, military ID cards, or other forms of identification).	<b>6K</b>
<b>04.16</b>	Usurping any special or basic class authorizations or privileges (includes unauthorized wearing of civilian clothes and the use of "class doors").	<b>Minor</b>
<b>04.17</b>	Carelessness in operating a vehicle which results in an accident or endangers lives or property.	<b>Major</b>
<b>04.18</b>	Parking in violation of MIDREGS and/or military base regulations.	<b>Variable</b>

**NOTE:** Minimum punishments for parking violations are:

First Offense: 25 demerits, seven days of restriction and loss of Yard parking privileges for 30 days.

Second Offense: Loss of Yard parking privileges for a time to be determined by the awarding authority but not less than 120 calendar days.

<b><u>Offense Code</u></b>	<b><u>Delinquency</u></b>	<b><u>Level</u></b>
<b>04.19</b>	Driving, maintaining, or operating a motor vehicle in violation of MIDREGS.	<b>Minor</b>
<b>04.20</b>	Failure to have the door fully open when two or more individuals are in a room who are not all assigned roommates of the room.	<b>Minor</b>
<b>04.21</b>	Violation of UCMJ, Navy Regulations, SECNAV and OPNAV Instructions, General Orders, federal, state, or local laws.	<b>6K/ Major</b>

## **2.5 Alcohol and Drugs**

a. Definitions:

- (1) Alcohol - beverage with any percentage of alcohol content.
- (2) Under the influence - any impairment of one's ability to function normally.

(3) Trafficking- making alcohol available in any way to someone under the legal drinking age.

(4) Narcotics and other controlled substances- amphetamines, cocaine, heroin, lysergic acid diethylamide, marijuana, methamphetamine, opium, phencyclidine, and barbituric acid, including phenobarbital and secobarbital. "Controlled substance" also applies to any substance included in Schedules I through V established by the Controlled Substances Act of 1970.

b. Prohibited anabolic steroids include all compounds banned by current Department of the Navy regulations which have not been prescribed by authorized medical personnel.

<u>Offense Code</u>	<u>Delinquency</u>	<u>Level</u>
05.01	Irresponsible drinking.	Major
<b>NOTE:</b> Evidence of Irresponsible Drinking includes, but is not limited to, use of excessive profanity, aggressive and/or disrespectful behavior, excessive stumbling or falling down, vomiting.		
05.02	Cancelled.	
05.03	Cancelled.	
05.04	Aiding/abetting an alcohol offense or failure to prevent or act upon an alcohol offense.	Major
05.05	Consumption, possession, or introduction of alcohol within/into Bancroft Hall or aboard ship.	6K
05.06	Providing alcohol to underage persons.	6K
05.07	Being under the influence of alcohol in a nature that brings discredit upon the Naval service, outrages public decency, or results in a breach of the peace.	6K
05.08	Consuming alcohol or being under the influence of alcohol while on duty.	6K
05.09	Cancelled.	
05.10	Consumption or possession of alcohol in violation of applicable federal, state, or local law (this includes underage drinking).	6K
05.11	Consumption or possession of alcohol in circumstances prohibited by COMDTMIDNINST 4653.1 or MIDREGS, other than in Bancroft Hall or aboard ship (e.g., drinking as	Major

a 4/C Midshipman, drinking while on Movement Order and possession of alcohol in any vehicle associated with a MO to include privately owned vehicles).

<u>Offense Code</u>	<u>Delinquency</u>	<u>Level</u>
05.12	Drunk driving or driving under the influence of alcohol.	6K
05.13	Use, possession, sale, or transfer of illegal drugs.	6K

**2.6 Military Appearance**

<u>Offense Code</u>	<u>Delinquency</u>	<u>Level</u>
06.01	Unsatisfactory appearance in uniform (pattern of behavior).	Minor

**NOTE:** Discrepancies must be specified and should have been documented as Form-1s prior to entry as a Form-2.

06.02	Unprepared for room or uniform inspection due to laziness or negligence.	Minor
06.03	Unsatisfactory room standards (e.g., tampering with window stops or thermostat, possessing minor contraband, placing items on the outside window sill, etc.).	Minor

**2.7 Absences or Tardiness**

a. Timeliness and accountability are attributes of a midshipman who is self-disciplined and possesses a strong sense of duty. Midshipmen must learn to allow sufficient time for unforeseen circumstances and delays when reporting. Timeliness to formations when a group or unit may be delayed because of an individual's tardiness should be given greater emphasis than tardy arrival to an obligation which affects only the guilty individual.

b. The magnitude of tardiness is only partly indicated by the length of time involved. The degree of judgment exercised by the midshipman in attempts to report for duty should also be considered. For example, a midshipman may be only slightly late, but if actions indicate a lackadaisical attitude or unconcerned planning, that midshipman should be dealt with more severely than one who was substantially late due to extenuating circumstances. Communication with chain of command is also paramount in accountability situations.

<b><u>Offense Code</u></b>	<b><u>Delinquency</u></b>	<b><u>Level</u></b>
<b>07.01</b>	Intentional absence without authority from an academic class, military obligation or formation.	<b>Major</b>
<b>07.02</b>	Absent without authority for greater than 24 hours.	<b>Major</b>
<b>07.03</b>	Absent without authority, due to negligence, from an academic class, military obligation or formation.	<b>Minor</b>
<b>07.04</b>	Cancelled.	
<b>07.05</b>	Cancelled.	
<b>07.06</b>	UA after reporting for taps (i.e., “touch and go”).	<b>Major</b>
<b>07.07</b>	Breaking restriction and/or UA from tours or restriction.	<b>Variable</b>

## CHAPTER 3

### PROCEDURES FOR REPORTING, INVESTIGATING AND ADJUDICATING OFFENSES

#### 3.1 Reporting a Conduct Offense

a. Methods of reporting and documenting conduct offenses include:

(1) Form-1 (TAB A). The Form-1 is a counseling form which can be used to document both positive and negative behavior. The Form-1 is designed to mirror processes in the Fleet and to document patterns of behavior. When punitive action is not appropriate, minor conduct offenses may be documented with a Form-1. All officers, faculty, and midshipmen within the chain of command are encouraged to utilize this document and should route Form-1 reports via e-mail or paper copy to the Company Officer or Company Senior Enlisted Leader who will maintain all reports in midshipmen's performance jackets.

(2) Form-2 (TAB B). The Form-2 is an electronic report form for a conduct offense, which is maintained in MIDS. Any officer, Senior Enlisted Leader, faculty member or 1/C Midshipman wishing to report a conduct offense will do so using a Form-2 in MIDS. Offenses may also be reported directly to Company Officers, Senior Enlisted Leaders or the Conduct Officer for entry into MIDS. The accused midshipman and company leadership will receive a notification e-mail that an offense has been reported.

(a) Officers, Senior Enlisted Leaders, and civilian faculty should inform the accused midshipman of the charges and their intention to file a report prior to entering the electronic Form-2. Midshipmen with the intention to submit a Form-2 against another midshipman must, within 24 hours of entry, inform the accused midshipman of their action.

(b) The offense description included in the Form-2 should be a short and concise statement, but with sufficient detail to describe the alleged event. The name and company of any other midshipmen involved in the same offense must be included in the offense description.

(c) Multiple alleged offenses that are closely related in time, place, or nature so as to form one course of action/misconduct will normally be considered as one event. Under such circumstances, only one Form-2 will be generated and one punishment ultimately awarded. The most serious charge will be used as the primary charge; all others will be listed as secondary charges.

b. Midshipmen who receive a notification of a reported offense have 24 hours to enter a plea into MIDS, or to contact company leadership to confirm receipt if they are unable to log on to MIDS.

(1) "Not Guilty" Plea

(a) Every midshipman has the absolute right to plead “not guilty,” whether guilty in fact or not. Pleading “not guilty” when one did in fact commit the offense is NOT an honor violation. Midshipmen shall never be pressured to plead “guilty.”

(b) All midshipmen who plead “not guilty” will be seen in a face-to-face adjudication with the Awarding Authority.

## (2) “Guilty” Plea

(a) By pleading “guilty,” a midshipman acknowledges that the offense was culpably committed as alleged, that the midshipman is liable for punishment, and that he/she relinquishes the right to seek reconsideration, or to appeal on the issue of guilt or innocence.

(b) A midshipman pleading “guilty” does; however, retain the following rights:

1. The right to present matters in extenuation and mitigation to lessen the punishment imposed.

2. The right to request reconsideration or appeal the award itself on the basis of disproportionate punishment.

## **3.2 Investigating Reported Offenses**

a. Any reported offense that involves the potential for sexual harassment, discrimination, or an equal opportunity violation **MUST** be reviewed by the Command Managed Equal Opportunity (CMEO) Officer. The command CMEO Officer shall review the case prior to an investigation and/or prior to a conduct adjudication taking place to ensure proper reporting and protection of any potential victim’s. The following offenses are most often related to CMEO investigations:

03.03 Hazing

04.02 Fraternalization of a sexual nature

04.04 Sexual Harassment

04.08 Pornography in the Hall

04.10 Harassment, non-sexual

04.21 Violation of UCMJ, Navy Regulations, SECNAV and OPNAV Instructions, General Orders, federal, state or local laws.

b. All Major-level and 6K-level reported conduct offenses should be reviewed by the Conduct officer and Battalion XO in order to determine if investigation is warranted. Minor-level conduct offenses do not require an investigation unless specifically ordered by the Company Officer.

(1) If the alleged offense is suspected to be a major criminal offense, the Commandant, after conferring with the Superintendent, shall ensure that Naval Criminal Investigative Service

(NCIS) is informed as soon as practicable. After NCIS investigates the allegation, the case will be referred to the Superintendent. As the General Courts-Martial Convening Authority, the Superintendent will determine the appropriate forum for disposition. If NCIS commences an investigation, the Legal Advisor shall coordinate with NCIS for all necessary assistance and dissemination of information to command authorities.

(2) The investigation may be waived with the concurrence of the midshipman. In this case, either the Conduct Officer, Company Officer, or Battalion XO should have the midshipman sign an Acknowledgment of Rights Form (TAB C), a Notification of Potential Reimbursement (TAB D), if applicable, and submit a written statement.

c. If a full investigation is warranted, a Preliminary Investigative Officer (PIO) will be assigned. Assignment of a PIO will be made by the accused midshipman's Battalion XO. The Commandant's Conduct Officer will assign the PIO in the absence of the Battalion XO. The PIO will be an officer or Senior Enlisted Leader, but not the Company Officer or Senior Enlisted Leader from the accused midshipman's company.

(1) Multiple midshipmen Involved in One Incident. In cases where two or more midshipmen are accused of offenses arising from the same incident and the midshipmen are from different companies, the company with the greater number of accused Midshipmen involved in the alleged incident or the company with the senior respective Company Officer will be responsible for initiating the investigation. Only one investigation should be completed for all midshipmen involved in the incident.

(2) Conduct Office Discretion. The Commandant's Conduct Officer and the Legal Advisor have the discretion to specifically designate a PIO for a case at any level.

d. The PIO will interview the accused midshipman and witnesses, collect all applicable documents regarding the incident (e.g., police reports) and complete the Preliminary Inquiry Report (PIR) (TAB E) for submission to the Commandant's Conduct Officer and/or the Awarding Authority.

(1) The PIO interviews and takes statements from all pertinent witnesses and conducts the investigation. The PIO begins the inquiry by interviewing the accused Midshipman and all pertinent witnesses and collecting all available evidence. The PIO will collect statements and document interviews with a memo. Once an adequate summary of events is established, the PIO will adjust the charges as necessary to properly characterize the incident. PIOs should remain cognizant of the accused midshipman's rights throughout the investigative process.

(2) If any further potential conduct offenses become apparent during the course of the investigation, the PIO will charge the Midshipman with the offenses via the original Form-2 and include the charges in the PIR.

(3) Investigations should normally be completed within three working days of assignment.

e. Contents of Preliminary Inquiry Report (TAB E). The PIR shall contain a summary of events and a synopsis of the facts surrounding an alleged offense, as supported by the enclosures in the report. Enclosures in the report may include, but are not limited to, the following: Results of Interview memorandums, documentary evidence, statements from all witnesses, statements from the accused, the Acknowledgment of Military Suspect's Rights Form (TAB C), the Notification of Potential Reimbursement for Advanced Education Form (TAB D), Defense Service Office Contact Information Form (TAB F), log entries, leave papers, chits, etc. All of the facts listed should be derived from the enclosures in the report. The report will also contain a summary of offenses which breaks down each offense by element and provides detailed facts that do or do not support each element. Finally, the PIO should state whether there appears to be sufficient evidence that an offense has been committed.

(1) The Form-2 in MIDS allows the PIR to be attached as a digital document. This additional information permits the chain of command access to the PIR for review prior to contributing their comments regarding the case.

(2) Upon completion, the PIR will be forwarded to the Awarding Authority as follows:

(a) The Form-2 and PIR with enclosures shall be submitted to the Commandant's Conduct Officer and Legal Advisor. Members of the chain of command may enter comments on the Form-2 in MIDS for inclusion in the final package for the Awarding Authority. The Conduct Officer and Legal Advisor will make recommendations to the Deputy Commandant for final level of Awarding Authority and distribute the final case package as appropriate.

(b) Upon receipt of a Form-2 and accompanying PIR, the Awarding Authority (or Conduct Officer and/or Legal Advisor, as necessary) may alter the charges on a Form-2 to more appropriately reflect the alleged offense(s). If the basic nature of an alleged offense changes as information is revealed during the investigation, the midshipman will be afforded an additional 24 hours to enter a plea and submit a statement, if desired, regarding the new charges. Individuals through whom Form-2s are routed may recommend changes to the Form-2 in their respective comments.

### **3.3 Adjudicative Hearings**

a. Determining Awarding Authority. Normal Awarding Authority for conduct offenses is as follows:

- (1) Minor: Company Officer
- (2) Major: Battalion Officer
- (3) 6K: Deputy Commandant

(4) Variable: Will be determined by the Battalion Officer or the Commandant's Conduct Officer after review of the investigation.

b. Delegation of Awarding Authority. Company Officers may delegate awarding authority for Minor-level conduct offenses to midshipmen in leadership positions for training purposes. Major- and 6K-level offenses may be adjudicated by officers acting in the position of the Awarding Authority (e.g., the acting Deputy Commandant) or delegated down the chain of command.

(1) Cases Involving Two or More Midshipmen in the Same or Related Incident. For offenses alleged to have been committed by more than one midshipman, it is normally appropriate to have one Awarding Authority for all involved, regardless of class, company, or offense level. It is the collective responsibility of all Awarding Authorities to determine if the group of offenders from a related incident should be heard at one time by a single authority. If so, in the case of minor offenses, the senior Company Officer of the accused midshipmen shall be the Awarding Authority. Additionally, if the cases of two or more midshipmen involved in the same incident are heard by different Awarding Authorities, the Awarding Authorities should attempt to maintain that level of consistency of punishment that is in keeping with good order and discipline among the members of the Brigade.

(2) Commandant's Discretion. The Commandant retains the right to adjudicate or assign an Awarding Authority to any case alleging a violation of this instruction.

c. Time Requirements for Adjudications. During the academic year, all cases for minor offenses should be adjudicated within three working days of the Form-2 generation date. If exceptional circumstances prevent adjudication within three working days, the Company Officer should communicate with the Commandant's Conduct Officer.

d. Following review of the Form-2 and PIR, the Awarding Authority may take one of the following actions:

(1) Delete the alleged offense(s) without a hearing. A Form-2 for Major-level conduct offenses may be deleted by the Commandant's Conduct Officer only with authorization from the Commandant or Deputy Commandant. Deleting an offense should be reserved for accusations made in error (e.g., the wrong midshipman was identified or an alpha code was entered in error).

(2) Dismiss the alleged offenses without a hearing. Dismissal without prejudice should be reserved for cases wherein the midshipman committed the offense, but the Awarding Authority assesses that the midshipman was not at fault. Dismissal should be reserved for cases wherein the Awarding Authority acknowledges that the offense was committed by the midshipman, but non-punitive corrective measures more appropriately address the situation (e.g., EMI or a Form-1).

(3) Schedule a hearing to adjudicate the alleged offense(s).

e. Waiver of Adjudication. Accused midshipmen who waive their right to a hearing also waive their right to confront and cross-examine witnesses and to call character witnesses. They retain the right to submit written matters to the Awarding Authority, including character reference letters and statements regarding extenuating or mitigating circumstances. The Awarding Authority retains the discretion to hold a hearing and require the presence of the accused midshipman in all cases, if ultimately desired.

f. Pre-Hearing Notification. A notice of 24 hours is normally considered reasonable for Major-level offense hearings. Requests for delay of a conduct hearing must be submitted to the Awarding Authority, via the Company Officer, sufficiently in advance of a hearing in order that proper consideration may be given to the request prior to the hearing's commencement. Untimely requests will be denied.

g. Rights of an Accused midshipman Immediately Prior to and During a Conduct Adjudication Hearing

(1) Right to Counsel. Accused midshipmen have the right to consult with legal counsel prior to a hearing; however, accused midshipmen do not normally have a right to have counsel present during the hearing. Counsel will only be permitted in a hearing in extremely unusual circumstances. A request to have counsel present in a hearing should be submitted to the Awarding Authority, via the Legal Advisor, with sufficient enough time to permit substantive review of such a request prior to commencement of the hearing. The accused midshipman may seek civilian counsel at his or her own expense or military counsel provided at no cost through the USNA Office of Legal Counsel.

(2) Right to Testify or Remain Silent. No adverse inference will be drawn from a Midshipman's decision to remain silent. Remaining silent will not prevent the accused Midshipman from questioning or cross-examining witnesses; however, if a midshipman chooses to make a statement during the hearing concerning a particular offense, the Midshipman is expected to answer any questions the Awarding Authority may have concerning that offense. If the Midshipman fails to do so, the Awarding Authority, at his/her discretion, may disregard any or all statements made by the midshipman relative to the offense.

(3) Right to inspect all evidence to be considered by the Awarding Authority during the hearing. It is the responsibility of the Commandant's Conduct Officer or Battalion XO to ensure that the accused midshipman has a reasonable opportunity to review the evidence that will be considered by the Awarding Authority.

(4) Right to object, before the hearing, to evidence scheduled to be considered by the Awarding Authority during the hearing.

(5) Right to call reasonably available witnesses and be notified of witnesses scheduled to be called by the Awarding Authority.

(6) Right to present evidence in defense.

(7) Right to present an oral and/or written argument in support of his or her defense.

h. Witnesses. Adjudicative hearings are intended to be non-adversarial. As such, the Awarding Authority need not necessarily call witnesses to establish the facts and circumstances regarding cases unless witnesses are requested by the accused midshipman, have relevant testimony to provide, and are reasonably available. Regardless of witness inputs, the Awarding Authority may rely solely upon documentary evidence to find a midshipman guilty of the offense(s) charged. In the event witnesses are called by the Awarding Authority, the following shall apply:

(1) Non-USNA faculty/staff civilians who agree to appear will do so at their own expense. The Awarding Authority may use any reasonable method to obtain statements of witnesses including telephone interviews and written statements. The Awarding Authority should inform the witness of the nature of the inquiry before his/her testimony is taken and protect him/her from improper questions, harsh or insulting treatment, and unnecessary inquiry into his/her private affairs.

(2) The Awarding Authority will direct that military and civilian witnesses who are subject to Navy authority and request that other witnesses not discuss their statement or testimony with other witnesses or with persons who have no official interest in the proceedings until the case is closed.

i. Observers. At the adjudicating authority's discretion, midshipmen may observe conduct adjudications for educational purposes. In general midshipmen who have a familiar relationship with the accused midshipman shall not be observers, in that their involvement with the accused is likely to impede their ability to view the adjudication objectively. Midshipmen Conduct Officer are responsible for:

(1) Seeking permission from the adjudicating authority for observers to be present prior to each adjudication.

(2) Seeking guidance on the number and kind of observers (e.g., out of company MIDN only) allowed at the adjudication.

(3) Organizing the observers for the adjudications.

j. Adjudicative Hearing Process. The following format should be followed during all adjudicative hearings:

(1) The accused midshipman will report to the Awarding Authority by stating name and rank.

(2) The accused midshipman will be provided the opportunity to review any new evidence

that was forwarded to the Awarding Authority.

(3) The accused midshipman will be informed of his/her right to present witnesses and evidence on his/her own behalf. The accused midshipman or the Awarding Authority may call relevant witnesses to testify on the merits of the accusation if documentary evidence alone does not adequately establish the facts necessary to make a finding.

(4) The accused midshipman will be given an opportunity to present up to three character witnesses to speak on their behalf. These witnesses should be members of the Brigade or the USNA faculty/staff. Any other character witnesses should be approved by the Commandant's Conduct Officer or Legal Advisor before appearing at a hearing.

(5) During the hearing, if the Awarding Authority suspects or identifies that a higher-level offense or an honor offense may have been committed, the hearing will be recessed and the matter promptly referred to the Commandant's Conduct Officer, Legal Advisor, or Honor Staff. The accused midshipman will not be asked to answer any further questions or make a statement of any kind.

(6) If it is determined that the accused midshipman is not the only midshipman involved in the incident and it appears that other midshipmen should be charged for their actions, the Awarding Authority may choose from the following two options:

(a) Hold the adjudication in abeyance. If the Awarding Authority suspects that further investigation may reveal information which could affect the finding for the accused midshipman, the case shall be reopened for further investigation.

(b) Continue the adjudication. If the Awarding Authority does not suspect that further investigation will significantly affect the finding for the accused midshipman, the adjudication will continue and an investigation will be opened following the adjudication to determine the involvement of the other midshipmen.

(7) If a determination of guilt is reached, extenuating and mitigating circumstances will be considered prior to awarding punishment. Following the awarding of punishment, the Awarding Authority will ensure the guilty midshipman fully understands the punishment that has been awarded.

#### k. Post-Adjudication Procedures

(1) Minor-level Offenses. Immediately following the adjudication the entire adjudication package will be given to the Company Conduct Officer who will update the Form-2 in MIDS to reflect the completion of the adjudication and awarded punishment and, if applicable, ensure the adjudicated midshipman reports to Main Office to fill out the Midshipman's Acknowledgement And Award Of Restriction Form (TAB G) on the day of award. The original form is to be maintained by the adjudicated midshipman and a copy of it shall be provided to the Commandant's Conduct Officer. A Restriction Card (TAB H) will also be filled out in Main Office at the same time. The Company Conduct Officer will ensure restriction begins the day

following the adjudication, or if deferred, on the day to which restriction was deferred. The entire adjudication package will remain with the midshipman's performance jacket in company area.

(2) Major-level Offenses. Immediately following the adjudication the entire adjudication package will be given to the Battalion Conduct Officer who will update the Form-2 in MIDS to reflect the completion of the adjudication and awarded punishment and, if applicable, ensure the adjudicated midshipman reports to Main Office to fill out the Midshipman's Acknowledgement And Award Of Restriction Form (TAB G) on the day of award. The original form is to be maintained by the adjudicated midshipman and a copy of it shall be provided to the Commandant's Conduct Officer. A Restriction Card (TAB H) will also be filled out in Main Office at the same time. The Battalion Conduct Officer will ensure restriction begins the day following the adjudication, or if deferred, on the day to which restriction was deferred. If the midshipman was retained the Battalion Conduct Officer will immediately forward the adjudication script to the Commandant's Conduct Officer. If the midshipman was forwarded for separation the Battalion Conduct Officer will immediately forward the PIR with its enclosures (TAB E shows an example), the United States Naval Academy Administrative Performance System Acknowledgment And Waiver Of Military Suspect's Rights, Investigation And Hearing Rights (TAB C shows an example), the Notification Of Potential Reimbursement For Advanced Education (for 1/C and 2/C MIDN only) (TAB D shows an example) and the Defense Service Office Contact Information form (TAB F shows an example) to the Commandant's Conduct Officer for further processing.

**NOTE:** If the Battalion Officer delegates a Major-level offense to a Company Officer to adjudicate, the Company Conduct Officer shall be responsible for complying with this paragraph.

(3) 6K-level Offenses (and Major-level Offenses adjudicated by the Deputy Commandant or Commandant of Midshipmen). Immediately following the adjudication the Commandant's Conduct Officer will update the Form-2 in MIDS and compose a conduct probation letter if conduct probation was recommended/awarded (TAB I). The Brigade Conduct Officer will ensure the adjudicated midshipman reports to Main Office to fill out the Midshipman's Acknowledgement and Award Of Restriction Form (TAB G) on the day of award. The original is to be maintained by the adjudicated midshipman and a copy of it shall be provided to the Commandant's Conduct Officer. A Restriction Card (TAB H) will also be filled out at the same time. The Brigade Conduct Officer will ensure restriction begins the day following the adjudication, or if deferred, on the day to which restriction was deferred. The entire adjudication package will be forwarded to the Commandant's Legal Advisor for filing or further processing. The Brigade Conduct Officer will ensure the adjudicated midshipman writes his or her corresponding XYZ case. The Brigade Conduct Officer shall not require XYZ cases to be written for conduct cases that the CMEO Officer or SAPR Program Manager are involved in.

### **3.4 Request for Reconsideration (Appeal)**

- a. A Request for Reconsideration is an appeal to a Reviewing Authority.

(1) Reviewing Authorities are as follows:

(a) Commandant - for Major- or 6K-level offenses adjudicated by the Deputy Commandant.

(b) Deputy Commandant - for Major-level offenses adjudicated by subordinates.

(c) Battalion Officer - for Minor-level offenses adjudicated by subordinates.

(2) A midshipman may appeal the disposition of his/her case only on the following bases:

(a) A finding of guilt is unjust.

(b) The punishment awarded is disproportionate to the offense(s) committed.

(c) Substantial errors existed in the adjudicative proceedings such that the midshipman's rights were violated.

b. Appeal of a Guilty Finding. Only midshipmen who plead "not guilty" may request reconsideration of a finding of "guilty." An appeal will need to indicate that there was not sufficient evidence to substantiate the charge by a preponderance of the evidence.

c. Appeal of the Awarded Punishment. Regardless of plea, any midshipman who considers the awarded punishment disproportionate to the offense(s), may request reconsideration of the award itself. 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.

d. Appeal Based on Errors or Irregularities in an Adjudicative Hearing. Procedural errors or irregularities in adjudicative hearings will be grounds to invalidate such proceedings only in those cases where the errors or irregularities substantially prejudiced the accused midshipman and cannot subsequently be cured. If substantial errors in the proceedings are detected, the Reviewing Authority may direct that the investigation be reopened and additional matters be considered or errors corrected or remedied. The accused midshipman is responsible for alleging substantial errors within the time period described in paragraph 3.4d(4) below. Irregularities not amounting to the above will be considered harmless errors and will not be the basis to reevaluate. If a harmless error in the proceedings is detected, the Awarding Authority shall take steps as required to remedy such error, so long as the rights of the accused midshipman are not substantially prejudiced.

e. Rules for Submitting Requests for Reconsideration

(1) Midshipmen must serve awarded punishment while making a request for reconsideration.

(2) Requests for reconsideration shall be in writing and must include the appellant's reasons for regarding the punishment disproportionate or the guilty finding unjust.

(3) All requests for reconsideration must be routed through the Awarding Authority via the chain of command, Commandant's Conduct Officer, and Legal Advisor before being forwarded to the Reviewing Authority. The Commandant's Conduct Officer and the Legal Advisor may make inquiries and examine any additional matter deemed relevant to the proceeding underlying the request, as well as the request itself. Upon review of whatever material is deemed appropriate, the Legal Advisor will provide advice to the Reviewing Authority.

(4) Time Limits

(a) Requests for reconsideration must be submitted to the Awarding Authority within five working days of the initial adjudication, unless the midshipman receives an extension from the Awarding Authority, which must be requested in writing. Failure to submit a request for reconsideration within the prescribed time limit will result in denial of the appeal. If such denial is made, both the findings and punishment awarded will become final and a permanent part of the midshipman's record, not subject to later appeal or complaint.

(b) If the request for reconsideration is not acted upon within five working days of its receipt by the Awarding Authority, the midshipman may request, in writing, that any unserved punishment that has 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.

f. Notice of Reviewing Authority Action. After review of an appeal/ request for reconsideration, the Reviewing Authority will inform, in writing, the midshipman and the appropriate Awarding Authority, and immediately forward the request and all accompanying paperwork to the Commandant's Conduct Officer and Legal Advisor.

g. Effect of Failing to Request Reconsideration. Absent good cause, failure of the accused midshipman to allege error or to otherwise appeal or request reconsideration of findings and/or punishment awarded during an adjudicative hearing within the time period permitted above constitutes a waiver by the midshipman of any claims of error or injustice that may otherwise have been raised.

### **3.5 Unsatisfactory Conduct Procedures**

a. If a midshipman becomes unsatisfactory in conduct as a result of being found guilty at adjudication (or under any circumstance outlined in Chapter 6), that midshipman's overall record will be reviewed by the chain of command, the Conduct Officer, and the Commandant's Legal Advisor.

b. Record Review. The Commandant may review the midshipman's entire record (academic,

aptitude, conduct, and physical education) and decide from the following options:

(1) No Further Action. The Commandant will take no action beyond the punishment already assigned by the Awarding Authority.

(2) Formal Verbal or Written Counseling. The midshipman is counseled by the chain of command regarding the unsatisfactory conduct and the appropriate documentation is included in the midshipman's conduct record and performance jacket.

(3) Placement of Midshipman on Conduct Probation and/or Remediation. The Commandant may assign conduct probation and/or remediation in a written letter delineating the terms of successful completion. The Commandant may choose to have a meeting with the midshipman and the midshipman's chain of command and personally deliver the letter or have the letter separately served on the midshipman.

(4) Commandant's Hearing for Unsatisfactory Conduct. The Commandant shall consider the information provided during the hearing, the midshipman's prior conduct record, and the midshipman's overall suitability for commissioning. The Commandant may, at his/her sole discretion, take one of the following courses of action at the conclusion of the hearing:

(a) No Further Action. Appropriate documentation is included in the midshipman's performance record.

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

(c) Recommendation for separation.

(5) Forward for Review Under the Aptitude System. The Commandant may direct the chain of command to convene an appropriate Aptitude Board to review the midshipman's overall record. Forwarding the midshipman to the Aptitude Board does not in any way restrict other options in the Conduct System as detailed above.

### **3.6 Separation Procedures**

a. Commandant Action. If the Commandant recommends a midshipman for separation from the Naval Academy, the following will occur:

(1) A summary of the Commandant's hearing will be prepared by the Legal Advisor.

(2) A memorandum recommending separation will be prepared and forwarded to the Superintendent and include the basis for the recommendation. All documents relied upon during the hearing by the Commandant, including a record of the Commandant's hearing, will be forwarded with the Commandant's memorandum.

(3) A copy of the Commandant's memorandum and all enclosures will be provided to the midshipman before the matter is forwarded to the Superintendent for review and action.

b. Superintendent Action

(1) Separation by Superintendent. If the Superintendent concurs with the Commandant's recommendation for separation, whether as a result of a hearing or record review, the midshipman will be advised of the decision in writing, and further advised of his/her right to submit a statement to the Secretary of the Navy showing cause why he/she should be retained at the Naval Academy. The Legal Advisor shall ensure that the midshipman is advised of all rights regarding his/her potential separation from the Naval Academy. Unless otherwise authorized to do so, midshipmen recommended for separation by the Superintendent may not begin checking out until a Show Cause Statement has been waived or submitted. Requests to begin the check-out process at any other time must be made via the chain of command and Legal Advisor by special request chit.

(2) Retained within Brigade by Superintendent. If a midshipman is forwarded to the Superintendent with a recommendation for separation by the Commandant, and the Superintendent decides to retain the midshipman within the Brigade, the Commandant may subsequently take the following actions:

(a) No further action.

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

### **3.7 Miscellaneous Considerations**

a. Involuntary Admissions. A midshipman's confession or admission, if obtained by unlawful coercion or inducement likely to affect its truthfulness, will not be considered as evidence. The fact that an accused midshipman was not advised of his/her rights under Article 31(b), UCMJ, the Fifth Amendment of the United States Constitution, or the rights granted under these procedures before a confession or admission was made does not, in itself, prevent acceptance of the confession or admission as evidence. The Awarding Authority may accept and consider such an admission or confession, so long as he/she determines the admission or confession was not coerced or otherwise secured under circumstances that would undermine its truthfulness or accuracy.

b. Bad Faith and Unlawful Searches. If a member of the Armed Forces, acting in an official capacity, conducts or directs a search which he/she knows is patently unlawful pursuant to the provisions of the Fourth Amendment of the United States Constitution as applied to the military community, the evidence so obtained will not be considered against the midshipman whose rights were violated. In all other cases, evidence obtained as a result of any search or inspection may be accepted.

c. Self-Incrimination. Neither the accused midshipman nor any witness, civilian or military, will be compelled to:

(1) Incriminate himself/herself under the UCMJ.

(2) Answer any questions which might tend to incriminate him/her.

(3) Make a statement or produce evidence if the statement or evidence is not material to the issue and may tend to incriminate him/her.

d. A person declining to answer a question on the basis of UCMJ Article 31(b), or Constitutional grounds must specifically state such. Whenever it appears appropriate and advisable to do so, the rights of a witness or the accused midshipman should be explained by the Awarding Authority.

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**CHAPTER 4**

**DISCIPLINARY MEASURES: RULES AND EXPLANATIONS**

**4.1 Levels of Disciplinary Measures**

a. The Table of Authorized Punishment provides guidance to Awarding Authorities for the administration of equitable discipline within the Brigade of Midshipmen while permitting them to exercise discretion in individual cases.

<b>TABLE OF AUTHORIZED PUNISHMENT RANGES</b>			
	<b>Minor</b>	<b>Major</b>	<b>6K</b>
Demerits	0-50	0-90	0-100
Restriction (days)	0-21	0-45	0-60
Tours <sup>1</sup>	0-10	0-20	0-30

**NOTE:**

1. Tours may be assigned only if restriction is not assigned. Tours will be marched daily at 1900 with restrictees following restriction muster and tracked by both the Company Conduct Officer and Main Office. An Awarding Authority may not assign both tours and restriction for an offense.

Table 4-A

b. Not every offense should necessarily result in the award of the maximum possible punishment. The philosophy of the system maintains that delinquencies and resultant awards should be handled at the lowest appropriate level consistent with good order and discipline. In some cases, justice may be better served if the Awarding Authority, using appropriate discretion, reduces a Minor-level offense to Form-1 counseling rather than assigning punishment based upon a Form-2.

c. A midshipman who violates the same delinquency code during the same academic year should be awarded a higher punishment with each subsequent violation.

**4.2 Suspension of Awarded Punishment.** An awarded punishment may be suspended either entirely or in part by the Awarding Authority. Suspension implies that the punishment will be served only if the midshipman is found guilty of another conduct offense during the specified suspension period. The amount of punishment suspended and the exact length of the suspension must be clearly documented in the Form-2.

**4.3 Deferral of Restriction or Tours.** Midshipmen with extraordinary circumstances may request to defer restriction (i.e., serve awarded restriction at a later date). The Awarding Authority may defer restriction immediately within the hearing or at a later date as the result of an approved special request chit. The Form-2 must be annotated and Main Office must be notified if restriction is deferred for any reason. Restriction will be automatically deferred or postponed for approved movement orders or summer training assignments. These automatic deferments will be tracked in Main Office on the 0800 report.

#### **4.4 Types of Punishment**

a. Demerits. Demerits are numerical points awarded when a midshipman is found guilty of a conduct offense. A midshipman's semester conduct grade results solely from the total number of demerits accumulated during that semester. Demerit ranges for each category of offense are listed in Table 4-A. A full explanation of demerits and their function within the Conduct System is presented in Chapter 6.

b. Restriction. Restriction is the physical confinement within specified conditions as delineated below. Restriction ranges for each category of offense are listed in Table 4-A. Restriction is tracked by Main Office via a Restriction Card (TAB H) and on the 0800 report.

(1) Midshipmen on restriction are prohibited from:

(a) Town or weekend liberty.

(b) Exiting the confines of the Naval Academy for anything other than a legitimate sports team practice. For those on restriction, travel to Naval Support Activity Annapolis is prohibited for anything but legitimate sports team practice.

(c) Signing out of a restriction muster for any activity lower in priority than restriction.

(d) Consuming alcohol.

(2) Midshipmen on restriction shall:

(a) Attend all restriction musters and perform all assigned duties unless they are required to attend an event listed higher on the Table of Priorities in MIDREGS.

(b) Be restricted to company area, except when attending musters, standing duty, and during authorized excusals. Authorized excusals include academic classes, use of academic facilities when required to complete academic projects, religious events within the Yard, physical training, and varsity, club, and intramural activities. Other possible excusals must be cleared via the OOW prior to absence.

(c) Sign out in Main Office immediately prior to authorized excusals and sign in

immediately upon completion. Midshipmen do not need to sign out for class, military drill, or mandatory meals.

(d) Wear an inspection-quality working uniform (Service Dress Blues or Summer Whites for restriction musters) at all times, except during PT or while sleeping. Blue over khaki is not an acceptable working uniform for reestrictedees. The only instances where blue over khaki is an appropriate uniform for a reestrictedee is if they are performing flight-line duties associated with the Powered Flight Program or Sailing activities (to include OSTS and VOST).

(e) Be in a restricted status immediately following the adjudication in which restriction is awarded unless specifically deferred by the Awarding Authority.

(f) Be considered in a duty status throughout their time on restriction.

### (3) Miscellaneous Guidelines for Restriction

(a) Midshipmen in a restricted status will muster daily, Monday through Saturday at 1900 and Sundays at 1300, to march a tour. Other restriction musters will be held throughout the day at the discretion of the OOW. Friday-Sunday and during any other designated holidays, leave periods when classes are not in session or between Graduation and Fall Semester Reform, restricted midshipmen will muster five times per day, according to the schedule below.

(b) Midshipmen who are sick in quarters (SIQ) are excused from restriction musters only with a legitimate SIQ chit from Brigade Medical. Midshipmen shall not be penalized for missing musters when SIQ.

(c) A midshipman may not be placed on restriction before a finding of guilt by anyone except the Commandant or the Deputy Commandant. The Commandant may consider giving day-for-day credit if restriction is subsequently awarded for the offense.

(d) Restriction periods which end on a non-leave day terminate at 2359. Restriction periods which end on a leave day terminate at 1300. The terminal day continues to count as a full day of restriction. This is to mitigate travel risk.

(e) During the summer, restriction musters will occur 5 times a day, every day. If a restricted midshipman is participating in summer school, he/she shall sign out of restriction in the restriction log when he/she leaves for class and sign in when he/she returns from class.

(f) All musters must be accounted for by each midshipman, whether via attendance or properly authorized excusal; however, a restricted midshipman must attend at least one muster each day, two on days with four scheduled musters, or three on days with five scheduled musters, in order for that day to count, regardless of excusals as noted above. Special circumstances will be considered for credit by the OOW and the Conduct Officer.

(g) During Final Examinations midshipmen in a restricted status will muster daily at 1900 and march a tour. For those midshipmen who have a Final Exam at 1930 they will be excused from marching tours but are still required to muster at 1900 in order for the day of

restriction to count.

(4) Violation of Restricted Status. Violation of restricted status in any manner (late, UA, consumption of alcohol, out of uniform, sleeping, etc.) will be processed as follows:

(a) A Minor-level Form-2 will be initiated charging offense 07.07 (If alcohol was consumed offense 05.11 and 05.08 will also be charged).

(b) The offense shall be annotated on the 0800 report and on the midshipman's restriction card.

(c) That day of restriction will not count as a day served.

(5) Restriction During Leave Periods. All restricted midshipmen, regardless of class, will serve restriction during leave periods. Extra credit will not be given for restriction served during a leave period. Midshipmen on restriction during a leave period are not allowed a break in restriction unless specifically authorized by the Awarding Authority or in a Commandant's Notice and approved by the Company Officer. Holiday restriction guidelines will be promulgated via a Commandant's Notice.

(6) Restriction Leading to Late Graduation. Only the Superintendent may authorize late graduation. The Superintendent will consider all cases of 1/C Midshipmen with outstanding restriction during the spring academic boards.

(7) Brigade-Wide Restriction. The Commandant may restrict the entire Brigade of Midshipmen, or any portion thereof, for incidents of widespread misconduct.

(8) Restriction Schedule (Monday-Thursday during the academic year, Tuesday-Thursday following three-day weekends during the academic year).

0630- Restriction muster in Rotunda in SDBs or Whites.

1300- Restriction muster in Rotunda in SDBs or Whites.

1900- Muster in Rotunda in working uniform with issued rifle.  
Tours will commence at 1915 and be complete by 2000.

(9) Restriction Schedule (Friday on class days during the academic year).

0630- Restriction muster in Rotunda in SDBs or Whites.

1300- Restriction muster in Rotunda in SDBs or Whites.

1630- Restriction muster in Rotunda in SDBs or Whites.

1900- Muster in Rotunda in working uniform with issued rifle.  
Tours will commence at 1915 and be complete by 2000.

2230- Restriction muster in Rotunda in SDBs or Whites.

(10) Restriction Schedule (Saturday all year, Monday-Friday during non-class days and between Graduation and Fall Semester Reform).

0600- Restriction muster in Rotunda in SDBs or Whites.

1300- Restriction muster in Rotunda in SDBs or Whites.

1630- Restriction muster in Rotunda in SDBs or Whites.

1900- Muster in Rotunda in working uniform with issued rifle.  
Tours will commence at 1915 and be complete by 2000.

2230- Restriction muster in Rotunda in SDBs or Whites.

(11) Restriction Schedule (Sunday or Monday with End of Liberty Formation during the academic year).

0600- Restriction muster in Rotunda in SDBs or Whites.

1300- Muster in Rotunda in working uniform with issued rifle.  
Tours will commence at 1315 and be complete by 1400.

1630- Restriction muster in Rotunda in SDBs or Whites.

1900- Restriction muster in Rotunda in SDBs or Whites.

(12) Restriction Schedule (Sunday for three-day weekends, leave periods, and between Graduation and Fall Semester Reform).

0600- Restriction muster in Rotunda in SDBs or Whites.

1300- Muster in Rotunda in working uniform with issued rifle.  
Tours will commence at 1315 and be complete by 1400.

1630- Restriction muster in Rotunda in SDBs or Whites.

1900- Restriction muster in Rotunda in SDBs or Whites.

2230- Restriction muster in Rotunda in SDBs or Whites.

(a) The OOW may authorize additional surprise musters and duty requirements as necessary on any day of the week. Notification for an unscheduled event should be announced via the IMC at least 10 minutes prior to the event.

(13) Restriction Musters

(a) When the restriction muster formation is called to attention, any restricted midshipman not in formation at that time will be marked absent. Midshipmen will not be marked present if they arrive late for muster. No assumption as to the whereabouts of absent midshipmen will be made.

(b) Approximately five minutes prior to restriction muster, the MOOW and Senior Restrictree will review the restriction cards and ensure that there are no erroneous or extraneous entries. The Senior Restrictree will then go to the muster area to take accountability.

(c) Midshipmen will be inspected in ranks at every muster by the OOW, SDO or MOOW. Only after the inspection will their attendance at the muster be noted on the restriction card. Midshipmen who are judged to be unsatisfactory in personal appearance at any restriction muster may not receive credit for standing restriction that day at the OOW's discretion; however, the midshipmen are expected to attend all further musters that day, regardless of credit. Any additional finding of unsatisfactory appearance that day will result in conduct action by the OOW.

(d) The Senior Restrictree shall act as Restriction Commander for the purpose of accountability at restriction musters. He or she will be held accountable for proper reporting of the restrictees.

(e) Special Permission to Miss Restriction Muster. A restricted midshipman must ensure that he/she personally signs the restriction sign-out log if he/she will miss a muster for any authorized reason. Upon completion of the activity, the restricted midshipman will personally sign in with a return time and return to company area. Midshipmen are prohibited from signing the restriction log for anyone but themselves. The OOW or someone higher in the chain of command may, in special cases, grant permission for a midshipman to miss a restriction muster for a reason other than those listed in MIDREGS.

(f) At the conclusion of muster, the MOOW will return to Main Office and initial the cards of those members who were present at the muster. Once this is completed, the MOOW will compare the cards of those restrictees who were not present against the restriction sign-out log. All restrictees who are not signed out and not present at the muster will be marked UA on their cards and the MOOW will generate a Form-2 for the UA midshipman.

**4.5 Other Disciplinary Measures**

a. Tours

(1) All restrictees will muster daily, at 1900 Monday through Saturday and at 1300 on Sundays, and march a tour. Tours shall be marched on red beach between 4<sup>th</sup> and 6<sup>th</sup> wings of Bancroft Hall. A 1/C Midshipman, appointed by the MOOW, will supervise the tour to ensure no

talking, music, or inappropriate behavior exists. Varsity athletes on game day and midshipmen who are on “no drill” chits will not march, but will muster and supervise tours.

(2) Any midshipmen assigned tours who are not in a restricted status will muster with the restrictees at 1900 daily and march a corresponding tour until all assigned tours are completed. Tours shall be marched every day, without exception, unless the midshipman has a valid excuse approved by the OOW.

b. Extra Duty/Extra Military Instruction.

(1) EMI may be awarded as the result of either a Form-1 or Form-2. A description of the award should be entered into the [Award Comment] section of the Form-2. Specified extra duty may include, but is not limited to:

- |                                  |                 |
|----------------------------------|-----------------|
| -Extra Watch                     | -Mess Hall Duty |
| -1 <sup>st</sup> LT Duties       | -Laundry Duty   |
| -Planning / Organizing Functions | -Room Inspector |
| -Uniform monitor                 |                 |

(2) All Restricttees Subject to Extra Duties as Needed. During the academic year, restrictees are subject to extra duties as directed by the OOW. Extra duty shall be performed on a not-to-interfere basis with other military obligations such as academic classes, drill, intramurals, study hour and mandatory lectures.

(3) Reduction of Restriction for Extra Duty. Days of restriction should not be reduced in exchange for the performance of extra duty except under extraordinary circumstances. Only the Commandant or Deputy Commandant may reduce days of restriction. Requests for reduction of restriction for performance of extra duty in extraordinary circumstances will be submitted to the Conduct Officer.

c. Removal from Sports/Extracurricular Activities. The Commandant may remove members and managers from varsity teams, club teams, or other extracurricular activities for misconduct. The Commandant may suspend midshipmen from any or all team or group activities including meetings, practices, training, competition, social functions, or any other involvement. If a midshipman is placed in a “non-representation” status by the Commandant, he or she is prohibited from traveling with a team or activity or representing the Naval Academy as part of that team or activity, but may still attend practices and meetings, for the time period set forth by the Commandant.

d. Loss of Privileges

(1) Awarding Authorities may revoke class privileges, but shall specify which class privileges are being revoked. A midshipman who loses privileges shall continue to wear the uniform and insignia of his or her class. Any class privilege that is revoked shall not impact the

midshipman’s academic progress, pay, or other such administrative matters. The following privileges may be revoked by appropriate awarding authorities:

<b>PRIVILEGE:</b>	<b>APPLICABLE TO:</b>
Overnight Liberty	1/C, 2/C, 3/C
Operating a vehicle on the Yard	1/C,(2/C move in/out)
Operating a vehicle w/in 22 Miles of USNA	1/C, 2/C
Move out of Bancroft after Spring Finals	1/C
Utilization of Drydock during the weekday	3/C, 4/C
Utilization of Drydock during the weekend	4/C
Civilian attire during Weekend Town Liberty	1/C, 2/C
Civilian attire during Overnight Liberty	1/C, 2/C, 3/C
Wearing “Spirit Gear” in Bancroft Hall	1/C, 2/C, 3/C
Physical Training during Study Period	1/C, 2/C, 3/C
Weekend media utilization for entertainment	4/C

(2) In the event that a midshipman fails to adhere to the provisions of this punishment, his/her case shall be forwarded to the Commandant by the original Awarding Authority for further consideration.

(3) Any midshipman striper who has demonstrated an inappropriate sense of duty may be recommended for striper rank reduction. Recommendations for reduction on the Battalion, Regimental, or Brigade level will be made by letter through the midshipman’s Battalion Officer and the Deputy Commandant to the Commandant for review/action. The Superintendent will be advised of all proposed reductions of senior (four-stripers and above) members of the Brigade staff.

e. Deprivation of Normal Liberty. Deprivation of normal 4/C liberty as a punishment is not authorized unless it is the result of restriction. Deprivation of normal upper class liberty may be administered only by the Company Officer or officer’s superior in the chain of command.

f. Automobile Privileges. The Commandant or Deputy Commandant may suspend or revoke midshipman automobile privileges, (e.g., a midshipman may have his or her 2/C and 1/C driving and parking privileges revoked during 3/C year). 1/C Yard parking and driving privileges may be revoked at the Company Officer level for repeated parking violations.

g. XYZ Cases. Midshipman adjudicated for 6K-level conduct offenses (and certain Major-level conduct offenses) will be required by the Brigade Conduct Officer to write an XYZ case. (XYZ cases that involve CMEO or SAPR issues will only be published when submitted to the Conduct Officer by the CMEO Officer or SAPR Program Manager.) XYZ cases are meant to educate the Brigade.

#### **4.6 Conduct Probation**

a. Conduct Probation

(1) Conduct probation is an alternative to separation and may be imposed by the Commandant:

(a) As a result of a finding of guilt for a 6K-level conduct offense, in lieu of a recommendation to the Superintendent for separation, or

(b) any time a midshipman's conduct is determined to be unsatisfactory, as defined in Chapter 6, and the midshipman has not been recommended for separation, or

(c) as a result of retention by the Superintendent following a recommendation for separation, or

(d) at the Commandant's discretion upon a review of the facts of the case.

(2) Specific terms and time periods of probation will be established by the Commandant.

(3) A midshipman will normally be placed on probation only once, and violation of the terms of that probation will typically result in a recommendation for separation.

(4) A midshipman will be notified in writing that he/she has been placed on probation. The probation letter will specifically outline the length of the probationary period and the terms of the probation. Probation letters will be issued by the Conduct Officer or the Commandant's Legal Advisor.

(5) The Commandant may impose any number of sanctions as part of conduct probation (TAB I). These include, but are not limited to:

(a) Loss of privileges.

(b) Referral to alcohol IMPACT training.

(c) Referral to a conduct remediation program.

(d) Assignment to a different company.

(e) Referral to the Brigade ADEO for screening and/or active participation in the Right Spirit campaign for the term of their probation.

(f) Loss of alcohol privileges or patronage of any establishment that serves alcohol.

(g) Loss of privilege to represent the Naval Academy in any capacity (i.e., non-representation).

(h) Loss of any or all class-specific vehicle privileges.

#### **4.7 Separation**

a. The separation authority for the Naval Academy is the Secretary of the Navy. On a case-by-case basis, the Commandant may recommend to the Superintendent that a midshipman found unsatisfactory in conduct be separated from the Naval Academy.

b. If either the Superintendent or the Secretary of the Navy disagrees with the recommendation for separation and returns the case to the Commandant, the Commandant may hold an additional hearing regarding unsatisfactory conduct or may immediately place the midshipman on conduct probation and/or remediation, unless otherwise directed.

c. Once the Superintendent has recommended that a midshipman be separated from the Naval Academy and has signed the endorsement to the midshipman's Show Cause Statement, the midshipman shall immediately begin check-out procedures and will be placed on separation leave pending discharge while awaiting the Secretary of the Navy's final action.

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## CHAPTER 5

### DUTIES AND RESPONSIBILITIES

**5.1 Introduction.** In order for the Conduct System to function efficiently and fairly, specific duties and responsibilities are assigned to members of the Commandant's staff and the Brigade of Midshipmen. The following are the explanations of those responsibilities by position.

**5.2 Awarding Authority.** The Awarding Authority shall:

- a. Conduct a fair and impartial hearing.
- b. Determine whether the accused is guilty based upon a preponderance of the evidence. Consider all known and relevant circumstances associated with the case.
- c. Determine appropriate punishment for committed offenses considering the accused midshipman's prior conduct record, overall performance, rank and experience, billet, chain of command input, the need to maintain good order and discipline, and any extenuating or mitigating evidence presented by the accused midshipman.
- d. Advise the accused midshipman, in person, of guilty and/or not guilty findings. If found guilty, advise the accused midshipman of the extent and nature of the punishment awarded. Even if the adjudication is conducted without a hearing, the accused midshipman shall be advised of the Awarding Authority's findings and the punishment awarded.
- e. Following adjudication of a case, provide all related documents to the Company Conduct Officer in order to allow entry of the findings and punishment (if awarded) into the Form-2.

**5.3 Accused Midshipman.** The accused midshipman shall:

- a. Obtain legal counsel, if desired. Although military legal counsel will be made available at no expense to the accused midshipman through the Office of Legal Counsel, the accused midshipman is responsible to make contact with counsel in order to exercise this right, if desired.
- b. Meet submission deadlines established by the Commandant's Conduct Officer or PIO. If an accused midshipman cannot meet a submission deadline, it is the midshipman's responsibility to contact the appropriate officer in order to obtain an extension.
- c. Be responsible for contacting and notifying witnesses whom they request.
- d. Notify the PIO of any potential alibi defense prior to completion of the preliminary inquiry. Should the accused midshipman fail to provide information by the appropriate deadline, absent extremely unusual circumstances, the Awarding Authority may, at his/her discretion, disregard evidence of alibi offered by the accused midshipman at the adjudicative hearing.

#### **5.4 Preliminary Investigative Officer (PIO)**

a. The PIO shall:

(1) Conduct a fair and impartial inquiry into the facts and circumstances surrounding the alleged misconduct. The PIO should seek assistance from the Conduct Officer and Legal Advisor as required, and request the assignment of an assistant PIO or legal counsel, in more complex cases, if deemed necessary.

(2) Complete and serve the Military Suspect's Acknowledgment and Waiver of Rights Form (TAB C), Notification Of Potential Reimbursement For Advanced Education (this pertains to First and Second Class Midshipmen only) (TAB D), Defense Service Office Contact Information Form (TAB F) and inform the accused midshipman of the requirement to submit a plea within 24 hours of service.

b. Further instructions for the PIO can be found in Chapter 4.

#### **5.5 Company/Battalion Conduct Officer**

a. The Company/Battalion Conduct Officer shall:

(1) Act as a PIO for Minor-level conduct offenses that require the collection of materials or evidence.

(2) Schedule, set up, and attend Minor-level adjudications.

(3) Organize midshipmen observers for Minor- and Major-level adjudications at the adjudicating authority's discretion.

b. After adjudication by the assigned Awarding Authority the Company/ Battalion Officer shall:

(1) Ensure completion of the following forms associated with punishment awarded at adjudication: Midshipman Acknowledgement of Restriction Form (TAB G) and the Restriction Card (TAB H).

(2) For Minor-level cases: Ensure that the Form-2 is immediately updated in MIDS and the conduct package is filed in the company files.

(3) For Major-level cases: Ensure that the Form-2 is immediately updated in MIDS and the conduct package is forwarded to the Commandant's Conduct Office for filing or further processing.

**5.6 Brigade Conduct Officer.** The Brigade Conduct Officer shall:

a. Assist the Commandant's Conduct Officer in training all Company Conduct Officers to properly execute their respective duties under this instruction. Additionally, the Brigade Conduct Officer will train the Battalion and Company Conduct Officers regarding the operation of MIDS as it pertains to conduct offenses.

b. Act as a liaison between the Conduct Office and Battalion and Company Conduct Officers to enhance consistency in the administration of the Conduct System within the Brigade, thereby enhancing good order and discipline at the Naval Academy.

c. For Commandant of Midshipmen and Deputy Commandant of Midshipmen adjudications ensure the accused midshipman and the accused midshipman's midshipman Chain of Command (Squad Leader, Platoon Commander, Company Commander and Battalion Commander) are prepared for the adjudication and are confirmed to be present for the adjudication.

d. Set up the Commandant's Conference room for the adjudication and for Commandant of Midshipmen adjudications/hearings ensure that six (6) observers are present (1 midshipman present from each Battalion and 1 midshipman present from each class).

e. Prepare XYZ case studies. The Brigade Conduct Officer is instrumental in providing feedback to the Brigade of Midshipmen in the form of XYZ case studies which outline cases by describing the summary of events, offenses that were charged, summary of adjudication and punishment, and the final disposition of the case. The Brigade Conduct Officer shall:

(1) Assign a due date to the adjudicated midshipman for his or her XYZ case, ensure the adjudicated midshipman knows to follow the XYZ Case example format posted on the Conduct Website, collect the XYZ case at the time it is due and edit it prior to submitting it to the Commandant's Conduct Officer for approval.

(2) Ensure Battalion and Company Conduct Officers are alerted when new XYZ cases are posted on the Conduct Website to guarantee widest dissemination of new XYZ cases.

f. Organize midshipmen observers for Major- and 6K-level adjudication at the Deputy Commandant's discretion.

## **5.7 Commandant's Conduct Officer**

a. Prior to forwarding a Major-level conduct offense case to the Awarding Authority, the Commandant's Conduct Officer shall:

(1) Ensure that the PIO serves the Form-2 on the accused midshipman, informing the accused of the requirement to submit a plea within 24 hours of service, and ensure that the PIO completes the Military Suspect's Acknowledgement and Waiver of Rights Form, Defense Service Office Contact Information Form and, as applicable, the Notice of Potential Reimbursement.

(2) Provide assistance to the PIO as necessary, to include obtaining reports from outside agencies.

(3) Coordinate with the PIO to ensure timely completion of the PIR.

(4) Review all available documentation for completeness and accuracy.

(5) Ensure the accused midshipman's Company and Battalion Officers are kept informed of investigative and adjudicative proceedings.

b. If a hearing to adjudicate a Major-level conduct offense is contemplated, the Conduct Officer shall:

(1) Provide the accused midshipman an opportunity to review the materials provided to the Awarding Authority, to include the PIR with enclosures, chain of command comments, and character or material witness statements.

(2) In cases not delegated, forward the original report to the Commandant's Legal Advisor for review.

(3) Schedule the adjudicative hearing, informing the accused midshipman and accused midshipman's chain of command.

(4) Provide to the Awarding Authority a complete hearing package to include: Military Suspect's Acknowledgement and Waiver of Rights Form, Defense Service Office Contact Information Form and, as applicable, the Notice of Potential Reimbursement, PIR with enclosures, all written comments from the accused midshipman, written comments from midshipman's chain of command, a complete printout of the midshipman's MIDS record (as required), and any statements or evidence submitted by the accused midshipman.

c. Maintain necessary records, ensuring that a copy of the PIR is placed in the midshipman's conduct file.

d. Train Battalion XOs and PIOs to properly execute their respective duties under this instruction in order to enhance consistency in the administration of the Conduct System within the Brigade, thereby enhancing good order and discipline at the Naval Academy.

e. Provide Awarding Authorities with precedence from similar cases.

## **5.8 Commandant's Legal Advisor**

a. The Commandant's Legal Advisor shall:

(1) Provide advice to the Commandant concerning consistency in the administration of the

Conduct System and offer recommendations to enhance consistency when required.

(2) Appoint PIOs in Major-level conduct offense cases and assign assistant PIOs and legal counsel as appropriate.

(3) Assist the Deputy Commandant in reviewing reports of Major-level conduct offenses to determine whether the offenses should be delegated to subordinate Awarding Authorities.

b. Review PIRs regarding Major-level conduct offenses which are not delegated by the Deputy Commandant and all referred PIRs. Advise Awarding Authorities whether sufficient evidence exists to support forwarding the case to an adjudicative hearing.

c. Be present during all unsatisfactory conduct hearings to ensure the rights of accused midshipmen and witnesses are maintained and protected.

d. Provide Awarding Authorities such other opinions and advice as is deemed appropriate.

e. Advise the Commandant of the legality of awarding midshipmen punishment and/or recommending midshipmen for separation.

**CHAPTER 6**

**CONDUCT GRADING SYSTEM, STANDING, AND UNSATISFACTORY CONDUCT ALTERNATIVES**

**6.1 Grading System**

a. A midshipman’s semester conduct grade is based solely upon accumulated demerits received for offenses which took place within that particular conduct semester. Table 6-A shows accumulated demerit ranges which correspond to each conduct semester letter grade.

<u>DEMERIT RANGES PER CONDUCT SEMESTER LETTER GRADE</u>					
<u>LETTER GRADE</u>	<u>POINT VALUE</u>	<u>FIRST CLASS</u>	<u>SECOND CLASS</u>	<u>THIRD CLASS</u>	<u>FOURTH CLASS</u>
A	4	0-25	0-25	0-30	0-35
B	3	26-45	26-45	31-49	36-60
C	2	46-60	46-60	50-70	61-80
D	1	61-70	61-70	71-80	81-90
F	0	71+	71+	81+	91+

Table 6-A

b. Offenses Pending Adjudication at Semester's End. Midshipmen accused of a conduct offense which has not been adjudicated by the end of the conduct semester will receive a grade of “Incomplete” in Conduct until the case is adjudicated. Following adjudication, the appropriate grade will be entered by the Conduct Officer.

**6.2 Conduct Standing.** A midshipman's conduct standing is also based upon accumulated demerits. There are three categories of standing: proficient, deficient, and unsatisfactory.

a. Proficient. A semester conduct letter grade of A, B, or C.

b. Deficient. Deficient status remains until a conduct semester letter grade of “C” or better is earned at the end of a semester following a deficient semester. This status exists if:

(1) A semester conduct letter grade of D is earned, or

(2) Accumulated demerits exceed two-thirds of the yearly allowance (see Table 6-B).

c. Unsatisfactory. Unsatisfactory status remains until a conduct semester letter grade of “C” or better is earned at the end of a semester following an unsatisfactory semester. This status exists if:

- (1) Guilt is determined in a 6K-level offense, or
- (2) guilt is determined in two separate Major-level offenses committed within two consecutive conduct semesters, or three separate Major-level offenses within a career at the Naval Academy, or
- (3) terms of probation are violated, or
- (4) a semester conduct letter grade of F is earned, or
- (5) accumulated demerits exceed the yearly demerit allowance (see Table 6-B), or
- (6) accumulated demerits exceed the career demerit allowance (see Table 6-B).

<u>DEMERIT ALLOWANCES</u>			
CLASS	YEARLY DEMERIT ALLOWANCE	(2/3 YDA) DEFICIENCY LEVEL	CAREER DEMERIT ALLOWANCE
1/C	140	95	335
2/C	140	95	315
3/C	160	110	270
4/C	180	125	180

Table 6-B

d. Delayed Graduation. Subject to approval by the Superintendent, the Commandant may recommend delayed graduation for 1/C Midshipmen who become unsatisfactory in conduct during the second semester of their 1/C year. If approved, such delayed graduation will occur between the scheduled graduation date and the end of the following fall semester.

**6.3 Counseling and Notification of Deficient Status**

a. Counseling. The Company Officer, Company Senior Enlisted Leader and/or the Company Commander should counsel any midshipman they believe to be at risk of becoming deficient or unsatisfactory in conduct. The motivation for counseling, as well as specific guidance given, will be documented and placed in the midshipman’s performance jacket.

b. Notification of Deficient Status. When a midshipman becomes deficient in conduct, the Company Officer, Company Senior Enlisted Leader, Company Commander and the Conduct Office receive notifications via e-mail of DEFICIENT CONDUCT STANDING from MIDS. Midshipmen who are in a deficient standing should be notified of their status by their chain of

command, at which time the Company Officer, Company Senior Enlisted Leader and/or Company Commander should counsel the midshipman, document the counseling session, and file the documentation in the midshipman's performance jacket. Failure of the chain of command to provide notification and/or conduct counseling does not preclude further processing if the concerned midshipman subsequently becomes unsatisfactory in conduct.

**6.4 Unsatisfactory Conduct Procedures.** If a midshipman becomes unsatisfactory in conduct, that midshipman's overall record will be reviewed by the chain of command for referral to the Conduct Office. Recommendations by the chain of command are forwarded to aid the Commandant in deciding upon a course of action and final disposition.

**6.5 Commandant Discretion Regarding Unsatisfactory Conduct.** The Commandant may elect to review a midshipman's record for unsatisfactory conduct processing if he/she determines such action is warranted based on the egregiousness of an individual offense, series of offenses, or totality of a midshipman's record. If the Commandant elects to review a particular case, all probation options in Chapter 4 will be available to him/her, including recommending the midshipman for separation.

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## CHAPTER 7

### MIDSHIPMEN INFORMATION DATA SYSTEM (MIDS)

**7.1 General.** The midshipmen Information Data System (MIDS) allows online entry and tracking of Form-2s. It automatically calculates conduct standings and conduct grades based on demerits entered into Form-2s.

#### **7.2 Entering a Form-2**

a. MIDS allows electronic access to Form-2s by the following people using the annotated MIDS modules:

(1) Conduct Office: [Conduct-Validate/Maintain Mid Offenses]

(2) Battalion Officers, Company Officers, Company Senior Enlisted Leaders, Brigade Commander, Brigade XO, Brigade Conduct Officer, Regimental Commanders, Battalion Commanders, Battalion Conduct Officers, Company Commanders, Company Conduct Officers: [Conduct-Record Offenses]

(3) All midshipmen, faculty, and staff personnel: [Conduct-Report Mid Offenses]

b. Required Information for a Form-2. Individuals charging an offense are required to enter the following information:

(1) [Alpha] – Alpha number of the accused midshipman.

(2) [Semester] - Semester during which alleged offense occurred (fall or spring).

(3) [Commit Date] - Actual date upon which the alleged offense occurred.

(4) [Level of Offense] – Minor or Major (select Major for 6K-level offenses)

(5) [Primary Offense] - Offense code and description of highest level offense being alleged (only one may be selected).

(6) [Secondary Offense] - Offense code and description of other offenses being alleged, if necessary. It is possible to select multiple items from the secondary offense list.

(7) [Reporter Type] - Category of reporting individual (midshipman, Officer, Civilian, CDO, or Other). Company Senior Enlisted Leaders must select “Other.”

(8) [Incident Summary] - Brief description of events surrounding the alleged offense. The

incident summary should be a short and concise statement including sufficient detail to put the accused midshipman on notice for the alleged offense. Reference OOW SITREP # if applicable.

### **7.3 Updating a Form-2**

a. Entering a Plea. All accused midshipmen shall read and acknowledge their rights, enter a statement, and enter a plea for each charge on the Form-2 within 24 hours of notification. To enter a plea, the midshipmen must use the [Conduct-Enter Plea] module located on the midshipmen menu in MIDS. Midshipmen may update the plea until the Conduct Office has validated the Form-2.

b. Investigation of Conduct Cases. MIDS allows for the investigation of all offenses to be tracked online.

(1) Assigning a PIO. PIOs can be assigned to conduct cases by the Conduct Officer and Battalion XOs via the [Conduct-Assign PIO] module in MIDS or directly on the Form-2.

(a) PIOs selected from the drop-down menu of authorized personnel within MIDS are notified by e-mail of their assignment.

(b) PIOs assigned via the [Other PIO] field must be notified by the assigning officer.

(c) Others who receive a carbon copy of the PIO assignment e-mail include the accused midshipman, Conduct Office personnel, Battalion XOs, Company Officers, Company Senior Enlisted Leaders, Company Commanders, and Company Conduct Officers.

(2) Uploading a PIR into MIDS. PIOs should use the [Conduct-Record Offenses] module to enter their completed PIRs. Reports can be entered by clicking the [Insert New Record] button under the heading of [PIO, Chain of Command, Witness Statements] located at the bottom of the Form-2. Enter the name of the file (complete with path) or click [Browse] and select the file name from the list. To view the document/file click the [Uploaded File] link. The file will be opened in the default application for the file type. To update a previously stored PIR, enter the name of the file (complete with path) or click [Browse] and select the file name from the list.

c. Adding Chain of Command Statements and Witness Statements. Additional statements from members of the chain of command, character witnesses, or material witnesses may be added to the Form-2. These statements may be entered by clicking the [Insert New Record] button under the heading of [PIO, Chain of Command, Witness Statements] located at the bottom of the Form-2. Select the appropriate title from the [Position] drop-down menu, and type the statement in the provided box.

d. Awarding Punishment/Sanctions for Conduct Cases

(1) The following individuals may use the indicated MIDS modules to enter results of an adjudication into the Form-2:

(a) Conduct Officer: [Conduct Validate/Maintain Mid Offenses]

(b) Battalion XOs, Company Officers, Company Senior Enlisted Leaders, Brigade Conduct Officer, Battalion Conduct Officers, Company Commanders, Company Conduct Officers: [Conduct-Record Offenses]

(2) MIDS prevents users from entering punishments in excess of the adjudicator's authority or punishment limits defined within this manual.

e. Entering Awarded Punishments. MIDS allows entry of punishment details into the Form-2 and automatically calculates the end dates for all punishments except probation and remediation.

(1) Awarded Punishment

(a) [Demerits Award] - Enter the net number of demerits (do not include any demerits that were suspended).

(b) [Restriction] – Enter days of restriction awarded.

(c) [Tour Type] – Enter number of days. Tours may only be inserted if Restriction is NOT awarded.

(d) [Loss of Privs] – Enter number of days. Specify which privileges are being revoked in the Award Comment block.

(e) [Loss of Car Privs] – Enter number of days. Chapter 2 specifies minimum number of days to be awarded for parking violations (offense code 04.18).

(f) [Lost Leave] – Enter number of months. If specific end date is desired, annotate in Award Comment block.

(g) [Extra Duty] – No Longer Applicable, leave blank.

(h) [Conduct/Honor Probation] – Enter number of months and end date.

(i) [Remediation Award] – Enter number of months and end date.

(j) [Reduction in Rank] – No Longer Applicable, leave blank.

(2) Deferred Punishment. Restriction and tours may be suspended within the limits and

guidelines established in Chapter 4. Select whether a punishment will be suspended or deferred using the drop-down menu and insert the date that the punishment will begin using the calendar icon.

(3) [Award Comment] - A short narrative shall be entered that includes the following:

(a) Statement of Findings. Award comment should include the adjudicator's findings regarding guilt or innocence of specific offenses. (e.g., "Accused midshipman was found guilty/not guilty of the following offenses..."). Additionally, it should include specific details on punishments and sanctions awarded and detail any suspensions or deferments and the reasons.

(b) Notes regarding any further disposition (e.g., Retained by Deputy Commandant, Forwarded to Commandant, Forwarded to Superintendent, Separated by Superintendent, Retained by Commandant, Retained by Superintendent, etc.).

#### **7.4 Validating a Form-2**

a. Verification. Prior to validating a Form-2 the Conduct Office will ensure the following:

(1) Form-2 is entered properly and charges are correct.

(2) Conduct case was adjudicated properly and the Form-2 was updated accordingly.

(3) Awarded punishment was properly entered into the punishment matrix on the Form-2 and the Award Comment is complete.

b. Validation. A Form-2 is validated by selecting "yes" from the drop-down menu in the [Validated] field. This may only be done by the Conduct Office using the [Conduct-Validate/Maintain Mid Offenses] module. NOTE: After the Conduct Office has validated a Form-2, the users of [Conduct-Record Offenses] and [Conduct-Record Company Offenses] can modify only the award comment.

c. Calculations Performed upon Validation. Once the record has been validated, the conduct standing of the accused midshipman is calculated and updated. If the midshipman is determined to be deficient or unsatisfactory according to the guidelines in Chapter 6, an e-mail will be sent to the Conduct Officer, Company Officer, Company Commander, and the Company Senior Enlisted Leader.

## CHAPTER 8

### CONDUCT REMEDIATION

**8.1 General.** The Conduct System utilizes the Command Managed Equal Opportunity (CMEO) Office, the Alcohol Drug and Education Office (ADEO) and/or a tailored Conduct Remediation Program to help remediate midshipmen whose misconduct is attributed to lack of compliance with governing regulations (UCMJ, Navy Regulations, USNA Regulations, SECNAV and OPNAV Instructions, General Orders, Federal, State or Local Laws) or a lack of training. The Commandant's CMEO Officer oversees the Dignity and Respect Remediation program. An accused midshipman whose conduct offense(s) do(es) not warrant involvement in the CMEO and ADEO programs but requires mentoring before commissioning may be required to complete a tailored Conduct Remediation program.

**8.2 CMEO.** Midshipmen whose conduct offense is of a sexual nature, is sexual harassing in nature, demonstrates elements of gender bias, or any other adverse behavior as defined by Department of Defense, Department of the Navy, or United States Naval Academy (USNA) equal opportunity policies may be assigned to the Dignity and Respect Remediation Program. Dignity and Respect remediation will be conducted per Commandant of Midshipmen Instruction 5354.2 (DIGNITY AND RESPECT REMEDIATION PROGRAM), and will be assigned by the Commandant in writing via a conduct probation letter (see TAB I). Copies of a conduct probation letters where Dignity and Respect Remediation is an included sanction will be given to the Commandant's CMEO Officer.

**8.3 ADEO.** A command referral for substance abuse screening shall be directed for midshipmen whenever the awarding authority believes alcohol to be a contributing factor in their misconduct (this does not preclude peer or self-referrals). Substance abuse screening will be assigned in writing by the Commandant via a conduct probation letter (see TAB I). A copy of each conduct probation letter which directs substance abuse screening shall be given to the ADEO. For further ADEO information see Commandant of Midshipmen Instruction 5350.1C (MIDSHIPMEN ALCOHOL AND DRUG ABUSE PREVENTION AND CONTROL).

#### **8.4 Conduct Remediation**

a. Conduct Remediation (if so assigned) shall be tailored to the accused midshipman and his/her conduct offense. The Remediator shall meet with the accused midshipman to develop, and subsequently implement, an appropriate remediation program for the accused midshipman.

b. The remediation program may utilize the following list of resources or other vetted organization not listed:

(1) Command Managed Equal Opportunity (CMEO) Officer. Equal Opportunity Training for biases based on race, color, ethnicity, national origin, gender or religious stereotypes. Contact the CMEO Officer.

(2) Midshipmen Development Center. See website for list of services:  
<http://intranet.usna.edu/MDC/>

(3) Annapolis Fleet & Family Support Center (410) 293-2641. Offers an Anger Management Workshop that is available to midshipmen. See website for a list of their other services: <http://www.usna.edu/FamilyServices/>

(4) Midshipmen Action Group (MAG). MAG does many community service projects that the accused midshipman could participate in. See their website:  
<http://intranet.usna.edu/MidActivities/ECA/MAG.php>

(5) Vice Admiral Stockdale Center for Ethical Leadership Library located in Luce Hall Room 201. Select a book from which the accused midshipman could benefit upon reading.

**8.4.1 Assignment of a Conduct Remediator.** If Conduct Remediation is desired, it will be assigned to the accused midshipman during the adjudication or via the resultant Conduct Probation Letter. Any Officer or Non Commissioned Officer on the Yard (retired or active) is eligible to serve as a conduct remediator; selection and assignment of the remediator is at the discretion of the adjudicating authority but should not be an officer in the accused midshipman's Chain of Command or the individual who conducted the PIR for the accused midshipman's case. When conduct remediation is directed at a Deputy Commandant adjudication or Commandant hearing and a specific Remediator is not identified the chain of command will recommend a remediator to the Conduct Officer. The remediator shall be assigned by means of a Conduct Probation Letter (see TAB I)

**8.4.2 Minimum Requirements of Conduct Remediation.** At a minimum, the program must contain the following items:

**8.4.2 Minimum Requirements of Conduct Remediation.** At a minimum, the program must contain the following items:

a. An initial counseling session to determine what issue (s) / circumstances (s) may have caused the problem. These factors should remain in focus throughout the entire conduct Remediation period. Creation of a Midshipman Development Plan to include a POA&M with the midshipman to establish goals (personal and professional) for the Conduct Remediation.

b. Meet no less than one time per week. Weekly required work is at the discretion of the Remediator. Recommendations include having the midshipman keep a weekly journal, essays, or readings for further discussion.

c. A final essay to be turned in with the final evaluation, no less than four pages. The essay should document the progress the midshipman has accomplished; where they started, everything they have learned, how they changed, and their understanding post remediation. It should relate to his/her duties as a midshipman and potential career as a future Naval or Marine Corps Officer. It should clearly show that the midshipman understands the concept of remediation and how it will relate to success as a future officer.

**8.4.3 Final Report and Routing Requirements.** The following items must be included in the routing folder. All reports route through the midshipman's Chain of Command prior to the Conduct Office.

a. The Remediator shall submit an evaluation of the accused midshipman's aptitude for commission at the conclusion of the Conduct Remediation Program. The report will include a complete overview of the program and its elements. A sample final report of conduct remediation letter is provided in TAB J. The Remediator's recommendation should focus on the analysis of the midshipman's officer potential and based on the Remediator's observations during the Conduct Remediation Program. The Remediator is not limited to personal observations in arriving at his/her recommendations. The Remediator's evaluation must include one of the following recommendations:

(1) Conduct Remediation successfully completed and a recommendation to remove the midshipman from the program.

(2) Conduct Remediation not successfully complete and a recommendation to extend the Conduct Remediation period for (X) length of time; or recommend the assignment of a different Remediator. See TAB K.

(3) Conduct Remediation not successfully completed and a recommendation to forward the midshipman to the Superintendent for separation in accordance with the midshipman's Conduct Probation Letter.

b. The midshipman's Company Officer shall submit their own evaluation of the midshipman answering the required questions and providing their recommendation. The Senior Enlisted Leader and Battalion Officer will review the memorandum. If any member of the Chain of Command disagrees with the recommendation they are required to submit their own letter. See TAB L.

c. The midshipman's final report shall be included for routing and evaluation.

d. The midshipman's Development Plan with the POA&M to show the goals established for the remediation period, and how successful the midshipman was at achieving the set goals.

e. The midshipman's original Conduct Probation Letter designating you as the Remediator.

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**MIDSHIPMAN COUNSELING FORM**

**FORM 1**

Type of Counseling:  NEGATIVE  POSITIVE

**Name:**

**Alpha:**

**Company:**

**Ac Year (Ending):**

**Semester:**

**Commit Date:**

**Creation Date:**

**Reason:**

**Description/Counseling  
Comments:**

**Counseled By:**

**Counselor Signature/Date:**

**Midshipman Counseled  
Signature/Date:**

**Reviewed by Chain of  
Command (initial/date):**

**Validated:  
(by Company Officer or  
Senior Enlisted Leader)**

Name:			
Alpha:			
Company:			
Ac Year (Ending):			
Semester:			
Commit Date:			
Creation Date:			
Reason:			
Description/Counseling Comments:			
Counseled By:		NAME:	RANK:
Counselor Signature/Date:		SIGNATURE:	DATE:
Midshipman Counseled Signature/Date:		SIGNATURE:	DATE:
Reviewed by Chain of Command (initial/date):		Co Conduct Officer:	
		Squad Leader:	
		Platoon Commander:	
		Company Commander:	
Validated: (by Company Officer or Senior Enlisted Leader)		SIGNATURE/DATE: _____	

TAB A

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TAB A

A-2

**SAMPLE FORM-2**

**Case Number:** NNNNNN  
**Alpha:** NNNNNN  
**Formatted Name:** First Middle Last  
**Company:** NN  
**Ac Yr Ending:** YYYY  
**Semester:** FALL or SPRING  
**Commit Date:** DD-MMM-YYYY  
**Creation Date:** DD-MMM-YYYY  
**Created By:** Screen name of accuser  
**Level Awarded:** Major  
**Primary Offense:** Highest level offense [CODE ARTICLE]  
**Secondary Offense(s):** Additional offense(s) [CODE ARTICLE]  
**Other Cases Awaiting Adjudication:** Case number of any pending conduct cases [NNNNNN]  
**Reporter Type:** Accuser [OFFICER, MIDSHIPMAN, CIVILIAN, OTHER]  
**Status:** Indicates current status of the case in the conduct process  
**PIO Assigned:** Rank/Name of assigned PIO  
**Other PIO:** Rank/Name of assigned PIO (used if PIO is not in list)  
**Date PIO Notified:** DD-MMM-YYYY  
**PIO Completion Date:** DD-MMM-YYYY  
**PIO Status:** Indicates current status of investigation  
**Incident Summary:** Text block for short summary of conduct offense in narrative form.  
**Validated:** Used for MIDS calculation purposes [YES, NO]  
**Adjudicator:** Position of Awarding Authority [DEPUTY COMMANDANT, etc.]  
**Award Date:** DD-MMM-YYYY  
**Commandant Hearing Date:** DD-MMM-YYYY  
**Demerits Awarded:**

	<b>Awarded</b>	<b>In Effect For</b>	<b>End Date</b>	<b>Deferred</b>	<b>Deferred Date</b>
<b>Restriction:</b>	Days	Months		[Yes, No]	
<b>Tour Type:</b> [Room, Area]		Months		[Yes, No]	
<b>Loss of Car Privs:</b>	Days	Months		[Yes, No]	
<b>Lost Leave:</b>	Months	Months		[Yes, No]	
<b>Extra Duty:</b>	Hours	Months		[Yes, No]	
<b>Conduct/Honor Probation</b>	Months	Months			
<b>Remediation Award</b>	Months	Months			
<b>Reduction in Rank</b>	Months	Months		[Yes, No]	

**Related Case Commit Date:** DD-MMM-YYYY

**Award Comment:** Text block for short summary of awarded punishment in narrative form.  
Used to back up punishment matrix.

**Accused Midshipman:** Text block for Accused midshipman to enter voluntary statement.

**Rights Acknowledged:** [YES, NO]

**Primary Offense Plea:** [GUILTY, NOT GUILTY]

**Plead By:** Accused midshipman's screen name

**Plead Date:** DD-MMM-YYYY

**Second Offenses:** List of additional offense(s)



Signature: \_\_\_\_\_ Witnessed by: \_\_\_\_\_  
Printed Name: \_\_\_\_\_ Printed Rank, \_\_\_\_\_  
Name and Billet: \_\_\_\_\_  
Date and Time: \_\_\_\_\_ Date and Time: \_\_\_\_\_

If I decline to provide a statement or if he/she feels a hearing is necessary. My presence would be required at the hearing. At the hearing I would have the following rights:

- \_\_\_\_\_ (1) To confront and cross-examine witnesses
- \_\_\_\_\_ (2) To present evidence and witnesses
- \_\_\_\_\_ (3) To testify or remain silent

Having been informed of my rights, I understand my rights to a Hearing and elect to:

- \_\_\_\_\_ Waive my right to a hearing before the Adjudicating Authority.
- \_\_\_\_\_ Request a hearing before the Adjudicating Authority

I understand that if the Adjudicating Authority finds that I committed one or more of the suspected offense(s) and awards punishment, I may request reconsideration of the finding(s)/punishment. I understand that such request must be made in writing within 5 working days of imposition of punishment and must allege either that the punishment was unjust or was disproportionate to the offense(s). I understand that if I request reconsideration, the case will be forwarded to the appropriate superior authority for review and action as provided under the Administrative Performance System. I understand that if I request reconsideration, my punishment may not be increased by the Reviewing Authority.

Signature: \_\_\_\_\_ Witnessed by: \_\_\_\_\_  
Printed Name: \_\_\_\_\_ Printed Rank, \_\_\_\_\_  
Name and Billet: \_\_\_\_\_  
Date and Time: \_\_\_\_\_ Date and Time: \_\_\_\_\_

**NOTIFICATION OF POTENTIAL REIMBURSEMENT FOR ADVANCED  
EDUCATION**

Date: DD-Mmm-YY

From: Commandant's Legal Advisor  
To: Midshipman (Full Name), (Alpha), XX company

Subj: NOTIFICATION OF POTENTIAL REIMBURSEMENT FOR ADVANCED  
EDUCATION

Ref: (a) 10 U.S.C. 2005

1. All midshipmen are required to complete the educational requirements specified in the agreement they signed prior to or on Induction Day and, when applicable, reaffirmed prior to commencement of their second class year.

2. This notice informs you that, per reference (a), if you fail to complete those education requirements, you may either be directed to serve on active duty for the period specified or be required to remit monetary reimbursement for the educational benefits you received at the Academy, an indebtedness that could amount to between \$90,000 and \$175,000. Further, should you fail to complete any directed period of active duty, either voluntarily or due to misconduct, you may also be required to remit monetary reimbursement to the Government.

3. This notification is given for your benefit before you make any decisions regarding any proposed disciplinary action that could result in your disenrollment. This advice supplements the prior notices concerning your obligation to the government (active duty service or financial recoupment of the costs of education) that were provided to you prior to your induction to the Naval Academy and upon commencement of your second-class academic year.

Acknowledged: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Rank, Name and Billet: \_\_\_\_\_

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TAB D

D-2

**PRELIMINARY INQUIRY REPORT**

Date: DD-Mmm-YY

From: Rank, First, Last Name (*Example: Maj John Joe*), Preliminary Investigative Officer

In the case of MIDN (*Example: Joe Smith, 123456, case #123456*)

Offenses reported:

Offense Code    Offense Description  
(*Example: 04.21 Violation of the UCMJ, federal, state, or local law.*)

**NOTE:** If multiple counts of the same offense occurred, detail each count here

1. I have interviewed the following witnesses:

- a. (*Example: LT Jane Doe*)
- b. (*Example: MIDN Joe Smith*)

2. The following items of real evidence and/or documents are available:

- a. (*Example: Statement from MIDN Smith*)
- b. (*Example: NEX CCTV video footage*)

3. Summary of Facts:

(*Give a basic summary of the events surrounding the Conduct offenses. Do not speculate. Ensure it is detailed enough to give the Awarding Authority a clear picture of the events and the individuals involved.*)

4. Summary of Offenses:

(*04.21 Violation of the UCMJ, federal, state, or local law [Article 121]*)

a. (*Example: With intent to permanently to deprive or defraud another person of the use and benefit of property or to appropriate it to his own use or the use of any person other than the owner, steals that property and is guilty of larceny;*)

b. (*Example: YES; MIDN SMITH DID NOT PURCHASE A PACK OF BUBBLE GUM AT THE NEX AND TRIED TO CONCEAL THE ITEM BY PLACING IT HIS POCKET AND WALKED PAST THE POINTS OF PURCHASE DEPRIVING THE NEX OF ITS GOODS.*)

TAB E

5. Comments of the Investigating Officer:

*(State your recommendation on finding based on the evidence. Include any additional recommendations you may have, or information you believe should be brought to the attention of the Awarding Authority. You may speculate here if desired.)*

6. My investigation is complete / My investigation is incomplete due to \_\_\_\_\_

Investigating Officers Signature: \_\_\_\_\_

Rank, First & Last Name and Billet: *(Maj John Joe, Performance Officer)*

**DEFENSE SERVICE OFFICE CONTACT INFORMATION**

The Defense Service Office provides legal advice to midshipmen free of charge.

**IF YOU WOULD LIKE TO CONTACT AN ATTORNEY:**

The USNA Defense Counsel Legal Office is located in Luce Hall, Room 307. Either call the office or stop in to schedule an appointment. The phone number is: 410-293-2268 or 410-293-4188.

If you are unable to make contact with an attorney in Luce Hall, you may call 202-685-5525 or 202-685-5524 to make an appointment to talk with an attorney located at the Navy Yard in Washington, D.C. Identify yourself as a midshipman and explain you would like to speak with an attorney about your pending conduct or honor case. If, after your initial phone call, you need to arrange transportation to the Navy Yard please coordinate with your Company Officer.

If you are unable to make contact with an attorney within 24 hours or have any questions, please come to the Commandant's Legal Office located in Bancroft Hall, Room 3102 for further assistance.

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I have received a copy of this information.

---

Midshipman Signature

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Date

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**MIDSHIPMAN'S ACKNOWLEDGEMENT AND AWARD OF RESTRICTION FORM**

Date: \_\_\_\_\_

From: \_\_\_\_\_  
(Midshipman, Alpha, Company)

To: \_\_\_\_\_  
(Commandant's Conduct Officer)

Subj: AWARD OF RESTRICTION

**I acknowledge the following:**

1. I will read the ADMINISTRATIVE PERFORMANCE AND CONDUCT SYSTEM MANUAL, Chapter 4, which explains restriction requirements more fully within 24 hours of signing this form. \_\_\_\_\_ (initial)

2. I understand that summer training or a movement order may supersede restriction. I realize that once the purpose of the movement order or training is fulfilled, I am obligated to report back to USNA as soon as possible, even though my orders or movement orders may not have expired. \_\_\_\_\_ (initial)

3. I will report to Main Office immediately to receive my restriction card and attend the very next muster. \_\_\_\_\_ (initial)

4. I understand that I must attend the single muster on days with only one (1) scheduled muster, at least two (2) on days with four, and I must attend at least three (3) musters on days with five (5) scheduled musters in order for that day of restriction to count for me. I may only miss a muster with proper excusal (anything higher on the table of priorities than tours and restriction musters). If this causes me to miss the single muster on days which have only one (1) scheduled muster, that day will not count as a day of restriction. I may miss two (2) musters on days with four (4) or five (5) scheduled musters (with proper excusals) and the restriction day will still count. If a proper excusal causes me to miss three (3) or more musters on days with four (4) scheduled musters or five (5) scheduled musters; that day will not count as a day of restriction. If I am SIQ, I may be excused from restriction muster(s) and tours with a valid SIQ chit, though this day (or days) will not count as a day of restriction. If I miss a muster without a proper excusal I will be placed in the conduct system and charged with offense code 07.07. \_\_\_\_\_ (initial)

\_\_\_\_\_  
(Signature of Midshipman)

COMDTMIDNINST 1610.2H  
20 Mar 17

**Main Office**, make this midshipman a restriction card and place them on the 0800 Report.

From: \_\_\_\_\_  
(OOW, AOOW, MOOW, AMOOW)

Date: \_\_\_\_\_

To: Conduct Officer

Midshipman \_\_\_\_\_ has received a properly annotated restriction card and is aware that his/her restriction begins at the very next muster at \_\_\_\_\_.  
(Time)

\_\_\_\_\_  
(OOW, AOOW, MOOW, AMOOW)

\_\_\_\_\_  
(Printed Name and Rank)

**SEND THIS ACKNOWLEDGMENT OF RESTRICTION TO THE CONDUCT OFFICE IMMEDIATELY**

TAB G

G-2

**RESTRICTION CARD**

RESTRICTION MUSTER CARD FOR \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
NAME ALPHA CO

\_\_\_\_\_ DAYS OF RESTRICTION AWARDED ON \_\_\_\_\_

\*When marking days of credit start with "1" on the first day upon which a restriction muster is attended and count up.

	MON	TUE	WED	THUR	FRI	SAT	SUN	MON	TUE	WED	THURS	FRI	SAT	SUN
DATE														
0600														
1300														
1630														
1900														
2230														
CREDIT														

	MON	TUE	WED	THUR	FRI	SAT	SUN	MON	TUE	WED	THURS	FRI	SAT	SUN
DATE														
0600														
1300														
1630														
1900														
2230														
CREDIT														

	MON	TUE	WED	THUR	FRI	SAT	SUN	MON	TUE	WED	THURS	FRI	SAT	SUN
DATE														
0600														
1300														
1630														
1900														
2230														
CREDIT														

	MON	TUE	WED	THUR	FRI	SAT	SUN	MON	TUE	WED	THURS	FRI	SAT	SUN
DATE														
0600														
1300														
1630														
1900														
2230														

COMDTMIDNINST 1610.2H  
20 Mar 17

CREDIT														
	MON	TUE	WED	THUR	FRI	SAT	SUN	MON	TUE	WED	THURS	FRI	SAT	SUN
DATE														
0600														
1300														
1630														
1900														
2230														
CREDIT														

**SAMPLE CONDUCT PROBATION LETTER**

1610  
**DD Mmm YY**

From: Commandant of Midshipmen, U.S. Naval Academy  
To: Midshipman (**First Name, Middle Initial, Last Name, U.S. Navy, Alpha Number**)

Subj: DISPOSITION OF CONDUCT CASE #XXXXXX

Ref: (a) COMDTMIDNINST 1610.2G  
(b) COMDTMIDNINST 5400.6Q  
(c) COMDTMIDNINST 5354.2

1. On **DD Month YYYY**, you were found guilty of committing a Major-level/6K-level conduct offense by the Deputy Commandant/your Battalion Officer. After reviewing the facts of that case, I have decided to place you on conduct probation in addition to the punishment awarded during your adjudication. You are hereby given the opportunity to prove that you have the character and dedication necessary to complete Naval Academy requirements and become a commissioned officer in the Naval Service.

2. Pursuant to reference (a), you are retained in the Brigade of Midshipmen in a probationary status. The terms of your probation are as follows:

- a. You will be on conduct probation until **DD Month YYYY**.
- b. You are assigned conduct remediation, pursuant to reference (a). (**When applicable**)
- c. Per reference (b), you are ineligible for weekend overnight liberty until **DD Month YYYY**.
- d. You shall not commit any Major-level conduct offenses or any combination of Minor-level conduct offenses which result in cumulative demerits exceeding your class threshold for unsatisfactory conduct, per reference (a) (91 demerits for Fourth Class, 81 demerits for Third Class, and 71 demerits for First Class and Second Class).

*The sanctions that follow shall be specific to each individual and their conduct case. Sanctions/requirements shall be delineated in the adjudication script when their inclusion is desired and may not include all of the below.*

- e. You shall not represent the Naval Academy in sports or extra-curricular activities, per reference (a), until **DD Month YYYY**.

TAB I

f. To serve as a reminder that you represent the United States Navy, even while on liberty, you shall not rate civilian clothes privileges until **DD Month YYYY**.

***For CMEO Dignity and Respect Remediation the following sanction shall be included:***

g. You will be on Dignity & Respect Remediation for 4 months.  
***Below are sanctions that may be added for alcohol related conduct offenses.***

h. You shall not consume any alcohol until **DD Month YYYY**.

i. You shall undergo substance abuse screening through the Brigade ADEO, and you shall successfully complete all recommended treatment.

j. You shall work for the Brigade ADEO and actively participate in the Keep What You've Earned for the term of your probation.

3. ***(For CMEO Dignity and Respect remediation the following paragraph will be included)*** As stated in paragraph 2.g. you are assigned Dignity & Respect Remediation for a period of 4 months. The requirements of the program are delineated in reference (c). You shall comply with those requirements, and successfully complete Dignity & Respect Remediation. Your remediation period begins after your first meeting with your remediator, and should be attended by your Company Officer and Senior Enlisted Leader.

4. ***(For certain alcohol related conduct offenses the following paragraph may be included)*** In addition to the terms of your conduct probation, you shall rate Fourth Class car privileges with respect to maintaining and operating a motor vehicle until you graduate from the Naval Academy.

5. ***(When conduct remediation is assigned the following paragraph will be included)*** As stated in paragraph 2.b, you are assigned conduct remediation. **Rank First Name Middle Initial Last Name, U.S. Navy/Marine Corps** will be your Remediator. Your remediation must be successfully completed. Your assigned Remediator will ultimately determine your suitability to receive a commission in the United States Navy. Your remediation period begins after your first meeting with your Remediator and ends **DD Month YYYY**. **Rank First Name Middle Initial Last Name, U.S. Navy/Marine Corps** will submit a final report of conduct remediation to me on **DD Month YYYY** (same date conduct probation ends) that will inform me if you have successfully completed remediation or not.

6. Violation of the terms of your conduct probation, to include failing to successfully complete conduct remediation (when applicable), may immediately result in a recommendation to the Superintendent that you be separated from the Naval Academy. You may be removed from conduct probation by successfully completing the probation period without violating the terms of your probation.

7. The purpose of conduct probation is to impress upon you the importance of accountability, dedication to service, commitment to excellence and exemplary standards of conduct both on and off duty, in personal behavior, and in relations with others in the civilian and military communities. From this point on you must adhere to the highest standards of personal conduct required of midshipmen at the Naval Academy. I may review your progress at any point during your probation to ensure you are actively participating in and are benefitting from the training. You have been given a second chance to prove to yourself, to your fellow midshipmen, and to your chain of command, that you have a renewed dedication to our high standards.

COMMANDANT OF MIDSHIPMEN

Copy to:  
Battalion Officer  
Company Officer  
Conduct Officer  
Performance Jacket  
CMEO  
ADEO  
Conduct Remediator

**Acknowledgement:**

I have read the above notification and acknowledge service of this document.

\_\_\_\_\_  
**Full Name of Accused MIDN**  
MIDN                      USN

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness (*Company Officer or SEL*)  
Print Witness Name:  
Print Witness Rank, Service:

\_\_\_\_\_  
Date

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**SAMPLE FINAL REPORT OF CONDUCT REMEDIATION**

DD Mmm YY

From: **(CONDUCT REMEDIATOR - RANK, FULL NAME, U.S. SERVICE)**

To: Commandant of Midshipmen

Via: (1) Company Officer

(2) Battalion Officer

(3) Conduct Officer

(4) Deputy Commandant of Midshipmen

Subj: FINAL REPORT OF CONDUCT REMEDIATION FOR MIDSHIPMAN **(FIRST NAME, MIDDLE INITIAL, LAST NAME, U.S. Navy, ALPHA NUMBER)**

Ref: (a) **REMEDIATOR ASSIGNMENT LETTER** of **(DATE)**

(b) **CONDUCT PROBATION LETTER** of **(DATE)**

Encl: (1) Required Essay

(2) Midshipman Development Plan and POA&M

Encl: (1) Required Essay (if assigned by Remediator)

1. Per reference (a), this letter provides a review of Midshipman **(LAST NAME)**'s commissionability as observed in the Conduct Remediation Program. Reference (b) assigned Midshipman **(LAST NAME)** to the Conduct Remediation Program.

2. One goal of the Conduct Remediation Program was to have Midshipman **(LAST NAME)** reflect upon **his/her** experience in not meeting the conduct standards of the Brigade and to recognize the central role strict adherence to professional standards play in the profession of arms. As a means to accomplish this goal, Midshipman **(LAST NAME)** was required to engage in discussions, establish a set of personal goals, and write an essay (if assigned).

a. Use this paragraph to report on the discussions of the remediation program. For example, "The basis of our discussions were drawn from **(TEXTS AND READINGS)**. These discussions focused on **(CENTRAL THEMES OF REMEDIATION)**. Midshipman **(LAST NAME)** was required to read selected articles prior to our meetings. In these sessions **(HE/SHE)** was tasked to discuss **(HIS/HER)** understanding of the ideas posited in the readings. During these meetings, I challenged **(HIM/HER)** to examine **(HIS/HER)** experience in violating regulations."

TAB J

b. DISCUSSION OF ESSAY TOPIC AND QUALITY OF WRITING (if assigned).

**3. RECOMMENDATION per COMDTMIDNINST 1610.2G Chapter 8 Section 8.4.2  
Paragraph c.**

**Remediator**

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**SAMPLE FINAL REPORT OF CONDUCT REMEDIATION (CONT'D)**

FIRST ENDORSEMENT

From: Commandant of Midshipmen

To: (CONDUCT REMEDIATOR - RANK, FULL NAME, U.S. SERVICE)

1. Completion of Conduct Remediation decision:

\_\_\_\_\_ Approved    \_\_\_\_\_ Disapproved    \_\_\_\_\_ Modified

[F. M. LASTNAME]

Copy to:

Deputy Commandant of Midshipmen

Conduct Officer

[##] Battalion Officer

[##] Company Officer

**CONDUCT REMEDIATION EXTENSION REQUEST**

**ACTION MEMO**

DD Mmm YY

From: *Your rank and name go here, USN/USMC, Your title goes here*  
For: Commandant of Midshipman, U.S. Naval Academy  
Via: (1) Conduct Officer  
(2) Staff Director  
(3) Deputy Commandant

Subj: CONDUCT REMEDIATION EXTENSION REQUEST

BLUF: Request permission to extend MIDN *X/C First Name MI Last Name's* conduct remediation from the prescribed end date of *DD April to Xxxday, DD Month.*

Background:

- MIDN *X/C Last Name* signed his/her conduct probation letter on DD Month, in which he/she was assigned conduct remediation on the DD<sup>rd</sup> of Month from his/her adjudication with the *Deputy Commandant* on the DD<sup>th</sup> of Month.
- I was assigned as MIDN *X/C Last name's* conduct remediator.
- MIDN Last is doing *fine and has no issues with remediation/or is not.*
- *Continue to explain here why you need an extension*

**RECOMMENDATION:** That the Commandant of Midshipman approve this extension request by initialing below:

Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

Prepared By: *Your rank and name go here, USN/USMC, Your title goes here*

TAB K

K-1

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TAB K

K-2

**REPORT OF CONDUCT REMEDIATION EVALUATION ICO {MIDN, ALPHA}**

DD Mmm YY

MEMORANDUM

From: Company Officer  
To: Commandant of Midshipmen

Subj: REPORT OF CONDUCT REMEDIATION EVALUATION ICO {MIDN, ALPHA}

Ref: (a) COMDMIDNINST 1610.2G

1. What was the primary purpose for the Midshipman's remediation? Was that purpose achieved?
2. What are examples of his previous behavior and how has that behavior changed throughout the midshipman's remediation?
3. Do you believe the midshipman will be a competent officer?
4. {Midshipman} has {COMPLETED / FAILED / NEEDS EXTENSION} on his remediation

{F. M. LAST NAME}  
{RANK USN/USMC}  
{POSITION}

Acknowledgement:

I have read the above memorandum and agree with the Company Officer's Recommendation. If I disagree I will provide my own statement.

---

Senior Enlisted Leader                      Date

---

Battalion Officer                              Date

TAB L