

UNITED STATES NAVAL ACADEMY  
Annapolis, Maryland

COMDTMIDN 1610.7A  
22 September 1965

COMDTMIDN INSTRUCTION 1610.7A

From: Commandant of Midshipmen  
To: Distribution List

Subj: The Honor Concept

Ref: (a) Chapter 4, U. S. Naval Academy Regulations

Encl: (1) Honor Committee Procedures

1. Purpose. To promulgate amplifying instructions for the implementation of the Honor Concept as set forth in reference (a).

2. Cancellation. COMDTMIDN INSTRUCTION 1610.7 is cancelled and superseded. This Instruction and reference (a) are the only prescribed regulations and instructions regarding the Honor Concept currently effective.

3. Action.

a. Honor committees will follow the procedures set forth in reference (a) and enclosure (1). Enclosure (1) complements but does not repeat the instructions of reference (a).

b. Honor Concept indoctrination lesson plans will be made available to all Company Honor Representatives.

  
SHELDON H. KINNEY

DIST:  
X-2  
X-R

COMDTMIDNINST 1610.7A  
22 September 1965

HONOR COMMITTEE PROCEDURES

COMDTMIDNINST 1610.7A  
22 September 1965

HONOR COMMITTEE PROCEDURES

Table of Contents

<u>PART</u>	<u>CONTENTS</u>	<u>PAGE</u>
I	Detailed Procedures for Class Honor Committee Meetings	3
II	Procedures for Brigade Honor Committee Meetings	6
III	Committee Procedure on Conduct Reports Referred to the Honor Committees	7
IV	Presence of Members	8
V	Dismissal of Honor Representatives or Honor Committee Members	9
VI	Records of Class Honor Committee and Brigade Honor Committee Hearings	9
VII	Instructions to the First Class President	9
VIII	Instructions to the Vice-Presidents	12
IX	Instructions to the Investigating Officer	12
X	Instructions to the Voting Member	13
XI	Instructions to the Second and Third Class Presidents	13
XII	Instructions to the Recorder	15

COMDTMIDNINST 1610.7A  
22 September 1965

I. DETAILED PROCEDURES FOR CLASS HONOR COMMITTEE  
MEETINGS

1. The Presiding Officer will call the meeting to order. The Presiding Officer will inform the members of the charge and instruct them on the elements:

We are about to hear evidence presented concerning an alleged violation of our Honor Concept by a member of the Brigade. This midshipman is charged with \_\_\_\_\_. I wish to point out at this time that in order to determine guilt in this case, it is necessary that the evidence introduced shall cover the following elements which constitute the offense charged: (1) \_\_\_\_\_; (2) \_\_\_\_\_; etc. Keep these elements in mind during the presentation of evidence.

2. The Investigating Officer will then be called in and will present his case. He will conduct all questioning during his presentation. (Note 1) The Investigating Officer then exits. The Investigating Officer will witness the testimony of the accused only when the Investigating Officer calls the accused as a witness during his presentation. He will not be present when the accused presents his case. (Note 2) The Investigating Officer can be recalled as a witness, but only after the accused has presented his case.

3. When the accused is first called (by the Investigating Officer to act as a witness or by the Presiding Officer to present his case), the following will be read to him:

Honor, personal integrity, and loyalty to the Service, its customs and its traditions, are fundamental characteristics essential to a successful naval officer. Any midshipman unable to conduct himself at all times in a manner indicating the highest standards of honesty, integrity, and manliness, is unfit to hold a commission in the Navy or to enjoy the privilege of being a member of the Brigade. Therefore, any midshipman guilty of offenses of a dishonest nature, such as Falsehood (including any form of deception or attempt to deceive) or Fraud (including false muster,

COMDTMIDNINST 1610.7A

22 September 1965

answering for another at muster, or any form of cheating) or of offenses indicating Moral Turpitude, may be subject to a recommendation for discharge or dismissal from the Naval Service, or such other punishment as the Superintendent may direct.

The President will then introduce the accused to the six Battalion Representatives. He will explain to the accused the following:

Although you are sitting in a formal hearing, you will not be placed under oath. A midshipman (you specifically) is considered to be telling the complete truth at all times. It is not felt that an oath would bind you any more deeply than your own inner feelings do now. The Committee, which is composed of your own classmates, is meeting to hear the case with open minds. The purpose of the Committee is to uncover all the facts in the case and make their final decision on the basis of these facts. The Committee intends to be completely straightforward with you, and the Committee expects the same in return from you.

4. The accused will follow the Investigating Officer and will be asked by the Presiding Officer to make any statements he desires. (Notes 1 and 2). The accused may bring any pertinent witnesses he desires. The accused then exits.

5. Any witness may then be recalled for further questioning by the Presiding Officer or other Committee members, excluding the Investigating Officer. (Note 1).

6. When the Committee feels that all facts have been established, the President will restate the elements to the members and make any closing remarks he deems appropriate:

We have now heard all the facts concerning the alleged violation of the Honor Concept. I would like to remind you that the elements of this offense are as follows:

(1) \_\_\_\_\_; (2) \_\_\_\_\_; etc. If, as a result of the evidence introduced, you feel that the accused is guilty beyond a reasonable doubt of all elements of this

ENCLOSURE (1)

COMDTMIDNINST 1610.7A  
22 September 1965

offense, thus you must so vote. If not, then you must vote "not guilty." "Reasonable doubt" does not mean that the proof must be such as to exclude every hypothesis or possibility of innocence. What is required is not an absolute or mathematical certainty, but a moral certainty -- not a fanciful or ingenious doubt or conjecture but substantial, honest, conscientious doubt suggested by the evidence, or lack of it. Remember that the accused is innocent until proven guilty and that the Brigade demands that this Committee conduct fair and impartial hearings in its name in order to ensure that honor is more than just a word among midshipmen.

7. The Committee will then vote. The three underclass boards will require a two-thirds majority for a finding of "guilty." A unanimous vote is required for a finding of "guilty" by the Brigade Honor Committee.

8. The Class President will count the secret ballots in the presence of the Representatives. The Recorder will record the votes and call the accused back in to hear the Committee's decision.

9. The President will hear motions for adjournment.

10. Meeting adjourned.

NOTE 1: Each witness will be excused before the next one is called. The President will warn them not to discuss the case with anyone except the President or the Vice-President presenting the case.

NOTE 2: A Fourth Classman appearing before his Class Committee or the Brigade Honor Committee has the option of employing the counsel of any midshipman not associated with his Class Committee or the Brigade Committee to aid him in pleading his case. His counsel will appear in the Committee hearing only when he is called in himself. It will be suggested to the Fourth Classman that his Squad Leader is probably the man best qualified to act as his counsel.

COMDTMIDNINST 1610.7A

22 September 1965

11. If the accused is found guilty, the matter will be forwarded to the Brigade Honor Committee. The Presiding Officer and Recorder will prepare the findings of the Class Committee and submit these findings to the Presiding Officer of the Brigade Honor Committee via the Class President. If found innocent, the case is closed and no record is kept of it.

12. Every member of a Class Honor Committee must maintain secrecy concerning the cases that come before his Committee. Under no circumstances will these cases be discussed with anyone if the accused is found innocent. If the accused is found guilty the members of the Committees may discuss the case after final action has been completed and published.

13. If the accused party is absent from any study hour inspection, taps inspection, or other muster, the Committee Presiding Officer is authorized to erase the absence from the muster boards in order to protect the accused, should he be found innocent. If such erasure is made, the Officer of the Watch will be informed but the name of the midshipman being heard need not be revealed.

## II. PROCEDURES FOR BRIGADE HONOR COMMITTEE MEETINGS

1. All cases found "guilty" in the Class Honor Committees will be forwarded to the Brigade Honor Committee for an additional hearing. First Class cases will be different from Second and Third Class cases in that the case will not be forwarded from a Class Honor Committee. A First Class case begins at the Brigade Honor Committee hearing.

2. In the case of a Second or Third Classman appearing as the accused before the Brigade Honor Committee, all evidence will be presented by the Investigating Officer of the case.

3. The Brigade Honor Committee will follow the same procedures as set forth for Class Honor Committee meetings in Part III.

4. The Brigade Chairman and Recorder will forward the findings of the Brigade Honor Committee and Class Honor Committee, plus all pertinent facts and evidence, to the Head of Executive Department. It is thus that an officer of the Executive Department is first informed of the case.

ENCLOSURE (1)

COMDTMIDNINST 1610.7A  
22 September 1965

The findings, facts and evidence shall then be forwarded to the Commandant of Midshipmen.

5. If the accused is found innocent, the case is dropped, the findings are reported to the Class Committee concerned, and no record is kept of the case by the Brigade Committee. If the accused is found innocent the case is closed. A record of the number of innocent cases shall be maintained without inclusion of name or type of charged offense.

6. The Chairman of the Brigade Committee may make recommendations to the Commandant to have the findings of the Brigade Committee explained to the Brigade through the Battalion Class Representatives, and/or published to the Brigade in the messhall. This recommendation is up to the discretion of the Brigade Chairman, unless requested by a majority vote of the Brigade Committee Representatives.

### III. COMMITTEE PROCEDURE ON CONDUCT REPORTS REFERRED TO THE HONOR COMMITTEES

1. If the accused has been reported by an officer, professor, or midshipman via the conduct report, the case may be turned over to the Honor Committees at the discretion of the Commandant. The conduct report has already gone through Executive Department channels before the Committee receives the case.

2. In handling cases of this nature, the same basic procedure will apply. A complete investigation must still be carried out. The accused must receive a statement of charges and the elements of the offense. The official report will be used only as evidence.

There are a few exceptions to the basic rules, as follows:

a. The First Class President must refer the case to the appropriate Honor Committee regardless of his opinion of the case.

b. The Investigating Officer will include the conduct report as evidence.

c. There is no need to keep the identity of the accuser unknown to the accused and the members of the Committee since his name has appeared on the conduct report.



COMDTMIDNINST 1610.7A  
22 September 1965

d. The President of the First Class will submit the findings of the Committee to the Head of the Executive Department no matter what the verdict may be.

#### IV. PRESENCE OF MEMBERS

1. In a Class Honor Committee or Brigade Honor Committee hearing, all members or their alternates as prescribed herein must be present. The Class Committee Chairman will take the following action in designating alternates for members who are not available or whose time commitments do not warrant their presence at a particular meeting.

#### 2. CLASS HONOR COMMITTEE

The Class Committee Chairman will appoint one of the Company Representatives from the battalion of the Battalion Representative that is not attending. If the Presiding Officer is not attending, the Class Vice-President will appoint another class officer as Class Committee Chairman or assume the office himself. If the Recorder is not attending, the Committee Chairman will appoint the Treasurer as Recorder.

#### 3. BRIGADE HONOR COMMITTEE

If one of the six First Class Battalion Representatives cannot be present at a meeting, the Brigade Committee Chairman will appoint one of the Company Honor Representatives from the battalion of the absent representative.

If the Presiding Officer is not attending, another class officer appointed by the President or Vice-President will assume the role of Chairman. If the Recorder is not attending, the Treasurer will serve as Recorder. If the Brigade Commander is not attending, the Brigade Sub-Commander will fill the seat of the Brigade Commander. If the Second and/or Third Class Presidents are absent, the Class Vice-President, Secretary or Treasurer will fill the seat of the President of the class concerned, in that order.

The full Committee, including substitutes for absentees, must be present before a formal hearing may be held.

ENCLOSURE (1)

COMDTMIDNINST 1610.7A  
22 September 1965

If a situation of absenteeism arises in either a Class Committee or the Brigade Committee not covered by the above instructions the Committee Chairman of the Committee concerned will recommend to the First Class President and the Commandant of Midshipmen his solution to the problem.

V. DISMISSAL OF HONOR REPRESENTATIVES OR HONOR COMMITTEE MEMBERS

1. Any honor representative or honor committee member whose attitude or performance is judged to be not in keeping with the highest standards of the Brigade will be dismissed from his position on majority recommendation of the Class Honor Committee concerned and approved by the Class President concerned. Election to fill any vacancy thus created will be conducted by the Class President.

VI. RECORDS OF CLASS HONOR COMMITTEE AND BRIGADE HONOR COMMITTEE HEARINGS

1. Whenever a case is referred by the Commandant of Midshipmen to a Midshipman Honor Committee, complete records will be kept, regardless of whether the accused is found innocent or guilty.

2. If a man is found innocent by a Class Honor Committee or the Brigade Honor Committee, no records are kept, except for the above mentioned exception and the record of the number of innocent cases processed.

3. Each year the First Class Secretary is responsible for keeping all records and for seeing that the records are always complete, up-to-date, and properly safeguarded. At the end of each academic year, the graduating class secretary will surrender all the underclass records to the new First Class Secretary and will destroy all the records for the graduating class. A report of the number of innocent cases processed will be submitted to the Commandant of Midshipmen.

VII. INSTRUCTIONS TO THE FIRST CLASS PRESIDENT

1. All midshipmen will be instructed to report honor offenses to you.
2. You must decide whether or not sufficient evidence exists to initiate

COMDTMIDNINST 1610.7A

22 September 1965

a case, and must advise the potential accuser accordingly.

3. If you feel that there is sufficient evidence to warrant an investigation of the case, prepare a short statement of the offense charged, and a list of the elements which constitute the offense charged. In first and fourth class cases you will then turn over all this information to your Vice-President, including the statement of the offense and the list of elements, directing him to conduct an investigation and report the results to you. In second and third class cases you will turn all information over to the respective class president and direct him to proceed with an investigation and hearing. Inform the Vice-President that for a finding of "guilty" sufficient evidence must be presented to prove each one of the elements of the offense. The following is a sample listing of charges and elements of the more common honor offenses:

a. Midshipman \_\_\_\_\_, Fourth Class, is accused of violating the Honor Concept of the Brigade of Midshipmen, in that he is accused of lying to Midshipman \_\_\_\_\_, Second Class. The following are the elements of the offense charged:

- (1) That the accused made the statement.
- (2) That it was false.
- (3) That the accused knew it was false.

b. Midshipman \_\_\_\_\_, Third Class, is accused of violating the Honor Concept of the Brigade of Midshipmen, in that he is accused by Midshipman \_\_\_\_\_, Third Class, of cheating in an examination. The following are the elements of the offense charged:

- (1) That the accused obtained answers to the examination from another (with or without the permission of the other).
- (2) That he intended to submit these answers as his own.

c. Midshipman \_\_\_\_\_, Second Class, is accused of violating the Honor Concept of the Brigade of Midshipmen, in that he is accused by Professor \_\_\_\_\_ of the Department of

ENCLOSURE (1)

COMDTMIDNINST 1610.7A  
22 September 1965

English, History, and Government of plagiarism. The following are the elements of the offense charged:

(1) That the accused submitted a document as his own work.

(2) That it was either wholly or partly extracted from the work of another person (with or without that person's permission).

If an offense charged is not covered in this list, it is incumbent upon you to determine the elements and so inform the Vice-President. If this problem should arise in a Second or Third Class case, the President of that Committee will ask you for guidance. You should feel free to consult officer personnel attached to the Academy for guidance on problems of this nature.

4. Before deciding whether or not to convene a hearing on a case, be sure that the investigation is complete.

5. Do not fail to charge the Committee members with the elements of the offense and with the instructions on the question of "reasonable doubt."

6. Ensure that all Committee members understand the new procedure prior to the first hearing.

7. Do not allow two witnesses to remain in the Committee Room together. Do not allow the Investigating Officer to sit in on the hearing after he has presented his case.

8. A Fourth Classman appearing before his Class Committee or the Brigade Honor Committee has the option of employing the counsel of any midshipman not associated with his Class Committee or the Brigade Committee to aid him in pleading his case. His counsel will appear in the Committee hearing only when he is called in himself. Suggest to the Fourth Classman that his Squad Leader is probably the man best qualified to act as his counsel.

9. You are the senior member of the Honor Committees and either appoint or are the Presiding Officer of the Brigade Honor Committee. You have the responsibility of ensuring that Committee hearings are conducted in a fair and efficient manner. Take pride in an organization properly run.

COMDTMIDNINST 1610.7A  
22 September 1965

VIII. INSTRUCTIONS TO THE VICE-PRESIDENTS

1. You will be directed by your Class President to supervise investigation and preparation of all honor cases which will appear before your Class Honor Committee. You will act in the capacity of investigating officer -- or you will appoint the investigating officer -- a fact finder, not a prosecutor. You may appoint a Battalion Honor Representative, not an Honor Committee member, to investigate honor offenses.

IX. INSTRUCTIONS TO THE INVESTIGATING OFFICER

1. You will receive a statement of charges and the elements of the offense charged from the President or Vice-President. In gathering evidence, i.e., statements from the accused, the accuser, and witnesses, quiz papers, themes, etc., use the elements as a guide in determining what evidence is required. The voting members of the Committee will be instructed to vote "guilty" only when there is sufficient evidence to prove beyond a reasonable doubt each and every element of the offense.
2. You will be required to instruct the accused to prepare his case in written form. You will present his statement as evidence in the Committee hearing.
3. You will open the Committee hearing by presenting the case. Present facts and conduct interrogations in a systematic, orderly manner. You must present all facts, both for and against the accused. Again, you are an investigator, not a prosecutor.
4. Once your presentation is completed, you will not be allowed to re-enter the hearing except as the request of the Presiding Officer and then only to act as a witness.
5. You may request, through the Commandant, quiz papers from any Academic Department to use in considering evidence in a case.
6. In the case of a Second or Third Classman appearing as the accused before the Brigade Honor Committee, all evidence will be presented by the Class Investigating Officer concerned.

ENCLOSURE (1)

COMDTMIDNINST 1610.7A  
22 September 1965

X. INSTRUCTIONS TO THE VOTING MEMBER

1. All midshipmen will be instructed to report honor offenses directly to their First Class Honor Representative who will accompany the accuser to the First Class President. You should direct any midshipman who consults you about an honor offense to see his First Class Company Honor Representative.
2. If prior to a hearing you feel that you will not be able to cast an unbiased vote, it is your moral responsibility to excuse yourself from the hearing. The President will appoint a substitute for you from the Battalion alternates.
3. Be sure you have full knowledge of the Rules of Procedure before your Committee holds its first meeting.
4. In order to vote a man "guilty," you must believe beyond a reasonable doubt that there is sufficient evidence to prove each and every element of the offense charged. You will vote only upon the substantiation of proof on the elements.
5. As a voting member of an Honor Committee you are expected to have personal standards of honor and integrity that are beyond any shadow of reproach. You must be able to think clearly, reason soundly, and be willing to cast your vote as the facts of the case indicate. You have a definite responsibility to the accused, the Committee and the Brigade; carry out that responsibility to the best of your ability.

XI. INSTRUCTIONS TO THE SECOND AND THIRD CLASS PRESIDENTS

1. When directed by the First Class President, prepare a short statement of the offense charged and a list of the elements which constitute the offense charged. You will turn over all information to your Vice-President, including the statement of the offense and the list of elements, directing him to conduct an investigation and report the results to you. Inform the Vice-President that for a finding of "guilty" sufficient evidence must be presented to prove each one of the elements of the offense. The following is a sample listing of charges and elements of the more common honor offenses:

COMDTMIDNINST 1610.7A  
22 September 1965

a. Midshipman \_\_\_\_\_, Third Class, is accused of violating the Honor Concept of the Brigade of Midshipmen, in that he is accused of lying to Midshipman \_\_\_\_\_, Second Class. The following are the elements of the offense charged:

- (1) That the accused made the statement.
- (2) That it was false.
- (3) That the accused knew it was false.

b. Midshipman \_\_\_\_\_, Third Class, is accused of violating the Honor Concept of the Brigade of Midshipmen, in that he is accused by Midshipman \_\_\_\_\_, Third Class, of cheating in an examination. The following are the elements of the offense charged:

- (1) That the accused obtained answers to the examination from another (with or without the permission of the other).
- (2) That he intended to submit these answers as his own.

c. Midshipman \_\_\_\_\_, Second Class, is accused of violating the Honor Concept of the Brigade of Midshipmen, in that he is accused by Professor \_\_\_\_\_ of the Department of English, History, and Government of plagiarism. The following are the elements of the offense charged:

- (1) That the accused submitted a document as his own work.
- (2) That it was either wholly or partly extracted from the work of another person (with or without that person's permission).

If an offense charged is not covered in this list, it is incumbent upon you to determine the elements and so inform the Vice-President. You should ask the First Class President for advice concerning problems of this nature.

2. Before convening a hearing on a case, be sure that the investigation is complete.

ENCLOSURE (1)