

THE HONOR MANUAL



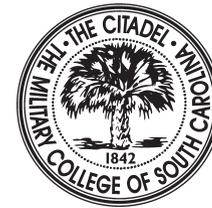
OF THE
SOUTH CAROLINA
CORPS OF CADETS
2011-2012

THE CITADEL

THE MILITARY COLLEGE OF SOUTH CAROLINA

CHARLESTON, SC

THE HONOR MANUAL



OF THE
SOUTH CAROLINA
CORPS OF CADETS
2011-2012

THE CITADEL

THE MILITARY COLLEGE OF SOUTH CAROLINA

CHARLESTON, SC

FOREWORD

August 2011

TO: The South Carolina Corps of Cadets, The Citadel

It is my great privilege to address you for the first time as your Honor Committee Chairman. It is not by coincidence or chance that Honor is placed as the first core value of The Citadel. A sense of Honor is what makes a Citadel cadet. In the world outside the barracks, we are plagued with people who have no foundation or understanding of the concept of honor. Honor is what separates us from the rest of the world.

As cadets, we are surrounded by rules which dictate what we can and cannot do. It is important to note that the Honor Code is not a set of rules. Within the contents of The Honor Manual, no specific action or scenario will be provided to dictate what you can or cannot do as a cadet. It does, however, establish what defines violations of the Code. The examples given in the manual are merely decisions that have been reached by past committees. When you find yourself questioning whether an action is a violation of the Code, rely upon the definitions provided in the manual.

In order for the Honor Code to function properly, we must place our trust in the cadets who we have elected to safeguard our most coveted principle. The members of the Honor Committee are among the most upstanding cadets that The Citadel has to offer. They are a team of motivated cadets who have been trained to administer the Honor Code for the Corps. They will ensure that unbiased and fair investigations are conducted. I, as well as the committee members, are here to serve you and will not quit until the truth is found.

When you leave The Citadel, you will be tested by the temptations of society. I challenge you not to give in. If you are fortunate enough to leave this institution and wear the ring of a Citadel Alumnus, wear it with pride and know that you earned it as an honorable person. Cherish the principle of Honor, hold it close to your heart, and always remember that the easiest path is not always the right path.

Very Respectfully,
Ryan A. Schieber
Cadet Lieutenant Colonel
2011-2012 Honor Committee Chairman

TABLE OF CONTENTS

SECTION	I	— The Cadet Honor System
		1. The Honor Manual
		2. The Cadet Honor System
SECTION	II	— Definitions
		3. Definitions
SECTION	III	— The Cadet Honor Code
		4. The Honor Code
		5. Violations of the Code
		6. Persons Subject to the Honor Code
		7. Ignorance No Defense
SECTION	IV	— The Honor Committee
		8. Members of the Honor Committee
		9. Selection of Honor Representatives
		10. Vacancies
		11. Duties of Honor Committee Members
		12. Honor Committee Officers and their Selection
		13. Duties of the Honor Committee Officers
SECTION	V	— The Honor Court
		14. The Honor Court
		15. Composition of the Honor Court for Trial Purposes
		16. Members Disqualified
		17. Rights of an Accused
		18. Faculty Advisor to the Honor Committee
		19. Open and Closed Sessions
		20. Voting and Deliberations
		21. Accused May Request Classmate

THE HONOR SYSTEM
Prescribing The
ORGANIZATION, RULES, AND PROCEDURES
For The
CADET HONOR SYSTEM, THE CITADEL

SECTION I — The Cadet Honor System

1. *The Honor Manual*: This document prescribes the organization, rules, and procedures for the honor system of the Corps of Cadets of The Citadel, The Military College of South Carolina, and shall be known, referred to, and cited as The Honor Manual.

2. *The Cadet Honor System*: The cadet honor system, for purposes of organization, rules, and procedures, shall consist of four main parts:

The Cadet Honor Code
The Cadet Honor Committee
The Cadet Honor Court
The Honor Court Procedures

SECTION II — Definitions

3. *Definitions*: The following terms when used in this manual shall be construed as indicated in this section:

a. “Honor representatives” shall refer to those members of the First Class who are members of the honor committee.

b. “Rising honor representatives” shall refer to those members of the Second Class who have been elected to the rising honor committee.

c. “Accuser” shall refer to the cadet or member of the faculty or staff who initially reports a violation of the honor code to a member of the honor committee.

d. “Working days” shall refer to weekdays between the Sunday on which the reconstitution of the Corps of Cadets occurs and the Saturday on which First Class commencement is conducted, excluding those days which the official college calendar identifies as reading periods, exams, or Thanksgiving, Winter, or Spring furlough.

SECTION III — The Cadet Honor Code

4. *The Honor Code*: The honor code of, by, and for the Corps of Cadets. The code states that a cadet does not lie, cheat, or steal, nor tolerate those who do. The code is the heart of the honor system, and its purpose is to maintain honor and integrity within the Corps.

SECTION VI	— Procedures to Report a Suspected Honor Violation
	22. Order of Pre-Trial Procedures
	23. Reporting a Violation
	24. Action by the Honor Representative
	25. Action by the Vice-Chair
	26. Action by the Investigating Committee
	27. Investigating Committee to be Trial Counsels
SECTION VII	— Honor Court Procedures
	28. Purpose of Honor Court
	29. Duties of Members of the Honor Court
	30. Challenges for Cause
	31. Findings
	32. Announcing the Findings
	33. Action in Case of Findings of Not In violation
	34. Action in Case of Findings of In violation
	35. Appeals
SECTION VIII	— Amendments and Changes
	36. Amendments to the Honor System
	37. Other Rules and Regulations
SECTION IX	— Frequently Asked Questions
	Paragraphs 38-56
SECTION X	— Honor Case Examples
	Paragraphs 57-66

5. *Violations of the Code*: There are four, and only four, violations of the cadet honor code. These are:

a. LYING: Making a false official statement.

An official statement is defined as a statement, written or oral, made to a member of the college faculty or staff, a member of the guard on duty, or any cadet required in turn to use the statement as a basis for an official report in any form.

(1) Quibbling is the use of ambiguous or vague language to evade a point at issue. Quibbling will be considered and treated as a false official statement.

(2) 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 will be considered and treated as a false official statement.

(3) Improper Question: As adherents to the Honor Code, Cadets are expected to answer truthfully at all times. Yet within the Corps environment it is important to ensure that the Honor Code is not used improperly. The following procedure will be adhered to in order to prevent the Honor Code from being used as an investigative tool:

(a) No commissioned officer 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) An act or incident did occur, and it was in violation of regulations, South Carolina Corps of Cadets (SCCC), or to the detriment of good order and the military discipline of the 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.

(b) If a delinquency report is made on a cadet based upon facts brought out by questioning that cadet and the cadet believes the question did not meet the above requirements, he or she will so report in writing to the company honor representative. The company honor representative will inform the chair of the honor committee, who will in turn inform the faculty advisor to the honor committee.

(c) In consultation with the faculty advisor, the chair of the honor committee and the vice chair for investigation of the honor committee will investigate the circumstances involved in the incident and will determine whether or not the question was proper. They will report their conclusion to the President. If their conclusion is that the question was improper, they will

recommend to the President that the delinquency report and any punishment awarded as a result thereof be revoked. If their conclusion is that the question was proper, they will call in the cadet involved and explain the rationale for their conclusion. Any cadet not satisfied with their explanation may appeal to the President in writing.

b. CHEATING: Receiving or giving aid on a test or examination. 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:

(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 those idea(s), you do not use quotation marks, but you must cite the source.

(4) When you use only another's idea(s), knowing that they are the other's ideas, you must cite the source of that idea or those ideas.

(5) Citing the source means giving, as a minimum, the author (if available), the title of the book / periodical / web site / etc, and the page number or internet URL.

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

d. TOLERATION: Failure to report a case of lying, cheating, or stealing as defined above to the proper Honor Committee authorities.

6. *Persons Subject to the Honor Code*

a. All members of the South Carolina Corps of Cadets are subject to the honor code at all times except when the Corps is furloughed for the summer. While the honor system is not in effect during the summer, cadets are still expected to abide by the honor code.

b. All day students enrolled at The Citadel during the regular academic year are also subject to the honor code but are not under the jurisdiction of the honor committee. Violations of the honor code by day students will be reported in accordance with the Faculty Manual.

7. *Ignorance No Defense*: Ignorance of the provisions of the honor code shall NOT be accepted as a defense by the honor court.

SECTION IV — The Honor Committee

8. *Members of the Honor Committee*: The Cadet Honor Committee which shall consist of the following members:

- a. Two honor representatives from each company in the regiment.
- b. An honor representative from each battalion in the regiment.
- c. The officers of the Honor Committee, as elected pursuant to the

process described herein.

9. *Selection of Honor Representatives*: Honor representatives shall be elected by the three lower classes from their own companies and/or battalions during the spring semester. The procedure for the training and selection of honor representatives will be as follows:

a. *Training of Honor Representatives*: Any Second Class Cadet desiring to stand for election as an honor representative is eligible to attend honor training. In accordance with procedures published by the institution, the Chair is responsible for ensuring that these cadets meet the following qualifications: Have a cumulative GPA of 2.3 and an academic classification of 2B at the time of selection and be proficient across the other key areas of the cadet experience. The Chair of the Honor Committee is responsible for training the rising Honor Committee prior to its nomination and selection. The Chair may delegate instructional duties to the vice chair for education and others as necessary. Training will cover the Honor Code in depth, privacy issues, the duties of a company honor representative, the duties of an investigating committee/trial counsel, the duties of a defense counsel, and the duties of a member of an honor court. Once selected, the Rising Honor Committee will also attend and participate in trials, investigation teams, and educational activities to assume their duties as members of the Honor Committee.

b. *Election of Company Honor Representatives*

(1) *Nominations*: Members of the second, third, and fourth class of each company may, by secret written ballot, nominate members of the second class, that have successfully completed the Honor Representative Training, as honor representatives for the company. The nomination ballots will be counted by the current company honor representatives. The two cadets receiving the most votes will be named as company honor representatives. The names of all cadets receiving votes, with their corresponding vote tallies, will be presented to the Chair of the Honor Committee.

c. *Election of Battalion Honor Representatives*

(1) *Nominations*: Members of the second, third, and fourth class of each battalion may, by secret written ballot, nominate members of the second class, that have successfully completed the Honor Representative Training, as battalion honor representative. The nomination ballots will be counted by the current company honor representatives. The receiving the most votes will be named as battalion honor representatives. The names of all cadets receiving votes, with their corresponding vote tallies, will be presented to the Chair of the Honor Committee.

(2) *Election*: The winner must have a majority; otherwise a run-off will be conducted.

d. *Replacement of Honor Representatives*:

Procedure: Upon the return of the corps from summer furlough, the Chair of the honor committee will determine which companies and battalions do not have two honor representatives physically living in the company area, or barracks, for battalion representatives, due to transfer or failure of a member to attain 1A status. Transferred honor representatives shall continue to serve as members of the Honor Committee, though as honor committee members at large. Members of the Honor Committee not classified academically as 1A will be suspended from duties until they attain that status. If the affected cadet is an officer of the Honor Committee, the Committee will elect a replacement. In those companies and battalions where vacancies exist, elections shall be held pursuant to the procedure prescribed for spring elections.

e. *Removal of Honor Committee Representatives*: Any member of the Honor Committee may request removal of another member from office. The Chair shall handle such petitions by convening a special meeting of the Committee, at which 90% of the current membership must attend, during which both parties may present information in support of and in opposition to the petition for removal. A member of the Honor Committee may only be removed by the membership by a two-thirds vote of the membership present at a removal hearing. Voting shall be by secret, written ballot, which shall be verified by two members of the court. If a member is removed, the other company honor representative shall convene an election for replacement within 5 working days, pursuant to the procedure outlined herein.

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

11. *Duties of Honor Committee Members:* The honor committee shall have the following duties:

- a. To sit as members of the honor court, when selected, and to try all cases which involve violations of the cadet honor code.
- b. To prepare and keep current The Honor Manual summarizing the rules and regulations governing its activities for the general use by the Corps of Cadets.
- c. To keep the Corps informed of all relevant developments concerning the Honor System.
- d. To provide instruction, as part of the Honor Education Program, to all members of the Corps and the college faculty and staff as requested.

12. *Honor Committee Officers and their Selection:*

- a. The officers of the cadet honor committee shall be a chair, a vice chair for investigation, a vice chair for education, and a secretary.
- b. Officers of the cadet honor committee for the rising academic year shall be elected by and from the rising honor representatives. The election shall be held following the election of the battalion representatives in the spring of the junior year.

13. *Duties of the Honor Committee Officers:*

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

(8) Upon the request of the accused, designate a classmate to sit on the honor court in lieu of the honor representative as provided in paragraph 21 of this manual;

b. The Vice Vhair for Investigation (VCI) shall:

- (1) Hold the rank of Cadet Major and be assigned to Regimental Staff.
- (2) Be responsible for the receipt and processing of all Honor Violation Accusations, in accordance with Paragraphs 26-28.
- (3) May assist Trial Counsel as needed at the presentation of the case to the Honor Court.

c. The secretary shall:

- (1) Hold the rank of Cadet Major and be assigned to the Regimental Staff.
- (2) Be the recorder of the honor committee and shall keep a record of the minutes of all meetings of the honor committee and together with the chair shall authenticate all written records of such meetings;
- (3) The Secretary will be responsible for the upkeep of the Honor Court Room and will assist the Chair, VCI, and VCE in the coordination and logistics activities to support operations of the Honor Committee;
- (4) Be responsible for a full audio recording being made of each trial before the honor court;
- (5) Destroy the recording and all other records connected with the trial should the accused be acquitted;
- (6) If the trial results in a finding of "in violation," the secretary shall authenticate the record of trial by stating on the recording the following certificate:

"I, Cadet Company ,
Secretary 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 , Class of

(7) Ensure that the audio recording authenticated as indicated above is included with the trial package to the President in case of a finding of "in violation."

d. The Vice Chair for Education (VCE) shall:

- (1) Hold the rank of Cadet Major and be assigned to the Regimental Staff.

(2) Act for and perform the duties of the Chair during the latter's absence and, while so acting, shall be vested with all the authority and rights of the Chair;

(3) Be responsible for the development, coordination, and conduct of the Honor Education Program for the Corps of Cadets. Additionally, as requested, coordinate for Honor System instruction and orientation for Faculty and staff members.

(4) Will provide periodic summary and trial trends to the Corps and the Honor Committee as part of the Honor Education Program.

(5) Ensure that all members of the Corps of Cadets who wish to view open honor court trials have a fair opportunity to do so on a random basis and as space in the courtroom permits.

SECTION V — The Honor Court

14. *The Honor Court:* Trials on allegations of violations of the Honor Code shall be conducted by an Honor Court, composed of ten (10) members of the Honor Committee, as selected below. This Honor Court shall be the sole and final body for determining whether a cadet has violated the honor code. Decisions may be appealed only to the President of the college.

15. *Composition of the Honor Court for Trial Purposes:* For the trial of such cases as may be brought before it, the honor court shall consist of the Chair, who shall act as the ruling officer, and nine (9) members randomly drawn from the Honor Committee. In the event the accused elects to have a classmate sit on the Honor Court, eight (8) members of the Honor Committee shall be randomly drawn and seated, and the classmate shall be selected in accordance with Paragraph 21. In addition to the Honor Committee members from the first class, upon their election and qualification, second class members of the rising Honor Committee shall be eligible for service on the Honor Court. In case of the unavailability of the Chair, the Vice-Chair for Education shall sit as the ruling officer.

16. *Members Disqualified:* The accuser, the accused, and the investigating officers are disqualified from sitting on the Court. Furthermore, any proposed member of the court may be challenged for cause by the accused, and such question shall be decided by majority vote of the remaining members of the court.

17. *Rights of an Accused:* Any cadet accused of a violation of the honor code shall have the following rights:

- a. The right to a pre-trial investigation;
- b. The right to a fair and prompt trial. The Honor Committee

normally has 15 working days to determine whether a case should be brought to trial or dropped. This time period commences when the Executive Assistant to the President (or other authorized official) approves the investigation of an honor violation accusation. The end of the 15 day period will be indicated on the Statement of Rights attached to the accusation sheet, a copy of which will be given to the accused cadet. The 15 day period may be extended by the Executive Assistant to the President (or other authorized official) when circumstances warrant, e.g., furloughs, inaccessibility of witnesses, etc. A written record of extensions will be kept by the vice chair for investigation. Once the vice chair for investigation approves the recommendation for a case to go to trial, the chair will schedule it as soon as feasible to protect the rights of the accused (para. 17g), but this time period shall not count against the 15 day period. Trials are generally scheduled in chronological sequence once an investigation committee has completed its work. When it can be foreseen that the end of the college year will prevent completion of an investigation or preclude a trial from being scheduled, the President will be informed, and final resolution shall not occur until the next school year;

- c. The right to call witnesses in his/her own behalf during a trial;
- d. The right to have a classmate sit as a member of the honor court which tries him/her under the conditions prescribed in paragraph 21 of this manual;
- e. The right to cadet counsel of his/her own choosing;
- f. The right to cross examine a witness during a trial;
- g. The right to at least five working days in which to prepare a defense once notified of a trial date and appointed a defense counsel if necessary;
- h. The right to challenge any member of the honor court for cause;
- i. The right to resign at any stage of the proceedings;
- j. The right to be informed promptly of the specific honor violation for which he/she stands accused along with the name of the accuser(s).
- k. The right to know the names of witnesses for the prosecution. No later than the time of the official notification of trial, the Investigation Committee, the Honor Committee Chair, or the Vice-Chair for Investigation, as appropriate, shall provide the accused with the names of all witnesses known at that time, as well as copies of any and all evidence to be introduced at the trial. Any subsequently discovered information or witnesses shall be made known to the accused as soon as possible. Any evidence that exonerates the accused will be presented to the accused as soon as possible, and also to the vice chair for investigation, who has the authority to dismiss the case in accordance with para. 27.

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

19. *Open and Closed Sessions:*

a. Honor court trials normally shall be conducted in closed sessions. The accused cadet and his / her counsel shall be allowed to attend the entire portion of the Honor Trial at which information is received, excluding deliberations.

b. Any cadet standing trial before an honor court shall have the right to be tried in open session and will so notify the chair of the honor court before the beginning of the proceedings. Such open honor courts will be open to members of the Corps of Cadets and officials of the college only. An accused cadet may petition the Chair of the Honor Court for admission of a non-cadet, and the Chair will rule on this matter in consultation with the officers and the Faculty Advisor. Because of the size of the honor court room, attendance at such open trials must be limited. Selections will be made at random, by the chair and secretary of the honor committee, from those cadets indicating a desire to attend a specific trial. Any cadet attending the trial will be instructed by the chair not to discuss in any manner the proceedings of the court.

c. When a session is closed, only members of the honor court, the trial counsels, the accused and his/her counsel, and the faculty advisor shall be present, except that the chair may authorize rising representatives and such members of the honor committee who for various reasons were ineligible to sit on the particular case to be present.

d. In open sessions, witnesses can observe trial proceedings only after their testimony is complete. The chair will announce at the beginning of each trial that the proceedings, to include the findings, are confidential and they shall not be discussed with or mentioned to any person not then present in the court room.

20. *Voting and Deliberations:* All voting on any question, to include the findings, shall be by secret written ballot. Deliberations on the questions of (1) whether an accused has committed an honor violation, (2) leniency, and (3) challenges to members of the Honor Court for cause shall be conducted in closed session, but all other deliberations shall be conducted in open session.

When the court is closed for deliberations, only members of the honor court sitting on the case in question shall be present.

21. *Accused May Request Classmate:* If requested in writing by an accused cadet of the second or third classes, a classmate of the accused shall be randomly selected and appointed by the Chair of the court to sit as a member of the court for the instant case only. This right shall be extended to an accused cadet of the fourth class after the completion of one academic semester.

SECTION VI — Procedures to Report a Suspected Honor Violation

22. *Order of Pre-Trial Procedures:* Pre-trial procedures shall be followed in the chronological order outlined in the succeeding paragraphs.

23. *Reporting a Violation:*

a. Cadets who know of or suspect a violation of the honor code will report the violation in person immediately to their honor representative. Any cadet who has unintentionally violated the honor code must report this to the honor representative immediately upon discovery.

b. Members of the staff will report suspected violations of the honor code to either the appropriate company honor representative or the vice chairman for investigations.

c. Members of the faculty will report suspected violations of the honor code to the vice chairman for investigations.

24. *Action by the Honor Representative:* The honor representative shall examine the evidence of the accuser, and unless already accomplished, direct the accuser to complete a written accusation, including the name and class of the accused, the time and date of the alleged violation, the nature of the violation, and any witnesses to the violation. The accuser shall sign the accusation. The honor representative shall present the accusation to the vice chair for investigation, who shall discuss the charge and information with the faculty advisor. If both conclude the information warrants further action, the vice chair for investigation shall deliver the accusation to the Executive Assistant to the President, who shall authorize a formal investigation into the accusation, or reject the accusation. The decision of the Executive Assistant to the President to reject an accusation shall be final.

25. *Action by the Vice-Chair:* Upon authorization by the Executive Assistant to the President, the Vice Chair for Investigation shall appoint a three-person investigating committee from members of the honor committee and shall designate one of the appointees as chair of the investigating committee.

26. *Action by the Investigating Committee:* The investigating committee shall notify the accused of the honor code violation of which he/she

is charged and advise the accused of those rights stated in paragraph 17 above. The Investigating Committee shall advise the accused of the name of the accuser and the names of the witnesses known to the Investigating Committee. The Investigating Committee shall supplement this information throughout its investigation. The committee shall conduct an investigation to determine if the accusation has merit and report its findings, together with its recommendations, to the vice chair for investigation of the honor committee. If the committee recommends the case be taken to trial, and the vice chair for investigation accepts that recommendation, the chair shall set a time and date for the trial and, notify the accused of such time and date. Unless waived by the accused, the trial shall not occur until at least five (5) working days have elapsed from the date on which the Chair notifies the accused of the trial date and counsel appointed.

27. *Investigating Committee to be Trial Counsels:* Once a case shall come to trial before the honor court, the Chair of the investigating committee which investigated the case may act as trial counsel for the trial and shall prosecute in the name of the South Carolina Corps of Cadets of The Citadel. In the case of non-availability the VCI may appoint other committee members to serve as trial counsels.

SECTION VII — Honor Court Procedures

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

a. Recorded testimony: If, for some extenuating circumstance deemed acceptable by the chair of the Honor Court, a witness cannot be present at a trial, then recorded testimony may be admitted, provided the following conditions are met:

1. If the witness is offered by trial counsel, both the accused and his / her counsel must be present during the recording of testimony and have the opportunity to cross-examine the witness at that time. The accused may waive, in writing, part or all of this requirement.

2. If the witness is offered by the accused, trial counsel must be present during the recording of the testimony and have the opportunity to cross-examine the witness at that time. Trial counsel may waive part or this entire requirement. A member of the honor committee, not otherwise a part

of these trial proceedings, will preside over the recording and certify the authenticity of the recorded evidence.

b. Character Witnesses: When the Chair of the Honor Court feels that the character of the accused has been sufficiently established, he/she can rule that no further character witnesses be allowed to testify.

c. Hearsay Evidence:

(1) Hearsay may not be introduced. Hearsay is a statement made by a person other than the accused outside of trial, which is offered by another individual, while testifying at trial.

(2) Examples:

a. At an Honor Court trial, Cadets A and B are asked about their conversation in a hallway outside a math class. They had seen Cadet X cheat. Cadet A may testify about what he saw Cadet X do, and he may testify to his statements to Cadet B; Cadet B may testify as to what she saw Cadet X do, and what she said to Cadet A. Neither cadet may testify about what the other said, because that is hearsay. Hearsay may not be introduced.

b. Cadet A and B are on guard duty when Cadet X enters the guard room and tells the two he was on an authorized pass. Questions arise later about the legitimacy of the pass, and Cadet X is accused of lying. The case goes to trial. The testimony of Cadets A and B about Cadet X's statements to them in the guard room is admissible in court. The hearsay rule does not apply when the testimony covers the statements allegedly made by the accused. Of course, the testimony of A and B must be weighed by the court along with all other facts in determining guilt or innocence.

c. Documentary Information: Subject to the guidelines herein documentary information (e.g., ERWs, all-in sheets, tests, papers, etc.) may be submitted as allowable evidence. Copies may be submitted and accepted by the court. If defense objects, then the proper authority shall certify that a copy is a true copy.

d. 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 under duress owing to an honor code violation or accusation gives testimony, the trial counsel may inform the court of the circumstances surrounding the witness's dismissal or resignation.

29. *Duties of Members of the Honor Court:* Members of the honor court hear the information and determine whether the accused has committed an honor violation. Each member sitting on the court shall have an equal voice and vote with other members in deliberating upon and deciding all questions

submitted to a vote or ballot, the Chair having no greater rights in such matters than any other member. Each member present when a vote on any question is taken must cast a vote. No member sitting on a case may abstain from voting. Members shall be dignified and attentive at all times.

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

31. *Findings:*

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

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

b. The burden is always upon the trial counsel to prove any issue beyond a “reasonable doubt.” It is not required that trial counsel proves its case beyond any possible doubt. The test is one of reasonable doubt. The meaning of “reasonable doubt” can be arrived at by emphasizing the word reasonable. It is not a surmise, a guess or mere conjecture. It is not a doubt suggested by counsel which is not warranted by the evidence. Proof beyond a reasonable doubt does not mean proof beyond all doubt; the Honor Code does not require absolute certainty before returning a finding of “in violation.” On the other hand, proof beyond a reasonable doubt is proof that precludes every reasonable hypothesis except that the accused has committed an honor violation.

c. A vote of “in violation ” by all of the members present at the time the vote is taken will be required to find that an accused has committed a violation of the honor code. All voting will be by secret written ballot. A member designated by the chair shall, in each case, collect and count the votes. The count shall be checked by the chair who shall announce the result of the ballot to the members of the honor court. Findings shall be limited to “in violation ” or “not in violation” In the case of a finding that a cadet has committed an honor violation, the ballots will be saved, submitted to the President, and retained in the Honor Court file.

d. In cases where the circumstances are considered sufficiently extenuating, the honor court may recommend leniency to the President. The

vote to consider leniency will be conducted in the same manner as para. 32b, except that the ballots shall be marked “leniency” or “no leniency.” The chair will not vote, and a majority carries the decision. The ballots will be saved and retained in the Honor Court file.

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

33. *Action in Case of Findings of Not In violation:* The audio recording of the trial proceedings and all other records connected with the trial will be destroyed, unless such records are necessary for pending Honor Court trials.

34. *Action in Case of Findings of In violation:* If the accused is found “in violation” and no recommendation for leniency is made, and after he/she has been so advised, the faculty advisor, in the presence of the chair of the court, will advise the accused of his/her rights of as provided for in *College Regulations*. As soon as possible, the Chair, both counsels, and the faculty advisor will present the case to the president of the college. The president will then consider the information presented, render a final decision, and cause that decision to be communicated to the accused as soon as possible. Should the president uphold the findings of the Court, the cadet found in violation will again be advised of his/her rights of appeal.

35. *Appeals:*

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

b. There are three grounds for appeal:

- (1) New evidence, available since the Honor Court trial , which would indicate the findings of the court are in error;
- (2) As defined in paragraph 17 of the Honor Manual, evidence

that a cadet's rights were not protected, jeopardizing that cadet's right to a fair and impartial trial ;

(3) An error in the trial proceedings of such magnitude as to jeopardize the fairness of the trial.

c. The President will assign three members of the staff (a Vice President, a senior representative of the Commandant's Office, and an academic department head) and a non-voting member of the Honor Committee, as an Honor Board of Review, to review the petition for reconsideration. If the Board feels there are sufficient grounds for reconsideration, it will review the case and all pertinent evidence and make a recommendation to the President affirming or reversing the decision of the Honor Court. When the Board feels the criteria for appeal have not been met, it will return the cadet's petition without action.

SECTION VIII — Amendments and Changes

36. *Amendments to the Honor System:*

a. Amendments, modifications, or changes proposed during the first semester of any year must be ratified by a three-fourths vote of the first three classes and approved by the President.

b. Amendments, modifications, or changes proposed during the remainder of the academic year must be ratified by a three-fourths vote of the Corps of Cadets and approved by the President.

c. Amendments to the Honor Manual will become effective two years from the time of their ratification. The two year period begins with the entrance of the first Fourth class after ratification.

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

SECTION IX — Frequently Asked Questions

38. *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 Corps of Cadets unanimously voted to establish the code and officially did so in 1955. It should be noted that even though the code was given official sanction and formal structure, the code and system belong to the Cadet Corps, and the Corps must guard against hate and prejudice in administering the code.

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

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

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

A. All members of the SCCC. All Day Students enrolled at The Citadel during the regular academic year are also subject to the Honor Code but are not under the jurisdiction of the Honor Committee. Any violation of the Honor Code by students other than cadets is handled in accordance with the Faculty Manual.

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

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

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

A. In the event you feel you have seen an honor violation committed or believe you have knowledge of an honor violation, report it to your Company Honor Representative immediately. He/She will provide appropriate advice and guidance.

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

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

44. *Q. What happens if the Vice chair for investigation accepts the investigating committee's recommendation for dismissal of charges?*

A. All evidence is destroyed.

45. *Q. Who can defend an accused cadet in an Honor Court?*

A. An accused cadet may choose any cadet as counsel. If the accused does not wish to represent himself/herself or cannot find a defense counsel, the Chair of the Honor Committee will appoint one.

46. *Q. How many votes are required to convict a cadet of an honor violation?*

A. To find a cadet in violation, the court must vote unanimously.

47. *Q. What is an open trial and what purpose does it serve?*

A. Any cadet brought before an Honor Court has the right to an open or closed court. This is decided by the accused 24 hours prior to the court. Only members of the Corps of Cadets will be allowed to view an open court. The number allowed is limited by the available number of seats. Observers will be selected from the Corps by the Chair and/or Secretary. The primary purpose of the open court option is to allow the members of the Corps to witness their Honor Court system in action.

48. *Q. What is “quibbling”?*

A. “Quibbling” is the recourse to technicalities to hide the truth or presenting a half-truth when the whole truth, as understood by the cadet, is required.

49. *Q. Is the “social lie” an honor violation?*

A. This is not an easy question to answer. It is understood that the amenities of living together in society require people to be tactful, (i.e., telling your date’s mother you loved the family spinach recipe when you know you hate it). Basically, you must determine if there is intent to deceive in that a statement or action seeks to protect or give unfair advantage to the accused or other individuals involved. If the answer is yes, there may be reason to believe an honor violation may have been committed.

50. *Q. Why is plagiarism considered an honor violation?*

A. Plagiarism is the stealing and use of another person’s writing and ideas. In written work, cadets are expected to identify the ideas which are not their own and give appropriate credit to the source. To do otherwise is to mislead the reader (instructor) and receive unwarranted credit. It is cheating. When cadets sign their names to paper, or turn in work-for-grade electronically, they are authenticating that all the work has been accomplished by themselves.

51. *Q. What is the meaning of my signature on a document?*

A. Once you place your signature on a document you have in fact certified that the information in that document is, to the best of your knowledge, true and fully understood. Your signature on all-in reports is evidence that the information contained in that report is correct and based upon your personal inspection. If, however, your signature is affixed to a document which is incorrect, and there was no “intent” to deceive on your part, then you may not be found having violated the Honor Code. Read what you sign — verify the contents and remember that your signature is your bond.

52. *Q. What is an improper question?*

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

53. *Q. What should I do if I believe that the question asked me is improper?*

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

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

A. A cadet, after answering the question, will so report in writing what is believed to be an improper question, to his/her Company Honor Representative. The Company Honor Representative will inform the Chair of the Honor Committee, who will in turn inform the Faculty Advisor to the Honor Committee. The Faculty Advisor to the Honor Committee, the Chair of the Honor Committee, and the Vice Chair for investigation of the Honor Committee will investigate the circumstances involved in the incident and will determine whether or not the question or request for written explanation was proper. They will report their conclusion to the President. If their conclusion is that the question was improper, they will recommend to the President that the delinquency report and any punishment awarded as a result thereof be revoked. If their conclusion is that the question was proper, they will call in the cadet involved and explain the rationale for their conclusion. If the cadet is not satisfied with their explanation, he/she may appeal to the President in writing.

55. *Q. With whom does the responsibility of knowing the Honor System rest?*

A. It is one of the duties of the Honor Committee to keep the Corps informed of new interpretations of the Honor System. However, it is the duty of all cadets to know the system by which they live. The responsibility rests with the individual. If you have a question or are confused about any aspect of the Honor Code, see your Honor Representative immediately.

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

A. Ignorance of the provisions of the Honor System cannot be accepted as a defense. You must know your system!

SECTION X— Honor Case Examples

57. CASE 1: LYING

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

58. CASE 2: LYING

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

59. CASE 3: LYING

After receiving a class delinquency report (CDR) for being absent from 0800 class, Cadet A wrote an ERW explaining that he had been in the hospital at the time of the class. The Assistant Commandant investigated the ERW and could find no record of the cadet’s being in the infirmary either in the Commandant’s Department or in the infirmary. The Assistant Commandant charged Cadet A with an honor violation of lying. Upon investigating, Cadet A stated he had entered the infirmary to soak his foot, for which he had been receiving periodic care. He had not bothered to sign in because of the long line. He entered at 0730 hours and left at 0830 hours and saw it useless to go to class so late. Additionally, there was no indication of treatment in his file by the nurse on duty. During the trial Cadet B, who had been in the infirmary therapy room (where all physical therapy is performed), testified that she had not seen Cadet A on that morning. Cadet A was found guilty of the honor violation of lying. This decision was based on the statement made by Cadet A that he had been in the same room with Cadet B; his overestimation of the number of cadets in the infirmary that morning (the record showed five cadets, including Cadet B, had

signed in); and no entry in his file at the infirmary by the nurse on duty.

60. CASE 4: LYING

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

61. CASE 5: LYING

Fourth Class Cadet A returned to the barracks for the 2400 All-in check. After the weekend duty NCO checked all fourth-class cadets at 2400, Cadet A went to the room of Second Class Cadet B to get a pair of second class shoulder boards so that he could leave the battalion without question. Cadet O.G. noticed Cadets A and B leaving the battalion at 0300, and realized that Cadet A was not a second class cadet, but a fourth class cadet. The O.G. reported this violation to the Company Honor Representative. During the follow-on investigation, Cadet A resigned from the corps. Cadet B decided to go to trial and was convicted of toleration. Misrepresentation of one’s uniform to gain a privilege one ordinarily would not have is an Honor Violation. Minor uniform infractions such as wearing someone else’s name-tag, are not Honor Violations if they are not used to gain a privilege.

62. CASE 6: TOLERATION

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

63. CASE 7: IMPROPER QUESTION

One night during ESP, Cadet A saw someone climbing over the fence into Hampton Park. After the All-in check, Cadet A approached Cadet Z who had a reputation for going AWOL. Cadet A asked Cadet Z, if he had gone AWOL that evening. Cadet Z replied that he had been AWOL. Cadet Z then went to

see his Company Honor Representative, who in turn reported the incident to the Chair of the Honor Committee. The Chair recommended to the Advisor of the Honor Committee and the President that this line of questioning was improper and that any punishment should be dropped. The President accepted the recommendation. The rationale was that Cadet A did not have sufficient evidence to directly question Cadet Z concerning the offense.

64. *CASE 8: QUIBBLING*

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

65. *CASE 9: CHEATING*

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

66. *CASE 10: LYING AND TOLERATION*

Cadet X made “All-in” checks at 0200 owing to a special extension of general leave. After knocking on the door of Cadet A’s and B’s room and receiving no answer, he opened the door and flipped on the light. There was a body (apparently asleep) in each bed, so Cadet X reported A and B as present. At 0500, Cadet A was discovered sneaking back to the barracks. She admitted she had “stuffed” her bed with her laundry, and her roommate (Cadet B) had helped her. Cadet A was charged with lying. While no direct statement was made to

the All-in taker, Cadet X, stuffing the bed was clearly an act of deception, an effort to deceive the All-in taker. Cadet A resigned. Cadet B was charged with toleration, because she knew her roommate was not present when All-in was taken and Cadet X was deceived by the “stuffed bed.” The Honor Court found her guilty.

