



# **Uniform Code of Cadet Conduct: Order and Discipline**

**VTCC INST. 5800.7**

DTD 01 August 2025

## EXECUTIVE SUMMARY OF CHANGES

**Originating Component:** Virginia Tech Corps of Cadets Standard Regulations

**Effective:** 1 August 2025

**Releasability:** Cleared for public release & available on the Virginia Tech Corps of Cadets website at <https://vtcc.vt.edu/>

**Reissues & Cancels:** N/A

**Approved by:** //SIGNED//  
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**Purpose:** Major Revision. Complete extract of *Chapter 5 - Discipline* from VTCC Instruction 1872.1, Standard Regulations to create the standalone *Uniform Code of Cadet Conduct*. This new document will reflect updates of the cadet discipline process and revise format, clarify specific language, and modify sections as necessary. All previously printed copies should be destroyed. All prior electronic copies should be deleted.

**Summary:** Changes are delineated in the following categories:

- Deleted
- Created
- Added
- Updated
- Consolidated
- Relocated

**Change Details:** The following specific changes are effective and shall be enforced:

**Introduction:**

- *Cover Page Created - instruction label included to differentiate between other VTCC instructions*
- *Created - VTCC 1872.1 Chapter 5 removed and rewritten into this document, the UCCC*

**Chapter 1: Tiered Disciplinary System**

- *Created - Chapter 1, Tiered Disciplinary System*
- *p. 9 Added - "Description" to provide purpose and intent for good order and discipline within the Corps*
- *p. 10 Added - Included new violation reporting procedures for self-reporting*

**Chapter 2: Punitive Articles**

- *Created - Chapter 2, Punitive Articles*
- *p. 17 Updated - Article 17 to reflect the senior alcohol privilege*

- p. 21 Updated - *Article 28 to clarify fraternization within dating/the mentor/mentee program*

***Chapter 3: Performance Review***

- Created - *Chapter 3, Performance Review*
- p. 25 Added - *Counseling resulting from PRB, and Monitoring Period*

***Chapter 4: Non-Judicial Punishment***

- Created - *Chapter 4, Non-Judicial Punishment*
- p. 26 Added - *Recommended NJP hearing timeline*

***Chapter 5: Punishments***

- Created - *Chapter 5, Punishments*

***Chapter 6: Merits and Demerits***

- Created - *Chapter 6, Merits and Demerits*
- p. 34 Created - *new merit/demerit email format and procedure*

***Chapter 7: Generic Tier 5 Hearing Procedures***

- Created - *Chapter 7, Generic Tier 5 Hearing Procedures*
- p. 36 Updated - *Key principles to differentiate between each hearing type*

***Chapter 8: Executive Committee Hearing Procedures***

- Created - *Chapter 8, Executive Committee Hearing Procedures*
- p. 44 Added - *Role of the Advisor to the Executive Committee*

***Chapter 9: Deputy Commandant Hearing Procedures***

- Created - *Chapter 9, Deputy Commandant Hearing Procedures*
- p. 45 Updated - *Deputy Commandant's Hearing procedure and referrals*

***Chapter 10: Joint Conduct Hearing Procedures***

- Created - *Chapter 10, Joint Conduct Hearing Procedures*
- p. 46 Added - *Joint Conduct Hearing Procedures*

***Annex A: Forms***

- Created - *Annex A, Forms*
- p. 48 Added - *NJP/Appeal Forms*

----- NOTHING FURTHER THIS PAGE -----

## INTRODUCTION

**All Commandant's Staff and Cadets are subject to these regulations.**

### IMPLEMENTATION

All members of the Corps of Cadets are hereby governed by this distinct volume of the Virginia Tech Corps of Cadets Regulations governing order and discipline.

### RESPONSIBILITY

Overall supervision of this policy is the responsibility of the Commandant of Cadets. However, the responsibility for the day-to-day operations is a combination of the Commandant's staff, the Cadet Regimental Commander, and the Cadet Leadership teams. Additionally, all cadets shall be familiar with these regulations in addition to the [university's Student Code of Conduct](#).

### VIOLATIONS

Cadets who potentially violate the *Student Code of Conduct* and Corps Regulations are primarily accountable to the university's *Code*. The Corps of Cadets may issue additional sanctions based on membership. The Office of Student Conduct coordinates adjudication with the Corps when necessary. Cadets are governed by both the university's Student Code of Conduct and separate Corps of Cadets Regulations. However, the Office of Student Conduct is responsible for leading and coordinating adjudication of joint processes with the Corps, when appropriate.

### CHANGES & UPDATES

Changes to this regulation are as follows:

- The Regimental Commander, under the cognizance of the Commandant of Cadets, may amend these regulations through Standing Orders.
- Coordinated by the commandant staff member designated as the *Instruction & Regulations Coordinator* by the Vice Commandant.
- Shall be reviewed, revised, and published annually before Corps graduation.
- Shall be reviewed by the incoming Cadet Regimental Commander & Staff Judge Advocate before final signature from the Commandant.
- Distributed online through the Corps website for all cadets and members of the Commandant's staff.
- The most recent edition of these regulations will take precedence to any old digital or hard copies.

**NOTE:** Cadets shall be included in the revision process to ensure their perspective is maintained.

**NOTE:** All Corps regulations may be increased, amended, changed, or deleted only with the approval of the Commandant of Cadets.

## Table of Contents

<b>INTRODUCTION</b>	<b>4</b>
IMPLEMENTATION	4
RESPONSIBILITY	4
VIOLATIONS	4
CHANGES & UPDATES	4
<b>CHAPTER 1: TIERED DISCIPLINARY SYSTEM</b>	<b>9</b>
DESCRIPTION	9
STANDARD OF PROOF	9
KEY PRINCIPLES	9
VIOLATION REPORTING	10
Procedures	10
Definitions	10
Explanation	11
Review Authority	11
Repeat Offenders	11
TIERED SYSTEM SPECIFICS	12
Tier One	12
Potential Punishment(s)	12
Offenses	12
Tier Two	13
Potential Punishment(s)	13
Offenses	13
Tier Three	13
Potential Punishment(s)	13
Offenses	13
Tier Four	14
Potential Punishment(s)	14
Tier Four Offenses	14
<b>CHAPTER 2: PUNITIVE ARTICLES</b>	<b>15</b>
ARTICLE DESCRIPTIONS	15
Article 1: Accessory After The Fact	15
Article 2: Attempts	15
Article 3: Conspiracy	15
Article 4: Absence Without Leave	15
Article 5: Missing Movement	15
Article 6: Disrespect Toward A Senior Cadet/Commissioned Officer, University Official, or Law Enforcement Officer	15
Article 7: Assaulting or Willfully Disobeying A Superior Cadet/Commissioned Officer, University Official, or Law Enforcement Officer	16
Article 8: Insubordinate Conduct Toward A Warrant Officer, Noncommissioned Officer, Petty Officer, or Cadet Noncommissioned Officer	16

Article 9: Failure To Obey Order or Regulation	16
Article 10: Cruelty & Maltreatment	16
Article 11: Larceny, & Wrongful Appropriation	16
Article 12: Forgery	16
Article 13: Making, Drawing, Uttering Check, Draft, or Other Without Sufficient Funds	17
Article 14: Perjury	17
Article 15: Spoilage or Destruction Of Property	17
Article 16: Drunken or Reckless Driving	17
Article 17: Alcohol Offenses Any cadet subject to these regulations who:	17
Article 18: Irresponsibility of Sentinel	18
Article 19: Malingering	18
Article 20: Riot or Breach of Peace	18
Article 21: Provoking Speeches or Gestures	18
Article 22: Extortion	18
Article 23: Assault	18
Article 23 Definitions	18
Article 24: Breaking and Entering	19
Article 25: Conduct Unbecoming An Cadet, Officer, & A Gentleman/Lady	19
Article 26: General Article	19
Article 27: Harassment, Sexual Harassment, & Sexual Violence	19
Article 27 Definitions	19
Article 28: Fraternization	21
Article 28 Upperclass Unique Items	22
Article 29: Visitation Violation	22
Article 30: Hazing	22
Article 30 Sanctions	22
Article 30 Policies	22
Article 30 Examples	23
Article 30 Reporting Requirements	23
Article 31: Illegal / Controlled Substance Abuse	23
Article 32: Possession / Use Of False Identification	23
Article 33: Inappropriate Use of University/Military/Government Identification and/or Door Card	24
Article 34: False Official Statements	24
Article 35: Breaking Restriction	24
<b>CHAPTER 3: PERFORMANCE REVIEW</b>	<b>25</b>
DESCRIPTION	25
<b>CHAPTER 4: NON-JUDICIAL PUNISHMENT (NJP)</b>	<b>26</b>
DESCRIPTION	26
FORUM CHOICE	26
KEY PRINCIPLES	26

GENERAL GUIDANCE	26
LEVELS OF NON-JUDICIAL PUNISHMENT	27
Regimental	27
Battalion	27
Company	27
SPECIFIC PROCEDURES	28
NJP PROCEEDINGS	28
Membership	28
24-Hours Prior to Proceedings	28
CSM/SGM/1SG	28
NJP Officer	29
APPEALS & REVIEWS	29
Definitions	29
Appellate or Reviewing Officer Guidance	29
<b>CHAPTER 5: PUNISHMENTS</b>	<b>31</b>
PUNISHMENT BASICS	31
Limitations	31
Standard Punishments	31
AUTHORIZED PUNISHMENT MATRIX	32
NOTE: As referenced in the table above, “Days” refers to calendar days following the closure of the appeal process.	32
WEEKEND RESTRICTION POLICY	33
Unit Commander	33
The restricted cadet shall:	33
<b>CHAPTER 6: MERIT &amp; DEMERIT SYSTEM</b>	<b>34</b>
DUTIES & RESPONSIBILITIES	34
Company Commander	34
Battalion Sergeant Majors	34
Regimental Executive Officer and the Regimental Command Sergeant Major	34
ISSUANCE	34
Procedure	34
Demerit Email Format	34
Merit Email Format	35
<b>CHAPTER 7: GENERIC TIER FIVE HEARING PROCEDURES</b>	<b>36</b>
DESCRIPTION	36
KEY PRINCIPLES	36
RIGHTS OF THE ACCUSED	37
<b>CHAPTER 8: EXECUTIVE COMMITTEE HEARING PROCEDURES</b>	<b>38</b>
WITNESSES & EVIDENCE	38
Witnesses	38
Evidence	38

PROCEEDING ATTENDANCE	38
REFERRAL, SERVICE, AMENDMENT, & WITHDRAWAL OF CHARGES	38
PRE-HEARING SPECIFICS	39
Conditions on Liberty	39
Investigation	39
PRE-HEARING MATTERS	40
Discovery	40
Disclosure by the Defense	40
General Items	40
HEARING PROCEDURE	40
Uniform	40
Hearing Officer	40
Arraignment	40
Motions	41
Executive Committee Hearing Script	41
Presentation of the Case on the Merits	41
Deliberations & Voting on Findings	42
Appeals & Final Approval	43
Executive Committee Sanctions	44
Military Probation	44
ROLE OF ADVISOR TO THE EXECUTIVE COMMITTEE	44
<b>CHAPTER 9: DEPUTY COMMANDANT HEARING PROCEDURES</b>	<b>45</b>
DESCRIPTION	45
HEARING SCRIPT	45
<b>CHAPTER 10: JOINT CONDUCT HEARING PROCEDURES (VT Student Conduct &amp; Deputy Commandant)</b>	<b>46</b>
DESCRIPTION	46
Review of VTCC Charges	47
Student Conduct Pleas	47
VTCC Pleas	47
Opening Statements	47
Witnesses Statements (Individually invite witnesses in)	47
Questions	47
Closing Statements	47
<b>ANNEX A: FORMS</b>	<b>48</b>



## CHAPTER 1: TIERED DISCIPLINARY SYSTEM

### DESCRIPTION

Coming from the Latin, “to discipline” means “to teach.” “Insofar as the military conduct of the [Virginia Tech Corps of Cadets] is concerned, nothing need be added to that definition. Its discipline is that standard of personal deportment, work requirement, courtesy, appearance and ethical conduct which, inculcated in all [cadets], will enable them singly or collectively to perform their mission with an optimum efficiency.” The main object of military discipline is to “preserve the interests and further the opportunity of the cooperative majority. But the essential difference between discipline in the [Corps] and in any other free institution is this, that if the [cadet] objects, [they] still do not have the privilege of quitting tomorrow, and if [they] resist or become indifferent and are not corrected, [their] bad example will be felt to the far end of the line” (Adapted from The Armed Forces Officer, 1950).

The Uniform Code of Cadet Conduct (UCCC) is modeled after the Uniform Code of Military Justice and *provides cadet Commanders and the Commandant’s Staff with an essential and prompt means of maintaining good order and discipline.* The UCCC is designed to promote positive behavior and corresponding change in VTCC members. The enforcement of the system that follows ensures a fair and standardized system for disciplining those cadets who have committed infractions of the university’s [Student Code of Conduct](#) or cadet regulations and is designed to provide an efficient means to investigate and adjudicate those tiered offenses under the UCCC.

The UCCC is composed of five tiers: Tier 1-4, minor offenses, to be handled under Nonjudicial Punishment guidelines. Tier 5, major offenses, to be adjudicated by the Executive Committee (junior cadets and below; equivalent cadet court-martial proceedings convened by a panel of peers) or by an assigned Deputy Commandant and/or University Student Conduct (all senior cadets; or based on sensitivity/egregiousness of offense (e.g. FERPA, T-IX)).

### STANDARD OF PROOF

Preponderance of the evidence, meaning it is *more likely than not* the member committed the offense (i.e., 50% and a feather).

### KEY PRINCIPLES

In cases where a specific infraction has been made against the cadet regulations and in order to maintain discipline, every member of the Corps must adhere to the following key principles:

- The member observing the offense shall immediately report to the offending cadet’s chain of command the nature of the infraction and the name of the offending cadet.
- Cadets performing official business where the power to award punitive measures has been enumerated (i.e. the giving of demerits), shall provide discipline directly to the offending cadets and should inform the offending cadet’s chain of command.
- In cases of serious breach of regulations, members observing the offense shall immediately notify the offending cadet’s company commander, and the commander will be responsible for awarding disciplinary action according to the tiered scale listed below.
- In the case of a serious breach of regulations that fall within the definition of a Tier 5 offense, the offending cadet’s company commander shall then immediately notify their Deputy Commandant, SEA, and Regimental Staff Judge Advocate.

## VIOLATION REPORTING

### Procedures

Violation Reporting Procedure is to ensure that all alleged offenses within the Corps are properly documented, assessed, and addressed through the appropriate channels. It establishes a clear process for handling reports—whether through the chain of command, law enforcement, or the Office of Student Conduct—and ensures that serious matters are forwarded for formal review by the Executive Committee when necessary. This helps maintain accountability, uphold standards, and ensure due process.

- Any cadet authority may receive a report of an offense. Typically, such reports are made to investigative authorities or to appropriate persons in the chain of command.
- ***Self-Reporting*** must occur within 24-hours of commission of an offense and/or witnessing a violation. Those self-reporting should report through their chain of command. All violations of the laws of the land, university Code of Conduct, and VTCC Tier 5 offenses must also include reporting to the individual's immediate commanding officer. Those who do not report a violation as mentioned above are subject to sanction under Article 26, General Article - Toleration, at minimum.
- When a person who is not a law enforcement official receives a report of an offense, that person should forward the report to the immediate commander of the suspect, unless that person believes it would be more appropriate to notify law enforcement. If the behavior violates the Student Code of Conduct, a conduct referral should be filed by the commander or Corps staff with the Office of Student Conduct.
- For Executive Committee reporting procedures, a thoroughly completed NJP form will be used. A memorandum will accompany it from the Cadet Officer bringing charges, explaining the violations. This will be handled as an NJP case but will be forwarded through each level of command to the Executive Committee.

### Definitions

- ***Non-Judicial Punishment/Office Hours:*** NJP is a proceeding by which offenses of cadet regulations can be adjudicated in an expeditious and fair manner. Only Cadet Commanding Officers are authorized to hold NJP. NJP can be handled at the Cadet Company, Battalion, or Regimental level.
- ***Regimental/Battalion Disciplinary System Hours (RDS/BDS):*** will be the means by which cadets work off demerits and RDS/BDS hours assigned during NJP, Executive Committee Hearings, or Deputy Commandant Hearings. The Regimental/Battalion Sgt Majors will establish those times during the week when cadets may work off their sanctioned hours. The established means of reducing/working off demerits and "tours" follow:
  - ***Work Details:*** Duties may include, but are not limited to: grounds keeping, cleaning of common areas, and university projects. Work should be constructive, not demeaning in nature.
  - ***Marching Tours:*** In most cases, RDS/BDS hours will be issued where two hours of RDS/BDS will be considered equivalent to one hour of marching tours.
  - ***Study Tours:*** Study tours are mandatory study hours that are awarded as punishment. Uniform will be the uniform of the day (UOD). Location and time are set by Battalion Academic Officers. Hours are awarded through NJP, the Executive Committee, and Deputy Commandant Hearings.

## Explanation

The disciplinary scale was developed to make punishment fair and standardized throughout the Corps of Cadets.

The tiered system does not represent prescribed punishments but offers guidelines for consideration. When applicable, cadet commanders/other cadet leaders are empowered to use judgement in the application of lesser or more severe punishments. However, an explanation and justification shall be provided in the form of an official memo.

**EXAMPLE:** If awarding demerits for an offense and a lesser/greater punishment is desired, the cadet leader may specify a lesser/greater punishment and attach an explanation form to the demerits when they are passed up to battalion level.

## Review Authority

- The Regimental Commander is the review authority for all disciplinary proceedings at the battalion level.
- The Battalion Commander is the review authority for all disciplinary proceedings at the company level and below.

**NOTE:** Deputy Commandants maintain withhold authority and may intervene in any NJP-level disciplinary actions within their battalions, as appropriate.

**NOTE:** The Commandant of Cadets is the final appellate and reviewing authority for all Tier 5 disciplinary actions.

## Repeat Offenders

In cases where the offending cadet repeats an offense, the level of discipline may:

- Increase by one tier upon commission of the next offense within the same academic year.
- For each repeat of the offense, the punishment level may be escalated to a higher tier.

**EXAMPLE:** For instance, if a cadet commits a tier one offense, that cadet will be punished at the tier one level. If the cadet repeats the same offense during the same school year, the cadet may then be awarded punishment at a higher level pending the severity of the offense.

## **TIERED SYSTEM SPECIFICS**

### **Tier One**

#### *Potential Punishment(s)*

- 5 demerits (maximum) with verbal correction/reprimand and/or counseling as necessary

#### *Offenses*

- Any omission on pass, leave, or request form
- Cutting through formation
- Failure to comply with instructions
- Failure to notify chain of command of intended absence
- Failure to perform first-year cadet duties (includes signing of Regimental ROs)
- Failure to post leave slip
- Failure to salute
- Falling out of ranks improperly or without authority
- Improper door card
- Improper sounding of calls (First Call, Last Call)
- Improper or messy entry in pass/leave book
- Improper uniform for Flag Detail
- Improper uniform from that prescribed
- Incorrect or no name tags in room
- Late for any formation/mandatory meeting
- Late submission of a report
- Late to flag practice
- Public Display of Affection in uniform
- Sweeping trash into hallways
- Unauthorized absence from room during ECQ
- Unauthorized late lights
- Unauthorized visiting of first-year cadets during ECQ
- Depositing personal items/equipment in hallways/public spaces
- Wearing unauthorized jewelry

## **Tier Two**

### *Potential Punishment(s)*

- 10 demerits (maximum) with verbal counseling for the first offense and written counseling as necessary

### *Offenses*

- 1 to 15 minutes late, late returning, or early leaving from any senior enlisted advisor/officer or cadet meeting
- Failure to properly use the chain of command
- Failure to reply/respond to a cadet/senior enlisted advisor/commissioned officer's phone or email message
- Early departure for leave/pass
- Failure to properly render honors to the Colors
- Failure to sign out on leave/pass
- Improper haircut
- Improper shave
- Improper hairstyle (female cadets)
- First-year cadets late to room after taps
- Leaving one's post without proper relief
- Failure to follow instructions
- Neglect of duty
- Use of tobacco products, nicotine pouches, and vapes while in uniform
- Conduct unbecoming a cadet
- Unauthorized visiting of first-year cadets after taps

## **Tier Three**

### *Potential Punishment(s)*

- 10-15 demerits and formal counseling, or Stand-By Inspection for a failed room or uniform inspections

### *Offenses*

- Over 15 minutes late, late returning, or early departure.
- Defacing pass/leave book or regulation manual
- Disrespect to a cadet officer or non-commissioned officer (minor)
- Missing flag practice
- Unauthorized wearing of civilian clothes
- Conduct unbecoming a cadet, officer, and a gentleman/lady
- Visitation Violation: having unauthorized personnel in dorms after hours or past curfew

## **Tier Four**

### *Potential Punishment(s)*

- Company or Battalion offenses to be determined by the cadet chain of command in consultation with the Deputy Commandant

### *Tier Four Offenses*

- Allowing flag to touch ground during flag detail
- Disrespect to a cadet officer or non-commissioned officer
- Disobedience of orders from a cadet or commissioned officer (minor)
- Failure to stand post
- Missing flag detail
- Throwing any item from a window
- Unauthorized pass or leave
- Falling out of a parade, review, or other ceremony
- Failure to secure weapon
- Disrespect to the Flag
- Conduct unbecoming a cadet, officer, and a gentleman/lady
- Visitation Violation: having unauthorized personnel spending the night in the dorms

## **CHAPTER 2: PUNITIVE ARTICLES**

In cases where cadets may have broken laws in the commission of such an act, the appropriate law enforcement authorities and university authorities will be contacted for additional investigations and punishment.

### **ARTICLE DESCRIPTIONS**

The following list is comprehensive, but not absolute and contains the offenses that would normally result in non-judicial punishment (NJP) or an Executive Committee hearing as discussed in the Tiered Disciplinary System.

#### **Article 1: Accessory After The Fact**

- Any cadet subject to these regulations who, knowing that an offense punishable by these regulations has been committed, receives, comforts, or assists the offender in order to hinder or prevent his apprehension, hearing, or punishment shall be punished.

#### **Article 2: Attempts**

An act, done with specific intent to commit an offense under these regulations amounting to more than mere preparation and tending, even though failing, to effect its commission, is an attempt to commit that offense. Any cadet subject to these regulations who:

- Attempts to commit any offense punishable by these regulations shall be punished as these regulations prescribe.
- Any cadet subject to these regulations may be convicted of an attempt to commit an offense although it appears in the hearing that the offense was not consummated.

#### **Article 3: Conspiracy**

- Any cadet subject to these regulations who conspires with any other person to commit an offense under these regulations shall, if one or more of the conspirators do an act to affect the object of the conspiracy, be punished as these regulations prescribe.

#### **Article 4: Absence Without Leave**

Any cadet subject to these regulations who:

- Without authority fails to go to his appointed place of duty at the time prescribed
- Goes from that place, or
- Absents himself from his unit, organization, or place of duty at which he is required to be at the time prescribed shall be punished as these regulations direct.

#### **Article 5: Missing Movement**

- Any cadet subject to these regulations who through neglect or design misses the movement of any unit with which he is required in the course of duty to move shall be punished as these regulations direct.

#### **Article 6: Disrespect Toward A Senior Cadet/Commissioned Officer, University Official, or Law Enforcement Officer**

- Any cadet subject to these regulations who behaves with disrespect toward a senior cadet/commissioned officer, university official, or law enforcement officer shall be punished as these regulations prescribe.

### **Article 7: Assaulting or Willfully Disobeying A Superior Cadet/Commissioned Officer, University Official, or Law Enforcement Officer**

Any cadet subject to these regulations who:

- Strikes his superior cadet/commissioned officer, university official, or law enforcement officer, or draws or lifts up any weapon or offers any violence against him while he is in the execution of his office, or
- Willfully disobeys a lawful command of his superior cadet/commissioned officer, university official, law enforcement officer; shall be punished as these regulations direct.

### **Article 8: Insubordinate Conduct Toward A Warrant Officer, Noncommissioned Officer, Petty Officer, or Cadet Noncommissioned Officer**

Any cadet subject to these regulations who:

- Strikes or assaults a warrant officer, noncommissioned officer, petty officer, or cadet noncommissioned officer while that officer is in the execution of his office
- Willfully disobeys the lawful order of a warrant officer, noncommissioned officer, petty officer, or cadet noncommissioned officer, or
- Treats with contempt or is disrespectful in language or deportment toward a warrant officer, noncommissioned officer, petty officer or cadet noncommissioned officer while that officer is in the execution of his office; shall be punished as these regulations direct.

### **Article 9: Failure To Obey Order or Regulation**

Any cadet subject to these regulations who:

- Violates or fails to obey any lawful general order, cadet regulation, university policy, or law of the land.
- Having knowledge of any other lawful order issued by a member of the Corps of Cadets, which it is his duty to obey, fails to obey the order, or
- Is derelict in the performance of his duties; shall be punished as these regulations prescribe.

### **Article 10: Cruelty & Maltreatment**

- Any cadet subject to these regulations who is guilty of cruelty toward, or oppression or maltreatment of, any person subject to his orders shall be punished as these regulations direct.

### **Article 11: Larceny, & Wrongful Appropriation**

Any cadet subject to these regulations who:

- Wrongfully takes, obtains, or withholds, by any means, from the possession of the owner of any other person any money, personal property, or article of value of any kind:
- With the intent to permanently deprive or defraud another person of the use or benefit of property or to appropriate it to his own use of any other person other than the owner, steals that property and is guilty of larceny, or
- With the intent to temporarily deprive or defraud another person of the use and benefit of property or to appropriate it for his own use or the use of any person other than the owner, is guilty of wrongful appropriation.

### **Article 12: Forgery**

Any cadet subject to these regulations who:

- With the intent to defraud
- Falsely makes or alters any signature, to, or any part of, any writing which would, if genuine, apparently impose a legal liability on another or change his legal right or liability to his prejudice, or
- Utters, offers, issues, or transfers, such a writing, known by him to be so made or altered; is guilty of forgery and shall be punished as these regulations prescribe.



### Article 13: Making, Drawing, Uttering Check, Draft, or Other Without Sufficient Funds

Any cadet subject to these regulations who:

- For the procurement of any article or thing of value, with intent to defraud; or
- For the payment of any past due obligation, or for any other purpose, with the intent to deceive; makes, draws, utters, or delivers any check, draft, or order for the payment of money upon any bank or other depository, knowing at the time that the drawer has not or will not have sufficient funds in, or credit with, the bank or other depository for the payment of that check, draft, or order in full upon receipt.

### Article 14: Perjury

- Any cadet subject to these regulations who in a cadet judicial proceeding or in a course of justice willfully and corruptly upon a lawful oath or in any form allowed by the law to be substituted for an oath, gives false testimony material to the issue, matter, or inquiry or: in any declaration, certificate, verification, or statement under penalty of perjury, subscribes any false statement material to the issue, matter, or inquiry, is guilty of perjury and shall be punished as these regulations prescribe.

### Article 15: Spoilage or Destruction Of Property

- Any cadet subject to these regulations who willfully or recklessly wastes, spoils, or otherwise willfully and wrongfully destroys, damages, or defaces any property shall be punished as these regulations prescribe.

### Article 16: Drunken or Reckless Driving

- Any cadet subject to these regulations who operates or attempts to operate a motor vehicle, bicycle, or other personal transportation device while intoxicated or impaired by alcohol or other drugs.

### Article 17: Alcohol Offenses Any cadet subject to these regulations who:

- Violates the Senior Cadet Alcohol Privilege; reference VTCCINST. 1872.1, Annex A
- Possesses and/or consumes alcoholic beverages in cadet barracks and is ineligible or has not opted in to the Senior Cadet Alcohol Privilege.
- Consumes alcohol, found intoxicated, and/or suffering ill effects of alcohol consumption while on duty and/or in uniform
- Causes disruption, disturbance or through any other action demonstrates a disregard for good order and discipline while under the influence of alcohol
- Supplies or otherwise assists underage/privilege-ineligible cadets in the possession and consumption of alcoholic beverages
- Possesses or consumes alcohol at any VTCC activity not specifically approved by the Commandant
- Possesses and/or consumes alcoholic beverages while under the legal drinking age.

**NOTE:** See VTCCINST. 1872.1, Annex A: Policy on Drug/Alcohol use and False Identification for further details.

### Article 18: Irresponsibility of Sentinel

- Any sentinel who is found intoxicated, under the influence of an unauthorized substance, or sleeping upon his post, leaves it before he is regularly relieved, or fails to attend his post shall be punished as these regulations prescribe.

### Article 19: Malingering

Any cadet subject to these regulations who for the purpose of avoiding work, duty, or service:

- Feigns illness, physical disablement, mental lapse or derangement; or
- Intentionally inflicts self-injury; shall be considered as attempting to deceive, and charged with an honor code violation.

### Article 20: Riot or Breach of Peace

- Any cadet subject to these regulations who causes or participates in any riot or breach of the peace shall be punished as these regulations prescribe.

### Article 21: Provoking Speeches or Gestures

- Any cadet subject to these regulations who uses provoking or reproachful words or gestures towards any other cadet subject to these regulations shall be punished as these regulations prescribe.

### Article 22: Extortion

- Any cadet subject to these regulations who communicates threats to another person with the intention thereby to obtain anything of value or any acquaintance, advantage, or immunity is guilty of extortion and shall be punished as these regulations prescribe.

### Article 23: Assault

- Any cadet subject to these regulations who attempts, by words or actions, to cause an individual to fear for their immediate safety, whether or not the attempt or offer is consummated, is guilty of assault and shall be punished as these regulations prescribe.
  - Commits an assault, to include sexual assault, with a dangerous weapon or other means or force likely to produce death or grievous bodily harm; or
  - Commits an assault and intentionally inflicts grievous bodily harm with or without a weapon; is guilty of aggravated assault and shall be punished as these regulations prescribe.

**NOTE:** Words can constitute assault when they are accompanied by the ability to inflict immediate harm.

### Article 23 Definitions

- Abusive Conduct:** The use of physical force against an individual or any acts that cause physical harm; threats, including words or actions, that may cause a person reasonable apprehension of imminent physical harm.
- Battery:** The use of physical force against an individual.
- Stalking:** Repeatedly contacting another person when the contact is unwanted and causes the other person to have reasonable apprehension of imminent physical harm, or causes substantial impairment of the other person's ability to perform the activities of daily life. Contact includes but is not limited to communicating with (either in person, by phone, or computer) or remaining in the physical presence of the other person.

### Article 24: Breaking and Entering

- Any cadet subject to these regulations who unlawfully enters the building or structure of another with intent to commit a criminal offense therein is guilty of breaking and entering and shall be punished as these regulations prescribe.

### Article 25: Conduct Unbecoming An Cadet, Officer, & A Gentleman/Lady

- Any cadet subject to these regulations who conducts themselves unbecoming a cadet, officer and a gentleman/lady shall be punished as these regulations prescribe.

### Article 26: General Article

This article provides the following

- An article that can encompass actions not specifically called out in other articles but that constitute an act that detracts from good order and discipline within the Corps of Cadets.
- Presence during any violation of Cadet Regulations or the university's Student Code of Conduct in such a way as to condone, support, or encourage that violation (i.e. toleration) shall constitute involvement prejudicial to good order and discipline within the Corps of Cadets.
- Though not specifically mentioned in these regulations, all disorders and neglects to the prejudice of good order and discipline in the VTCC, all conduct of a nature to bring discredit upon the VTCC, and crimes and offenses not capital, of which cadets, subject to these regulations may be guilty, shall be punished as these regulations prescribe.
- Depending on the degree and nature of the offense, violations of this article will be adjudicated at the disciplinary level deemed most appropriate (Tier1 through Tier 5).
- Cadets who anticipate or observe violations of Cadet Regulations or the university's Student Code of Conduct are expected to remove themselves from participation and shall report the violation to their chain of command in accordance with Self-Reporting guidance.

### Article 27: Harassment, Sexual Harassment, & Sexual Violence

Any cadet subject to these regulations who

- Exhibits a bias based on age, color, disability, gender (including pregnancy), gender identity, gender expression, genetic information, national origin, political affiliation, race, religion, sexual orientation, or veteran status is guilty of harassment
- Badgers or persistently intimidates, coerces, or exploits another individual; or
- Repeatedly commits offensive, unbecoming, or unwanted sexual comments or acts is guilty of harassment and shall be punished as these regulations prescribe.

### Article 27 Definitions

- Consent:** Knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. The existence of consent is based on the totality of circumstances, including the context in which the alleged consent occurred. Silence does not necessarily constitute consent and coercion, force, or threat of either party invalidates consent.
  - Consent cannot be given where a person is incapacitated due to drugs or alcohol; or where a person has a disability; or is not of legal age to consent as defined by law.
  - Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Consent can be withdrawn at any time.
  - Previous relationships or prior consent cannot imply consent to future sexual acts.
- Dating Violence:** Acts of physical or sexual abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
  - The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse, but does not include acts covered under the definition of domestic violence.

- **Domestic Violence:** A pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.
- **Discrimination and/or Harassment:** Conduct that conditions any element of a person's employment, enrollment as a student, receipt of student financial aid, or participation in university activities on that person's age, color, disability, gender (including pregnancy), gender identity, gender expression, genetic information, national origin, political affiliation, race, religion, sexual orientation, or veteran status, unless otherwise permitted or required by applicable law. Virginia Tech does not otherwise discriminate against employees or applicants who inquire about, discuss, or disclose their compensation or the compensation of other employees or applicants nor on any other basis protected by law. Discrimination on the basis of sex in education programs and activities receiving federal financial funding as set forth in Title IX of the Education Amendments of 1972, as amended, is included in this definition of prohibited discrimination;
  - Conduct of any type (oral, written, graphic, electronic or physical) that is based upon a person's age, color, disability, gender (including pregnancy), gender identity, gender expression, national origin, political affiliation, race, religion, sexual orientation, or veteran status and unreasonably interferes with the person's work or academic performance or participation in university activities, or creates a working or learning environment that a reasonable person would find hostile, threatening or intimidating
  - Conduct consisting of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when submission to such conduct is made, explicitly or implicitly, a term or condition of an individual's employment or education, or submission to or rejection of such conduct is used as a basis for employment or educational decisions affecting an individual.
- **Gender-Based Violence:** Gender-based violence includes the following prohibited acts: sexual violence-assault, sexual violence-battery, sexual violence-sexual coercion, sexual violence-rape, gender-based harassment, sexual exploitation, dating and domestic violence, and stalking.
- **Incapacitation:** Includes but is not limited to being asleep, drugged, intoxicated, or unconscious.
- **Rape:** Penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's consent.
- **Retaliation:** It is a violation of this policy to retaliate against any party for participating in a discrimination/harassment investigation ("protected activity"). Retaliation includes any adverse treatment that is reasonably likely to deter the complainant or others from filing a charge of discrimination/harassment or participating in a discrimination/harassment investigation. Retaliation can be verbal, written, graphic, electronic or physical.
- **Sexual Assault:** Actual or attempted sexual contact with another person without that person's consent.
- **Sexual Battery:** Intentional touching of another person's intimate parts without the person's consent; or other intentional sexual contact with another person without that person's consent.
- **Sexual Coercion:** Using physical or verbal aggression or pressure to force or attempt to force a person to touch another person's intimate parts without that person's consent.
- **Sexual Exploitation:** An act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses.
- **Sexual Harassment:** Conduct of any type (oral, written, graphic, electronic or physical) that is based upon a person's sex (including pregnancy), and unreasonably interferes with the person's

work or academic performance or limits participation in university activities, or creates a working or learning environment that a reasonable person would find hostile, threatening or intimidating.

- Conduct of a sexual nature, including conduct consisting of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when submission to such conduct is made, explicitly or implicitly, a term or condition of an individual's employment or education, or submission to or rejection of such conduct is used as a basis for employment or educational decisions affecting an individual. This includes sexual violence, gender-based harassment, and domestic violence, dating violence and stalking as forms of sexual harassment.
- **Sexual Violence:** Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol, or is unable to give consent due to an intellectual or other disability. Sexual violence includes rape, sexual assault, sexual battery, and sexual coercion.
- **Stalking:** Repeatedly contacting another person when the contact is unwanted. Additionally, the contact may cause the other person reasonable apprehension of imminent physical harm or cause substantial impairment of the other person's ability to perform the activities of daily life. Contact includes but is not limited to communicating with (either in person, by phone, or by computer) or remaining in the physical presence of the other person.

**NOTE:** These definitions are consistent with Virginia Tech policies and the [Student Code of Conduct](#). Further description, explanation, and examples can be found online at <https://safe.vt.edu/>.

**NOTE:** See VTCCINST. 1872.1, Annex C: Policy on Harassment, Sexual Harassment, and Sexual Violence.

## Article 28: Fraternization

Any cadet subject to these regulations who act in any manner other than a strictly professional military manner with an underclass cadet(s).

Relationships between cadets of different classes are prohibited if they:

- Compromise or appear to compromise the integrity of supervisory authority or the chain of command.
- Cause actual or perceived partiality or unfairness.
- Involve or appear to involve the improper use of rank or position for personal gain.
- Are, or perceived to be, exploitive or coercive in nature.
- Create an actual or clearly predictable adverse impact on discipline, authority, morale or the ability of the unit to accomplish its mission.
- Abuse of the First-Year Cadet and Junior Mentor Program
- Dating within your chain of command
  - Actively covering up or attempting to deceive a relationship in the chain of command or company
  - persisting in a relationship that hinders the units ability to accomplish its mission
  - Hinders or perceives to negatively affect good order and discipline of the unit

**NOTE:** See VTCCINST. 1872.1, Mentor/Mentee Policy for further restrictions

**NOTE:** See VTCCINST. 1872.1, Dating Policy for further restrictions

*Article 28 Upperclass Unique Items*

The upperclass cadet bears primary responsibility for avoiding fraternization and improper/unprofessional behavior, the underclass cadet is also responsible for fraternization if no attempt is made to terminate the relationship or remove themselves from the situation.

**EXAMPLE:** Fraternization can occur between two upper-class cadets such as a junior and senior. No upper-class cadet will interact socially with a first-year cadet unless it is within the prescribed guidelines of the Mentor System.

**Article 29: Visitation Violation**

Any cadet subject to these regulations who:

- Fails to wear the minimum acceptable attire when entertaining a visitor as prescribed by the regulation, to wit: any military service or VTCC physical training uniform or civilian equivalent—shorts and t-shirt;
- Fails to have all visitors depart their living area--defined as their assigned room--in accordance with the times prescribed in the visitation regulation (typical of Tier 4);
- Engages in any kind of sexual activity whatsoever while having a visitor in his/her room; shall be punished as these regulations prescribe (typical of Tier 5).

**NOTE:** A cadet who violates this article while being the ‘visitor’ in another cadet’s room is also subject to sanction.

**Article 30: Hazing**

Any cadet subject to these regulations shall understand the impact hazing has on the culture and good order and discipline of the organization.

*Article 30 Sanctions*

- Cadets sanctioned by the Corps of Cadets for violations of these policies related to hazing will also be accompanied by appropriate university sanctions.
- All potential hazing violations will be adjudicated at a Deputy Commandant’s Disciplinary Hearing.
- Sanctions for hazing violations will be closely coordinated with the Student Conduct office.
- If determined guilty of hazing, a cadet will be awarded sanctions that may include suspension or dismissal from the Corps of Cadets. These sanctions will be in addition to any university sanctions or sanctions the Commonwealth of Virginia may impose.

*Article 30 Policies*

The Corps of Cadets will adhere to the Commonwealth and university policies on hazing. Implementation of those policies within the Corps is as follows:

- All cadet activities must be strictly supervised by the cadet chain of command. Examples of activities include but are not limited to:
- Mentor Night
- First-year cadet on-line formations
- Company welcoming
- Cadet organizational “tapping” procedures
- Company fun/pride nights



*Article 30 Examples*

The following specific acts that are not in compliance with Commonwealth and the university's Student Code of Conduct on hazing along with the Principles of Community include, but are not limited to:

- The use of blindfolds or other impediments to vision are forbidden in all cadet activities.
- The presence in bathrooms and showering areas by supervisory cadets or cadets in instructor roles during designated personal hygiene time for cadets in any training status is prohibited.
- The denial of any cadet the use of privacy curtains in shower stalls or the denial of any cadet the selectivity of water temperature to bathe is prohibited.
- The direction of any cadet in a cadet training status to enter a body of water such as the Duck Pond, Claytor Lake, Cascades, streams or similar bodies of water without the written approval of the Commandant (such as a training operations order) is prohibited.

*Article 30 Reporting Requirements*

All alleged or suspected violations of university hazing policy will be reported as follows:

- To the Virginia Tech Police, the Office of Student Activities, and the Office of Student Conduct.
- Deputy Commandants will notify the appropriate ROTC professor of any suspected hazing violations.

**NOTE:** See VTCCINST. 1872.1, Annex B: Policy on Hazing further details.

**Article 31: Illegal / Controlled Substance Abuse**

Any cadet subject to these regulations who:

- Possesses or consumes an illegal and/or controlled substance in cadet barracks to include civilian rooms in or at any outside location
- Possesses or consumes an illegal and/or controlled substance outside cadet barracks, off-duty, or off-campus
- Is found under the influence while on duty and/or in uniform
- Commits a violation (demerit-able or NJP) of another VTCC regulation while under the influence
- Supplies or otherwise assists other cadets in the possession and/or abuse of an illegal and/or controlled substance
- Possesses or uses an illegal and/or controlled substance at any VTCC activity

**Article 32: Possession / Use Of False Identification**

- Any cadet subject to these regulations who possesses, uses, or attempts to use any false identification, regardless of intent, shall be punished as these regulations prescribe.
- In cases where cadets may have broken laws or policies in the Student Code of Conduct in the commission of such an act, the appropriate law enforcement authorities, university officials (including cadet members of the Corps Honor System), and ROTC personnel will be notified.

**NOTE:** See VTCCINST. 1872.1, Annex A: Policy on Drug and Alcohol use and False Identification

### **Article 33: Inappropriate Use of University/Military/Government Identification and/or Door Card**

Any cadet subject to these regulations who:

- Allows another individual, whether cadet or civilian, to possess or use his university student identification card for any purpose, whether for legitimate or illicit purposes, as well as any cadet who permits another individual to possess or use his military identification card for any purpose.
- Door cards are considered as identification and as a means for cadets to document their location and to provide contact information while on pass/leave.
- Enters fraudulent information on a door card, whether pertaining to personal data, program affiliation, class attendance, or location, shall be punished as these regulations prescribe.
- In cases where cadets may have broken laws or policies in the Student Code of Conduct in the commission of such an act, the appropriate law enforcement authorities, university officials (including cadet members of the Corps Honor System), and ROTC personnel will be notified.

**NOTE:** See VTCCINST. 1872.1, Annex A: Policy on Drug and Alcohol use and False Identification

### **Article 34: False Official Statements**

- Any cadet subject to these regulations who, with intent to deceive, who signs any false record, return, regulation, order, or other official document, knowing it to be false, or makes any other false official statement knowing it to be false, shall be punished as these regulations prescribe.

### **Article 35: Breaking Restriction**

Any cadet subject to these regulations who:

- While officially placed on barracks restriction and bound to obey the limits of his restriction, who willfully departs his place of duty without authorization.
- Specific elements of breaking restriction are
  - A certain person ordered the accused to be restricted to certain limits
  - That said person was authorized to order said restriction,
  - That the accused knew of the restriction and the limits thereof
  - That the accused went beyond the limits of the restriction before being released therefrom by proper authority.



## **CHAPTER 3: PERFORMANCE REVIEW**

### **DESCRIPTION**

A performance review can be conducted at any time whenever 1) a cadet exceeds his or her demerit allowance in a given semester, 2) upon the recommendation of a member of the Commandant's Staff, or 3) upon written recommendation by the first commander in the cadet's chain of command.

- The review will be objective and encompass the entirety of the cadet's career including, but not limited to, military performance, cadet conduct, honor, academic performance, fitness, and cadet evaluations.
- A review board will be appointed in a manner that assures consistency, fairness, and objectivity. The review board will normally convene three members of the Commandant's staff and one member of the cadet chain of command. Staff members are chosen as follows: one staff member will have direct knowledge of the cadet's overall performance, while the second and third staff members will be appointed from the operational staff. A staff member from the cadet's battalion is responsible for collection of performance documentation and information prior to the board convening.
- The review shall result in a written recommendation appropriate for the pattern of demonstrated performance, ranging from direct formal counseling to referral to a Deputy Commandant Hearing.
- Counselings generated from a PRB will identify the deficiency and provide a plan for corrective action or recommendation for dismissal. Counselings should indicate a monitoring period where the cadet will meet with their chain of command routinely to discuss performance. Counselings shall have an end date to the monitoring period.
- While in the monitoring period, the reviewed cadet may be considered as in ongoing disciplinary action and not in good standing.
- If new allegations of Tier Five offenses are the entering cause of the performance review, or the circumstances of the review are serious enough to approach possible dismissal from the program, the cadet will be referred to a Deputy Commandant Hearing.
- When the performance review indicates a habitual offender un-phased by the tiered disciplinary system, the cadet may be charged with violation of Article 26, General Article, for conduct "prejudicial to good order and discipline."
- The officer conducting the Deputy Commandant hearing will be neutral, and not have served on the review board.
- The Deputy Commandant's hearing will assess the fairness of awarded demerits, adjudicate any new Tier Five allegations, and consider the cadet's potential to further succeed in the leadership development program.
- Normal Deputy Commandant hearing procedures and processes apply to include the opportunity for the cadet to appeal any imposed sanctions.

## CHAPTER 4: NON-JUDICIAL PUNISHMENT (NJP)

### DESCRIPTION

The purpose of this section is to establish procedures for administering disciplinary action during non-judicial punishment (NJP) proceedings. Generally, any cadet commander may impose NJP for minor offenses committed by members under his/her command. Superior cadet commanders and Commandant's Staff may withhold all or part of disciplinary authority from subordinate commanders.

### FORUM CHOICE

NJP is a forum choice for an accused member. A commander offers NJP in lieu of Executive Committee or Deputy Commandant Hearing, and an accused has the right to refuse NJP and to demand trial. A commander cannot force a member to accept NJP.

**NOTE:** Accepting NJP is NOT an admission of guilt.

### KEY PRINCIPLES

- When disciplinary action is required and a cadet has been referred to NJP, such action will be conducted in accordance with this regulation.
- Non-judicial punishment will not be awarded for excessive demerits but may need to be subject to the Performance Review process.
- In any given semester, if a cadet is found guilty at the following:
  - Two (2) NJP hearings at any level, that cadet may be placed on military probation for the remainder of the current semester and/or for the following semester.
  - Three (3) or more NJP hearings at any level in a semester, the cadet may be referred to a Performance Review process.

### GENERAL GUIDANCE

- The accused is considered innocent until proven guilty.
- The NJP officer must make every effort to find out the truth before finding the accused guilty or innocent.
- Military courtesies and military protocol are always in effect.
- NJP proceedings are considered formal, administrative hearings, therefore all cadets present at cadet office hours other than the accused and the NJP officer will wear the daily uniform. The officer holding NJP and the accused will wear the seasonal dress uniform.
- To ensure proper due process, NJP hearings should be conducted/completed within two weeks at Company and Battalion level, and within three weeks for Regimental level.
- NJP schedules are subject to change as a result of other events. Revised NJP schedules will be published as necessary.

## **LEVELS OF NON-JUDICIAL PUNISHMENT**

### **Regimental**

The Regimental Commander's NJP will be held as directed by the Regimental Commander as follows:

- Prior to Regimental NJP the Regimental Commander shall
- Read all company NJP punishment sheets
  - Review all previous battalion commander's NJP from the previous day
  - Listen to any battalion NJP appeals
  - Should conclude all hearings and proceedings within 3 weeks of the initial report
- Award any combination of the punishments summarized in the Punishment by Unit Matrix
- Upon completion of NJP the Regimental Commander shall
  - Ensure all actions are documented on the punishment sheet
  - Ensure the Commandant of Cadets reviews the punishment sheet
  - Ensure a copy of the punishment sheet is filed in the cadet's official record
  - Ensure a copy is sent to the appropriate Deputy Commandant and ROTC detachment commander.

### **Battalion**

The Battalion Commander's NJP will be held as directed by the Battalion Commander as follows:

- Prior to Regimental NJP the Battalion Commander shall
  - Read all company NJP punishment sheets
  - Review all previous battalion commander's NJP from the previous day
  - Listen to any battalion NJP appeals
  - Should conclude all hearings and proceedings within 2 weeks of the initial report
- Award any combination of the punishments summarized in the Punishment by Unit Matrix
- Upon completion of NJP the Battalion Commander shall
  - Ensure all actions are documented on the punishment sheet
  - Deliver the original punishment sheets to the Regimental Commander immediately following the final NJP hearing, in turn respective Deputy Commandant

### **Company**

The Company Commander's NJP will be held as directed by the Company Commander as follows:

- Prior to Company NJP the Company Commander shall
  - Read all company NJP punishment sheets
  - Review all previous battalion commander's NJP from the previous day
  - Listen to any battalion NJP appeals
  - Should conclude all hearings and proceedings within 2 weeks of the initial report
- Award any combination of the punishments summarized in the Punishment by Unit Matrix
- Upon completion of NJP the Company Commander shall
  - Ensure all actions are documented on the punishment sheet
  - Will retain a copy in the company file
  - Deliver the original punishment sheets to the Battalion Commander immediately following the final NJP hearing, in turn respective Deputy Commandant

## SPECIFIC PROCEDURES

- Except for Honor Violations, which will be handled in accordance with existing Honor Regulations, violations of VTCC regulations will be reported using the NJP articles as modified in this regulation.
- The NJP form will be used for processing the charges to the appropriate level for adjudication.
- Cadets offered Non-Judicial Punishment (NJP) at Company, Battalion, or Regimental level have the right to refuse NJP and request a Disciplinary Hearing before a Deputy Commandant.
- Those violations of VTCC regulations below a Tier V level will normally be handled at non-judicial punishment by the Cadet Chain of Command per the Tiered Disciplinary System.
- Student Code of Conduct violations will also be referred to Student Conduct.
- Honor violations will automatically be referred to the Honor Court for action.
- Felony offenses will be referred to the Commandant's Judicial Advisor for action in coordination with the Office of Student Conduct and appropriate law enforcement authorities.

**NOTE:** Report all violations in accordance with this regulation, and when necessary a commander should seek guidance from the Regimental Staff Judge Advocate / Executive Committee Chair and staff for clarification and/or interpretation of regulations or precedence of violation.

## NJP PROCEEDINGS

### Membership

The following will be present for all NJP proceedings:

1. The accused
2. The squad leader or platoon leader (company)
3. Company first sergeant
4. Will take detailed notes for record purposes
5. The company commander (battalion)
6. The battalion and company commander (regimental)
7. Witnesses for and against the accused as necessary

### 24-Hours Prior to Proceedings

At least 24 hours prior to conducting any disciplinary proceeding, the accused's company Cadet FSG will inform the cadet of the following:

1. The charges against him/her.
2. That he/she can refuse an NJP process and demand a hearing before a Deputy Commandant.
3. That if found guilty he/she has the right to appear in person and appeal the punishment to the NJP officers' direct superior on the following day.
4. That he/she has the right to remain silent, and he/she does not have to talk or answer questions concerning the charges.
5. That he/she can have witnesses speak on his/her behalf.
6. Where the accused will report for NJP at the designated place, day, time, and appropriate uniform.

### CSM/SGM/1SG

The unit Sergeant Major or First Sergeant when directed shall begin the proceeding as follows:

1. Direct the accused to report in at attention to the NJP officer who will be seated behind his/her desk.

## NJP Officer

1. Inform the accused of the charges
2. Ask the accused if he/she understands the charges
3. Ask if the accused understands his/her rights as explained by the Cadet FSG.
4. Ask the accused how he/she pleads.
5. He/she must plead guilty or not guilty.
6. Listen to all evidence from all witnesses and the accused.
7. If the case is going to be referred, inform the accused the case will be referred to the next higher authority in their chain of command.
8. Decide on guilt or innocence.
9. Pronounce the finding by informing the accused they were found guilty or not guilty.
10. If guilty, assign the appropriate punishment as described in the authorized punishments section below.
11. Instruct the accused to sign the NJP form, acknowledging the finding.
12. Dismiss the accused.
13. Upon completion of the proceedings the FSG shall:
14. Ensure the accused understands they can appeal in person to the next higher authority, but shall not be later than the subsequent night at 1900.
15. Ensure that findings are documented and forwarded for review to the next higher commander immediately following the proceeding - regardless of the outcome (i.e., guilty or not guilty)
16. Retain a copy of the NJP form and forward for filing in the cadet's official record.

## APPEALS & REVIEWS

The purpose of this section is to establish procedures for the accused cadet to appeal disciplinary action during non-judicial punishment (NJP) proceedings.

### Definitions

- **Appeals:** Any cadet found guilty has the right to appeal to the next higher commander in person. He/she may appeal only to the next higher commander of the level at which NJP was held. All appeals will be heard by the next senior commander in the chain within 3 days following the conduct of the awarded NJP. Appellate authorities may increase any assigned punishment(s).
- **Reviews:** All actions taken at an NJP will be reviewed by the next higher command authority in the chain of command during an NJP the following day.

### Appellate or Reviewing Officer Guidance

Upon review and/or appeal the reviewing officer has the following options:

- Take no action and leave all awarded sanctions unchanged
- Increase the awarded sanction
- Lessen the awarded sanction
- Dismiss the charges
- Following a Battalion Commander's appeal or review of company NJP conduct the following:
  - Forward the punishment sheet to the Regimental Commander for review
  - Provide the completed punishment sheet to the applicable Deputy Commandant
  - Provide the completed punishment sheet to the applicable Battalion S-1
    - The Battalion S-1 shall ensure a copy punishment sheet is provided to the Regimental S-1.
  - Ensure a copy of the completed punishment sheet is placed in the accused's cadet file
  - Ensure a copy of the completed punishment sheet is provided to the appropriate ROTC program or VPI Company.
- Regimental NJP will be reviewed by the accused's Deputy Commandant.
- Regimental NJP will be appealed to the accused's Deputy Commandant.

## Non-Judicial Punishment (NJP)

- Deputy Commandants may review all NJP actions taken for cadets within their respective battalion.

**NOTE:** Additional sanctions imposed by a Deputy Commandant shall be provided in writing to the cadet. The accused cadet has the right to appeal the additional sanctions imposed by the Deputy Commandant to the Commandant of the Corps.

## CHAPTER 5: PUNISHMENTS

**All NJP sanctioned punishments shall begin immediately the day following the proceedings.**

### PUNISHMENT BASICS

**NOTE:** If the accused appeals the proceedings, the punishment will not begin until the appeal is resolved.

**NOTE:** Normally, the punishment will be conducted on consecutive weekends until complete, unless authorized by the NJP proceedings officer. The NJP proceedings officer may delegate this to lower authority.

#### Limitations

- If guilt has been established and punishment imposed for an offense, further disciplinary proceedings within the corps may not again be imposed for the same offense.
- All known offenses will be considered at one time, including all offenses arising from a single incident.

#### Standard Punishments

The following standard punishments may be awarded at any level (i.e., Regiment, Battalion, Company) of NJP proceedings:

- Verbal and/or written reprimand
- Reduction to Cadet Private (Maximum - non-officers only)
- RDS/BDS hours
- Marching/Study tours
- Barracks restriction
- Demotion by one grade of rank (demotion to C/ PVT for sophomores and juniors)
- Loss of class privileges
- Referral to next higher authority
- Dismiss the charges

**NOTE:** the number of hours, weekends restricted, and RDS/BDS hours are described in the specific NJP proceedings below.

## AUTHORIZED PUNISHMENT MATRIX

The table below summarizes the maximum (i.e., “up to”) NJP punishments the Commander may award according to their level of authority.

Maximum Sanction	Regimental CO	Battalion CO	Company CO
Verbal and/or Written Reprimand	Yes	Yes	Yes
Disciplinary System Tours	RDS - 16 hours	BDS - 12 hours	BDS - 8 hours
Weekend Restriction	5 weekends	4 weekends	2 weekends
Reduction to Cadet Private	Yes (non-officers only)	Yes (sophomores only)	Yes (sophomores only)
Reduction in Rank (one grade)	Yes	Yes (non-officers only)	Yes (non-officers only)
Days of Lost Class Privileges	30 days	20 days	10 days
Any Combination Above	Yes	Yes	Yes
Referral to Executive Committee or Deputy Commandant	Yes	Yes	No
Referral to Regimental CO	-	Yes	No
Referral to Battalion CO	-	-	Yes
Dismissal of Charges	Yes	Yes	Yes

**NOTE:** As referenced in the table above, “Days” refers to calendar days following the closure of the appeal process.



## WEEKEND RESTRICTION POLICY

Restriction will be performed in the restricted cadet's living quarters (i.e., barracks) from 1200 hours on Friday until 2000 hours on Sunday of the designated weekend.

### Unit Commander

The unit commander is responsible for the following:

- Controlling, monitoring, and enforcing weekend restriction on cadets within his/her unit, with the assistance of the Officer of the Day / RA.
- Brief the cadet regarding the requirements of restriction

### The restricted cadet shall:

- Remain in the appropriate uniform at all times, except when showering and sleeping. Uniforms for restriction are as follows:
  - Friday = UOD
  - Saturday & Sunday = White Shirt/Gray Bag
  - The official Corps PT uniform is required during physical exercise.
- Remain in their barracks room, study lounge or company area except for the following authorized activities:
  - Meals, class attendance, study groups, library visits, academic business, employment, and physical exercise.
- Maintain RI standards for the duration of the restriction - including the cadet's personal space and all common spaces.
- Attend morning & evening colors on Upper Quad, beginning with Friday Retreat and concluding with Sunday Retreat. All absences must be coordinated prior, and appropriately scheduled to be made up.
- Execute meals as follows:
  - No meal shall exceed one hour from departure from their room to returning to their room
  - Must be taken at any campus dining facility
  - Must be completed in a timely fashion and in UOD, not to include PT Gear
  - Travel directly to and from dining facilities and not engage in other activities.

**NOTE:** Eating off-campus requires approval by their Deputy Commandant prior to commencing restriction.

- Record all absences on a Weekend Restriction Record posted on the cadet's door and on the Authorized Absence card.
- Execute approved R-Pass for religious services as follows:
  - Wear appropriate civilian attire (if authorized) to/at/from the event, but will resume UOD immediately upon return.
  - Travel directly to and from religious services and not engage in other activities.

**NOTE:** Restricted cadets are responsible for requesting in advance permission from their commander to attend activities that necessitate being absent from their barracks during the period of restriction.

**NOTE:** Only the convening authority (i.e., Regimental, Battalion, Company Commander) within the cadet's chain of command is authorized to release a cadet from restriction for any purpose other than class attendance.

## CHAPTER 6: MERIT & DEMERIT SYSTEM

### DUTIES & RESPONSIBILITIES

#### Company Commander

Will be responsible for keeping the most up-to-date version of the Uniform Code of Cadet Conduct. Company First Sergeants will be responsible for keeping count of how many merits and demerits everyone in the company has. They will also be responsible for keeping track of the completion of BDS hours/tours.

#### Battalion Sergeant Majors

Will be in charge of conducting the Battalion Disciplinary System (BDS) for their Battalions. If Battalion Sergeant Majors cannot conduct BDS then they will assign a First Sergeant to complete BDS or have a joint BDS with the Command Sergeant Major. BDS will be conducted every weekend, if an individual cannot attend, they must get approved to miss their BDS by Battalion Commander.

#### Regimental Executive Officer and the Regimental Command Sergeant Major

Will be in charge of the Regimental Disciplinary System (RDS). They will be in charge of holding RDS along with keeping track of completion of RDS.

### ISSUANCE

#### Procedure

- When emailing demerits/merits make sure to CC your Chain of Command (i.e., FTL, SL, PSG, 1SG, and CO)

#### Demerit Email Format

Good (Morning, Afternoon, Evening) C/

This email serves to notify that you are receiving demerits or merits. The following details apply:

**# of Demerits:**

**Reason for Demerits:**

**Date:**

**Offense Tier:**

**Disciplinary Actions:**

**Note:** Receiving 10 demerits from one violation and exceeding 15 demerits from separate violations requires BDS.

**Acknowledgement:** Reply to this email to acknowledge you have received this email.

V/R,

C/

**EXAMPLE:**

Good morning, C/Nospeed,

This email serves to notify that you are receiving demerits. The following details apply:

**# of Demerits:** 05

**Reason for Demerits:** *Failure to salute a cadet officer*

**Date:** 08 APR 2025

**Offense Tier:**

**Disciplinary Actions:**

**Note:** Receiving 10 demerits from one violation and exceeding 15 demerits from separate violations requires BDS.

**Acknowledgement:** Reply to this email to acknowledge you have received this email.

V/R,

C/SGT Higher

**Merit Email Format**

Good (Morning, Afternoon, Evening) C/

This email serves to notify that you are receiving merits. The following details apply:

**# of Merits:**

**Reason for Merits:**

**Date:**

**Comments:**

V/R,

C/

**EXAMPLE:**

Good morning, C/Nospeed,

This email serves to notify that you are receiving merits. The following details apply:

**# of Merits:** 30

**Reason for Merits:** assisting Recruiting spend the night on short notice.

**Date:** 08 APR 2025

**Comments:** Very proud of you and I appreciate you stepping up to fill the shortfall.

V/R,

C/SGT Higher

## CHAPTER 7: GENERIC TIER FIVE HEARING PROCEDURES

### DESCRIPTION

The Tier 5 Hearing System and the procedures associated with its enforcement ensure a fair and standardized system for disciplining those cadets who have committed infractions of the university's Student Code of Conduct and/or Tier 5 articles of the cadet regulations. Some, but not all, violations of the Tier 5 punitive articles overlap with the Student Code of Conduct and if so, will be adjudicated as such. The purpose of this chapter is to outline the differing procedures for certain Tier 5 violations, and for understanding what to expect after a violation has been committed.

### KEY PRINCIPLES

- In cases where a specific infraction has been made against the Student Code of Conduct and/or the cadet regulations, the following processes may unfold in order to maintain order and discipline:
- In situations involving potential violations of policies in the Student Code of Conduct and community-specific policies, the student is accountable first to the university's Code. Upon the receipt of a conduct referral, Student Conduct will review the conduct referral to determine if there is information regarding behavior that may violate the Student Code of Conduct and thus warrants resolution within the conduct system. Student Conduct is responsible for coordinating adjudication processes with the VTCC after a violation occurs.
- If it is determined that resolution within the university conduct system is warranted, one of the five resolution processes will be determined by Student Conduct:
- Joint Student Conduct / Deputy Commandant Hearing
- This simultaneously includes both the University Student Conduct Formal Hearing (to include Title IX, Gender-Based Violence, and Equity and Accessibility) Adjudication and VTCC processes
- Agreed Resolution
- Adaptable Conflict Resolution (ACR)
- Educational Conversation
- VTCC (Deputy Commandant/Executive Committee) Adjudication only
- Sanctions may be issued by the VTCC through either an Executive Committee Hearing or Deputy Commandant Hearing under the Tier 5 punitive articles.
- Deputy Commandant Hearings are convened for those Tier Five offenses deemed too complex, egregious, or sensitive for cadet-level adjudication, or under special circumstances such as:
- Time Sensitivity (e.g. nearing the end of a semester)
- When referred by a cadet commander
- When requested by an accused cadet in lieu of non-judicial punishment
- As determined solely in the Commandant's discretion.
- All other Tier Five offenses, for Juniors and below, will be adjudicated on a peer review basis through an Executive Committee Hearing.

**NOTE:** In the Student Conduct process, the accused is permitted to have an advisor of their choice, and that advisor may be a civilian.

**NOTE:** VTCC committees and hearings are administrative in nature, the accused has no right to civilian counsel. Therefore, civilians will not be allowed into such proceedings unless they are a witness.

## **RIGHTS OF THE ACCUSED**

- Be informed of the charges under investigation
- Be informed of the identity of the accuser(s) or the circumstances leading to the hearing
- Except when not possible or when it would interfere with a thorough and impartial investigation, be present throughout the taking of evidence
- Be represented by a Corps of Cadets appointed cadet counsel, if appointed
- Be informed of witnesses and other evidence then known to the investigating officer, if appointed
- Be informed of the purpose of an investigation
- Be informed of the right against self-incrimination
- Cross-examine witnesses who are provided for in accordance with this regulation
- Have witnesses produced as provided for in accordance with this regulation
- Have evidence, including documents or physical evidence, within the control of Corps or University authorities produced in accordance with this regulation.
- Present anything in defense, extenuation, or mitigation for consideration by the investigating officer or Deputy Commandant for a Deputy Commandant Hearing.
- Make a statement in any form
- The cadet has the right to remain silent and does not have to answer any questions. However, he/she must plead guilty or not guilty. The cadet should know that adjudicating officers will make judgment, assess credibility, and infer conclusions based on all available information.
- The cadet has the right to receive written notice of the charges and specifications at least forty-eight (48) hours prior to the hearing date. Under special circumstances such as end of semester exams, periods immediately before a holiday break, etc., the hearing officer (most likely a Deputy Commandant) and cadet may agree to a period of time less than forty-eight (48) hours. In such cases, the cadet's agreement to the scheduled date and time of the hearing shall be considered a waiver to the general rule.
- The cadet has the right to be present for presentation of all evidence but is not required to be present for the hearing if he/she wishes not to be and is pleading guilty. A plea of not guilty requires the cadet to be present during the hearing.
- The cadet has the right to deny assigned counsel and represent himself/herself on his/her own behalf during an Executive Committee Hearing.
- The cadet has the right to appeal Executive Committee or Deputy Commandant findings and sanctions to the Commandant of Cadets.

## **CHAPTER 8: EXECUTIVE COMMITTEE HEARING PROCEDURES**

### **WITNESSES & EVIDENCE**

#### **Witnesses**

Any witness, whose testimony would be relevant to the investigation and not cumulative, shall be produced if reasonably available. This includes witnesses requested by the accused, if the request is timely.

#### **Evidence**

- Includes documents or physical evidence, which is relevant to the investigation and not cumulative, shall be produced if reasonably available. All evidence will be provided from each respective side to the other before the beginning of the hearing.
  - Such evidence includes evidence requested by the accused, if the request is timely.
  - Evidence that may be presented even if the defense objects
    - Sworn statements
    - Statements under oath by electronic means (i.e.; telephone or email)
    - Prior testimony under oath
    - Depositions of that witness
- Accused Evidence Waiver: The further progress of taking evidence shall not be prevented and the accused shall be considered to have waived the right to be present whenever the accused:
  - Has been notified of the time and place of the proceeding is voluntarily absent
  - Has been warned by the investigating officer that disruptive conduct will cause removal from the proceeding, persists in conduct that is such as to justify exclusion from the proceedings.
  - The accused may waive an investigation under this rule. In addition, failure to make a timely objection under this rule, including an objection to the report, shall constitute waiver of the objection. The Regimental Representative, the Hearing Officer, or the Executive Committee Chairman for good cause may grant relief from the waiver.

### **PROCEEDING ATTENDANCE**

Only members of the Commandant's Staff, Executive Committee staff members in training when approved by the Executive Committee Advisor, and the Residential Learning Coordinator assigned to the Corps of Cadets are permitted to attend proceedings.

**NOTE:** No other personnel are allowed to attend proceedings, to include the accused cadet's chain of command.

### **REFERRAL, SERVICE, AMENDMENT, & WITHDRAWAL OF CHARGES**

- If the Executive Committee Chairman or Hearing Officer finds or is advised that there are reasonable grounds to believe that an offense is subject to a hearing by Executive Committee, has been committed, that the accused committed it, and that the specification alleges an offense, the Executive Committee Chairman or Hearing Officer may refer it to an Executive Committee Hearing.
- The Sergeant at Arms shall serve upon the accused a copy of the charges that have been referred to an Executive Committee for the administrative hearing.
- After the accused is read the charges, the Executive Committee Chairman may, upon motion, permit minor changes in the charges and specifications at any time if no substantial right of the accused is prejudiced.
- Changes or amendments to charges or specifications other than minor changes may not be made

over the objection of the accused unless the charge or specification affected is preferred anew.

- Charges may be withdrawn if, after the investigation is complete--and upon approval of the Executive Committee Advisor--it is the opinion of the Regimental Representative, Hearing Officer, and/or Executive Committee chairman that insufficient evidence exists to permit a fair and impartial hearing.

## PRE-HEARING SPECIFICS

### Conditions on Liberty

- Conditions on liberty must not hinder pre-hearing preparation, however.
  - When such conditions are imposed, they must be sufficiently flexible to permit pre-hearing preparation.
- Should sufficient evidence exist to allow for pre-hearing activities, the Hearing Officer may impose the following pre-hearing restraints.
- Conditions on liberty include, but are not limited to the following:
  - Orders to report periodically to a specified official
  - Orders not to go to a certain place (such as the scene of an alleged offense)
  - Orders not to associate with specified persons (such as the alleged victim or potential witnesses).

### Investigation

- Except as provided for in this regulation, no charge or specification may be referred to an Executive Committee for the hearing until a thorough and impartial investigation of all the matters set forth herein has been made in substantial compliance with this rule.
- Under this provision, in most cases an investigation will normally consist of an informal inquiry by the accused's company commander, wherein the commander determines the facts surrounding the case, interviews relevant witnesses, and prepares and forwards the charge sheet and any attachments.
- During pre-hearing investigations by the chain of command, it is often important to preserve evidence while it is fresh. This includes interviewing relevant witnesses, and if necessary, collecting written statements.
  - Cadet witnesses are duty-bound to fully report on the circumstances of the allegations and suspected or observed VTCC regulation violations.
- Accused cadets will be offered the opportunity by the chain of command to provide written statements about the events, but will first be clearly advised of their rights against self-incrimination.

**NOTE:** The accused cadet shall never be coerced into self-incrimination

- All witness statements and evidence will be collected in a manner that preserves the integrity and impartiality of the investigation.
- Information may be shared between Student Conduct and the VTCC if the offense is also being heard by Student Conduct.
- In preparation for a Deputy Commandant's Hearing, a Deputy Commandant's review of the circumstances of any case, in conjunction with the chain of command and other agencies--as applicable--also constitutes an investigation under this rule.
- When the scale or the complexities of a case are such that a detailed and time-consuming formal investigation is warranted, a Deputy Commandant or the Commandant may direct a more substantial probe and the preparation of a written report.
- The results of any written investigation will be provided to the Regimental Hearing Officer with the submission of the NJP paperwork referring charges.
- All evidence procured by either the Defense or Prosecution will be submitted to the opposing representative side before the hearing begins.

## **PRE-HEARING MATTERS**

### **Discovery**

- The Regimental Representative shall provide the following information of matters to the defense:
  - Papers accompanying charges
  - Documents, tangible objects, and reports
  - Witnesses
  - Prior convictions of the accused used as evidence in the Executive Committee Hearing
  - Information to be offered for sentencing
  - Evidence favorable to the defense

### **Disclosure by the Defense**

- The Defense Representative shall provide the Regimental Representative the following information:
  - Documents and Tangible Objects
  - Reports of examinations and tests

### **General Items**

- If before or during the Executive Committee Hearing, a party discovers additional evidence or material previously requested or required to produce, which is subject to discovery or inspection under this rule, that party shall promptly notify the other party or the Executive Committee Chairman/Hearing Officer of the existence of additional evidence or material.
- Each party shall have adequate opportunity to prepare its case and equal opportunity to interview witnesses and inspect evidence. No party may unreasonably impede the access of another party to a witness or evidence.
- Nothing in this rule shall require the disclosure or production of notes, memoranda, or similar working papers prepared by the representatives.
- A deposition may be ordered whenever, after referral of charges, due to exceptional circumstances of the case it is in the interest of justice that the testimony of a prospective witness be taken and preserved for use at an investigation or an Executive Committee Hearing

## **HEARING PROCEDURE**

### **Uniform**

- The uniform for the hearing shall be:
  - Seasonal Dress B for the accused, the representatives, and board members. All witnesses will be in seasonal duty uniform.

### **Hearing Officer**

The hearing officer shall:

- Determine the time and location of the hearing.
- Ensure that the dignity and decorum of the proceedings are maintained
- Instruct the members on questions of law and procedure which may arise.

### **Arraignment**

The Arraignment shall:

- Be conducted in an Executive Committee Hearing
- Reading the charges and specifications to the accused
- Calling the accused to plead.



**NOTE:** The accused may waive the reading.

## **Motions**

Motions shall be conducted as follows:

- Defenses or objections based on defects in the referral, forwarding, investigation, or referral of charges
- Defenses or objections based on defects in the charges and specifications
- Motions to suppress evidence
- Motions for discovery for production of witnesses or evidence
- Motions to dismiss the charges
- Motions to dismiss a committee board member due to impartiality concerns
- Continuance

## **Executive Committee Hearing Script**

- Accused reports into committee chairman
- Chairman addresses the accused and rights are read
- Opening Statements
- Initial Questioning
- Witness(es) brought forth
- Defense and Prosecution Statements are given
- Deliberation of guilt
- Reading of findings
- Recommendations for sanctions
- Deliberation of sanctions
- Reading of sanctions and verbal reprimand (if required)
- Appeal process

## **Presentation of the Case on the Merits**

- Opening Statements
- Presentation of evidence
- Presentation of evidence for the prosecution
- Presentation of evidence for the defense
- Presentation of prosecution evidence in rebuttal
- Presentation of defense evidence in rebuttal
- Additional rebuttal evidence at the discretion of the Executive Committee Chairman
- Presentation of evidence requested by the Executive Committee Chairman or board members

## Deliberations & Voting on Findings

- After the Executive Committee Chairman instructs the members on the findings, the members shall deliberate and vote in a closed session.
- Only the Executive Committee Advisor, members of the panel, the Hearing Officer, the Clerk, and the Sergeant at Arms shall be present during deliberations and voting.
- Superiority in rank shall not be used in any manner in an attempt to control the independence of members in the exercise of their judgment.
- Deliberations properly include full and free discussion of the merits of the case.
- Unless otherwise directed by the Executive Committee Chairman, members may take with them in deliberations their notes, if any, any exhibits admitted into evidence, and any written instructions.
- Members may request that the Hearing be reopened and that portions of the record be read to them or additional evidence introduced.
  - The Executive Committee Chairman may, in the exercise of discretion, grant such request.
- Board members making judgements will do so based on “preponderance of evidence,” or whether it is “more likely than not” that violations of Cadet Regulations occurred.
- Voting on the findings for each charge and specification shall be by a show of hands and recorded by the Clerk.
  - All members present shall vote.
  - A simple majority of three-fifths (3/5) shall be required for conviction.
  - If less than three-fifths (3/5) of the members present vote for a finding of guilt a finding of not guilty has resulted as to the charge or specification on which the vote was taken.

**NOTE:** The Chairman only votes if a tiebreaker is needed.

- The board does not consider university sanctions or referrals to counseling in its deliberations on guilt or innocence.
- The Executive Committee Advisor imposes those sanctions, in the event of a guilty verdict, as appropriate.
  - The Executive Committee Advisor may give the board authority to make a recommendation on the retainment or loss of the Emerging Leader Scholarship.
    - The Executive Committee Advisor then considers the board’s recommendation and imposes a final decision on the retention or loss of the Emerging Leader/Horizons Scholarship to be included in the final Written Reprimand and delivery of sanctions.
- The Executive Committee Hearing will then be reconvened, and the accused will be read the findings of the board along with any applicable recommended sanctions.

## Appeals & Final Approval

In accordance with the university's Student Code of Conduct, appeals may be based only on the following grounds:

- Denial of due process
- Significant and relevant new evidence that was not available at the time of hearing
- Sanctions that are unduly harsh or arbitrary

**NOTE:** Appeal requests will be denied in cases not having sufficient grounds in one or more of these areas.

- Cadets wishing to appeal shall
  - Submit the appeal within three calendar days (72 hours) from the date of the Executive Committee's final delivery of sanctions by the Executive Committee Advisor or Deputy Commandant's hearing.
  - Submit their appeal in the form of a cadet memorandum to the Commandant.
  - Hand-carry their appeal to the Vice Commandant.
  - If multiple cadets from the same hearing wish to appeal, they must submit their appeal in the form of individual cadet memorandums to the Commandant by submitting them to the Vice Commandant.

**NOTE:** The burden is on the appealing cadet to demonstrate why the finding of the sanction should be altered.

- The Commandant will review the appeal memorandum and the entire record of the case. Based upon a complete review of the merits of the case and the cadet's appeal, the Commandant may do any of the following:
  - Determine the findings/sanctions are warranted and affirm the results.
  - Reduce, sustain, or increase the original sanction(s).
  - Refer the case to a new hearing authority for a rehearing.
  - Dismiss the case.
  - Reply to the appealing cadet in writing.
- The Commandant is the final appellate authority for any disciplinary action taken within the Corps of Cadets.
- Transcripts and other documentation related to the hearing may be provided to the appropriate ROTC commander but will not be made available to the general public.
- If a cadet is found guilty at an Executive Committee hearing, the Executive Committee Advisor will publish the charges and sanctions.

**NOTE:** The name of the accused shall not be mentioned in the announcement by the Executive Committee Advisor.

## Executive Committee Sanctions

- The Executive Committee Board will use the following list of sanctions/ disciplinary actions as general guidelines when recommending a sanction to the Commandant of Cadets:
  - Verbal reprimand
  - Written reprimand
  - No more than 20 hours of RDS/(Regimental)
  - Marching Tours -- Preference will be given to awarding two (2) hours of RDS for every hour of marching tours assigned
  - No more than five (5) weekends of restriction
  - Reduction to the rank of Cadet Private
  - Reduction in Corps class standing by one class level (called Turn Back)
  - Rehabilitative reassignment to another unit
  - Military Probation. Convictions for first offense(s) will result in military probation for one semester, unless otherwise directed by the Executive Committee advisor
  - Dismissal with provision to return. Convictions for first offense(s) will result in this sanction being imposed for one semester, when warranted, unless otherwise directed by the Executive Committee advisor
  - Dismissal. Denotes permanent removal from the Corps with no possibility of return.
  - Required retraining or any other corrective measures deemed germane to the offense(s)
  - Any combination of the above.
- Cadets found guilty of regulation violations are subject to maximum allowable punishment for each article violation.

**NOTE:** The Commandant of Cadets may approve or amend any recommendations submitted by the Executive Committee or the Deputy Commandant holding the hearing.

## Military Probation

Cadets on Military Probation are considered not in good standing, and are normally ineligible for any Emerging Leader/Horizon Scholarships while on probation.

- Cadets may be placed on Military Probation as a result of disciplinary actions.
- The following apply to cadets on Military Probation:
  - May not hold positions of increased responsibility
  - Prohibited from participating in Corps organizations outside their company
    - Participation in religious organizations or identity community organizations is still permitted.
  - Can expect significant ramifications as a result of any new infractions that occur during the probationary period.

## ROLE OF ADVISOR TO THE EXECUTIVE COMMITTEE

A member of the Commandant's Staff will serve as advisor to the Regimental Staff Judge Advocate / Executive Committee Chairperson. This representative serves as a mentor and process guarantor and should not affect the outcome of the cadet-led, cadet-run Executive Committee. The advisor is intended to guarantee due process and fairness of outcome through the oversight of administrative training and coaching of the committee staff members, review of all proposed charge letters, and review/delivery of recommended sanctions.

## **CHAPTER 9: DEPUTY COMMANDANT HEARING PROCEDURES**

### **DESCRIPTION**

Deputy Commandant Hearings are convened for those Tier Five offenses deemed too complex, egregious, sensitive for cadet-level adjudication, and/or under special circumstances. Deputy Commandant Hearings are also reserved for senior cadets alleged to have committed Tier Five violations.

The following applies for Deputy Commandant Hearings:

- An administrative hearing operating under the guidance and authority of the Commandant of Cadets
- Accused cadets enjoy the same Accused Rights during Deputy Commandant Hearings as delineated earlier in this chapter
- Allegations are referred based on cadet reporting and/or self-report, university Incident Report, local Law Enforcement report, referral from the Regimental Staff Judge Advocate, or Commandant's Staff referral to the Commandant's Judicial Advisor
- The assigned Hearing Officer will determine the date, time, location, and uniform of the hearing
- During formal notification of charges, accused cadets are presented with their Accused Rights and all relevant evidence collected during the investigation; cadets shall acknowledge their charges and rights
- A member of the accused cadet's Top Three leadership may attend the hearing as a silent observer by invitation of the hearing officer, as long as that member is not also serving as a called witness
- Cadets are not authorized representation or advisors during Deputy Commandant Hearings
- During the hearing, the accused will plead guilty or not guilty to the charges.
- The hearing officer will review the facts of the case, determine if violations of policy occurred, deliberate, and render punitive and/or restorative sanctions as appropriate
- Findings rendered in a Deputy Commandant's Hearing may only be appealed to and amended by the Commandant of Cadets
- Transcripts and other documents related to the hearing may be provided to the appropriate ROTC commander but will not be made available to the general public
- If a cadet is found guilty at a Deputy Commandant Hearing, the Executive Committee Advisor will publish the charges and sanctions after redacting personal information to preserve anonymity
- Findings of violations of the university's Student Code of Conduct may only be addressed by the Office of Student Conduct
- Hearings for cadets involving violations of the university's Student Code of Conduct will be coordinated with the Office of Student Conduct to determine whether to hold hearings jointly or to hold separate proceedings for Corps regulations and the university's conduct system

### **HEARING SCRIPT**

- Accused reports into the assigned Deputy Commandant/Hearing Officer
- Deputy Commandant addresses the accused and rights are reviewed
- Opening Statements from the Accused
- Initial Questioning by the Hearing Officer
- Witness(es) brought forth
- Follow on questioning of the Accused, if required
- Closing Statement by the Accused
- Hearing closed/finished
- Hearing Officer deliberation; meeting scheduled for final presentation of findings and/or sanctions, if applicable
- Reconvene: reading of findings and/or sanctions
- Appeal process

## **CHAPTER 10: JOINT CONDUCT HEARING PROCEDURES (VT Student Conduct & Deputy Commandant)**

### **DESCRIPTION**

Informational only. Procedure is maintained and executed by University Student Conduct.

Introductions and notifications about hearing recording

- Introduce self (informally)
- State the hearing is recorded for appeals purposes
- All parties introduce themselves and their role in the hearing process
- Inform all parties that they may request a break at anytime during the hearing
- Review Hearing Agenda
- Student Conduct Procedural guarantees
- VTCC Accused Rights
- Review of Student Conduct Charges
- Make sure you have the formal hearing notification to read charges
- Pleas
- Review VTCC Charges
- Opening Statement
- Complainant (if appropriate)
- Respondent
- Break (if needed/wanted by parties involved)
- Questions by hearing officers
- Questions of Witnesses
- Questions of Complainant
- Questions of Respondent
- Break (if needed/wanted by parties involved)
- Closing Statements
- Complainant (if appropriate)
- Respondent
- Hearing ends
- Student Conduct Procedural Guarantees review and check for understanding for all parties
- Advance notice of the potential violations — confirm receipt
- To participate
- Refuting any information or statements presented
- To NOT participate or answer any questions
- Have an advisor present
  - Cannot participate on your behalf
- To bring witnesses or provide written witness statements
- Challenge objectivity of hearing officer(s) regarding potential bias and/or conflict of interest
- Confirm respondent does not have any concerns regarding hearing officer(s) potential bias or conflict of interest
- Appeal - Can appeal, if a loss of privilege, on three grounds: due process, new information, unduly harsh or arbitrary
- VTCC Accused Rights
- You shall be informed of the purpose of and charge(s) under investigation/hearing.
- You shall be informed of the identity of the accuser(s) or the circumstances leading to the investigation/hearing.
- You shall be informed of witnesses and provided copies of any statements or other evidence used against you.
- You shall be informed of the right against self-incrimination. You have the right to remain silent and do not have to answer any questions. However, if appearing at a hearing you must plead

guilty or innocent. You should be aware that hearing officers will make judgement, assess credibility, and infer conclusions based on all available information.

- You may make a statement in any form.
  - You may present witnesses on your behalf.
  - You may present anything in defense, extenuation, or mitigation.
  - You shall receive written notice of charges and specifications at least forty-eight (48) hours prior to a hearing date. Under special circumstances such as end of semester exams, periods immediately before a holiday break, etc., the hearing officer (most likely a Deputy Commandant) and cadet may agree to a period of time less than forty-eight (48) hours. In such cases, the cadet's agreement to the scheduled date and time of the hearing shall be considered a waiver to the general rule.
  - You may choose not to attend a scheduled hearing. Unless unforeseen valid circumstances arise and you contact the Executive Committee or hearing officer to request rescheduling the hearing, a hearing will proceed in your absence.
  - You may appeal any Executive Committee or Deputy Commandant findings and sanctions to the Commandant of Cadets.
- Review of Student Conduct Charges
- Read the alleged charges from the Formal Hearing Notification
  - Ask if the respondent understands the policy(ies), and if they have any questions

### Review of VTCC Charges

- Read the alleged charges from the Formal Hearing Notification
- Ask if the respondent understands the policy(ies), and if they have any questions

### Student Conduct Pleas

- Respondent enters please for each alleged policy violation
- Inform parties that the entering of a plea does not have any bearing on the outcome of the hearing today; that it helps guide the hearing officer through the hearing process. Options are:
- Responsible
- Not Responsible
- No Plea

### VTCC Pleas

- Accused enters pleas for each alleged policy violation (Guilty / Not Guilty)

### Opening Statements

- Complainant Opening Statement (if appropriate)
- Respondent Opening Statement

### Witnesses Statements (Individually invite witnesses in)

- State the hearing is recording
- Ask witness(es) to introduce themselves with their name for the recording

### Questions

- Remind purpose of questions is to elicit information that will help the hearing officer(s) determine a finding for each of the policies in question

### Closing Statements

- Complainant (if appropriate)
- Respondent / Accused



## ANNEX A: FORMS

<b>NON-JUDICIAL PUNISHMENT FORM</b>					
Virginia Tech Corps of Cadets					
<u>NAME</u> (Last, First MI)		<u>RANK</u>	<u>UNIT</u>	<u>CLASS</u>	<u>EMAIL</u>
<u>MERITS</u>	<u>DEMERITS</u>	<u>MARCHING TOURS</u>	<u>DISCIPLINARY CASES THIS SEMESTER</u>		<u>MILITARY PROBATION</u>
		Yet to Serve:			Yes: <input type="checkbox"/> No: <input type="checkbox"/>
<u>ALLEGED OFFENSES AND CHARGES</u> , to include specific article violated, date of offense, and a short description.					
<u>ACKNOWLEDGEMENT OF CHARGES AND ACCUSED RIGHTS</u> I understand the charges being made against me, and I have been advised of my rights under VTCC regulations. I have also been advised of and understand my right to request a Deputy Commandant Hearing in lieu of non-judicial punishment.					
I <input type="checkbox"/> <u>REQUEST</u> <input type="checkbox"/> <u>DO NOT REQUEST</u> a Deputy Commandant disciplinary hearing in lieu of non-judicial punishment (choose one).					
<u>ACCUSED CADET'S SIGNATURE</u>		<u>DATE</u>	<u>UNIT COMMANDER</u> (Last, First MI)	<u>UNIT COMMANDER SIGNATURE</u>	
<b>DISCIPLINARY PROCEEDINGS</b>					
<u>PROCEEDINGS OF NON-JUDICIAL PUNISHMENT:</u> Level (choose one): <input type="checkbox"/> <u>COMPANY</u> <input type="checkbox"/> <u>BATTALION</u> <input type="checkbox"/> <u>REGIMENT</u> (Include Plea to Charges, Findings, and Sanctions)					
<u>ACKNOWLEDGEMENT OF FINDINGS AND RIGHT TO APPEAL</u> I acknowledge the findings and sanctions found above and I have been advised of my right to appeal.					
<u>ACCUSED CADET'S SIGNATURE</u>		<u>DATE</u>	<u>HEARING OFFICER</u> (Last, First MI)	<u>HEARING OFFICER SIGNATURE</u>	
<u>REVIEW OR APPEAL OF NON-JUDICIAL PUNISHMENT:</u> Level (choose one): <input type="checkbox"/> <u>BATTALION</u> <input type="checkbox"/> <u>REGIMENT</u> <input type="checkbox"/> <u>DEPUTY</u> (Modifications to Findings and/or Sanctions)					
<u>REVIEW/APPEAL OFFICER</u> (Last, First MI)	<u>REVIEW/APPEAL OFFICER SIGNATURE</u>	<u>DATE</u>	<u>DEPUTY COMMANDANT SIGNATURE</u>	<u>DATE</u>	
<u>COMMENTS FROM COMMANDANT/DEPUTY COMMANDANT</u>					

Clear Form

Save Form

Print Form



### **Appeals Process for Corps and University Findings of Guilty/Responsible**

The accused may appeal any finding of guilt or sanction for Corps offenses in a memorandum to the Commandant of Cadets. The burden is on the appealing cadet to demonstrate why the finding or sanction should be altered.

In accordance with the University Policies for Student Life, appeals may be based only on the following grounds: (1) denial of due process, (2) significant and relevant new evidence that was not available at the time of the trial, and/or (3) sanctions that are unduly harsh or arbitrary. Appeal requests will be denied in cases not having sufficient grounds in one or more of these areas.

Cadets wishing to appeal nominally will have three calendar days (72 hours) from the date of the Executive Committee trial or Deputy Commandant Hearing award of sanctions to submit their memorandum to the Commandant. Cadets will hand-carry their appeal to the Commandant in the CLMS. Your appeal is due no later than 0800, Day, xx Month 202x.

The Commandant will review the appeal memorandum and the entire record of the case. Based upon a complete review of the merits of the case and the cadet's appeal, the Commandant may do any of the following:

1. Determine the findings/sanctions are warranted and affirm the results.
2. Alter or sustain the original finding and/or sanction.
3. Refer the case to a new hearing authority for a rehearing.
4. Dismiss the case.

The Commandant will reply to the appealing cadet in writing. The Commandant is the final appellate authority for any disciplinary action taken within the Corps of Cadets.

ACKNOWLEDGEMENT \_\_\_\_\_ DATE \_\_\_\_\_