

UNITED STATES
NAVAL ACADEMY REGULATIONS

1964

PART II

CHAPTER 6

ADMINISTRATIVE CONDUCT SYSTEM

RESPONSIBILITY.

Article 107 of these regulations assigns to the Commandant of Midshipmen the responsibility for the discipline of midshipmen. General information is set forth in this chapter for the administration of the conduct and discipline of the Brigade of Midshipmen. Amplifying procedures for carrying out these responsibilities will be promulgated by the Commandant of Midshipmen.

02. ADMINISTRATIVE CONDUCT SYSTEM.

The Administrative Conduct System governing the Brigade of Midshipmen, which permits the accumulation of a limited number of demerits per year for each class, has proven sound and adequate to the needs of the Naval Academy. It is not patterned after the Uniform Code of Military Justice. Sections 6961 and 6962, United States Code, Title 10, is the public law under which midshipmen are recommended for dismissal or discharge because of unsatisfactory conduct. Irrespective of a midshipman's cumulative demerit total, he may be recommended for dismissal or discharge for a single serious breach of discipline.

03. UNIFORM CODE OF MILITARY JUSTICE.

1. Although subject to punishment under the Uniform Code of Military Justice (UCMJ), midshipmen are normally not charged under the Code except for the most grave offenses.

2. The routine operation of the Naval Academy conduct system has been ruled by the Judge Advocate General to be an administrative procedure, falling within the purview of UCMJ. Punishment extending to discharge or dismissal, which must be effected by the Secretary of the Navy, is provided for by specific legislation which is separate from the UCMJ.

3. Midshipmen will familiarize themselves with the Punitive Articles of the UCMJ (Articles 77 through 134). Just as are other members of the Naval Service, midshipmen are subject to these articles.

04. ASSIGNMENT OF DEMERITS AND PUNITIVE MEASURES.

1. The Superintendent, U. S. Naval Academy approves the assignment of demerits in those cases where such assignment causes the midshipman concerned to exceed their annual allowance.

2. The Commandant of Midshipmen assigns demerits in those cases where such assignment does not cause the midshipmen concerned to exceed their annual allowance.

3. The Commandant of Midshipmen assigns extra duty, restriction, loss of leave, loss of privileges, and loss of Brigade rank as appropriate to the offense.

4. The Commandant of Midshipmen may delegate to the Head of the Executive Department, the Battalion Officers and the Company Officers the authority to act for him in the assignment of demerits and punitive measures for lesser offenses.

0605. DEMERIT ALLOWANCES.

1. A midshipman is unsatisfactory in conduct for the year if he receives demerits in excess of the total number allowed. Midshipmen unsatisfactory in conduct are subject to recommendation for discharge. The limiting numbers of demerits per year are as follows:

First Class	- 150	Third Class	- 250
Second Class	- 200	Fourth Class	- 300

0606. SUBMISSION OF CONDUCT REPORTS.

1. Reports of conduct (Executive Form 2) will be submitted in writing to the Commandant of Midshipmen by the person making the report. Separate forms will be used for each offense. Each report will contain time and attendant circumstances in addition to the specific offense.

2. Unless public notice of misbehavior is deemed inappropriate at the time, the person observing misconduct on the part of the midshipman will call his attention to it at the time.

3. If the offense occurs within the jurisdiction of a Head of Department, the conduct report will be submitted via him to the Commandant of Midshipmen. The Head of Department will investigate the circumstances and necessary and forward the report, together with his comments, to the Commandant of Midshipmen.

4. If an offense occurs outside the jurisdiction of any specific Department, the individual will forward the conduct report directly to the Commandant of Midshipmen.

5. No conduct report will be canceled by other than the originator or the Commandant of Midshipmen.

0607. STATEMENTS.

Each midshipman placed on report for an alleged offense is afforded the opportunity to make a statement regarding the offense should he so desire. Any mitigating circumstances, error in the report or other matter which might be favorable to the accused may be set forth in this statement. The lack of a statement will be considered to constitute agreement with the report as then written.

0608. RECONSIDERATION OF ASSIGNED PUNISHMENT.

1. A midshipman wishing reconsideration of an assigned punishment will request such action within seven days of such assignment by letter to the Commandant of Midshipmen.

PROBATION IN CONDUCT.

1. Midshipmen will be placed on probation in conduct by letter from Commandant of Midshipmen when their demerit total is within 80% of number allowed for the year for their class. Midshipmen may also be placed on probation in conduct by the Commandant of Midshipmen as a result of a specific offense. A loss of privileges normally will accompany probationary status.
2. Midshipmen who are in a probationary status in conduct and commit additional offenses may receive more severe punishment than otherwise be assigned. They may be recommended for discharge to the accumulation of the maximum number of demerits for their class should the circumstances warrant.

HAZING.

1. Hazing is defined as "... any unauthorized assumption of authority by a midshipman whereby another midshipman suffers or is exposed to any injury, insult, indignity, humiliation, hardship or oppression, or the deprivation or denial of any right." (10 USC 6964(a))
2. "Hazing is an offense that may be dealt with as an offense against good order and discipline or as a violation of the regulations of the Naval Academy. However, no midshipman may be dismissed for a single act of hazing except by sentence of a court-martial." (10 USC Sec. 6964(c))
3. "A midshipman who is dismissed from the Academy for hazing may not be reappointed as a midshipman or be appointed as a commissioned officer in the Army, Navy, Air Force or Marine Corps until two years after graduation of the class of which he was a member." (10 USC Sec. 6964(f))
4. Midshipmen will not engage in hazing. They will immediately report any instances of hazing to the Commandant of Midshipmen.

11. INFORMAL PUNISHMENT.

1. Informal punishment is prohibited. Midshipmen will not prescribe any other midshipmen any punishment under any circumstances. The term "come-around" as defined in COMDTMIDN INSTRUCTION 1531 series is not informal punishment.
2. Midshipmen will immediately report any instances of unauthorized punishment to the Commandant of Midshipmen.

12. INVESTIGATIONS.

1. In any investigation made by proper authority, it shall be the duty of every midshipman to answer questions as to facts within his knowledge. If such answers should reveal that the questioned midshipman, or any other midshipman, has violated the regulations, the Commandant may, at his discretion, use the information as a basis for charging the violation.
2. Any agent representing a Governmental or other investigating body must first receive permission from the Commandant of Midshipmen before making any inquiry or interview with or concerning a midshipman.

0613. REMOVAL OF MIDSHIPMEN FROM COMPANY.

Any midshipman who has been recommended for discharge or dismissal because of a serious conduct offense or unsatisfactory conduct, and whose presence within the company is considered by the Commandant of Midshipmen to be not in the best interest of his fellow midshipmen, will be removed from his company and temporarily assigned to a room located in the vicinity of the Officer of the Watch's office until such time as his case becomes finalized. During this period he will be in a restricted status and will muster at the Main Office for all formations.

REPRODUCED AT GOVERNMENT EXPENSE