

UNITED STATES MERCHANT MARINE ACADEMY  
KINGS POINT

16 May 2011

To: ALL HANDS

SUBJ: REVISION TO MIDSHIPMAN REGULATIONS

Ref: MIDSHIPMAN REGULATIONS

1. Purpose: To promulgate the MIDSHIPMAN REGULATIONS revised in their entirety.
2. Action: Replace existing Midshipman Regulations entirely with the attached. This change is effective on 16 May 2011.

Original signed

CAPT Robert DeStafney, USMS

Dist: S, DS, C, All Cmdt Staff, RC, All Department Heads

**Updated for 2011-2012 Academic Year.**

## Chapter 1

### General

#### **101. General:**

a. Purpose. The purpose of these regulations is to establish Academy policy governing the obligations, standards, and responsibilities of Midshipmen.

b. Additional guidance will be issued through Commandant's Notices, Instructions, memoranda, and manuals.

c. Absence of Instructions.

1. In the absence of written or oral instructions, a Midshipman is expected to exercise individual good judgment, common sense, and initiative to obtain instructions.

#### **102. Professional Ethics:**

Midshipmen must conduct themselves with propriety, sobriety, decorum, and sound judgment. MIDSHIPMEN ARE EXPECTED TO EXERCISE MODERATION IN ALL THINGS AND MUST NOT ENGAGE IN ANY ACTIVITIES WHICH VIOLATE MUNICIPAL, STATE, OR FEDERAL LAWS. A Midshipman's word is binding; his/her signature or initials attest to the truth and accuracy of a document. A Midshipman's behavior must at all times reflect credit upon the individual, the United States Merchant Marine Academy, and the United States Maritime Service.

#### **103. Integrity:**

Midshipmen are expected to reflect the highest standards of integrity. The Academy Honor Code is the primary means by which excellence of character and integrity is developed in the Regiment of Midshipmen. Midshipmen at the United States Merchant Marine Academy are obligated to live by and support the Honor Code.

#### **104. Duty:**

a. Individual Responsibilities.

1. Midshipmen will comply with these regulations and all other written or oral directives issued.

2. Midshipmen are expected to act in accordance with the intent or spirit of these regulations, directives, and orders. A Midshipman who is reported correctly for a

deficiency is expected to acknowledge and accept the resultant disciplinary action.

3. A Midshipman who believes that a specified policy or regulation is detrimental to the United States Merchant Marine Academy is encouraged to present views and recommendations to the Midshipman chain of command, Company Officer or Midshipmen Council. Nevertheless, a Midshipman is expected to comply with the policy or regulation then in effect.

4. A Midshipman who receives an order which is in violation of the regulations or in violation of state or federal laws will seek recourse from a Midshipman in the chain of command senior to the Midshipman who issued the order. A Midshipman who elects to comply with what is known to be an unauthorized order is considered to be accountable for his actions.

b. Responsibility of Midshipmen in positions of authority: Any Midshipman in a position of authority (for example, a member of the chain of command, staff member, team captain, class representative, Midshipman-in-Charge, or Midshipman on watch) has the following duties:

1. Discharge all responsibilities of the position to the best of his/her ability.
2. Set a good example for subordinates in appearance, bearing, performance of duty, and personal conduct.
3. Accept the responsibility for the actions, whereabouts and conduct of the Midshipmen under his/her supervision.

## Chapter 2

### Standards of Conduct

#### **201. General:**

Midshipmen are required to conduct themselves, at all times, in a military manner and with the propriety and decorum which characterize socially accepted behavior.

- a. The above standards of conduct will apply to Midshipmen at all times, particularly at any activity sponsored by the Academy or where a midshipman is acting as a representative of the Academy.
- b. Midshipmen are responsible for the conduct and decorum of their guests while those persons are visiting the Academy.

#### **202. Academy Limits:**

Midshipmen will not absent themselves from prescribed Academy limits without proper authority.

- a. Prescribed Academy limits are shown in [Figure 202-1](#).
- b. Midshipmen are advised that between 2300 and 0600, the Academy limits are as shown in [Figure 202-2](#). Midshipmen located outside these boundaries are considered **Absent Prescribed Academy Limits** and will be charged accordingly.
- c. Midshipmen are restricted from the following areas except in an emergency or when authorized by proper authority. For the purpose of using a laboratory after 1800, the professor's written permission is required and must be presented upon request by a security guard, higher authority, or a midshipman-in-charge.
  1. Any area or space marked "OFF LIMITS TO MIDSHIPMEN."
  2. Any classroom after 2300 daily.
  4. The roof of any Academy building.
  5. Any workshop (academic), storeroom, garage or office other than daily, normal working hours.
  6. Melville Hall (unless invited by the Superintendent or his designee).

7. Any boat, water craft, or government vehicle (without proper authorization); Midshipmen on watch may board vessels for purpose of inspection while on tour.

d. Midshipmen will not visit areas outside prescribed Academy limits except when on watch, in the event of an emergency, or when permission has been granted in writing by the Commandant of Midshipmen or designee, the Midshipman Command Duty Officer (MCDO), the Command Duty Officer (CDO) or another commissioned officer. Midshipmen are responsible for knowing who has proper authority in any particular case.



Figure 202-2: Academy Limits 2300 - 0600



### **203. Accidents:**

Any accident involving Academy vehicles, equipment, or boats, or any accessory area in which Midshipmen are involved, must be reported to the Command Duty Officer (CDO) without delay; any statements submitted in relation to the accident must be written in the first person. Any accident involving injury to Midshipmen will be reported to the CDO immediately. The CDO and MCDO will enter pertinent facts in the CDO/MCDO log.

### **204. Alcoholic Beverages:**

For the purposes of these regulations, the term "alcoholic beverages" will include all forms of beer, wine, distilled liquors, and other fermented drinks regardless of the amount.

a. Consumption of any alcoholic beverage by Midshipmen will be in conformance with state and local laws and the Academy's guidelines. **Any alcohol abuse** or drunken behavior constitutes grounds for disciplinary action. Midshipmen must accept the consequences for any misconduct occurring following consumption of an "intoxicating beverage." No person under 21 shall consume alcoholic beverages.

b. Midshipmen are, at all times, prohibited from introducing, or causing to be introduced, possessing or using intoxicating beverages on board any ship, military installations, or the Academy grounds. Should alcoholic beverages be authorized to be served by the Superintendent, they must not be removed from the designated areas. Such authorization must be in writing from the Superintendent or delegated authority and in no case will the operator, pilot, coxswain, or any crewmember actively engaged in the navigation, sailing, or driving of a vehicle or vessel consume alcohol. For any event or function on or off the U.S. Merchant Marine Academy grounds that is sanctioned by the Academy, the USMMA Parents or Alumni Association/Foundation, or an affiliated Non-Appropriated Fund Instrumentality (NAFI) or any event that involves an organization or team of the USMMA a "0-0-1-3" policy on the consumption of alcoholic beverages by midshipmen shall apply. The "0-0-1-3" policy is defined as zero (0) drinks for any midshipman under the age of 21, zero (0) drinks without a designated driver (this also means zero drinks for the designated driver), only one (1) drink per hour at an event, and no more than three (3) drinks at any event/activity.

c. Any midshipman observed to be intoxicated at a time when liberty has not been available and no functions with alcoholic beverages scheduled that day or evening, will be charged with Consumption of Alcoholic Beverages, a Class I Violation.

**d. Midshipmen 21 years of age and older may consume alcohol at scheduled social functions while on Team Movements if permission is both requested and granted in writing on the Team Movement and the Officer Advisor is present.** In such an event the Officer Advisor may not consume alcohol. A midshipman will always be responsible for his/her actions and the MIC is always responsible for the actions/behavior of other members of the Team Movement. The MIC will also be responsible for ensuring that there is a "Designated Driver" of any Academy vessel or vehicle and for ensuring that the "Designated Driver" does not consume alcohol.

e. First Class Midshipmen 21 years of age and older may consume alcohol at the Midshipmen Activity Center (Midshipmen Pub) during authorized hours of operation or at events approved by the Superintendent. Midshipmen on restriction are not allowed in the Pub. When alcoholic beverages are authorized to be served, they will not be removed from the designated areas. Consumption of alcohol in the Midshipmen Pub, when authorized, is a privilege for First Class Midshipmen only and is not authorized for any underclass midshipmen regardless of their age. First class midshipmen 21 years of age who are invited to dine or attend a social gathering at the home of a faculty or staff member on the grounds of the USMMA are still subject to the "0-0-1-3" policy and the staff or faculty host will ensure the enforcement of the USMMA midshipmen regulations within their homes/grounds on the campus.

f. Midshipmen will employ their position, rank, and leadership experience to prevent others from drinking unlawfully and/or irresponsibly. Midshipmen of legal drinking age will not provide alcohol to underage Midshipmen. Furthermore, Midshipmen will not condone the serving of alcohol to underage Midshipmen or consumption of alcohol by underage Midshipmen. Toleration of this act will be a Class I offence. Midshipmen of superior class/rank, when aware of unlawful or irresponsible drinking by another midshipman, must take affirmative action to make the offender aware of his/her offence, and if unable to correct the offender's behavior, the superior midshipman must remove himself/herself from the place where the offence is taking place. In every case, the superior midshipman must report the event to an appropriate academy official. Violation of this paragraph of the regulations may or may not be considered an "alcohol-related" offence depending on the circumstances of the case involved.

g. Midshipmen assigned watch on a given day may not consume alcohol on that day or within 12 hours of assuming the watch.

h. Midshipmen will be charged with being in violation of this regulation if they remain in a room or place where they are aware that alcoholic beverages are present or being used unlawfully or irresponsibly by a midshipman. The only way a midshipman may relieve himself/herself of this charge is to leave the room or place as soon as he is aware of the presence of alcoholic beverages. . Violation



of this paragraph of the regulations may or may not be considered an “alcohol-related” offence depending on the circumstances of the case involved.

i. Midshipmen will become familiar with the current SUPERINTENDENT'S INSTRUCTION on Academy Alcohol Policy. It details the Academy policy concerning alcohol abuse, education, prevention, rehabilitation, and counseling.

#### **205. Business Activities:**

Midshipmen will not engage in business activities or financial dealings, either for themselves or as agents, which involve the selling of services or products on the United States Merchant Marine Academy grounds unless specifically authorized by the Commandant of Midshipmen.

#### **206. Controlled Substances:**

a. The unauthorized use, possession, or willful involvement with drugs, narcotics, marijuana or steroids constitutes a serious breach of discipline. Any of these offences will result in separation from the academy and could result in subsequent action by civil authorities.

b. Midshipmen may not use or possess marijuana, narcotics, steroids or controlled substances except as prescribed by competent medical authority. Midshipmen are also in violation of this regulation if they remain in a room or space where they are aware that "controlled substances" are present whether in use or not, or are aware of the presence of any drug usage paraphernalia.

c. If anyone other than a physician assigned to the academy or a physician to whom a midshipman has been referred by an academy physician prescribes medication to a midshipman, the midshipman will report the prescription to the academy medical officer as soon as possible.

#### **207. Dangerous Material:**

a. No midshipman will, without proper authority, possess, or cause to be introduced into Academy property any dangerous materials such as ammunition, explosive substances, chemicals or liquids of inflammable nature or poisonous composition, i.e., gasoline, carbon tetrachloride, lye, etc., except small quantities of cleaning fluid, lighter fluid, hobby supplies or similar items in cans or bottles.

b. Midshipmen will not keep candles, incense or any other lamp, lantern, etc., which utilizes an open flame or burning material in their rooms. Exceptions to these regulations are cigarette lighters, matches, and candles and lanterns only when issued during power failure conditions.

### **208. Disrespectful and Profane Language:**

In no case will Midshipmen:

- a. Use contemptuous, disrespectful, or insolent language/gestures toward a superior officer, toward any person in authority, or towards any other midshipman in an attempt to intimidate or defame;
- b. Use profane, obscene, or vulgar words in official discourse, or in a public place where one must respect the rights of others.

### **209. Official Gate of the Academy:**

Midshipmen will enter and depart the Academy limits only through Vickery Gate, unless specific authorization is granted by the Commandant of Midshipmen or the Command Duty Officer (CDO).

### **210. Knives, Fireworks, Firearms, Ammunition, and Other Weapons:**

- a. No firearms, ammunition or fireworks of any description, air rifles, spear fishing, or archery equipment will be introduced into or used within the Academy limits except with official permission and in places specifically designated.
- b. Midshipmen will not have in their possession hunting sheath knives or switchblade knives. Ordinary pen knives with blades less than three inches and the midshipman knife are authorized. Midshipmen who find it necessary to maintain hunting knives at the Academy will obtain written permission from their respective Company Officer and will store the knife with them.
- c. Clubs, brass knuckles, axes, or other weapons are prohibited; possession of any of these, without written permission of the Company Officer is a Class I offense.

### **211. Floating Equipment:**

- a. Midshipmen Regulations will be adhered to on all Academy boats and training vessels.
- b. Power boats will not be used by Midshipmen for any purpose without specific authorization of the Director of Waterfront Activities or his representative.
- c. Small boats, as designated by the Director of Waterfront Activities, will be available during recreational free time periods only. Midshipmen who have been

qualified by the Director of Waterfront Activities may use small boats for recreational purposes.

d. Midshipmen may not keep privately owned boats at the Academy without permission from the Director of Waterfront Activities. They may not exit the Academy via privately owned boats without the proper authority.

e. Midshipmen will be authorized to take guests aboard the Academy's floating equipment only when:

1. Specifically authorized to do so by the Director of Waterfront Activities.

2. A waiver of liability form has been signed by all guests and submitted to the Midshipmen on Dock Watch along with written authorization by the Director of Waterfront Activities.

### **212. Professional Relationships:**

a. An improper senior-subordinate relationship (sometimes called fraternization) is defined as: An unduly familiar association or dealing between seniors and juniors, which prejudices good order and discipline, either by compromising regard and respect for authority, or by impairing the ability of the senior member to exercise fair and impartial judgment. Fraternization is an abuse of interpersonal relations between various levels, which may result in an overly familiar attitude, favoritism in treatment, or the perception of either, etc. Fraternization is a gender-neutral concept.

b. The basis for relationships between the classes must be that of a proper professional relationship between seniors and juniors. Such a relationship is based on the principles of regard for human dignity and personal respect. There must be intelligent deference by the junior, but also there must be patience, understanding, impartiality, and a feeling of responsibility on the part of the senior for the growth and professional development of the underclass. Treatment of subordinates in a manner that degrades or humiliates is a violation of these principles. Midshipmen are prohibited from relationships and actions that violate these principles. The senior midshipman bears the primary responsibility and accountability for the prevention of improper senior-subordinate relationships. The junior midshipman is accountable for any violations of this regulation and any violation of other regulations that he/she commits by virtue of acquiescing in an improper relationship.

c. Relationship of upper-class to fourth class:

1. Upper-class midshipmen shall maintain a proper professional relationship with fourth class midshipmen.

2. Upper-class midshipmen shall not:

- a. Attempt to degrade or humiliate fourth class midshipmen.
  - b. Date, have sexual relations, or engage in other fraternization with fourth class midshipmen.
  - c. Request or direct fourth class midshipmen to perform personal services.
  - d. Impose any informal or unauthorized punishment.
  - e. Touch a fourth class midshipman (exception: for the purpose of correcting or adjusting uniform, drill or rifle position, or other legitimate training purpose.)
  - f. Borrow anything from a fourth class midshipman.
  - g. Direct a fourth class midshipman to participate in any activity that could be described as a "prank".
  - h. Enter a fourth class midshipman's room except on official business or to provide academic assistance.
  - i. Use any real-time electronic communication with any fourth class midshipman for any purpose at any time. This includes, but is not limited to instant messaging (IM), ICQ, chat rooms, or any comparable mode of communication. Any electronic communication is to be via the academy e-mail system.
- d. Fourth class midshipmen shall not use any real-time electronic communication with any upper-class midshipman for any purpose at any time. This includes, but is not limited to instant messaging (IM), ICQ, SMS, chat rooms, or any comparable mode of communication. Any electronic communication is to be via the academy e-mail system.

**213. Gambling:**

Midshipmen may not gamble for money within the Academy limits.

**214. Hazing:**

Hazing is prohibited. Hazing is any act committed against a candidate, plebe or midshipman that is humiliating, intimidating or demeaning, or endangers the health or safety of the person. Hazing includes active or passive participation in such acts and occurs regardless of the willingness to participate. Midshipmen will immediately report any instance of hazing to the Commandant of Midshipmen through the chain of command, Staff or Faculty.

### **215. Identification cards:**

Midshipmen will not alter, damage, lend, counterfeit, or use any ID card, including a drivers license in an unauthorized manner. Reproducing, possessing, or using false Academy, military or state or federal government Identification is a serious violation. Midshipmen will report the loss or theft of ID cards to their Company Officer and to Public Safety.

### **216. Informal Punishment:**

Informal or unauthorized punishment is prohibited. Under no circumstances will Academy officers, staff or Midshipmen prescribe any punishment that is not acknowledged by the *Regulations*, or authorized by the Commandant of Midshipmen. Instances of unauthorized punishment are to be reported to the Commandant of Midshipmen through the chain of command. The only exception to the above is that immediate corrective actions may be imposed in order to correct minor deficiencies in midshipman conduct without reference to the disciplinary system of these regulations. Such corrective action may relate directly to the deficiency exhibited by the midshipman (e.g. sweep the hallway because the midshipman left trash in the area; stand an extra watch for failure to properly execute a minor watch duty; etc.) Other corrective actions may include Intensive Training as defined by the Commandant or physical training exercises of intensity and duration approved by the Commandant. Any other disciplinary action must be done in accordance with the procedures in these regulations.

### **217. Marriage:**

Midshipmen may be married. However, married Midshipmen will receive no special advantage in the form of leave, medical coverage, housing or privileges. The Academy assumes no responsibility of any kind for the dependents of Midshipmen.

### **218. Conduct in the Dining Hall:**

- a. The Regimental Commander is charged with the responsibility of the internal organization, accountability, and the conduct of the Regiment in the dining hall.
- b. The Regimental Commander or, in his/her absence the senior midshipman present, will preside at meals.
- c. Each table will be under the supervision of a midshipman table captain designated by the Regimental Commissary Officer. Table captains will sit at the head of their respective tables for each mandatory meal. If unable to do so they will designate another first class midshipman to serve as table captain. Each table captain will be responsible for:

1. The enforcement of regulations at that table.
2. Maintenance of order and proper table etiquette.
3. The orderly cleaning/stacking of all eating gear/utensils at the conclusion of the meal.
4. Ensuring that no Commissary utensils/equipment leave the Dining Hall.

### **219. Military Equipment:**

All military equipment including swords, rifles, belts, sidearms, and instruction manuals or binders will be signed for and issued on an individual basis. Midshipmen will use only that equipment verified by serial number (if assigned) which has been issued to them. Midshipmen who attempt to return equipment with differing serial numbers will be released from responsibility for equipment originally issued. Midshipmen will promptly report to their Company Officer the facts and circumstances attending damage, defect, or loss of any military equipment which is in their custody.

### **220. Motor Vehicles:**

a. Midshipmen will not operate a government owned, rented, or leased motor vehicle assigned to the Academy unless they have been specifically authorized by the Commandant of Midshipmen, issued the appropriate license, and then only for purpose of official Academy business. Midshipmen riding in a government owned or operated vehicle must utilize seat belts as standard operating procedure.

b. **Cars are not to be brought on board** the Academy grounds (including driving down Steamboat Road between the gate and the waterfront) *without a temporary pass issued* by any officer on the Public Safety staff. Passes are issued for the purpose of bringing gear aboard or ashore and are effective for 1/2 hour and then must be returned to security. All car passes must be surrendered to security at their expiration time. *The MCDO is not authorized to issue car passes.*

c. Fourth Class Midshipmen may not maintain or operate private motor vehicles within a 10 mile radius of the Academy.

d. Second and Third Class Midshipmen may maintain and operate private motor vehicles, provided that:

1. They do not drive their vehicles within Academy limits (including the First Class Lot) without a temporary pass issued by the Public Safety Staff, and

2. They do not park their vehicles within Academy limits, along Steamboat road west of Vickery Gate, Elmridge Road, Vickery Circle, Steppingstone Lane between Steamboat Road and Sunset Road, and Roosevelt Parking Field, without a temporary pass from the Public Safety Staff.

e. Midshipmen of the First Class may maintain and operate private motor vehicles, and may be granted the privilege of parking them in the First Class lot on a space available basis. However, they must comply with the provisions outlined in paragraphs 220 b. (1) and (2) above, except when authorized to use Roosevelt Parking Lot.

f. Midshipmen are not authorized to operate, or ride on a motorcycle, motorbike or motorscooter at any time.

g. Midshipmen owning cars or having friends with cars in the area will familiarize themselves with the current SUPERINTENDENT'S INSTRUCTION concerning Parking Permits, Traffic Regulations and Enforcement Procedures. First Class Midshipmen are responsible for the good order of the First Class Parking Lot.

### **221. Physical Violence/ Intimidating Behavior:**

a. Midshipmen will not offer or accept a challenge to fight.

b. Midshipmen will not strike or attempt to strike another person or encourage someone to strike another person.

c. Midshipmen will not threaten another person or his/her property whether or not they intend to carry out such threats.

d. Midshipmen are subject to the Federal Laws and to the Criminal Code of the State of New York.

e. Intimidating behavior on the part of any Midshipmen, but especially in the case of upper classmen versus under classmen will not be tolerated. It is a violation of both this paragraph and paragraph [212, Professional Relationships](#).

### **222. Stowage of Personal Effects:**

Midshipmen will stow their personal belongings only in spaces authorized by the Commandant of Midshipmen.

### **223. Pets:**

Midshipmen will not maintain pets within the Academy limits.

#### **224. Public information:**

Midshipmen may participate in interviews with members of the news media concerning official matters involving the Regiment of Midshipmen or the United States Merchant Marine Academy. However, Midshipmen should state that opinions expressed are personal opinions and are not necessarily the opinions of the Academy or the Department of Transportation. Midshipmen should be aware that they have the right to refuse interviews and should consider whether or not they have sufficient information and expertise to comment on the subjects of the interview. All interviews given by Midshipmen should be reported to the Public Information Officer.

#### **225. Safety:**

It is the duty of each midshipman to observe safe practices (particularly posted and published safety rules) in carrying out their daily activities and to report unsafe conditions they notice to the chain of command or to any watch officer.

#### **226. Saluting:**

a. The military salute, when rendered properly, is used as a greeting, an act of respect and as a means of rendering honor. A salute properly rendered must be properly returned. A social greeting such as "Good morning sir/ma'am" is always given when rendering a salute. Midshipmen will render salutes in the following cases:

1. Passing Commissioned Officers and Warrant Officers whether or not the officer is in uniform and no matter what time of day or night.
2. Hearing the National Anthem of any nation.
3. Passing the Colors. (Uncased and held)
4. Colors Ceremony (Morning and Evening).
5. Honors rendered visiting dignitaries.
6. Approaching and leaving the War Memorial in uniform.
7. Entering and leaving the Quarterdeck, the Colors must be saluted.

b. Midshipmen will not render the hand salute under the following conditions:

1. When indoors. (exceptions: O'Hara Hall when used for Military Functions; when on duty with a duty belt and covered; entering and leaving the Quarterdeck in Wiley Hall.)



2. When not wearing a cover.

3. When engaged in work or activities, Midshipmen will not discontinue work to salute unless addressed by an officer or called to attention. When seated at work, at athletic games, at the library or at mess, Midshipmen are not required to rise when an officer passes unless called to attention or to clear the gangway.

c. Midshipmen are responsible for ensuring that their civilian guests demonstrate proper courtesy to the flag at colors and other ceremonies. (Removing hats, standing up, and placing their right hand over their heart).

d. At morning and evening colors, Midshipmen will halt, face the colors, stand at attention from the first note of attention. A salute will be rendered at the sound of "To the Colors" or "Retreat" and will be held until the Ensign is either "Two-Blocked" or "Grounded". At the sound of "Recall" Midshipmen may go about their business.

1. If out of hearing distance, the salute will be rendered from the first sign of movement of the Ensign until it is either "Two-Blocked" or "Grounded."

2. At Colors, Midshipmen in formation will be called to attention by the unit commander or section leader who will render the salute for the unit. (Exception: Morning Colors Ceremony).

e. When entering or leaving the Quarterdeck in Wiley Hall, Midshipmen will come to attention, render a salute to the Colors, and carry on.

f. Midshipmen of the Fourth Class will salute Midshipmen Officers of the rank of LTJG or above at all times.

### **227. Ship's Store and NEX Facility:**

Midshipmen must be in uniform of-the-day for transactions in the uniform shop, Ship's Store, NEX, and the Seafarer until 1600 daily. Midshipmen may get their haircut at the Academy Barber Shop in clean Academy issue gym gear during the duty day.

### **228. Smoking:**

a. Smoking is prohibited in all Academy buildings.

b. Midshipmen in uniform will not smoke when in public areas. They may not smoke within the confines of the barracks or any other Academy building. They may smoke in designated smoking areas only.

c. Smokers must clean up after themselves, failure to do so will result in smoking areas becoming "smoke free".

d. Midshipmen may use smokeless tobacco in the confines of their rooms. When using these tobacco products Midshipmen will not spit in water fountains, carry containers around, or leave containers with spit in them in any area.

**229. Swimming, Recreational:**

Midshipmen are authorized recreational swimming in Eldridge and O'Hara pools during recreational free time periods, only when there is a qualified, Academy assigned life guard on duty. Midshipmen are not authorized to swim in Long Island Sound from Academy grounds.

**230. Use of Academy Facilities for meetings:**

Midshipmen desiring to schedule meetings will obtain the necessary facilities through proper authority as follows:

- a. Academic Classrooms - Registrar's Office
- b. Library Facility - Head Librarian
- c. Game room or Club Space - no permission required as long as space is used during authorized times.
- d. Land Hall - Social Director
- e. Chapel - either Chaplain
- f. Any other building at the Academy - head of the appropriate department.
- g. Outdoors on Board Academy Grounds - Commandant of Midshipmen.

Only after approval for use of the facility has been granted may Midshipmen log out for meetings.

**231. Vandalism:**

Midshipmen who cause the loss, destruction, removal, or damage of government property will be assessed for the value of the article as determined by the Assistant Superintendent for Administration. Such Midshipmen will also be subject to disciplinary action and may be prosecuted under federal statutes.

### **232. Visitors:**

- a. Midshipmen who do not have conflicting duties may escort visitors during recreational free time periods, between the hours of 0800 to 2000 (exceptions are movies, mixers, and other authorized activities).
- b. Midshipman dormitories are off-limits to visitors and guests except when authorized by the Commandant of Midshipmen.
- c. During the academic day, evening study hours, or Call to Quarters period, a Midshipman may see unexpected visitors in an area designated by the Command Duty Officer for a reasonable period of time that satisfies the situation, provided he/she obtains permission only from his/her Company Officer or the Command Duty Officer. During evening study hours and Call to Quarters, he/she will also post proper accountability.

### **233. Complaints:**

Midshipmen having cause for a complaint against any person attached to the United States Merchant Marine Academy will submit this complaint in writing to the Commandant of Midshipmen via the chain of command.

### **234. Appointments with the Commandant of Midshipmen:**

- a. Midshipmen may at any time request an appointment with the Commandant of Midshipmen, or any person subordinate to him in the chain of command, to communicate requests that warrant the personal attention of the Commandant.
- b. Chain of Command: Midshipmen availing themselves of this right will proceed via the chain of command. They need not state their problem in detail to anyone except the person whom they wish to communicate with.

### **235. Redress of Grievances:**

Midshipmen who seek redress of grievance will make their request to the appropriate officer via the chain of command.

### **236. Discrimination Prohibited:**

No midshipman will engage directly or indirectly in an act of discrimination on the basis of race, sex, color, religion, national origin, age, sexual orientation or handicap.

### **237. Telephones:**

a. Government Telephones. Government telephones will be used in conducting official business only and will not be used for personal calls.

b. Public (Pay) Telephones. The Commandant of Midshipmen will prescribe the locations and hours of use of public telephones which Midshipmen will be authorized to use.

c. First Class Telephones. Each midshipman is responsible for providing his/her own phone. The Academy's system will permit the following:

1. Receive and make Inter-Academy calls at no cost.
2. Call toll-free (800) numbers which will allow individuals to utilize their calling cards to make calls which will be billed to the individuals personal account.
3. First Classmen will be held financially responsible for any calls which are billed to the calling number.

### **238. Skate Boarding/Roller Blading/Bicycling:**

While participating in these activities, Midshipmen are required to wear a helmet. Midshipmen are encouraged to wear knee pads, elbow pads and wrist guards/gloves while roller blading/skate boarding. Roller Blade Hockey is permitted on Barney Square after 1600 hours daily and the following equipment must be worn: helmet, gloves, knee pads, and elbow pads. Skate Boarding/ Roller Blading/Bicycling are only permitted during daylight hours. In addition, while operating bicycle, rollerblades or skateboards at any time in reduced visibility (ie, Sunset/ Sunrise) the midshipman will make use of reflector belts or other suitable reflective material.

### **239. Visiting Homes of Academy Staff:**

Midshipmen are permitted to visit the homes of Academy Staff upon invitation. Accountabilities must be posted and if the Staff Member being visited lives off the Academy Grounds proper liberty forms must be completed.

### **240. Falsifying Official Documents:**

Midshipmen are prohibited from falsifying any Official Document, such as a Watch Log, Ship's Log, Boat's Log, or any other Official Government/Academy Document, application or form. Falsifying Official Documents is an Honor Offense.

### **241. Sea Year Regulations:**

Midshipmen assigned to the Department of Professional Development and Career Services (Sea Year) are provided with a personal copy of **Sea Year Regulations and Instructions** and are responsible for knowledge of contents and compliance with its directives

### **242. Arrest by Civil Authorities:**

If arrested, Midshipmen will notify the CDO and /or their Company Officer. Violations of civil law which cause absence due to arrest may be subject to consideration for charges as unauthorized absences from the Academy. Any midshipman arrested for a violation of law that brings discredit upon himself, the Regiment and the Academy in the process, may be charged for Conduct Reflecting Discredit on the Regiment of Midshipman.

### **243. Sexual Misconduct:**

a. Sexual misconduct is defined as sexual acts at the Academy, on Academy vessels, on team movements, on board vessels assigned during sea training, or under circumstances that are discrediting to the Academy or the midshipman, or are prejudicial to good order and discipline in the Regiment of Midshipmen.

b. Sexual misconduct includes, but is not limited to, any actions of a sexual nature that would reasonably excite or satisfy the sexual desires of the actor. Examples of sexual misconduct include kissing, touching, sexual intercourse of any sort, sexually motivated nudity, and indecent exposure.

c. Requirements:

1. Midshipmen shall keep the door to any dormitory room open with the lights on when a member of the opposite sex is in the room.

2. Midshipmen may not:

a. Engage in sexual misconduct as defined above.

b. Hold hands while in uniform.

c. Sit or lay on the same bed at the academy or aboard a ship or vessel.

d. Display inappropriate affection when in public.

#### **244. Denying Access:**

Midshipmen are permitted and are encouraged to lock their doors when they are absent from their room and when retiring for the evening. However, Midshipmen will not use any other means to deny or cause access to be denied to any area they are occupying or utilizing.

#### **245. Employment On and Off Campus:**

a. Plebe/Fourth Class Midshipmen may only accept employment on campus with permission of the Commandant. Upperclass Midshipmen may work on campus provided they:

1. Maintain a quarterly conduct grade of C or better.
2. Are not in a restricted status.
3. Are not missing classes or regimental responsibilities.

b. Midshipmen may work off campus when they are free from all academy obligations provided it is during their normal liberty hours. Extensions on liberty will not be given to work.

4. Midshipmen may not wear uniforms or parts of uniforms while working.

#### **246. Watchstanding/Academic Conflict Resolution:**

a. In cases where there is a potential conflict concerning watchstanding requirements and academic schedules the following procedures will apply:

1. A midshipman shall not miss final exams, tests, labs, or scheduled quizzes for watch standing.
2. When there is a conflict, it is the midshipman's responsibility to change watch as per the established Change of Watch Procedures.

b. In the event there is an academic conflict and a midshipman fails to change watches, the midshipman will proceed to Watch Muster and inform the MCDO of the academic conflict. The MCDO will advise the CDO who will take action to resolve the conflict.

### **247. Class Rates:**

Class rates are those privileges, prohibitions and requirements that are assigned according to the class of the midshipman/plebe/candidate. Class rates are published and periodically revised by or at the direction of the Regimental Commander with the approval of the Commandant. Compliance with the applicable class rates is required by all members of all classes. Failure to comply may be sanctioned under the provisions of article 216 (informal punishments), by a reduction of privileges, or by disciplinary action for failure to comply with orders.

### **248. Computer Ethics:**

In addition to the requirements specified in the current Superintendent's Instruction on Computer Use Policy, Midshipmen may not store, send or generate via the computer network material that is deemed to be obscene, questionable (e.g. advocating drug use or alcohol misuse, advocating violations of rules or laws, demonstrating disrespect, showing extreme poor taste, etc.), harassing, discriminatory, frivolous (e.g. unnecessary mass emails, unwanted material, etc.), or illegal.

### **249: Tailgating at Academy Functions:**

Midshipmen may not participate in or attend tailgating functions on or adjacent to academy property without the express written consent of the Commandant.

### **250: Testimony:**

- a. In any investigation or inquiry made by order of the Superintendent or other competent authority, it is the duty of every Midshipman to fully answer every question as to facts within their knowledge, no matter who, except themselves, may be incriminated by their answer.
- b. All Midshipmen have the right to remain silent with respect to alleged offences involving themselves. However, an answer may not be refused if the Midshipman has already been punished or exonerated for their part in a suspected offence unless action is contemplated by judicial authorities.

## CHAPTER 3

### ACCOUNTABILITY

#### **301. Company Accountability Procedures:**

Midshipmen who are not present at the time of accountability will be marked absent. Midshipmen who are not present by the time the check has commenced as indicated by an order or announcement, will be marked late. Only those Midshipmen involved in taking the muster, on watch, in the hospital, or otherwise authorized by the Company Officer or higher authority are excused from attending accountability checks.

a. Morning mess muster accountability procedures. The Fourth Class will muster at 0600 in the company areas under the supervision of the duty section.

1. Duty Section. The purpose of the duty section is to give the Fourth Class necessary supervision during the 0600-0650 period.

(a). The Company Executive Officer will assign a Second Classman and a Third Classman duty officer to represent the duty section. The rotation of this duty will be weekly. Company Commanders are also tasked with the responsibility of instructing the duty officers in their assigned duties and responsibilities and checking to ensure that these instructions are followed. Each rotation will commence at 0600 Monday morning and terminate at morning mess on Saturday. A copy of this order is to be posted for the information of the Midshipmen concerned. One copy of this assignment sheet is to be forwarded to the Company Officer.

(b). Any Midshipman having special liberty, team movement or any other conflicting activity, which would interfere with the duty section, will notify the Company Executive Officer, who in-turn will designate a replacement.

2. The Midshipman on duty will be responsible for sounding 0600 reveille and ensuring that all plebes are mustered by 0605.

3. 0605 Mess muster. The Fourth Class and duty section will muster in their respective company areas. Each company will be in formation.

(a). Musters. Musters will be taken by the section leader, signed and turned in to the MCDO prior to meal time.

(b). At 0610, the company will march into the mess hall under the command of the Second Class duty officer.



b. Morning Accountability Formation. Morning accountability formations are held daily at 0715 except Weekends and holidays. All Midshipmen will muster by company in company areas. On days when no colors formation is held, each company will muster on the main deck of their respective company. In either case accountability reports will be compiled by the Platoon Commander and turned in to the Company Commander.

c. Noon mess musters. Midshipmen will muster with their company by platoon for all mandatory meals as prescribed by the Plan of the Day. Accountability reports will be compiled by the Platoon Commander and turned in to the Company Commander.

d. Evening study hall check. Midshipmen will be in their rooms by 2010 for the purpose of the evening study hall check. Evening study begins with this check. The only authorized absences from this check are as follows, and a proper accountability card must be displayed giving the reason for absence:

1. Midshipman watch.
2. Midshipman authorized on liberty.
3. Midshipman in-patient in hospital.
4. Midshipmen on authorized team movement.

e. Late Lights. Midshipmen may remain up past 2320 for the purpose of studying. Midshipmen wishing to study in another room are to post proper accountability stating their exact location (room number). Land Hall and the Midshipmen Game Room will be closed to Midshipmen at 2300.

f. Call to quarters. Call to quarters is at 0100 every morning of the week including holidays. At that time, all Midshipmen not on watch, special liberty, team movement, or an in-patient in the hospital are to be in their rooms and remain there except for head calls and official duty until 0600.

g. Musters at the expiration of leave or liberty. Midshipmen, except those on watch, or a hospital in-patient, must be in their company areas following the expiration of leave or liberty. The Second, Third and Fourth Classes will be mustered in O'Hara Hall 10 minutes after the termination of their liberty or leave. The First Class must check with their company commanders within 10 minutes after the termination of their liberty or leave. Musters will be held in uniform of the day. First Class officers supervising the underclass Midshipmen will also be in the uniform of the day.

h. Musters at regimental practice and formal reviews. Musters for practice and reviews will be taken in a similar fashion to mess musters. Platoon Commanders will take the accountability and submit their chits to their Company Commanders.

### **302. Accountability Card:**

Class accountability cards. Midshipmen will display an accountability card or marked whiteboard outside their room.

1. Leaving an Accountability. Midshipmen will post an accountability of their location when they leave their rooms (except during the academic day when they are assumed to be in class.) The accountability should list the Midshipman's name, time, date, destination and any other information which will aid in locating the Midshipman. This information should be neatly written. Details on team movement, special lib, and type of sack-in should be placed on the card/whiteboard.

**2. One Midshipman will not mark the accountability of another, nor will they post or remove the same.**

### **303. Mustering Officer:**

Midshipmen will not, if their duty is to muster a part of the regiment, conceal or fail to report the absence of any Midshipmen. Falsification of an accountability is considered lying and will be pursued as a violation of the Honor Code or as a violation of the Regulations 1109.18, Lying, Cheating, or Stealing.

### **304. Unauthorized absence:**

If a Midshipman is unaccounted for any reason, the CDO/MCDO will be notified. If unable to locate that Midshipman, an announcement will be made for the Midshipman or any one knowing of his whereabouts to contact the CDO/MCDO. If the absent Midshipman has not contacted the CDO/MCDO within fifteen minutes he/she will be considered absent without authorization.

## CHAPTER 4

### DAILY ROUTINES

#### **401. General:**

Unless specifically authorized by proper authority, Midshipmen will follow the daily routine published by the Commandant of Midshipmen. The Commandant will issue changes to the daily routine as needed.

#### **402. Priority of Routine and Orders:**

- a. In cases where a conflict exists concerning routine or procedures, the routine with the highest priority listed on the Table of Priorities (figure 402-1) will be followed.
- b. When a Midshipman receives conflicting orders or is confronted with conflicting duties, and is in doubt as to his/her proper course of action he/she will seek the advice of his/her chain of command, or the Command Duty Officer. In any case, when an appointment or class is missed because of a conflict of priorities, it is the responsibility of the Midshipman concerned to ensure that appropriate parties are informed.

#### **403. Weekday Routine:**

- a. Weekday Routine commences on Monday at Reveille and, unless changed by the Commandant of Midshipmen or interrupted by a holiday, terminates on Saturday at Reveille.
- b. For the schedule of events during Weekday Routine, see figure 403-1.
- c. Per Plan of the Day (POD).

#### **404. Saturday Routine:**

Saturday Routine commences at Reveille on Saturday and terminates at 0600 hours on Sunday. Per POD, see figure 404-1.

#### **405. Sunday Routine:**

Sunday Routine commences at 0600 hours on Sunday and terminates at Reveille on Monday. Per POD, see figure 405-1.

**FIGURE 402-1**  
**TABLE OF PRIORITIES**

1. Emergency Medical or Dental Treatment.
2. Emergency Leave or Liberty.
3. Regularly scheduled final examinations.
4. Orders to report to the Superintendent, Commandant, Deputy Commandant, or CDO
5. Critical Laboratories, scheduled tests or examinations.
6. Watch Standing.
7. Formations, musters and accountability checks.
8. Routine classes (recitations).
9. Drills and Inspections.
10. Regimental Team/Group Movement.
11. Release from Daily Routine.
12. Extra Duty Work and Restriction Musters.
13. Appointments with Faculty Members and Commissioned Officers.
14. Special Liberty or Leave. (Midshipmen must have obtained release from all other obligations).
15. Mess Duty.
16. Mast.
17. Routine (non-emergency) medical and dental treatment.
18. Divine Services.
19. Inter-collegiate Athletic Activities.
20. Evening Study Hours.
21. Intramural Activities.

- 22. Extra-Curricular Activities.
- 23. Recreational Activities.
- 24. Prescribed Liberty or Leave.

<b><u>FIGURE 403-1, WEEKDAY ROUTINE</u></b>		
<b><u>EVENT</u></b>	<b><u>TO</u></b>	<b><u>FROM</u></b>
<b><u>REVEILLE PERIOD</u></b>		
	<b>0600</b>	<b>0715</b>
Reveille		0600
Morning Mess Formation (Fourth Class Only)		0605
Morning Mess (Upper Classes optional)		0615
All Room Doors Cracked		0615
All Room Doors Opened		0630
Morning Regimental Training		0645
Daily Quarters Inspection		0650
Call to Colors		0715
Colors Muster		0720
Morning Colors Ceremony		0725
<b><u>ACADEMIC DAY(MORNING) PERIOD</u></b>		
	<b>0745</b>	<b>1200</b>
First Academic Period		0745
Second Academic Period		0850
Third Academic Period		0955
Fourth Academic Period		1100
<b><u>NOON ADMINISTRATIVE SUPPORT PERIOD</u></b>		
	<b>1210</b>	<b>1250</b>
Noon Mess Muster		1210
Noon Mess		1215
<b><u>ACADEMIC DAY (AFTERNOON) PERIOD</u></b>		
		<b>1300</b>
(*) Fifth Academic Period		1300
Sixth Academic Period		1405
Seventh Academic Period		1505
<b><u>REGIMENTAL TRAINING PERIOD (Mon)</u></b>		
		<b>1610</b>
<b><u>REGIMENTAL TRAINING PERIOD (Fri Parade)</u></b>		
	<b>1530</b>	<b>1650</b>
Muster		1515

Dismissal	Completion of Parade	
<b><u>RECREATIONAL FREE TIME PERIOD</u></b>	(*)	
<b>2000</b>		
Extra Duty	1700	1900
<b><u>EVENING ADMINISTRATIVE SUPPORT PERIOD</u></b>	<b>1730</b>	
<b>2000</b>		
Evening Mess (Buffet)	1730	
1945		
<b><u>EVENING STUDY HOURS</u></b>	<b>2000</b>	
<b>2320</b>		
Study Period	2000	2320
Tattoo Check (for Fourth Class)	2005	2020
Taps	2300	
<b><u>LATE LIGHTS PERIOD</u></b>	<b>2320</b>	<b>0600</b>
<b><u>CALL TO QUARTERS</u></b>	<b>0100</b>	
(*) The Academic Day shall end and Recreational time shall begin at 1700 hrs, after the last scheduled class, or after Regimental Training, whichever is later.		

<b><u>FIGURE 404-1</u></b>		
<b>SATURDAY ROUTINE</b>		
<b><u>EVENT</u></b>	<b><u>FROM</u></b>	
<b><u>TO</u></b>		
<b><u>REVEILLE PERIOD</u></b>	<b>0700</b>	<b>0745</b>
Reveille		0700
Morning Mess Muster (Fourth Class)		0705
Morning Mess	0700	0730
Reveille (Upper Class)		07000
Call to Colors		0735
Colors Muster		0740
Morning Colors Ceremony		0745
<b><u>FIELD DAY PERIOD</u></b>	<b>0800</b>	
<b>0900</b>		
Officers Call	0810	0830

<b><u>INSPECTION</u></b>		<b>0910</b>
<b>1000</b>		
<b><u>REGIMENTAL TIME (AS ANNOUNCED)</u></b>		<b>1000</b>
<b>1200</b>		
Liberty (as announced or as authorized)		
<b><u>NOON ADMINISTRATIVE SUPPORT PERIOD</u></b>	<b>1200</b>	<b>1300</b>
Noon Mess Muster		1210
Noon Mess		1215
<b><u>AFTERNOON ADMINISTRATIVE SUPPORT PERIOD</u></b>	<b>1310</b>	<b>1600</b>
Regimental Training (as announced)		(*)
Liberty (as announced or as authorized)		
Extra Duty	1310	1600
<b><u>RECREATIONAL FREE TIME PERIOD</u></b>		<b>1600</b>
<b>2330</b>		
Evening Mess	1730	1945
<b><u>TAPS</u></b>		<b>2330</b>
<b><u>CALL TO QUARTERS</u></b>		<b>0100</b>

(\*) Further Regimental Training may occur on Saturday Afternoons.

**406. Holiday Routine:**

- a. Holiday Routine commences at the termination of the academic day on the calendar day before the holiday and terminates at 0600 hours on the calendar day following the holiday. Per POD, see figure 406-1.

<b><u>FIGURE 405-1</u></b>	
<b>SUNDAY ROUTINE</b>	
<b><u>EVENT</u></b>	<b><u>FROM</u></b>
<b><u>TO</u></b>	

<b><u>RECREATIONAL FREE TIME PERIOD</u></b>	<b>0600</b>	
<b>2200</b> (Restricted Midshipmen and other Midshipmen Remaining Aboard)		
<b><u>DIVINE SERVICES</u></b>	<b>1000</b>	<b>1200</b>
Catholic		1000
Protestant		1115
<b><u>MORNING MESS (OPTIONAL)</u></b>	<b>1015</b>	
<b>1215</b>		
<b><u>EVENING MESS (OPTIONAL)</u></b>	<b>1730</b>	
<b>1945</b>		
<b><u>EVENING STUDY HOURS</u></b>	<b>2030</b>	
<b>2330</b>		
Plebe Knowledge Test		1810
Liberty Expires for 3/C		1900
Accountability for 3/c		1910
Liberty Expires for 2/C		2000
Accountability for 2/C		2010
Liberty and Free Gangway expire for 1/C		2100
Accountability Check for 1/C		2110
<b><u>TAPS</u></b>	<b>2330</b>	
Late Lights Period	2330	0600
<b><u>CALL TO QUARTERS</u></b>	<b>0100</b>	

**407. Reveille Procedures:**

- a. The Reveille period is that time when Midshipmen will turn out of their bunks and prepare themselves, and the barracks, for the activities of the day.
- b. Midshipmen will be considered to be up and about only if they turn out of their bunks at the last note of reveille and remain up and about their business until authorized to turn in.
- c. It is the responsibility of each Midshipman to turn to no later than 0600 regardless of:
  1. When or how reveille was sounded or if it was sounded at all.



2. When or how the deck was notified of reveille or if it was notified at all.

**FIGURE 406-1**

**HOLIDAY ROUTINE**

<b><u>EVENT</u></b>	<b><u>FROM</u></b>	
<b><u>TO</u></b>		
<b>1. <u>DAY BEFORE THE HOLIDAY</u></b>		
<b><u>RECREATIONAL FREE TIME PERIOD</u></b>		<b>(*)</b>
<b>2330</b>		
Extra Duty	1615	1800
Liberty (for those authorized)	(*)	
Evening Mess	1800	1830
<b><u>TAPS</u></b>		<b>2330</b>
<b><u>CALL TO QUARTERS</u></b>		<b>0100</b>
<b>2. <u>DAY OF THE HOLIDAY</u></b>		
<b><u>RECREATIONAL FREE TIME PERIOD</u></b>		<b>0600</b>
<b>2200</b>		
Morning Mess (Optional)		1015
1215		
Evening Mess (Optional)		1800
1830		
<b><u>WHEN THE HOLIDAY IS ON A FRIDAY OR A SATURDAY, FOLLOW SATURDAY ROUTINE AFTER EVENING MESS OTHERWISE:</u></b>		
<b><u>EVENING STUDY HOURS</u></b>	<b>2030</b>	<b>2330</b>
Plebe Knowledge Test		1810
Liberty Expires for 3/C		1900
Accountability for 3/c		1910
Liberty Expires for 2/C		2000
Accountability for 2/C		2010
Liberty and Free Gangway expire for 1/C		2100
Accountability Check for 1/C		2110
<b><u>TAPS</u></b>	<b>2330</b>	
Late Lights Period	2330	0600

## CALL TO QUARTERS

0100

(\*) Recreational Free Time and Liberty will commence at 1315 hours or after the last regularly scheduled class, whichever is later.

### **408. Mess Procedures:**

Mess periods are times which allow Midshipmen to take their meals. Mess will usually be mandatory during the weekday routine but may, as prescribed by the Commandant of Midshipmen, be optional.

a. Mandatory Mess Procedures. Midshipman will:

1. Muster with their assigned company by the time of formation unless otherwise directed by proper authority.
2. March to the Mess Hall in formation when outside.

b. Optional Mess Procedures. Midshipmen who decide to go to Mess will:

1. Proceed independently to the Mess Hall in the Uniform of the Day or the service dress uniform prescribed for liberty. At no time is civilian attire permitted to be worn by Midshipmen in the mess hall.
2. Midshipmen must arrive in the Mess Hall during serving period.
3. Varsity Teams in season that practice in the mornings and evenings **may** enter the Mess Hall in Academy Issued Gym Gear or Authorized Varsity Attire after 0635 hrs and 1900 hrs respectively.

c. Midshipmen will be out of the Mess Hall by

1. 0650 at Morning Mess.
2. 1245 at Noon Mess.
3. 2000 at Evening Mess.

d. Upperclassmen, not assigned to the Duty Section, may enter the Mess Hall at any time prior to 0615 for Morning Mess, but will not interfere with the Fourth Class formations.

e. Upperclassmen will be permitted to enter the galley for the purpose of obtaining the food for their tables only if they receive permission from a Company Fitness Officer or higher authority on each and every occasion necessary to enter the galley.

#### **409. Quarters Inspection Procedure:**

a. Quarters Inspection Periods are those periods when Midshipmen and regimental spaces are inspected by assigned Midshipmen and/or officers to ensure that the proper standards of personal appearance and material upkeep are maintained.

b. The standard inspection procedures as described in Chapter 5, paragraph 509 of this publication will be followed in all cases of Quarters Inspection except when special procedures are specifically authorized by the Commandant of Midshipmen.

1. During the period of 0650 to 1200 daily, except Sundays and Holidays, Midshipmen rooms and cleaning stations will be in a neat and orderly condition, ready for inspection.

2. After 1200 daily and all day on Sundays, Holidays, and regimental long weekends, Midshipmen rooms and cleaning stations will be in a presentable condition.

3. Midshipmen will not absent themselves from any Quarters Inspection without proper authority.

#### **410. Colors Procedures:**

a. The Colors Ceremony will be executed at 0725 and at sunset daily.

b. Midshipmen will attend Morning Colors Ceremony, unless specifically authorized otherwise by proper authority. Whenever weekday or Saturday Routines are being followed, Midshipmen will:

1. Muster and proceed to the Oval in accordance with instructions established by the Commandant of Midshipmen.

2. Render honors during the playing of the National Anthem or during the Raising of the Colors.

3. Dismiss only in areas prescribed by the Commandant of Midshipmen.

#### **411. Academic Day Procedures:**

- a. Recreational free time is that period during which Midshipmen who are eligible may utilize recreational facilities or proceed on liberty when entitled.
- b. Procedures. Midshipmen will:
  1. If proceeding on liberty, obtain the proper authorization to leave the Academy.
  2. Follow all instructions and regulations posted in the various recreational facilities of the Academy.

#### **412. Administrative Support Period Procedures:**

The Administrative Support Period is the period provided to Midshipmen in order that they may perform certain administrative, extracurricular, or personal duties. (See Figure 403-1 of this publication).

#### **413. Evening Study Hours Procedures:**

- a. Evening Study Hours are the time periods in which Midshipmen are to prepare for class, do homework, perform other academic duties, or perform assigned administrative duties. Quiet study hours 2030 - 2330 will be enforced Sunday through Thursday. No deviation from this rule will be allowed.
- b. Procedures.
  1. Midshipmen are permitted to be engaged in the following activities during study hall:
    - Studying (including use of the academic buildings and library).
    - Wednesday movie (as authorized by the Dean).
    - Approved classes/tests (as authorized by the Dean).
    - Approved guest lecture (as authorized by the Superintendent, Dean, and Commandant).
    - Religious instruction and meetings (Mondays).
    - AA meetings (as authorized).
    - Team movements (as authorized by the Dean and Commandant).
    - Watch.
    - Team practices (as authorized by the Dean and Commandant).
    - Team/Club Meetings (optional for Midshipmen - requires prior approval of the Dean and Commandant).
    - Extra-curricular activities may be pursued after the 2010 check (i.e. use of O'Hara Hall, game room, bowling alley, etc.) as per class rates.
    - Evening tattoo check for the Fourth Class lasting fifteen (15)

minutes. The check will begin at 2005 but must end at 2020 in the uniform specified. In no case will tattoo last longer than fifteen (15) minutes.

2. The following are prohibited during study hall:

- Extra Duty.
- Working off slips/Extra Duty.
- Field days.
- Loud conversations in the passageway which are audible in Midshipmen's rooms.
- Any behavior not conducive to studying.

3. Midshipmen on **Academic Warning (AW), Academic Probation (AP), Continued Academic Probation (CAP), Suspended Setback (SUSP SETBACK), Suspended Disenrollment (SUSP DISN.),** or **Referred for Disenrollment (RFD)**, must get a Special Privilege Pass from their CAO to be released from Study Hall. This pass must be posted on their accountability card and is good for one day only. The CAO will keep a record of passes issued. If the Midshipmen wish to study in an academic building, special privilege passes are not required. However, CAOs will keep a record of this to ensure the privilege is not abused.

4. Trips to the Great Neck Library will be recommended by the professor of the class assigning the project, then forwarded to the CAO and the CC. These trips must be made in appropriate liberty attire and Special Liberty requests must be submitted to and approved by the Company Officer.

c. The MOD will make daily announcements at 1945. At 2030 the MOD will announce Study Hall. This will normally be the last announcement made until reveille the next morning. Announcements may be made for emergency reasons with the permission of the Regimental Commander or designee. Taps will be sounded at 2330.

d. The PC, appointed Petty Officer, or Squad Leader will also ensure that:

1. Midshipmen are physically present in their rooms at the Accountability Check and remain in their rooms until their respective deck has been entirely checked by the Midshipman in charge. The checks will be conducted between 2030 - 2040 and 2330 - 2340.

2. There will be no traffic in the passageway during the deck check unless it is a Midshipman or Midshipman Officer on designated duties.

3. Quiet is maintained on the deck during Study Hall. Radios, phonographs, tape recorders, etc., will not be audible outside of rooms.

- e. Late study procedures in the barracks may be utilized after 2330.
  - 1. The overhead light will be turned off after 2330, unless both roommates consent to leaving it on.
  - 2. Late study outside a Midshipman's room past 0100 will require a special privilege pass signed by the CAO. This pass will be posted outside the Midshipman's room indicating the barracks room where the Midshipman is studying and the time of return. In addition the OOD and MCDO must be notified.
- f. During finals week for all Classes and USCG license week for the First Class the following procedures will be adhered to:
  - 1. Quiet in the barracks at all times.
  - 2. Midshipmen must be present for all accountability checks.
  - 3. Special privilege passes for studying after 0100 with another Midshipman are not required. However, you are required to post accountability.
  - 4. Sack-in is authorized for all Midshipmen except for the hours of 0600 - 1700 for the Fourth Class and 0600 - 0800 for the Upperclass.

**414. Taps:**

Taps will be sounded or announced at 2330. Midshipmen desiring to retire may do so.

**415. Call to Quarters:**

- a. Call to Quarters is that period when Midshipmen not specifically authorized otherwise or performing official duties will be in their rooms. Midshipmen have the option to go to bed or remain up and about in their room for individual quiet study. No departures from this regulation are acceptable.
- b. Procedures. Midshipmen will:
  - 1. Remain in their rooms except for emergencies, head calls or official duty, from the commencement of the Call to Quarters period until Reveille commences. At anytime a Midshipman must be absent from their room during this period an Accountability must be posted.

2. Call to Quarters is at 0100 every day of the week including holidays.
3. Official Duty is defined as situations where Midshipmen officers must leave their rooms to take care of an emergency, and the case of a Midshipman on watch.

**416. Field Day Procedures:**

- a. Field Day periods are those times when Midshipmen may be required to perform certain work which is necessary for the maintenance and repair of areas and spaces for which they are responsible.
- b. Midshipmen in a duty status or who have not been specifically authorized otherwise by the Commandant of Midshipmen will:
  1. Attend Field Day.
  2. Perform work as may be directed by the person in charge.
  3. No sack-in is authorized during field days.

**417. Drill Procedures:**

- a. General. Drill periods are prescribed by the Commandant of Midshipmen in order to conduct training in military drill and/or to participate in military ceremonies such as parades, reviews, or other related functions.
- b. Procedures. Drill procedures are outlined in detail in the United States Merchant Marine Academy Midshipman Drill Manual.

## CHAPTER 5

### **BARRACKS AND QUARTERS**

#### **501. Assignment of Rooms:**

a. General. All rooms will be assigned by the Commandant of Midshipmen. At the time of assignment, individuals assuming responsibility for the room will make an inspection of the room and all its contents and sign a property inventory accepting the room, all of its equipment, furniture, and physical condition. The property inventory control sheet must be placed in the front of the Midshipman Regulations binder in each Midshipman's room.

b. Roommates. Roommates will be assigned as follows:

1. Midshipmen of the First, Second, or Third class may select their own roommate from among their classmates assigned to the company, when approved by the Company Officer. Classes must room together; in no instance will members of different classes be berthed together. If the berthing list permits, First Classmen will have the privilege of singling up with priority based on Midshipman Officer rank. Fourth Classmen will be tripled or singled up only if there is an odd number of Fourth Classmen in the company.

2. Before the end of the first trimester Midshipmen of the Fourth Class may make a request to the Company Officer, via the Company Commander, to change roommates for the academic year.

3. Upon submission of sufficient justification, changes of roommates may be authorized by the Company Officers during the academic year.

c. Room Changes. When Company Officers approve any room change, Midshipmen making the change will properly check out of their old rooms and into their new rooms. The Midshipmen Personnel Officer must be notified in writing of the approved room changes.

#### **502. Assignment of Activity Spaces:**

a. General. All activity spaces will be assigned to the editor, chief, or president of the activity to which the space is assigned.

b. Acceptance. At the time of assignment, the individual assuming responsibility for the space will make an inspection of the space and all its contents and will



sign a property inventory accepting the space, all its furniture and equipment and the condition of space contents.

c. **Transfer of Responsibility.** Upon the removal or replacement, for any reason, of an individual responsible for an activity space, the relieving individual will perform an inspection of the space in the presence of the Activities Club Advisor. The relieving individual will examine all of the equipment and furniture and their condition. All missing items and all damaged items not previously noted will be reported and investigated. When damage or loss is the result of negligence, the cost will be evaluated and assessed against the organization or individuals responsible.

### **503. Battalion Study Rooms:**

Rooms specifically designated as battalion study rooms (if available spacing permits) will be maintained by the Midshipmen of the responsible battalion. An appropriate sign will be posted identifying the room as a study room. A letter of instruction to Midshipmen which outlines the restrictions and policies governing use will be posted in the room.

### **504. Work Orders:**

All damaged government-owned property or equipment will be reported:

- a. Work Order Requests will be submitted to the Company Officer, with the white copy placed on the area or space where damage is located.
- b. Emergency Repair Requests will be reported immediately to the Company Logistics Officer who will report the condition immediately to the Company Officer during normal business hours and to the CDO/MCDO otherwise.

### **505. Electrical Appliances:**

- a. **Window Fans.** Midshipmen are authorized to maintain a window fan in their rooms provided the following guidelines are met:
  1. Only one window fan and one desk fan is authorized per Midshipman.
  2. Window fans may be left in window frames; however, the fan must be turned off whenever the room is unoccupied. If the room is not going to be occupied for more than 24 hours, the window fan should be removed from the window and placed on the deck.
- b. **Miscellaneous Electrical Equipment.**

1. The following electrical appliances are authorized in Midshipmen rooms: computers, toothbrushes, razors, clocks, calculators, hand-held hair dryers, curling iron, clothes iron, halogen desk lamps with protective guard, therapeutic devices prescribed by the medical officer and stereo equipment.

2. The following electrical appliances **are not authorized** in Midshipmen rooms without special approval of the Commandant of Midshipmen:

- (a). Television sets.
- (b). Electrical coffee pots or heating coils, except First Class wardrooms.
- (c). Refrigerators.
- (d). Air conditioners.
- (e). Microwave ovens.
- (f). Floor standing Halogen Lamps without protective screening.

#### **506. Daily Routine For Finals Week and USCG License Week:**

a. The following modifications to the regulations are in effect during finals week each academic trimester. Plebes are allowed to lie on their bunks during those times of the day when they have no scheduled examinations, or duties, except as indicated below:

All hands are to be up at reveille for the respective classes, attend morning mess and muster as normally required, clean rooms and cleaning stations and attend inspections and relevant musters. The noon meal muster is mandatory. At times other than those mentioned above, reclining on bunks will be permitted.

b. The following modifications to the Regulations are in effect for First Classmen sitting for a United States Coast Guard License:

Effective Tuesday and continuing through Friday, First class Midshipmen are not required to follow the normal academic and regimental routine between the hours of 0745 and 1600. These Midshipmen are only required to maintain their rooms in condition "A" as per paragraph 519 of Midshipman Regulations and to maintain their personal appearance in a satisfactory manner. The noon meal may be attended between the hours of 1210 and 1245, unless watch chow is requested by the Dean due to Coast Guard examiners special test schedule. Sack-in is permitted

whenever the Midshipman is not taking license exams, and accountability cards will be maintained on each Midshipman's door.

**507. Food In Rooms:**

- a. General. The cooking or preparation of food in Midshipmen rooms is prohibited. The use of instant beverages is permitted provided supplies used in preparation are packages for individual servings or are kept in air tight containers.
- b. Commissary Food. The removal of food from the Commissary is not permitted, unless authorized by sick chit.
- c. Non-Perishables. Non-Perishable foods may be retained in a Midshipman's room indefinitely provided they are stored in an airtight container.
- d. Food purchased in the canteen or ship's service facilities, food sent from home, and foods purchased on liberty are permitted in Midshipmen rooms if consumed or thrown out prior to the 0730 daily inspection the following morning. However, food may be retained if stored in an airtight container.
- e. In no case are any food stuffs to be left out open in any Midshipman's room when that room is unoccupied.
- f. Midshipmen are not to remove any commissary gear from the Mess Hall, unless specifically given permission by the Food Service Officer and then that item must be promptly returned to the Mess Hall.
- g. Outside food deliveries. Midshipmen are permitted to order food to be delivered to Vickery Gate from outside establishments.

**508. Holiday Decorations:**

It is traditional each year for Midshipmen to display holiday decorations. While such activities are encouraged, Midshipmen must have the approval of their Company Officer or his/her delegated representative (live trees may not be used).

**509. Inspection Of Rooms:**

- a. General. Midshipmen rooms may be inspected at any time by authorized personnel.
- b. Daily Room Inspection. Midshipmen rooms will be inspected each weekday (except Holidays) at 0650 by a Midshipman Officer assigned by the Company Commander and may be inspected by an officer of the Commandant's Staff.

Rooms will be in Condition "B" from 0650-1200. Company Officers will spot check during morning inspections and between the hours of 0800-1200. Inspecting Midshipmen Officers will be expected to be occupied with their assigned inspection duties during the entire 0650-0715 period. The wardroom will be off limits during this 25 minute period.

c. Weekly Room Inspections. Rooms will be inspected each week at times prescribed by the Commandant of Midshipmen, by Midshipmen officers assigned by the Battalion Commander and by Commissioned Officers assigned by the Commandant.

1. Midshipmen will be present at weekly inspection unless specifically authorized otherwise in writing by the Commandant of Midshipmen.
2. Fourth Classmen will stand at attention outside their doors; all other underclassmen will be at a position of parade rest. Midshipmen of the Second, Third and Fourth Class will be stationed outside their rooms six (6) inches away from the bulkhead. When a Midshipman Officer or Commissioned Officer approaches, the Midshipman will come to a position of attention and sound off.
3. First Classmen and Upperclassmen, if authorized, may be seated at their desks studying during daily inspection. They may not be eating, dressing, brushing their teeth, etc.
4. All shades will be lowered completely.

d. Command Inspections. Midshipmen will be in the appropriate uniform as determined by the Regimental Commander, and will be outside their rooms. Fourth Class Midshipmen will be at attention outside their door, while upperclass Midshipmen will be at parade rest.

1. Rooms will be in Condition "B". (See paragraph 519.c. of this chapter)
2. All reported deficiencies will be corrected by the responsible Midshipman and inspected by a Midshipman Officer assigned by the Company Commander before the reported Midshipman will be authorized to proceed on liberty.

e. Health, Safety, and Welfare Inspections. Maybe conducted on a periodic or as needed basis. The primary purpose is to ensure that all room equipment is in working order and that the room, clothing, and equipment are maintained in a healthy clean condition. In addition the HSW Inspection maybe used to periodically check to ensure that no contraband is being stored in the barracks complex.

1. HSW Inspections must be carried out in the presence of a commissioned officer and in the case where the occupant of the room is not present, two commissioned officers should be present.

#### **510. Laundry Rooms:**

There are three laundry rooms located in the barracks area for the exclusive use of Midshipmen. **Midshipmen should not leave their clothing and belongings unattended. The use of the laundry facility is at the Midshipman's own risk.** It will be each individual's responsibility not to leave the laundry room in a disorderly condition.

#### **511. Linen Schedule:**

Each Midshipman shall be issued two blankets, one pillow, one pillowcase, one mattress cover and two sheets upon arrival at the Academy each year. The two blankets are to be considered organizational equipment and must be turned in upon departing the Academy for sea year or graduation. The pillow, pillowcase, mattress cover, and two sheets belong to the Midshipmen and should be maintained by them at all times.

#### **512. Midshipmen Attire:**

Unless specifically authorized elsewhere in these Regulations or by class privileges, Midshipmen will wear the complete uniform anytime they are out of their rooms.

- a. From the hours of 1600-0600, civilian clothing as authorized may be worn while in the barracks by First and Second Classmen.
- b. When in his/her assigned room, a Midshipman will wear the apparel authorized by Class Privileges or required by the daily routine.
- c. When enroute to or from the head or shower if not required to be otherwise attired, Midshipmen will wear a bathrobe and shower clogs.
- d. The authorized academy issued gym gear may be worn to evening sporting events by Midshipmen unless otherwise required in the Orders of the Day.

#### **513. Routes of Travel:**

- a. The passageways of the barracks complex are maintained by Midshipmen. It is incumbent upon Midshipmen of the Regiment to cooperate in maintaining these areas at a high standard of cleanliness and to maintain a quiet and orderly atmosphere conducive to study at all times.

- b. Zero decks (Basements) of Barracks. The Zero deck passageway is the primary route of travel between barracks.
- c. Main Deck Passageways. Midshipmen are not authorized to transit Main Deck passageways for the purpose of passing between Companies. Exceptions are those Midshipmen on watch, First Classmen, and company personnel. Zero deck will be used by other Midshipmen traveling to different parts of the Regiment and when returning from Delano Hall.
- d. The following entrances and passages will not be used except when on official business:
  - 1. Regimental Row.
  - 2. Dining Hall as passage from Murphy to Cleveland Hall.
  - 3. Academic Building (unless authorized).
  - 4. Gymnasium Floor.
- c. Except as required for formations, Midshipmen will not walk on the grass.

**514. Property Accountability:**

- a. Midshipmen are responsible for safeguarding the property for which they have signed as well as that which is entrusted to them without signature, such as barracks fixtures. Any government property lost, destroyed, or damaged as a result of negligence will result in the financial liability of the responsible Midshipman.
- b. Moving Equipment and Furniture. No person will move or change any piece of equipment or furniture in any academic facility or barracks without the permission of the Company Officer. The Company Officer will designate where such equipment or furniture may be stored for future use.
- c. Academy Liability For Personal Property. The United States Government and the Merchant Marine Academy are not responsible for the loss of personal property in any building or areas of the Academy, whether the loss occurs by theft, fire, or other causes. Midshipmen are advised to have personal property covered by their family's insurance policy or a personal insurance policy. This includes any belongings left in a company baggage locker.

## **515. Room Arrangement:**

- a. Equipment and Furniture in Midshipmen Rooms. Only that equipment and furniture authorized by the Commandant of Midshipmen and his staff will be allowed.
- b. Authorized Optional Items. All optional equipment and furniture must be authorized by the respective Company Officer.
- c. Room Arrangement. Room arrangements for all classes will be standard and approved by the Company Officer.
- d. Flags and Posters may be displayed in rooms if permitted within the Class Rates System and hung flat against the bulkhead. No Midshipman room may have more than two normal size flags displayed, and the flags must be in good taste. Each room, subject to class privilege is permitted to have only five (5) framed pictures or posters and two appropriate flags. In all cases, pictures and decorations will be in good taste and not detract from the neat and orderly appearance of the room.
- e. Athletic Gear and Equipment:
  1. General. Unless specifically authorized by the Commandant of Midshipmen, no athletic gear or equipment which could cause any damage will be permitted in Midshipmen's rooms.
  2. Cleated, Spiked Shoes, or Roller Blades. Cleated, spiked shoes, or roller blades of any kind, will not be worn in the barracks.
  3. Other sporting equipment that cannot fit into Midshipman's locker may be stowed in a Midshipman's room if the permission is granted by the Midshipman's Company Officer.
    - (a) Bicycles. All bicycles will be stored in a suitable locker under the direction of the Commandant of Midshipmen.
    - (b) Skis/surfboards. No skis/surfboards are to be stored in rooms. All skis are to be stowed in the respective company baggage locker.
- f. Musical Instruments:
  1. General. Midshipmen are authorized to keep any musical instruments in their rooms which can be neatly stowed in the upper cabinet or next to the wardrobe locker. Instruments will be properly stowed when not in use.

2. Restrictions on use. Musical instruments will not be played in Midshipmen's rooms or in the barracks during inspection periods, the Academic Day, and from the commencement of evening study hall until reveille.

**516. Ice Chests/Ice Buckets:**

Midshipmen are not authorized to have or utilize ice chests in barracks rooms, nor are they allowed to be stowed in any storage locker in the Barracks.

**517. Security:**

- a. Keys. Each Midshipman assigned to a room or in charge of a space will be issued a key for which he will be responsible until he/she is required to return the key.
- b. Rooms will be secured when not occupied and may be secured after tattoo and/or when retiring for the night.
- c. Lost Key Procedure. When a key is lost, the Midshipman responsible for it will report personally to the Company Officer in whose area the space or room is located, or the Midshipmen's Activities Coordinator whose space is involved. A replacement key will be issued, and disciplinary action may or may not be taken, depending on circumstances. Disciplinary action will be taken against any Midshipman who fails to notify the appropriate authority of a lost key.
- d. Possession of Unauthorized Keys. No Midshipman will maintain or possess the key to any room, space or lock on any Academy facility unless that key has been issued to him/her by proper authority. This is a Class II offense.
- e. Found Keys. All keys that are found will be turned into the Deputy Commandant's office.
- f. Locks. No Midshipman will change, remove or tamper with the lock to any room, space or facility belonging to or on loan to the United States Merchant Marine Academy.
- g. Combinations. No Midshipman will pass on his/her combination to another outside of his/her roommates. No Midshipman will pass out the pass code. No Midshipman will tamper with the combination locks.



### **518. Skylarking:**

Midshipmen will not engage in athletic type games or horseplay in barracks areas. Midshipmen involved will be held financially responsible for replacement of damaged property, gear or other issue.

### **519. Standards of Cleanliness:**

- a. General. Midshipmen rooms will be maintained in a high standard of order and cleanliness.
- b. Condition "A" (Orderly). Condition "A" requires the room to present a neat and orderly appearance and will have:
  1. Bunks made (except during clean linen days and when being used.)
  2. No gear adrift.
- c. Condition "B" (Ready for Inspection). Condition "B" requires the room to have:
  1. Bunks made (except on linen day).
  2. Deck windows, mirrors, glass shelves, radiators, light fixtures, doors will be clean.
  3. All damage noted with reference to a recent Work Order previously filed with the Company Logistics Officer.

### **520. Stereo Equipment:**

One integrated stereo system per Midshipman is authorized. No component systems are authorized.

- a. Times of use. Audio equipment may be used with earphones at any time except during inspection. Equipment may be used (per Class Rates) without earphones anytime except during inspection periods, the academic day, and from the commencement of evening study hall until reveille. IN ANY CASE, ELECTRONIC RECORDING AND LISTENING EQUIPMENT WILL BE PLAYED IN SUCH A MANNER THAT IT CANNOT BE HEARD OUTSIDE THE ROOM INVOLVED - AT ANYTIME. In the event the electronic equipment is disturbing to a resident of the room, the Midshipman desiring to listen to the device will do so utilizing a headset.

b. Plebe radio privileges. Fourth Classmen receive radio privileges upon recognition but may be granted limited radio privileges prior to recognition by the senior Midshipman Officer in charge of Plebe training.

c. Abuse of stereo and radio privileges. Midshipmen abusing this privilege by violating any of the above restrictions are subject to having the privilege withdrawn indefinitely with subsequent removal of such equipment and award of appropriate disciplinary measures. Return of such equipment will be at the discretion of the Company Officer.

### **521. Storage Lockers:**

Secure spaces are provided in the barracks complex in order that Midshipmen may store excess gear, out of season gear, or material not allowed in rooms. All stored gear must be clearly marked with the Midshipman's Name, Class and Company.

a. Company and Battalion Lockers are to be utilized only by those Midshipmen presently in residence at the Academy.

b. The Regimental Baggage Locker is to be utilized by only those Midshipmen presently detached from the Academy and assigned to the Academy Training Representative(ATR) for Sea Year.

c. **Midshipmen are advised that all items stored in any lockers at the Academy are stored at the owner's risk of loss or damage.**

### **522. Valuables:**

a. General. Articles of value must not be left exposed in rooms. Large sums of money should be deposited in a bank. Checkbooks and credit cards are to be regarded as money and should be guarded accordingly.

b. Personal portable boxes. Midshipmen are authorized the use of portable boxes equipped with lock and key. Only small boxes for sewing and writing materials and small trinkets will be permitted in the chest of drawers.

c. Personal drawer. Each Midshipman is permitted to store items of a personal or valuable nature in the drawer of his/her desk, **which should be locked**. Midshipmen wishing to use this drawer as a personal drawer are advised to keep the drawer locked. In cases where the personal drawer lock is broken, the Midshipman concerned may maintain the drawer only by placing a current work order properly processed, on the drawer front. Personal drawers so marked are to be treated as locked personal drawers.

- d. Personal drawers. Midshipmen should be aware that Company Officers are allowed to inspect personal drawers.

### **523. Visitation Between Midshipmen in Midshipmen Rooms:**

Midshipmen must understand the Academy's responsibility in (1) ensuring the maintenance of a quiet study hall environment, and (2) strictly enforcing a mature policy regarding male-female visitation rules:

- a. Visiting between Midshipmen will be unrestricted during the hours between reveille and call to quarters, (see chapter 4 of this publication) provided all regulations concerning professional relationships are strictly observed.
- b. For the purpose of this regulation, the term visiting will be defined as association between Midshipmen not required by the performance of their duties or as authorized by a commissioned officer.
- c. When the door to a Midshipman's room is closed, persons desiring entry will knock and await acknowledgment before entering. For persons in authority, if an acknowledgment is not made from within (e.g., "dressing" . . . etc.), entry may be made.
- d. Between the hours of 2320 and reveille, Midshipmen may lock their doors. However, at no time are Midshipmen of the opposite sex or Midshipmen other than the designated occupants allowed to be behind a locked door.
- e. When a violation is reported, all the occupants present in the room at the time of the violation will be held responsible.

### **524. Visitors in Barracks:**

- a. General. **The barracks are off limits to all except Midshipmen and persons with specific authority.**
- b. Visitors. Midshipmen may have visitors (including Academy graduates) in their rooms only when proper authority is received from an officer of the Commandant's Staff, and only for the time authorized by the officer.
- c. Open House. At times prescribed by the Commandant of Midshipmen, barracks may be open to the general public for inspection. When open house is in effect, visitors will be permitted on all decks of each barracks.
- d. Midshipmen observing unauthorized visitors in the barracks should challenge them politely, requesting their business and request that they depart unless

escorted. They then should report this incident to the Midshipman Officer of the Day (MOD) or Midshipman Command Duty Officer (MCDO), whichever one can be located.

#### **525. Windows:**

- a. Appearance before windows. Midshipmen will not appear before windows undressed or improperly dressed. While dressing, shades will be drawn.
- b. Sitting in windows. Midshipmen will not sit on window sills at any time.
- c. Articles in/on windows. Midshipmen will not hang any articles in or from windows, or store any article on window sills or throw any articles from windows.
- d. Window decorations. Windows will not be decorated.
- e. Window cleaning. Midshipmen will be responsible for the cleanliness of both inside and outside of windows in their rooms.
- f. Broken window shades should be reported immediately and a work order submitted to the Department of Maintenance and Repair as soon as possible.

#### **526. Midshipmen Boarders:**

This paragraph establishes the special routines and regulations for Midshipmen boarding at the Academy for Athletic or Midshipmen Activities programs, Midshipmen returning early either from sea or home, or assigned aboard for temporary berthing from the Academy Training Representative.

- a. All Midshipmen remaining aboard for deficiencies, whether academic, disciplinary or other will comply fully with Academy regulations and will be granted the same liberty as their class or deficiency permits. No extra liberty or privileges will be granted.
- b. All Midshipmen who are returning early or in transit, either from sea or from leave, must report to the Midshipmen Personnel Officer, to the Office of the Commandant, Wiley Hall, or to the Command Duty Officer after hours. Midshipmen will then comply with the following:
  - 1. Notify your appropriate Company Officer and Company Commander concerning your status (reason for and length of stay) and to receive room assignment.
  - 2. Advise the Midshipmen Personnel Officer of room assignment.

3. Midshipmen will be added to company accountabilities and will follow the plan of the day without interfering with the normal daily routine of the members of the Regiment.

c. All Midshipmen who are remaining aboard to finish a varsity sport season (assigned to Dept. of Shipboard Training) or are taking part in a special academic or activities program (assigned to Commandant's Dept.) shall conform to the following:

1. Observe all regulations, instructions, notices and mess announcements.
2. Occupy and maintain only that room which was assigned to them by the Berthing Officer or their Company Officer, whether in the Regiment or aboard the T/V Kings Pointer.
3. Observe all daily routines, except as modified by the Commandant of Midshipmen.
4. Attend all required musters and accountabilities.
5. Maintain the appearance of his/her self and room throughout the day in compliance with Academy Regulations, whether in the Regiment or aboard the T/V Kings Pointer.
6. Doors will be tagged as follows:  
  
NAME OF OCCUPANT  
NAME OF SPORT OR REASON ABOARD  
DATE OF DEPARTURE
7. Wear the prescribed uniform of the day, if possible.
8. Perform such duties as may be prescribed by the Commandant, his staff or the Master of the T/V Kings Pointer.
9. May utilize free gangway as approved by the Commandant or Master of the T/V Kings Pointer, but must be in the proper liberty uniform for the Midshipman's respective class.
10. Use of Personally Owned Vehicle (POV) must be coordinated with both the Deputy Commandant and the Director of Public Safety prior to bringing the vehicle aboard.

Failure to comply with any stipulation of the above instructions may result in the termination of boarding privileges and/or immediate reassignment either to Shipboard Training or being placed in a leave status.

**527. Personal Property of Graduated, Resigned, or Disenrolled Midshipmen:**

Upon graduation, resignation, or disenrollment, a Midshipman must remove all his/her personal property from Academy grounds. Baggage lockers, the bike locker, club spaces and the first class parking lot exist for the convenience and welfare of Midshipmen. There is no room to store former Midshipmen's property on Academy grounds. Personal property left behind, for any reason, shall be considered to be abandoned and appropriate actions will be taken to remove abandoned property from Academy Grounds.

## CHAPTER 6

### LIBERTY AND LEAVE

#### **601. Authorizations:**

Liberty and leave privileges are extended to Midshipmen when the regimental and academic requirements of the Regiment of Midshipmen permit. Liberty and leave privileges will be prescribed by the Commandant of Midshipmen.

- a. Eligibility Criteria.
  1. No conflicting duties. A conflicting duty may be regimental or academic by nature and may not necessarily appear in writing.
  2. Midshipmen are advised to be familiar with the Tables of Priorities, figure 402-1 in Chapter 4 of this publication.

#### **602. Cancellation of Liberty or Leave:**

- a. General. Midshipmen are entitled to prescribed liberty and leave privileges only when all duty requirements have been satisfied and when they are not in a special status such as administrative or medical restriction.
- b. Authority to cancel liberty or leave privileges. For just cause and when necessary for the benefit of the Academy, liberty or leave privileges for individuals, classes, or the entire Regiment of Midshipmen, may be canceled.

#### **603. Proper Planning Travel Arrangements:**

- a. General. **It is the individual Midshipman's responsibility to return from liberty or leave on time. Failure to allow for ample time or lack of prudent planning on the part of the Midshipman will not be an excuse for returning late from liberty or leave.**
- b. Procedure when returning late:
  1. Notify the Command Duty Officer (CDO). The Midshipman will telephone the Midshipman Officer of the Day (MOD) USMMA, Kings Point, New York (516-773-5282) and notify the CDO via the MOD of the cause of delay and probable time of return to the Academy.

2. Statements. The Midshipman will obtain statements from public carriers when reservations, scheduled flights, or timetables are unavoidably delayed or canceled.

3. Establish his/her time of arrival. He/she will establish his/her time of arrival at the Academy by reporting in person to the MOD and MCDO, ensuring that an entry listing his/her name and time of arrival are made in the MCDO logbook.

c. Modes of Travel:

1. If public or commercial transportation is used and the Midshipman is in full compliance with paragraph (a) and (b) of this regulation and the delay was unavoidable, then "absent over leave" will not be charged. This is not applicable to failed plans involving space available or military flights.

2. Any Midshipman who returns late and has used private transportation will be charged with absent over leave.

**604. Weekend and Holiday Liberty:**

a. Normal Weekend Liberty. Weekend liberty is an authorized liberty which runs from Saturday to Sunday for the purpose of fulfilling the social, cultural and recreational needs of Midshipmen. Liberty commences after regimental functions on Saturday, and terminate, for the Fourth Class at the discretion of the Regimental Commander, or at the conclusion of liberty on Sunday, 1800 for the Fourth, 1900 for the Third Class, 2000 for the Second Class, and 2100 for the First Class.

b. Regimental Long Weekends. Regimental long weekends commence after last academic class or regimental function, whichever is later and terminates as in paragraph 604.a.

c. Weekend Quotas. On weekends when Midshipmen are able to utilize their long weekend privileges, a quota system will be used to ensure that an adequate representation for each class remains on board to attend to the business of administering the Regiment. On weekends with a Saturday Formal Parade or Command Inspection, no liberty will be authorized until completion of the event.

1. Liberty Quotas. The following percentages of Midshipmen may be on liberty:

50%	1/c
35%	2/c
25%	3/c



### **605. Dinner Liberty:**

Per Class Rates.

### **606. Special Liberty:**

Special liberty is an authorized liberty for the purpose of (1) receiving medical treatment or (2) conducting important personal obligations which cannot be taken care of during regular liberty hours.

a. Weddings: It is incumbent upon all Midshipmen to consider all their responsibilities at the Academy including Formal Inspections and parades prior to committing themselves to outside engagements.

1. When there is a conflict with the Regimental Calendar, special liberty requests will be approved for the purpose of attending a wedding in the immediate family only.

b. Restrictions. In cases where a Midshipman has been granted a special liberty request, and subsequently becomes restricted because of a Class II or Class III offense, such restriction may be lifted or deferred, as determined by the respective Company Officer, following written request by the charged Midshipman.

c. Procedures. Midshipmen who receive special liberty will conform to the following procedure for returning their liberty passes:

1. Unused Special Liberty Passes. Midshipmen who do not use approved special liberty requests must return same to the Company Officer prior to the close of business and before their authorized liberty request goes into effect.

2. Used Special Liberty Passes. All expired special liberty passes properly stamped in and out on at the MOD will be turned in at the office of the Company Officer in the company area. Liberty Passes must be turned in between the hours of 0800 and 1200 daily upon the return from liberty (Monday morning for weekend passes). After 1200 the liberty passes must be handed to the Company Officer personally and will be considered late in returning.

### **607. Cross Country Course/Bicycle Club/Roller Blading:**

Midshipmen desiring to run the cross country course in Kings Point Park, ride a bicycle, or go roller blading during authorized recreational hours must sign in and out at the MOD office. All Midshipmen riding a bicycle or roller blading must wear a protective helmet. Midshipmen **may not** run, bicycle, or roller blade off Academy Grounds after dark unless

wearing reflective gear; however, they may use the track. **Those Midshipmen on restriction are not authorized to depart Academy Grounds.**

**608. Aboard While In A Liberty Status:**

Midshipmen in a liberty status, may remain on board the Academy. Midshipmen doing so must follow the published plan of the day.

**609. Uniform For Liberty:**

When departing and returning from liberty, the service dress uniform in season will be worn by all classes, or as prescribed by class rates.

**No partial uniforms or individual uniform items, except the “A” Jacket and Reefer Jacket, may be worn off campus for any reason (this includes for the purpose of civilian employment)**

**610. First Class Free Gangway:**

Upon receipt of the United States Coast Guard license examination results in the Spring, the Commandant of Midshipmen MAY grant extended liberty privileges to the First Classmen who have successfully passed the US Coast Guard examination. Midshipmen must also be academically satisfactory and not on conduct probation. When granted, the procedures will be outlined in a Commandant's Notice. Free Gangway commences after the last scheduled class or 1220 hrs, which ever is later and ends at 0100 hrs; except for Sunday when it ends at 2100 hrs and does not commence again until Thursday afternoon.

- a. Midshipmen on Conduct Probation are not authorized to take free gangway at anytime.
- b. Free gangway is authorized for Midshipmen Officers, in good academic and regimental standing, throughout the academic year in accordance with published instructions from the Commandant.
- c. Midshipmen who volunteered during INDOC will be granted one trimester of free gangway in accordance with the published instructions of the Commandant.

**611. Leave:**

Leave is any authorized absence from duty for a period of more than 48 hours.

- a. Prescribed Leave. Prescribed leave is that period during which all eligible Midshipmen may be absent from duty, and when normal routine is suspended. Such prescribed leaves are Thanksgiving, Christmas, Spring and Summer leave and such other leaves prescribed by the Commandant and approved by the Superintendent. Midshipmen or Midshipmen's Parents making flight reservations during leave periods must ensure they do not conflict with classes, exam schedules, or Regimental obligations.
- b. Emergency Leave. A Midshipman may request emergency leave at times such as the serious illness or death of a member of the **immediate family**. Emergency leave will normally be such that no more than five academic days will be missed. Requests will be forwarded via the Company Officer to the Commandant. Requests will be handled in non-working hours by the CDO/MCDO. The request for emergency leave will be approved for up to 72 hours with instructions to the Midshipman to call the Commandant of Midshipmen prior to the expiration of that 72 hours if more time is required.
- c. Special Leave. Special leave is that authorized an individual for reasons of sickness or for administrative reasons in the best interest of the Academy.

**612. Room Condition Prior To Departure On Leave or Liberty:**

Prior to departing on leave, Midshipmen will place their rooms in "A" condition (see paragraph 519 of these Midshipmen Regulations), and lock their door.

**613. Returning From Leave:**

All Midshipmen returning from leave UNDER LEAVE ORDERS will ensure that the authorized leave papers are stamped at Vickery Gate and signed in the appropriate place by the MOD.

**614. Visiting the Academy while in leave status or assigned to Academy Training Representatives:**

Midshipmen visiting the Academy while in leave status either for business or other reasons, will identify themselves to the MOD to be logged in.

**615. Liberty for Academically Deficient Midshipmen:**

Liberty during designated study hours is a privilege that will only be available to Midshipmen who are in good academic standing.

a. Midshipmen on Academic Probation, Continued Academic Probation, Suspended Disenrollment and Suspended Setback or who are in the temporary categories of Refer for Evaluation (RFE) or Refer for Disenrollment (RFD), while awaiting an Academic Review Board, are not considered to be in good academic standing. Accordingly, liberty for Midshipmen in one of the above academic conditions is limited as shown below. [a status of Academic Warning (AW) will not effect liberty].

1. Midshipmen on Suspended Setback (SS) or Suspended Disenrollment (SD) and those who are Refer for Evaluation (RFE) or Refer for Disenrollment (RFD)

- (a). No free gangway
- (b). No extended dinner libs
- (c). Weekend liberty including long weekends expires at 1945 on Sunday evening

2. Midshipmen on Academic Probation (AP) or Continued Academic Probation (CAP)

- (a). Free gangway expires at 1800
- (b). Extended dinner libs expire at 1945
- (c). Weekend liberty including long weekends expires at 1800 Sunday

b. Midshipmen will be advised of their academic status as soon as possible after the beginning of each academic trimester. Each trimester the Academic Dean will publish a list of academically deficient Midshipmen.

## CHAPTER 7

### **DISCIPLINARY SYSTEM OVERVIEW**

#### **701. Disciplinary System Purposes:**

The purposes are to develop self discipline as a daily way of life, to correct Midshipmen whose conduct is not in accordance with prescribed standards, and in some cases, to separate those Midshipmen who are unwilling to conform to the minimum standards of conduct required at the United States Merchant Marine Academy. Disciplinary measures include counseling, demerits, reprimands, restriction, loss of privileges, loss of Midshipmen Officer rank, and suspension or disenrollment from the Academy.

#### **702. Standards of Conduct:**

The Standards of Conduct for Midshipmen are promulgated in these Regulations, Superintendent's Instructions, and Commandant's Notices.

#### **703. Demerits:**

Demerits are marks against a Midshipman's record, reflecting failure to maintain expected standards. The accumulation of demerits is one of the primary means by which a Midshipman's conduct is evaluated.

#### **704. Classification of Violations:**

Violations of the standards of conduct for Midshipmen (Honor Violations may also be classified as Class I violations, see paragraph 1109) will be classified as follows:

- a. **CLASS I OFFENSES**: are grave and/or deliberate violations of the standards of conduct, and may result in:
  1. Disenrollment
  2. Suspension
  3. Assignment of any other authorized disciplinary action, short of the above, as may be deemed appropriate.
- b. **CLASS II OFFENSES**: are serious and/or deliberate violations of the standards of conduct which are beyond reasonable limits and may result in:

1. Assignment of not more than 100 demerits for each offense or,
2. Such other authorized disciplinary action short of 704.b.1 deemed appropriate.

c. **CLASS III OFFENSES**: are errors or minor violations of the standards of conduct which are severe enough that they cannot be overlooked or accepted and may result in:

1. Assignment of not more than 50 demerits or
2. Such other authorized disciplinary action short of 704.c.1 deemed appropriate.

### **705. Conduct Periods:**

There are five conduct periods utilized to operate the Disciplinary System. These conduct periods will commence and end as indicated below:

- a. Fourth Class Period. The period in residence as a Fourth Classman.
- b. Third Class Period. Period in residence as a Third Classman.
- c. Second Class Period. Period in residence as Second Classman.
- d. First Class Period. The period in residence as First Classman.
- e. Sea Year Period. The combined periods assigned to sea training.

### **CONDUCT PERIODS**

Fourth Class Period:	<b><u>COMMENCES</u></b> : At 0800 on the first day of the first academic trimester assigned to the Academy. <b><u>ENDS</u></b> : At the time the Fourth Class is detached from the Academy for leave or sea duty.
Second and Third Class Period:	<b><u>COMMENCES</u></b> : When the Midshipman's Class returns to the Academy from either leave or sea duty. <b><u>ENDS</u></b> : At the time the Midshipman is detached from the Academy for leave or sea duty.
First Class Period:	<b><u>COMMENCES</u></b> : Same as for Second and Third Class Period.

**ENDS:** 1200 on Graduation Day; however, any First Classman with excess demerits at Graduation will not receive his/her diploma, commission, or license until his/her period of restriction is completed.

Sea Year Period:

**COMMENCES:** At the time the Midshipman is detached from the Academy for sea duty.

**ENDS:** At 0800 or when directed to return on the day the Midshipman is assigned to the Academy from sea duty.

**706. Conduct Trimesters:**

The Academic year is divided into three demerit trimesters which coincide with the academic trimesters. The conduct trimesters will commence and end after the last day of final exams.

**707. Conduct Grades:**

Conduct grades will be determined on a Trimester basis in accordance with the following:

**Total Demerits Assigned During A Conduct Trimester**

<b>Conduct Grade</b>	<b>First Class Period</b>	<b>Second &amp; Third Class Period</b>	<b>Fourth Class Period</b>
A	00-11	00-14	00-21
B	12-22	15-28	22-42
C	23-33	29-42	43-63
D	34-44	43-56	64-84
F	45 OR OVER	57 OR OVER	85 OR OVER

**708. Conduct Actions:**

The following table sets forth the demerit boundaries for Midshipman conduct:

<b>Conduct Year</b>	<b>Verbal Warning</b>	<b>Official Warning</b>	<b>Conduct Probation</b>	<b>Demerit Limit</b>
Fourth Class Period	84	200	250	300
Third Class				
A	28	50	65	85
B	56	100	130	170
Second Class				
A	56	80	110	130
B	28	40	55	65
First Class Period	32	100	125	150
Sea Year Period		100	125	150

a. Official Conduct Warning: The Deputy Commandant will personally meet with the subject Midshipman and his/her Company Officer when a Midshipman has accrued sufficient demerits to be placed on official conduct warning. The purpose of this meeting will be to mutually identify the reason(s) for the unsatisfactory conduct record and advise the Midshipman how to develop a better approach toward achieving the Standards of the Regimental System. At the time of this official conduct warning meeting, an individual letter will be given to the Midshipmen detailing the number of demerits earned at the time of this meeting, and officially warning the Midshipman that if the yearly demerit limit is exceeded, he/she may be subject to disenrollment from the Academy. A copy of this letter, signed by the Midshipman and the Deputy Commandant, will be made a permanent part of the Midshipman's Company Jacket and the Midshipman's Official Jacket.

b. Official Conduct Probation: The Deputy Commandant of Midshipmen will place a Midshipman on official conduct probation when he/she accrues demerits as set forth above or, if warranted, when a Midshipman is found guilty of a Class I or II offense. At the time the Deputy Commandant will meet with the Midshipman and his/her Company Officer for the purpose of discussing the Midshipman's record. A letter detailing the number of demerits earned by the



time of the meeting, and explaining the terms of probation will be presented the Midshipman for his/her signature. This letter will also be signed by the Deputy Commandant. The letter will be a permanent part of the Midshipman's Company Jacket and the Midshipman's Official Jacket.

c. Extended Conduct Probation: A Midshipman having exceeded the demerit total for his/her class may be placed on extended conduct probation for one or more trimesters, the terms (including the conduct grade to be earned each trimester on extended conduct probation) to be at the discretion of the Deputy Commandant. Extended conduct probation may be granted in the following circumstances:

1. In cases where a Midshipman has exceeded his/her period demerit allowance and the Commandant feels it is warranted, the Commandant may elect to place the subject Midshipman on extended conduct probation in lieu of recommending the Midshipman to the Superintendent for an Executive Board to review the case at the particular time.
2. In cases where a Midshipman has exceeded his/her allowable demerits and an Executive Board has been convened by the Superintendent to review the case, the Executive Board may recommend to the Superintendent that the Midshipman be placed on extended conduct probation subject to specific terms (minimum trimester conduct grade) in lieu of recommending disenrollment or suspension.

d. Special Conduct Probation: A Midshipman may be placed on special conduct probation by the Superintendent in the following situations:

1. In cases where a Midshipman is appearing before an Executive Board for conduct reason, other than having exceeded demerit limit for his/her Class, the Executive Board may recommend to the Superintendent that the Midshipman be placed on a special conduct probation and specify the terms of that probation (minimum trimester conduct grade to be earned, restrictions to be imposed, extra duty to be worked, the number of trimesters such special conduct probation is in effect, special training, etc.). This recommendation by the Executive Board may or may not be accompanied by a demerit and restriction award at the discretion of the Executive Board.
2. In cases where a Midshipman has appeared before an Executive Board for conduct reasons other than having exceeded the demerit limit for his/her class, and the Executive Board's recommendation to the Superintendent involves either disenrollment or suspension, the Superintendent may elect to place the subject Midshipman on Special Conduct Probation. Such special conduct probation will dictate the terms of the probation (minimum trimester conduct grade to be earned,

restrictions to be imposed, extra duty to be worked, the number of trimesters such special conduct probation is in effect, etc.). Such special conduct probation may or may not include a demerit award at the discretion of the Superintendent.

e. Suspension (Setback): Any Midshipman having appeared before an Executive Board for aptitude problems or Regimental problems may be suspended by the Superintendent and directed to leave the Academy for a specified period of time. Recommendation as to the commencement and length of the suspension action will be made by the Executive Board. Return to the Academy may be conditioned on particular terms of performance while on suspension, and such terms to be set by the Superintendent. Upon return to the Academy from a suspension action, the Midshipman will be expected to earn at least a C in conduct each trimester for that current academic year. A suspension action from the Superintendent is final and there is no appeal to the Maritime Administrator. Midshipmen who are suspended, normally, return to the Academy with no outstanding demerits to work off or restriction.

f. Disenrollment: Any Midshipman receiving demerits in excess of the demerit limit for his/her class as set forth in these regulations, or who has failed to abide by the terms of a conduct probation, an extended conduct probation, or a special conduct probation may be subject to separation from the Academy. Any Midshipman in this situation will automatically be reported through the chain of command (Company Officer, Deputy Commandant, Commandant of Midshipmen) to the Superintendent, who may refer such a case to the Executive Board for its consideration. In cases where the Midshipman has already appeared before an Executive Board for reasons relative to the current extended conduct probation, and the Executive Board's recommendation to the Superintendent was disenrollment, the Superintendent may elect to disenroll the Midshipman without convening a second Executive Board if he no longer sees any reason for the Midshipman to continue training at the Academy.

1. When it becomes necessary for an officer to report a Midshipman who has exceeded his/her annual allowance of demerits or violated the terms of his/her extended or special conduct probation, the officer will prepare a Midshipman profile accompanied by a brief endorsement by the officer. The officer's endorsement will present the officer's opinion of the Midshipman.

2. The Commandant of Midshipmen will forward the Company Officer's profile and endorsement with his/her own endorsement to the Superintendent.

3. In those cases that are referred to the Executive Board by the Superintendent, the procedures described in Chapter 10 will be followed.

## **709. Conduct Records:**

a. Company Jacket: The reports of violations of the standards of conduct and other pertinent material concerning the conduct record of each Midshipman will be maintained in the Midshipman's Company Jacket.

1. Dates Of Record. The date the demerits are awarded by the disciplining authority (See Paragraph 809 of these Regulations) will be used for conduct record purposes. In cases where Midshipmen are appealing an award, the source of the final appeal available under these Regulations will be considered the disciplining authority, and the date of record for such awards will be the day final appeal procedures are concluded.

2. Midshipman's Unofficial Personal Record Card. The Company Officer will maintain the Midshipman's unofficial Personal Record Card. The card will show the following information:

(a). Trimester demerit total and applicable grade.

(b). Annual demerit totals.

(c). Counseling record. Midshipmen are to be counseled by their Company Officer whenever they accumulate demerits rapidly, whenever they earn a failing trimester conduct grade, go on official conduct warning or conduct probation, or any time deemed necessary by the officer or the Midshipman concerned.

b. Commandant's Records. A Midshipman's conduct record will also be maintained by the Operations Officer in a master record maintained on all Midshipmen in the Regiment.

c. Midshipman's Official Jacket. The Midshipmen Personnel Officer maintains the Midshipman's Official Jacket; including the official Personal Record Card. The following conduct information is recorded therein:

1. Trimester conduct demerit accumulations and corresponding grade.

2. Period demerit accumulation.

3. Listing of all Class II and Class I offenses and resulting awards.

4. Any other official correspondence relating to conduct; including letters of reprimand, letters of commendation, letters of official conduct warning, official conduct probation, and letters of suspension, extended and special

conduct probation letters, letters of suspension and disenrollment and letters resulting from resignation with prejudice.

d. Ramifications of the 1974 Privacy Act. The Privacy Act of 1974 places restrictions on the collection, use, maintenance, and release of personal information by Federal agencies about individuals. It also gives individuals the right, subject to certain conditions, to see agency records about themselves, to obtain copies of their records, to request correction or amendment of their records, and to file a statement of disagreement in their records if the agency does not agree to a requested correction or amendment.

1. Midshipmen are advised that should they desire a recommendation from any employee of the Academy, prior to or subsequent to graduation, it will be necessary for such Midshipman/graduate to authorize the release of such information in writing. This authorization may be submitted in the form of a company form, or via a letter from the Midshipman/graduate. Unless such release is provided, the Commandant's department will limit its information about any Midshipman/graduate to the following:

(a). The Midshipman attended the Academy from . . . to . . . and resigned (a particular date).

(b). The Midshipman graduated from the Academy (a particular date).

2. Midshipmen are also advised that should any United States Government Agency request any information about a particular Midshipman/graduate, that the provisions of the Privacy Act allow the following dissemination of information without the Midshipman/Graduate's permission:

(a). Government employees may provide personal information about other individuals in the following exceptional circumstances without clearance with their immediate supervisors: as individuals and as known to them personally without reference to record, when the information is requested by a Federal investigator or other appropriate Federal official in connection with the Federal agency procedures such as suitability for Federal employment or security clearance checks, investigations of discrimination complaints, adverse actions, or grievance proceedings.

(b). Government employees may disclose personal information to other authorized Federal employees who have an official need to know.

e. Dispositions of Midshipmen Records. Midshipmen are hereby informed about the dispositions of their records after Midshipmen are graduated or separated for other reasons.

1. Midshipmen Who Graduate. Conduct records of Midshipmen who graduate are disposed as follows:

(a). The Company Jacket is maintained for one year and then destroyed.

(b). The Official Jacket, along with the official personal Record Card, and the medical record are kept at the Academy for a period of five years. At the end of that time those records are shipped to a government storage center for records, and are subject to retrieval by the Academy if necessary.

2. Midshipmen who are separated in any way other than through graduation. The Company Jacket, Official Personal Record Card, and medical records are combined into the official jacket and stored at the Academy for five years, at which time they are shipped to a government storage center for records and subject to retrieval if necessary. The principal difference in the handling of conduct records is that Midshipmen who do not graduate have their actual KP1-8's (Report of Deficiency) forms preserved in the official jacket, where as those that do graduate have the whole Company Jacket (containing the actual KP1-8's) destroyed one year after graduation.

## CHAPTER 8

### ADMINISTRATIVE PROCEDURES FOR OPERATING THE DISCIPLINARY SYSTEM

#### 801. Reporting Deficiencies:

Violations of the standards of conduct for Midshipmen may be reported at any time by officers, instructors, staff members, ship's officers (when the Midshipman is on sea duty), Midshipmen acting in an official capacity and other persons authorized by the Superintendent. Violations are to be reported on Form KP1-8 (Report of Deficiency) or via the computer/Progress. It is the obligation of the reporting authority to notify the charged Midshipman immediately or as soon as practicable that he/she is being placed on report and what the charge will be. However, it is recognized that there exists a number of violations such as "hands in pockets," "public display of affection," etc., where notification via the mast list is considered adequate notification. The following guidelines shall be observed when addressing a violation of the Midshipmen Regulations:

- CLASS I: 1. Place the individual(s) on report or,  
2. Discuss the violation with the individual's Company Officer and decide jointly on a course of action.

- CLASS II: 1. Place the individual(s) on report or,  
2. Counsel the individual(s) or,  
3. Discuss the violation with the individual(s) Company Officer and decide jointly on a course of action.

A Company Officer is the only individual authorized to prescribe alternative punishment (AP). Midshipmen Officers with mast responsibility may recommend AP. AP is only appropriate for Class III and less severe Class II violations. AP may be used in conjunction with other sanctions. If a Company Officer prescribes AP, it will be delineated in writing and a copy given to the individual being punished and the individuals who will administer the punishment. The Company Officer may use assets throughout the Academy (for example the Director of Character Development, the Marine Corps Representative, the Master of the Kings Pointer, etc.) to provide a worthwhile and meaningful AP. The Company Officer is responsible for the proper administration and oversight of the AP.

#### 802. Initial Routing of KP1-8's:

- a. Midshipmen who have prepared Class III Reports of Deficiency (see paragraph 806) will submit the KP1-8's to their Battalion Commander or via the computer/Progress. The Battalion Commander will forward all reports on Midshipmen not in his/her Battalion to the other Battalion Commander for processing.

- b. Any other authorized persons preparing Class III, II, and I Reports of Deficiency will submit the KP1-8's to the Commandant's Operations Officer who will forward such reports to the appropriate Battalion Officer or via the computer/Progress.
- c. Midshipmen who have prepared Class I or II Deficiency Reports (see paragraph 704 and paragraph 1109 and 1110) on any Midshipman in the Regiment will submit the KP1-8 to either their Battalion Officer for proper routing or directly to the Commandant's Operations Officer in Wiley Hall.

### **803. Procedure For Handling Class I Violations:**

- a. Any report of a violation which may meet the criteria for a Class I offense as set forth in Section 1109 of these regulations, should be submitted to the Commandant of Midshipmen via the Commandant's Operations Officer in Palmer Hall.
- b. The Deputy Commandant of Midshipmen will have the reported violation investigated by a Company Officer other than the Midshipman's Company Officer or the reporting officer.
- c. The Investigating Officer will, whenever possible, interview all those individuals involved with first-hand knowledge of the case and obtain written statements. The **statements must be written in the first person**; statements written in the third person are not acceptable.
  - 1. The Investigating Officer will inform the Midshipman to be interviewed as to the purpose of the investigation.
  - 2. The Investigating Officer is not precluded from obtaining and submitting a telephonic statement from a witness provided the witness has sworn the oath as prescribed in Section 1008e of these regulations
- d. The Investigating Officer will then prepare a written report to the Deputy Commandant presenting findings and conclusions.
  - 1. The report will include a draft of the Notification of Formal Class I Charges which outlines the recommended type and classification of the charge(s).
  - 2. The draft of the Notification of Formal Class I Charges should be specific, detailed and explicit.
- e. The Deputy Commandant will review the Investigation report and interview the Midshipman with his/her Company Officer. The Deputy Commandant will take one of the following actions:
  - 1. Exonerate the Midshipman of charges, if no violation has occurred, or

2. Reclassify the violation as a Class II or III offense, or
  3. Recommend to the Commandant that the charge(s) remain classified as a Class I offense. If a number of offenses arise out of a single event or a series of related events, the appropriate disposition will be made of any Class II or III offenses before a Class I offense is recommended.
- f. The Commandant will review the following Investigation Report and the recommendation of the Deputy Commandant, then take one of the actions:
1. Clear the Midshipman of charges, if no violation has occurred, or
  2. Reclassify the violation as a Class II or III offense, or
  3. Convene a hearing with the Midshipman and his/her Company Officer to take final action, or
  4. Forward the case with a recommendation to the Superintendent.
- g. The Superintendent will take one of the following actions:
1. Remand the case back to the Commandant for a Class I hearing, or
  2. Convene a hearing with the Midshipman and his/her Company Officer to take final action, or
  3. Forward the case to an Executive Board.
- h. Upon confirmation of the Class I offense, the charged Midshipman will take one of the following actions:
1. Appear with his/her Company Officer before the Commandant for a hearing as directed. If given punishment, may appeal the sanctions of the Commandant to the Superintendent, whose decision will be final. In this event the Commandant will forward, with recommendations, any appeal of disciplinary action.
  2. Appear with his/her Company Officer before the Superintendent for a hearing as directed. All sanctions short of disenrollment will be final.
  3. Appear before an Executive Board as directed. When notified there will be an Executive Board, select an Academy faculty or staff member other than a Chaplain, Academy Counselor, Lawyer, or member of the Commandant's Department to act as advisor. In the event that the Midshipman is unwilling or unable to obtain an advisor, the Superintendent may appoint an Advisor.



- i. Advisor's Duties: The advisor for the charged Midshipman will:
1. Furnish the Midshipman with guidance in order to enable him/her to present his/her position truthfully and with clarity and accuracy. All information, remarks and advice between advisor and Midshipman will be confidential until the law or these regulations require otherwise.
  2. Appear at the Executive Board with the Midshipman and all subsequent proceedings with the Midshipman, including the appeal to the Superintendent and Maritime Administrator, if applicable.
  3. Render such other assistance to the Midshipman as the Superintendent or Executive Board Chairman deem necessary.
  4. The Advisor may at any reasonable time request a recess for the purpose of meeting with the members of the Board to discuss the conduct of the hearing. The Executive Board Chairman will determine whether the request is reasonable.
  5. The Advisor may ask questions that will clarify issues and improve the conduct of the hearing.
  6. The Advisor may consult with and advise the Midshipman during the Midshipman's questioning by members of the Board.
  7. The Advisor will be permitted to summarize the position of the Midshipman in an opening statement to the Board and to provide clarifying comments in a closing statement to the Board.
- j. The Executive Board will consider the facts of the case in accordance with the guidelines outlined in Chapter 10 of USMMA Midshipmen Regulations. The Executive Board will arrive at a recommendation to be made to the Superintendent based on the merits of the case and will recommend one of the following courses of action after having taken into account overall record of the charged Midshipman including the academic, conduct and sea year record:
1. Disenrollment from the Academy, or
  2. Suspension from the Academy for a specified period of time, or
  3. Assignment of any other authorized punishment, short of the above, as may be deemed appropriate by the Board, or
  4. Exoneration of the charges.

k. The Superintendent will review and act on the recommendation of the Executive Board. The Superintendent may uphold the recommendation of the Executive Board or may depart from the recommendation as deemed appropriate.

l. The charged Midshipman may request an appeal of the Executive Board recommendation from the Superintendent.

m. The Superintendent will hear any request for the appeal of the Executive Board recommendation made by the charged Midshipman.

n. Final appeal: In event that the Superintendent acts to disenroll the Midshipman, the Midshipman may make an appeal to the Maritime Administrator whose decision will be final. Such appeal will be submitted in writing to the Superintendent, via the Commandant of Midshipmen, no later than seven days after the Superintendent's action. Midshipmen are eligible to appeal to the Maritime Administrator only when facing disenrollment action in disciplinary cases. If the Midshipman seeks such an appeal, that Midshipman is entitled to continue the course of instruction at the Academy until the results of the appeal are made known; Midshipman status continues. If the Midshipman does not appeal the Superintendent's disenrollment action, the Midshipman is to proceed immediately with checkout procedures.

o. The Superintendent will forward, with recommendations, any appeal of disciplinary cases of disenrollment that is made by the charged Midshipman.

p. If the Maritime Administrator upholds the decision of the Superintendent to disenroll a Midshipman, that Midshipman will be notified in writing and disenrolled immediately.

#### **804. Midshipman Performance Review Board:**

General: A Midshipman Performance Review Board is convened under the authority of the Commandant of Midshipmen by the Deputy Commandant of Midshipmen. The Board will identify deficiencies, and assist in development of Midshipmen with substandard performance in; regimental participation, conduct, physical fitness, human relations, and other areas as requested by the initiating officer. A recommendation to convene the Board is not only contingent upon a Midshipman possessing conduct warning, probation, or a limit level of demerits. the Board is an optional resource available to the Company Officers, before recommending a Midshipman for an Executive Board, Suitability Board, or further administrative action. Any statements submitted to the Performance Review Board must be written in the first person; statements written in the third person are not acceptable. Further and more detailed descriptions refer to Chapter 9.

## **805. Procedures for Handling Class II violations:**

- a. When a reporting official classifies a violation as a Class II or reduces a Class I to a Class II violation, that individual will submit the report to the Commandant's Operations Officer. An Investigating Officer may be assigned to investigate the offense.
- b. The Commandant's Operations Officer will record the charge and forward the report to the Midshipman's Battalion Officer who will notify the Midshipman of the charges.
- c. The charged Midshipman will within 24 hours after notification of the Formal charges, report to the Battalion Officer indicating whether or not he/she wishes to make a statement. Any statement submitted must be written in the first person. An indication of no statement will be acceptance of the charge as preferred to be correct and that no extenuating or mitigating circumstances exist.
- d. The Battalion Officer will review the statement of the charged Midshipman and convene a formal hearing composed of the Midshipman with his/her Company Commander to review the facts of the case. Based on the facts of the case, the Battalion Officer will take one of the following actions:
  1. Clear the Midshipmen of charges, or
  2. Reclassify the violation as a Class III Offense, or
  3. Assign demerits, not to exceed 100 for each violation, and/or
  4. Assign such other authorized punishments, short of (3) above, as is deemed necessary.
  5. Refer the case to the Deputy Commandant with a recommendation that an Executive Board or Midshipman Performance Board be convened to review the Midshipman's entire record and standing should the facts indicate some grave defect or lack of aptitude on the part of the Midshipman:
  6. Upon completion of the Class II hearing, the Battalion Officer is to forward all paperwork to the Commandant's Operations Officer for formal Recording.
- e. Final Appeal: The Midshipman may make an appeal to the Deputy Commandant of Midshipmen whose decision will be final. Such appeal will be submitted in writing to the Deputy Commandant of Midshipmen, via the Commandant's Operations Officer, no later than 24 hours after the Battalion Officer's action. The Commandant's Operations Officer will forward to the Deputy Commandant of Midshipman any appeal of the charged Midshipman. He will include Battalion Officer's recommendation in the case and include all documents, so that the Deputy

Commandant may be aware of the facts when hearing the appeal of the charged Midshipman.

**806. Procedures For Handling Class III Violations:**

a. When a reporting authority classifies a violation as a Class III violation, that individual will submit the report to the charged Midshipman's Battalion Commander for action via the Battalion Operations Officer. All KP1-8's will be submitted to the respective Battalion Operations Officer by 1400 Mondays.

b. The Battalion Commander will have the Battalion Operations Officer prepare a Mast List of violations charged to Midshipmen in that Battalion. The Mast List will be posted on the Battalion Bulletin Board, no later than 1900 Tuesday each week. The Mast List will show:

1. The Midshipman's name.
2. His/her Company and class.
3. The recommended demerits and/or punishments in the outside right-hand margin.
4. The charge.
5. A place to indicate, by initials, whether or not a statement will be submitted.

c. The charged Midshipman will:

1. Initial the Mast List Tuesday evening in the appropriate space indicating whether or not he/she wishes to make a statement. An indication of no statement will be acceptance of the charge as preferred to be correct and that there are no extenuating or mitigating circumstances involved. In such cases appropriate disciplinary action will be assigned by the Battalion Commander.
2. If a statement is to be submitted, it will be delivered to the Battalion Operations Officer no later than 1600 on Wednesday. Any statements submitted must be written in the first person.
3. Any charged Midshipman, submitting a statement, will report to the Battalion Commander's Mast Wednesday evening to answer any questions put to him/her by the Mast.

d. The Battalion Commander (Battalion Executive Officer), as chairman, and one senior Midshipman Officer from each Company in the Battalion will convene a hearing authority (Battalion Commander's Mast). The chairman of the Mast will

consider each case listed on the Mast List where the charged Midshipman has written a statement (Form KP1-60, Disciplinary Statement Form). The Battalion Commander must disqualify him/herself from hearing any case that he/she personally reported. In such cases the Battalion Executive Officer will preside over the Mast. Upon hearing the charged Midshipman's extenuating circumstances the BC/BX will render an initial decision subject to review by the Regimental Commander. The Battalion Commander's decision will not normally be questioned unless a technical error exists. The Battalion Commander may make:

1. Assignment of not more than 50 demerits and/or,
2. Assignment of such other authorized punishments, short of number (1) above, as the mast deems necessary.
3. Clear the Midshipman of the charge.

e. The Battalion Commander will then inform the charged Midshipman of the Mast's decision and ascertain whether or not the Midshipman desires to appeal to the Regimental Commander's Mast. In the case of any Midshipman who wishes to appeal the demerit recommendation at Mast, the Battalion Commander will notify the Regimental Commander, making an appointment with the Regimental Commander for the Midshipman that same Wednesday evening. He will forward the disputed KP1-60 to the Regimental Commander along with his recommendation on the KP1-60.

f. The Regimental Commander will hear all disputed Battalion Commander Mast decisions (Regimental Executive Officer, if the Regimental Commander was the reporting Officer). He/she will notify the affected Midshipman of his/her recommendation to the Commandant's Operations Officer and will submit all recommendations in writing on KP1-60 to the Commandant's Operations Officer by 0800 Thursday weekly.

g. In cases where the charged Midshipman does not desire to appeal to the Regimental Commander, the Battalion Commander will prepare decisions and submit the KP1-8 and KP1-60 to the Commandant's Operations Officer for review and assignment of punishment. The Mast decision will be forwarded to the Operations Officer by 0800 Thursday weekly.

h. The Commandant's Operations Officer will assign appropriate demerits in Class III violations.

i. Reconsideration of Class III Awards: After award of demerits by the Commandant's Operations Officer, every Midshipman has the right to request reconsideration by the Battalion Officer.

j. Appeal of Class III Awards: Appeal to the Battalion Officer is the final source of appeal in a Class III violation, and must be completed prior to 1600 Friday of the week the charge was masted.

### **807. Disciplinary Statements:**

A Midshipman may submit a written statement on any report of a violation of the standards of conduct. It is desired that any mitigating or extenuating circumstances, error in the report, or other matters which might be favorable to the reported Midshipman be set forth in the statement. In a Class II or Class III Offense, the lack of a statement regarding a conduct report constitutes agreement that the report is correctly stated and that there are no mitigating or extenuating circumstances:

- a. Preparation: Statements will be typed only on form KP1-60 (Disciplinary Statement) or use the computer program that is available. When needed, extra plain white sheets will be used to provide extra space.
- b. Contents: Statements will consist of a straight-forward account of the facts relating to the offense. Group statements will not be submitted. Statements will not be the medium for counter charges. It should not contain irrelevant or improper material (such as the use of slang, gross comments, or opinion). If the statement places the blame on another Midshipman, that Midshipman must be named. Any statement submitted that does not adhere to the above will be an additional report offense with the charge "Failure to Comply with General Instructions with Minor Effect" and a recommended award of 10 demerits.
- c. Composition: Statements must be written in the first person.

### **808. Resignation While Under Charges:**

Prior to the convening of a hearing authority (Mast, Battalion Officers Mast or the Executive Board) a reported Midshipman may elect to resign without prejudice, but the Superintendent may refuse to accept the resignation of the Midshipman under charges.

- a. If the Superintendent allows a Midshipman to resign at any time prior to the actual moment of an adverse decision by a hearing authority, no entry will be placed in his/her personal jacket reflecting the disciplinary charges. The only entry will be voluntary resignation for personal reasons, or words to that effect.
- b. Midshipmen who evade the disciplinary process by electing to resign will not be eligible for readmission.

## **809. Disciplinary Actions:**

a. Persons authorized to act as hearing or disciplining authorities: The authority reporting the violation, the investigating officer, or the reported Midshipman's Battalion Officer will not be authorized to act as or sit as a member of a hearing or disciplining authority. Authorized disciplinary action will be assigned as follows:

1. Class I offenses: By the Superintendent or Commandant.

2. Class II offenses: By the Battalion Officers

3. Class III offenses: By the Regimental Commander.

b. Deficiency Award Guide: In order to effect uniformity throughout the Regiment, the Deficiency Award Guide (Chapter 11) is a tabulated guide to govern demerit awards. It is intended that this table of offenses be used as a guide by reporting Officers, Staff members, Instructors, and Midshipmen in Regimental Mast Procedure. The demerit award listed at the right of each Class III offense is to be considered the normal award for that violation and matters considered in mitigation, extenuation, or aggravation could warrant an award either higher or lower than the norm. Where such matters exist, it should be noted briefly on the KP1-8 or in the statement for the benefit of reviewing authorities. Disciplining and appeal authorities are authorized and directed to change the assignment of disciplinary action if considered appropriate.

c. Authorized Disciplinary Actions: The following actions are authorized in disciplinary cases. Actions marked with an asterisk (\*) are authorized in the case of Class I offenses.

1. Not Guilty. To be recorded on Conduct Record Card using "X" for exoneration.

2. Demerits. Recorded on Conduct Record Card, Restricted/Extra Duty as appropriate.

3. Extra Work Assignments. As authorized by the Commandant's Operations Officer.

4. Extra Duty.

5. Extra Restrictions. As authorized by the Deputy Commandant of Midshipmen.

6. Reduction/Loss of Privileges. As authorized by the Deputy Commandant of Midshipmen.

7. Reduction/Loss of Midshipman officer rank. As authorized by the Commandant of Midshipmen.

8. Conduct Probation: When a Midshipman is placed on Conduct Probation, the terms of probation will state that the Midshipman must either maintain a specific conduct grade or not exceed a specified number of demerits over a stated period of time.

(a) When a Midshipman accrues demerits as set forth in Section 709 he/she will be placed on Conduct Probation.

(b) When a Midshipman is found guilty of a Class I or II offense he/she may be placed on Conduct Probation.

(c) If a Midshipman fails to meet the conditions of any Conduct Probation, he/she may be subject to separation from the Academy.

9. Any Combination of the Above: Recorded on Conduct Record Card.

10. \*Suspension

11. \*Disenrollment

d. Disciplinary Actions Due to Excessive Demerits: Disciplinary actions of restriction and extra duty will be incurred automatically when a Midshipman receives excessive demerits in a Conduct Month. Such actions will normally be served as provided below:

**DISCIPLINARY ACTION DUE TO EXCESSIVE DEMERITS**

**EXTRA DUTY SERVICE:**

<b>HOURS ASSIGNED</b>	<b>TOTAL DEMERITS ASSIGNED DURING A CONDUCT MONTH (ALL CLASSES)</b>
0	00-10
2	12-13
4	14-15
6	16-17
8	18-19
10	20-21
12	22-23



EXTRA DUTY for demerits in excess of 25 demerits is a logical extension of the above table.

**RESTRICTION SERVICE:**

<b>WEEKS RESTRICTION</b>	<b>TOTAL DEMERITS ASSIGNED DURING A CONDUCT MONTH</b>			
	<b>CONDUCT PERIOD</b>	<b>First Class Period</b>	<b>Second &amp; Third Class Period</b>	<b>Fourth Class Period</b>
0	00-10	00-14	---	00-20
1	11-20	15-24	---	21-30
2	21-30	25-34	---	31-40
3	31-40	35-44	---	41-50
*	40	44	---	50

\*RESTRICTION for demerits in excess of number listed for each class will be assigned by the Deputy Commandant.

e. Effective Date of Demerit Awards.

1. For the purposes of assigning extra duty and restriction, demerits will be charged to the conduct period in which awarded. Demerits are considered awarded the day the Commandant's Operations Officer officially records the assigned demerits. This is indicated by the date stamp appearing on the Class III KP1-8 or the date of the Battalion Officer's hearing in Class II situations. However, in no case will demerits be considered "awarded" until the final appeal is completed when a case has been appealed (See paragraph 803.1-o and 805.e of these Disciplinary System Regulations).

2. For the purpose of determining conduct period demerit accumulation and conduct grades, demerits will be charged to the conduct period in which the violation occurred.

f. Commencement of Disciplinary Actions. All disciplinary actions will commence at 1600 on the Monday following the date of the demerit award, and if the Monday is a holiday, then at the termination of normal class liberty.

g. Appeal of Disciplinary Action. No disciplinary action will be imposed until the final appeal, if made, has been completed. Final appeal of assigned disciplinary action will be made in accordance with paragraph 803.l-o or 805.e as appropriate.

1. The appeal authority for the three classifications of Disciplinary action are as follows:

(a) Class I Offense: The Superintendent (In cases of disenrollment, the Maritime Administrator).

(b) Class II Offense: The Deputy Commandant of Midshipman

(c) Class III Offense: The Battalion Officer

2. Final appeals of disciplinary action will be submitted to the appealing authority via the Disciplining authority (See paragraph 808.a). The Disciplining authority will endorse the appealing and forward it with pertinent material to the appeal authority.

(a) Preparation. The Midshipman's appeal will be in the form of a memorandum.

(b) Contents. The appeal will clearly state the reasons and justifications for the requested action.

(c) Action. The appealing authority will review the case on the merits of the appeal. After deciding the case, the appealing authority will note his disposition of the case upon the appeal memorandum and on the KP1-60 and return all pertinent material to the appropriate authority.

h. Outstanding Disciplinary Action At Graduation. Any Midshipman who has outstanding punishments will not be considered to have fulfilled the requirements for graduation. The Midshipman will not be eligible to receive graduation documents until all disciplinary action has been served.

### **810. Weekly Disciplinary Action Report:**

a. Purpose: This report lists the disciplinary actions assigned during the week. It will be prepared by the Commandant's Operations Officer.

b. Contents: It will list the Midshipman's name, company, class, demerits assigned during the week, total demerits for the month, total demerits for the period, total unserved Extra Duty, total unserved restrictions.

c. Posting: It will be posted on the Battalion Bulletin Board.

d. Corrections: When a Midshipman does not agree with the Weekly Disciplinary Action Report, he/she will notify the Commandant's Operations Officer who will resolve the discrepancy.

### **811. Restriction.**

a. Conditions of restriction: When restriction is imposed, the Midshipman will be confined to the Academy Limits except for emergency absences authorized by the Commandant of Midshipmen or when authorized to participate on team movements away from the Academy. Restricted Midshipmen will not act as watch replacement for another Midshipman without the approval of the Command Duty Officer (CDO). When it is not possible for Midshipmen to stand a consecutive seven day week of restriction (such as Christmas or Summer leave) those Midshipmen will not be restricted that partial week. That week of restriction will be postponed until the next full seven day week in residence at the Academy during Academic year. Midshipmen going to sea will be restricted upon their return from sea. Midshipmen may elect on a voluntary basis to work off Extra Duty daily, but such days will not be counted toward their restriction remaining. Midshipmen serving restriction will muster at the announced muster area at times prescribed by the Commandant of Midshipmen, in the uniform of the day.

b. Periods of Restriction: Each restriction will be a period of one (1) week.

1. Non-Holiday Weekends. Restriction will commence at 1600 on the Monday following the date of the demerit award, and end at 1600 on the following Monday.

2. Holiday Weekends. If Monday is a holiday, restrictions commence that week at termination of normal class liberty Monday night and end at 1600 the following Monday. Midshipmen completing their last week of restriction on a Monday that is a holiday are entitled to liberty after 1600 until the termination of their class liberty. On these holiday weekends, the restriction lists for the week prior to the holiday weekend will be posted on Friday of that weekend so Midshipmen will know their restriction status for both weeks.

c. Restriction and Team Movements.

1. Any Midshipmen may participate on academic team movements regardless of their status.

2. Midshipmen on Class III may participate in Academy recognized varsity athletics, Academy recognized varsity waterfront activities, and academic team movements. Midshipmen on Class I or II restriction must request permission from the Commandant of Midshipmen to participate in recognized varsity activities.

3. Midshipmen participating in **non-varsity** Academy recognized, organized athletics may continue to participate if they are on Class I, II, and III restriction **only** if they have been authorized to defer their restriction by the Deputy Commandant, otherwise they are removed from the team roster.
4. All team movements are to return to the Academy in a timely fashion upon completion of the scheduled activity.
5. Restricted personnel participating on a team movement are expected to notify the MCDO prior to departing and immediately upon their return. They will then resume the conditions of their restriction.
6. Until Acceptance Day, plebe candidates may only participate on team movements limited to the Academy grounds. Requests for exceptions will be carefully reviewed and rarely approved. Vessels will be considered as part of the Academy grounds provided they remain in the waters adjacent to the grounds.

d. Deferment of Restrictions.

1. Restriction is punishment failure to adhere to the system. In as much as restriction is a punishment, it is not something that should be arranged at the convenience of the Midshipman. Midshipmen with six or more weeks of restriction **may not** defer restriction.
2. The general policy of the Commandant of Midshipmen is in the opposition to the deferral of restrictions. Where extremely compelling reasons may exist for a Midshipman to request absence from the Academy grounds during a period of restriction, the Commandant of Midshipmen would be more inclined to lift the restriction for a specified short interval of time rather than defer the restriction. This, provided such lifting would not interfere with the standing of a routinely assigned watch or some other prescribed duty. Company Officers may lift or defer restriction in accordance with the Commandant's guideline.
3. With the exception of finals week, Thanksgiving, Christmas and Summer Leave, restriction will remain in effect during holiday weekends. **Class I restrictions will remain in effect during finals week. Spring leave will commence for Class I restrictions at 1615 hrs on the Monday following the last exam.**
4. Procedure.
  - (a) Form KP1-12 requesting deferment of restriction and Extra Duty may be procured in the BOOWs' offices. Deferments for restriction and/or Extra Duty are granted only on a weekly basis Monday to Monday.

- (b) Form KP1-12 requesting deferment of restriction and Extra Duty must be turned in to the respective Company Officer for approval well in advance of the week the deferment is requested but in any case no later than 1600 Friday before the week of restriction to be deferred. Midshipmen are advised that it is incumbent upon them to obtain official release from Regimental commitments before committing themselves to social commitments.
- (c) Requests for deferment of Class II restriction must be submitted to the Deputy Commandant no later than 1600 Friday before the week of restriction to be deferred.

## **812. Extra Duty.**

The following are policies and instructions for the performance of Extra Duty. The concept of Extra Duty is consistent with the principles of regimental training programs. Extra Duty fulfills a two fold purpose. Along with restriction, it is a source of negative reinforcement to Midshipmen to encourage them to live within the guidelines of the Regimental System, and it also permits the directing of such punitive energies to a useful objective that benefits Midshipmen; namely, the maintenance of regimental spaces.

### a. Musters and Times.

1. Extra Duty musters will be held daily, Monday through Friday at 1615, except for Wednesday's muster which will be held at either 1615 or 1715 as announced.
2. All Extra Duty musters will be held by the Regimental Logistics Officer, his petty officers or by one of the Battalion Logistics Officers. All announcements will be made to this effect at 1600 by the MOD at the direction of the Regimental Logistics Officer.
3. Midshipmen possessing medical passes for "Light Duty or No Formation" may be excused only after the muster has been taken, but will not be given extra duty credit.
4. Midshipmen who have scheduled eighth period classes, examinations scheduled through the Registrar's Office, field trips or other valid reasons as determined by the Commandant of Midshipmen for missing the 1615 muster, will report to the Regimental Logistics Officer to work out the conflicts.
5. Midshipmen reporting to the Extra Duty muster will present a neat appearance. The uniform will be the BOILER SUIT or Academy issued Gym Gear.

6. On reporting to the Extra Duty muster, Midshipmen will fall in at "Parade Rest" and there will be no talking in ranks. When the Regimental Logistics Officer gives the order to "Fall In", Midshipmen will come to attention and answer to the roll call in a loud and clear manner.

7. First Classmen with Class III Restrictions do not work E.D. and therefore do not muster at the E.D. muster. However, First Classmen with Class II or Class I demerits to work off will comply with provisions of paragraph 811.a above.

8. Midshipmen with Class II awards comprised of demerits and concurrent restriction will work Extra Duty until the respective number of demerits are worked off, exactly like Class III demerits. However, Midshipmen with Class II awards comprised of demerits and a specified number of weeks of restriction will work Extra Duty at the rate of 14 hours per week times the number of weeks of restriction.

b. Extra Duty Slips (Form KP1-34).

1. A Midshipman will Print In Ink, his name, class, and company, location of work, date and time in the appropriate blocks on the front of the slip.

2. The time to be filled in for weekday Extra Duty is 1615 to 1800. **THERE ARE NO EXCEPTIONS TO THIS UNLESS SPECIFIC INSTRUCTIONS ARE GIVEN BY THE COMMANDANT OF MIDSHIPMEN TO THE REGIMENTAL LOGISTICS OFFICER.** Midshipmen working one hour extra duty will fill in 1615 to 1715.

3. Midshipmen working the battalion areas, on watch, with an activity, or Class II Extra Duty assignment, will have the Battalion Logistics Officer, the Officer-in-charge of the watch, or the officer-in-charge of the activity, as the case may be, sign the slip (KP1-34) in the space marked "Signature of Commissioned Officer."

4. Sunday and Holiday Extra Duty work is on a voluntary basis and is subject to the approval of the Commandant of Midshipmen. Midshipmen wishing to work such Extra Duty should report to the Commandant's Operations Officer prior to 1615 on the Friday preceding the Sunday or the day preceding the holiday.

5. Midshipmen are to turn in their Extra Duty slips to the Regimental Logistics Officer prior to 2200 Sunday. Failure to do so is a report offense and Midshipmen will not receive Extra Duty credit for that week.

6. No Extra Duty credit will be given for Extra Duty performed without the approval of the Regimental Logistics Officer.

c. Procedures.

1. Demerits received in excess of the allotted 10 per month will be worked off at the rate of two (2) hours per day unless otherwise authorized by the RLOG.
2. Midshipmen working extra duty on Saturdays will be required to secure their extra duty by reporting to the Regimental Logistics Officer at 1430. Midshipmen working four hours extra duty on Saturday will be required to make the 1630 restriction muster. Midshipman working extra duty on weekends will be required to make all restriction musters.
3. Midshipmen having outstanding demerits remain in a restricted status until completion of all outstanding demerits.
4. Midshipmen will not perform extra duty in any Midshipman's room unless specifically approved by the Commandant of Midshipmen or his representative.

d. Academic Extra Duty. Fourth Classmen on Academic Probation are eligible for academic extra duty. Upperclassmen with cumulative grade point averages which fall below 2.0, in a suspended disenrollment status, or in an RFD status pending a decision are also eligible for academic extra duty. There may be other compassionate cases which will be dealt with individually with recommendations from the Dean's Office. Those Midshipmen who are eligible for academic extra duty and who have extra duty to perform, will muster with the regular Extra Duty Squad at 1615 in the Uniform of the Day with their study materials. Midshipmen on Academic Probation will pick up extra duty slips from the First Lieutenant mustering the Extra Duty Squad daily. They will be signed by the Regimental Academic Officer at the completion of the Extra Duty Hours. Academic Extra Duty must be approved by the Office of the Academic Dean and submitted to the Commandant's Operations Officer.

e. Remedial Program, Fourth Classmen. Midshipmen of the Fourth Class who are assigned to the Remedial Mathematics Program and who have extra duty to perform will report to the Remedial Class, and upon securing subject class, will report to the respective Regimental Logistics Officer for extra duty assignment. Extra Duty credit will be given for attendance at this class in the same manner as those Midshipmen having a scheduled eighth period class; the Instructor must sign each Midshipman's form and the class roster which must be turned into the Regimental Academic Officer.

## CHAPTER 9

### MIDSHIPMAN PERFORMANCE REVIEW BOARD

#### 901. General:

A Midshipman Performance Review Board is convened by the Deputy Commandant of Midshipmen or Regimental Officer, under the authority of the Commandant of Midshipmen, at the request of a Company Officer. The Board will review performance, and assist in development of Midshipmen with substandard performance in: regimental participation, conduct, physical fitness, human relations, and other areas. A recommendation to convene the Board is not always contingent upon a Midshipman's possessing a conduct warning, being on probation, or having an excessive number of demerits. The Board is an optional resource available to the Company Officers, before they recommend a Midshipman for an Executive Board or other administrative action.

- a. Regimental Participation. Midshipmen are expected to assume leadership responsibilities as they advance in the regiment. Midshipmen who demonstrate a lack of motivation and fail to assume leadership responsibility, may be recommended for a Board.
- b. Conduct. Midshipmen are expected to comply with the Midshipmen Regulations. Midshipmen who demonstrate recurring non-compliance with the Midshipmen Regulations may be recommended for a Board.
- c. Physical Fitness. Midshipmen who are unable to meet required physical fitness standards (including height and weight standards), and have failed to respond to counseling from their Company Officer, or the Commandant's Fitness Coordinator, may be recommended for a Board.
- d. Human Relations Skills. Midshipmen who establish a history of deficient human relations, including incidents of harassment, that have not been resolved by counseling may be recommended for a Board.
- e. Other Areas. Midshipmen may be brought before a Board as directed by the Deputy Commandant of Midshipmen.

#### 902. Rights of Midshipmen:

A midshipman appearing before the Performance Review Board will:

- a. Receive notification at least 48 hours prior to convening of the Board of the time and



location of the Board.

- b. Be allowed to review their company jacket and conduct record card prior to convening of the Board.
- c. Receive a copy of the Board's recommendation to the Commandant.

**903. Performance Review Board Membership:**

A Performance Review Board convened by the Deputy Commandant of Midshipmen or Regimental Officer will be comprised of:

- a. The Deputy Commandant of Midshipmen or Regimental Officer, as Chairman of the Board.
- b. A uniformed member of the Faculty and Staff, excluding members of the Department of Naval Science
- c. A Company Officer from outside the Midshipman's Battalion.
- d. The Midshipman's Company Commander as Board Recorder.\*

\* non-voting member

**904. Responsibilities of the Deputy Commandant/Regimental Officer:**

Upon request from a Company Officer for a Performance Review Board for a Midshipman in his/her respective company, the Deputy Commandant/Regimental Officer shall review the petition for a Performance Review Board. If a determination is made that a Board should be convened, the Deputy Commandant/Regimental Officer will:

- a. Notify the Midshipman in question, of the time and location of the Board.
- b. Conduct the Performance Review Board proceedings in accordance with the Performance Review Board guidelines as per paragraphs 907, 908, & 909.
- c. Inform the Midshipman in question, prior to dismissing the Board, of the Board's recommendation to the Commandant.

**905. Responsibilities of the Company Officer to the Midshipman:**

If a Company Officer makes a determination that a Performance Review Board is appropriate, the Company officer will:

- a. Recommend a Performance Review Board to the Deputy Commandant of Midshipmen.
- b. Explain the Midshipman's rights as per paragraph 902 to the concerned Midshipman.
- c. Provide an opportunity for the Midshipman in question to view his/her company jacket and conduct record card prior to the convening of the Board.
- d. Ensure in matters relating to deficient human relations skills, that the Midshipman in question is referred to the Academy Counseling Department as soon as possible.

**906. Responsibilities of the Midshipman's Company Commander:**

The Company Commander shall serve as Recorder for the Board and perform other duties as directed by the Chairman of the Board. The Recorder shall serve during all sessions of the Board and transcribe minutes of the Board's proceedings. The Recorder shall serve at the pleasure of the Chairman until relieved.

**907. Midshipman Performance Review Board Procedures:**

Performance Review Board hearings are conducted in an informal, cooperative manner. The Performance Review Board is a fact finding body charged with assessing Midshipman performance, and determining a course of action in the best interests of the Midshipman in question, and the United States Merchant Marine Academy. The specific format and sequence for the Performance Review Board shall be at the discretion of the Chairman. The general procedures for the Performance Review Board are:

- a. Opening statement by the Chairman.
- b. Opening statement by the Midshipman.
- c. A review of the record of performance as contained in the Midshipman's company jacket, sea year record, and other records as determined by the Chairman.
- d. Closing statement by the Midshipman.
- e. Closed session of the Board to review the record and Midshipman's performance, and make a determination by simple majority of their recommendation to the Commandant.

- f. Board notifies the Midshipman of their recommendation to the Commandant.
- g. Board is adjourned.

**908. Board Results:**

The Board Recommendation may include any combination of the following:

- a. Refer the Midshipman to the Academy Counseling Department for further counseling.
- b. Establish conditions of probation for the Midshipman.
- c. Restrict participation by the Midshipman in extra-curricular activities.
- d. Recommend an Executive Board be convened.
- e. Establish a course of action not aforementioned, that the Board concludes is in the best interests of the Midshipman in question and the United States Merchant Marine Academy.

**909. Close Out Procedures:**

Upon adjournment of the Performance Review Board, the Chairman shall submit a written report to the Commandant of Midshipmen of the Board's determination and recommendation, and as enclosure, the Board transcript. Additionally, a copy of the Chairman's report shall be forwarded to the Midshipman in question. A copy of the report shall be inserted into the Midshipman's company jacket.

**CHAPTER 10**

## **EXECUTIVE BOARD**

### **1001. General.**

An Executive Board is established to afford due process in cases concerning deficiencies of Midshipmen in academics, aptitude or adaptability, or in other matters that the Superintendent may submit to the Board. The Superintendent may, upon the recommendation of the Commandant, order the Executive Board Chairman to convene an Executive Board for its consideration and recommendation on the following:

- a. Any offense committed by a Midshipman that, in the opinion of the Superintendent, may be sufficiently grave as to warrant a recommendation for disenrollment.
- b. Any report which, in the opinion of the Superintendent, indicates a serious lack of adaptability, suitability or desirability of a Midshipman for a career in the Merchant Marine or the United States Naval Reserve.
- c. Any other matter for consideration.

The rules of evidence for judicial proceedings do not apply to Executive Board proceedings. Since the appearance before the Executive Board may have a major effect on the status of the Midshipman, it is essential that the individuals involved become knowledgeable in all of the proceedings and in their duties and responsibilities. Any statements submitted to the Executive Board must be written in the first person; statements written in the third person are not acceptable.

### **1002. Rights of Midshipmen.**

A Midshipman appearing before the Executive Board has the following rights:

- a. To receive written notification of the charges.
- b. To receive written notification of the time and place of the hearing and to be given a reasonable period of time to prepare his/her case.
- c. To appear before the Executive Board.
- d. To seek advice and assistance of legal counsel in the preparation of his/her case at the Midshipman's own expense. Legal counsel will not be present during the Executive Board hearing. Legal counsel will, however, be allowed to be present solely to serve as legal counsel to the charged Midshipman when the Midshipman is, at the time of the Board, charged with a criminal offense by a Federal, state, or local jurisdiction arising out of the same circumstances as the

charge before the Board. Counsel shall not actively participate in the proceedings but shall be allowed to consult with the Midshipman and provide advice.

e. To select an Officer Advisor. A Midshipman appearing before an Executive Board will select any Academy faculty or staff member other than a Chaplain, Academy Counselor, or member of the Commandant's Department to act as advisor. In the event that the Midshipman is unwilling or unable to obtain an advisor, the Superintendent may appoint one.

f. To examine all pertinent records being presented to the Executive Board.

g. To challenge the impartiality of any or all members of the Executive Board. Such challenges must be justified and submitted to the Executive Secretary of the Executive Board in writing within 24 hours of being informed of the membership of the particular Executive Board. The Executive Board Chairman will rule on challenges of members. Members disqualified will be replaced. Challenge of the Executive Board Chairman will be resolved by the Superintendent.

h. To present evidence (including the testimony of reasonably available witnesses) to justify retention at the United States Merchant Marine Academy.

i. To be present and question all witnesses during the hearing.

Note: Any statements submitted to the Board must be written in the first person; statements written in the third person are not acceptable.

### **1003. Executive Board Membership.**

Each Executive Board will consist of five (5) members, each with one vote. The Executive Board Secretary will not vote.

a. Chief of Staff as Chairman and permanent member.

b. Head of the Department of Naval Science as a permanent member. If challenged or unable to serve he/she will be replaced by another officer assigned to the Department.

c. Assistant Academic Dean for Support Programs (Chairman of the Professional Review Board) as a permanent member. If challenged or unable to serve, he/she will be replaced by a senior licensed member of the Professional Review Board

d. Any two (2) officers, faculty or senior staff, at least one of whom will have five (5) or more years at the Academy. The members for each particular Board will be selected by the Executive Board Chairman from a list provided by the Superintendent.

- e. In the absence of the Chief of Staff, the Superintendent will appoint a Chairman.

**1004. Responsibilities of the Superintendent.**

- a. Direct the Chairman of the Executive Board to convene an Executive Board.
- b. Appoint an Advisor if the Midshipman does not have one.
- c. Review and act on the recommendation of the Executive Board and advise the Midshipman of the decision.
- d. Hear appeal of the final decision by the Midshipman.
- e. Forward to the Maritime Administrator, with recommendations, any appeal by the Midshipman in cases where the Superintendent's final decision results in the disenrollment of the Midshipman and furnish copies to the Midshipman and his/her advisor.

**1005. Responsibilities of the Executive Board Chairman.**

- a. Schedule and preside over the Executive Board Hearing.
- b. Act upon the Midshipman's written challenge of any Executive Board member.
- c. Explain the Midshipman's rights to the Midshipman in the presence of the convened Executive Board.
- d. Inform the Midshipman that he/she must remain on the Academy grounds while awaiting the Superintendent's decision and inform the Midshipman of the right to appeal the Superintendent's decision, and the procedures for making such an appeal.
- e. Conduct the Executive Board proceedings in accordance with the Executive Board guidelines.

**1006. Responsibilities of the Advisor to the Midshipman.**

- a. Furnish the Midshipman with guidance in order to enable him or her to present his/her position truthfully and with clarity and accuracy. All information, remarks, and advice between advisor and Midshipman will be confidential.

- b. Appear at the Executive Board and subsequent proceedings, including any appeal to the Superintendent, with the Midshipman.
- c. Request a recess at any time for the purpose of meeting with the members of the Board to discuss the conduct of the hearing.
- d. Ask questions that will clarify the issues and improve the conduct of the hearing.
- e. Summarize the position of the Midshipman in an opening statement and provide clarifying comments in a closing statement to the Board.

### **1007. Responsibilities of the Executive Board Secretary.**

The Executive Board Secretary will be appointed by the Chairman of the Executive Board. The Executive Board Secretary is charged with the duties and responsibilities enumerated below:

- a. Contact members of the Executive Board and schedule the time for the Board to convene.
- b. Obtain the following data on the Midshipman scheduled to appear before the Board.
  - 1. Official Jacket
  - 2. Company Jacket
  - 3. Personal Record Card
  - 4. Academic Transcript
  - 5. The Commandant's recommendation that an Executive Board be convened and the Superintendent's notification that a hearing will be held.
  - 6. The Midshipman profile prepared by the Midshipman's Company Officer.
  - 7. The investigation report by a member of the Commandant's Staff including statements, logs, addenda, and endorsements.
- c. At least four working days, if practicable, prior to the scheduled Executive Board, the Executive Board Secretary will:
  - 1. Inform the Midshipman of the administrative nature of the proceedings and that the Executive Board is an advisory board to the Superintendent.

2. Have the Midshipman review all pertinent data in the Executive Board folder for any discrepancies, omissions or additions.
3. Brief each Midshipman on the right to appeal the Superintendent's decision, and the right of appeal to the Maritime Administrator in cases where the Superintendent's decision is to disenroll the Midshipman in non-academic cases.
4. Ensure that the Midshipman is aware of the right to an advisor and obtain the name of the advisor. A Midshipman desiring to waive the right to an advisor must do so in writing. The Superintendent will then be notified, via the Executive Board Secretary and Chairman, at which time the Superintendent may decide to assign an advisor to the Midshipman.
5. Determine whether the Midshipman intends to challenge any Executive Board Member and, if so, notify the Executive Board Chairman and forward the Midshipman's written justification for the challenge to the Chairman.
6. Obtain a list of witnesses to be called by the Executive Board Chairman and the Commandant and furnish a copy to the Midshipman.
7. Obtain a list of witnesses requested by the Midshipman and furnish a copy to the Executive Board Chairman.
8. Executive Board Folders. The Executive Board Secretary will prepare and distribute, at least four days (if practicable) prior to the convening of the Board, Executive Board folders, as described below, to every Midshipman appearing before the Executive Board and to Board members.

(a) Each folder will contain copies of:

- (1) The investigation report and statements from witnesses.
- (2) The Executive Board Chairman's memorandum convening the Executive Board.
- (3) Such other data as deemed appropriate by the Chairman of the Executive Board.

(b) Distribution

- (1) Five Members of the Board.



- (2) Midshipman concerned
- (3) Secretary to the Executive Board
- (4) Advisor(s)
- (5) Executive Board file.
- (6) Investigating Officer

9. On the day of the Executive Board hearing, the Executive Board Secretary will make available in the E. M. See Room, Wiley Hall, the following:

- (a) Updated Company Personal Jackets and Official Personal Jackets.
- (b) One updated copy of the Midshipmen Regulations.
- (c) Note pads and pencils for the Board members.

10. During the Executive Board hearing, the Executive Board Secretary will maintain a detailed, but not necessarily verbatim, record of the Executive Board proceedings.

11. Preparation of the Executive Board Recommendation. After the hearing, the Executive Board will prepare a written report (including the recommendation of the Board) to the Superintendent.

a. The format of the Report will be:

- (1) Cover Sheet signed by all members of the Executive Board.
- (2) Findings of the Board.
- (3) Documents considered by the Executive Board.

b. The complete report will be hand delivered to the Superintendent.

c. A copy of the Superintendent's memorandum to the Midshipman conveying the final decision will be distributed to board members, and to the Registrar and Midshipmen Personnel Officer for the Official and Company Jacket.

## **1008. Executive Board Procedures.**

Executive Board Hearings will be conducted in an informal, non-adversarial manner. The Executive Board is a fact-finding body charged with presenting an objective recommendation to the Superintendent. Members should convey to the Midshipman that they are acting in his/her best interest as well as that of the United States Merchant Marine Academy.

a. The Executive Board Hearing will be conducted in two steps, Phase I and Phase II.

1. Phase I will deal exclusively with the determination of the facts pertaining to the case at hand, the objective evaluation of those facts and a determination of guilt or innocence. The facts of the case will be presented by the Investigating Officer or the Deputy Commandant, as appointed under section 803.

2. Phase II will deal exclusively with the discussion of the course of action which will be recommended to the Superintendent.

3. Should the charged Midshipman elect to plead guilty to the charges as specified, the Chairman may dispense with Phase I of the hearing, provided:

(a). The Chairman has advised the Midshipman, before the Executive Board Members, of the consequences of pleading guilty, namely that an admission of guilt may be used in proceedings outside the jurisdiction of the Executive Board, the United States Merchant Marine Academy, or the Maritime Administration.

(b). The Midshipman has submitted a signed statement which indicates formal admission of guilt to the charges as specified and that the admission is given freely, without coercion and with the full knowledge of the Midshipman's Advisor.

b. The specific format and sequence for the Executive Board Hearing will be at the discretion of the Chairman. The general procedures will be as follow:

1. Opening statements by the Chairman.

2. Presentation by the Investigating Officer.

3. Opening statement by the Midshipman and the Midshipman's Advisor.

4. Presentation of witnesses.

5. Closing statement by Investigating Officer.

6. Closing statement by the Midshipman and the Advisor.
  7. Closed session of the Board to evaluate the facts and determine guilt or innocence of the charge(s).
  8. If the Midshipman is found guilty, the Midshipman may then make a presentation of witnesses and evidence to support retention at the United States Merchant Marine Academy or minimum disciplinary action.
  9. Closed session of the Board to determine the recommendation to the Superintendent.
  10. Presentation to the Midshipman and Advisor of the Board's recommendation to the Superintendent.
- c. It is preferred that all witnesses appear personally before the Executive Board.
  - d. All witnesses will be sworn in by the Executive Board Chairman.
  - e. When a witness is to be sworn, the Executive Board Chairman will say, "Please raise your right hand and answer the following: Do you swear or affirm that the evidence you will give in the case now in hearing will be the truth, the whole truth, and nothing but the truth." If a witness is recalled, the Chairman will remind him that he/she is still under oath.
  - f. The Midshipman will be present during the presentation of all evidence and will be permitted to question any witnesses.
  - g.. After all the witnesses have been heard, the Midshipman will be given the opportunity to testify before the Executive Board.
  - h. When the Executive Board is in closed session, the Midshipman, the Midshipman's Advisor and the Investigating Officer will be excused. No individuals other than members of the Executive Board and the Executive Board Secretary will be permitted in the Hearing room during closed session.
  - i. During Phase I the Executive Board will consider all the data available pertaining to the offense in order to arrive at an objective determination as to whether the Midshipman is guilty or not guilty. If the Executive Board determines the Midshipman is not guilty, they will recommend to the Superintendent that the Midshipman be exonerated. If the Executive Board determines the Midshipman is guilty they will, in Phase II, examine the Midshipman's entire record (academic, regimental, sea year and extra-curricular) in order to provide the Superintendent with a recommendation for disciplinary action.

- j. During Phase II, the Midshipman may present evidence and call witnesses to demonstrate exceptional potential for development and present arguments for retention at the United States Merchant Marine Academy or for minimum disciplinary action. The burden for demonstrating cause for retention is on the Midshipman.
- k. The Executive Board will consider the overall fitness of the Midshipman for a career in the Merchant Marine and the United States Naval Reserve.
- l. The deliberations of the Executive Board will be confidential. The Chairman will also remind the Midshipman of the right to appeal to the Superintendent and the procedures for making such an appeal.
- m. Upon completion of the hearing, the Executive Board Chairman will submit a written report of the Board's recommendation to the Superintendent.
- n. Executive Board Action Recommendations:
1. Disenrollment from the Academy, or
  2. Suspension from the Academy for a specified period of time,
  3. Assignment of any action, short of the above, as may be deemed appropriate by the Board, or
  4. Exoneration of the Charge/s.

### **1009. Midshipman's Appeal to the Superintendent.**

The Midshipman has the right to appeal the Superintendent's decision in non-academic cases. Intent to appeal must be submitted, in writing to the Superintendent within 24 hours after receiving the decision. The appeal itself, must be submitted in writing to the Superintendent within seven days after receiving the decision.

### **1010. Final Action by the Superintendent.**

After the Superintendent has arrived at a final decision regarding a disciplinary case, the charged Midshipman will be presented a memorandum from the Superintendent, via the Executive Board Secretary indicating the disposition of the case and the nature of the disciplinary action. After completion of the memorandum and presentation to the charged Midshipman, the Executive Board Secretary will ensure that copies are distributed to:

- a. Executive Board members (5)
- b. Executive Board Secretary
- c. Midshipman Official Jacket

- d. Commandant of Midshipmen
- e. Registrar
- f. Executive Board File

#### **1011. Appeals to the Maritime Administrator.**

- a. In the event the Superintendent's decision is to disenroll the Midshipman, the Midshipman may make an appeal to the Maritime Administrator whose decision will be final. Such appeal will be submitted in writing to the Superintendent, via the Commandant of Midshipmen, no later than seven days after the Superintendent's action. Midshipmen are eligible to appeal to the Maritime Administrator only when facing disenrollment action in disciplinary cases. If the Midshipman seeks such an appeal, that Midshipman is entitled to continue the course of instruction at the Academy until the results of the appeal are made known as long as the subject Midshipman lives within the Regimental guidelines. If the Midshipman does not appeal the Superintendent's disenrollment action, the Midshipman is to proceed immediately with checkout procedures.
- b. The Superintendent will forward to the Maritime Administrator, with recommendations, any appeal of disenrollment that is made by the charged Midshipman and a copy of the Superintendent's recommendation will be provided to the Midshipman and his/her advisor.
- c. Should the Maritime Administrator uphold the decision of the Superintendent, the charged Midshipman will be disenrolled immediately upon receipt of the Maritime Administrator's response in writing to the charged Midshipman.

#### **1012. Close out Procedures.**

Upon completion of all appeals procedures, the Executive Board Secretary will ensure the return of all items of the "Record" to the appropriate departments and the Executive Board Copy of the Executive Board folder to the Executive Board file located in the Chief of Staff's Office.

## CHAPTER 11

### DEFICIENCY AWARD GUIDE

#### 1101. General:

- a. The Deficiency Award Guide is designed to provide guidance for the administration of uniform, just, and equitable discipline within the Regiment of Midshipmen.
- b. The rewording of an original deficiency report solely to fit the phraseology or wording of infractions listed in this chapter is unnecessary. It is not intended that all possible violations of regulations or breaches of discipline be listed herein, but rather only typical deficiencies. Anyone authorized to place a Midshipman on report will rely on these typical deficiencies for guidance and seek the advice of the Commandant's Department in cases not covered.
- c. Some offenses listed may be adjudicated at various classification levels. All reporting authorities must investigate adequately and objectively to ensure that awards are handled at an appropriate level to ensure fairness.
- d. Investigations must be thorough at all levels. Considerations include how deliberate was the offense, the experience of the Midshipman, and the amount of judgment exercised by the Midshipman. Deficiencies that are not deliberate usually involve some degree of ignorance, carelessness, or neglect which must be considered in ascertaining the deficiency award.
  1. Ignorance of regulations and directives is no excuse for a violation of those directives when it is due to neglect on the part of the Midshipman.
- e. Loss of Liberty. Class liberty is automatically forfeited when a Midshipman is restricted as a result of disciplinary awards.

#### 1102. Adherence to Regulations, Orders and Instructions:

- a. Disobedience of orders and regulations is more serious than a mistake in judgment. Orders are given with the expectation of compliance both in spirit and in letter.
- b. Specific orders/instructions are those given to subordinates individually. Examples: "Midshipman Jones, do this", or in a publication, "Following Midshipmen are directed to report to...: Midshipman Jones, 98-1". Conversely, general orders and instructions are not directed to subordinates individually, but rather to the members of a group. Example: "All Midshipmen will comply with today's Plan of the Day."

c. Particular care will be taken to avoid enforcing the Fourth Class System by means of the disciplinary system. Failure of Fourth Classmen to comply with orders and restrictions imposed by the Fourth Class System will be corrected through that system. Any deficiency involving hazing is a Class I violation of these Regulations and will be reported through the disciplinary system.

### **1103. Adherence to Duty:**

- a. Consideration for determining the correct award for deficiencies involving duty should include: the nature of the duty, the Midshipman's position, and whether the deficiencies resulted from laxness, carelessness, negligence, or gross negligence.
- b. Experience is also a factor to be considered; (e.g. a Fourth Class Section Leader may deserve a lesser award than an upperclassman who commits the same deficiency).
- c. Failing to assume a responsibility, evading a regulation, permitting other Midshipmen under one's command to evade their responsibilities or regulations, and overlooking or failing to report breaches of regulations are all deficiencies which indicate poor motivation and a low concept of duty and responsibility.

### **1104. Standards Of Behavior:**

Midshipmen are expected to maintain a standard of behavior well above what may be acceptable social standards for college age men and women, and to exhibit maturity and responsibility in all environments. Those standards of manner and decorum expected from a commissioned officer and a gentleman or lady are expected of Midshipmen at all times. A Midshipman's action or words should not bring criticism against the Academy. If such conduct is observed of an individual who is identifiable as a member of the Regiment of Midshipmen, the charge will include that such conduct reflected discredit upon the Academy and the disciplinary award will be appropriately increased.

### **1105. Substance Abuse:**

- a. General Academy Policy. The United States Merchant Marine Academy does not condone substance abuse. All reported incidents of substance abuse will be investigated. Substance abuse by any Midshipman constitutes a serious breach of discipline and will not be tolerated.
- b. Drugs. Midshipmen who violate Federal or State Laws relative to drug abuse are subject to the penalties prescribed by law. The Academy is subject to

concurrent Federal, State and Local jurisdiction and will in no way provide protection from the law. When a Midshipman is found using, possessing, or distributing illegal drugs, he/she will be subject to disenrollment.

1. The Academy will investigate reported instances of drug abuse. Drugs and other drug culture paraphernalia confiscated from Midshipmen involved in a controlled substances investigation will be turned over to the Federal Drug Enforcement Agency for analysis and possible subsequent prosecution by the Federal District Attorney. The following disciplinary action will be taken for the use, possession and or distribution of illegal drugs.

a. On duty or on Academy grounds - subject to disenrollment .

b. Conviction by a court - subject to disenrollment.

c. Positive test, pre-sea year, pre-commissioning, reasonable suspicion testing:

(1) If Executive Board determines that the offense took place on duty or on Academy grounds - subject to disenrollment.

(2) If Executive Board determines that the offense took place off-duty (Off-duty is defined as when a Midshipman is on authorized liberty) - subject to medical disenrollment/leave to pursue rehabilitation.

d. Positive test, sea-year - disenrolled.

e. Positive test, follow-up testing - disenrolled

f. Positive test, voluntary test - opportunity for rehabilitation or medical disenrollment.

2. For the purpose of this Regulation, Midshipmen will be charged with being in violation of this Regulation if they remain in a room or space where they are aware that Illegal Drugs are present or being used. The only way Midshipmen may relieve themselves of this charge is to leave the room or space as soon as they are aware of the presence of such drugs.

3. The Academy will treat any reported information and the identity of its bearer as confidential.

4. When the Commandant of Midshipmen feels that information obtained about an individual Midshipman gives him/her a definite reason to suspect



that the Midshipman is involved in one or more instances of drug abuse, he/she will have the Midshipman confronted with the nature and extent of the information, may require testing for reasonable suspicion and offer the following alternatives:

- (a) The Midshipman may either resign without prejudice, or
- (b) The Commandant may request the Superintendent to convene an Executive Board to investigate the case.
- (c) The Commandant may transmit the information to an appropriate law enforcement agency with the understanding that the Academy will cooperate fully with any investigation, and that any information derived from the investigation will be used for criminal prosecution by the outside agency.

5. An opportunity for rehabilitation will be offered to a Midshipman who identifies him/herself as a drug user or tests positive as the result of a voluntary test or when the Executive Board identifies that drugs have been used off-duty. Any Midshipman who refuses to enter a rehabilitation program or is unsuccessful in completing a rehabilitation program (at his/her own expense) shall be subject to disenrollment.

c. Alcohol. For the purposes of these regulations, the term "alcoholic beverages" will include all forms of beer, wine, and distilled liquors regardless of the amount.

1. Midshipmen 21 years of age may consume alcohol as long as they do so in conformance with local, state, and federal law. Under New York State law, no person under 21 shall consume alcoholic beverages.

2. Midshipmen are prohibited from introducing (or causing to be introduced), possessing or using alcoholic beverages (including the possession of containers with alcoholic residue) in or on Academy grounds, vessels, vehicles, or Academy sponsored team movements, or other military installations, except as authorized by the Superintendent or delegated authority. Such authorization must be in writing from the Superintendent or delegated authority.

(a.) Midshipmen 21 years of age and older may consume alcohol at social functions while on Team Movements if permission is both requested and granted in writing on the Team Movement and the Officer Advisor is present.

(b.) A Midshipman will always be responsible for his/her actions and the MIC is always responsible for the actions/behavior of other

members of the Team Movement. The MIC will also be responsible for insuring that there is a "Designated Driver" of any Academy vessel or vehicle and for ensuring that the "Designated Driver" does not consume alcohol.

3. Any alcohol abuse or drunken behavior constitutes grounds for disciplinary action. Midshipmen who violate these regulations while drinking, or who are not physically capable of performing their duty, remain totally responsible for their actions and must accept the consequences for any misconduct occurring as a result of consuming alcoholic beverages.
4. First Class Midshipmen 21 years of age and older may consume alcohol in the Midshipmen Activity Center (Midshipmen Pub) during authorized hours of operation or at events approved by the Superintendent, provided they are not restricted. When alcoholic beverages are authorized to be served, they will not be removed from the designated areas.
5. Midshipmen will use their position, rank, and leadership experience to prevent others from drinking unlawfully and/or irresponsibly. Midshipmen of legal drinking age will not provide alcohol to underage Midshipmen. Furthermore, Midshipmen will not condone the serving of alcohol to underage Midshipmen or consumption of alcohol by underage Midshipmen. Toleration of this act will be a Class I offense.
6. Midshipmen assigned watch on a given day may not consume alcohol on that day or within 12 hours of assuming the watch.
7. For the purposes of this Regulation, Midshipmen will be in violation of this Regulation if they remain in a room or space where they are aware that alcoholic beverages are present or being consumed. The only way Midshipmen may relieve themselves of this charge is to leave the room or space as soon as they are aware of the presence of alcoholic beverages
8. During Sea Year Midshipmen will:
  - (a). Remain accountable for their actions, regardless of the consumption of alcohol by others.
  - (b). Acquaint themselves with the alcohol policies of the companies with which they are sailing. These policies and Coast Guard regulations will supersede the alcohol policies of the Academy and those of the host port while working for that company. For example, Midshipmen under 21 years of age may consume alcohol if they are not in violation of Coast Guard or company rules and are of legal drinking age in the host country.

Reports of conduct unbecoming a Midshipman, or other problems associated with drinking habits of a Midshipman during Sea Year will be reviewed and appropriate action will be taken.

(c). Not be under the influence of alcohol at any time while standing watch. A Midshipman choosing to consume alcoholic beverages, will allow a sufficient amount of time prior to the watch so that they are in an alert and sober state of mind (per Coast Guard regulations, no individual may consume alcohol within 4 hours of standing a watch).

9. Any Midshipman involved in two (2) alcohol related incidents will be referred to the Commandant of Midshipmen for action and may be disenrolled. An alcohol related incident is one in which alcohol consumption is a contributing factor leading to: the serious injury of any person, absence from duty, conviction for a moving motor vehicle violation, damage to property, or additional Class I violations of the Midshipmen Regulations. Consuming alcohol underage will also be considered an alcohol related incident.

10. Disciplinary Action:

a. First Offense - referral to Academy Substance Abuse counselor, with awarding of Class I or II violation. A first offense involving possession or use of alcohol on Academy grounds, vehicles or boats will be treated as a Class I offense and may result in a minimum punishment of a one year suspension.

b. Second Offense - awarding of a Class I violation and referral to Executive Board with recommendation of disenrollment.

c. Third Offense - disenrollment.

d. Court conviction of alcohol-related offense could subject Midshipman to disenrollment.

11. Counseling/Rehabilitation:

a. Counseling service and rehabilitation opportunity from the Academy Substance Abuse Counselor is available to Midshipmen on a voluntary basis.

b. First Violation - referral to Counselor for evaluation and treatment with therapy sessions on Academy grounds. If extensive therapy is required, the Superintendent may grant medical leave.

c. Second Violation - if Midshipman is allowed to remain on board, will complete an extensive rehab program at the direction of the Academy Substance Abuse Counselor. If the Midshipman is suspended, the rehabilitation program must be completed off campus.

d. Counseling services by Academy Counselor are provided at no cost to the Midshipmen. Cost of off-campus rehabilitation is responsibility of Midshipmen.

### **1106. Appearance, Equipment and Quarters:**

No more than 16 demerits may be awarded for any single inspection where Class II's or Class I's are not involved. When the awards for individual deficiencies reported at a single inspection total sixteen or more demerits, they will be combined into a single report, ("Unprepared for inspection") with an award of 16 demerits. Wording of the specifications of the report will include the specific deficiencies, for example; "Unprepared for inspection; i.e., unshined shoes, tarnished brass, etc., Saturday inspection in ranks. "

### **1107. Accountability:**

a. Be on time to all formations .

b. A Midshipman who is unable to return from leave or liberty by the designated time is required to notify the Midshipman Officer of the Day prior to the termination of leave or liberty for his class, stating the circumstances and expected time of arrival. In some cases, failure to notify could be cause for an increased award per the following examples:

1. Weather problems, but original travel plans not adequate to traverse the Metropolitan area or not adequate to allow for slight tardiness of public transportation; and MOD Not notified. (26 demerits, Class II).
2. Weather problems, travel plans adequate, but MOD not notified. (16 demerits, Class III).
3. Weather problems, travel plans adequate and MOD notified. ("X"-Exonerated).
4. Private transportation involving breakdown: use same criteria used with weather problems.

c. Late vs. Absent at Restriction Musters.

1. Late. Any Midshipman arriving at the muster after the Midshipman Command Duty Officer commences to take the muster is to be considered late; will be marked late on the Restriction Muster list; and placed on report 16 demerits. It is incumbent on the MCDO to hold the Restriction Muster in the same place at all times, and to not call the names until the proper restriction muster time.

2. Absent. Any Midshipman arriving to the Restriction mustering area after the MCDO has finished calling the roll for the second time and has dismissed the other restricted Midshipmen will be considered absent from restriction muster and marked accordingly on the restriction muster sheet. The absent Midshipman will also be placed on report for 26 demerits for absent accountability check.

d. Late vs. Absent Company musters (including Mess Musters).

1. Late. Any Midshipman arriving to the formation after the Company Chief Petty Officer calls the Company to "fall in" will be considered late and placed on report for 10 demerits.

2. Absent. Any Midshipman arriving to the formation after the Company moves out under the command of the Company Commander will be considered absent, so indicated on the muster sheet and placed on report for 16 demerits. Midshipmen who are not in place by the time the company moves out are not to march in formation but rather report to their Company Officer or Command Duty Officer.

**1108. Operations of Vehicles such as Automobiles, Boats, Bicycles, Motorcycles, or Trucks:**

When a Midshipman has been reported by an outside agency and has been punished by a fine or other administrative procedures, the use of the disciplinary system for additional punishment is inappropriate, unless the outside report brings forth a violation of Academy Regulations or conduct that reflects discredit on the Academy, etc. Midshipmen will not operate or ride on motorcycles, at any time.

**1109. Class I Offense:**

Class I offenses represent such a severe breach of Academy regulations and standards that they warrant special consideration by either an Honor or an Executive Board.

As indicated in Chapter 8, Section 803, any offense which is considered serious enough to qualify as a Class I offense will be reported to the Commandant. It is the Commandant who will investigate and determine if an offense is Class I.

In any case where it may not be clear whether the Commandant or the Honor Board should investigate a violation, the Honor Board Chairman/Advisor and the Commandant will confer with the Superintendent who will determine the order of precedence. Any Midshipman found to have violated the Honor Code twice (i.e. found Guilty of an Honor offense by either the Midshipmen Honor Board or an Executive/Suitability Board on two separate occasions) will be disenrolled.

1. If in the course of the Honor Board Process, it is determined that a violation of the Academy Disciplinary Regulations has also been committed, then regardless of whether the Midshipman is found guilty of an Honor Board violation, the Commandant will be notified so that further action can be taken if warranted.
2. If in the course of an Executive Board process, it is determined that an Honor Code Offense or that an additional Honor Code Offense has also been committed, then regardless of whether the Midshipman is found guilty by the Executive Board, the Regimental Honor Board Chairman will be notified so that further action can be taken, if warranted.
3. Violations of the Academy Honor Code will be subject to sanctions recommended to the Superintendent by the Honor Board.
4. Violations of Academy Disciplinary Regulations will be subject to sanctions recommended to the Superintendent by the Executive Board.

The following indicates general guidelines for offenses which the Commandant could determine to be Class I. The offenses listed below are examples of Class I offenses. However, this list is exemplary only and is not intended to be an all inclusive listing of Class I offenses.

1. Failure to comply with specific oral or written instruction or orders of a commissioned officer or superior while at the Academy, in any Academy related activity, or while engaged in a sea year status.

Example: Failure to report aboard a ship as ordered by an Academy Training Representative.

Example: Failure to leave an Academy social function when ordered to do so by the Command Duty Officer.

2. Failure to comply with Academy or shipboard rules or regulations.

Example: Leaving the Academy while restricted.

Example: Failure to be aboard a vessel one hour before the posted sailing time.

3. Improper performance of duties and responsibilities.

Example: Leaving a watch without the permission from an authorized superior.

4. Interference with an individual who is performing his/her duty.

Example: Preventing another Midshipman from conducting a proper accountability check.

Example: Preventing an authorized Midshipman from securing an Academy social function.

5. Willful vandalism of personal, real, commercial, or government property.

Example: Damaging an Academy clock, drinking fountain, or corridor speaker.

6. Unauthorized use of personal, commercial or government property.

Example: Use of an Academy van for purposes other than those authorized.

7. Arrest and conviction for inappropriate behavior/actions while under the influence of alcohol.

Example: Arrest and conviction by any police force, foreign nation or local government for harassing a local citizen.

8. Breaking and entering any Academy building or office.

Example: Breaking into the Mess Hall for food after the building is secured.

9. Unauthorized possession of any firearm, ammunition, explosive, or flammable item or substance.

Example: Possessing fireworks aboard Academy grounds.

10. Hazing - forcing another person to do hard, humiliating, or unnecessary work in order to punish or harass. Hazing also includes the use of excessive physical or mental demands upon another individual.

Example: Singling out a Fourth Classman for excessive verbal abuse by a group of upperclassmen.

11. Conduct which reflects discredit on the Academy and the Regiment of Midshipmen.

Example: Verbal abuse while observing an athletic event.

Example: Intoxication in a public place while in uniform.

12. Displaying a disrespectful attitude towards a superior or an individual in a position of authority.

Example: Verbal abuse of a superior during a regimental formation.

Example: Verbal abuse of a superior aboard ship.

13. Operating a vessel or vehicle in a reckless or careless manner in such a way as to endanger the lives or property of others.

Example: Driving in a personal vehicle with other Midshipmen at high speeds.

Example: Failure to abide by the International and Inland Regulations for Preventing Collisions at Sea while on watch or command of an Academy vessel.

14. Engaging directly or indirectly in any act of discrimination on the basis of race, sex, color, national origin, religion, age or handicap.

Example: Preventing another Midshipman from participating in some Academy activity on the grounds of race, color, creed, or gender.

Example: Addressing another Midshipman by using a racial or sexual epithet.

15. Engaging directly or indirectly in physical violence towards another person.

Example: Fighting with another Midshipman.

16. Sexual misconduct as defined by the regulations.

17. The possession, sale, use or transfer of controlled substances.

18. Lying, cheating, or stealing may be considered as a Class I offense or as an Honor offense (see the Honor Code Manual for more examples and definitions).

Example: Falsifying a Watch Log or other official documentation.

### **1110. Class II Offenses:**

(\*) indicates offense may be classified as a Class I offense or as a Class II offense depending on the circumstances of the case. (^) indicates offense may be classified as a Class II offense or a Class III offense depending on the circumstances of the case.

a. Orders and Instructions:



1. \*Failing to comply with specific written or oral instructions or orders of a Commissioned officer.
2. \*Continuing to violate or disregard instructions, orders, regulations, or corrections which were previously promulgated.
3. \*Demonstrating gross ignorance of regulations or directives.
4. Failing to comply with general instructions, orders or regulations through neglect, laxness or ignorance, resulting in a serious violation of these directives.
5. Failure to assist investigation or activity hindering such.

b. Duty:

1. \*Interfering with an individual who is performing his duty.
2. \*Gross failure to properly perform a duty.
3. Absent from watch.
4. ^Improper performance of duty.
5. Neglect of duty.
6. Sleeping on watch.

c. Government property:

1. Unauthorized possession of keys.
2. Losing drill rifle, sword, or other government equipment.
3. ^Damaging government property through carelessness or improper use.
4. \*Unauthorized use of government property.

d. Standards of Behavior:

1. \*Guest unauthorized.
2. ^Improper liberty procedure.
3. ^Hazardous skylarking.

4. ^Unwarranted assumption of duty/authority.
5. ^Unauthorized destruction of a report or document, including posted material or official bulletin boards.
6. ^Failing to submit a report, or rendering an inaccurate report.
7. ^Demonstrating gross laxness or inattention to detail in the submission of a written document.
8. Throwing articles from window.
9. Gross display of affection reflecting discredit on the Regiment of Midshipmen.
10. Engaged in unauthorized business activities.
11. Gambling.
12. \*Demonstrating conduct which reflects discredit on the Regiment of Midshipmen.
13. \*Displaying a disrespectful attitude toward a superior or an individual in a position of authority.
14. ^Displaying insubordination toward a superior or an individual in a position of authority.
15. ^Demonstrating conduct which reflects discredit on self.
16. \*Unauthorized possession or use of fire works.
17. Entering an unauthorized area outside prescribed Academy limits (see discussion in paragraph 202.c.1 through 7 of Midshipmen Regulations).
18. Absent unauthorized from prescribed Academy limits.
19. Absent overleave in excess of 30 minutes.
20. Violation of Limits during room restriction.
21. \*Operating vehicles in a reckless manner such as to endanger lives or property on or off Academy grounds.
22. ^Unprofessional relationship.

### **1111. Class III Offenses:**

(^) indicates offense may be classified as a Class II or as a Class III Offense depending on the circumstances of the case.

#### a. Academic Classes:

1.	Absent from class	16
2.	Absence from Physical Fitness Examination, or remedial Physical Training.	16
3.	Late to class	6
4.	Failure to bring proper equipment to class	6
5.	Leaving class unauthorized	16
6.	Unauthorized use of classroom	16
7.	Inattention in class during a period of instruction	6-16
8.	Classroom not secured	6
9.	^Engaging directly or indirectly in disruption within the classroom or academic building passageways	16-26

#### b. Accountability:

1.	Absent accountability check	26
2.	Late to accountability check	10-16
3.	Absent Regimental Formation, Function, Muster, or official scheduled activity.	16
4.	Late to Regimental Formation, Function, Muster, or official scheduled activity.	10-16
5.	Accountability card, failure to post	10

6.	Accountability card, improperly marked	6
7.	Failure to log out	16
8.	Improper logging	16
9.	Absent Call to Quarters (observed by officers taking the check)	26
10.	Absent Call to Quarters (Not observed by officers taking the check within <u>15</u> minutes of the room check)	50

c. Appearance:

1.	Chewing gum while in uniform or formation	6
2.	Bathrobe, untied	6
3.	Belt buckle, unshined	4
4.	Chin strap, tarnished	4
5.	Collar open, tie not two blocked	10
6.	Button unbuttoned (for each button)	2
7.	Not properly shaven	16
8.	Gross personal appearance	26
9.	Haircut, in need of	16
10.	Hair not combed	10
11.	Hands in pockets	10
12.	Hat cover, dirty, loose	10
13.	Hat on back of head	10
14.	Hat on in room	4
15.	Shoes unshined	10
16.	Uniform, article not wearing	10
17.	Uniform, not properly striped	16

18.	Uniform, out of at a social function (first offense)	16
19.	Uniform, out of at a social function (second offense)	26
20.	Wearing a spotted, soiled uniform	10
21.	Wearing or possession of dilapidated clothing	10
22.	Wearing an improper uniform in the area of company barracks	10
23.	Wearing civilian clothing at unauthorized time	10
24.	Wearing an improper uniform or civilian clothes outside the company barracks	16
25.	Unauthorized wearing of earring <u>at anytime</u>	26
26.	Wearing of earrings other than gold posts by female Midshipman	10
27.	Uniform improperly worn ashore reflecting unfavorably on the Regiment of Midshipmen	16-26
28.	Wearing an article of civilian clothing with the uniform	16
29.	Wearing uniform insignia not entitled to	10

d. Duty:

1.	^Improper performance of duty	16
2.	Failing to maintain order	16
3.	Failing to correct a report of deficiency	10
4.	Demonstrating indifference toward the Fourth Class system	10

e. Liberty:

1.	Absent overleave	16-26
2.	Dinner pass, submitting more than allowed	26
3.	^Improper liberty procedures	26
4.	Failure to turn in special liberty pass by 1200 the day after the expiration of liberty	10
5.	Failure to turn in special liberty or dinner liberty	26

f. Mess Hall:

1.	Commissary gear, unauthorized possession of	16
2.	Handling food before seats	6
3.	Food, throwing in Mess Hall	26-50
4.	Mess Hall Duties, improper performance of	10
5.	Improper Mess procedure	16
6.	Seats, taking prior to order	10
7.	Talking in Mess Hall unauthorized	10
8.	^Causing a disturbance in the Mess Hall	16
9.	^Table captain permitting improper table decorum	16
10.	Failing to maintain discipline or expected standards of behavior in the Mess Hall	16
11.	Removing any food from Delano Hall or galley unauthorized	16

g. Orders and Instructions:

- |    |  |       |
|----|--|-------|
| 1. | Failing to comply with general instructions, orders, or regulations through neglect, laxness or ignorance, with minor effect | 10-16 |
| 2. | Failing to comply with a specific oral or written instructions or orders of Midshipmen or commissioned officers              | 26-50 |
| 3. | Orders, slow in carrying out   | 10    |

h. Quarters:

- |     |                                       |       |
|-----|---------------------------------------|-------|
| 1.  | Reveille, violation of                | 16    |
| 2.  | Bunk, not made                        | 6     |
| 3.  | Bunk, improperly made                 | 4     |
| 4.  | Bunk, lying on unauthorized           | 10    |
| 5.  | Bunk, sitting on unauthorized         | 6     |
| 6.  | ^Bunk, smoking on                     | 26    |
| 7.  | Bunk, not stripped (Linen Day)        | 6     |
| 8.  | Use of desk type fan on window sill   | 16    |
| 9.  | Food on window sill                   | 16    |
| 10. | Articles hanging out of window        | 16    |
| 11. | Yelling out of window                 | 10-16 |
| 12. | Sweeping dirt into corridor from room | 10    |
| 13. | Failure to initial cleaning bill      | 10    |
| 14. | Cleaning station not done             | 16    |
| 15. | Cleaning station improperly done      | 10    |
| 16. | Barracks entrance steps, sitting on   | 10    |
| 17. | Dirty woodwork                        | 4     |

18.	Dust, dirt, or lint in cleaning station	4
19.	Inspection, not ready for	16
20.	Possession of unauthorized electrical equipment	16-50
21.	Possession or use of ice chests or coolers in barracks	16
22.	Lost key	16
23.	Baggage locker unlocked	10
24.	Improper baggage locker stowage	10
25.	Preparing food in room	16
26.	^Locks, unauthorized types	16
27.	Unauthorized furniture in room	10
28.	Improper room arrangement	16
29.	Out of season gear stowed in room	4
30.	Unstencilled gear	4
31.	Inspection sheet, lack of or improperly written	4
32.	Lights on, occupants absent	4
33.	Linen, dirty	4
34.	Linen, missing	4
35.	Gear adrift (1 or 2 items)	4
36.	Room in disorder (3 or 5 items adrift)	10
37.	Room in gross disorder (more than 5 items adrift or improper)	16
38.	Room occupied and door locked	16
39.	Sinks dirty	4
40.	Improper door tag	10



41.	Unauthorized presence in watch office	16
42.	Regs books, failure to maintain and/or keep current	16
43.	Failure to stencil name on all personal copies of Academic Books	6
44.	Defacing Midshipmen publications on loan to Midshipmen	16
45.	No door tag	16
46.	Television, watching unauthorized in room	16
47.	Leaving money or valuables unsecured in room	16
48.	Deck improperly swept or vacuumed	4
49.	Stereo too loud	10-16
50.	Radio playing, unauthorized	10
51.	Visiting of Midshipmen of opposite sex other than authorized times	26
52.	^Public address system, unauthorized use of	16

i. Standards of Behavior:

1.	^Failing to submit a report, or rendering an inaccurate report	16
2.	^Demonstrating gross laxness or inattention to detail in the submission of a written report or muster	16
3.	^Displaying insubordination toward a superior or individual in a position of authority	16-26
4.	^Demonstrating conduct which reflects discredit on self	16-50

5.	Discourteous conduct	16-26
6.	^Unprofessional relationship	10-16
7.	Failing to demonstrate proper military courtesy	10
8.	Using obscene, profane or improper language	10-26
9.	Improper etiquette while escorting	10
10.	Public display of affection	10
11.	Creating a disturbance	16
12.	Skylarking	16
13.	^Hazardous skylarking	26
14.	Smoking unauthorized	10
15.	^Unauthorized assumption of duty/authority	16
16.	Failing to safeguard government property	10-26
17.	^Removing articles from a building, room, locker, or classroom without the permission of proper authority	16-26
18.	^Unauthorized possession of library materials	16

j. Vehicles:

1.	Car, parked or driven aboard unauthorized (including Vickery Gate Circle)	26
2.	Allowing unauthorized persons to operate vehicle	16-26
3.	Exceeding posted speed limits on board the Academy grounds	16-26

k. Watches:

1.	Late to watch (up to ten minutes)	16
2.	Late to watch (over ten minutes)	26-50
3.	Watch bill, failure to initial	16
4.	Watch bill, initialed by someone other than the assigned Midshipman	16
5.	Permitting unauthorized personnel in watch office	16
6.	Violation of watch standing orders(no watch credit inclusive)	10
7.	Leaving watch post without proper relief	50
8.	Watch, using to avoid taking scheduled examination	26-50
9.	Food on the window sill of watch office, (Current watch stander responsible regardless of who put food on sill)	16
10.	Gross negligence as to duties	26
11.	^Unauthorized log entries	16

1. Miscellaneous Regulations.

1.	Failure to use chain of command	10
2.	Broken dental appointment	16
3.	Extra Duty, absent from	16
4.	Extra Duty, improper performance of	10
5.	Extra Duty, late to	10
6.	Extra Duty, leaving prior to completion	16
7.	Extra Duty Slip, improper procedure	10
8.	Identification card lost	10
9.	Mast list, failure to initial	6

10.	Medical Pass, failure to have logged	6
11.	Medical Pass, failure to surrender by 0800 the day the pass expires	10
12.	Musters, late in submitting	10
13.	Negligence as to reports	10
14.	Ranks, falling out of without authorization	16
15.	Improper route of travel	10
16.	Failure to render a salute	10
17.	Straggling	6
18.	Improper conduct in ranks	6-16
19.	Unmilitary bearing	10
20.	Whistling (in uniform)	6
21.	Sitting on window sill	6
22.	Sitting on steps	6
23.	Failure to reconcile overdrawn civilian bank account within one month of notice from the bank	16
24.	Lending unauthorized item, uniform, or government equipment to a visitor	10
25.	Snowball throwing	16