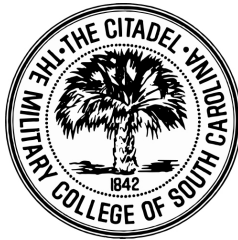


# THE HONOR MANUAL



OF THE  
SOUTH CAROLINA  
CORPS OF CADETS  
2023 - 2024

**THE CITADEL**

THE MILITARY COLLEGE OF SOUTH CAROLINA

CHARLESTON, SC



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## **THE HONOR CODE**

A CADET DOES NOT LIE, CHEAT, OR STEAL,  
NOR TOLERATE THOSE WHO DO.

## **OATH OF INTEGRITY <sup>1</sup>**

“ON MY HONOR, I SOLEMNLY SWEAR TO BE A LEADER OF INTEGRITY AND LIVE BY THE SPIRIT OF THE HONOR CODE; I WILL ALWAYS TELL THE TRUTH; I WILL ALWAYS BE HONEST IN MY ACADEMIC ENDEAVORS; I WILL ALWAYS RESPECT THE PROPERTY OF OTHERS; AND I WILL HOLD OTHERS ACCOUNTABLE FOR THEIR HONOR, JUST AS I EXPECT THEM TO DO FOR ME, SO HELP ME, GOD.”

<sup>1</sup>Written by Col Tom Clark, USMC (Retired), class of 1985, © T.S. Clark III, 2022

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## SECTION I — The Cadet Honor System

1. **The Honor Manual:** This document prescribes the organizations, rules, and procedures for administering, enforcing, and maintaining the Cadet Honor System.
2. **Definitions:** The following terms and definitions are used in this manual:
  - A. “Accused” refers to the cadet who is suspected of violating the Honor Code.
  - B. “Accuser” refers to any individual who reports a known or suspected violation of the Honor Code.
  - C. “Associate Director for Honor and Character Development” or “AD-HCD” refers to The Citadel official who is responsible for managing the Cadet Honor System and providing administrative and operational support to the Honor Committee.
  - D. “Classmate” refers to a member of the same matriculation class.
  - E. “Confidentiality” refers to the principle and practice of keeping information surrounding honor accusations, investigations, trials, and appeals private unless the Accused gives consent for the information to be shared with others. Confidentiality protects the rights and reputation of the Accused, safeguards highly sensitive information, and prevents the spread of gossip.
  - F. “Faculty Advisor” refers to a respected faculty member who has been designated by the President to serve as the primary advisor and mentor to the Honor Committee. Assistant Faculty Advisors may also be designated by the President.
  - G. “Finding” refers to the Honor Court’s determination whether a specific act performed by the Accused was “in violation” or “not in violation” of the Honor Code.
  - H. “Honor” refers to the summation of outstanding virtues a person possesses characterized by excellence of character, ethical decision-making, moral courage, self-control, accountability, and integrity. Honor promotes principled leadership by enhancing a person’s ability to discern between right and wrong, establishing boundaries of acceptable behavior, and providing the fortitude to do the right thing at all times—even when no one is watching or when personal cost is incurred. Honor is The Citadel’s most important core value.
  - I. “Honor Board of Review” or “HBOR” refers to a five-member advisory group that convenes as directed by the President to review appeals submitted by cadets found “in violation” of the Honor Code.
  - J. “Honor Code” refers to the minimum standard of honorable behavior for cadets at The Citadel. The Honor Code states: “A CADET DOES NOT LIE, CHEAT, OR STEAL, NOR TOLERATE THOSE WHO DO.”



- K. "Honor Court" refers to a ten-member cadet body that convenes to determine whether a specific act performed by the Accused was a violation of the Honor Code.
- L. "Honor Decision" refers to the President's determination whether a specific act performed by the Accused was "in violation" or "not in violation" of the Honor Code. This decision is informed by the Honor Court's finding.
- M. "Improper Question" refers to a self-incriminating question asked by a member of the staff or faculty, a member of the guard, or any cadet in an official position to investigate an act or incident that was in violation of regulations or to the detriment of good order and discipline of the South Carolina Corps of Cadets without sufficient evidence to indicate that the cadet being questioned was involved or possesses firsthand knowledge of the act or incident being investigated.
- N. "Working days" refers 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.

## **SECTION II — The Cadet Honor System**

- 3. **The Cadet Honor System:** The Cadet Honor System consists of the organizations, rules, and procedures that introduce, maintain, and promote ethical and honorable conduct within the South Carolina Corps of Cadets.
  - A. The Cadet Honor System consists of four main parts:
    - (1) Honor Manual
    - (2) Honor Code
    - (3) Cadet Honor Committee
    - (4) Cadet Honor Court

## **SECTION III — The Honor Code**

- 4. **The Honor Code:** The Honor Code states: "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, 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: 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: 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.
- 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: Stealing is the taking of any personal, government, or college property from its true owner without authority with the intent of depriving him or her of ownership, use, or benefit.
- 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. Cadets: All members of the South Carolina Corps of Cadets are subject to the Honor Code and under the jurisdiction of the Honor Committee during the regular academic year and whenever the SCCC is constituted. When the SCCC is not constituted, cadets are still expected to abide by the Honor Code.
- (1) Suspected violations of the Honor Code that take place when the SCCC is not constituted will be reported and adjudicated in accordance with Memorandum No. 3-107, *Regulations for Non-Cadet Students and Cadets in Day Student Status for Fall and Spring Semesters and All Students for Summer School*.

- B. Non-cadet students: Non-cadet students enrolled at The Citadel during the regular academic year are subject to the non-cadet student Honor Code, “A Citadel student does not lie, cheat, or steal, nor tolerate those who do.” Non-cadet students are not under the jurisdiction of the Honor Committee.
  - (1) Suspected violations of the Honor Code will be reported and adjudicated in accordance with Memorandum No. 3-107.
- 7. **Enforcing The Honor Code:** All cadets and members of The Citadel faculty and staff have a responsibility to enforce the Honor Code by reporting known or suspected honor violations in accordance with the procedures outlined in this manual.
- 8. **Ignorance, No Defense:** Ignorance of the provisions of the Cadet Honor System, the Honor Code, or the contents of the Honor Manual shall not be accepted as a defense by the Honor Court.

#### **SECTION IV — The Cadet Honor Committee**

- 9. **Members of the Honor Committee:** The Honor Committee consists of the following members:
  - A. Company Honor Representatives: Two from each company in the regiment.
  - B. Athletic Team Honor Representatives: One from each of the college's National Collegiate Athletic Association (NCAA) athletic teams.
  - C. Battalion Honor Representatives: One from each battalion in the regiment. Battalion Honor Representatives shall hold the rank of cadet major.
  - D. Honor Committee Officers: The five officers of the Honor Committee are:
    - (1) Chair of the Honor Committee. The Chair shall hold the rank of cadet lieutenant colonel and be assigned to the regimental staff.
    - (2) Vice-Chair for Defense (VCD). The VCD shall hold the rank of cadet major and be assigned to the regimental staff.
    - (3) Vice-Chair for Investigations (VCI). The VCI shall hold the rank of cadet major and be assigned to the regimental staff.
    - (4) Vice-Chair for Operations (VCO). The VCO shall hold the rank of cadet major and be assigned to the regimental staff.
    - (5) Vice-Chair for Education (VCE). The VCE shall hold the rank of cadet major and be assigned to the regimental staff.
  - E. Honor Representatives, At Large: As required; numbers vary.
- 10. **Honor Representative Qualifications:** Any cadet desiring to serve on the Honor Committee must first meet the following standards:
  - A. As a third-year cadet (C3), have a cumulative GPA of 2.7 and an

academic classification of 2A, 2B, 1A, or 1B at the time when the honor representative elections are held.

- B. As a third-year cadet, have no record of class 1 offenses that according to the Blue Book could have resulted in suspension, dismissal, or expulsion.
- C. A third-year cadet may be elected to the Honor Committee without passing the PT test. However, the cadet must pass the PT test in order to serve on an Honor Court.
- D. If a third-year cadet is found in violation of a class 1 offense after their election that according to the Blue Book could have resulted in suspension, dismissal, or expulsion, the cadet is suspended from the Honor Committee until meeting the following conditions:
  - (1) Serves all punishments.
  - (2) Receives approval to resume duties from the Associate Director for Honor and Character Development (AD-HCD), the Faculty Advisor to the Honor Committee, and the Chair of the Honor Committee.
- E. As an incoming fourth-year cadet (C4), have a 1A or 1B academic classification; if 1A academic classification is not achieved, the Honor Representative will be suspended from the Honor Committee. The suspended Honor Representative will be replaced by a newly elected Honor Representative. Once the suspended Honor Representative achieves 1A academic classification, he/she will serve as an Honor Representative, At Large.
- F. As a fourth-year cadet, pass the PT test to sit on an Honor Court.
- G. If a fourth-year 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 cadet is suspended from the Honor Committee until meeting the following conditions:
  - (1) Serves all punishments.
  - (2) Receives approval to continue duties from the AD-HCD, the Faculty Advisor to the Honor Committee, and the Chair of the Honor Committee.

11. **Nomination and Election of Honor Representatives:** The nomination and election of Honor Representatives will take place during the spring semester of each academic year. Honor Representatives shall be nominated and elected by the lower three classes from their respective companies, NCAA athletic teams, and battalions. All nominees must satisfy the qualifications outlined in paragraph 10 above. The procedures for the nomination and election of Honor Representatives are as follows:

- A. Company Honor Representatives: Members of the lower three classes of each company will nominate two third-year cadets to serve as Honor Representatives for the company. Self-nominations are permitted. The

names of all qualified Honor Representative nominees will appear on an official ballot. Each cadet in the company will cast two votes for two separate nominees. Cadets will not be able to vote for the same nominee twice. The two nominees receiving the most votes will be named as Company Honor Representatives. The names of all company nominees, along with their corresponding vote tallies, will be presented to the Chair of the Honor Committee.

- B. **Athletic Team Honor Representatives:** NCAA athletes from the lower three classes of each athletic team will nominate one NCAA athlete who is a third-year cadet to serve as the Honor Representative for the team. Self-nominations are permitted. The names of all qualified Honor Representative nominees will appear on an official ballot. Each cadet on the team will cast one vote for a nominee. The nominee receiving the most votes will be named as Athletic Team Honor Representative. The names of all athletic team nominees, along with their corresponding vote tallies, will be presented to the Chair of the Honor Committee.
- C. **Battalion Honor Representatives:** Members of the lower three classes of each battalion will nominate among newly-elected Honor Representatives in the battalion to serve as the Battalion Honor Representative. Self-nominations are permitted. The names of all nominees will appear on an official ballot. Each cadet in the battalion will cast one vote for a nominee. The nominee receiving the most votes will be named the Battalion Honor Representative. The names of all battalion nominees, along with their corresponding vote tallies, will be presented to the Chair of the Honor Committee.
- D. **Honor Committee Officers:** The five officers of the Honor Committee shall be elected by and from the rising Honor Representatives. The election of Honor Committee officers shall take place following the elections of all company, athletic team, and battalion Honor Representatives. Any rising Honor Representative may nominate any other to serve as an Honor Committee Officer. Self-nominations are permitted. All nominees will specify the officer position(s) that they would like to hold.
  - (1) The election of Honor Committee officers will be conducted in the following order: Chair, VCE, VCO, VCI, and VCD.
  - (2) Officer elections will be decided by a simple majority. The nominee receiving the most votes for each election will be named to the position.

12. **Replacement of Honor Representatives:** After the return of the SCCC from summer furlough, the Chair of the Honor Committee will determine which companies do not have Honor Representatives physically living in the company area, (or the barracks for battalion Honor Representatives) due to transfer, failure to attain 1A or 1B status, or failure to meet continued service standards.

- A. All transferred Honor Representatives shall continue to serve as Honor Representatives, At Large.

- B. Fourth-year Honor Representatives (C4) not classified academically as 1A or 1B who have failed to meet continued service standards will be suspended from duties. Any suspended Honor Representatives will be replaced by newly elected Honor Representatives. Once the suspended Honor Representatives achieve 1A academic classification, they will become Honor Representatives, At Large.
  - C. In those companies and battalions where vacancies exist, nominations and elections shall be held according to the procedures prescribed in paragraph 11 above, with one exception: first-year cadets (C1) shall not participate in the nomination or election of replacement Honor Representatives during the fall semester.
13. **Removal of Honor Representatives:** Any Honor Representative may request the removal of another Honor Representative, for cause. The Chair shall handle such petitions by convening a special meeting of the Honor 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. An Honor Representative 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.
  - B. If a Company Honor Representative is removed, the other Company Honor Representative shall convene an election for replacement within five working days, according to the procedure outlined herein.
14. **Vacancies:** The filling of any vacancy that occurs for any other reason will be handled according to the procedures outlined in paragraph 11 with one exception: first-year cadets (C1) shall not participate in the nomination or election of Honor Representatives if the vacancy occurs during the fall semester.
15. **Duties of Honor Representatives:**
- A. Help cadets make honorable decisions on a daily basis.
  - B. Be prepared to serve as members of the Honor Court; try all cases that involve possible violations of the Honor Code.
  - C. Provide education and training on the Cadet Honor System to the South Carolina Corps of Cadets, as well as members of The Citadel faculty and staff on a regular basis. Be prepared to answer any questions about the Cadet Honor System.
  - D. Keep the South Carolina Corps of Cadets, as well as members of the faculty and staff informed of all relevant developments concerning the Cadet Honor System.
  - E. Execute any other miscellaneous duties that may be required, as directed by the Chair of the Honor Committee.

## 16. Duties of Honor Committee Officers:

### A. The Chair shall:

- (1) Preside over Honor Committee meetings and events.
- (2) Coordinate with the Faculty Advisor, VCI, and VCD to determine the date, time, and place of assembly for the trial, as appropriate.
- (3) Upon the request of the Accused, designate a classmate to sit on the Honor Court in lieu of an Honor Representative.
- (4) Be responsible for the fair, impartial, and orderly conduct of each case tried before an Honor Court.
- (5) Preside over honor trials and speak for the Honor Court in announcing the finding and the results of any vote upon a challenge for cause, or other questions.
- (6) 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.
- (7) Summon any cadet witnesses requested by the Trial Counsel or by the Defense Counsel. The request for witnesses other than a cadet shall be referred to the Faculty Advisor for action.
- (8) Coordinate with the AD-HCD, Faculty Advisors, and VCO to schedule elections for company, athletic team, and battalion Honor Representatives.
- (9) Ensure that cadet nominees meet all selection qualifications and standards before the election of rising Honor Representatives.
- (10) Coordinate with the AD-HCD, Faculty Advisors, and VCE to educate and train the rising Honor Committee following elections. The Chair may delegate instructional duties to others on the Honor Committee, as necessary.

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

- (1) Perform the duties of the Chair during the latter's absence and, while so acting, be vested with all the authority and rights of the Chair.
- (2) Coordinate with the Chair, AD-HCD, and Faculty Advisors for the development, coordination, and conduct of Cadet Honor System education and training for the South Carolina Corps of Cadets, as well as for all faculty and staff members of The Citadel on a regular basis.
- (3) Coordinate with the Chair, select Honor Committee Representatives, AD-HCD, and Faculty Advisors for the development, coordination, and conduct of the Rising Honor Committee Education and Training Program for all rising Honor Committee Representatives.

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

- (1) Ensure that all members of the South Carolina Corps of Cadets and officials of the college receive notification of open trials at least 24 hours in advance. Cadets and officials who wish to view open trials shall be selected on a first-come, first-served basis and as space in the courtroom permits.
- (2) Be the recorder of the Honor Committee; keep a record of the minutes of all meetings of the Honor Committee, and—together with the Chair—authenticate all written records of such meetings.
- (3) Assist the Chair, VCD, VCI, and VCE by coordinating all Honor Committee operations and logistics activities.
- (4) Be responsible for the general upkeep of the courtroom.
- (5) Be responsible for creating a complete recording (i.e. digital audio or video file) of each trial before the Honor Court.
- (6) Authenticate the trial record by stating the following on the recording:  
*"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....."*
- (7) Ensure that the complete recording—authenticated as indicated above—is included with the trial package submitted to the President.
- (8) Coordinate with the Chair, AD-HCD, and Faculty Advisors to plan, schedule, and execute elections for company, athletic team, and battalion Honor Representatives during the spring semester of the academic year.

D. The Vice-Chair for Investigations (VCI) shall:

- (1) Be responsible for the receipt and processing of all honor violation accusations.
- (2) Together with the VCD, immediately notify the Accused if the AD-HCD has authorized the Honor Committee to investigate a known or suspected honor violation.
- (3) Appoint a three-person Investigating Committee if the AD-HCD has authorized the Honor Committee to investigate a known or suspected honor violation.
- (4) Coordinate with the Chair, Faculty Advisor, and VCD to determine the date, time, and place of assembly for the trial, as appropriate.



- (5) Advise and assist the Trial Counsel at the presentation of a case to the Honor Court.
- E. The Vice Chair for Defense (VCD) shall:
- (1) Together with the VCI, immediately notify the Accused if the AD-HCD has authorized the Honor Committee to investigate a known or suspected honor violation.
  - (2) Assist the Accused to select a Defense Counsel of his/her own choosing if the AD-HCD has authorized the Honor Committee to investigate a known or suspected honor violation.
  - (3) Coordinate with the Chair, Faculty Advisor, and VCI to determine the date, time, and place of assembly for the trial, as appropriate.
  - (4) Advise and assist the Defense Counsel at the presentation of a case to the Honor Court.
17. **Cadet Honor System Education and Training:** All members of the South Carolina Corps of Cadets, as well as faculty and staff members of The Citadel shall receive Cadet Honor System education and training on a regular basis.
- A. At a minimum, Cadet Honor System education and training will cover:
    - (1) Honor Manual
    - (2) Honor Code
    - (3) Cadet Honor Committee
    - (4) Cadet Honor Court
    - (5) Rights of the Accused
    - (6) Honor Remediation
    - (7) Appeals
    - (8) Confidentiality
  - B. Rising Honor Committee Education and Training Program: Rising Honor Representatives may participate in investigations and serve on Defense Counsels, Trial Counsels, and Honor Courts during the spring semester as part of the Rising Honor Committee Education and Training Program administered by the VCE, select Honor Committee Representatives, AD-HCD, and Faculty Advisors.

## SECTION V — Pre-Trial Procedures

### 18. Reporting Violations of the Honor Code:

- A. Distinction of the Chair: Known or suspected violations of the Honor Code *shall not* be reported to the Honor Committee Chair.
- B. Reporting procedure for cadets: Cadets who know of, or suspect, a

violation of the Honor Code shall immediately make the report in person to an Honor Representative.

- C. Self-reporting procedure for cadets: Cadets who know or suspect that they have committed an honor violation shall immediately make the self-report in person to an Honor Representative.
- D. Reporting procedure for staff members: Staff members who know of, or suspect, a violation of the Honor Code should contact an Honor Representative or the VCI as soon as possible. The Honor Representative or VCI will provide the Accuser with reporting guidance and assistance.
- E. Reporting procedure for faculty members: Faculty members who know of, or suspect, a violation of the Honor Code should contact the VCI or the Faculty Advisor to the Honor Committee as soon as possible. The VCI or Faculty Advisor will provide the Accuser with reporting guidance and assistance.

**19. Receiving the Accusation:** The Honor Representative, VCI, or Faculty Advisor will help the Accuser complete a detailed written accusation report. All accusations must include the name and class of the Accused, the date and time of the alleged honor violation, a detailed account of the alleged honor violation, and the names of any known witnesses. All accusations must be signed by the Accuser. In the event of a cadet self-report, the names of anyone who may have advised the Accused to do so shall also be included in the report, as appropriate.

- A. If an Honor Representative receives the accusation, the VCI will be notified as soon as possible. The Honor Representative will present the accusation in person to the VCI. The VCI will then meet with the Faculty Advisor to discuss the charge before delivering the accusation to the AD-HCD.
- B. If the VCI receives an accusation, the Faculty Advisor will be notified as soon as possible. The VCI will then meet with the Faculty Advisor to discuss the charge before delivering the accusation to the AD-HCD.
- C. If the Faculty Advisor receives the accusation, the VCI will be notified as soon as possible. The Faculty Advisor will then meet with the VCI to discuss the charge before delivering the accusation to the AD-HCD.

**20. Actions by the Associate Director for Honor and Character Development:** If the AD-HCD believes the accusation report against the Accused is complete and grounded, the AD-HCD will authorize the Honor Committee to conduct an investigation.

- A. If the accusation is incomplete, the AD-HCD will request a completed report from the Accuser before taking any action.
- B. If the AD-HCD does not believe that a complete accusation against the Accused is grounded, the AD-HCD will not authorize an investigation. The AD-HCD will then administratively close out the case. A "do not investigate" decision by the AD-HCD shall be final.

(1) A "do not investigate" decision must not be misinterpreted as a

finding of innocence. It simply means that the AD-HCD does not believe an investigation by members of the Honor Committee is warranted based upon the information contained in the completed accusation report.

- (2) The Faculty Advisor will notify faculty member Accusers if a “do not investigate” decision is reached in their case.
- (3) The AD-HCD will notify staff member Accusers if a “do not investigate” decision is reached in their case.

21. **Notifying the Accused:** If the AD-HCD authorizes the Honor Committee to conduct an investigation, the VCI and VCD shall immediately notify the Accused and provide him/her with a copy of the accusation report, the names of the Accuser, and the names of all known witnesses. The VCI and VCD shall advise the Accused of his/her rights per SECTION VI of this manual.
22. **Establishing the Defense Counsel:** The VCD shall assist the Accused select a Defense Counsel of his/her own choosing. The Defense Counsel shall protect the rights of the Accused during an investigation and help the Accused prepare a defense if the case goes to trial.
23. **Establishing the Investigating Committee:** The VCI shall appoint a three-person Investigating Committee from members of the Honor Committee and designate one of the appointees as Chair of the Investigating Committee. The Investigating Committee shall conduct an investigation to determine if the accusation levied against the Accused is grounded.
24. **The Investigation:** The Investigating Committee shall be given 12 working days to conduct an investigation. If more time is needed, the VCI shall request an extension from the AD-HCD. Any extensions granted by the AD-HCD shall be communicated to the Accused and the VCD by the VCI. Upon completion of the investigation, the Chair of the Investigating Committee shall report its finding, together with the committee’s recommendation, to the VCI. If the committee recommends that the case “proceed to trial” and the VCI accepts that recommendation, the Chair shall immediately notify the Accused and the case will proceed. However, if the committee recommends that the case be dismissed and the VCI accepts that recommendation, the case will not proceed to trial and the AD-HCD will administratively close out the case.
  - A. A dismissed case must not be misinterpreted as a finding of innocence. It simply means that the VCI does not believe that the evidence uncovered during the investigation warrants taking the case to trial.
    - (1) The Faculty Advisor will notify faculty member Accusers if their case is dismissed by the VCI.
    - (2) The AD-HCD will notify staff member Accusers if their case is dismissed by the VCI.

- B. Any material or information that exonerates the Accused will be presented to the Accused and the VCD as soon as possible. In this situation, the VCI is authorized to dismiss the case.
25. **Establishing the Trial Counsel:** If the decision is made to “proceed to trial”, the VCI will meet with the members of the Investigating Committee to appoint a three-person Trial Counsel.
- A. If any member of the Investigating Committee is unable or unwilling to prosecute the case, the VCI will appoint other Honor Representative(s) to serve on the Trial Counsel.
26. **Setting the Trial Date:** If the decision is made to “proceed to trial”, the Chair of the Honor Committee shall coordinate with the Faculty Advisor, VCI, VCD, and the Accused to set a trial date. The trial shall occur no sooner than five working days from the decision to “proceed to trial.” The right to no less than five working days to prepare a defense may be waived by the Accused.
27. **Pre-Trial Duties of the Assistant Faculty Advisors:** The Assistant Faculty Advisors will advise and mentor the Defense Counsel, Investigating Committee, and Trial Counsel, as required. They will protect the rights of the Accused by ensuring the case is handled in a fair, impartial, and timely manner.

## SECTION VI — Rights of the Accused

28. **Rights of an Accused Cadet:** Any cadet accused of a violation of the Honor Code shall have:
- A. The right to be informed promptly of the specific honor violation for which he/she stands accused along with the name of the Accuser.
  - B. The right to a Defense Counsel of his/her own choosing.
  - C. The right to a fair and impartial pre-trial investigation.
  - D. The right to a fair and impartial trial.
    - (1) **Timeliness of Trials:** The Chair of the Honor Committee shall coordinate with the Faculty Advisor, VCI, VCD, and the Accused to schedule the trial as soon as possible.
    - (2) **End of the Academic Year:** When the end of the academic year prevents the completion of an investigation or precludes a trial from being scheduled, the President will be informed, and the final resolution shall not occur until the next academic year.
  - E. The right to no less than five working days in which to prepare a defense once the decision is made to “proceed to trial.” This right may be waived by the Accused.

- F. The right to know the names of witnesses for the Trial Counsel. No later than the time of the official notification of trial, the VCI and VCD shall provide the Accused with the names of all witnesses known at that time, as well as all material collected or generated by the Investigation Committee to be introduced at the trial.
  - (1) Any subsequently discovered information or generated material shall be made known to the Accused as soon as possible.
  - (2) The VCI and VCD shall immediately notify the Accused if additional witnesses are identified during the investigation.
  - (3) Any material or information that exonerates the Accused will be presented to the Accused as soon as possible. In this situation, the VCI is authorized to dismiss the case.
- G. The right to have a classmate sit as a member of the Honor Court which tries the Accused.
- H. The right to be tried in an open or closed trial.
- I. The right to challenge any member of the Honor Court for cause.
- J. The right to call witnesses on the Accused's own behalf during a trial.
- K. The right to cross-examine a witness during a trial.
- L. The right to resign at any stage of the proceedings.

## SECTION VII — The Cadet Honor Court

- 29. **The Honor Court:** The Honor Court is a ten-member cadet body that convenes to determine whether a specific act performed by the Accused was a violation of the Honor Code.
  - A. 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.
- 30. **Composition of the Honor Court:** The Honor Court typically consists of the Chair of the Honor Court (who acts as the presiding officer), and nine court members randomly drawn from the Honor Committee.
  - A. Members of the rising Honor Committee will be eligible to be selected and sit on Honor Courts following the completion of the Rising Honor Committee Education and Training Program.
  - B. Members of the Investigating Committee are disqualified from sitting on the Honor Court.

31. **Classmate on the Honor Court:** An accused cadet who is a second or third-year cadet (C2 or C3) may provide a written request to the Chair of the Honor Court to have a classmate sit on the Honor Court in advance of the proceedings. When this occurs, the Chair shall coordinate with the Faculty Advisor to randomly select and appoint a classmate of the Accused to sit as a member of the Honor Court, and the remaining eight court members shall be randomly drawn from the Honor Committee.

A. Classmate selection will be based on having the same matriculation class as the Accused. This right shall be extended to an accused cadet who is a first-year cadet (C1) after the completion of one academic semester.

(1) The Chair and the Faculty Advisor will obtain a list of cadets organized by C status at the beginning of each semester.

32. **Open and Closed Trials:** There are two types of honor trials: open and closed. A closed trial is the default unless the Accused submits a written request for an open trial to the Chair of the Honor Court in advance of the proceedings.

A. Closed Trials: During a closed trial, attendance is restricted to members of the Honor Court, the Trial Counsel, the Defense Counsel, the Accused, and the Faculty Advisor(s). Cadets not associated with the honor case may not attend or observe a closed trial.

(1) The Chair may authorize current and rising Honor Representatives to be present during a closed trial for training purposes.

(2) The AD-HCD or Faculty Advisor may authorize officials of the college to be present during a closed trial for training purposes.

(3) The Accused and members of the Defense Counsel shall be allowed to attend the entire trial during which information is exchanged, excluding Honor Court deliberations that are conducted in closed session.

B. Open Trials: Open trials are accessible to members of the South Carolina Corps of Cadets and officials of the college only. Any cadet standing trial before an Honor Court has the right to an open trial. The primary purpose of an open trial is to allow cadets and college officials an opportunity to witness the Cadet Honor System in action.

(1) The Accused must submit a written request for an open trial to the Chair of the Honor Court at least 48 hours in advance of the proceedings.

(2) If the Accused requests an open trial, the VCO will immediately coordinate with the AD-HCD and the Faculty Advisor to make a general announcement to the entire South Carolina Corps of Cadets and officials of the college at least 24 hours in advance of the proceedings.

- (3) Anyone interested in being an observer to the open trial should notify the VCO in writing as soon as possible.
- (4) The VCO will select observers of the open trial from the list of interested cadets and college officials on a first-come, first-served basis. The number of observers selected by the VCO shall not exceed the available seating in the courtroom.
- (5) Case witnesses are permitted to observe open trial proceedings only after their testimony is complete, and if space is available in the courtroom.

### **SECTION VIII —Trial Procedures**

33. **Conduct:** Honor trials are very serious and solemn events. All members of the Honor Court, trial participants, and observers shall conduct themselves in a dignified manner befitting the trial’s gravitas. Members of the court shall demonstrate professionalism towards the Chair, the counsels, and the Accused by remaining attentive and respectful at all times during trial proceedings.
34. **Uniforms:** Unless directed otherwise by the Chair of the Honor Court, all court members shall wear full dress salt & pepper with sash; the Sergeant-At-Arms shall remain under arms with sword; the Accused shall wear seasonal dress (dress whites, dress salt & pepper, or dress gray); and cadet witnesses and court observers shall wear duty uniform or uniform of the day. Faculty Advisors and college officials shall wear Class “A” or service uniform equivalent.
35. **Trial Duties of the VCO:**
  - A. Before the trial, the VCO shall:
    - (1) Arrive at least 30 minutes early to open the courtroom, start the Honor Court computer, and launch/test the audio recording hardware and software.
    - (2) Collect all cadet cell phones.
  - B. During the trial, the VCO shall:
    - (1) Record the trial.
    - (2) Announce the name of the accused cadet and attest that the recording is a true and factual record of the proceedings.
    - (3) Monitor all computers and equipment; troubleshoot, as needed.
    - (4) Supervise the Sergeant-at-Arms.
    - (5) Time all recesses.
  - C. After the trial, the VCO shall:
    - (1) Assist in the collection of copies of evidence and any notes taken by court participants.

- (2) Shut down the computer and all equipment after the trial has ended.
  - (3) Police and secure the courtroom; lock up.
36. **Trial Duties of the Sergeant-at-Arms:** The Sergeant-at-Arms is selected by the Chair of the Honor Court. The Sergeant-at-Arms may be a second-, third-, or fourth-year cadet (C2, C3, C4). Before the trial, the Sergeant-at-Arms shall assist the VCO with the collection of all cadet cell phones. The Sergeant-at-Arms shall give the “All-Rise” command at the start of the trial and after all recesses and deliberations. During the trial, the Sergeant-at-Arms shall escort witnesses to-and-from the witness anteroom, as directed by the Chair of the Honor Court. The Sergeant-at-Arms shall assist the VCO by timing the duration of all recesses and deliberations. After the trial, the Sergeant-at-Arms shall assist the VCO police and secure the courtroom.
37. **Trial Duties of the VCE:** The VCE will attend every trial and act as an official observer. The VCE is an alternate to the Chair of the Honor Court if the Chair is unable to perform the duty for any reason, or if the Chair is successfully challenged for cause by the Accused.
38. **Trial Duties of the VCI:** The VCI will advise and assist the Trial Counsel during the trial. The VCI will be prepared to hand out copies of evidence to witnesses, Honor Court members, and the Faculty Advisor(s).
39. **Trial Duties of the VCD:** The VCD will advise and assist the Defense Counsel during the trial. The VCD will be prepared to hand out copies of evidence to witnesses, Honor Court members, and the Faculty Advisor(s).
40. **Trial Duties of the Honor Court Chair or Presiding Officer:** The Chair of the Honor Court calls the court to order at the beginning of every trial and presides over all proceedings, challenges, and motions until the trial is completed.
  - A. Delegation of authority: If the Chair is unable to perform the duty for any reason, the Chair shall designate the VCE to act as the presiding officer. If the VCE is also unable to perform this duty for any reason, the Chair shall designate another member of the Honor Committee to act as the presiding officer.
  - B. Confidentiality: The Chair/presiding officer shall give a Confidentiality notification to all trial participants and observers at the beginning and end of every trial.
41. **Trial Duties of the Faculty Advisor:** The Faculty Advisor will be present for each trial in an advisory capacity except when the courtroom is closed for deliberations and voting.
  - A. Requests for graded assignment exemption: The Faculty Advisor will be prepared to provide notice to other members of the faculty so that



the Accused and cadets acting in an official capacity during the trial are exempted from graded assignments the following day if requested to do so. Cadets who request exemption shall make up the work as soon as possible after the trial.

42. **Challenges for Cause:** The Accused may challenge any member (or proposed alternate member) of the Honor Court for cause. The Defense Counsel must justify all challenges. The Trial Counsel shall be allowed to respond to all challenges.
- A. **Deliberation:** After a challenge for cause has been made by the Accused, the Chair shall order the Honor Court into deliberation. The challenged member of the Honor Court and all participants and observers other than the remaining members of the Honor Court shall leave the courtroom. Deliberation shall be conducted in closed session; only members of the court sitting on the case in question shall be present. The Chair may participate in the deliberation.
  - B. **Voting:** After deliberation, the remaining members of the Honor Court shall vote by secret written ballot. A majority of the votes cast by the members present at the time the vote is taken shall decide the question of sustaining or defeating the challenge.
  - C. **Announcement:** The Chair shall call the Honor Court back into order and announce the court's decision in an open session with all participants and observers present. If a challenge is defeated, the challenged member of the Honor Court shall be seated. If the challenge is successful, an alternate member of the Honor Court shall be seated.
  - D. **Challenge to the Chair:** If the Chair is challenged by the Accused, the VCE shall preside over the deliberation but shall not vote. If the challenge is defeated, the Chair will return to the Honor Court as the presiding officer and the VCE shall be released. However, the VCE may remain in the courtroom as an official observer of the trial. If the Chair is successfully challenged, the Chair shall leave the courtroom and the VCE shall serve as the presiding officer of the Honor Court.
43. **Motions:** Either counsel may offer a motion at any time during the proceedings. Examples of motions include but are not limited to, motions to delay the trial or dismiss the case. Justification for the motion must be provided by the counsel, and the opposing counsel shall be allowed to respond. The Chair shall grant or deny the motion after considering the arguments of both counsels.
44. **Evidence:** The following guidelines are provided concerning evidence presented by the counsels to the members of the Honor Court:
- A. **Witness not physically present:** If, for some extenuating circumstance deemed acceptable by the Chair of the Honor Court, a witness cannot

be physically present at a trial, their testimony may be admitted using live (synchronous) video teleconference technology. If this capability is unavailable to the witness or the court, testimony may be recorded and admitted (asynchronous) 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, the 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.
  - (3) 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 testimony.
- B. Character Witnesses: Witness testimony concerning the character of the Accused may be presented by either counsel, and the opposing counsel shall be allowed to cross-examine character witnesses during the trial. However, 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.
- (1) Failure to present character evidence during trial *shall not* give rise to a claim of new evidence on appeal.
- C. Hearsay Evidence: 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. Hearsay may not be introduced as evidence.
- (1) 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 C cheat. Cadet A may testify about what he saw Cadet C do, and he may testify to his statements to Cadet B; Cadet B may testify as to what she saw Cadet C do, and what she said to Cadet A. Neither cadet may testify about what the other saw Cadet C doing because that is hearsay.
    - (b) Cadets A and B are on guard duty when Cadet C 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 C is accused of lying. The case goes to trial. The testimony of Cadets A and B about Cadet C'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 whether the statements made by Cadet C violated the Honor Code.

- D. **Documentary Evidence:** Subject to the guidelines herein documentary information (e.g., explanation of report, written [ERW]; all-in sheets; tests; papers; etc.) may be submitted as evidence and accepted by the court. Copies of these documents may also be submitted and accepted. However, if the Defense Counsel objects, then the proper authority shall certify that a copy is a true copy. Any such documentary evidence must be supported by a witness who may be cross-examined by the Accused or the counsels.
  - E. **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 Honor Court of the circumstances surrounding the witness's dismissal or resignation.
45. **Recesses:** Recesses of the Honor Court may be called by the Chair at any time during the trial. The Chair shall announce the duration of all recesses; recesses should last no more than 15 minutes. The Chair is authorized to grant additional time, as necessary. The VCO shall be the official timekeeper for the Honor Court. The Sergeant-at-Arms shall assist the VCO perform this duty.
- A. **Contemplation and orientation:** The Chair may recess the Honor Court to discuss motions, objections, and requests by the counsels if he/she is unable to make an immediate decision. The Chair may use this time to consult with the Faculty Advisor, as needed.
  - B. **Closing Arguments:** The Chair shall recess the Honor Court to allow both counsels time to prepare closing arguments.
46. **Admission of Responsibility:** At any time during the trial, the Accused may admit to committing the honor violation for which he/she stands accused. In such event, the Honor Court shall enter a finding of "in violation," and thereafter receive information from both counsels in mitigation and extenuation. After receipt of such information, the Honor Court shall deliberate and vote on a recommendation concerning whether the Accused should be considered for the Honor Remediation Program, per Paragraph 48.B.(3).
47. **Final Deliberation:** Once all evidence has been presented and the counsels have presented their closing arguments, the Chair shall order the Honor Court into deliberation in preparation for the official vote. All participants and observers shall leave the courtroom. Deliberation shall be conducted in closed session; only members of the court sitting on the case in question shall be present. Honor Court members must weigh the information and evidence to determine whether

the Accused has committed an honor violation. Each member sitting on the court shall have an equal voice with other members during deliberation. The Chair may participate in the deliberation but he/she has no greater rights in such matters than any other member.

A. Intent: In analyzing a specific act to determine if it was a violation of the Honor Code, it must be determined whether or not there was intent by the Accused to commit the act in question (i.e., lie, cheat, steal, or tolerate). To be "in violation" of the Honor Code, it must be proven beyond a reasonable doubt that the act was deliberate.

B. Reasonable Doubt: 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.

48. **Voting:** The Honor Court shall conduct a single vote using a secret written ballot to determine whether or not the actions of the Accused were "in violation," or "not in violation" of the Honor Code. This verdict is known as the court's finding.

A. Ballots: The vote to determine the finding shall be recorded using pre-printed, identical ballots provided to the members of the Honor Court by the Chair. All ballots will be saved and submitted to the President as part of the trial binder.

B. Casting votes: Honor Court members shall record their votes by making a single mark, such as an "X," in the space provided. Each Honor Court member must cast a vote; no member may abstain from voting. Straw votes are prohibited. All voting shall be anonymous; Honor Court members may not mark their ballots with their name or identity. A member designated by the Chair shall collect the ballots and count the votes. The count shall be checked by the Chair.

(1) Not in violation: A vote of "not in violation" by one or more members of the Honor Court finds that the Trial Counsel was unable to prove beyond a reasonable doubt that the Accused intended to commit the act in question.

(2) In violation: A vote of "in violation" by all ten members of the Honor Court finds that the Trial Counsel was able to prove beyond a reasonable doubt that the Accused intended to commit the act in question.

- (3) **Honor Remediation:** If the Accused is found “in violation”, the Honor Court must vote by secret written ballot to establish the court’s official recommendation to the President concerning whether the Accused should be considered for the Honor Remediation Program.
  - (a) **Ballots:** The vote shall be recorded using pre-printed, identical ballots provided to the members of the Honor Court by the Chair. The ballots shall be marked “Honor Remediation” or “No Honor Remediation.” All ballots will be saved and submitted to the President as part of the trial binder.
  - (b) **Casting votes:** The Chair may not vote. The remaining nine Honor Court members shall record their votes by making a single mark, such as an “X,” in the space provided. Each Honor Court member must cast a vote; no member may abstain from voting. Straw votes are prohibited. All voting shall be anonymous; Honor Court members may not mark their ballots with their name or identity. The vote shall be tallied from among the voting members, and the count checked by the Chair. A simple majority shall determine the court’s official Honor Remediation recommendation to the President.

49. **Announcing the Finding:** Once all votes have been checked and recorded, the Chair shall call the Honor Court back in order and ensure that the following personnel are present during a closed session: all members of the court who sat on the case, the Trial counsel, the Accused, the Defense Counsel, and the Faculty Advisor. Once all required members are present, the Chair shall announce the Honor Court’s finding.

A. After the finding has been announced, the Chair shall give a final Confidentiality notification and adjourn the Honor Court.

B. The Chair *shall not* announce the result of any Honor Remediation vote.

50. **Delivering the Finding:** The Chair shall deliver the official trial binder to the President as soon as possible following the trial. The binder shall include the trial recording, all trial materials and evidence, ten ballots marked “in violation” or “not in violation,” and nine ballots marked “Honor Remediation” or “No Honor Remediation”, as appropriate.

## **SECTION IX — Post-Trial Procedures**

51. **Counsel Meeting:** Once the President has received the trial binder, the Chief of Staff of The Citadel will schedule a meeting between the President, AD-HCD, Faculty Advisor, Chair of the Honor Court, lead of the Defense Counsel, and lead of the Trial Counsel to discuss the hearing.

52. **Accused Meeting:** For all “in violation” findings, the Chief of Staff of The Citadel will schedule a meeting after the Counsel Meeting between the President, AD-HCD, Faculty Advisor, Chair of the Honor Court, the Defense Counsel, and the Accused. During this meeting, the Accused will be given an opportunity to speak directly to the President. The President will then render an Honor Decision.
53. **Notifying Faculty and Staff Members of the Honor Decision:** Immediately following the President’s Honor Decision, the Faculty Advisor or AD-HCD shall inform any Accusers who are faculty or staff members, respectively.
- A. Honor Decisions *do not* obligate faculty or staff members to reverse or modify academic or disciplinary actions already imposed against the Accused.
54. **Options for Cadets found “In Violation” by the President:** Immediately following an “in violation” Honor Decision, the AD-HCD will ensure that the Accused is fully informed of available options:
- A. The cadet may participate in the Honor Remediation Program if the opportunity to do so is granted by the President. Refer to ENCLOSURE (1).
  - B. The cadet may appeal the President’s Honor Decision.
  - C. The cadet may resign from The Citadel per Section VII, 3.c., College Regulations.
  - D. The cadet may accept expulsion from The Citadel.
55. **Appeals:** A cadet found “in violation” may petition the President for reconsideration within five working days of receipt of the President’s Honor 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 AD-HCD. The Honor Committee will then have five working days to provide the committee’s 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.
- A. 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) 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.
- B. The President will assign three voting 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 HBOR feels there are sufficient grounds for reconsideration, it will review the case and all pertinent evidence. Upon completion of the review, the HBOR may recommend to affirm, reverse, or modify the President's original Honor Decision and/or punishment imposed.
- C. Detailed procedures for the HBOR process are listed in Memorandum 2-400, *Cadet Appeals of Honor Decisions Policy*. Annexes A and B to Memorandum 2-400 provide additional procedures that will be followed by all individuals involved in the HBOR process. Refer to ENCLOSURE (2).

### SECTION X – Improper Question

56. **Improper Question:** As adherents to the Honor Code, cadets are required to answer truthfully at all times. Yet within the corps environment, it is important that the Honor Code is used properly. The following procedure will be used 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:
  - (1) The questioning official is aware that 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 discipline of the South Carolina Corps of Cadets.
  - (2) 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 Performance 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, the cadet will report in writing to an Honor Representative within two (2) working days of receiving the Performance Report. The Honor Representative will immediately inform the Chair of the Honor Committee, who will, in turn, inform the Faculty Advisor to the Honor Committee and the AD-HCD as soon as possible.

- C. The AD-HCD will assess the written statement from the cadet claiming to have been asked an Improper Question, as well as all pertinent information related to the allegation, to include a copy of the Performance Report.
- (1) If the claimant's statement and the pertinent information indicate that the cadet was not asked an Improper Question, the AD-HCD will dismiss the case and inform the cadet in writing why the case was dismissed.
    - (a) A cadet not satisfied with the AD-HCD's decision may appeal directly to the Executive Director of the Krause Center for Leadership and Ethics (ED-KCLE), in writing.
    - (b) Following an appeal, if the ED-KCLE concludes that the cadet was not asked an Improper Question, the ED-KCLE will dismiss the case and inform the cadet in writing why the case was dismissed. The ED-KCLE's decision will be final.
  - (2) If the claimant's statement and the pertinent information indicate that the cadet may have been asked an Improper Question, the AD-HCD will approve it for investigation.
    - (a) The AD-HCD will notify the Commandant's Department in writing to place a hold on the Performance Report and any associated punishment.
    - (b) The Chair of the Honor Committee will appoint a two-member Investigating Committee to examine the circumstances involved in the incident to determine whether or not the question was improper.
    - (c) If the Investigating Committee interviews a non-cadet, one of the Faculty Advisors to the Honor Committee shall be present.
    - (d) The Investigating Committee shall report their conclusion in writing along with all supporting interviews and evidence to the ED-KCLE through the Chair of the Honor Committee, Faculty Advisor, and AD-HCD within five (5) working days. The five working day period may be extended by the AD-HCD when circumstances warrant.
- D. The ED-KCLE will assess the Investigating Committee's report along with all supporting interviews and evidence.
- (1) If the ED-KCLE determines that the cadet was not asked an Improper Question, the ED-KCLE will coordinate with the Commandant in writing to have all punishments reinstated.
    - (a) A cadet not satisfied with the ED-KCLE's decision may appeal directly to the President, in writing.
  - (2) If the ED-KCLE concludes that the cadet was asked an Improper Question, the ED-KCLE will coordinate with the Commandant in writing to have the Performance Report deleted and any



punishment awarded as a result thereof revoked.

- (a) If the Commandant disagrees with the conclusion, the Commandant and the ED-KCLE will automatically refer the case to the President for a final decision.

## **SECTION XI — Amendments and Changes to the Honor Manual**

### **57. Amendments to the Cadet Honor System:**

- A. The officers of the Honor Committee, with the approval of the President, shall ensure that a comprehensive review of The Honor Manual is conducted on a biennial basis to ensure that the organizations, rules, and procedures for administering, enforcing, and maintaining the Cadet Honor System for the general use by the South Carolina Corps of Cadets remain relevant, accurate, and effective.
- B. Substantive amendments, modifications, or changes to the Cadet Honor System proposed during the first semester of any year must be ratified by a three-fourths vote of the upper three classes and approved by the President.
- C. Substantive amendments, modifications, or changes to the Cadet Honor System 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.
- D. Substantive amendments to the Cadet Honor System will become effective no earlier than the next academic semester and will be announced in writing to the South Carolina Corps of Cadets.
- E. Changes to the Honor Manual that merely clarify wording or correct typographical errors will be approved by the Honor Committee Officers and do not need to be approved by a vote of the South Carolina Corps of Cadets.

58. **Other Rules and Regulations:** The officers of the Honor Committee, with the approval of the President, shall propose other rules and regulations as may appear necessary for the internal management and operation of the Cadet Honor System.

## **SECTION XII - Frequently Asked Questions (FAQ)**

### **59. 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.

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

A. All cadets are subject to the Honor Code and under the jurisdiction of the Honor Committee during the regular academic year and whenever the South Carolina Corps of Cadets is constituted. Non-cadet students are also subject to the Honor Code during the regular academic year but are not under the jurisdiction of the Cadet Honor Committee. Suspected violations of the Honor Code by non-cadet students (or by cadets that take place when the SCCC is not constituted) are handled per college regulations, Memorandum No. 3-107.

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

A. The Honor Code states that a cadet (or non-cadet student), “does not lie, cheat, or steal, nor tolerate those who do.” Thus, there are four, and only four, violations of the Honor Code: lying, cheating, stealing, and toleration. To be an honor violation, it must be proven beyond a reasonable doubt that the act was deliberate.

62. **Q. What constitutes a “false official statement”?**

A. A false official statement occurs when a cadet intentionally makes an oral or written statement that he/she knows is false 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. For example, a cadet’s signature on an all-in report is a written statement certifying that the entire report is correct to the best of the cadet's knowledge and based upon the cadet's diligence and personal inspection. If the information in the document turns out to be false, it must be determined if the signing cadet intended to submit a false report. If the cadet did not intentionally submit a false all-in report, then no honor violation occurred. However, if the signing cadet knew that the document was false when he/she signed it, then the cadet made a false official statement. Making a false official statement is considered lying; it is an honor violation.

63. **Q. What is “quibbling”?**

A. “Quibbling” is the use of ambiguous or vague language to evade a point at issue. Quibbling is a deliberate attempt to deceive or mislead another person by presenting technicalities and/or telling half-truths when the whole truth, as understood by the cadet, is required. Quibbling will be considered and treated as a false official statement; it is an honor violation.

64. **Q. What is “official misrepresentation”?**

A. “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. The use of a counterfeit

or fake ID by a cadet is one example of official misrepresentation. Official misrepresentation will be considered and treated as a false official statement; it is an honor violation.

**65. Q. Is a “social lie” an honor violation?**

- A. No. A "social lie" is not an honor violation for two reasons: First, it is understood that in polite society, people must sometimes be tactful so as not to unnecessarily offend or hurt other people's feelings, (i.e., telling your date's mother you loved the family spinach recipe when you actually hated it); second, a social lie does not constitute a false official statement, as defined in Section III of the Honor Manual.

**66. Q. Why is plagiarism an honor violation?**

- A. In academic work, cadets must identify words or ideas that are not their own and give appropriate credit to the source. To deliberately do otherwise is to steal another person's writing and mislead the reader (instructor) for the purpose of receiving credit that is not earned through honest effort. Plagiarism is considered cheating; it is an honor violation.

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

- A. Any cadet who fails to report a known or suspected case of lying, cheating, or stealing condones and approves the original honor violation. Toleration of this kind is a direct threat to the entire Cadet Honor System. For the Cadet Honor System to function correctly, all cadets must steadfastly enforce the Honor Code and hold each other accountable for their actions. Loyalty to the Honor Code must come before loyalty to an individual. When cadets demonstrate the moral courage to do their duty and enforce the Honor Code, they promote honorable behavior throughout the entire South Carolina Corps of Cadets and maintain The Citadel's traditionally high standards of moral excellence.

**68. Q. What should I do if I know of, or suspect an honor violation?**

- A. Cadets: Cadets who know or suspect that another cadet has violated the Honor Code are required to immediately report the violation in person to an Honor Representative. Cadets who know or suspect that they have committed an honor violation are required to make a self-report in person to an Honor Representative.
- A. Staff members: Staff members who know or suspect that a cadet has violated the Honor Code should contact an Honor Representative or the Vice-Chair for Investigations (VCI) as soon as possible. The Honor Representative or VCI will provide reporting guidance and assistance.
- A. Faculty members: Faculty members who know or suspect that a cadet has violated the Honor Code should contact the VCI or the Faculty Advisor to the Honor Committee as soon as possible. The VCI or Faculty Advisor will provide reporting guidance and assistance.

**69. Q. Who can defend an accused cadet during an honor investigation and trial?**

- A. The Accused can choose any cadet to serve as the Defense Counsel. The Defense Counsel is responsible for protecting the rights of the Accused during an investigation and helping the Accused prepare a defense if the case goes to trial. The VCD shall help the Accused select a Defense Counsel of his/her own choosing.

**70. Q. Why is confidentiality so important to the Cadet Honor System?**

- A. Confidentiality is important because it protects the rights and reputation of the Accused, safeguards honor information, and prevents the harmful spread of gossip throughout the Cadet Honor System process. Highly-sensitive honor information such as evidence and materials used in honor accusations, investigations, trials, and appeals must never be discussed or shared with anyone who is not directly involved in the honor case *without consent from the Accused*. When cadets and college officials faithfully and diligently adhere to the principle and practice of confidentiality, they respect the rights and wishes of the Accused and maintain the integrity of the Cadet Honor System.

**71. Q. If the accused cadet is found “in violation” by the Honor Court and the President, what happens next?**

- A. The Associate Director for Honor and Character Development (AD-HCD) will meet with the cadet to explain the available options: 1) the cadet may participate in the Honor Remediation Program if the opportunity to do so is granted by the President; 2) the cadet may appeal the President’s Honor Decision; 3) the cadet may resign from The Citadel; or 4) the cadet may accept expulsion from The Citadel.

**72. Q. What is the purpose of the Honor Remediation Program?**

- A. The President of The Citadel may offer a cadet who has been found "in violation" of the Honor Code the opportunity to participate in the Honor Remediation Program on a case-by-case basis. The Honor Remediation Program is designed to promote maturity, moral growth, and character development; it represents a chance for the cadet to redress their mistake and remediate their personal honor. A cadet who successfully completes the Honor Remediation Program has his/her honor restored and is returned to good standing within the South Carolina Corps of Cadets.

**73. Q. Under what circumstances can a cadet appeal an “in violation” Honor Decision?**

- A. 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) evidence that a cadet’s rights were not protected, jeopardizing that cadet’s right to a fair and impartial trial; and 3) an error in the trial proceedings of such magnitude as to jeopardize the fairness of the trial.

74. **Q. What should I do if I believe that I was asked an Improper Question?**
- A. As adherents to the Honor Code, cadets are required to answer questions truthfully at all times. However, if a cadet is asked incriminating questions about an act or incident that was in violation of regulations or to the detriment of good order and discipline by a member of the staff or faculty, member of the guard, or any cadet in an official position *and was punished for answering the questions truthfully*, the cadet can appeal any punishments received if the official did not have sufficient evidence to indicate that the cadet was involved or possessed firsthand knowledge of the act or incident. Hearsay, rumor, or innuendo are not sufficient evidence for officials to ask incriminating questions to cadets.
75. **Q. How can a cadet appeal an Improper Question?**
- A. If a Performance Report (PR) is submitted on a cadet based upon facts brought out by questioning and the cadet believes that the questions were improper, he/she will report in writing to an Honor Representative within two working days of receiving the PR. The Honor Representative will immediately inform the Chair of the Honor Committee, who will, in turn, inform the Faculty Advisor to the Honor Committee and the AD-HCD as soon as possible. The AD-HCD will assess the written statement from the cadet claiming to have been asked an Improper Question, as well as all pertinent information related to the allegation, to include a copy of the PR. If the claimant's statement and the pertinent information indicate that the cadet *was not* asked an Improper Question, the AD-HCD will dismiss the case and inform the cadet in writing why the case was dismissed. However, if the claimant's statement and the pertinent information indicate that the cadet *may have been* asked an Improper Question, the AD-HCD will approve it for investigation. See Section X of the Honor Manual for additional details.
76. **Q. With whom does the responsibility of knowing the Cadet Honor System rest?**
- A. The Honor Committee is responsible for educating and training the South Carolina Corps of Cadets about the Cadet Honor System and for keeping the corps informed of all relevant developments. However, it is the duty of every cadet to know the honor system by which they live. Thus, the responsibility ultimately rests with the individual cadet. If you have questions about the Honor Code or any aspect of the Cadet Honor System, see an Honor Representative immediately!
77. **Q. What happens if a cadet commits an honor violation but does not know the provisions of the Cadet Honor System?**
- A. Ignorance of the provisions of the Cadet Honor System, the Honor Code, or the contents of the Honor Manual shall not be accepted as a defense by the Honor Court.

## SECTION XIII— Honor Case Examples

### 78. CASE 1: LYING (False Official Statement)

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 that 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 to the Honor Committee for lying, and the Investigating Committee discovered evidence from two cadet eyewitnesses 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 Court determined that Cadet A intentionally made a false official statement to the O.G. Cadet A was found “in violation” for lying and expelled from The Citadel.

### 79. CASE 2: LYING (False Official Statement)

One night, while acting as Officer-in-Charge (O.C.), Captain X was approached by Cadet A, who asked the O.C. to sign his Charleston Pass. 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 back to the barracks. When the O.D. returned, Captain X found Cadet A sitting in the jeep. When Captain X asked Cadet A where his father was, Cadet A responded, “In New York, where he always is!” Following an investigation, the Honor Court determined that Cadet A intentionally made a false official statement to the O.C. Cadet A was found “in violation” for lying and expelled from The Citadel.

### 80. CASE 3: LYING (False Official Statement)

Cadet A was a sophomore who was out of allotted overnights and wanted to go out of town for the weekend. Cadet B was a sophomore on weekend duty, and Cadet C was a senior on weekend duty. On Friday afternoon, Cadet A asked Cadet C if he would “cover for him” so that Cadet A could take the weekend to go out of town on “company overnights.” Later, after Cadet B completed all-ins on his designated division, he reported to Cadet C that Cadet A was not present in the battalion. Cadet B then watched Cadet C submit the all-in report that stated Cadet A was present. Knowing that the official report was incorrect, Cadet B again told Cadet C that Cadet A was not present. Cadet C smiled and responded, “Don’t worry about it.” Cadet B reported the incident to an Honor Representative the next morning because he was convinced that Cadet C deliberately submitted a false report. Following an investigation, the Honor Court determined that Cadet C intentionally made a false official statement when he submitted an incorrect all-in report. Cadet C was found “in violation” for lying and expelled from The Citadel.

### 81. CASE 4: LYING (False Official Statement)

One afternoon, Cadet A was caught hazing Cadet B (knob) and Cadet C (knob) in a barracks room. All three cadets subsequently received Performance Reports (PRs) and were required to write exactly what happened so that their TAC could recommend proper punishments. Cadet A confronted the two knobs and told them that they needed to “get their stories straight” to minimize punishments and cover for Cadet A. Cadet A then showed them his explanation of report, written (ERW)—which was not what actually took place in the room—and told the knobs that their ERW’s should say the same thing. Cadets B and C both reported Cadet A to their company Honor Representative, saying that Cadet A lied in his PR and attempted to persuade them to lie in theirs, as well. Following an investigation by the Honor Committee, the Honor Court determined that Cadet A intentionally made a false official statement in his ERW. Cadet A was found “in violation” for lying and expelled from The Citadel.

### 82. CASE 5: LYING (Quibbling)

On 1 December, Cadet A went AWOL at 0110, ten minutes after the all-in report had been taken. Cadet A 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 A return, put Cadet A on report for “Absent Without Leave on 1 Dec.” Cadet A 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 A 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. Upon hearing the evidence, the Honor Court ruled that Cadet A had intentionally responded to the ERW with evasive ambiguous language, thereby quibbling. Cadet A was found “in violation” for lying and expelled from The Citadel.

### 83. CASE 6: LYING (Official Misrepresentation)

Cadet A and Cadet B were in a bar in downtown Charleston. While there, they saw Cadet C enter the bar and show her identification (ID) to the security person at the door. Cadets A and B were both aware that Cadet C was under 21 years of age, so they reported the incident to their company Honor Representative the next day. Following an investigation, the Honor Court ruled that Cadet C had used a fake ID to misrepresent her identity and gain entrance into the bar, thus she gained a privilege she would not have ordinarily received. Cadet C was found “in violation” for lying and expelled from The Citadel.

#### 84. CASE 7: CHEATING

During an unannounced test, a professor noticed that Cadet A, who was not doing well in the course, was attempting to covertly look at Cadet B's answer sheet. The professor gave a verbal warning to the class that she had observed a cadet trying to look at another cadet's answer sheet and that she would not tolerate such behavior. Later, during the test, the professor noticed that Cadet A was again trying to secretly look at Cadet B's answer sheet without the latter being aware of this. When the professor graded the test papers, she noticed the similarity of both correct and incorrect answers given by both Cadet A and Cadet B. Following an investigation, the Honor Court determined that Cadet A intentionally cheated during the test. Cadet A was found "in violation" for cheating and expelled from The Citadel.

#### 85. CASE 8: CHEATING (Plagiarism)

Cadet A was struggling to write a five-page research paper on an important World War II leader as part of Professor X's History class. Cadet B had taken Professor X's History class the previous semester and had written an excellent paper on General Mark Clark. Knowing that Cadet B was a good writer, Cadet A asked if he could "take a look" at Cadet B's research paper. Cadet B reluctantly emailed his paper to Cadet A. Later, when Professor X was grading Cadet A's paper on General Mark Clark, she discovered that several paragraphs were identical to ones found in Cadet B's paper. Professor X then asked the Faculty Advisor to the Honor Committee to help her report Cadets A and B for cheating. Following an investigation, the Honor Court determined that Cadet A had intentionally plagiarized Cadet B's paper. Cadet A was found "in violation" for cheating and expelled from The Citadel. However, a separate investigation revealed that Cadet B did not expect Cadet A to use his words or try to pass them off as original work. Cadet B's case was subsequently dismissed by the VCI.

#### 86. CASE 9: CHEATING and TOLERATION

Cadet A sat next to his best friend, Cadet B in Biology class. Cadets C, D, and E sat in the row behind them. During the mid-term exam, Cadet A watched in disbelief as Cadet B repeatedly removed his phone from his cargo pocket to look up answers to the test. After a few uncomfortable minutes, Cadet A leaned over and told Cadet B to "knock it off" and put his phone away. Cadet B slipped his phone back into his pocket and replied, "I'm done anyway." That night, Cadet C approached Cadet A and asked him if he was going report Cadet B for cheating on the Biology mid-term. Cadet A responded, "I'm no snitch! Mind your own business." Two weeks later, the VCI and VCD informed Cadet B that Cadet C had accused him of cheating on the Biology mid-term. During the investigation, corroborating witness statements from Cadets D and E led to a separate accusation against Cadet A for toleration. Following the investigations, two Honor Courts determined that Cadet B had intentionally



cheated on the Biology mid-term and Cadet A intentionally failed to report Cadet B for cheating. Cadet B was found “in violation” for cheating and Cadet A was found “in violation” for toleration. Both cadets were expelled from The Citadel.

#### 87. CASE 10: IMPROPER QUESTION

Cadet A was a rank-holding cadet with a clean disciplinary record. Late one night as he was returning to barracks from leave, Cadet A was stopped by the battalion O.G. who asked him if he had any alcohol in his bag. After pausing a moment to think about how he should respond to the O.G.’s question, Cadet A admitted that he had a six-pack of beer in his backpack. The O.G. confiscated Cadet A’s alcohol and pulled him for an Alcohol Violation. Immediately after Cadet A received the PR, he reported the incident to his company Honor Representative, alleging that the O.G. asked him an Improper Question. The Honor Representative then notified the Chair of the Honor Committee, who brought Cadet A’s written statement to the Faculty Advisor and then the AD-HCD. After carefully reviewing Cadet A’s statement and the PR, the AD-HCD approved the case to be investigated. The Investigating Committee determined that Cadet A was asked an Improper Question by the O.G. since there was no prior evidence or reason for the O.G. to suspect that Cadet A had alcohol in his possession. The AD-HCD, ED-KCLE, and Commandant all agreed with the Investigating Committee’s report. As a result, Cadet A’s PR was deleted and all of his punishments were revoked.

## ENCLOSURE (1) — Honor Remediation

1. **Honor Remediation Program:** The President of The Citadel may grant cadets who are found "in violation" of the Honor Code the opportunity to redress their mistake and participate in the Honor Remediation Program. The Honor Remediation Program is designed to promote maturity, moral growth, and character development.
2. **Purpose of the Honor Remediation Program:** The purpose of the Honor Remediation Program is to remediate and restore the cadet's personal honor.
3. **Authority and Responsibility:** The President exercises sole authority over the Honor Remediation Program. However, the President typically delegates the administrative and operational responsibilities for administering the program to the Associate Director for Honor and Character Development (AD-HCD).
4. **Role of the AD-HCD:** The AD-HCD has the following responsibilities:
  - A. Ensure that all Honor Remediation Program requirements are clearly identified and communicated to the cadet at the beginning of the program.
    - (1) Honor Remediation Program requirements may vary based on the circumstances of the individual cadet.
  - B. Ensure that the cadet's maturity, character, moral growth, and sense of honor satisfy the expectations of a Citadel cadet at the end of the Honor Remediation Program.
5. **Role of Honor Mentors:** Honor Mentors are appointed by the President and serve under the direction of the AD-HCD. Honor Mentors are members of the staff or faculty who help the AD-HCD administer the Honor Remediation Program. Honor Mentors have the following responsibilities:
  - A. Develop the requirements of the Honor Remediation Program; tailor them to meet the needs of the individual cadet.
  - B. Counsel, guide, and mentor cadets on a regular basis; assist them throughout the entire program.
  - C. Document the quality and timeliness of all assignments, as well as the cadet's demonstrated maturity, character development, moral growth, and sense of honor.
6. **Honor Assessment and Recommendation to the President:** The Honor Mentor will assess whether the cadet has/has not successfully satisfied the terms of the Honor Remediation Program. Once this honor assessment

is made, the Honor Mentor will inform the AD-HCD. The AD-HCD has the opportunity to concur/not concur with the Honor Mentor's assessment at this time. Once this is completed, the AD-HCD shall provide a recommendation to the President on whether to return the cadet to good standing or remove the cadet from the Honor Remediation Program.

7. **President's Decision:** Informed by the Honor Mentor's assessment of the cadet's honor and the AD-HCD's recommendation, the President will decide:
  - A. If the cadet exhibits the necessary character growth and has satisfied the terms of the Honor Remediation Program, the President will return the cadet to good standing within the South Carolina Corps of Cadets.
  - B. If the cadet has failed to satisfy the terms of the Honor Remediation Program, the President may decide to remove the cadet from the program, uphold the original verdict of "in violation," and expel the cadet from The Citadel.
  - C. Depending upon the circumstances, the President may decide to continue or modify any aspect of the cadet's Honor Remediation Program, as required.

## ENCLOSURE (2) — Cadet Appeals of Honor Decisions

THE CITADEL  
The Military College of South Carolina  
171 Moultrie Street  
Charleston, SC 29409

MEMORANDUM  
NUMBER 2-400

23 May 2023

### CADET APPEALS OF HONOR DECISIONS

#### 1. PURPOSE

The purpose of this Memorandum is to describe the policy and procedures to appeal Honor Court decisions. The President of The Citadel is the appellate authority for honor cases.

#### 2. REFERENCES

United States Constitution, Amendments IV and XIV

#### 3. DEFINITIONS

N/A

#### 4. POLICY

- A. In accordance with the Honor Manual, the President will only consider a grant of relief from an Honor Court decision on the following grounds:
- (1) New evidence, available since the Honor Court trial, which would indicate the findings of the court are in error;
  - (2) 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.
- B. A cadet may appeal an honor decision by preparing an appeal to the President. The preparation and submission of the appeal, which must include grounds on which relief is being sought, is exclusively the responsibility of the cadet.
- C. An appeal must include all materials necessary for the President to fully evaluate the appeal.
- D. In cases in which an appeal alleges that significant evidence has been discovered since the Honor Trial that was not available at the time the decision was reached, the appeal 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.

- E. The cadet must present the appeal to the Associate Director for Honor and Character Development (AD-HCD), on behalf of the Office of the President, within five (5) business days of the receipt of the President’s decision that announces punishment. Requests for extensions beyond five (5) business days are at the discretion of AD-HCD, or his/her designee, and may only be granted in extraordinary cases. (Requests to accommodate the schedule or other needs of anyone involved in the preparation of the appeal are normally not considered “extraordinary cases.”) Requests for extensions must be submitted in writing to the AD-HCD by the cadet and must include the justification for the extension.
- F. The AD-HCD, on behalf of the Office of the President, will send the appeal to the Honor Committee. The Committee will, within five (5) business days, review the appeal and prepare a response (“the Committee Response”). The AD-HCD will provide a copy of the Committee Response to the cadet.
- G. The AD-HCD, on behalf of the Office of the President, will appoint a Board of Review in accordance with Annex A, consisting of a Vice-President, Dean, Associate Vice President, or Associate Provost (to serve as Chair of the Board of Review), a Battalion or Company Tactical Officer, and a representative of the faculty or staff. Additionally, a recorder, selected from the faculty or staff, and a cadet, selected from members of the Honor Committee who did not participate in the trial of the cadet making the appeal, will be appointed. These two individuals will serve as non-voting advisors to the Board of Review.
- H. Upon receipt of the Committee Response, the AD-HCD will submit the appeal, the Committee’s Response, and the Honor Court file (collectively, “the Materials”) to the Board of Review.
  - (1) Initial Review. The Board of Review will review the Materials and decide whether the appeal warrants formal review by the Board, in accordance with the procedures prescribed in the HBOR Standard Operating Procedures, attached hereto as Annex A. If the Board determines a formal review is warranted, the recorder will notify all parties. If the Board determines a formal review is not warranted, the Chair of the Board will forward this decision and the Board’s findings and recommendations to the President in accordance with the template at Annex B.
  - (2) Formal Review. If the Board elects to hold a formal review, it will do so in accordance with Annex A, HBOR Standard Operating Procedures.
  - (3) Upon conclusion of the formal review, the HBOR Chair will present the findings and recommendations of the Board of Review to the President in accordance with the template at Annex B.

- I. The President will review the materials and the Board’s recommendation. The President may:
  - (1) Grant the appeal;
  - (2) Reject the appeal;
  - (3) Modify the finding or punishment imposed.
  
- J. The decision of the President will be final.

**5. COMPLIANCE**

- A. A cadet’s failure to timely submit an appeal will result in imposition of punishment, which will constitute the final action of the College in the matter at issue. The College will not consider or take action on any further requests by the cadet.
  
- B. Any other failure to adhere to the procedures contained herein will not constitute grounds for reversal or other modification of the punishment, or dismissal of the appeal.

**6. NOTES**

**A. Dates of official enactment and amendments:**

Approved by the Executive Assistant to the President on 23 May 2023.

Non-substantive changes include the change in title from the former KCLE Associate Director for Cadet Leadership Programs to the current Associate Director for Honor and Character Development (AD-HCD).

**B. Responsible Department:**

The Krause Center for Leadership and Ethics

**C. Responsible Official:**

Associate Director for Honor and Character Development (AD-HCD)

**D. Cross-references:**

College Regulations

The Honor Manual of the South Carolina Corps of Cadets

**7. RESCISSION**

Memorandum Number 2-028, Policy and Procedure for Cadet Appeals of Honor Decisions, dated 14 November 2018 and all previous versions are rescinded.

**8. REVIEW**

Biennial

FOR THE PRESIDENT:

A handwritten signature in black ink, appearing to read 'W. A. Lind', written in a cursive style.

OFFICIAL

WILLIAM A. LIND  
Commander, USN, Retired  
Executive Assistant to the President

Attachments

Annex A – Honor Board of Review Standard Operating Procedure  
Annex B – Template, Honor Board of Review Report

**ENCLOSURE (2) — Cadet Appeals of Honor Decisions**  
**ANNEX A**

**Honor Board of Review – Standard Operating Procedures**

**1. COMPOSITION** An Honor Board of Review (HBOR) will be composed of:

- A. A Vice-President, Dean, Associate Vice-President, or Associate Provost, who shall serve as Chair.

The Chair shall be responsible for convening the HBOR in an expeditious manner, ruling on all substantive and procedural issues raised during the Appeal process, and delivering the HBOR report to the President.

- B. A Battalion or Company Tactical Officer.

- C. A representative of the faculty or staff.

- (1) If the Chair is a Vice President or Associate Vice-President, the representative should be a faculty member with the rank of Professor.
- (2) If the Chair is a Dean or Associate Provost, the representative should be a department director from the staff of the college.

- D. A non-voting recorder. The Recorder will assist the Chair, as directed. Such assistance may include preparing correspondence to include the final report, and recording the Formal Review Hearing.

- E. A non-voting member of the Honor Committee who did not participate in the honor proceedings at issue in the appeal. The role of this cadet advisor is to provide explanation of Honor Court and Honor Committee procedures to the HBOR.

**2. PROCEDURE**

- A. Appointment. Upon receipt of an appeal from a cadet, the Associate Director for Honor and Character Development (AD-HCD) will appoint an HBOR on behalf of the President. He/she will ensure that the HBOR receives sufficient copies of the file of the Honor Court, the appeal, and the Committee's Response.

- B. Initial Review. The Chair will convene the HBOR after its appointment to determine if the appeal warrants a hearing before the HBOR. Board members will focus on the issues raised by the appellant and whether or not these meet the grounds for an appeal as outlined in the Honor Manual. After review and discussion of the materials, the HBOR will vote to either hold a formal review hearing or report to the President that there are insufficient grounds for an appeal. The voting members of the HBOR will each have an equal vote in determining the merits of the appeal.



- (1) If the HBOR determines a Formal Review is warranted, it will identify, in writing, the issues to be considered. The Chair will deliver this identification of issues to the AD-HCD who will then notify the appellant, the Honor Committee, and other college officials as appropriate.
  - (2) If the HBOR determines a Formal Review is not warranted, the Chair will forward this decision with recommendations in a report prepared pursuant to 2.D below to the President.
- C. Formal Review. If the HBOR determines that a Formal Review is warranted, it will conduct the hearing in the following manner:
- (1) The Chair, through the Recorder, will notify all parties of a convenient time and location.
    - (a) The appellant will attend the hearing and make an oral presentation to the HBOR. The appellant may be assisted by up to two cadet representatives, but it is the appellant's responsibility to make the argument to the HBOR.
    - (b) The Chair of the Honor Committee, or his/her designee, (hereafter "the Committee Representative"), will attend to present the Committee's response to the appeal, and to answer any questions concerning the case as it relates to the issues raised in the appeal.
    - (c) Should one of the issues to be considered is the introduction of new evidence, the HBOR will rely solely on the written materials submitted with the appeal. The Committee Representative may present written descriptions of evidence in response no later than two business days prior to the hearing.
    - (d) Except in extraordinary circumstances, as determined by majority vote of the HBOR during the Initial Review, the hearing will not include the questioning of live witnesses. Rather, the hearing will only consist of argument by the appellant and the Committee's Representative, and questions by the HBOR, as provided herein.
  - (2) After opening the hearing, the Chair will allow the appellant to present and make argument on the issues in dispute. Members of the HBOR may ask questions of the appellant.
  - (3) The Committee Representative may make argument in response to the appellant's argument. HBOR Members may ask questions of the Committee Representative.
  - (4) Either party may submit questions to the HBOR to be asked of the other party; the Chair of the HBOR will decide whether to ask the proposed question(s).
  - (5) After each party has been heard in full, at the discretion of the Chair, the HBOR will enter into closed session to conduct deliberations. This session will not be recorded. The findings and recommendation of the HBOR will be sent to the President in writing.

- D. Report. Upon conclusion of its Initial and/or Formal Review, the HBOR will prepare a report to the President. The report must address the issues raised by the appellant, the findings and supporting rationale of the HBOR on each of the issues, and a recommendation for action on the appeal by the President. The HBOR may attach a minority report on any or all issues if the HBOR's findings or recommendations are not unanimous. The report will be delivered to the AD-HCD who will then submit it to the Office of the President.
- E. Action by the President. The President will receive the Report of the HBOR and take action as he deems fit. The President is not bound by the findings, rationale, or recommendations of the HBOR; he makes his own determinations on each individual case.

**3. BASIS FOR APPEAL.** The Honor Manual, Section IX paragraph 55.A., permits only three grounds upon which an Appeal may be granted:

- A. New evidence, available since the Honor Court trial, which would indicate the findings of the court are in error;
- B. Evidence that a cadet's rights (as defined in SECTION VI, paragraph 28 of the Honor Manual) were not protected, jeopardizing that cadet's right to a fair and impartial trial;
- C. An error in the trial proceedings of such magnitude as to jeopardize the fairness of the trial.

#### **4. General Guidance for the Conduct of the HBOR.**

- A. The HBOR does not provide a second forum to retry each case; rather, it sits as an Administrative Board to address the issues raised by the cadet in the written appeal, provided those issues are within the guidelines of Paragraph 3 of this SOP. As a general rule, external courts are reluctant to interfere with the self-governance of colleges. Before taking serious disciplinary action against a student, a college must provide the student with notice of the charges against him or her and an opportunity to contest those charges. Furthermore, the college's decision must be based on ample evidence such that the decision is not arbitrary. The charge of the HBOR is to determine if the College has met those obligations as they relate to the specific issues presented in the appeal.
- B. In relation to the specific issues presented in the appeal, the primary questions for the HBOR to answer are as follows:
  - (1) Did the college (in this case, the Honor Court) follow its rules, and in so doing, did it afford the appellant a fair hearing? This question deals only with how a finding has been reached, and not with the finding itself.
  - (2) Was there evidence of substance that supports the Honor Court's finding and the President's Honor Decision?
  - (3) Is there new information that was not available at the time the hearing took place? If so, is that information of such substance that it would likely produce a result more favorable to the cadet if heard by the Honor Court?

C. Attorneys and other attendees:

- (1) A request to have an attorney present must be made in writing to the Chair two days in advance of the Formal Review Hearing. An attorney may only act in an advisory role to the cadet. An attorney may not make argument at the hearing, ask questions of witnesses or board members, or in any other way actively participate in the hearing process. If the student has an attorney present as an advisor, the College may, at the discretion of the board Chair, have legal counsel present to advise the Board.
- (2) Upon request and consent of the appellant, the HBOR, in its discretion, may permit other persons to be present during the hearing.

D. Timeliness: The HBOR should keep in mind the importance its findings will have upon the cadet. Cadets accused and found in violation generally suffer a decline in academic performance, therefore, a timely resolution of the appeal benefits all parties.

- (1) The cadet has five business days to prepare an appeal after the Honor Decision by the President.
- (2) The HBOR should conduct an Initial Review within five business days of its receipt of the case.
- (3) If the HBOR elects not to hold a Formal Review Hearing, it should submit its report to the President within two business days of this decision.
- (4) If the HBOR elects to conduct a Formal Review Hearing, it should hold the hearing within five business days after this decision.
- (5) The final report of the HBOR should be sent to the President within two business days after the Formal Review Hearing.

E. Majority decision: All action taken by an HBOR shall be by majority vote.

**ENCLOSURE (2) — Cadet Appeals of Honor Decisions**  
**ANNEX B**

To: General Glenn M. Walters, USMC (Ret.), President, The Citadel

Date:

Subject: Appeal of Cadet \_\_\_\_\_(CWID-\_\_\_\_\_)

**1. Introduction:** On \_\_\_\_\_, (day) (month) (year), an Honor Board of Review met to consider the appeal filed by Cadet \_\_\_\_\_. The Board did / did not elect to hold a Formal Review of the appeal. The Board of Review conducted the Formal Review on \_\_\_\_\_.

**2. Findings:** The Board concluded there were / were not grounds to recommend altering the honor decision in this case.

**3. Issues:** Cadet \_\_\_\_\_ raised \_\_\_\_\_ issues in his / her appeal. The Board concluded the following merited consideration

**4. Discussion:**

**5. Recommendations:** (If applicable).

\_\_\_\_\_  
(Name)  
(Rank), (SCM or Service)  
Vice President, Dean  
Assoc Vice President or Assoc Provost  
Chair

\_\_\_\_\_  
(Name)  
(Rank), (SCM or Service)  
(Title), (Department)  
Member

\_\_\_\_\_  
(Name)  
(Rank), (Service)  
TAC Officer, (Unit)

\_\_\_\_\_  
(Name)  
(Rank), (SCM or Service)  
(Title), (Department)  
Member

\_\_\_\_\_  
(Name)  
(Rank), (SCM or Service)  
Vice President, Dean  
Assoc Vice President or Assoc Provost  
Chair

**Action by the President:** Having considered all materials and the Board of Review's recommendation in the appeal of Cadet

\_\_\_\_\_ Grant the appeal

\_\_\_\_\_ Reject the appeal

\_\_\_\_\_ Modify the finding or punishment imposed: \_\_\_\_\_

Comments:

Signature \_\_\_\_\_  
Glenn M. Walters, General USMC (Ret.)  
President, The Citadel

Date \_\_\_\_\_





**HONOR   ★   DUTY   ★   RESPECT**