

THE CITADEL
The Military College of South Carolina
171 Moultrie Street
Charleston, SC 29409

MEMORANDUM
NUMBER 2-400

23 May 2023

CADET APPEALS OF HONOR DECISIONS

1. PURPOSE

The purpose of this Memorandum is to describe the policy and procedures to appeal Honor Court decisions. The President of The Citadel is the appellate authority for honor cases.

2. REFERENCES

United States Constitution, Amendments IV and XIV

3. DEFINITIONS

N/A

4. POLICY

A. Introduction (hidden)

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such evidence in sufficient form as to fully apprise the President of the nature of the evidence and the material impact it would have had on the proceedings.

- E. The cadet must present the appeal to the Associate Director for Honor and Character Development (AD-HCD), on behalf of the Office of the President, within five (5) business days of the receipt of the President's decision that announces

- I. The President will review the materials and the Board's recommendation. The President may:
 - 1. Grant the appeal;
 - 2. Reject the appeal;
 - 3. Modify the finding or punishment imposed.
- J. The decision of the President will be final.

5. COMPLIANCE

- A. A cadet's failure to timely submit an appeal will result in imposition of punishment, which will constitute the final action of the College in the matter at issue. The College will not consider or take action on any further requests by the cadet.
- B. Any other failure to adhere to the procedures contained herein will not constitute grounds for reversal or other modification of the punishment, or dismissal of the appeal.

6. NOTES

A. Dates of official enactment and amendments:

Approved by

D. Cross-references:

[College Regulations](#)

The Honor Manual of the South Carolina Corps of Cadets

7. RESCISSION

Memorandum Number 2-028, Policy and Procedure for Cadet Appeals of Honor

President that there are insufficient grounds for an appeal. The voting members of the HBOR will each have an equal vote in determining the merits of the appeal.

1. If the HBOR determines a Formal Review is warranted, it will identify, in writing, the issues to be considered. The Chair will deliver this identification of issues to the AD-HCD who will then notify the appellant, the Honor Committee, and other college officials as appropriate.
2. If the HBOR determines a Formal Review is not warranted, the Chair will forward this decision with recommendations in a report prepared pursuant to 2.D below to the President.

C. Formal Review. If the HBOR determines that a Formal Review is warranted, it will conduct the hearing in the following manner:

1. The Chair, through the Recorder, will notify all parties of a convenient time and location.
 - a.

4. Either party may submit questions to the HBOR to be asked of the other party; the Chair of the HBOR will decide whether to ask the proposed question(s).
 5. After each party has been heard in full, at the discretion of the Chair, the HBOR will enter into closed session to conduct deliberations. This session will not be recorded. The findings and recommendation of the HBOR will be sent to the President in writing.
- D. Report. Upon conclusion of its Initial and/or Formal Review, the HBOR will prepare a report to the President. The report must address the issues raised by the appellant, the findings and supporting rationale of the HBOR on each of the issues, and a recommendation for action on the appeal by the President. The HBOR may attach a minority report on any or all issues if the HBOR's findings or recommendations are not unanimous. The report will be delivered to the AD-HCD who will then submit it to the Office of the President.
- E. Action by the President. The President will receive the Report of the HBOR and take action as he deems fit. The President is not bound by the findings, rationale, or recommendations of the HBOR; he makes his own determinations on each individual case.
3. **BASIS FOR APPEAL**. The Honor Manual, Section IX paragraph 55.A., permits only three grounds upon which an Appeal may be granted:
- A. New evidence, available since the

5. The final report of the HBOR should be sent to the President within two business days after the Formal Review Hearing.

E. Majority decision: All action taken by an HBOR shall be by majority vote.

ANNEX B

(Name)
(Rank), (Service)
TAC Officer, (Unit)
Member

(Name)
(Rank), (Service)
(Title), (Department)
Recorder (*non-voting*)

(Name)
(Rank), SCCC
Honor Representative, (Unit)
Cadet Advisor (*non-voting*)

Action by the President: Having considered all materials and the Board of Review's recommendation in the appeal of Cadet _____, I:

_____ Grant the appeal

_____ Reject the appeal .

_____ Modify the finding or punishment imposed: _____

Comments:

Signature _____

Date _____

Glenn M. Walters, General, USMC (Ret.)
President, The Citadel