

## **FOREWORD**

June 2006

TO: The Corps of Cadets, The Citadel

The Cadet Honor Code was created in 1955 by a unanimous vote of the Corps of Cadets. This means that the Honor Code belongs to the Corps of Cadets. Administration of the Honor Code is conducted by the Honor Committee, which consists of members of the senior class who have been elected to serve as Honor Committee Representatives. The Honor Committee is integrated into the cadet chain of command for your benefit, with representatives at company, battalion and regimental levels. They are there to answer any questions you may have.

With respect to enforcement of the Honor Code, the Honor Committee acts only in response to accusations. In other words, each cadet is responsible for upholding the Honor Code. It is each cadet's duty to report violations to his or her Company Honor Committee Representatives.

In addition to enforcing the Honor Code, the Honor Committee also serves to provide education and advice in matters relating to the Honor Code. Through the education program each cadet is given the opportunity to grow in understanding the Honor Code. It is the Honor Committee's intention that each cadet evolve from simply abiding by the Code as a freshman to enforcing the Code as a senior and living the Code as a graduate.

The primary mission of The Citadel is to educate and produce principled leaders. I feel that the Honor Code is the most important facet of this mission. If we are to take character development into our own hands, then we as the Corps of Cadets must embrace the spirit of the Code. This means that as cadets, we must make it our top priority to strive to live in accordance with the Code. The Citadel does not make you an honorable person; it merely provides the signposts. You must make the commitment to be an honorable person yourself. If you make the commitment to embrace the spirit as well as the letter of the Code, then you will be blessed with the benefits of honor and integrity, and they will follow you for the rest of your life.

Brett S. Miller  
Cadet Lieutenant Colonel  
Chairman, Honor Committee

## TABLE OF CONTENTS

### SECTION I — The Cadet Honor System

1. The Honor Manual
2. The Cadet Honor System

### SECTION II — Definitions

3. Definitions

### SECTION III — The Cadet Honor Code

4. The Honor Code
5. Violations of the Code
6. Persons Subject to the Honor Code
7. Ignorance No Defense

### SECTION IV — The Honor Committee

8. Members of the Honor Committee
9. Selection of Honor Representatives
10. Vacancies
11. Duties of the Honor Committee
12. Honor Committee Officers and their Selection
13. Duties of the Honor Committee Officers

### SECTION V — The Honor Court

14. The Honor Court

15. Composition of the Honor Court for Trial Purposes
16. Members Disqualified
17. Rights of an Accused
18. Faculty Advisor to the Honor Committee
19. Open and Closed Sessions
20. Voting in Closed Court
21. Accused May Request Classmate

SECTION VI — Honor Court Procedures

22. Officers of the Honor Court
23. Order of Pre-Trial Procedure
24. Reporting a Violation
25. Action by the Honor Representative
26. Action by the Chair
27. Action by the Investigating Committee and Rules of Evidence

28. Investigating Subcommittee to be Trial Counsel
29. Duties of Members of the Honor Court
30. Voting
31. Challenges for Cause
32. Findings
33. Announcing the Findings
34. Action in Case of Findings of Not Guilty
35. Action in Case of Findings of Guilty
36. Appeals

SECTION VII — Amendments and Changes

37. Amendments to the Honor System
38. Other Rules and Regulations

SECTION VIII — Questions and Answers

Paragraphs 39-60

SECTION IX — Case Examples

Paragraphs 61-70

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

SECTION I — The Cadet Honor System

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

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

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

SECTION II — Definitions

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

a. Honor representatives shall be construed to refer to those members of the First Class who are members of the Honor Committee.

b. Rising honor representatives shall refer to those members of the Second Class who have been elected to the rising Honor Committee.

c. Accuser shall refer to the cadet or member of the faculty or staff who initially reports a violation of the Honor Code to a member of the Honor Committee.

### SECTION III — The Cadet Honor Code

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

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

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

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

(2) The use of any document, on or off campus, to misrepresent one's identity or status to gain a benefit that one would not have received without the misrepresentation will be considered and treated as a false official statement.

(3) **Improper Question:** The following procedure will be adhered to in order to prevent the Honor Code from being used as an investigative tool:

(a) No commissioned officer of the staff or faculty, member of the guard, or any cadet in an official position will put a specific question to a cadet which might incriminate a cadet unless the following conditions apply:

(1) An act or incident did occur, and it was in violation of regulations, South Carolina Corps of Cadets (SCCC), or to the detriment of good order and the military discipline of the Corps of Cadets.

(2) There is sufficient evidence to indicate that the cadet being queried was involved or possesses firsthand knowledge about that act or incident.

(b) If a delinquency report is made on a cadet based upon facts brought out by questioning that cadet and the cadet believes the question did not meet the above requirements, he or she will so report in writing to the Company Honor Representative. The Company Honor Representative will inform the Chair of the Honor Committee, who will in turn inform the **Faculty Advisor** to the Honor Committee.

(c) The **Faculty Advisor** to the Honor Committee, the Chair of the Honor Committee, and the Vice Chair for Investigation of the Honor Committee will investigate the circumstances involved in the incident and will determine whether or not the question was proper. They will report their conclusion to the President. If their conclusion is that the question was improper, they will recommend to the President that the delinquency report and any punishment awarded as a result thereof be revoked. If their conclusion is that the question was proper, they will call in the cadet involved and explain the rationale for their conclusion. Any cadet not satisfied with their explanation may appeal to the President in writing.

b. **CHEATING:** Receiving or giving aid on a test or examination. Test or examination includes any work performed for which a grade is received. Plagiarism is a violation of the Honor Code. Plagiarism is the act of using someone else's words or ideas as your own without giving proper credit to the source:

(1) When you quote another's words exactly you *must* use quotation marks and a footnote (or an indication in your paragraph) to tell exactly where the words came from, down to the page number(s).

(2) When you mix another's words and ideas with your own in one or more sentences, partially quoting the source exactly and partially substituting your own words, you must put quotation marks around the words you quote and not around your own. Then you cite the source, down to the page number(s). [See (1) above]

(3) When you paraphrase another's words or ideas, that is, when you substitute your words for another's words but keep **those** idea(s), you do not use quotation marks, but you must cite the source, down to the page number(s). [See (1) above]

(4) When you use only another's idea(s), knowing that they are the other's ideas, you must cite the source of that idea or those ideas, down to the page number(s). [See (1) above]

(5) Citing the source means giving, as a minimum, the author, the title of the book, and the page number.

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

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

## 6. *Persons Subject to the Honor Code*

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

b. All day students enrolled at The Citadel during the regular academic year are also subject to the Honor Code but are not under the jurisdiction of the Honor Committee. Violations of the Honor Code by day students will be reported to the Faculty Advisor to the Honor Committee, who will report the circumstances of the violation to the President for appropriate action.

7. *Ignorance No Defense:* Ignorance of the provisions of the Honor Code shall NOT be accepted as a defense by the Honor Court.

#### SECTION IV — The Honor Committee

8. *Members of the Honor Committee:* There is hereby established an Honor Committee which shall consist of the following members:

- a. An honor representative and an alternate from each company in the regiment.
- b. An honor representative from each battalion in the regiment.

9. *Selection of Honor Representatives:* Honor representatives shall be elected by the three lower classes from their own companies and/or battalions not later than the second Wednesday in February of their second class year. The procedure for the selection of honor representatives will be as follows:

a. *Election of Company Honor Representatives*

(1) *Nominations:* All cadets so entitled will vote by secret ballot for a nominee for honor representative from the second class cadets of their company.

**Nominees must have a overall GPA of 2.3 at the time of nomination.** The nomination ballots will be counted by the present Company Honor Representative and the Battalion Honor Representative. The names of at least four cadets receiving the most votes will be presented to the Honor Committee for scrutiny.

(2) *Election:* From the list of names submitted to the Honor Committee, at least two of these names will be approved and submitted to the company for a final secret balloting to elect the honor representative from that company. The runner-up will serve as the alternate Company Honor Representative. These alternates will serve when called on by the Honor Committee Chair.

b. *Election of Battalion Honor Representatives*

(1) *Nominations:* The runner-up in each company will be submitted to the battalion for a vote via secret ballot to elect the Battalion Honor Representative.

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

*c. Training of Honor Representatives:* Once elections are completed, the newly elected members are designated the Rising Honor Committee. The Chair of the Honor Committee is responsible for training the rising Honor Committee. Training will cover the Honor Code in depth; the duties of a Company Honor Representative; the duties of an investigating committee/trial counsel; the duties of a defense counsel; and the duties of a member of an Honor Court. The Chair will delegate instructional duties to the Vice Chair for Education and others as necessary. The Rising Honor Committee will also attend trials, “shadow” investigation teams, and learns all things which will prepare them for their duties as members of the Honor Committee. Members of the Rising Honor Committee will be examined in their understanding of the instruction and at the end of the training period, the Chair will certify by diploma their qualification to serve. After certification, members of the Rising Honor Committee shall elect their officers as stipulated in paragraph 12. Once certified, the Rising Honor Committee will assume responsibility for the Honor Code, with the exception of cases already under investigation and cases involving members of the 1<sup>st</sup> class. The Rising Honor Committee usually takes over following Spring Break, but the President may authorize otherwise.

*d. Replacement of Honor Representatives:*

(1) When the Corps returns for the first semester in August or September, the Chair of the Honor Committee will determine which companies and battalions do not have an honor representative physically living in the barracks area due to promotion and/or transfer to the regimental or battalion staff or for other reasons. In those companies and battalions where such a situation exists, an election will be held for a new honor representative, in order that an honor representative will be readily available to all cadets in the company or battalion area. Those cadets who were elected as company or Battalion Honor Representatives the preceding February and are replaced by the new election will continue to serve as members of the Honor Committee.

(2) Members of the Honor Committee not classified academically as 1A will be suspended from duties until they attain that status. If the affected cadet is an officer of the Honor Committee, the Committee will elect a replacement. If the cadet removed from office later attains 1A status, he or she may serve as a member at-large.

*e. Removal of Honor Committee Representatives:* Any member of the Honor Committee may request removal of another member from office. The Chair shall handle such petitions by convening a special meeting of the Committee (at which 90% must attend) during which both parties will be afforded opportunity to present their cases. A secret, written ballot (Remove or Do Not Remove) will be taken and verified by two member of the court. Two-thirds of those present must vote to remove a member in order to attain that end. If a member is removed, the other Company Honor Representative shall convene an election for replacement within 5 working days adhering to the usual election procedures.

10. *Vacancies:* The company alternate will assume the position of Company Honor Representative when a vacancy occurs. Within 10 days of assuming this position, the new

Company Honor Representative will cause an alternate to be elected per paragraph 9a. (2).

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

- a. To sit as members of the Honor Court and to try all cases which involve violations of the cadet Honor Code.
- b. To prepare and keep current an “honor manual” summarizing the rules and regulations governing its activities.
- c. To keep the Corps informed of new interpretations, to explain such interpretations, and by timely and continuing announcements to ensure that all have a thorough understanding of the honor system.
- d. To reorient and refresh the upper three classes on the honor system at the beginning of each academic year.
- e. To orient and instruct the new fourth class on the principles, purposes, and practices of the honor system.

12. *Honor Committee Officers and their Selection:*

- a. The officers of the cadet Honor Committee shall be a Chair, a Vice Chair for Investigation, and a Secretary. In addition, there shall be a Vice Chair for Education with such duties as provided for in paragraph 13d.
- b. Officers of the cadet Honor Committee for the rising academic year shall be elected by and from the rising honor representatives. The election shall be held no later than the first week in April of the second class year.

13. *Duties of the Honor Committee Officers:*

- a. The Chair shall:
  - (1) Preside over the Honor Committee and the Honor Court at all meetings or trials and speak for the court in announcing the findings and the result of any vote upon a challenge or other question;
  - (2) Fix the hour, date, and place of assembly for the trial of each case after conferring with the accused persons or their counsel;
  - (3) Have the authority to summon, and shall summon, any cadet witness requested by the prosecution or by the defense. The request for a witness other than a cadet shall be referred to the Faculty Advisor;
  - (4) Designate a defense counsel for the accused at least five days before the trial if the accused has failed to select a counsel;
  - (5) Be responsible for the fair and orderly conduct of each case tried before the Honor Court;
  - (6) Rule on all questions raised during the trial other than a challenge for cause. (Rulings may be objected to by any member of the Honor Court in which case the court will be closed and the question put to a majority vote.);

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

(8) Hold the rank of Cadet Lieutenant Colonel and be assigned to the regimental staff.

b. The Vice Chair for Investigation shall:

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

(2) Appoint a committee of three members of the Honor Committee to investigate each violation of the Honor Code reported to the Vice Chair for Investigation;

(3) Receive and act upon the report of each investigating committee as outlined in paragraph 27. If the Vice Chair for Investigation determines that an investigation warrants a trial, he or she may assist trial counsel as necessary;

(4) Hold the rank of Cadet Major and be assigned to the regimental staff.

c. The Secretary shall:

(1) Be the recorder of the Honor Committee and shall keep a record of the minutes of all meetings of the Honor Committee and together with the Chair shall authenticate all written records of such meetings;

(2) Be responsible for a full tape recording being made of each trial before the Honor Court;

(3) Destroy the tape recording and all other records connected with the trial should the accused be acquitted;

(4) If the trial results in a finding of "guilty," the Secretary shall authenticate the record of trial by recording on the tape the following certificate:

"I, Cadet..... ,  
Secretary of the Honor Committee, do certify that to  
the best of my knowledge and belief this tape recording  
is a true and factual record of the court proceedings,  
except closed court proceedings, in the trial of  
Cadet ..... ,  
Company..... , Class of 19 (20)..... ."

(5) Submit the tape recording authenticated as indicated above to the President in case of a finding of "guilty."

d. The Vice Chair for Education shall:

(1) orient and instruct the new fourth class on the principles, purposes, and practices of the honor system;

(2) regularly reorient and refresh the upper three classes on the honor system throughout the school year;

(3) view each Honor Court trial, whether open or closed, in order to prepare and distribute to the Corps of Cadets a memorandum stating the findings and pertinent facts of each honor case, not to include the identity of the accused;

(4) ensure that all members of the Corps of Cadets who wish to view open Honor Court trials have a fair opportunity to do so on a random basis and as space in the courtroom permits.

## SECTION V — The Honor Court

14. *The Honor Court:* For the trial of such cases as are authorized to come before it, the Honor Committee, except such members as may be disqualified, shall function as an Honor Court. The Honor Court shall be the sole and final agency for determining whether a cadet has violated the Honor Code. Decisions may be appealed only to the President of the college.

15. *Composition of the Honor Court for Trial Purposes:* For the trial of such cases as may be brought before it, the Honor Court shall consist of 10 members drawn from the Honor Committee or a substitute classmate as provided for in paragraph 21 below. In cases where leniency is considered, the Chair will abstain to avoid the possibility of a tie.

16. *Members Disqualified:* The accuser, the accused, investigating officers, and any members of the court challenged for cause by the accused and sustained by members of the court in the case to be tried are disqualified from sitting on the court.

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

- a. The right to an impartial pre-trial investigation;
- b. The right to a fair and prompt trial. The Honor Committee normally has 15 working days to determine whether a case should be brought to trial or dropped. That time period commences when the Executive Assistant to the President (or other authorized official) approves the investigation of an honor violation accusation. The end of the 15 day period will be indicated on the Statement of Rights attached to the accusation sheet, a copy of which will be given to the accused cadet. The 15 day period may be extended by the Executive Assistant to the President (or other authorized official) when circumstances warrant, e.g., furloughs, inaccessibility of witnesses, etc. A written record of extensions will be kept by the Vice Chair for Investigation. Once the Vice Chair for Investigation approves the recommendation for a case to go to trial, the Chair will schedule it as soon as feasible to protect the rights of the accused (para. 17g), but this time period does not count within the 15 day period. Trials are scheduled in chronological sequence once an investigation committee has completed its work. When it can be foreseen that the end of the college year will prevent completion of an investigation or preclude a trial from being scheduled, the President will be informed and will approve delay of final resolution until the onset of the next school year;
- c. The right to call witnesses in his/her own behalf during a trial;
- d. The right to have a classmate sit as a member of the Honor Court which tries him/her under the conditions prescribed in paragraph 21 of this manual;
- e. The right to cadet counsel of the accused own choosing;

- f. The right to cross examine a witness during a trial;
- g. The right to a reasonable time (usually five working days) in which to prepare a defense;
- h. The right to challenge any member of the Honor Court for cause;
- i. The right to resign at any stage of the proceedings;
- j. The right to be informed promptly of the specific honor violation for which he/she stands accused **along with the name of the accuser. Ordinarily, this requirement will be satisfied when the investigating committee meets with the accused and presents the accusation sheet and any statements available at that time;**
- k. The right to know the names of witnesses for the prosecution. **When the Vice Chair for Investigation determines that an accusation will go to trial, he or she will give the accused cadet copies of any evidence and the names of any witnesses in addition to that provided in subparagraph j (above) that the trial counsel plans to introduce. Because the accused is given five working days minimum to prepare, the trial counsel has the right to further its investigation. Any further evidence or witnesses that trial counsel plans to introduce will be made available to the accused as soon as possible. Any evidence that exonerates the accused will be reported to the Vice Chair for Investigations who has the authority to dismiss the case in accordance with para. 27 when warranted.**

18. *Faculty Advisor to the Honor Committee:* At the beginning of each academic year the President shall designate a member of the faculty as advisor to the Honor Committee. The Faculty Advisor will be present in the court for each trial in an advisory capacity, except that when the court is closed for deliberation and voting, the advisor shall not be present. **The Faculty Advisor shall provide notice to other members of the faculty when trials are lengthy so that cadets acting in an official capacity are exempted the following day from papers and tests. Cadets affected by this policy shall notify their professor and make up the work as soon as possible.**

19. *Open and Closed Sessions:*

a. Honor court trials will be open to members of the Corps of Cadets *only*. **An accused cadet may petition the Honor Court for admission of a non-cadet, and the Court will rule on this matter in closed court by voice vote.** Because of the size of the Honor Court room, attendance at such open trials must be limited. Selections will be made at random from those cadets indicating a desire to attend a specific trial by the Chair and Secretary of the Honor Committee. Any cadet attending the trial will be instructed by the Chair not to discuss in any manner the proceedings of the court.

b. Any cadet standing trial before an Honor Court shall have the right to be tried in closed court and will so notify the Chair of the Honor Court before the beginning of the proceedings.

c. When a session is closed, only members of the Honor Court, the trial and assistant trial counsels, the accused and his/her counsel, and the Faculty Advisor shall be present, except that the Chair may authorize rising representatives and such members of

the Honor Committee who for various reasons were ineligible to sit on the particular case to be present.

d. In both open and closed sessions, witnesses will be present only during the time they are testifying. The Chair will announce at the beginning of each trial that the proceedings, to include the findings, are confidential and they shall not be discussed with or mentioned to any person not then present in the court room.

20. *Voting in Closed Court:* All voting on any question to include the findings shall be in closed court. When the court is closed for voting, only members of the Honor Court sitting on the case in question shall be present.

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

#### SECTION VI — Honor Court Procedures

22. *Officers of the Honor Court:* The officers of the Honor Committee shall also be the officers of the Honor Court whenever the committee shall sit as an Honor Court. Each officer shall perform the respective court duties prescribed in Section IV of this manual.

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

24. *Reporting a Violation:* Cadets who know, or believe they know, of a violation of the Honor Code will report the violation in person immediately to their honor representative. Any cadet who has unintentionally violated the Honor Code must report this to the honor representative immediately upon discovery of the violation.

25. *Action by the Honor Representative:* The honor representative shall examine the evidence of the accuser (reporting cadet, or any member of the faculty or staff), and ensure that the accusation is complete. The honor representative will direct the accuser to write down the facts to include the name of the accused and class, the time and date of the alleged violation, the nature of the violation, and any witnesses to the violation. The accuser shall sign the report. The honor representative shall present the report to the Vice Chair for Investigation of the cadet Honor Committee, who discusses the charge and evidence with the Faculty Advisor. If both feel the evidence warrants further action the Vice Chair for Investigation takes the accusation to the President's Executive Assistant who is authorized to act on the recommendation for investigation.

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

27. *Action by the Investigating Committee:* The **investigating committee** shall notify the accused of the Honor Code violation of which he/she is charged and advise the accused of those rights stated in paragraph 17 above. The accused shall be advised of the name of the accuser and the names of those witnesses, if any, who will appear against him/her. The committee shall make a thorough and impartial investigation and report its findings together with its recommendations to the Vice Chair for Investigation of the Honor Committee. If the committee recommends the case be brought to trial, and the **Vice Chair for Investigation** accepts that recommendation, the Chair shall set a time and date for the trial and shall notify the accused of such time and date, and shall notify the accused of his/her rights. Normally a minimum of five working days shall be allowed the accused in which to prepare a defense. The following rules of evidence shall be adhered to by both parties. The intention of these rules of evidence is that both parties, namely trial and defense counsel, shall have the opportunity to cross-examine witnesses.

a. **Notarized Evidence:** If, for some extenuating circumstance deemed acceptable by the Chair of the Honor Court, a witness cannot be present at a trial, then notarized evidence may be admitted if both defense and trial counsels are present when the testimony is taken and have had the opportunity to cross-examine the witness at that time. The accused also has the right to be present at such cross-examination if so desired.

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

c. **Hearsay Evidence:**

(1) **Hearsay is a statement made by a person outside of trial, which is offered by another individual, while testifying at trial.**

(2) **Examples: At an Honor Court hearing, Cadets A and B are asked about their conversation in a hallway outside a math class. They had seen Cadet X cheat. Cadet A may testify as to what he said; Cadet B may testify as to what she said. Neither cadet may testify about what the other said, because that is hearsay. Hearsay may not be introduced. On the other hand, Cadets A and B are on guard duty when Cadet X enters the guard room and tells the two he was on an authorized pass. Questions arise later about the legitimacy of the pass, and Cadet X is accused of lying. The case goes to trial. The testimony of Cadets A and B about Cadet X's statements to them in the guard room is admissible in court. The hearsay rule does not apply when the testimony covers the statements allegedly made by the accused. Of course, the testimony of A and B must be weighed by the court along with all other facts in determining guilt or innocence.**

d. **Documentary Evidence:** Documentary evidence (e.g., ERWs, all-in sheets, tests, papers, etc.) may be submitted as allowable evidence. Xerox copies may be submitted and accepted by the court. If defense objects, then the proper authority shall certify that a xerox copy is a true copy.

e. Testimony of Non-Cadets: Non-cadets shall not be sworn in, but the Chair shall remind them of the gravity of the hearing and the need for truthfulness. If a former cadet who has been expelled or resigned under duress owing to an Honor Code violation or accusation gives testimony, the trial counsel may inform the court of the circumstances surrounding the witness's dismissal or resignation.

28. *Investigating committee to be Trial Counsel:* Once a case shall come to trial before the Honor Court, the **chair of the investigating committee** which investigated the case shall act as trial counsel for the trial and shall prosecute in the name of the South Carolina Corps of Cadets of The Citadel. Other members of the investigating subcommittee may act as assistant trial counsel, if so desired by the trial counsel.

29. *Duties of Members of the Honor Court:* Members of the Honor Court hear the evidence and determine the guilt or innocence of the accused. Each member sitting on the court shall have an equal voice and vote with other members in deliberating upon and deciding all questions submitted to a vote or ballot, the Chair having no greater rights in such matters than any other member. Members shall be dignified and attentive at all times.

30. *Voting:* Each member present when a vote on any question is taken is required to cast a vote. No member sitting on a case may abstain from voting.

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

32. *Findings:*

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

(1) The lie or act of deception was deliberate.

(2) There was an intent to deceive.

b. **The burden is always upon the trial counsel to prove guilt beyond a reasonable doubt. It is not required that trial counsel prove guilt beyond any possible doubt. The test is one of reasonable doubt. The meaning of reasonable doubt can be arrived at by emphasizing the word reasonable. It is not a surmise, a guess or mere**

conjecture. It is not a doubt suggested by counsel which is not warranted by the evidence. Proof beyond a reasonable doubt does not mean proof beyond all doubt; the Honor Code does not require absolute certainty before returning a verdict of guilty. On the other hand, proof beyond a reasonable doubt is proof that precludes every reasonable hypothesis except guilt.

c. A vote of “guilty” by all of the members present at the time the vote is taken will be required to convict an accused of a violation of the Honor Code. All voting will be by secret written ballot. A member designated by the Chair shall, in each case, collect and count the votes. The count shall be checked by the Chair who shall announce the result of the ballot to the members of the Honor Court. Findings shall be limited to “guilty” or “not guilty.” **In the case of a guilty verdict, the ballots will be saved and entered into evidence.**

d. **In cases where the circumstances are considered sufficiently extenuating, the Honor Court may recommend leniency to the President. The vote to consider leniency will be conducted in the same manner as para. 32c, except that the ballots shall be marked “leniency” or “no leniency.” The Chair will not vote, and a majority carries the decision. The ballots will be saved and entered into evidence.**

33. *Announcing the Findings:* The Chair shall announce the findings of the Honor Court in closed session. Prior to such announcement, he/she shall ensure that the following personnel are present: all members of the court who sat on the case, the trial and assistant trial counsels, the accused and his/her counsel, and the Faculty Advisor.

34. *Action in Case of Findings of Not Guilty:* If the accused is found “not guilty,” the tape recording of the trial proceedings and all other records connected with the trial will be destroyed.

35. *Action in Case of Findings of Guilty:* If the accused is found “guilty” and no recommendation for leniency is made, and after he/she has been so advised, the Faculty Advisor in the presence of the Chair of the court will advise the accused of his/her rights of appeal as provided for in College Regulations. The Chair and the Faculty Advisor, in company with the accused, will present the case to the President, at which time the convicted cadet will be advised again of his/her rights of appeal.

### **36. Appeals:**

a. Cadets who have a reason for requesting an appeal may petition **the President** within five days stating in the petition the ground upon which they rely for redress.

b. There are three grounds for appeal:

(1) new evidence, available since the Honor Court hearing, which would indicate the findings of the Court are in error;

(2) as defined in paragraph 17 of the *Honor Manual*, evidence that a cadet's rights were not protected, **jeopardizing that cadet's right to a fair and impartial investigation and hearing;**

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

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

## SECTION VII — Amendments and Changes

### 37. *Amendments to the Honor System:*

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

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

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

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

## SECTION VIII — Questions and Answers

### 39. *Q. When was the Honor Code established at The Citadel?*

A. The origin of the current Citadel Honor Code can be attributed to General Mark Wayne Clark, President of The Citadel from March 1954 to June 1965. Even though the Corps had an unwritten Honor Code, General Clark proposed that it be written officially. The Corps of Cadets unanimously voted to establish the code and officially did so in 1955. It should be noted that even though the code was given official sanction and formal structure, the code and system belong to the Cadet Corps, and the Corps must guard against hate and prejudice in administering the code.

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

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

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

A. All members of the SCCC. All Day Students enrolled at The Citadel during the regular academic year are also subject to the Honor Code but are not under the jurisdiction of the Honor Committee. Any violation of the Honor Code by students other than Cadets is handled by the President through the Advisor to the Honor Committee.

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

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

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

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

44. *Q. What action follows the reporting of an honor violation?*

A. If the unit Honor Representative concludes that a violation has, in fact, occurred, he/she reports the incident to the Vice Chair **for Investigation** of the Honor Committee. After hearing the rationale of the unit Honor Representative, the Vice Chair **for Investigation** notifies the President of The Citadel and then assigns a three person investigating committee **delete the following: (Honor Board of Review)** to make an impartial and thorough investigation of the incident.

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

A. The Investigating Committee will notify the accused of the specific charges and nature of the evidence. It will interview all possible witnesses, weigh all evidence and make a recommendation to the Vice Chair **for Investigation** for a trial or dismissal of charges.

46. *Q. What happens if the Vice Chair **for Investigation** accepts the Investigating Committee's recommendation for dismissal of charges?*

A. All evidence is destroyed.

*47. Q. Who makes up an Honor Court?*

A. Each Honor Court is made up of ten cadets, all members of the Honor Committee with the exception of one cadet in cases involving an underclass cadet. A member of the second, third or fourth class may have a classmate, selected by the Chair, sit on the court. In the case of fourth class cadets, this right is not afforded until the completion of one academic semester. An underclass cadet appointed to the court has the full and equal rights and duties of all the members of the court.

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

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

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

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

*50. Q. If found guilty by the Honor Court, what is the convicted cadet's appellate chain?*

A. Any cadet found guilty by the Honor Court may appeal the finding to the President of The Citadel. There are three grounds for appeal: (1) new evidence, available since the Honor Court hearing, which would indicate the findings of the Court in error; (2) as defined in paragraph 17 of the *Honor Manual*, evidence that a cadet's rights were not protected; and (3) an error in the trial proceedings of such magnitude as to jeopardize the fairness of the hearing. The President will assign three members of the staff (a Vice-President, a senior representative of the Commandant's Office, and an academic department head) and a non-voting member of the Honor Committee, as an Honor Board of Review to review the petition for appeal. If the Board feels there are sufficient grounds for appeal, it will review the case and all pertinent evidence and make a recommendation to the President affirming or reversing the decision of the Honor Court. When the Board feels the criteria for appeal have not been met, it will return the cadet's petition without action.

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

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

52. *Q. What is “quibbling”?*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## SECTION IX — Honor Case Examples

*61. CASE 1: LYING*

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

*62. CASE 2: LYING*

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

### **63. CASE 3: LYING**

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

### **64. CASE 4: LYING**

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

### **65. CASE 5: LYING**

Fourth Class Cadet A returned to the barracks for the 2400 All-in check. After the weekend duty NCO checked all fourth-class cadets at 2400, Cadet A went to the room of Second Class Cadet B to get a pair of second class shoulder boards so that he could leave the battalion without question. Cadet O.G. noticed Cadets A and B leaving the battalion

at 0300, and realized that Cadet A was not a second class cadet, but a fourth class cadet. The O.G. reported this violation to the Company Honor Representative. During the follow-on investigation, Cadet A resigned from the corps. Cadet B decided to go to trial and was convicted of toleration. Misrepresentation of one's uniform to gain a privilege one ordinarily would not have is an Honor Violation. Minor uniform infractions such as wearing someone else's nametag, are not Honor Violations if they are not used to gain a privilege.

#### **66. CASE 6: TOLERATION**

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

#### **67. CASE 7: IMPROPER QUESTION**

One night during ESP, Cadet A saw someone climbing over the fence into Hampton Park. After the All-in check, Cadet A approached Cadet Z who had a reputation for going AWOL. Cadet A asked Cadet Z, if he had gone AWOL that evening. Cadet Z replied that he had been AWOL. Cadet Z then went to see his Company Honor Representative, who in turn reported the incident to the Chair of the Honor Committee. The Chair recommended to the Advisor of the Honor Committee and the President that this line of questioning was improper and that any punishment should be dropped. The President accepted the recommendation. The rationale was that Cadet A did not have sufficient evidence to directly question Cadet Z concerning the offense.

#### **68. CASE 8: QUIBBLING**

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

ERW with evasive ambiguous language, thereby Quibbling. He was found guilty and expelled from The Citadel.

**69. CASE 9: CHEATING**

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

**70. CASE 10: LYING AND TOLERATION**

Cadet X made "All-in" checks at 0200 owing to a special extension of general leave. After knocking on the door of Cadet A's and B's room and receiving no answer, he opened the door and flipped on the light. There was a body (apparently asleep) in each bed, so Cadet X reported A and B as present. At 0500, Cadet A was discovered sneaking back to the barracks. She admitted she had "stuffed" her bed with her laundry, and her roommate (Cadet B) had helped her. Cadet A was charged with lying. While no direct statement was made to the All-in taker, Cadet X, stuffing the bed was clearly an act of deception, an effort to deceive the All-in taker. Cadet A resigned. Cadet B was charged with toleration, because she knew her roommate was not present when All-in was taken and Cadet X was deceived by the "stuffed bed." The Honor Court found her guilty.