

THE HONOR MANUAL



OF THE
SOUTH CAROLINA
CORPS OF CADETS
2020 - 2021

THE CITADEL

THE MILITARY COLLEGE OF SOUTH CAROLINA

CHARLESTON, SC

THE HONOR MANUAL



OF THE
SOUTH CAROLINA
CORPS OF CADETS
2020 - 2021

THE CITADEL

THE MILITARY COLLEGE OF SOUTH CAROLINA

CHARLESTON, SC

TABLE OF CONTENTS

- SECTION I — The Cadet Honor System
1. The Honor Manual
 2. The Cadet Honor System
- SECTION II — Definitions
3. Definitions
- SECTION III — The Honor Code
4. The Honor Code
 5. Violations of the Honor Code
 6. Persons Subject to the Honor Code
 7. Ignorance No Defense
- SECTION IV — The Cadet Honor Committee
8. Members of the Cadet Honor Committee
 9. Selection and Continued Service of Honor Representatives
 10. Vacancies
 11. Duties of Cadet Honor Committee Members
 12. Cadet Honor Committee Officers and their Selection
 13. Duties of Cadet Honor Committee Officers
- SECTION V — The Honor Court
14. The Honor Court
 15. Composition of the Honor Court for Trial Purposes
 16. Members Disqualified
 17. Rights of an Accused Cadet
 18. Faculty Advisor to the Honor Committee
 19. Open and Closed Sessions
 20. Voting and Deliberations
 21. Accused May Request Classmate
- SECTION VI — Procedures to Report a Suspected Honor Violation
22. Order of Pre-Trial Procedures
 23. Reporting a Violation
 24. Action by the Honor Representative
 25. Action by the Vice-Chair for Investigation (VCI)
 26. Action by the Investigating Committee
 27. Investigating Committee to be Trial Counsel

TABLE OF CONTENTS

SECTION VII	—	Cadet Honor Court Procedures
		28. Purpose of Honor Court
		29. Duties of Honor Court Members
		30. Challenges for Cause
		31. Findings
		32. Announcing the Findings
		33. Appeals
SECTION VIII	—	Amendments and Changes
		34. Amendments to the Honor System
		35. Other Rules and Regulations
SECTION IX	—	36-54. Frequently Asked Questions
SECTION X	—	55-62. Honor Case Examples

SECTION I — The Cadet Honor System

1. **The Honor Manual:** This document prescribes the organization, rules, and procedures for the Honor System of the South Carolina Corps of Cadets.
2. **The Cadet Honor System:** The cadet honor system consists of four main parts:

Honor Code
Cadet Honor Committee
Cadet Honor Court
Honor Court Procedures

SECTION II — Definitions

3. **Definitions:** The following terms when used in this manual are defined as:
 - A. “Honor representatives” shall refer to those members of the first class who are members of the honor committee. Qualified first class members are eligible to perform honor system duties throughout the first class year.
 - B. “Rising honor representatives” shall refer to those members of the second class who have been elected to the rising honor committee. Second class honor representatives will assume responsibilities for honor system operations on or about Corps Day each year. This does not preclude first class honor representatives from performing necessary duties or serving on honor courts as required until graduation.
 - C. “Accuser” shall refer to the cadet or member of the faculty or staff who reports a violation of the honor code to a member of the cadet honor committee or to the faculty advisor to the honor committee.
 - D. “Working days” shall refer to weekdays between the Sunday on which the reconstitution of the South Carolina Corps of Cadets occurs and the Saturday on which first class commencement is conducted, excluding those days which the official college calendar identifies as holidays, reading periods, exams, or Thanksgiving, Winter, or Spring furloughs.
 - E. “Classmate” shall refer to a member of the same academic class. For example, if an accused cadet is a 2A, the cadet selected to serve on the honor court for the accused cadet’s trial will be a 2A. The honor committee will verify academic classification and brief the accused cadet before the trial occurs. Matriculation dates will not be used to select a classmate to serve as a member of the honor court.

SECTION III — The Honor Code

4. **The Honor Code:** The honor code belongs to The Citadel, the Military College of South Carolina. The honor code states the following: *A cadet does not lie, cheat, or steal, nor tolerate those who do.*
5. **Violations of the Honor Code:** There are four, and only four, possible violations of the honor code: lying, cheating, stealing, and toleration.
 - A. **LYING:** Making a false official statement. An official statement is defined as a statement, written or oral, made to a member of the college faculty or staff, a member of the guard on duty, or any cadet required in turn to use the statement as a basis for an official report in any form.
 - (1) Quibbling is the use of ambiguous or vague language to evade a point at issue. Quibbling will be considered and treated as a false official statement.
 - (2) Official misrepresentation is the use of any document, on or off campus, to misrepresent one's identity or status to gain a benefit that one would not have received without the misrepresentation. Official misrepresentation will be considered and treated as a false official statement.
 - (3) **Improper Question:** As adherents to the honor code, cadets are expected to answer truthfully at all times. Yet within the Corps environment it is important to ensure that the honor code is used properly. The following procedure will be adhered to in order to prevent the honor code from being used as an investigative tool:
 - (a) No member of the staff or faculty, member of the guard, or any cadet in an official position will put a specific question to a cadet which might incriminate a cadet unless the following conditions apply:
 - (i) An act or incident did occur, and it was in violation of regulations of the South Carolina Corps of Cadets or to the detriment of good order and the military discipline of the South Carolina Corps of Cadets.
 - (ii) There is sufficient evidence to indicate that the cadet being queried was involved or possesses firsthand knowledge about that act or incident. Hearsay, rumor, or innuendo are not sufficient evidence.
 - (b) If a delinquency report is submitted on a cadet based upon facts brought out by questioning and the cadet believes the question did not meet the above requirements, he or she will so report in writing to the company honor representative. The company honor representative will inform the chair of the honor committee, who will in turn inform the faculty advisor to the honor committee and the Krause Center for Leadership

and Ethics (KCLE) Associate Director for Cadet Leadership Programs. The KCLE Associate Director for Leadership Programs will notify the commandant's department in writing to place a hold on the associated punishment.

- (c) In consultation with the faculty advisor and KCLE Associate Director for Cadet Leadership Programs, the chair of the honor committee and the vice-chair for investigation (VCI) of the honor committee will investigate the circumstances involved in the incident and will determine whether or not the question was proper. They will report their conclusion to the president. If their conclusion is that the question was improper, they will recommend to the president that the delinquency report and any punishment awarded as a result thereof be revoked. If their conclusion is that the question was proper, they will recommend that all punishments be reinstated. The KCLE Associate Director will notify the commandant's department of the president's decision in writing. Any cadet not satisfied with the decision may appeal to the president, through the KCLE Associate Director for Cadet Leadership Programs, in writing.

B. CHEATING: Receiving or giving aid on a test or examination. A test or examination includes any work performed for which a grade is received. Plagiarism is a violation of the honor code. Plagiarism is the act of using someone else's words or ideas as your own without giving proper credit to the source. To avoid plagiarism:

- (1) When you quote another's words exactly, you must use quotation marks and a citation to tell exactly where the words came from.
- (2) When you mix another's words and ideas with your own in one or more sentences, partially quoting the source exactly and partially substituting your own words, you must put quotation marks around the words you quote and not around your own. Then you cite the source.
- (3) When you paraphrase another's words or ideas, that is, when you substitute your words for another's words but keep the idea(s), you do not use quotation marks, but you must cite the sources.
- (4) When you cite sources provide, at a minimum, the author (if available), the title of the book, article, or website, and list the page number or internet address.

C. STEALING: Taking without authority personal, government, or college property.

D. TOLERATION: Failure to report a case of lying, cheating, or stealing as defined above to a member of the cadet honor committee.

6. Persons Subject to the Honor Code

- A. All members of the South Carolina Corps of Cadets are subject to the honor code at all times. While the honor system is not in effect during the summer, cadets are still expected to abide by the honor code.
 - B. All non-cadet students enrolled at The Citadel during the regular academic year are also subject to the honor code but are not under the jurisdiction of the cadet honor committee. Suspected violations of the honor code by non-cadet students will be reported and adjudicated in accordance with college regulations.
7. **Ignorance No Defense:** Ignorance of the provisions of the honor code shall not be accepted as a defense by the honor court.

SECTION IV — The cadet honor committee

8. Members of the Cadet Honor Committee:

The cadet honor committee shall consist of the following members:

- A. Two honor representatives from each company in the regiment.
- B. One honor representative from each battalion in the regiment.
- C. One honor representative from the varsity volleyball team.
- D. One honor representative from the varsity football team.
- E. One honor representative from the varsity soccer team.
- F. One honor representative from the varsity baseball team.
- G. One honor representative from the women's varsity track and field team.
- H. One honor representative from the varsity basketball team.
- I. The officers of the honor committee, as elected pursuant to the process described herein.

9. Selection and Continued Service of Honor Representatives:

Honor representatives shall be elected by the three lower classes from their respective companies, battalions, and select varsity athletic teams. Timing of elections will be scheduled by the cadet honor committee chair. The procedure for the training and selection of honor representatives will be as follows:

- A. **Training and Selection of Honor Representatives:**
Any second class cadet desiring to stand for election as an honor representative must meet the following standards. The cadet honor committee chair is responsible for ensuring candidates meet the following selection qualifications and standards:

- (1) As a junior, have a cumulative GPA of 2.7 and an academic classification of 2A or 2B (based on the semester elections are held) at the time of selection.
- (2) As a junior, have no record of class 1 offenses that according to the Blue Book could have resulted in suspension, dismissal, or expulsion.
- (3) A junior cadet may be elected to the committee without passing the PT test; however, the cadet must pass the PT test in order to serve on an honor court.
- (4) If a junior is found in violation of a class 1 offense after time of selection that according to the Blue Book that could have resulted in suspension, dismissal, or expulsion, the junior is suspended from the honor committee until he/she meets the following conditions:
 - (a) Serves all punishments.
 - (b) Receives approval to resume duties from the KCLE Associate Director for Cadet Leadership Programs, the faculty advisor to the honor committee, and the chair of the honor committee.
- (5) As a returning senior, have a 1A academic classification; if 1A academic classification is not achieved, the honor committee member will be suspended from the committee until 1A academic classification is achieved.
- (6) As a returning senior, pass the PT test to sit on an honor court.
- (7) If a senior cadet is found in violation of a class 1 offense that according to the Blue Book could have resulted in suspension, dismissal, or expulsion, the senior is suspended from the honor committee until he/she meets the following conditions:
 - (a) Serves all punishments.
 - (b) Receives approval to continue duties from the KCLE Associate Director for Cadet Leadership Programs, the faculty advisor to the honor committee, and the chair of the honor committee.
- (8) The chair of the honor committee, in coordination with the KCLE Associate Director for Cadet Leadership Programs, is responsible for training the rising honor committee. The chair may delegate instructional duties to the vice-chair for education (VCE) and others as necessary. Training will cover the honor code in depth, privacy issues, the duties of a company honor representative, the duties of an investigating committee/trial counsel, the duties of a defense counsel, and the duties of honor court members. Once selected, the rising honor committee will attend and participate in trials, serve as honor court members, and conduct investigations.

B. Election of Company Honor Representatives:

- (1) Nominations: Members of the second, third, and fourth class of each company, to include all varsity athletes, by secret written ballot, nominate members of the second class as honor representatives for the company. The nomination ballots will be counted by the current company honor representatives. The two cadets receiving the most votes will be named as company honor representatives. The names of all cadets receiving votes, with their corresponding vote tallies, will be presented to the chair of the honor committee.

C. Election of Varsity Athletic Team Honor Representatives:

- (1) Nominations: Varsity athletes from the second, third, and fourth class will, by secret written ballot, nominate varsity athletes of the second class. The nomination ballots will be counted by the current athletic honor representatives. The cadet receiving the most votes from each of the athletic teams listed in paragraph 8 will serve as an athletic honor representative. The names of all cadets receiving votes, with their corresponding vote tallies, will be presented to the chair of the honor committee.

D. Election of Battalion Honor Representatives:

- (1) Nominations: Members of the second, third, and fourth class of each battalion will, by secret written ballot, nominate among the company honor representatives in the battalion to serve as battalion honor representatives. The nomination ballots will be counted by the current company honor representatives who are not a candidate for battalion honor representative. The cadet receiving the most votes will be named as battalion honor representatives. The names of all cadets receiving votes, with their corresponding vote tallies, will be presented to the chair of the honor committee.
- (2) Election: The winner must have a majority; otherwise, a run-off will be conducted.

E. Replacement of Honor Representatives:

Upon the return of the corps from summer furlough, the chair of the honor committee will determine which companies and battalions do not have two honor representatives physically living in the company area, or barracks, for battalion representatives, due to transfer, failure to attain 1A status, or failure to meet continued service standards. Transferred honor representatives shall continue to serve as members of the honor committee, though as honor committee members at large. Members of the honor committee not classified

academically as 1A or who have failed to meet continued service standards will be suspended from duties until they attain that status. If the affected cadet is an officer of the honor committee, the committee will elect a replacement. In those companies and battalions where vacancies exist, elections shall be held pursuant to the procedure prescribed for spring elections.

F. Removal of Honor Committee Representatives:

Any member of the honor committee may request removal of another member from office. The chair shall handle such petitions by convening a special meeting of the committee, at which 90% of the current membership must attend, during which both parties may present information in support of and in opposition to the petition for removal. A member of the honor committee may only be removed by the membership by a two-thirds vote of the membership present at a removal hearing. Voting shall be by secret, written ballot, which shall be verified by two members of the court. If a member is removed, the other company honor representative shall convene an election for replacement within five working days, pursuant to the procedure outlined herein.

10. **Vacancies:** The filling of any vacancy that occurs for any other reason will be handled in accordance with the procedures in paragraph 9.

11. Duties of Cadet Honor Committee Members:

- A. To serve as members of the honor court, when selected, and to try all cases which involve possible violations of the cadet honor code.
- B. To prepare and keep current the honor manual summarizing the rules and regulations governing its activities for the general use by the South Carolina Corps of Cadets.
- C. To keep the corps informed of all relevant developments concerning the honor system.
- D. To provide instruction, as part of the honor education program, to all members of the corps and the college faculty and staff as requested.

12. Cadet Honor Committee Officers and their Selection:

- A. The officers of the cadet honor committee shall be a chair, a vice-chair for investigation (VCI), a vice-chair for education (VCE), and a vice-chair for operations (VCO).
- B. Cadet honor committee officers for the rising academic year shall be elected by and from the rising honor representatives. The election shall be held at the discretion of the honor committee following the election of the battalion representatives.

13. Duties of Honor Committee Officers:

A. The Chair shall:

- (1) Hold the rank of cadet lieutenant colonel and be assigned to the regimental staff.
- (2) Preside over the honor committee and the honor court at all meetings or trials and speak for the court in announcing the findings and the result of any vote upon a challenge or other question.
- (3) Fix the hour, date, and place of assembly for the trial of each case after conferring with the accused persons or their counsel.
- (4) Appoint defense counsel for the accused at least five working days before the trial if the accused has failed to select a counsel. The accused shall inform the chair at the time of trial notification if the chair needs to appoint counsel.
- (5) Have the authority to summon, and shall summon, any cadet witness requested by the trial counsel or by the defense. The request for a witness other than a cadet shall be referred to the faculty advisor.
- (6) Be responsible for the fair and orderly conduct of each case tried before the honor court.
- (7) Rule on all questions raised during the trial other than a challenge for cause. Rulings may be objected to by any member of the honor court in which case the court shall decide the question by majority vote.
- (8) Upon the request of the accused, designate a classmate to sit on the honor court in lieu of the honor representative as provided in paragraph 21 of this manual.

B. The Vice-Chair for Investigation (VCI) shall:

- (1) Hold the rank of cadet major and be assigned to regimental staff.
- (2) Be responsible for the receipt and processing of all honor violation accusations, in accordance with paragraphs 24-27.
- (3) Assist trial counsel as needed at the presentation of the case to the honor court.

C. The Vice-Chair for Operations (VCO) shall:

- (1) Hold the rank of cadet major and be assigned to the regimental staff.

- (2) Be the recorder of the honor committee and shall keep a record of the minutes of all meetings of the honor committee, and together with the chair, shall authenticate all written records of such meetings.
- (3) Be responsible for the upkeep of the honor court room and will assist the chair, VCI, and VCE in the coordination and logistics activities to support operations of the honor committee.
- (4) Be responsible for a full audio recording being made of each trial before the honor court.
- (5) Authenticate the record of trial by stating on the recording the following certificate:
 "I, Cadet,
 VCO of the honor committee, do certify that to
 the best of my knowledge and belief this recording is
 a true and factual record of the court proceedings,
 except closed court proceedings, in the trial of
 Cadet.....
 company....."
- (6) Ensure that the audio recording authenticated as indicated above is included with the trial package to the president.

D. The Vice-Chair for Education (VCE) shall:

- (1) Hold the rank of cadet major and be assigned to the regimental staff.
- (2) Act for and perform the duties of the chair during the latter's absence and, while so acting, shall be vested with all the authority and rights of the chair.
- (3) Be responsible for the development, coordination, and conduct of the honor education program for the South Carolina Corps of Cadets.
- (4) Ensure that all members of the corps of cadets who wish to view open honor court trials have a fair opportunity to do so on a random basis and as space in the courtroom permits.

SECTION V — The Honor Court

14. **The Honor Court:** Trials on allegations of violations of the honor code shall be conducted by a cadet honor court, composed of ten (10) members of the cadet honor committee, as selected below. This honor court shall be the sole and final cadet body for making a recommendation to the president on whether a cadet has violated the honor code.

15. **Composition of the Honor Court for Trial Purposes:** The cadet honor court shall consist of the chair, who shall act as the ruling officer, and nine members randomly drawn from the honor committee. In the event the accused elects to have a classmate sit on the honor court, eight members of the honor committee shall be randomly drawn and seated, and the classmate shall be selected in accordance with paragraph 21. In addition to the honor committee members from the first class, upon their election and qualification, second class members of the rising honor committee shall be eligible for service on the honor court. In case of the unavailability of the chair, the VCE or another qualified member of the committee shall sit as the ruling officer.
16. **Members Disqualified:** The accuser, the accused, and the investigating officers are disqualified from sitting on the court. Furthermore, any proposed member of the court may be challenged for cause by the accused, and such question shall be decided by majority vote of the remaining members of the court.
17. **Rights of an Accused Cadet:** Any cadet accused of a violation of the honor code shall have the following rights:
- A. The right to an impartial and fair pre-trial investigation.
 - B. The right to be informed promptly of the specific honor violation for which he/she stands accused along with the name of the accuser.
 - C. The right to a fair and prompt trial. The cadet honor committee has 15 working days to determine whether a case should be brought to trial or dropped. This time period commences when the KCLE Associate Director for Cadet Leadership Programs approves the investigation of an honor accusation. The end of the 15 day period will be indicated on the *Statement of Rights* attached to the accusation sheet, a copy of which will be given to the accused cadet. The 15 day period may be extended by the KCLE Associate Director for Cadet Leadership Programs when circumstances warrant. Once the VCI approves the recommendation for a case to go to trial, the chair will schedule it as soon as possible to protect the rights of the accused. Trials are generally scheduled in chronological sequence once an investigation committee has completed its work. When the end of the college year will prevent completion of an investigation or preclude a trial from being scheduled, the president will be informed, and final resolution shall not occur until the next school year.
 - D. The right to know the names of witnesses for the prosecution. No later than the time of the official notification of trial, the investigation committee, the honor committee chair, or the VCI, as appropriate, shall provide the accused with the names of all witnesses known at that time, as well as copies of any and all evidence to be introduced at the trial. Any subsequently discovered information or witnesses shall be made known to the accused as soon as possible. Any evidence that exonerates the accused will be presented to the

accused as soon as possible, and also to the VCI, who has the authority to dismiss the case in accordance with paragraph 27.

- E. The right to at least five working days in which to prepare a defense once notified of a trial date and appointed a defense counsel if necessary.
- F. The right to challenge any member of the honor court for cause.
- G. The right to call witnesses in her/his own behalf during a trial.
- H. The right to have a classmate sit as a member of the honor court which tries him/her under the conditions prescribed in paragraph 21 of this manual.
- I. The right to cadet counsel of her/his own choosing.
- J. The right to cross examine a witness during a trial.
- K. The right to resign at any stage of the proceedings.

18. Faculty Advisor to the Honor Committee: The president shall designate a member of the faculty as advisor to the honor committee. The faculty advisor will be present in the court for each trial in an advisory capacity, except when the court is closed for deliberation and voting. The faculty advisor shall provide notice to other members of the faculty when trials are lengthy so that cadets acting in an official capacity are exempted the following day from papers and tests. Cadets affected by this policy shall notify their professor and make up the work as soon as possible.

19. Open and Closed Sessions:

- A. Cadet honor court trials are normally conducted in closed session. The accused cadet and his/her counsel shall be allowed to attend the entire portion of the trial at which information is received, excluding deliberations in accordance with Paragraph 20.
- B. Any cadet standing trial before a cadet honor court has the right to be tried in open session. If an accused cadet would like to be tried in an open session, he or she will notify the chair of the honor court approximately 24 hours in advance of the proceedings. Open honor trials will be open to members of the South Carolina Corps of Cadets and officials of the college only. Attendees will be randomly chosen by the honor court chair or VCO from the list of cadets and college officials who wish to attend the trial.
- C. When a session is closed, only members of the honor court, the trial counsels, the accused and his/her counsel, and the faculty advisor shall be present, except that the chair may authorize rising representatives and such members of the honor committee who for various reasons were ineligible to sit on the particular case to be present.
- D. In open sessions, witnesses can observe trial proceedings only after their testimony is complete. The chair will announce at the beginning of each trial

that the proceedings, to include the findings, are confidential, and they shall not be discussed with or mentioned to any person not then present in the court room.

20. **Voting and Deliberations:** All voting on any question shall be by secret written ballot. Deliberations on the questions of (1) whether an accused has committed an honor violation, and (2) challenges to members of the honor court for cause, shall be conducted in closed session. All other deliberations shall be conducted in open session. When the court is closed for deliberations, only members of the honor court sitting on the case in question shall be present.
21. **Accused May Request Classmate:** If requested in writing by an accused cadet of the second or third classes, a classmate of the accused shall be randomly selected and appointed by the chair of the court to sit as a member of the court. This right shall be extended to an accused cadet of the fourth class after the completion of one academic semester. Classmate selection will be based on academic status of the accused cadet. The KCLE Associate Director for Cadet Leadership Programs will provide a list of eligible cadets organized by academic status to the chair at the beginning of each semester.

SECTION VI —Procedures to Report a Suspected Honor Violation

22. **Order of Pre-Trial Procedures:** Pre-trial procedures shall be followed in the chronological order outlined in the succeeding paragraphs.
23. **Reporting a Violation:**
- A. Suspected violations of the honor code should **not** be reported to the honor committee chair.
 - B. **Cadets** who know of or suspect a violation of the honor code will report the violation in person to their honor representative immediately. Any cadet who has unintentionally violated the honor code must report this to the honor representative immediately upon discovery.
 - C. **Members of the staff** will report suspected violations of the honor code to the appropriate company honor representative, the VCI, or the faculty advisor.
 - D. **Members of the faculty** will report suspected violations of the honor code to the VCI or the faculty advisor.
24. **Action by the Honor Representative:** The honor representative will direct the accuser to complete a written accusation, including the name and class of the accused, the time and date of the alleged violation, the nature of the violation, and any witnesses to the violation. The accuser shall sign the accusation. The

honor representative shall present the accusation to the VCI as soon as possible. The VCI will then discuss the charge and information with the faculty advisor. If both conclude the information warrants further action, the VCI shall deliver the accusation to the KCLE Associate Director for Cadet Leadership Programs, who shall authorize a formal investigation or reject the accusation. The decision of the KCLE Associate Director for Cadet Leadership Programs to reject an accusation shall be final.

25. **Action by the Vice-Chair for Investigation (VCI):** Upon authorization by the KCLE Associate Director for Cadet Leadership Programs, the VCI shall appoint a three-person investigating committee from members of the honor committee and shall designate one of the appointees as chair of the investigating committee.
26. **Action by the Investigating Committee:** The investigating committee shall notify the accused of the alleged honor code violation of which she/he is charged and advise the accused of those rights stated in paragraph 17 above. The investigating committee shall advise the accused of the name of the accuser and the names of the witnesses known to the investigating committee. The investigating committee shall supplement this information throughout its investigation. The committee shall conduct an investigation to determine if the accusation has merit and report its findings, together with its recommendations, to the VCI. If the committee recommends that the case be taken to trial and the VCI accepts that recommendation, the chair shall set a time and date for the trial and notify the accused of such time and date. Unless waived by the accused, the trial shall not occur until at least five working days have elapsed from the date on which the chair notifies the accused of the trial date and counsel appointed.
27. **Investigating Committee to be Trial Counsel:** Once a case goes to trial before the honor court, the chair of the investigating committee which investigated the case may act as trial counsel for the trial and shall prosecute in the name of the South Carolina Corps of Cadets. In the case of non-availability, the VCI may appoint other committee members to serve as trial counsel.

SECTION VII —Honor Court Procedures

28. **Purpose of Honor Court:** The purpose of an honor court is to provide the accused with notice of the accusation and information against him or her and the opportunity to be heard in response. To that end, formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in honor courts. Without limiting the foregoing, the following guidelines shall be followed:
 - A. Recorded testimony: If, for some extenuating circumstance deemed

acceptable by the chair of the honor court, a witness cannot be present at a trial, then recorded testimony may be admitted, provided the following conditions are met:

- (1) If the witness is offered by trial counsel, both the accused and his/her counsel must be present during the recording of testimony and have the opportunity to cross-examine the witness at that time. The accused may waive, in writing, part or all of this requirement.
- (2) If the witness is offered by the accused, trial counsel must be present during the recording of the testimony and have the opportunity to cross-examine the witness at that time. Trial counsel may waive part or this entire requirement. A member of the honor committee, not otherwise a part of these trial proceedings, will preside over the recording and certify the authenticity of the recorded evidence.

B. Character Witnesses: When the chair of the honor court feels that the character of the accused has been sufficiently established, she/he can rule that no further character witnesses be allowed to testify.

C. Hearsay Evidence:

- (1) Hearsay may not be introduced. Hearsay is a statement made by a person other than the accused outside of trial, which is offered by another individual, while testifying at trial.
- (2) Examples of Hearsay:
 - (a) At an honor court trial, Cadets A and B are asked about their conversation in a hallway outside a math class. They had seen Cadet X cheat. Cadet A may testify about what he saw Cadet X do, and he may testify to his statements to Cadet B; Cadet B may testify as to what she saw Cadet X do, and what she said to Cadet A. Neither cadet may testify about what the other saw Cadet X doing because that is hearsay. Hearsay may not be introduced.
 - (b) Cadet A and B are on guard duty when Cadet X enters the guard room and tells the two he was on an authorized pass. Questions arise later about the legitimacy of the pass, and Cadet X is accused of lying. The case goes to trial. The testimony of Cadets A and B about Cadet X's statements to them in the guard room is admissible in court. The hearsay rule does not apply when the testimony covers the statements allegedly made by the accused. Of course, the testimony of A and B must be weighed by the court along with all other facts in determining guilt or innocence.
- (3). Documentary Information: Subject to the guidelines herein documentary

information (e.g., explanation of report, written (ERW); all-in sheets; tests; papers; etc.) may be submitted as allowable evidence. Copies may be submitted and accepted by the court. If defense objects, then the proper authority shall certify that a copy is a true copy.

- (4). Testimony of non-cadets: Non-cadets shall not be sworn in, but the chair shall remind them of the gravity of the trial and the need for truthfulness. If a former cadet who has been expelled or resigned for an alleged honor code violation or accusation gives testimony, the trial counsel may inform the court of the circumstances surrounding the witness's dismissal or resignation.

29. **Duties of Honor Court Members:** Honor court members hear the information and determine whether the accused has committed an honor violation. Each member sitting on the court shall have an equal voice and vote with other members in deliberating upon and deciding all questions submitted to a vote or ballot. The chair has no greater rights in such matters than any other member. Each honor court member must cast a vote; no member may abstain from voting. Members shall be dignified and attentive at all times.

30. **Challenges for Cause:** The accused may challenge any member of the honor court for cause. Deliberation in voting upon a challenge will be in closed court, and the challenged member shall be excluded. A majority of the votes cast by the members present at the time the vote is taken shall decide the question of sustaining or not sustaining the challenge. A tie vote on a challenge shall disqualify the member challenged. Voting will be by secret written ballot, and the chair will announce the decision in open court.

31. **Findings:**

A. In analyzing a specific act to determine whether or not it was a violation of the honor code, it must be determined whether there was a deliberate attempt to deceive, evade the question, or give an erroneous impression. To be an honor violation, it must be proven beyond a reasonable doubt that:

- (1) The lie or act of deception was deliberate.
- (2) There was an intent to deceive.

B. The burden is always upon the trial counsel to prove any issue beyond a "reasonable doubt." It is not required that trial counsel proves its case beyond any possible doubt. The test is one of reasonable doubt. The meaning of "reasonable doubt" can be arrived at by emphasizing the word reasonable. It is not a surmise, a guess, or mere conjecture. It is not a doubt suggested by counsel which is not warranted by the evidence. Proof beyond a reasonable doubt does not mean proof beyond all doubt; the honor code does not require absolute certainty before returning a finding of "in violation." On

the other hand, proof beyond a reasonable doubt is proof that precludes every reasonable hypothesis except that the accused has committed an honor violation.

C. A vote of “in violation” by all 10 members of the honor court is required to find that an accused has committed a violation of the honor code. Straw votes, either in oral or written form, are strictly prohibited. The honor court will hold a single vote by secret written ballot. A member designated by the chair shall collect and count the votes. The count shall be checked by the chair who shall announce the result of the ballot to the members of the honor court. Findings shall be limited to “in violation” or “not in violation.” The ballots will be saved, submitted to the president, and retained in the honor court file.

32. **Announcing the Findings:** The chair shall announce the findings of the honor court in closed session. Prior to such announcement, she/he shall ensure that the following personnel are present: all members of the court who sat on the case, the trial counsels, the accused and his/her counsel, and the faculty advisor.

33. **Appeals:**

A. A cadet may petition the president for reconsideration of the decision within five working days of receipt of the president’s decision. This should include a memorandum stating the grounds for appeal and include all materials necessary for the president to fully evaluate the petition. This information must be submitted to the KCLE Associate Director for Cadet Leadership Programs. The honor committee will then have five working days to provide the committee response to the appeal. In cases in which a petition alleges that significant evidence has been discovered since the trial that was not available at the time the decision was reached, the petition must include that evidence, or, if unavailable, a written description of such evidence in sufficient form as to fully apprise the president of the nature of the evidence and the material impact it would have had on the proceedings below.

B. There are three grounds for appeal:

- (1) New evidence, available since the honor court trial, which would indicate the findings of the court are in error.
- (2) As defined in paragraph 17 of the honor manual, evidence that a cadet’s rights were not protected, jeopardizing that cadet’s right to a fair and impartial trial.
- (3) An error in the trial proceedings of such magnitude as to jeopardize the fairness of the trial.

C. The president will assign three members of the faculty/staff, a non-voting member of the faculty/staff, and a non-voting member of the honor committee to an honor board of review (HBOR), to review the appeal. If the

board feels there are sufficient grounds for reconsideration, it will review the case and all pertinent evidence and make a recommendation to the president affirming or reversing the decision of the honor court.

- D. Detailed procedures for the HBOR process are listed in MEMORANDUM 2-028, CADET APPEALS OF HONOR DECISIONS POLICY. Annexes A and B to MEMORANDUM 2-028 provide additional procedures that will be followed by all individuals involved in the HBOR process.

SECTION VIII — Amendments and Changes

34. Amendments to the Honor System:

- A. Amendments, modifications, or changes proposed during the first semester of any year must be ratified by a three-fourths vote of the first three classes and approved by the president.
- B. Amendments, modifications, or changes proposed during the remainder of the academic year must be ratified by a three-fourths vote of the South Carolina Corps of Cadets and approved by the president.
- C. Amendments to the honor manual will become effective during the next academic year and will be announced to the South Carolina Corps of Cadets during honor system education classes.

- 35. **Other Rules and Regulations:** The cadet honor committee, with the approval of the president, shall draw up such other rules and regulations as may appear necessary for its internal management and operation.

SECTION IX — Frequently Asked Questions

36. **Q. When was the Honor Code established at The Citadel?**

- A. The origin of the current Citadel honor code can be attributed to General Mark Wayne Clark, President of The Citadel from March 1954 to June 1965. Even though the corps had an unwritten honor code, General Clark proposed that it be written officially. The South Carolina Corps of Cadets unanimously voted to establish the honor code in 1955.

37. **Q. What is an honor violation?**

- A. The honor code simply states that a cadet does not lie, cheat, steal, nor tolerate those who do. Any person subject to the honor code who violates it by committing any of these four acts is in violation of the honor code.

38. **Q. Who is subject to the Honor Code?**

- A. All members of the South Carolina Corps of Cadets. Non-cadet students enrolled at The Citadel during the regular academic year are also subject to the honor code but are not under the jurisdiction of the cadet honor committee. Any violation of the honor code by students other than cadets is handled in accordance with the faculty manual.

39. **Q. Why is failure to report a case of lying, cheating, or stealing also considered an honor violation?**

- A. The toleration of dishonorable acts is a direct threat to the existence of the honor code. Loyalty to this code must come before loyalty to an individual. When a cadet observes another cadet lying, cheating, or stealing and does not report the offense, this act of toleration itself is dishonorable because it condones and indirectly approves the original violation. When individuals violate the honor code, they break the bond that unites individuals with the rest of the corps.

40. **Q. What should I do if I believe I have knowledge of an honor violation?**

- A. In the event you feel you have seen an honor violation committed or believe you have knowledge of an honor violation, report it to your company honor representative immediately. She/he will provide appropriate advice and guidance.

41. **Q. How is the investigation conducted?**

- A. The investigating committee will notify the accused of the specific charges and nature of the evidence. It will interview witnesses, weigh all information and make a recommendation to the VCI for a trial or dismissal of charges.

42. **Q. What happens if the VCI accepts the investigating committee's recommendation for dismissal of charges?**
- A. All evidence is destroyed.
43. **Q. Who can defend an accused cadet in an honor court?**
- A. An accused cadet may choose any cadet as counsel. If the accused does not wish to represent himself/herself or cannot find a defense counsel, the chair of the honor committee will appoint one.
44. **Q. How many votes are required to convict a cadet of an honor violation?**
- A. To find a cadet in violation, the court must vote unanimously.
45. **Q. What is an open trial and what purpose does it serve?**
- A. Any cadet brought before an honor court has the right to an open or closed court. This is decided by the accused 24 hours prior to the court. Only members of the corps of cadets and officials of the college will be allowed to view an open court. The number allowed is limited by the available number of seats. Observers will be randomly selected from the corps by the chair and/or VCO. The primary purpose of the open court option is to allow the members of the corps to witness the cadet honor system in action.
46. **Q. What is "quibbling"?**
- A. "Quibbling" is the recourse to technicalities to hide the truth or present a half-truth when the whole truth, as understood by the cadet, is required.
47. **Q. Is the "social lie" an honor violation?**
- A. It is understood that the amenities of living together in society require people to be tactful, (i.e., telling your date's mother you loved the family spinach recipe when you know you hate it). Therefore a "social lie" is not an honor violation.
48. **Q. Why is plagiarism considered an honor violation?**
- A. Plagiarism is the stealing and use of another person's writing and ideas. In academic work, cadets are expected to identify the ideas which are not their own and give appropriate credit to the source. To do otherwise is to mislead the reader (instructor) and receive unwarranted credit. Plagiarism is cheating. When cadets submit an assignment they are authenticating that all the work is their own.
49. **Q. What is the meaning of my signature on a document?**
- A. Once you place your signature on a document you have in fact certified that the information in that document is, to the best of your knowledge, true and fully understood. Your signature on all-in reports is evidence that the

information contained in that report is correct and based upon your personal inspection. If, however, your signature is affixed to a document which is incorrect, and there was no “intent” to deceive on your part, then you may not be found having violated the honor code.

50. Q. What is an improper question?

- A. The honor code should not be used by the staff, a member of the college faculty, member of the guard on duty, or any cadet in any official position as an investigative tool. In other words, there must be sufficient evidence that the cadet being queried was involved or possesses first-hand knowledge of an alleged offense to be asked an incriminating question.

51. Q. What should I do if I believe that the question asked is improper?

- A. A cadet is obligated by the highest degree of military discipline to answer the question; however, the cadet does have the means of appealing any punishments received as a result of answering such questions.

52. Q. When and how do I report an improper question?

- A. A cadet, after answering the question, will so report in writing what is believed to be an improper question, to his/her company honor representative. The company honor representative will inform the chair of the honor committee, who will in turn inform the faculty advisor to the honor committee and the KCLE Associate Director for Cadet Leadership Programs. The honor committee chair and VCI will investigate the circumstances involved in the incident and will determine whether or not the question or request for written explanation was proper. They will report their conclusion to the president. If their conclusion is that the question was improper, they will recommend to the president that the delinquency report and any punishment awarded as a result thereof be revoked. If their conclusion is that the question was proper, they will notify the cadet involved and explain the rationale for their conclusion in writing. If the cadet is not satisfied with their explanation, he/she may appeal to the president, through the KCLE Associate Director for Cadet Leadership Programs, in writing.

53. Q. With whom does the responsibility of knowing the honor system rest?

- A. It is one of the duties of the honor committee to keep the corps informed of new interpretations of the honor system. However, it is the duty of all cadets to know the system by which they live. The responsibility rests with the individual. If you have a question or are confused about any aspect of the honor code, see your honor representative immediately.

54. Q. What happens when a cadet does not know the provisions of the honor system but suddenly finds he/she may be in trouble with the system?

- A. Ignorance (willful or unwillful) of the provisions of the honor system, the

honor code and the contents of the honor manual will NOT be accepted as a defense. You must know your system!

SECTION X— Honor Case Examples

55. CASE 1: LYING

Upon entering the campus approximately two hours late from general leave, Cadet A reported car trouble to the battalion officer of the guard (O.G.). The O.G., in relating the experience to the officer of the day (O.D.) the following day, discovered Cadet A did not own a car and that the cadet had arrived at the main gate in a taxi. The O.G. reported Cadet A for lying, and the investigating committee discovered evidence by two eyewitnesses (i.e., two cadets) that Cadet A was seen all evening at a local tavern boasting about entering the campus with no restrictions. Upon hearing the evidence, the honor committee determined that Cadet A was in violation of the honor code. Cadet A was dismissed from school.

56. CASE 2: LYING

One night, while acting officer-in-charge (O.C.), Captain X, was approached by Cadet A, who had a Charleston Pass, and Captain X was asked to sign it. For purpose and destination Cadet A had written, “to dinner with my father, who is visiting from New York.” The O.C. signed the pass. Later that night Captain X received a phone call from the medical university librarian who stated that two cadets were making a disturbance in the library and refused to leave. The O.C. instructed the O.D. to bring the cadets to the O.C. When the O.D. returned, Cadet A was in the jeep. Captain X asked where the father was, and Cadet A stated, “in New York, where he always is!” Cadet A was charged and found in violation of the honor code.

57. CASE 3: LYING

After receiving a *class delinquency report* (CDR) for being absent from 0800 class, Cadet A wrote an *explanation of report, written* (ERW) explaining that he had been in the hospital at the time of the class. The assistant commandant investigated the ERW and could find no record of the cadet’s being in the infirmary either in the commandant's department or in the infirmary. The assistant commandant charged Cadet A with an honor violation for lying. Upon investigating, Cadet A stated he had entered the infirmary to soak his foot, for which he had been receiving periodic care. He had not bothered to sign in because of the long line. He entered at 0730 hours and left at 0830 hours and saw it useless to go to class so late. Additionally, there was no indication of treatment in his file by the nurse on duty. During the trial Cadet B, who had

been in the infirmary therapy room (where all physical therapy is performed), testified that she had not seen Cadet A on that morning. Cadet A was found in violation of the honor code. This decision was based on the statement made by Cadet A that he had been in the same room with Cadet B, his overestimation of the number of cadets in the infirmary that morning (the record showed five cadets, including Cadet B, had signed in), and no entry in his file at the infirmary by the nurse on duty.

58. CASE 4: LYING

Cadet X and Y were in a bar in downtown Charleston. While there, they saw Cadet Z enter and show identification (ID) to the man at the door. Both were aware that Cadet Z was under 21 years of age, and they reported the infraction to their honor representative. The investigating committee found that Cadet Z used false identification to gain entrance into the bar, thus she gained a privilege she would not have ordinarily received. Cadet Z resigned from the corps of cadets instead of going to trial.

59. CASE 5: TOLERATION

One night in the room of Cadets X and Y, Cadet Z related her knowledge of an honor violation by Cadet A. She revealed the details to Cadets X and Y but stated that she was no “fink” and would never turn in a friend. Cadets X and Y felt this was a violation of toleration and asked their company honor representative, but they felt toleration would be difficult to prove. They learned that indeed the other violation had been reported; therefore, Cadet Z was subsequently reported for toleration. At Cadet Z’s trial, the information she had related to Cadets X and Y was of such a nature that only someone directly involved could have been aware of the situation. Evidence proved that Cadet Z did willingly withhold information of an honor violation, and she was found in violation of the honor code.

60. CASE 6: IMPROPER QUESTION

One night during evening study period (ESP), Cadet A saw someone climbing over the fence into Hampton Park. After the all-in check, Cadet A approached Cadet Z who had a reputation for going *absent without leave* (AWOL). Cadet A asked Cadet Z if he had gone AWOL that evening. Cadet Z replied that he had been AWOL. Cadet Z then went to see his company honor representative, who in turn reported the incident to the chair of the honor committee. The chair recommended to the advisor of the honor committee and the president that this line of questioning was improper and that any punishment should be dropped. The president accepted the recommendation. The rationale was that Cadet A did not have sufficient evidence to directly question Cadet Z concerning the offense.

61. CASE 7: QUIBBLING

On 1 December, Cadet X went AWOL at 0110, ten minutes after the all-in report had been taken. Cadet X returned to the battalion through the side sally port at 0300, two hours after the end of general leave. The O.G., who saw Cadet X return, put Cadet X on report for “Absent Without Leave on 1 Dec.” Cadet X responded on the subsequent ERW that the report was incorrect as he had been present for all-in on 1 Dec. The O.G., suspecting an honor violation, notified the honor committee. An investigation by the honor committee concluded that although the delinquency report had not been specific in the timing of the offense, it was obvious to Cadet X that the O.G. did not question his presence at all-in, but his whereabouts following the end of general leave on the date of the offense. The honor committee ruled that Cadet X had purposely responded to the ERW with evasive ambiguous language, thereby quibbling. He was found in violation of the honor code and expelled from The Citadel.

62. CASE 8: CHEATING

During an unannounced test in tactics class, the instructor noticed that Cadet A, who was not doing well in the course, was attempting to surreptitiously look at the answer sheet of Cadet B. The instructor gave a verbal warning to the class that he had observed a cadet trying to look at another’s answer sheet and that he would not tolerate such behavior. Later, during the test, the instructor noticed that Cadet A was again trying to look at Cadet B’s answer sheet without the latter being aware of this. When the instructor later graded the test papers, he noticed the similarity of both correct and incorrect answers given by both Cadets A and B. Upon investigation by the cadet honor committee and subsequent honor trial, Cadet A was found in violation of the honor code and expelled from The Citadel.

HONOR ★ DUTY ★ RESPECT