

## CHAPTER XVI

### DISCIPLINE

#### 010. **RATIONALE**

Discipline can be thought of as learning and working in a structured environment to promote productivity, efficiency, and personal, social well being. Individually, it is a habit of intelligent obedience instilled into a man or woman by education and training. Discipline ensures order, precision and promptness at all times.

In every social unit, whether it is a town, family, business, or college, there is a necessity for the curbing of individual freedoms so that the group may flourish. No two people may experience absolute freedom and live in close proximity without curbing some of that freedom, particularly if cooperative effort is necessary. For example, the freedom to play a stereo loudly at 3:00 AM in the dormitory must be curtailed so that others may fulfill a greater need for sleep or study.

Furthermore, there is a facet of discipline that may be best described as a sense of intelligent obedience. One quickly learns, for example, to obey traffic signals so that transportation may be orderly, prompt, and have a reasonable degree of safety. Such respect for lawful and/or ethical authority is instilled in students at the Academy through a regimental system of education and training. That system also addresses the important issues of time management, personal appearance, responsibility, and accountability. Such issues are often critical to success in one's work and personal life.

The three objectives of discipline at the Academy are:

- to promote effective learning
- to create an appreciation for the necessity of structure in social living
- to imbue in the minds of midshipmen a confidence in themselves and in their shipmates enabling them to surmount difficulties and master situations they will encounter in their respective careers

Although self-discipline is preferable to imposed discipline, there is no assurance that a young or immature person in a permissive environment will immediately acquire it. Consequently, a system of reasonable and fairly administered discipline can be used to provide opportunities for students to demonstrate self-discipline or to identify the need to acquire it. Such a system should also provide opportunities for creativity and independence as students demonstrate their willingness and capacity to acquire self-discipline and accept responsibility. Thus the regimental discipline system is both developmental and correctional in nature.

## **020. AUTHORITY AND ADMINISTRATION**

Accordingly, what follows is the discipline system of Maine Maritime Academy's Regiment of Midshipmen.

All members of the Academy must recognize that the Board of Trustees holds ultimate authority for the governance of the Academy and that this Board has vested in the President authority for the administration of the Academy. Therefore, all members should strive to present their recommendations to the President or his delegate(s) in a clear and positive fashion. It is the responsibility of Academy members who question decisions that have been made relative to institutional governance to utilize existing channels of appeal.

Any action that is inconsistent with the standard of conduct prescribed for officers and students in official Academy publications and directives such as the Community Code of Conduct (Maine Maritime Academy Student Handbook), or which disrupts the normal operation of the institution, will thereby place all individuals actively involved in violation of Academy or civil codes and subject them all to resultant penalties.

Conduct that violates Academy policy shall be considered an offense under the General Regulations of the Regimental Manual and the Community Code of Conduct. Such conduct occurring within the bounds of the Academy is, of course, of primary significance. However, when such conduct occurs outside the Academy, it shall be considered an offense under the General Regulations and Community Code of Conduct if it is judged to constitute a threat to the academy community and its standards whether or not the offense occasions action by a civil court. Conduct in violation of the General Regulations and Community Code of Conduct shall be punishable by the sanctions listed in this manual.

## **030. AUTHORITY OF THE COMMANDANT OF MIDSHIPMEN**

The Commandant of Midshipmen is responsible for administering the regimental discipline system and for periodically reviewing this system to ensure its relevance to the missions of the Academy and of the Regiment. In this capacity, the Commandant is authorized to award such punishment as he/she deems appropriate for the offense committed and which is consistent with the educational mission of this Academy. This includes the authority to dismiss from the Academy, and in the cases of midshipmen who are not in the unlimited license majors, to dismiss from the regimental program.

It will be the normal practice of the Commandant's office, when the law permits, to notify directly in matters of discipline, parents or guardians of dependent midshipmen dismissed from the Academy or from the training ship while on cruise.

#### **040. DISCRETIONARY AUTHORITY OF THE PRESIDENT AND THE ACADEMIC DEAN**

These regulations do not limit the discretionary authority of the President, Commandant, or the Academic Dean to take immediate action to suspend any midshipman for offenses in these regulations if in his or her judgment and discretion, immediate removal from the campus is in the best interest of the Academy.

#### **050. STANDARDIZED DISCIPLINE SYSTEM**

The authority for the Academy disciplinary system is found in CFR 46, Chapter II, Section 310.10. Further, and in accordance with CFR 46, Chapter II, Section 310.10, the qualifications and aptitude of the midshipmen must be evaluated periodically. The standardized discipline system provides an effective means to evaluate a midshipman's progress toward an aptitude for a career at sea as a licensed officer, or towards a career in industry, business and engineering.

The standardized discipline system provides for fairness and impartiality in the assignment of sanctions for infractions of the rules and regulations. Impromptu and/or unofficial punishment is prohibited.

#### **060. GENERAL RULES**

Failure to comply with any of the rules and regulations as set forth herein will result in appropriate disciplinary action. Ignorance of orders or regulations is not a valid excuse for failing to obey them. When there is doubt as to the meaning of an order or regulation, a midshipman should seek clarification from the Chain of Command.

A midshipman who is present when an offense is being committed and who does not attempt to stop the offense from being committed or who does not leave the scene will be considered an accomplice and subject to the same sanctions as the principal offender.

Midshipmen charged and convicted of a civil or criminal offense outside the Academy will be subject to disciplinary action under these regulations. The term "outside the Academy" includes midshipmen off campus or on school breaks such as Spring, Summer and Christmas breaks.

Midshipmen who resign from the Regimental Program pending a Class I or Class II disciplinary proceeding may not be readmitted to the Academy or changed to another program until the charge is adjudicated.

#### **070. GENERAL ADMINISTRATIVE PROCEDURES**

All Academy disciplinary hearings are administrative in nature and are not courts of law or military tribunals.

.01 **Reporting Authority:** A midshipman may be reported for committing any offense. Academy officers, administrators, faculty, security, midshipmen officers, and midshipmen acting in an official capacity and upper class reporting on underclass midshipmen may submit infraction reports at any time.

.02 **Reporting Offenses:** Whenever possible, a reporting authority observing a violation of regulations will call the midshipman's attention to his/her offense and will inform the midshipmen that he/she is on report. Offenses will be reported on either a Minor (Class III offense) or Major (Class I or II offense) Infraction Report Form, depending on the particular offense. The completed infraction reports should be submitted to the Commandant's Office.

.03 **Report Processing:** Major infraction reports will be submitted to the Assistant Commandant for processing. Minor infraction reports will be submitted to the midshipman's company officer for processing.

.04 **Offense Classifications:** The three classes of offenses are:

**Class I:** Serious breach of discipline punishable by dismissal or suspension.

**Class II:** Serious breach of discipline punishable by demerits, extra duty and/or restriction.

**Class III:** Minor breach of discipline punishable by demerits and/or extra duty.

Offenses not listed specifically shall be regarded as falling in the class of similar offenses.

.05 **Adjudication Officers:** The officers authorized to adjudicate offenses are:

**Class I:** Commandant

**Class II:** Commandant, Assistant Commandant

**Class III:** Commandant, Assistant Commandant, Company Officer, Regimental Commander, Regimental Executive Officer, Company Commander, and Company Executive Officer

Normally, offenses are adjudicated as follows:

**Class I:** Commandant

**Class II:** Assistant Commandant

**Class III:** Company Executive Officer

The hearing officers for Class II and Class III offenses may refer their case to a Class I or Class II hearing if:

- The hearing officer determines during the proceedings that the charges are more serious than initially considered.
- The accused midshipman violates other regulations during the proceedings or demonstrates contempt for the hearing process.
- The hearing officer determines he/she has a conflict of interest.

.06 **Awarding of Sanctions:** Midshipmen charged and found responsible for a Class II or III offense may be assigned demerits, extra duty, restriction or a combination of the three as sanctions. Demerits are normally assigned in accordance with the Class II and III listings of offenses.

Two hours of extra duty is awarded for every 10 demerits. Midshipmen who are on cruise in a restricted status may be assigned to work details as determined by the Midshipman Command Duty Officer, Staff Watch Officer, or Company Officer.

Extra-duty and restriction will take priority over any other student activity except regularly scheduled classes.

#### 080. **DEMERIT LIMITS**

Demerits are awarded as necessary to reinforce reprimands and to provide the midshipman and his/her chain of command with an indication that he/she is not meeting regimental standards.

The conduct year commences upon admission to the Academy and will terminate and begin anew at the end of the second term of each academic year.

Demerit limits for each class per conduct year and cruise are:

<u>Class</u>	<u>Probation</u>	<u>Year Limit</u>
First	75	125
2/C Cruise	50	80
Second	75	125
Third	100	150
4/C Cruise	50	80
Fourth	100	150

Cumulative demerits shall also be used as a reference in determining a midshipman's suitability for remaining in the Regiment. Any midshipman who at any time or for any reason exceeds 400 demerits shall have thereby exceeded the demerit limit for his/her enrollment period.

Any midshipman exceeding the yearly or enrollment limits is subject to immediate dismissal from the Academy. Midshipmen who do exceed the conduct year or enrollment limit shall sit before a Disciplinary Review Board that will evaluate their suitability for retention and will make recommendations for retention or dismissal to the Commandant.

A midshipman dismissed from the Academy on the basis of excessive demerits in any one conduct year, or 400 demerits for the total enrollment time, or for any other disciplinary reason, will be subject to the rules currently in force on the date of dismissal for subsequent readmission.

The Commandant may place Midshipmen in jeopardy of exceeding their conduct year and/or enrollment limits in a special disciplinary status. Midshipmen placed in a special disciplinary status are subject to:

- Loss of SIP
- Class III offenses adjudicated by their respective Company Officer
- Loss of rank and rate
- Loss of class privileges
- Special musters
- Any other measures necessary to ensure compliance with regimental rules and regulations.

**IT IS THE SOLE RESPONSIBILITY OF EACH MIDSHIPMAN TO KNOW HIS/HER DEMERIT COUNT AND DISCIPLINARY STATUS. FAILURE TO DO SO IS NOT AN EXCUSE FOR EXCEEDING ONE'S DEMERIT LIMIT.**

#### **090. CRUISE DISCIPLINE SYSTEM**

While on cruise, midshipmen discipline will be administered in accordance with this manual and the Cruise Manual. Sanctions will be cruise related whenever possible.

Demerits accumulated over cruise will count towards a midshipman's enrollment limit, but will not be counted in the academic year.

The cruise limit for demerits is 80 for all classes. Midshipmen who exceed the cruise limit will sit before the Regimental Disciplinary Review Board and are subject to being dismissed from cruise.

Extra duty will be assigned at the rate of two hours for every 10 demerits.

.01 Restriction for all classes during cruise will be assigned at the rate of one liberty day restriction for every 10 demerits accumulated over 50 on cruise, and as per the following for returning late from liberty:

<u>TIME LATE</u>	<u>PENALTY</u>
01-15 minutes	1 Cinderella liberty
16-30 minutes	1 liberty day restriction
31 + minutes	1 additional liberty day for every hour or part of an hour beyond 30 minutes

**On the last liberty prior to sailing any midshipman who is late will be charged with a Class I offense of "Missing Ship's Movement".**

.02 Cinderella liberty will expire onboard 2 hours prior to the normal expiration of liberty for that particular class. These times are normally:

- **2400** for 1/C, 2/C and cadet shippers
- **2200** for 4/C & all other classes on their first cruise

The penalty for returning late from cinderella liberty is one liberty day restriction, plus one Cinderella liberty for not completing the initial penalty, plus the penalty for the time late.

.03 Midshipmen on restriction:

- Are not authorized to depart the ship except in an emergency or when directed by higher authority.
- May not stand watch or be a watch standby for another midshipman except when directed by higher authority.
- Are in a duty status and may be assigned watch or work details by the Staff Watch Officer.

.04 **LIBERTY RISK:** Midshipmen on training cruise are the representatives of the Academy, the State, the U.S. Maritime Administration, and when in foreign ports, the United States. Therefore, the conduct of midshipmen on liberty must be beyond reproach. Any conduct ashore which is unprofessional or unbecoming, including excessive drinking, puts at risk the image and reputation of this Academy and the institutions we represent. Such conduct will result in a midshipman being designated a "liberty risk". If so designated by the ship's Master, the Commandant, or the Assistant Commandant, the midshipman will be restricted to the ship indefinitely. During the last port visit, or upon the Ship's arrival back in Castine, any conduct that constitutes a liberty risk may result in the Midshipmen failing cruise and repeating all or part of cruise the following year.

#### **100. MISCONDUCT ON BOARD THE TRAINING VESSEL**

In any case of midshipman misconduct and/or aberrant behavior where the continued presence of that person on board the training vessel poses a safety hazard to him/herself or others, or when such presence is considered prejudicial to good order and discipline to a significant degree, the Commandant or Master of the vessel may suspend the student from cruise. In a case where summary removal is a result of a breach of Academy regulations, a hearing will be held in accordance with established procedures as soon as practicable after the return of the training vessel to Castine, if such was not possible on board during cruise.

Should a midshipman be suspended from the cruise in a foreign country, the Commandant or Master of the vessel shall make the necessary arrangements with the appropriate consular officials of the United States to ensure that the midshipman's rights, as an American citizen, are protected. In addition, they shall ensure that arrangements have been made for the midshipman to travel to a location in the United States as close to the midshipman's home as reasonable arrangements permit. All expenses incurred in making such arrangements shall be the responsibility of the midshipman, and the Academy shall be reimbursed within sixty (60) days.

#### **110. MIDSHIPMAN RECORD OF DISCIPLINE**

All records of disciplinary action will be entered into the midshipman's file. These records should include a list of all infractions committed, a running balance of demerits awarded for the conduct year and for the enrollment period, copies of infraction reports, and copies of Board proceedings and reports.

#### **120. CLASS I OFFENSES, GENERAL**

Class I offenses are those which: reflect a serious breach of conduct regarding personal integrity and/or a major lack of character; demonstrate a blatant disregard for authority, the rights of others, safety of self or others; or indicate a complete lack of responsibility, or potential for regimental training.

Class I offenses may result in dismissal or suspension from the Academy or any other regimental sanction which the Commandant may direct.

Class I offenses are normally adjudicated by the Commandant and in accordance with the procedures for the Commandant's Disciplinary Hearing, contained herein.

## CLASS I OFFENSES

- .01 Assault, aggravated assault, sexual assault and/or battery. Defined as an attempt, or willful offer to attempt to do hurt to another, without the actual doing of the hurt threatened, as by lifting a fist or stick in a threatening manner, or verbally stating the intent of such attempts. Assault includes communicating a threat such as vandalizing an individual's dwelling or possessions. Battery is defined as the beating of another. It includes every willful, angry, and violent or negligent touching of another's person or clothes, or anything attached to his person or held by him or her.
- .02 II; Authority: the unauthorized and unwarranted assumption of, involving a serious breach of honor or discipline.
- .03 Absence Without Leave.
- .04 Alcohol: Consumption of while on duty status or watch or within 8 hours before duty/watch. This violation may constitute an Alcohol Offense as defined by the Student Handbook.
- .05 II & III; Unauthorized Entry: Persons entering Academy spaces plainly marked as such, or any locked or unlocked space that is not their assigned room, without the expressed permission of an Academy official duly authorized to do so shall be accountable for unauthorized entry. Spaces include but are not limited to classrooms, residence hall rooms, storage rooms, Academy vessels, or Academy vehicles.
- .06 Computer; unauthorized use of to include illicit use of the Internet (felony).
- .07 Conduct unacceptable of a midshipman, involving a major breach of honor or discipline of such a degree as to be prejudicial to good order and discipline; and as defined in the Student Handbook.
- .08 Deceiving, attempting to or giving an evasive answer to a person in authority involving a major breach of honor or discipline.
- .09 II & III; Disrespect toward any Academy official or midshipman in authority (i.e., Regimental or Company Staff; Midshipman Duty Officer; Shore Patrol, etc.) involving a major display of discourtesy, impoliteness, rudeness or contempt of authority, either in language or deportment.
- .10 Falsehood, deliberate, involving a major breach of honor or discipline.
- .11 II; Falsifying musters, log books or other official documents deliberately with intent to deceive.
- .12 II; Fighting; involving any Academy official or midshipman in authority or any other person whereby serious injury results; or involving use of dangerous weapons.

- .13 II; Fire or other alarms: Includes arson and unauthorized tampering with or false alarm.
- .14 Fraud: including cheating, plagiarism, and unauthorized charges to another person's or organization's credit card(s). Such fraud includes, but is not limited to, the forging, alteration, or misuse of college property, including library material, private property on the campus, auto decals, identification cards, grade reports or other personal identification instruments requested by an Academy or other official. This includes giving another student your ID card or using another student's ID card to get meals at the dining center.
- .15 II; Gambling, involving games or cards, dice and money.
- .16 Hazarding personnel, self or vessel.
- .17 Hazing; any action or situation, which recklessly or intentionally endangers the mental or physical health of a student enrolled in a public institution.
- .18 Acting Under the Influence: defined as impaired functioning when a midshipman exhibits one or all of the following behaviors: He/she is belligerent and non-responsive to directions from public or Academy officials; his/her actions may jeopardize his/her own safety/welfare, or the safety/welfare of others; his/her actions are disruptive to the good order of the residential facility.
- .19 Intoxicating beverages; unauthorized possession or introduction of, to Academy property/vessels or providing to minors. Possession of empty alcohol containers assumes this offense.
- .20 II; Keys, unauthorized possession of, guilty of duplicating them.
- .21 II; Mail, unauthorized or negligent handling, involving a deliberate and intentional violation of mail regulations.
- .22 Missing ship's movement.
- .23 Drugs: The unauthorized use, possession, or distribution of mind altering drugs, whether legal or illegal, drugs or any paraphernalia for the use of drugs, whether it has been used or not, including, but not limited to opiates, barbiturates, amphetamines, marijuana, hallucinogens, "designer drugs" and illegal steroids, except for legally authorized medical purposes.
- .24 II; Orders; deliberate disobedience of, or outright refusal to obey, involving a serious breach of discipline.
- .25 II; Vandalism of Property: Academy, government or personal.

- a. Tampering with; to include the unauthorized adjustment, modification or alteration of any equipment related to safety or security of personnel or property.
  - b. Willful or ignorant destruction, damage or defacement of property belonging to others.
- .26 Racism: Including the use of any racial or similar epithets in denigration of any person's race, religion, creed, sex, color or national origin.
- .27 Harassment.
- a. Harassment: Any action or act of intimidation, confrontation, physical force or the threat of physical force against any other person(s) that are made with the intention of causing fear, intimidation or damage to property and that do result in fear, intimidation or damage to property constitute harassment.
  - b. Sexual Harassment: Unwelcome sexual advances, request for sexual favors or other verb or physical conduct of a sexual nature or intended to denigrate or ridicule another person's sexual preference.
- .28 Theft or attempt to commit theft: defined to be the unauthorized appropriation or possession of any article or service clearly not the property or privilege of the respondent.
- .29 Watch/Duty – improper standing/derelection of.
- a. Failure to relieve, deliberate.
  - b. Leaving without relief or proper authorization.
  - c. Sleeping during.
  - d. On cruise, leaving ship while in duty status.
- .30 II; Weapons, firearms, fireworks, explosive devices or other dangerous devices: Unauthorized possession of, introduction of, use of on Academy property or vessels.

## 130. CLASS II OFFENSES, GENERAL

Class II offenses reflect misconduct of a serious nature. Typically, Class II offenses indicate a failure on the part of a midshipman to discharge his/her obligations to the Academy, to those in position of authority or to his/her fellow members of the Regiment. While serious in nature, they are differentiated from Class I offenses by intent and degree of culpability.

Violations of Class II offenses result in sanctions of normally not more than 50 demerits per violation, extra duty and/or restriction.

The following section lists Class II offenses together with the standard demerit assignments for each class. These demerit assignments may be adjusted downward or upward due to mitigating or aggravating circumstances.

Class II offenses normally will be adjudicated by the Assistant Commandant and in accordance with the procedures for the Assistant Commandant's Disciplinary Hearing contained herein.

		<b>Demerits</b>			
		<b><u>1/C</u></b>	<b><u>2/C</u></b>	<b><u>3/C</u></b>	<b><u>4/C</u></b>
.01	I; Authority, the unwarranted and non-assumption of, involving a minor breach of honor or discipline.	50	45	40	35
.02	III; Boats; major violation of yachting instructions involving actual or highly probable personal injury or loss or damage to property.	50	40	25	20
.03	I; Computer; unauthorized use of to include illicit use of the internet.	50	50	50	50
.04	III; Disorderly Conduct	50	40	35	30
.05	I & III; Disrespect towards an officer or midshipmen of a superior class involving a major display of discourtesy, rudeness or contempt of authority either in language or deportment.	50	50	50	50

.06	Duty, failure to report for or improper performance of involving deliberate disregard or irresponsibility, for performing assigned tasks other than watches, or more than 30 minutes late, is consider failure to report.	50	40	35	30
.07	III; Entry into unauthorized areas at unauthorized times, involving the safety & security of personnel and property.	40	35	30	25
.08	I; Fighting; involving any Academy student not in a position of authority.	50	50	50	50
.09	I: a. Fire or other alarm, failure to comply	50	50	50	50
	b. Failure to vacate the building	50	50	50	50
.10	Food throwing.	30	30	30	30
.11	I; Gambling.	30	30	25	25
.12	III; Good judgment; failure to exercise	45	40	35	30
.13	Health Hazard, creating of; such as introducing unauthorized pets, butchering meat or unauthorized disposing of garbage waste or toxins on Academy property, to include the training ship.	40	40	40	40
.14	III; Illness, disease or injury; failure to report involving a communicable disease, or any other illness, injury which would impair the efficient performance of assigned duties.	40	40	30	25
.15	I; Keys, unauthorized possessing of	35	30	25	20
.16	I; Leave or liberty, absent without;				
	a. not in duty status.	35	30	25	20
	b. In a duty status	50	45	40	35
	(After 3 days, considered AWOL Class I)				
.17	III; Orders; failure to obey or slow in obeying involving a breach of discipline	45	40	35	30
.18	III; Personal servitude; room boy, shining shoes, etc.	35	30	25	20
.19	III; Pornography/obscenities, involving major	35	30	25	20

disrespect.

.20	I; Property; Academy, government or personal:				
	a. Damage, failure to report	30	30	20	20
	b. Willful, damaging, defacing or destruction	50	50	50	50
	c. Possession of without authorization	50	45	40	35
	d. Tampering with, to include unauthorized adjustment, modification or alteration of any equipment not related to safety or security of personnel or property.	25	25	25	25
.21	III; Safety precautions; violation of involving a major disregard of safety precautions resulting in an actual or highly probable personal injury or property loss.	50	40	35	30
.22	Theft of Service (i.e. defrauding coin operated washing & vending machines).	45	40	35	30
.23	III; Visitors, introducing into unauthorized spaces involving sensitive areas resulting to the safety or security of personnel or property.	45	40	35	30
.24	I & III; Watch, improper standing of				
	a. Failure to report	50	50	50	50
	b. Failure to relieve more than 30 min. late is failure to relieve	50	45	40	35
	c. Inattention to duty; failure to stand duty/watch correctly.	35	30	25	20
.25	I; Weapons, firearms, fire works explosive devices or other dangerous devices, unauthorized possession of, introduction of, use of	50	50	50	50
.26	Wrong-doing and disturbance				
	a. Creating a disturbance		25	25	25
	25				
	b. Creating a disturbance after taps	35	35	35	35

## 140. CLASS III OFFENSES, GENERAL

Class III offenses are minor violations of regulations and conduct usually reflecting an unintentional breach of discipline or inappropriate conduct.

Violations of Class III Offenses result in sanctions of not more than 25 demerits.

The following section lists Class III offenses together with the standard demerit assignment for each class. These demerit assignments may be adjusted downward or upward due to mitigating or aggravating circumstances.

Class III offenses normally will be adjudicated by designated midshipmen officers. In most cases, this duty is delegated to the Company Executive Officer who will adjudicate these offenses in accordance with the procedures for the Company Disciplinary Mast contained herein.

		<b>Class III Offenses</b>			
		<b>Demerits</b>			
		<u>1/C</u>	<u>2/C</u>	<u>3/C</u>	<u>4/C</u>
.01	Appearance, personal				
	a. Non-regulation haircut/sideburns	15	15	15	15
	b. Shave	15	15	15	15
	c. Personal hygiene	15	15	15	15
.02	II; Boats; violation of yachting instructions minor, not involving an actual or potential personal injury or loss or damage of property.	10	10	10	10
.03	Professional Development (PD) Class – Missing	15	15	15	15
.04	Cleaning Stations				
	a. Failure to report	25	25	25	25
	b. Unsatisfactory performance	20	20	20	20
	c. Late in reporting (1-5 minutes)	15	15	15	15
.05	Clothing, civilian; unauthorized use of	10	10	10	10
.06	II; Disorderly conduct involving a minor breach of honor or discipline	15	15	15	
.07	Dining Hall/Ship's Mess Deck, Improper conduct				
	a. Eating at an unauthorized hour	10	10	10	10
	b. Entering in an unsanitary condition	10	10	10	10
	c. Guest, unauthorized	10	10	10	10
	d. Removing food or mess gear	10	10	10	10
	e. Out of uniform	10	10	10	10
	f. Improper conduct	25	20	15	10

.08	I & II; Disrespect towards an Academy officer or midshipman involving a minor display of discourtesy, rudeness or contempt of authority, either in language or deportment	25	25	25	25
.09	Duty:				
	a. Unauthorized exchange of	20	20	15	10
	b. Improper performance of, involving a deliberate yet minor disregard of responsibility for the performance of assigned tasks (other than watches)	20	20	15	10
	c. Securing without authorization (other than Watches)	20	20	15	10
	d. Late in reporting for				
	(1) 1-15 Minutes	15	15	10	10
	(2) 16-30 Minutes	20	20	10	10
.10	II; Entry into unauthorized areas or authorized areas at an unauthorized time, not involving the safety and security of personnel and property	20	20	15	15
.11	Formation; regimental or special function				
	a. Improper conduct at	20	20	20	20
	b. Late to (1-5 minutes)	10	10	10	10
	c. Leaving without authorization	10	10	10	10
	d. Missing (or late more than 5 minutes)	20	20	20	20
.12	Forms, report; assignments or required documents				
	a. Failure to submit	20	20	20	20
	b. Late in submitting	10	10	10	10
.13	II; Good judgment, failure to exercise	20	20	20	20
.14	Harassment of underclassmen (not hazing)	20	20	20	20
.15	Loitering in unauthorized spaces	10	10	10	10
.16	II; Liberty: Failure to sign out/in (normally on cruise 25 or during ship's orientation)		25	25	25
.17	Meal Card/MMA I.D. Card				
	a. Improper use of	25	25	25	25
	b. Failure to use or display as required/requested	25	25	25	25

.18	Military courtesies; failure to render	20	20	20	20
.19	Musters, work, special				
	a. Fail to report	15	15	15	15
	b. Fail to perform	10	10	10	10
	c. Fail to report for XD's or restriction	25	25	25	25
	d. Failure to report for watch muster	25	25	25	25
.20	II; Orders				
	a. Failure to notify	5	5	5	5
	b. Failure to obey (minor)	20	20	20	20
.21	II; Personal servitude: Involving a single minor act, extra rations from serving line, shining of shoes, running errands, etc.	15	15	15	15
.22	II; Pornography/obscenities; posting or otherwise disseminating; not involving disrespect	10	10	10	10
.23	Public address system; unauthorized use of	20	20	20	20
.24	Rooms:				
	a. Articles adrift	5	5	5	5
	b. Bedding soiled or bunk not made up, no linen	5	5	5	5
	c. Dirty deck or carpet	5	5	5	5
	d. Doors closed or locked at unauthorized times	5	5	5	5
	e. Door tag missing	5	5	5	5
	f. Trash can dirty or not emptied	5	5	5	5
	g. Windows dirty	5	5	5	5
	h. Room/closets dirty/dusty	5	5	5	5
	i. Possession or use of U/A equip. /appliances	15	15	10	10
	j. Total discrepancy or not ready for inspection	15	15	15	15
.25	II; Safety precaution; violation of involving a minor disregard of safety regulations, not amounting to an actual or highly probable personal injury or property loss.	20	20	15	15
.26	Smoking in unauthorized area at an unauthorized time	15	15	15	15

.27	Uniform:				
	a. Brass unpolished	5	5	5	5
	b. Dilapidated, mutilated, unauthorized alterations faded, discolored, mixed, etc.	10	10	10	10
	c. Dirty	10	10	10	10
	d. Hands in pockets	10	10	10	10
	e. Out of, on/off campus	10	10	10	10
	f. Required items, not possessing	10	10	10	10
	g. Shoes not shined	5	5	5	5
	h. Stenciled improperly or not at all	5	5	5	5
	i. Name tag, missing	10	10	10	10
	j. Non-owner, wearing of	15	15	15	15
	k. Improper wearing of	10	10	10	10
	l. Improper wearing of jewelry	10	10	10	10
	m. Not pressed properly	10	10	10	10
.28	II; Visitors; introducing into unauthorized spaces This includes non-student visitors in rooms	25	20	15	15
.29	I & II; Watch:				
	a. Improper standing of				
	(1) Unauthorized exchange of	20	15	15	10
	(2) Out of uniform on	15	15	15	15
	(3) Late in relieving				
	(a) 01-15 minutes	15	15	10	10
	(b) 16-30 minutes	20	20	15	15
	(4) Inattention to duty	15	15	15	15
	(5) Failure to relieve for meals	15	15	15	15
	(6) Failure to report for watch muster	25	25	25	25

## 150. **DISCIPLINARY BOARDS AND HEARINGS**

The Disciplinary Boards and Hearings described herein are closed proceedings. Only those persons designated by the Chairperson or Hearing Officer may be present. Normally, these are limited to the midshipman charged, his/her advisor, the midshipman's chain of command, witnesses and character references.

## 160. **COMPANY DISCIPLINARY MAST**

The Company Executive Officer is charged with the responsibility of administering the disciplinary system for infractions of Academy rules and regulations to a maximum of 25 demerits for any one infraction.

### **.010 Administrative Procedures:**

All infraction reports shall be turned into the respective Company Executive Officer.

The Mast List will be posted on the company board in the Commandant's Foyer two days prior to the scheduled company mast and announced at quarters that the mast list has been posted.

All midshipmen, including those living off campus, whether accepting the charge or not, will appear at mast unless excused by the Company Executive Officer.

If a Mast Defense Form (2-70) is not submitted, the Company Executive Officer will act on the charge as written.

Each company will hold Mast weekly during the semester except for final examinations week.

Uniform for mast: Uniform of the day with long sleeve shirt, tie and high-pressure hat.

At the Mast, the midshipman charged must stand at attention and speak only when given permission.

In the event a midshipman wants to appeal a decision of the Company Executive Officer, he/she must do so in writing to the Regimental Executive Officer within one class day of the Company Mast.

In the event the Company Executive Officer finds that the offense is of a more serious nature then he/she will report his/her findings in writing to the Company Officer who will make a recommendation to the Assistant Commandant for disposition.

## 170. **REGIMENTAL APPEALS BOARD**

The Regimental Appeals Board is charged with the responsibility of hearing appeals from the Company Executive Officer's Mast.

The Regimental Appeals board shall consist of the Regimental Executive Officer (senior member), and the Company Commander of the accused midshipman. The Executive Officer who adjudicated the case will also be present.

The results of the Appeals Board will be submitted to the Company Officer for approval.

Those provisions under Article 160 pertaining to uniforms and conduct are applicable under this article.

## 180. **REGIMENTAL DISCIPLINARY REVIEW BOARD**

The Disciplinary Review Board (DRB) shall conduct hearings on midshipmen who have exceeded their yearly, cruise, or enrollment demerit limits. The members of the board shall evaluate the suitability of the concerned midshipmen for retention in the Regimental program and the Academy.

The Disciplinary Review Board shall consist of the Assistant Commandant, the midshipman's company officer, the regimental executive officer, and the midshipman's company executive officer (regimental/company rates may be substituted for by other appropriate rates if availability is a problem).

### .010 **Administrative Procedures:**

When a midshipman exceeds his/her demerit limit, their Company Officer will review with the midshipman his/her disciplinary record to ensure its accuracy, and will be afforded the opportunity to correct any discrepancies.

The Company Officer will then forward to the Assistant Commandant of Midshipmen all pertinent documents and the disciplinary record of the midshipmen.

The Disciplinary Review Board will be scheduled as circumstances dictate. A tape recording of the hearing will be made and will become part of the hearing record. Upon completion of the hearing, the Assistant Commandant will inform the midshipman of the recommendation that will be made to the Commandant.

The finding and recommendations of the Board will then be forwarded to the Commandant for approval or further action. In the event a midshipman wants to appeal a decision of the DRB, and/or Commandant, he/she must do so in writing to the President within three class days of the final decision of the Commandant.

## 190. ASSISTANT COMMANDANT'S DISCIPLINARY HEARING

The Assistant Commandant of Midshipmen is charged with the administration of the disciplinary system for Class II offenses.

After reviewing a Class II Infraction Report, the Company Officer will present the accused with a written statement of charges. When the statement of charges is presented, the accused will in turn sign a receipt (Major Infraction Report C/M Form 1-98) certifying that the charges have been reviewed and received. The receipt will show time and date of signature and will become a permanent part of the midshipman's file record.

In the event the accused refuses to sign the receipt of charges, a sworn statement of that fact, signed by two officers may serve as evidence of presentation of charges.

After the receipt is signed by the accused, or witnessed by two officers, the Company Officer will forward to the Assistant Commandant all pertinent documents and the disciplinary record of the midshipman along with the major infraction report.

The Assistant Commandant will review the evidence. He may waive mast and refer any disciplinary cases to the Commandant for hearing when, in his opinion, such action is warranted, or when, during the hearing, new facts are revealed that indicates a more grievous offense that would warrant punishment in excess of the limits imposed. The Assistant Commandant will then refer all pertinent information to the Commandant for review and final deliberation.

The Assistant Commandant will set the hearing date as early as possible, but not less than three calendar days from the date the accused signed the receipt of charges. In certain circumstances the Assistant Commandant may grant a waiver of three days to the accused. Prior to the date of the hearing the Assistant Commandant will specify the required uniform to be worn by the accused at the hearing.

The Company Executive Officer of the accused midshipman will notify the members of the hearing board of the date and time of the mast. The midshipman will appear together with the Company Officer, the Regimental Executive Officer, Company Executive Officer or the Company Commander in his/her absence.

The accused midshipman may present any evidence, testimony or witnesses he/she deems pertinent.

Upon completion of the hearing, the Assistant Commandant will inform the accused midshipman of the findings, award sanctions and advise the midshipman of his/her right to appeal.

Sanctions imposed by the Assistant Commandant are effective immediately even if an appeal has been filed and will remain in effect unless modified or changed by the Commandant.

In the event a midshipman wants to appeal the Assistant Commandant's action, he/she may do so in writing to the Commandant within one class day following the hearing. The Commandant's decision on such appeals is final.

## 200. **COMMANDANT'S DISCIPLINARY HEARING**

After reviewing a Class I Infraction report, the Commandant may direct the Assistant Commandant to investigate further the facts and circumstances of the case as presented.

If, after the fact-finding investigation is completed, and the infraction warrants a Class I disciplinary hearing, the Commandant will at that time order a Commandant's Disciplinary Hearing to be convened or he/she may refer the case to an Academy Disciplinary Board.

The Assistant Commandant will then present the accused with a written statement of charges. When the statement of charges is presented, the accused will in turn sign a receipt (Major Infraction Report C/M Form 1-98) certifying that the charges have been reviewed and received. This receipt will show time and date of signature and will become a permanent part of the midshipman's file record.

In the event the accused refuses to sign the receipt of charges, a sworn statement to that fact, signed by two officers may serve as evidence of presentation of charges.

After the receipt is signed by the accused, the Assistant Commandant will notify the Commandant who will set the hearing date as early as possible, but not less than three calendar days from the date the accused signed the receipt of charges.

Each midshipman charged with having committed a Class I offense shall be free to select as an advisor, any Academy faculty or staff member provided such individual is not an attorney or a member of the Commandant's Department.

As these are administrative hearings, no legal counsel will be permitted to participate in the hearing. An exception to this rule may be made when criminal charges are pending. Then, in order to protect the respondent's rights within the external legal process, legal counsel may attend and observe the hearing and counsel the respondent regarding his/her participation but may not actively participate in the hearing.

In the event a midshipman is unwilling or unable to obtain an advisor, the Commandant will appoint an advisor from among the Academy staff/faculty to serve in this capacity. The advisor will appear with the accused at the hearing.

The advisor will:

- Assist the midshipman with his or her presentation of the facts prior to, and during the hearing;
- If necessary, assist the midshipman in his response to questions directed to him by Board members.

The advisor will not:

- Speak for the midshipman, nor
- Enter into any cross-examination of witnesses.

In addition to the accused and his/her advisor, the Commandant may direct to appear those persons who can provide insight or information pertinent to the case. The accused's Company Officer and those midshipmen in his/her respective chain of command normally will be in attendance.

The accused midshipman may present any evidence, testimony or witnesses he/she deems pertinent.

A recording of the hearing will be made and will become part of the hearing record.

Upon completion of the hearing, the Commandant will inform the accused midshipmen of his findings, impose sanctions and advise the midshipman of his/her right to appeal.

In the event a midshipman wishes to appeal the results of a Commandant's Hearing, he/she must do so in writing to the President within three class days following the hearing.

If this hearing is held on cruise, the appeal may be delayed until the completion of cruise or until the arrival of the President.

Punishments or sanctions imposed by the Commandant are effective immediately even if an appeal has been filed and will remain in effect unless modified or changed by the President.

**If the accused midshipman lies during this hearing, he/she will be subject to immediate dismissal from the Academy regardless of the determination made regarding the original charge(s).**

## 210. **PRESIDENTIAL APPEAL PROCESS**

A midshipman may exercise the right to appeal to the President a disciplinary finding of and/or sanction imposed by the Commandant.

### .010 **Administrative Procedures:**

The appeal must be in writing and must cite the circumstances of the case and the basis for the appeal. An appeal focuses responsibility on the student or group. It is not a re-hearing of the case. A student may only appeal based on one of the four reasons listed below:

- Alleged procedural error that substantially affects the rights of the respondent.
- Introduction of new information of a character that would directly affect the

- finding of the hearing.
- Incompatibility of the finding of the hearing with the information presented.
- Excessive penalty.

The appeal must be submitted to the President's Office with a copy to the Commandant within three class days of the Hearing appealed.

The President will notify the appellant within seven (7) days of the receipt of the appeal that the appeal has been denied or that a hearing has been scheduled.

The President's decision on the appeal is final.

## 220. **ACADEMY DISCIPLINARY BOARD**

The Academy Disciplinary Board is a fact-finding board and shall conduct hearings on disciplinary cases referred to it by the Commandant.

### .010 **Composition:**

The Board shall consist of five members designated by the President.

The chairman who shall be a senior member of the Academy (Department Chairs and above) other than the Commandant of Midshipmen;

Two faculty/staff officer members;

Two midshipmen (4 bar or above rank).

Alternates: at least one faculty/staff and one 4 bar or above rank shall be named in case of a preemptory challenge by the accused.

No faculty/staff officer or midshipman officer who has at any point been involved with the case will be eligible to sit on the Board selected to hear that case.

### .020 **Authority:**

The Disciplinary Board shall have the authority to order the appearance of any Academy employee or student deemed to have knowledge of or deemed to possess evidence bearing on the case before it. Deliberate obstruction of the hearing by the withholding of evidence or by the presentation of evidence subsequently found to be false or misleading may subject the individual, if a midshipman, to a Class I charge, or if an employee, to such disciplinary action as the President may direct.

### .030 **Commandant's Representative:**

A representative of the Commandant of Midshipmen will be present at all Academy

Disciplinary Board Hearings. The Commandant's representative will:

- Present evidence to the Board in support of the charge(s)
- Provide additional information to the Board if requested
- Ensure the rights of the accused
- Not serve as a prosecuting officer

**.040 Advisor to the Accused:**

Midshipmen ordered to appear before an Academy Disciplinary Board shall be accompanied by an advisor. The advisor will be selected as prescribed in the Commandant's Disciplinary Hearing procedures. The advisor will:

- Assist the midshipman with his defense prior to the hearing
- Present an opening statement
- If necessary, assist the midshipman in his response to questions directed to him by Board members

The advisor will not:

- Speak for the midshipman, nor
- Enter into any cross-examination of witnesses

**.050 Administrative Procedures:**

A midshipman ordered to appear before the Academy Disciplinary Board will be presented by the Commandant with a written statement of charges against him/her. A receipt of charges will be signed and dated by the accused and shall become part of the file record.

The Commandant will submit in writing to the President, the request to convene the Academy Disciplinary Board. This request will include the charges against the midshipman, a summary of the case and a list of midshipmen officers who are eligible to sit on the Board.

The President will issue the order to convene which will designate the Chairperson and members of the board.

The Chairperson, together with the Commandant, will set the time, date, and location of the Board. The convening date must be at least eight calendar days from the time the accused midshipman signs the charges.

The Commandant will provide the Chairperson and the accused copies of all testimony and evidence to be considered by the Board. The accused will inform the Commandant of any witnesses or character references he/she requests to testify at the hearing. The Commandant will provide the accused's lists of these witnesses and/or character references to the Chairperson.

The Chairperson will provide written notification to the accused, the advisor to the

accused, all witnesses, members of the Board and the Commandant's representative, of the time, date and location of the hearing.

Prior to the hearing, the Commandant's Representative will:

- In cases of violation of regulations, present to the Chairperson those records pertinent to the case
- In cases of violation of the demerit limit rule, present to the Chairperson all records pertinent to the performance of the midshipman while at the Academy
- Make available to the accused at least twenty-four(24) hours prior to the hearing any testimony or evidence to be considered by the Board and which was not previously provided to accused

During the hearing, the Commandant's Representative will:

- Introduce the accused and his/her advisor
- Notify the Board of witnesses and other persons concerned with the case(s) standing by
- Present to the Board copies of the charge sheet, the receipt of charge(s), the investigation report, and written statements of fact for their review and use during the hearing
- Call witnesses as required or requested by the Board
- Make a tape recording of the hearing including findings

During the hearing, the Chairperson will:

- At the opening of the hearing, query the accused about his/her right to peremptory challenge and; rule on any challenges for cause by the accused and if so ruled, call additional substitutes for the board member(s) challenged
- Ensure that the rules of conduct are followed
- Vote only in case of a tie vote by the members

#### **.060 Rules of Conduct:**

The accused may peremptorily challenge any one faculty/staff officer member (other than the Chair), and any one midshipman officer without prejudice.

When, in the opinion of the accused other members of the Board are prejudiced to his/her case, he/she may challenge those Board members through the Chairperson. This challenge for cause must be issued after the peremptory challenge and before evidence is heard.

Witnesses before the Board may be queried by the accused but only through the Chair.

Members of the Board, when recognized by the Chair may question the accused and witnesses directly and they shall reply directly.

The Chair may challenge and deny questions not germane to the case.

No Board member may abstain from the responsibility to reach a finding as to charge(s) presented.

**.070 Reporting:**

The Chairperson will present the tape recordings of the hearing, a written summary of the proceedings and the findings of the Board to the Commandant within forty-eight (48) hours of the termination of the Board. The findings will include specific recommendations for sanctions/punishment if warranted.

The Commandant will rule on the findings and recommendations of the Board and inform the accused of his decision and of the accused's right to appeal to the President.

**.080 Confidentiality of Proceedings:**

The Chairperson will remind all board members and participants of the hearing, including the accused, the accused's advisor, all witnesses and the Commandant's representative, of the confidentiality of the proceedings and all information presented. He will direct them to comply with Academy regulations/policy governing implementation of the Family Educational Records Privacy Act of 1974 as amended.

## 230. MIDSHIPMAN APTITUDE EVALUATION BOARD

The Midshipman Aptitude Evaluation Board is a review board that shall conduct hearings on the conduct and performance of midshipmen referred to it by competent authority. The Board will make a judgment as to the individual's aptitude for the maritime service.

Competent authority includes the Commandant, Master and Chief Engineer of the training ship, Engineering and Marine Transportation Department Chairs, Senior Engineering and Senior Deck Training Officers.

The Board will function independently of the Academy's discipline system. However, at the discretion of the Commandant, this Board may be called in lieu of a Disciplinary Board, or as a follow up to the findings of a Disciplinary Board.

This Board convenes when a midshipman, as viewed by competent authority, has displayed an improper attitude or performance at the Academy or aboard ship (including Cadet Shipping) that brings discredit to the Academy or has otherwise indicated inaptitude for assuming the responsibilities of a merchant marine officer.

### .010 **Composition:**

The Board shall consist of four licensed staff or faculty officers, and one officer of the Commandant's staff. The Commandant will nominate one of his staff officers to the President who in consultation with the Chairperson will appoint the four licensed members of the Board. The Chairperson will be either the Master or Chief Engineer.

### .020 **Administrative Procedures:**

A written report is to be submitted to the President by the individual requesting the Board, giving reasons and full detail as to why a Board should be convened in the case of an individual.

After review of the report, the President may deny the request, in writing or issue an order establishing a Board to hear the case.

The President's convening order will designate the members of the Board and the time, date and location of the Board. The date of the hearing will be at least seven (7) calendar days from the day the midshipman was notified of the hearing.

A midshipman ordered to appear before the Board may request a faculty or staff officer to act as their advisor during the proceedings.

A recording shall be made of the entire proceedings.

In conducting a review, the Board will consider the entire record of the individual. In

those cases where the midshipman has shown by his/her actions that he/she cannot be depended upon to perform assigned duties in a responsible manner, or has character weaknesses that would make him/her an undesirable shipmate, then it would be appropriate to recommend dismissal from the Academy program.

**.030 Reporting:**

The Chairperson will present the recordings of the hearing, a written summary of the proceedings and the findings of the Board to the President within forty-eight (48) hours of the termination of the Board. The findings will include specific recommendations for retention, conditional retention, suspension or dismissal. The President will make the final determination of the case.

The President's decision, the written summary and findings of the Board will become part of the midshipman's regimental file. The Commandant will retain the recording for as long as the disciplinary file is retained.

**.040 Confidentiality of Proceedings:**

The Chairperson will remind the Board members and all participants of the hearing of the confidentiality of the proceedings and of all the information presented; and will direct they comply with Academy regulations/policy governing implementation of the Family Educational Records Privacy Act of 1974 as amended.