

**Army Regulation 210–26**

**Installations**

# **United States Military Academy**

**Headquarters  
Department of the Army  
Washington, DC  
26 July 2002**

**UNCLASSIFIED**

# ***SUMMARY of CHANGE***

AR 210-26

United States Military Academy

This new regulation--

- o Consolidates and incorporates information contained in Regulations for the United States Military Academy, including changes 1 through 23.
- o Contains required correspondence formats (app B).
- o Contains policy concerning interment and inurnment in the West Point Cemetery (app C).

Installations

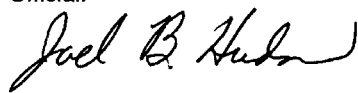
United States Military Academy

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By Order of the Secretary of the Army:

ERIC K. SHINSEKI  
General, United States Army  
Chief of Staff

Official:



JOEL B. HUDSON  
Administrative Assistant to the  
Secretary of the Army

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**History.** This printing publishes a new regulation.

**Summary.** This regulation incorporates existing direction and guidance from the Secretary of the Army for the general governance and operating policies of the United States Military Academy, previously contained in Regulations for the United States Military Academy, 5

January 1979, including changes 1 through 23.

**Applicability.** This regulation applies to major Army commands and Headquarters, Department of the Army agencies of the Active Army, and the U.S. Army Reserve. This regulation also applies to those individuals assigned, appointed, or detailed to the United States Military Academy.

**Proponent and exception authority.** The proponent agency of this regulation is the Deputy Chief of Staff, G–1. The Deputy Chief of Staff, G–1 has the authority to approve exceptions to this regulation that are consistent with controlling law and regulation. The Deputy Chief of Staff, G–1 may delegate this approval authority, in writing, to a division chief within the proponent agency in the grade of colonel or the civilian equivalent.

**Army management control process.** This regulation contains management control provisions but does not identify key

management controls that must be evaluated.

**Supplementation.** Local limited supplementation of this regulation is permitted but is not required. If supplements are issued, Army Staff agencies and major Army commands will furnish one copy of each to HQDA (DAPE–MPO) Washington, DC 20310–0300; other commands will furnish one copy of each to the next higher headquarters.

**Suggested Improvements.** The proponent agency of this regulation is the Office of the Deputy Chief of Staff, G–1. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directed to HQDA (DAPE–MPO) Washington, DC 20310–0300.

**Distribution.** This publication is available in electronic media only and is intended for command level D for the Active Army and the U.S. Army Reserve.

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## **Glossary**





# **Chapter 1**

## **Introduction**

### **Section I**

#### **General**

#### **1–1. Purpose**

This regulation provides policy and procedures for the general governance and operation of the United States Military Academy (USMA).

#### **1–2. References**

Required and related publications and prescribed and referenced forms are listed in appendix A.

#### **1–3. Explanation of abbreviations and terms**

Abbreviations and special terms used in this regulation are explained in the glossary. Unless otherwise indicated, the following terms apply to this regulation:

- a.* President or Vice President refers to the President or Vice President of the United States.
- b.* Dean refers to the Dean of the Academic Board.
- c.* Superintendent refers to the Superintendent, United States Military Academy.
- d.* Commandant refers to the Commandant of Cadets.
- e.* Department Head refers to the Head of a Department of Instruction.

#### **1–4. Responsibilities**

Responsibilities are listed in section II.

#### **1–5. Mission**

The mission of the USMA is to educate, train, and inspire the Corps of Cadets so that each graduate is a commissioned leader of character committed to—

- a.* The values of Duty, Honor, Country.
- b.* Professional growth throughout a career as an officer in the United States Army.
- c.* A lifetime of selfless service to the Nation.

#### **1–6. Administration and supervision**

The USMA is under the immediate supervision and control of the Department of the Army (Section 4334(a), Title 10, United States Code (10 USC 4334(a)). It operates under the jurisdiction of the Chief of Staff, United States Army (Department of the Army, General Order No. 3, 10 February 1977). (See fig 1–1.) It is funded as a separate operating agency (DFAS-IN Manual 37–100).

GENERAL ORDERS }  
No. 3

HEADQUARTERS  
DEPARTMENT OF THE ARMY  
WASHINGTON, DC, 10 February 1977

	Section
WEST POINT MILITARY RESERVATION—Change of jurisdiction.....	I
UNITED STATES MILITARY ACADEMY—Change of jurisdiction.....	II
JUNIOR ROTC UNITS—Disestablished.....	III

**I. WEST POINT MILITARY RESERVATION.** Effective 4 January 1977, the West Point Military Reservation, West Point, New York, a field operating agency under the jurisdiction of the Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, is transferred to the jurisdiction of the Chief of Staff, United States Army. Supervision of administrative actions resulting from the West Point Military Reservation's status as a field operating agency will remain under the Deputy Chief of Staff for Personnel, Headquarters, Department of the Army.

**II. UNITED STATES MILITARY ACADEMY.** Effective 4 January 1977, the United States Military Academy, a field operating agency under the jurisdiction of the Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, is transferred to the jurisdiction of the Chief of Staff, United States Army.

**III. JUNIOR ROTC UNITS.** Effective 30 June 1977, the following Junior ROTC units will be disestablished:

Alexander Hamilton High School, Los Angeles, California  
Amarillo High School, Amarillo, Texas  
Highland Park High School, Dallas, Texas  
Huffman High School, Birmingham, Alabama

[ I, II—DAPE-ZBW  
III—DAPC-OPX-ASO,  
DAPE-MPO-R ]

By Order of the Secretary of the Army:

BERNARD W. ROGERS  
*General, United States Army*  
*Chief of Staff*

Official:  
PAUL T. SMITH  
*Major General, United States Army*  
*The Adjutant General*

**DISTRIBUTION:**

*Active Army, ARNG, USAR:* To be distributed in accordance with DA Form 12-4 requirements for DA General Orders.

Figure 1-1. General Order No. 3

**Section II**  
**Responsibilities**

**1-7. General**

In addition to the oversight role inherent in their positions, the following individuals have the specific responsibilities indicated below.

**1-8. Secretary of the Army**

The Secretary of the Army will—

*a.* Make annual nominations for attendance at the USMA to fill vacancies in the following appointment categories, according to Sections 4342 (a)(1), (b), and (c), Title 10, United States Code (10 USC 4342(a)(1), (b), (c)):

- (1) Presidential.
- (2) Regular Army.
- (3) Reserve components of the Army.
- (4) Members of Reserve Officers' Training Corps (ROTC) units.
- (5) Children of deceased and disabled veterans.
- (6) Children of persons missing in action.
- (7) Children of Medal of Honor winners.
- (8) Qualified alternates.

*b.* Take final separation action in all cadet separation cases where other than honorable discharge is recommended.

### **1-9. Chief of Staff of the Army**

The Chief of Staff of the Army (CSA) will exercise direct supervision and control of the USMA and the West Point Military Reservation (WPMR) as field operating agencies of the Department of the Army, informing the Secretary of the Army of significant matters as appropriate.

### **1-10. Assistant Secretary of the Army, Manpower and Reserve Affairs**

The Assistant Secretary of the Army (Manpower and Reserve Affairs) will—

- a.* Separate first and second class cadets where separation and call to active duty is recommended.
- b.* Inform the Secretary of the Army of significant matters, as appropriate.

### **1-11. Deputy Chief of Staff, G-1, Headquarters Department of the Army**

The Deputy Chief of Staff, G-1 will—

- a.* Be the Army Staff point of contact for administrative actions concerning the USMA and the WPMR.
- b.* Separate first and second class cadets where no call to active duty is recommended, except for medical separations.
- c.* Take final action in separation cases involving third and fourth class cadets for major misconduct, honor, conduct, and undesirable habits or traits of character.
- d.* Oversee the operations and maintenance budget and the construction budget.
- e.* Provide staff supervision for all personnel actions affecting the USMA.
- f.* Serve as the office of record for all actions related to the USMA.
- g.* Recommend to the CSA the composition of any advisory or evaluation boards. Act as the Army staff point of contact for actions resulting from the deliberations of these boards.
- h.* Inform the CSA on USMA matters, as appropriate.

### **1-12. Director for Military Personnel Policy**

The Director for Military Personnel Policy (DMPP) will take final action in medical separations of first and second class cadets.

### **1-13. Superintendent, USMA**

The Superintendent, USMA will—

- a.* Exercise military command, control, and governance over the USMA and the WPMR.
- b.* Establish, maintain, and control all regulations and policies necessary for the discipline and governance of USMA and the WPMR.
- c.* Establish programs and procedures for the intellectual, military, and physical development of cadets.
- d.* Subject to the approval of the Secretary of the Army, and consistent with Department of the Army policy and guidance, establish and maintain a 4-year course of instruction (COI), commonly referred to as the Cadet Leader Development System (CLDS), for the USMA.
- e.* Nominate, annually, for attendance at the USMA, no more than 50 persons from the country at large, according to Section 4342(d), Title 10, United States Code (10 USC 4342(d)).
- f.* Take final action in separation cases involving third and fourth class cadets where major misconduct, honor, conduct, and undesirable habits or traits of character are not the cause for separation, and where an honorable discharge is awarded.
- g.* Inform the DCSPER on USMA matters, as appropriate.

## **Section III**

### **Departments of Instruction**

#### **1–14. Organization**

The titles of each of the departments of instruction and offices of professor will be prescribed by the Secretary of the Army. The change of the title of a department does not affect the status, rank, or promotion or retirement eligibility of or otherwise prejudice a professor at the Academy (Section 4332, Title 10, United States Code (10 USC 4332)).

#### **1–15. Supervision**

*a.* The senior professor of each department will be the head or director of that department (10 USC 4332(b)). During the temporary absence or disability of the department head or director, that department's second professor will assume temporary charge of the department. If the second professor is not present for duty, or if the department has only one professor, the Superintendent will designate an officer to assume temporary charge of the department. The department, while in such temporary charge, will be conducted in conformity with the rules and known wishes of the permanent head of the department.

*b.* When there is no professor assigned to a department, the Superintendent will designate an officer to assume the duties of the head or director of that department.

#### **1–16. Designation**

*a.* The following are designated Academy departments of instruction under the Dean:

- (1) Department of Behavioral Sciences and Leadership.
- (2) Department of Chemistry and Life Science.
- (3) Department of Civil and Mechanical Engineering.
- (4) Department of Electrical Engineering and Computer Science.
- (5) Department of English.
- (6) Department of Foreign Languages.
- (7) Department of Geography and Environmental Engineering.
- (8) Department of History.
- (9) Department of Law.
- (10) Department of Mathematical Sciences.
- (11) Department of Physics.
- (12) Department of Social Sciences.
- (13) Department of Systems Engineering.

*b.* The following are designated departments of instruction at the Academy under the Commandant:

- (1) Department of Military Instruction.
- (2) Department of Physical Education.

## **Section IV**

### **Academy Staff and Faculty**

#### **1–17. General**

Staff and faculty at the USMA must comply with Section 2635 et. seq., Title 5, Code of Federal Regulations (5 CFR 2935 et. seq.), as implemented in Department of Defense Directive (DODD) 5500.7 and DOD Regulation 5500.7–R.

#### **1–18. Superintendent, United States Military Academy**

*a.* The Superintendent is detailed to the position by the President of the United States from any branch of the Army (Section 4333(a), Title 10, United States Code (10 USC 4333(a))). The Superintendent is responsible for military governance and command of the USMA and the West Point Military Reservation (10 USC 4334(b)). As a condition for detail to the position of Superintendent, an officer will acknowledge that upon termination of that detail, he or she will be retired under any provision of Chapter 367, Title 10, United States Code (10 USC chapter 367) under which that officer is eligible to retire.

*b.* The Superintendent maintains and controls the USMA Preparatory School (USMAPS), Fort Monmouth, NJ. The Superintendent will establish all regulations necessary for the discipline and governance of USMAPS.

*c.* The Superintendent will establish procedures and programs for the intellectual, military, and physical development of cadets as future commissioned officers consistent with the moral and ethical standards of uniformed service in the U.S. Army.

*d.* In the absence of the Superintendent, the Commandant of Cadets will exercise command authority. In the absence of the Superintendent and the Commandant of Cadets, the Chief of Staff, USMA, will exercise command authority. In

cases where none of these officers are available, the next senior commissioned officer assigned, eligible, and present for duty will exercise command authority.

### **1–19. Commandant of Cadets**

*a.* The Commandant of Cadets is detailed to the position by the President of the United States from any branch of the Army (10 USC 4333(a)) and is the immediate commander of the Corps of Cadets (10 USC 4334(c)). In the Commandant's absence, the Chief of Staff, United States Corps of Cadets (USCC), will have immediate command of the Corps of Cadets. In cases where the Commandant and the Chief of Staff, USCC, are unavailable, the next senior commissioned officer assigned, eligible, and present for duty will exercise command authority.

*b.* The Commandant—

- (1) Is the director of the military program and the physical program.
- (2) Is responsible to the Superintendent for the administration and discipline of the Corps of Cadets.
- (3) Constitutes and exercises supervision of the Department of Military Instruction and the Department of Physical Education.
- (4) Coordinates assignment and relief of assigned personnel.
- (5) Coordinates schedules and instructional facilities within approved policy guidance.
- (6) Accepts other duties and responsibilities as prescribed by the Superintendent.

*c.* The officers assigned to the Commandant will be organized to provide command, control, and administrative support to the Corps of Cadets. Each cadet company will be commanded by a commissioned officer of the Army who is designated the tactical officer for that company (Section 4349(a), Title 10, United States Code (10 USC 4349(a))). Tactical officers are the legal commanders of the cadet companies.

### **1–20. Dean of the Academic Board**

*a.* The Dean of the Academic Board is appointed as an additional permanent professor by the President of the United States, with the advice and consent of the Senate, from the permanent Professors who have served as heads of departments of instruction at the Academy (Sections 4331(b)(2), 4333, 4335, Title 10, United States Code (10 USC 4331(b)(2), 4333, 4335)). The Dean serves in the grade of brigadier general with benefits authorized for that grade.

*b.* The Dean is director of the academic program. The Dean's duties include—

- (1) Supervising the activities and personnel in the academic departments and the USMA Library.
- (2) Allocating budgetary resources to these agencies with the approval of the Superintendent.
- (3) Coordinating assignment and relief of academic personnel.
- (4) Coordinating academic schedules and instructional facilities within approved policy guidelines.
- (5) Holding membership on boards and committees, as directed by the Superintendent.
- (6) Performing other duties, as prescribed by the Superintendent.

*c.* The Dean will be reviewed every 5 years by the Superintendent to ensure that the Dean's performance, the officer's desires, and the needs of the Army and of the Military Academy are all being properly served by the continued retention of the incumbent officer. The Superintendent's review and recommendations will be submitted to Department of the Army for approval.

*d.* Unless retired or separated at an earlier date, the Dean will be retired on the first day of the month following the month in which he or she becomes 64 years of age (Section 1251(a), Title 10, United States Code (10 USC 1251(a))).

### **1–21. Director of Admissions**

*a.* The Director of Admissions will be appointed by the President of the United States, with the advice and consent of the Senate (10 USC 4333(c)). The Director of Admissions is responsible to the Superintendent for executing the USMA's admissions policies and procedures, to include maintaining files on candidates and encouraging outstanding potential leaders to seek admission to the Academy. The Director of Admissions will perform duties as prescribed by the Superintendent (10 USC 4333(c)).

*b.* The Director of Admissions appointee has the Regular grade of lieutenant colonel and, after serving 6 years as Director of Admissions, has the Regular grade of colonel. However, a Regular Army appointee has the Regular grade of colonel after the date when he or she completes 6 years of service as the Director of Admissions, or after the date on which he or she would have been promoted had he or she been selected from among officers in his or her promotion zone, whichever is earlier (Section 4336(b), Title 10, United States Code (10 USC 4336(b))).

*c.* The Director of Admissions, unless retired or separated at an earlier date, will be retired on the first day of the month following the month in which he or she becomes 64 years of age (10 USC 1251(a)). The incumbent serving as the Director of Admissions will be reviewed every 5 years by the Superintendent to ensure that the individual's continued service in the position is in the best interests of the Academy. The Superintendent's recommendation will be submitted to Department of the Army for approval.

*d.* The Director of Admissions will wear the insignia of the Academy as prescribed in AR 670–1. With the Army blue uniform, the color of branch will be scarlet piped with silver gray.

### **1–22. Director of Intercollegiate Athletics**

The Director of Intercollegiate Athletics will be appointed by the Superintendent, pursuant to such selection criteria as the Superintendent may determine. The Director of Intercollegiate Athletics will be assigned duties and responsibilities as determined by the Superintendent.

### **1–23. Commandant of the United States Military Academy Preparatory School (USMAPS)**

*a.* The Commandant of the USMAPS is appointed by the Superintendent and will command the Preparatory School. The Commandant will report directly to the Superintendent and will perform duties as determined by the Superintendent.

*b.* The Commandant will provide focused academic, military, and physical instruction in a moral-ethical, military school environment to prepare and motivate candidates for total success at the USMA.

### **1–24. Special staff positions, USMA**

*a.* Cadet Chaplain, USMA. The Cadet Chaplain, USMA, will be a clergyman appointed by the President for a term of 4 years. The Cadet Chaplain will be eligible for reappointment for additional terms (Section 4337, Title 10, United States Code (10 USC 4337)). The dress of the chaplain will be that usually worn by the clergy in civil life or the uniform prescribed for chaplains in the Army.

*b.* Treasurer, USMA. A commissioned officer will serve as Treasurer, USMA (Section 4340, Title 10, United States Code (10 USC 4340)). The Treasurer, USMA, will have custody of all funds for cadets and will perform other duties as prescribed by appropriate authority.

*c.* Librarian, USMA. The Dean will select the Librarian. The Dean will also appoint or detail people to assist in the operation of the Library. The Librarian will manage the library and will perform other duties as prescribed by the Dean.

### **1–25. Detail of officers**

*a.* Upon application of the Superintendent, the Secretary of the Army may detail for duty at the Academy sufficient numbers of commissioned officers to assist the Superintendent in accomplishing the mission.

*b.* However, graduates of the USMA will not be assigned or detailed to serve at the Academy as professors, instructors, or assistants to professors or instructors within 2 years of their graduation (10 USC 4333(e)).

*c.* Extended tour military staff and faculty.

(1) The Superintendent, with the approval of the Department of the Army, may appoint officers for extended tours of duty. Appointment will permit stabilization of assignment at the Academy until the officer completes 30 years of service, or until applicable regulations require retirement.

(2) To be considered for appointment, officers must be willing to accept the assignment, should possess experience for the levels of responsibility desired, and have expertise of benefit to the USMA. Normally, the officers will remain assigned to the Academy until retirement. They will be permitted to attend civilian graduate school, if necessary, if the Department of the Army validates their positions. These officers will compete with their contemporaries for Command and General Staff College-level schooling, but they will not be considered by Department of the Army Selection Boards for Senior Service-level resident schooling.

(3) Every 5 years after the initial creation of extended tour positions, the Superintendent will review them to determine if the duties warrant continuation of the position in this status. As a part of this review, the incumbent's performance will also be considered to determine if it is in the best interests of the Academy to retain the individual in the position. The Superintendent's recommendations will be forwarded to the Department of the Army for approval.

### **1–26. Professor, USMA**

In addition to the Dean, there will be 22 permanent Professors, USMA (10 USC 4331(b)(4)). Professors will be appointed by the President, by and with the advice and consent of the Senate (10 USC 4333(b)). The senior Professor in each department will be the department head and will exercise command only in his or her respective department (10 USC 4332(b) and 4334(d)).

*a.* A Professor, other than the Dean, who is a department head, or who has served as such for more than 6 years, has the Regular Army grade of colonel. However, a Professor appointed from the Regular Army has the grade of colonel only after completing 6 years of service as a Professor or after the date on which he or she would have been promoted had he or she had been selected from among officers in his or her promotion zone, whichever is earlier (10 USC 4336(a)).

*b.* Upon retirement, and at the discretion of the President, a Professor whose grade is below brigadier general, and whose service as a Professor has been long and distinguished, may be retired in the grade of brigadier general (Section 3962, Title 10, United States Code (10 USC 3962)).

*c.* Unless retired or separated at an earlier date, a Professor will be retired on the first day of the month following the month in which he or she become 64 years of age (10 USC 1251(a)). The Secretary of the Army may retire a

Professor who has more than 30 years of service as a commissioned officer (Section 3920, Title 10, United States Code (10 USC 3920)).

d. Each Professor will be reviewed every 5 years by the Superintendent to ensure that the needs of the Academy and the Army will be properly served by his or her continued service. The Superintendent's review and recommendations will be submitted to Department of the Army for approval.

e. Professors will wear the insignia of the Military Academy, as prescribed by AR 670-1. With the Army blue uniform, the color of branch will be scarlet piped with silver gray.

### **1-27. Academy Professor**

a. The Academic Board may recommend through the Superintendent, to the Department of the Army, appointing officers for extended tours of duty. These officers will be called Academy Professors. To be considered for appointment as an Academy Professor, an officer—

(1) Should have completed one tour of duty at West Point as a member of the faculty.

(2) Should have approximately 15 years of active service at the time of appointment as an Academy Professor.

(3) Should be willing to accept the appointment.

b. Academy Professors will normally remain assigned to USMA until retirement.

c. Promotion for officers appointed as Academy Professors will be in accordance with Army personnel policy.

### **1-28. Civilian faculty**

There may be, under rules prescribed by the Secretary of the Army, civilian faculty members employed in the departments of instruction. The compensation of persons employed under this paragraph will be as recommended by the Superintendent and approved by the Secretary of the Army.

### **1-29. Adjunct faculty**

The Dean or the Commandant may appoint adjunct faculty members on a part-time basis to meet specific needs.

### **1-30. Professional development of the faculty**

a. The Superintendent, through the Department of the Army, may detail officers as students or observers at other educational institutions in the United States or abroad to prepare them for assuming duty as members of the staff and faculty. This may be accomplished prior to reporting to the Military Academy or during other periods, as appropriate.

b. Study by members of the staff and faculty at other professional institutions and institutions of higher education may be authorized for temporary periods in lieu of performance of duty at USMA. When appropriated funds are not available to support such duty, individuals may be voluntarily detailed without expense to the United States Government.

### **1-31. Academic rank**

a. Professor. Upon the recommendation of the department head, with the approval of the Dean or the Commandant, and with the recommendation of the Academic Board, the Superintendent may appoint faculty members to the academic rank of professor. Faculty holding this rank will have a title corresponding to their doctoral degree or academic experience.

b. Associate professor. Upon the recommendation of the department head, with the approval of the Dean or the Commandant, and with the recommendation of the Academic Board, the Superintendent may appoint faculty members to the rank of associate professor.

c. Assistant professor. Upon the recommendation of the department head, the Dean or the Commandant may appoint faculty members to the academic rank of assistant professor.

d. Instructor. Upon the recommendation of the department head, the Dean or the Commandant may award faculty members the academic rank of instructor.

## **Section V Boards**

### **1-32. Board of Visitors**

The Board of Visitors to the USMA is appointed under the provisions of Section 4355, Title 10, United States Code (10 USC 4355). The Board of Visitors inquires into morale and discipline, curriculum, instruction, physical equipment, fiscal matters, academic methods, and other matters relating to the Academy, as determined by the board.

a. The Board of Visitors is constituted annually and will include the following:

(1) The Chairman of the Committee on Armed Services of the Senate, or the Chairman's designee.

(2) Three other members of the Senate designated by the Vice President or the President *pro tempore* of the Senate, two of whom are members of the Committee on Appropriations of the Senate.

(3) The Chairman of the Committee on Armed Services of the House of Representatives, or the Chairman's designee.

(4) Four other members of the House of Representatives designated by the Speaker of the House of Representatives, two of whom are members of the Committee on Appropriations of the House of Representatives.

(5) Six persons designated by the President.

*b.* The persons designated by the President serve for 3 years, except that any member whose term of office has expired will continue to serve until a successor is appointed (10 USC 4355(b)).

*c.* If a member of the board dies or resigns, a successor will be designated to serve for the remainder of the deceased member's term.

*d.* The board will visit the Academy annually. With the approval of the Secretary of the Army, the board or its members may make other visits to the Academy in connection with the duties of the board or to consult with the Superintendent of the Academy.

*e.* Within 60 days after its annual visit, the board will submit a written report to the President detailing its actions and providing its views and recommendations pertaining to the Academy. Any report of a visit, other than the annual visit, if approved by a majority of the board, must be submitted to the President within 60 days of approval.

*f.* Upon approval by the Secretary of the Army, the board may call in advisors for consultation.

*g.* While performing his/her duties, each member of the Board and each adviser will be reimbursed under Government travel regulations for his or her travel expenses. (10 USC 4355(h)).

*h.* An executive secretary to the board will be appointed by the Superintendent to accomplish all administrative support functions. This individual will not be a member of the board and will receive no extra remuneration for services rendered the board.

### **1-33. Policy Board**

The Policy Board provides advice and counsel to the Superintendent on all matters having general significance to the Military Academy. Its principal purpose is to support comprehensive, coherent, and coordinated formulation of policies concerning the intellectual, military, physical, moral-ethical, and social development of cadets.

*a.* The Policy Board will advise the Superintendent concerning the governance of the Military Academy; the management of personnel, material, and fiscal resources; and other matters as the Superintendent and the Policy Board deem appropriate.

*b.* Membership of the Policy Board includes the—

(1) Superintendent, who serves as Chairman.

(2) Commandant.

(3) Dean.

(4) Director of Admissions.

(5) Director of Intercollegiate Athletics.

(6) Garrison Commander.

(7) Commandant of the USMAPS.

(8) USMA Chief of Staff.

(9) Two academic department heads.

(10) One department head under the Commandant.

(11) Others, as designated by the Superintendent.

*c.* Department heads are appointed by the Superintendent to serve 2-year, non-renewable terms. An executive secretary detailed by the Superintendent will be responsible for the official record.

### **1-34. Academic Board**

The Academic Board advises the Superintendent on all matters concerning the academic aspects of the Academic, Military, and Physical Programs at USMA, including standards; cadet performance evaluations in the Academic, Military, and Physical Programs; and graduation requirements. The Academic Board will exercise those specific functions required by statute or other provisions of this regulation.

*a.* The membership of the Academic Board includes the—

(1) Superintendent.

(2) Commandant.

(3) Dean.

(4) Department heads.

(5) Director of Admissions.

(6) Others, as designated by the Superintendent.

*b.* The Dean serves as or appoints an executive secretary of the Academic Board who keeps the official record.



c. In the absence of a member of the Academic Board, that individual will designate a suitable replacement to serve as a voting member of the Academic Board.

d. Duties of the Academic Board include the following:

(1) Determining the qualification of candidates seeking admission or readmission to the Military Academy and the relative standing of qualified candidates nominated for admission to the Military Academy (Sections 4343 and 4351(a), Title 10, United States Code (10 USC 4343, 4351(a))).

(2) Providing recommendations to the Secretary of the Army concerning additional cadet appointments (10 USC 4343).

(3) Reviewing and making recommendations to the Superintendent concerning the Academic, Military, and Physical Programs. This review is focused on the substantive academic content of the Academic, Military, and Physical Programs; the coordination and integration of all three programs; and whether each program satisfies its requirements within its assigned allocation of cadet time.

(4) Determining the proficiency and deficiency of cadets in the Academic, Military, and Physical Programs, as set forth in paragraph 6–32a.

(5) Recommending to the Superintendent the disposition of deficient cadets.

(6) Recommending to the Superintendent the requirements for graduation.

(7) Determining the eligibility of cadets to receive diplomas.

(8) Recommending to the Superintendent cadets for commissioning in the Armed Forces.

(9) Recommending to the Superintendent criteria, standards, and procedures for making faculty appointments and academic promotions.

e. The Superintendent will approve rules governing the internal organization and procedures of the Academic Board.

f. All decisions and recommendations, until approved and published, and all deliberations of the Academic Board and its committees, to include individual or collective expressions of opinions, will be held in confidence until approved and published. No member or secretary of the Academic Board or a committee thereof will make any disclosure concerning these matters unless required by competent authority to give, as a witness, relevant testimony or evidence.

g. The Academic Board will select the memorials to be placed in Cullum Hall. The selection of each memorial will be approved by an affirmative, recorded vote of not less than two-thirds of the members. Cullum Hall serves as a repository for statues, busts, murals, portraits of distinguished officers and graduates of the Academy, paintings of battle scenes, trophies of war, and other objects that commemorate the military profession (Section 4354(a), Title 10, United States Code (10 USC 4354(a))).

## **Chapter 2**

### **Cadet Leader Development**

#### **2–1. Course of instruction**

There will be at the United States Military Academy a 4-year course of instruction (COI) (10 USC 4349(c)). The COI will be constituted to support accomplishment of the mission of the Academy. The Department of the Army will approve its scope and content based upon the recommendations of the Superintendent.

#### **2–2. Cadet Leader Development System**

The Cadet Leader Development System (CLDS) coordinates and integrates the 4-year COI, including the Academic Program, under the direction of the Dean, and the Military and Physical Programs, under the direction of the Commandant. These three developmental programs provide education and training required by the Superintendent and the Department of the Army for graduation and commissioning. As such, CLDS supports the intellectual, military, physical, moral-ethical, and social development of cadets. The design, policies, and operating instructions for CLDS and the courses and activities within the Academic, Military, and Physical Programs will be reviewed by the Academic Board or the Commandant, as appropriate, and will be approved by the Superintendent.

#### **2–3. General instructions**

Education and training at the USMA will be conducted on a year-round basis.

a. The Academy year will be defined by the Superintendent and approved by the Department of the Army.

b. Classes will not be scheduled on Sunday (10 USC 4349(d)).

c. Unless otherwise determined by the Superintendent, instruction and training will be suspended during the winter leave period (to include Christmas and New Year's Day).

d. Scheduled activity during the summer months will normally include time for cadet leave.

## **2-4. Additional instruction, extra training, examinations, and evaluations**

*a.* Cadets must be afforded the opportunity to receive additional instruction or extra training, on a voluntary basis. Procedures for additional instruction will be as recommended by the Academic Board and approved by the Superintendent. Procedures for extra training will be as recommended by the Commandant and approved by the Superintendent.

*b.* When cadets desire any facts concerning their performance on an examination or other evaluation under consideration by the Academic Board, they must submit a written request to the Board. The request should be made as soon as possible, normally within 48 hours, after the performance evaluation has been awarded and the cadet has been notified.

## **2-5. Summer term program**

A summer term program (STP) will be conducted at the direction of the Superintendent. Courses or other activities will be offered at the discretion of the program directors and will be of similar content and credit (or weight) as the regularly scheduled course or activity. First class cadets, remanded to STP, who satisfactorily complete their graduation requirements, will be graduated on a date to be determined by the Superintendent. Program directors may permit or remand the following categories of cadets to attend STP:

- a.* Deficient cadets, as determined by the Academic Board.
- b.* Potential mid-year graduates.
- c.* Cadets unable to complete required courses or activities during normally scheduled times.
- d.* Other exceptional cases serving the best interests of the cadet and the Academy.

## **Chapter 3**

### **Admission and Readmission of Cadets**

#### **3-1. Number of cadets and sources of appointment**

The number of cadets at the Military Academy and the sources from which they may be nominated and appointed are prescribed in Sections 4341a, 4342-4344, and 4347, Title 10, United States Code (10 USC 4341a, 4342-4344, and 4347).

#### **3-2. Congressional and Department of the Army nominations**

*a.* Congressional nominations, a maximum of 10 per vacancy, are those made by the Vice President and Members of Congress; Delegates to Congress from American Samoa, the District of Columbia, Guam, and the Virgin Islands; the Governor and the Resident Commissioner of Puerto Rico; and the Resident Representative of the Commonwealth of the Northern Marianas Islands. Candidates can be nominated by one of three methods:

(1) Congressional competitive method. Congressional nominees compete within their vacancy group, and the best of the fully qualified candidates is selected for admission to fill the Congressional vacancy.

(2) Principal-competing alternate method. This method is the same as above except that if the principal is not qualified, the best of the fully qualified alternates is selected for admission to fill the Congressional vacancy.

(3) Principal-numbered alternate method. Congressional nominees, if qualified, are selected for admission to fill the Congressional vacancy in the order designated by the nominating authority (principal, first through ninth alternates, respectively).

*b.* Department of the Army nominations are those made by the Secretary of the Army for the following categories: Presidential, Regular Army, Reserve components of the Army, members of ROTC units, children of deceased and disabled veterans and of persons missing in action, and children of Medal of Honor recipients. Except for children of Medal of Honor recipients, all Department of Army nominees compete within their category, and the best of the fully qualified candidates are selected for admission by the Academic Board. All fully qualified children of Medal of Honor recipients are selected for admission.

*c.* Qualified alternates. These are nominated, admissible applicants who are not offered an appointment in their Congressional competitive category; up to 150 of these individuals may be appointed, in order of merit, to each entering class (10 USC, 4342(b)(5)).

*d.* Additional appointments. If it is determined that, upon the admission of a new class, the number of cadets at the Academy will fall below the number authorized, the Secretary of the Army may, in the proportions indicated in the statute, fill vacancies by nominating additional cadets from qualified candidates designated as alternates and from qualified candidates who competed for nominations and are recommended and found qualified by the Academic Board. An additional appointment under this section may not replace an appointment otherwise authorized by law (10 USC 4343).

e. The Superintendent may nominate each year, under the provisions of 10 USC 4342(d), 50 persons from the country at large.

### **3-3. Time of nomination of candidates**

Candidates will normally be nominated only within the year preceding the date of admission for a class. Those nominations received after the date of the last regularly scheduled required testing will normally be reviewed by the Academic Board for possible appointment under the qualified alternate and additional appointee categories, discussed above.

### **3-4. Impact on successor's nomination of failure of first class cadet**

The failure of a member of the graduating class to complete all graduation requirements or whose graduation is otherwise deferred will not delay the admission of that cadet's successor to the Corps of Cadets (10 USC 4351(c)).

### **3-5. General requirements for admission**

a. Age. On 1 July of the year of proposed admission, candidates must have reached their 17th birthday and must not have passed their 23rd birthday (Section 4346(a), Title 10, United States Code (10 USC 4346(a))).

b. Citizenship. On the date of admission a candidate, except one appointed as a foreign cadet under the provisions of 10 USC 4344, must be a citizen or national of the United States.

c. Character. A candidate must be of good moral character.

d. Marital status. A candidate must be unmarried.

e. Pregnancy or support obligation. Pregnant applicants or applicants with a legal obligation to support a child, or children, or former spouse, will not be permitted to enroll.

f. Nominations. Every candidate for admission or readmission must be nominated by an authorized source (discussed in paras 3-2a through e, above) within 1 year of the projected time of admission.

g. Homosexual conduct.

(1) An individual's sexual orientation is a personal and private matter and is not a bar to admission to the Academy unless manifested by homosexual conduct. Candidates will not be asked or required to reveal their sexual orientation. Candidates also will not be asked or required to reveal whether they have engaged in homosexual conduct unless independent evidence is received indicating that a candidate engaged in homosexual conduct or the candidate volunteers a statement that he or she is a homosexual or bisexual, or words to that effect. Homosexual conduct is a homosexual act, a statement that demonstrates a propensity or intent to engage in homosexual acts, the solicitation of another to engage in homosexual acts, or a homosexual marriage or attempted marriage.

(2) Candidates will be informed of the disqualification policy and conduct separation policy when they apply to become cadets. Except as noted below, a candidate will be rejected for admission if credible information is discovered that the candidate has engaged in homosexual conduct.

(a) If the reported attempt, solicitation, or participation in the homosexual act was a departure from the candidate's customary behavior and the act is unlikely to recur because it was the result of immaturity, intoxication, or coercion, and the behavior was not accomplished by force, coercion, or intimidation on the part of the candidate, then the candidate may seek a waiver of this disqualification for admission by submitting a written explanation through the Director of Admissions for consideration by the Superintendent. The Superintendent will rule upon the conditions of the act and determine whether to approve the candidate for admission.

(b) A candidate who makes a statement indicating a homosexual or bisexual orientation may submit any relevant statements or evidence to demonstrate that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts. Propensity to engage in homosexual acts means more than an abstract preference or desire to engage in homosexual acts; it indicates a likelihood that a person engages or will engage in homosexual acts. Any such submissions will be made through the Director of Admissions for decision by the Superintendent. In making his determination, the Superintendent may be guided by some or all of the following: whether the candidate has actually engaged in homosexual acts; the candidate's credibility; testimony from others about the candidate's past conduct, character, and credibility; the nature and circumstances of the candidate's statement; or any other evidence relevant to the candidate's likelihood to engage in homosexual acts.

(c) If the Superintendent approves such a candidate for admission under either (a) or (b), above, an annotation will be placed in the candidate's admission file (to be maintained by the Director of Admissions only and destroyed in accordance with AR 25-400-2), stating: "*Admission eligibility reviewed by the Superintendent, USMA. Admission authorized (date of approval).*"

(3) Such candidates have no right to any other recourse; they may not appeal the Superintendent's decision.

### **3-6. Determination of candidate qualification**

The guidance for determination of candidate qualifications will be established by the Academic Board and will be the

same for all candidates, except for foreign candidates, with allowances for minimally essential physiological differences between men and women (Public Law 94–106, The Department of Defense Appropriation Authorization Act of 1976). Determination of qualification will include assessment of the following:

*a.* Academic potential. Qualification guidelines will be based on—

(1) A review of the candidate’s past scholastic performance, to include depth and distribution of college preparatory subjects.

(2) Performance on national standardized tests of the College Entrance Examination Board or American College Testing Program.

*b.* Demonstrated character and leadership potential.

*c.* Physical aptitude. Indicators will be based on—

(1) A review of the candidate’s overall record.

(2) Performance on tests for requisite strength, coordination, agility, speed, and endurance.

*d.* Medical fitness. Qualification will be determined in accordance with AR 40–501 based upon a physical examination to ensure that the candidate is in good health, meets prescribed standards of height and weight, and has no disqualifying physical defects. The Superintendent, USMA, is the designated administrative authority for granting waivers of these medical fitness standards under AR 40–501, paragraph 1–6*b*. Waivers for candidates who do not meet the minimum medical fitness standards of AR 40–501, chapter 2, will be processed in accordance with AR 40–501, paragraph 1–6*c*.

### **3–7. Readmission of former USMA cadets**

*a.* A cadet who is reported as deficient in either conduct or any other element of the COI, and is separated from the Academy, will not, unless recommended by the Academic Board, be returned or reappointed to the Academy (10 USC 4351(a)).

*b.* A cadet separated by sentence of court-martial, or for Misconduct or Honor under this regulation, or who resigns in lieu of any of the foregoing, is prohibited from future reappointment or readmission to the Military Academy except when the Academic Board determines that unusual circumstances support such action.

*c.* Former cadets who would reach 26 years of age prior to the last day of June of the year of graduation of the class to which they might otherwise be reappointed will not be returned or reappointed to the Academy.

### **3–8. Admission of candidates who have attended other Service academies**

No candidate who has ever attended another Federal Service academy will be accepted for admission to the Military Academy without the approval of the Academic Board. The Academic Board will consider the candidate’s entire record, including the candidate’s record at the other Academy, and it will deny admission if the record is unsatisfactory.

### **3–9. Special instructions for taking examinations**

*a.* Multiple nominations. Completion of all examinations and other requirements for determining qualification in academics, physical aptitude, and medical fitness will suffice for all nominations received in a single admissions year.

*b.* Previous qualification.

(1) A candidate (except a former cadet) once found qualified for admission will normally be considered qualified under any subsequent nomination for the same class. Exception to this policy may be made by the Academic Board on a case-by-case basis.

(2) The medical examination must be completed during the period 13 months prior to admission. Prior candidates will be scheduled by the Department of Defense Medical Review and Examination Board for re-testing or updating records, as appropriate.

(3) A candidate who has once been found qualified in physical aptitude will normally not be required to take another physical aptitude examination.

(4) The requirements to be satisfied by a former cadet will be as determined by the Academic Board on a case-by-case basis.

### **3–10. Failure to report for examination**

A candidate who does not complete specified tests, the physical aptitude examination, the medical examination, or other admissions file requirements by the prescribed dates will normally forfeit all nominations. Prescribed dates will be established by the Director of Admissions for each class applying for admission. Exceptions may be made by the Director of Admissions for sickness or other reasonable cause.

### **3–11. Notification of appointment**

All cadets, regardless of type of nomination, will be appointed by the President (10 USC 4341a). Each candidate will

be informed by the Military Academy of qualification status, and, if selected for appointment, will be notified to report to West Point.

### **3–12. Place and date of admission**

Admission of cadets to the United States Military Academy will take place at West Point, New York, on a date determined by the Superintendent and announced by the Director of Admissions.

### **3–13. Oath of Allegiance**

To be admitted, each cadet, except foreign cadets, will take and subscribe to the oath set forth at Section 4346(d), Title 10, United States Code (10 USC 4346(d)), before an official authorized to administer oaths.

### **3–14. Agreement to serve**

*a.* Cadets will sign an agreement in accordance with 10 USC 4348(a); Section 2005(a), Title 10, United States Code (10 USC 2005(a)); and DOD Directive 1332.23 to complete the COI and to serve in the United States Army in accordance with applicable regulations (with the consent of his or her parents or guardian if a minor).

*b.* The agreement statements that all entering cadets sign will contain current active duty and discharge provisions.

## **Chapter 4 Determining Cadet Standings**

### **4–1. Academic, military, and physical program standings**

Cadet performance will be evaluated in each of the developmental programs. The Superintendent will establish procedures, as recommended by the Academic Board, for evaluating cadet performance in the academic, military science, and physical education program courses, and in military development. The Superintendent will establish procedures, as recommended by the Commandant, for evaluating cadet performance in those aspects of the military and physical programs outside the purview of the Academic Board. The Superintendent will establish procedures for determining a composite measurement of cadet performance across all three programs.

*a.* Honor Graduates. Annually, those Cadets whose overall cumulative performance in the Academic, Military, and Physical Programs is at or above the standards recommended by the Academic Board and prescribed by the Superintendent will be recognized as Honor Graduates within their class. The cadets' records and permanent files will be annotated to reflect this recognition.

*b.* Distinguished Cadets. Annually, at the end of the Academy Year, the Superintendent will publish the names of Distinguished Cadets for each class whose academic performance meets the requirements set by the Academic Board. The cadets' records and their transcripts will be annotated to reflect this recognition.

*c.* Dean's List. At the conclusion of each term, the Dean will publish the names of those cadets whose academic performance meets the requirements set by the Academic Board for inclusion on the Dean's List. The records and academic transcripts of those cadets will be so annotated.

### **4–2. Performance records**

Program directors will maintain records of cadet performance in the Academic, Military, and Physical Programs. The Dean will grade cadet performance in the academic program. The Commandant will grade cadet performance in the military and physical programs and provide these to the Dean for recording, as appropriate, on the official record known as the Cadet Transcript.

### **4–3. Advancement to a higher class**

*a.* Immediately following graduation exercises on Graduation Day, all members of the three underclasses, except as listed below; will automatically advance to the next higher class. The exceptions are—

(1) Cadets whose performance status is pending decision by the Academic Board. These cadets will be advanced to the next higher class if the Academic Board determines they have met applicable standards.

(2) Potential mid-year graduates. These cadets will be accounted for as determined by the Academic Board, except that they will remain members of the class that graduated the previous Graduation Day.

*b.* Rules pertaining to cadet disenrollment/resignation and determination of cadet class year for purposes of active duty obligations are found in DODD 1332.23.

### **4–4. Deficient cadets**

Deficient cadets are those who fail to achieve the standards of performance, as recommended by the Academic Board or the Commandant, and established by the Superintendent in the academic, military, or physical programs. Determination of a cadet's deficiency will be established by the Academic Board or the Commandant, as appropriate. The Academic Board's determination of deficiency will be based on recommendation of the Head of a Department of

Instruction and the program director. When a cadet is deficient in only one course, the cadet is entitled to reexamination if, within 10 days of being notified of the deficiency, the cadet applies to the Academic Board for a reexamination in accordance with the requirements of 10 USC 4351(b).

#### **4-5. Actions available for deficiency**

When a cadet is found to be deficient in the academic, military, or physical programs, the following actions may be recommended to the Superintendent by the Academic Board or the Commandant, as appropriate:

- a.* Separation—as prescribed in chapter 7 of this regulation.
- b.* Turn-back—transfer of the cadet to the next lower class.
- c.* Retention with condition—concurrent with opportunity for the cadet to demonstrate proficiency under specified conditions.

#### **4-6. Disposition of medically disqualified cadets**

Cadets of the USMA must meet the medical accession standards of AR 40-501, chapter 2, for retention at USMA and for appointment as officers upon graduation. The Superintendent may, however, grant medical waivers for continuation at USMA, provided the cadet meets the retention standards of AR 40-501, chapter 3.

## **Chapter 5 Graduation and Commissioning**

### **5-1. Authority to confer degree**

Under conditions approved by the Secretary of the Army, the Superintendent may confer the degree of Bachelor of Science upon graduates of the Academy (Section 4353(a), Title 10, United States Code (10 USC 4353(a)))

### **5-2. Authority to tender a commission in the U.S. Army Reserve**

The Superintendent may tender appointments, in the grade of second lieutenant, U.S. Army Reserve (USAR), with concurrent call to active duty, to qualified graduates of the Military Academy in any Branch directed by the Department of the Army.

### **5-3. Graduation and conferring of degree**

*a.* First class cadets who have successfully completed the requirements of the COI, including the Academic, Military, and Physical Programs; have maintained prescribed standards of conduct; and who have demonstrated proper moral-ethical qualities, leadership, and character may receive a diploma signed by the Superintendent, the Commandant, and the Dean. These cadets will have earned the Bachelor of Science degree and will be designated as graduates of the USMA.

*b.* A cadet who is discharged or separated from the Academy under provisions of this regulation, or for any other good cause, will not be graduated, awarded a diploma, or commissioned. However, when the Superintendent proposes that a cadet be separated for failure to meet medical retention standards under paragraph 4-6 of this regulation, and when the Academic Board determines that the cadet successfully completed all requirements of the Academic, Military, and Physical Programs, the Superintendent may approve graduation and the award of a diploma with a Bachelor of Science degree. Such a cadet will not be commissioned. If the medical separation is not approved, the cadet will be commissioned under paragraph 5-4 of this regulation.

*c.* Notwithstanding any other provision of this regulation, a cadet, found by the Academic Board to have successfully completed all requirements in the Academic, Military, and Physical Programs, may receive a diploma and graduate with the Bachelor of Science degree, without being commissioned, provided the Secretary of the Army determines that it is in the best interest of the Government.

*d.* When a cadet is separated and is not awarded a diploma, but the Academic Board determines that the cadet has successfully completed all requirements in the Academic Program, the Academic Board may authorize the award of a Certificate of Completion of the Academic Program. The Dean will sign the certificate.

*e.* The Secretary of the Army has delegated to the Superintendent the authority to defer graduation of any cadet for good cause, to include cases where:

- (1) A cadet is under investigation for violation of the Honor Code, serious misconduct, or immorality or is the subject of an administrative action that could result in separation, or the award of extended punishment.
- (2) A cadet is deficient in the Academic, Military, or Physical Programs.

### **5-4. Commissioning and promotion**

*a.* Graduates of the Military Academy will normally be appointed by the President as commissioned second lieutenants on active duty in the United States Army. However, cadets may state a preference for appointment, upon graduation, as a commissioned officer in either the U.S. Navy, U.S. Air Force, or U.S. Marine Corps (Section 541a,

Title 10, United States Code (10 USC 541(a))). Such appointment will be contingent upon the approval of both the Secretary of the Army and the Service Secretary of the gaining military department.

*b.* All appointments of cadets as commissioned officers are contingent upon graduation from the Academy. The names of all cadets who are qualified and recommended by the Academic Board for appointment as commissioned officers will be forwarded to the department on an alphabetical class roll, which includes the individual's social security number and prospective branch. A detailed, confidential report on each cadet not recommended for commissioning by the Academic Board will also be provided.

*c.* Upon commissioning of graduates in the grade of second lieutenant in the U.S. Army, their date of rank will be the date of their graduation (except as may otherwise be provided by the Secretary of the Army). Among cadets graduated and commissioned with the same date of rank, their relative standing will be determined by the Superintendent upon recommendations of the Academic Board. This order of graduation will determine a graduate's initial place on the Active Duty List, unless otherwise directed by the Secretary of the Army.

*d.* First class cadets, including potential mid-year graduates, in either of the two terms prior to their anticipated graduation, who resign or are separated, if fully qualified, may be recommended by the Superintendent and approved by the Secretary of the Army, and may be commissioned in a Reserve component. Such action may be appropriate in cases of administrative resignations, including cases of separation for marriage or child support or similar circumstances. The Superintendent will make an independent assessment of each such case and provide a recommendation to the Secretary of the Army. The effective date of rank in the Reserve component will be no earlier than the graduation date of the individual's class.

*e.* Prior to graduation, cadets will indicate their order of preference for branch assignment from among authorized branches. Branching guidance will be provided by the Department of the Army. Branch assignments will be determined in accordance with procedures established by the Superintendent.

#### **5-5. Obligation to serve**

*a.* When appointed as a commissioned officer in the Armed Services, upon graduation from the USMA, the individual incurs a service obligation, stipulated in the agreement to serve, as prescribed by Section 4348, Title 10, United States Code (10 USC 4348).

*b.* Service as a cadet at the USMA will not be counted in computing length of service (Section 533, Title 10, United States Code (10 USC 533(d)(2))).

*c.* Graduated cadets are allowed full pay as second lieutenants from the date of graduation (Section 204(f), Title 37, United States Code (37 USC 204(f))).

#### **5-6. Graduation leave**

*a.* Except as specifically prohibited by the Secretary of the Army, a leave of absence of 30 days from date of graduation will be authorized for commissioned graduates of the Military Academy. Such leave will not be charged against any leave now authorized by other provisions of this regulation. It will not be carried forward as a credit beyond the date of reporting to the first permanent duty station or to the port of embarkation for permanent duty outside the continental limits of the United States. However, a graduate ordered to temporary duty while on graduation leave may revert to graduation leave status, provided the leave is completed within 3 months from the date of graduation from the Academy (Section 702(a), Title 10, United States Code (10 USC 702(a))).

*b.* Graduates who have received Department of the Army orders to attend training courses scheduled to begin later than 30 days after graduation may request that their graduation leave be extended for a maximum of 60 days or until the beginning of their training course, whichever is earlier. The Superintendent may grant such extensions on a case-by-case basis.

## **Chapter 6 Misconduct, Honor, Disciplinary, and Other Grounds for Separation**

### **Section I General**

#### **6-1. Uniform Code of Military Justice**

The cadets at the United States Military Academy are members of the Regular Army and subject to military law and the UCMJ (Sections 3075(b)(2) and 802(a)(2), Title 10 United States Code (10 USC 3075(b)(2) and 802(a)(2))). However, nonjudicial punishment (Article 15: UCMJ (UCMJ, Art. 15)) may not be imposed upon cadets (AR 27-10, chap 3).

#### **6-2. Courts-martial**

The Superintendent is designated by the Secretary of the Army as a general court-martial convening authority (Section

822(a)(8), Title 10, United States Code (10 USC 822(a)(8))). However, no court-martial sentence extending to dismissal of a cadet will be executed until approved by the Secretary of the Army, or such Under Secretary or Assistant Secretary as may be designated by the Secretary (Section 871(b), Title 10, United States Code (10 USC 871(b))).

### **6-3. Apprehension and pre-trial restraint**

*a.* Commissioned officers, warrant officers, and noncommissioned officers on active duty or inactive duty for training have the authority to apprehend persons subject to the UCMJ, to include cadets, when they have reasonable grounds to conclude that the person to be apprehended has committed or is committing an offense triable by court-martial. (See Manual for Courts-Martial United States (2000 Edition), Rules for Courts-Martial (R.C.M.), 302(b).)

*b.* Commanders may place cadets in pretrial restraint in accordance with Rules for Courts-Martial, 304(a). Conditions on liberty prior to trial may be placed on a cadet by the cadet's Company Tactical Officer, Regimental Tactical Officer, the Commandant of Cadets, or the Superintendent. Only the Superintendent or the Commandant is authorized to place cadets on restriction in lieu of arrest, arrest, or in pretrial confinement. The Commandant of Cadets will promptly report all cases of cadet restriction in lieu of arrest, arrest, or pretrial confinement to the Superintendent.

(1) Cadets in pretrial restraint will neither exercise command nor perform guard duty, but they will perform all other assigned duties.

(2) Cadets will not be released from pretrial restraint except as permitted by R.C.M. 304(g) and 305(g).

### **6-4. Punishments that may be awarded cadets**

*a.* Following a hearing for misconduct or honor resulting in a finding of a violation of paragraphs 6-6 through 6-14, or 6-16, respectively, of this regulation, the Superintendent may, in lieu of or pending separation, impose the following punishments in such amounts or in such combinations as the Superintendent deems appropriate:

- (1) Admonition.
- (2) Reprimand.
- (3) Restriction to limits.
- (4) Deprivation of privileges.
- (5) Reduction in or withdrawal of cadet officer or noncommissioned officer rank.
- (6) Demerits.
- (7) Punishment tours.
- (8) Fatigue tours.
- (9) Loss of leave.
- (10) Turn-back to the next lower class.
- (11) Suspension from the Military Academy.

*b.* The Superintendent may, at his or her discretion, under such terms and conditions as deemed appropriate, suspend his or her recommendation for separation, or other punishments awarded by him or her under subparagraph *a*, above.

*c.* In addition to the punishment provisions contained in paragraphs 6-6 through 6-14, 6-16 and 6-17, the Superintendent may independently punish cadets, as deemed appropriate in accordance with the following procedures:

(1) Upon receipt of information that a cadet's conduct may warrant punishment, the Superintendent will notify the cadet concerned, in writing, that disciplinary punishment is being considered in the case. The notice will include a description of the conduct in question; will inform the cadet that he or she may present, in writing, any matters in extenuation, mitigation, or defense and/or have a personal interview with the Superintendent; and will give the cadet a reasonable time (normally 3 calendar days) within which to respond to the notice.

(2) The Superintendent, after considering any matters submitted by the cadet, and after meeting with the cadet if the cadet has so requested, may award the following kinds of punishments in such amounts and/or in such combinations as the Superintendent deems appropriate:

- (a)* Admonition.
- (b)* Reprimand.
- (c)* Restriction to limits.
- (d)* Deprivation of privileges.
- (e)* Reduction in or withdrawal of cadet officer or noncommissioned officer rank.
- (f)* Demerits.
- (g)* Punishment tours.
- (h)* Fatigue tours.
- (i)* Loss of leave.

(3) Under these procedures the Superintendent may not direct suspension, turn-back to the next lower class, or separation from the Military Academy.

### **6-5. Confidentiality of proceedings**

Misconduct hearings, Honor Investigative Hearings, and Conduct Investigations convened pursuant to this regulation,



will be closed to the public. Department of Defense personnel with official interest in a proceeding, cadets, and members of the respondent cadet's family normally will be permitted to attend such hearings. Other persons may be admitted to observe a proceeding at the discretion of the convening authority, or his or her designee, when their attendance would not have an adverse effect on the fairness and dignity of the proceeding or the respondent cadet's right of privacy.

## **Section II**

### **Major Misconduct**

#### **6-6. Drugs and narcotics**

A cadet who violates Article 112a of the UCMJ (Art. 112a, UCMJ) may be separated from the Military Academy and awarded punishments under paragraph 6-4 of this regulation.

#### **6-7. Alcoholic beverages**

*a.* Except as specifically authorized in regulations prescribed by the Commandant, a cadet who, while on the West Point Military Reservation, drinks or possesses alcoholic beverages, or is found under the influence of alcoholic beverages, may be separated from the Military Academy and awarded punishments under paragraph 6-4 of this regulation.

*b.* Elsewhere, a cadet who drinks or possesses alcoholic beverages, and who, as a result, commits (an) act(s), in such a manner and under such circumstances as to bring discredit on the cadet or the Corps of Cadets, may be separated from the Military Academy and awarded punishments under paragraph 6-4 of this regulation.

#### **6-8. Sexual misconduct**

*a.* A cadet who engages in (or attempts) an act of sexual misconduct may be separated from the Military Academy and awarded punishments under paragraph 6-4 of this regulation. Sexual misconduct includes but is not limited to:

(1) Violations of Articles 120, 125, or 134 (indecent assault; assault with the intent to commit rape or sodomy; adultery; indecent act/liberties with a child; indecent exposure; or indecent acts with another) of the Uniform Code of Military Justice (UCMJ, Arts. 120, 125, or 134).

(2) Sexual acts or relations committed in a barracks or classroom or other public place at the Military Academy.

(3) Sexual acts or relations committed anywhere under circumstances where the conduct of the cadet was to the prejudice of good order and discipline or was of a nature to bring discredit upon the Military Academy.

*b.* For purposes of this offense, the term "sexual acts or relations" is defined as sexual intercourse with another, or any activity or behavior with another that excites an individual's sexual lust and desires.

#### **6-9. Conduct unbecoming a lady or gentleman**

Cadets are required to act as leaders of character. They are not only to abstain from all vicious, immoral, and irregular conduct, but they are also enjoined to conduct themselves upon every occasion with the propriety and decorum characterizing a society of ladies and gentlemen. Cadets who conduct themselves in a manner unbecoming an officer and a lady or gentleman may be separated from the Military Academy and awarded punishments under paragraph 6-4 of this regulation.

#### **6-10. Combinations among cadets**

A cadet who engages in a combination or joint action with one or more cadets for the purpose of violating or evading any regulations, orders, or instructions issued by competent authority, or for the purpose of expressing disapprobation or censure of any person or persons in the military service (except as authorized by law or regulation providing for redress of grievances or otherwise making complaints through appropriate channels) may be separated from the Military Academy and awarded punishments under paragraph 6-4 of this regulation.

#### **6-11. Indebtedness**

A cadet who demonstrates a pattern of intentional or negligent failure to pay just debts may be separated from the Military Academy and awarded punishments under paragraph 6-4 of this regulation.

#### **6-12. Criminal conviction**

A cadet who is convicted of a criminal offense by a court of domestic or foreign civilian jurisdiction or by court-martial may be separated from the Military Academy and awarded punishments under paragraph 6-4 of this regulation.

#### **6-13. Hazing**

Hazing is defined as any conduct whereby a cadet causes another military member, regardless of service or rank, to suffer or be exposed to any activity that is cruel, abusive, oppressive, or harmful. It includes, but is not limited to: any form of initiation or congratulatory act that involves physically striking another to inflict pain; piercing another's skin; denigrating or ridiculing another; forcing or requiring the consumption of food, alcohol, drugs, or any other substance;

or encouraging another to engage in illegal, harmful, demeaning or dangerous acts and soliciting or coercing another to participate in any such activity. Hazing need not involve physical contact among cadets; it can be verbal or psychological in nature, and it is not limited to superior-subordinate relationships. However, hazing does not include: mission or operational activities or requisite training to prepare for such missions or operations; administrative corrective measures, such as verbal reprimands; extra military instruction; command authorized physical training; and other similar activities authorized by the chain of command. This offense applies to conduct by cadets, to include conduct by or directed at foreign persons attending the Academy for purposes of instruction.

*a.* Whenever, in the judgment of the Superintendent, investigation has disclosed substantial evidence that a cadet has engaged in hazing, such cadet may be separated from the Military Academy and awarded punishment under paragraph 6–4 of this regulation. However, if a cadet charged with violating this paragraph requests in writing a trial by general court-martial, such cadet may not be separated for such offense except under sentence of such court (Section 4352(b), Title 10, United States Code (10 USC 4352(b))).

*b.* Cadets dismissed for hazing may not be reappointed to the Corps of Cadets, and they are ineligible for appointment as commissioned officers in any component of the Army, Navy, Air Force, or Marine Corps, until 2 years after the graduation of their Class (10 USC 4352(c)).

#### **6–14. Other major misconduct offenses**

A cadet who commits an offense punishable under the UCMJ by confinement for a term of 6 months or more may be separated from the Military Academy and awarded punishments under paragraph 6–4 of this regulation.

#### **6–15. Procedures for processing major misconduct offenses**

*a.* Cadets subject to separation or other adverse action under the provisions of this section of this regulation may, at the discretion of the Superintendent, be tried by court-martial if the conduct constitutes a violation of the UCMJ, be referred to a hearing before an investigating officer under the provisions of this paragraph, or be considered under procedures set forth in paragraph 6–4c of this regulation.

*b.* Should the Superintendent elect to proceed under the provisions of this paragraph, cadets concerned will be directed to appear as respondents before an investigating officer appointed by the Superintendent. The investigating officer will conduct an investigation of the matter in accordance with procedures approved by the Superintendent.

*c.* Upon completion of the investigation, the investigating officer will submit the record of the proceedings, including his or her findings and recommendations, to the Superintendent for action pursuant to paragraph 7–3 of this regulation.

### **Section III**

#### **Honor and Discipline**

#### **6–16. Violation of the Cadet Honor Code**

*a.* The Cadet Honor Code states: “A cadet will not lie, cheat, or steal, or tolerate those who do.” The Superintendent will establish and maintain a system to administer the Cadet Honor Code.

*b.* Honor investigative hearings will be convened by the Commandant under the provisions of the Cadet Honor Committee Procedures. Upon completion of the record of the proceedings, including the findings and recommendations, they will be reviewed by the Staff Judge Advocate, forwarded for recommendations by the Commandant, provided to the cadet respondent for rebuttal and comment, and finally sent to the Superintendent for action pursuant to paragraph 7–3 of this regulation.

*c.* Cadets who are found to have violated the Cadet Honor Code will normally be separated from the Military Academy; however, they may, at the discretion of the Superintendent, be retained or returned to the next lower class. They may also be awarded punishments under paragraph 6–4 of this regulation.

*d.* Cadet Honor Committee Procedures must be approved by the Superintendent. Copies of such procedures and amendments thereto will be forwarded for information to Headquarters, Department of the Army, and will reference this paragraph.

#### **6–17. Cadet Disciplinary System**

*a.* Subject to the approval of the Superintendent, the Commandant will establish, publish, and administer a cadet disciplinary system. The system will include means to monitor each cadet’s conduct, punishment for conduct deficiency, and instruction on the standards of conduct expected and required. Copies of the approved system and subsequent amendments will be forwarded for information to Headquarters, Department of the Army, and will reference this paragraph.

*b.* Conduct investigations will be convened by the Commandant under the provisions of the Cadet Disciplinary System. Before separating a cadet for conduct deficiency, he or she will be afforded a hearing to determine whether the cadet is deficient in conduct. If after such a hearing a cadet has been found deficient in conduct, the Commandant will

review the report of proceedings. The Commandant may retain the cadet (with or without probation), or recommend to the Superintendent that the cadet be separated or suspended from the Military Academy.

*c.* In cases of conduct deficiency where a report of proceedings and the recommendations of the Commandant are forwarded for action, the Superintendent may, under the procedures in paragraph 7–3 of this regulation, take one or more of the following actions:

- (1) Direct retention (with or without probation).
- (2) Direct transfer to a lower class.
- (3) Direct suspension from the Military Academy.
- (4) Recommend separation to the Secretary of the Army.

*d.* If the Superintendent recommends separation, he or she may immediately, or at any time prior to the Secretary's action on the case, suspend the cadet. The Superintendent may also suspend any of the above actions under such terms and conditions as deemed appropriate.

## **Section IV**

### **Other Grounds for Separation**

#### **6–18. Pregnancy at time of admission**

*a.* Cadets determined to have been pregnant on the date of admission to the Military Academy will normally be separated.

*b.* Issues concerning these matters will be determined by medical authorities, written admissions, or other relevant documentation.

#### **6–19. Drug or alcohol use detected during pre-accession testing**

Under the provisions of Section 978, Title 10, United States Code (10 USC 978), and the implementing instructions of the Secretary of Defense, a cadet or cadet candidate must undergo drug and alcohol testing and evaluation for drug and alcohol dependency within 72 hours of appointment, (that is, taking the required oath). If, after appointment, the results of drug testing establish that a cadet tested positive for any prohibited substances as defined in paragraph 6–6 of this regulation, that cadet will be immediately discharged by the Superintendent. Cadets discharged under this provision will be given an uncharacterized entry-level discharge.

#### **6–20. Marriage or support obligation**

*a.* Any person who marries prior to graduation while a USMA cadet will be separated. Divorce, annulment, or other dissolution of a cadet's marriage does not affect or preclude separation under this provision.

*b.* A cadet who has or incurs a legal obligation of support from a prior marriage, has custody of a child, or incurs a legal obligation to support a child or former spouse while a USMA cadet will be separated.

*c.* Issues concerning such separations will be determined by an investigation conducted under the procedures of AR 15–6 that considers prior court adjudications, other legal documents, or written admissions.

#### **6–21. Conscientious objection or refusal to perform duties that conflict with religious practices**

*a.* Cadets who apply for discharge or reclassification on the grounds of conscientious objection will, at the discretion of the Superintendent, be placed on leave of absence pending action on their application by the Department of the Army. If the application for discharge is approved by the Department of the Army, the cadet will be separated accordingly. If the application for discharge or reclassification is disapproved or the cadet is reclassified by the Department of the Army, the cadet will be permitted to resign or will be involuntarily separated from the Military Academy. If the cadet does not resign, the cadet will be separated from the Military Academy and will comply with branching or assignment instructions issued to them.

*b.* Cadets who request accommodation for religious practices will have their requests processed in accordance with AR 600–20, and the following:

(1) Cadets who request accommodation for religious practices must continue to perform all duties, to include participation in scheduled training and classes, until and unless excused by the Commandant. This includes cadets who subsequently appeal the Commandant's decision on accommodation.

(2) Cadets who, because of their religious beliefs, do not agree to conform their conduct to the terms of the Commandant's accommodation decision may request separation from the Military Academy and discharge from the Army, or they may be separated from the Military Academy under this paragraph. This does not preclude separation under any other provision of this regulation.

*c.* Cadets separated or discharged from the Army because of a conflict between their religious practices and military requirements will be subject to recoupment as outlined in applicable directives and regulations.

## **6-22. Extended unauthorized absence**

*a.* Cadets who without authority remain absent from the Military Academy for a period longer than 1 month will be dropped from the rolls of the Academy.

*b.* A cadet who has been dropped from the rolls may be separated from the Academy by following the steps below:

(1) A certified letter, return receipt requested, will be sent to the last known civilian address of record for the cadet concerned. The letter will notify the cadet or next of kin that if the cadet does not return to military control within 30 days, the cadet will be separated from the Military Academy, and the letter will convey the Superintendent's recommendation concerning discharge characterization.

(2) Cases of cadets who have not returned to military control within 30 days of the date on which the letter was received for may be forwarded to Department of the Army for immediate separation.

*c.* Cases of cadets who return to military control within the 30 days may be processed as appropriate in accordance with this regulation.

## **6-23. Personality disorder or lack of qualification for service**

A cadet who exhibits behavior or characteristics that make retention undesirable may be separated from the Military Academy. Specific bases for separation under this paragraph include the following:

*a.* A personality disorder (not amounting to disability allowing medical separation) that interferes with assignment to or the performance of duty, when diagnosed as being a deeply ingrained maladaptive pattern of behavior of long duration that interferes with the cadet's ability to perform duty, so severe that the cadet's ability to function effectively in the military environment is significantly impaired. The diagnosis of personality disorder must have been established by a psychiatrist, doctoral-level clinical psychologist or doctoral-level clinical social worker privileged to conduct mental health evaluations for DOD components. Mental health evaluations will be conducted by such persons in accordance with DODD 6490.1 and DODI 6490.4.

*b.* Demonstrated lack of qualification for further service as a cadet or as an officer in the U.S. Army, based on factors such as, but not limited to, the following:

(1) The cadet cannot or will not adapt socially or emotionally to military life.

(2) There is a reasonable probability the cadet will not meet the minimum standards prescribed for successful completion of the course of instruction because of lack of aptitude, ability, motivation, or self-discipline.

(3) The cadet has demonstrated character or behavior characteristics not compatible with satisfactory continued service as a cadet or as an officer in the United States Army.

*c.* The fact that such behavior or characteristics, or manifestations thereof, may constitute or support specific grounds for punishment or separation under other provisions of this regulation does not preclude separation action under this paragraph.

*d.* Prior to forwarding a recommendation for separation under this paragraph to Department of the Army, the cadet concerned will be afforded a hearing in the same manner as for cases of misconduct. This hearing will also consider whether the basis for separation resulted from a willful act or omission on the part of the cadet (para 7-9b).

## **6-24. Failure to make satisfactory progress in a weight control program**

*a.* A cadet, with no underlying or associated disease process, who fails to make satisfactory progress in a weight control program, or following removal from a weight control program, exceeds the screening table weight and the body fat standard contained in AR 600-9, may be separated from the Military Academy.

*b.* Prior to initiation of separation action, the Commandant will prepare a letter that states that separation proceedings are being considered. All documentation that provides the basis for the determination of failure to make satisfactory progress in a weight control program will be attached to this letter. The Commandant will consider the cadet's response to this letter prior to forwarding a recommendation for separation to the Superintendent.

## **6-25. Failure to maintain proper physical fitness**

*a.* The provisions of AR 350-41 pertaining to physical fitness as measured by the Army Physical Fitness Test are applicable to cadets at the Military Academy. A cadet who fails to meet the Army Physical Fitness Test standards and conditions as outlined in AR 350-41 may be separated from the Military Academy.

*b.* Prior to initiation of separation action, the Commandant will prepare a letter that states that separation proceedings are being considered. All documentation that provides the basis for the determination of failure to maintain proper physical fitness will be attached to this letter. The Commandant will consider the cadet's reply prior to forwarding a recommendation for separation to the Superintendent.

## **6-26. Alcohol or other drug abuse rehabilitation failure**

*a.* A cadet who is determined to be a rehabilitation failure in the Army Substance Abuse Program (ASAP) may be separated from the Military Academy. The separation is based on alcohol or other drug abuse when the member is enrolled in an alcohol or drug abuse rehabilitation program and the Commandant makes an initial determination that

further rehabilitation efforts are not practical, rendering the cadet a rehabilitation failure. The Commandant will consider recommendations from the rehabilitative team in making this determination.

*b.* A cadet who is enrolled in the ASAP for alcohol/drug abuse may be separated for inability or refusal to participate in, cooperate in, or successfully complete such a program in the following circumstances:

(1) There is a demonstrated lack of potential for continued Army service and rehabilitation efforts are no longer practical.

(2) Long-term rehabilitation is necessary, and the cadet is transferred to a civilian medical facility for rehabilitation.

*c.* That a cadet is subject to separation under this paragraph will not preclude punishment or separation under other applicable provisions of this regulation.

*d.* Prior to forwarding a recommendation for separation under this paragraph to the Department of the Army, the cadet concerned will be afforded a hearing in the same manner as cases of misconduct. This hearing will also consider whether the basis for separation resulted from a willful act or omission on the part of the cadet (para 7-9*b*). The limited use policy, contained in AR 600-85, chapter 6, section II, applies to all separation actions processed under this paragraph.

## **6-27. Homosexual conduct**

*a.* AR 600-20 contains general policies concerning homosexual conduct, including statutory provisions, pertinent definitions, and commander guidelines for fact-finding inquiries. AR 195-2 provides guidance on criminal investigation of sexual misconduct. AR 380-67 offers guidance on personnel security and clearance matters related to homosexual conduct.

*b.* Homosexual conduct is grounds for separation from the Academy under the criteria set forth in AR 600-20 and paragraph *f*, below.

(1) The term homosexual conduct includes homosexual acts, statement(s) that demonstrate a propensity or intent to engage in homosexual acts, or homosexual marriage or attempted marriage.

(2) A statement that demonstrates a propensity or intent to engage in homosexual acts is grounds for discharge not because it reflects the cadet's sexual orientation, but because the statement indicates a likelihood that the cadet engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

(3) A cadet's sexual orientation is considered a personal and private matter and is not a bar to continued service unless manifested by homosexual conduct as described in paragraph *f*, below.

*c.* The foregoing does not preclude—

(1) Trial by court-martial in appropriate cases.

(2) Conviction by court-martial in appropriate cases. Conviction by court-martial that did not impose a punitive discharge does not prevent initiation of administrative separation proceedings under this chapter.

(3) Separation, in appropriate circumstances, for another reason specified in this regulation.

*d.* The initial determination. If a tactical officer (company, regimental, or brigade) in the cadet's chain of command receives credible information that there is a basis for separation for homosexual conduct, the company tactical officer or the regimental tactical officer may initiate a fact-finding inquiry in accordance with AR 600-20 after consultation with the servicing judge advocate. Special procedures for statement cases are found in paragraph 6-27*k*. If the tactical officer determines that there is basis for separating the cadet owing to homosexual conduct, the tactical officer will process the case in accordance with procedures approved by the Superintendent.

*e.* The hearing. A recommendation for separation under this paragraph may not be forwarded to Headquarters, Department of the Army, unless the cadet concerned has been afforded a hearing in the same manner as cases falling under the provisions of paragraph 6-15 of this regulation. In conducting the hearing, investigating officers will follow procedures approved by the Superintendent and the procedures listed in paragraphs 6-27*f* through 6-27*h*.

*f.* Except as indicated, a cadet will be recommended for separation if one or more of the following findings has been made and is approved by the Superintendent:

(1) The cadet has engaged in, attempted to engage in, or solicited another person to engage in, a homosexual act or acts unless there are further approved findings that—

(*a*) Such acts are a departure from the cadet's usual and customary behavior;

(*b*) Such acts under all the circumstances are unlikely to recur;

(*c*) Such acts are not accomplished by the use of force, coercion, or intimidation;

(*d*) Under the particular circumstances of the case, the cadet's continued presence at the Military Academy is consistent with the interest of the Military Academy in maintaining proper discipline, good order, and morale; and

(*e*) The cadet does not have a propensity or intent to engage in homosexual acts.

(2) The cadet has made a statement that he/she is a homosexual or bisexual, or words to that effect, unless there is a further approved finding that the cadet has demonstrated that he/she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

(*a*) A statement by the cadet that he/she is a homosexual or bisexual, or words to that effect, creates a rebuttable

presumption that the cadet engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

(b) The cadet will be advised of this presumption and given the opportunity to rebut the presumption by presenting evidence that demonstrates he/she does not engage in, attempt to engage in, have a propensity to engage in, or intend to engage in homosexual acts. The cadet bears the burden of rebutting the presumption. In determining whether a cadet has successfully rebutted the presumption, some or all of the following may be considered: whether the cadet has engaged in homosexual acts; the cadet's credibility; testimony from others about the cadet's past conduct, character, and credibility; the nature and circumstances of the cadet's statement; and any other evidence relevant to whether the cadet is likely to engage in homosexual acts.

(3) The cadet has married or attempted to marry a person known to be of the same biological sex (as evidenced by the external anatomy of the persons involved).

g. If the investigating officer determines there is insufficient evidence that one or more incidents of the homosexual conduct identified in paragraph 6-27f has occurred, the investigating officer will make a finding that the allegation is not supported by the evidence.

h. If the investigating officer finds that one or more of the incidents of the homosexual conduct described in paragraph 6-27f has occurred, the investigating officer will recommend separation unless there is a further finding of the existence of all of the circumstances described in either paragraph 6-27f(1) or 6-27f(2), as applicable.

(1) The investigating officer must make findings with regard to the limited circumstances described in paragraph 6-27f(1) if the cadet specifically and clearly raises the possibility of the existence of such circumstances.

(2) The cadet will bear the burden of proving, by a preponderance of the evidence, that retention is warranted under the limited circumstances described in paragraph 6-27f(1).

i. Action by the Superintendent. Upon receipt of a report of investigation in which the investigating officer has found there has been homosexual conduct by a cadet, the Superintendent will take one of the following actions:

(1) Approve the findings and forward the case to Headquarters, Department of the Army, with a recommendation that the respondent be separated from the Academy;

(2) Approve the finding that the respondent engaged in homosexual conduct, but direct retention under the limited circumstances described in 6-27f(1) and 6-27f(2) or,

(3) Disapprove the findings.

j. All provisions of this regulation and other local regulations not inconsistent with the guidance outlined above will apply to investigations conducted pursuant to this paragraph.

k. Special procedures for statement cases. Normally, little or no investigation should be necessary in most cases where a cadet has made a statement acknowledging his or her homosexuality and does not contest the separation from the Academy. A tactical officer's investigation into a statement of homosexual orientation is limited to three avenues of inquiry: questioning the cadet about his statement; questioning persons the cadet recommends be questioned; and questioning the cadet's chain of command/ supervision. After inquiring into those three avenues, the tactical officer must make a determination as to whether the cadet's statement is credible.

(1) If the tactical officer determines that the cadet's statement is credible, then a basis for separation exists and the tactical officer will process the case in accordance with procedures approved by the Superintendent.

(2) If the tactical officer has reason to believe, either based on an inquiry as described above, or through some other credible means, that the cadet is making the statement to avoid a service obligation or avoid recoupment of financial benefits, the tactical officer may seek to conduct a substantial investigation.

(3) Substantial Investigation. An investigation is considered substantial when it seeks to acquire information from sources other than the three authorized for an inquiry, as described in paragraph 6-27k.

(4) Only the Assistant Secretary of the Army (Manpower and Reserve Affairs) (ASA(M&RA)) may approve initiation of a substantial investigation into whether a cadet is making the statement to avoid a service obligation or to avoid recoupment of financial benefits. Requests for approval will be forwarded through command channels to the ASA(M&RA).

## **6-28. Inability to meet the non-academic requirements of the Physical Program**

a. Cadets who are unable to meet the non-academic requirements of the Physical Program during any continuous 18-month period may be separated from the Military Academy.

b. Prior to the initiation of a separation action, the Commandant will notify the cadet concerned, in writing, that separation proceedings are being considered. All documentation that provides a basis for the separation will be attached to this letter. The Commandant will consider the cadet's reply prior to forwarding a recommendation to the Superintendent.

## **6-29. Inability to meet military training requirements**

a. Cadets who are unable to meet military training requirements by a failure to perform to standard pre-commissioning and basic training tasks required of all combat arms soldiers by the Department of the Army, may be separated from the Military Academy.

b. The Commandant, with the approval of the Superintendent, will promulgate procedures that ensure that, prior to the initiation of separation action under this authority, cadets are provided with at least one remediation opportunity that identifies each specific task where a deficiency is noted and prescribes the specific actions required to successfully complete the identified task to standard.

c. Prior to the initiation of separation action, the Commandant will notify the cadet concerned, in writing, that separation proceedings are being considered. All documentation that provides a basis for the separation will be attached to this letter. The Commandant will consider the cadet's response to this letter prior to forwarding a recommendation to the Superintendent.

### **6-30. Medically disqualified cadets**

a. Whenever the Surgeon, USMA, determines that a USMA cadet does not meet the fitness requirements to perform all duties as a member of the Corps of Cadets during the current academic term or summer training period, or will not meet the medical fitness standards for appointment on active duty at the expected time of commissioning, the Superintendent will review the case and, at his discretion, take one of the following actions:

- (1) Afford the cadet an opportunity to resign.
- (2) Recommend that, in the case of the medical disqualification under cadet retention standards as provided in AR 40-501, the cadet be separated (see AR 612-205).
- (3) For cadets of the first class, recommend they be retained and graduated, either as provided in paragraph 5-3b of this regulation, or, if otherwise qualified, by being granted a waiver and commissioned.
- (4) Recommend that the cadet, if physically disqualified for any military service, be discharged (paragraph 5-3b of this regulation and AR 612-205).
- (5) Permit the cadet, upon the cadet's written request, to complete the academic year in which the defect is noted, and in those cases in which it appears that the disqualifying defect is clearly remediable, to continue for an additional period of time beyond the current academic year for the purpose of further observation and/or treatment. This additional period will not go beyond the end of the academic year following that in which the defect is noted unless the physical disqualification is removed.
- (6) Grant leave without pay to the cadet, upon the cadet's written request, or direct leave from the Military Academy for an appropriate period of time, not to exceed one year. At a time designated by the Surgeon, USMA, the cadet will be reexamined to determine if the medical disqualification has been remedied. If so, and otherwise qualified, the cadet will be permitted to return to the Military Academy. In the event that the medical disqualification continues to exist, the case will be reevaluated consistent with this article.

b. For those cadets with service obligations, whose cases fall within the purview of paragraphs a(1) through (4) above, the Superintendent's recommendations with pertinent enclosures, will be forwarded to Headquarters, Department of the Army, for final action. The DMPP, DCS, G-1, will take final action, to include approval of medical waivers, on such cases following consultation with The Surgeon General. When appropriate, recommendations will include an opinion concerning the cadet's medical qualifications for other military service.

### **6-31. Participation in the Academy Mentorship Program**

Under the circumstances set forth below, the Superintendent may, in his sole discretion, recommend to the Secretary or his designee the separation from the Military Academy of selected cadets who request to participate in the Academy Mentorship Program (AMP).

a. The AMP is an opportunity offered by the Secretary to those cadets whose present conduct indicates a level of maturity inconsistent with continued service in the Corps of Cadets, but whose other indicators of performance and potential merit the opportunity to demonstrate professional-ethical behavior and commitment through performance on active duty as an enlisted soldier in an Army unit. Cadets must volunteer to participate in the AMP.

b. The Superintendent may identify and recommend to the Secretary those cadets who are pending separation from the Academy for Misconduct, Honor, or Conduct pursuant to this regulation, and who he believes should be invited to apply for readmission after serving on active duty as an enlisted soldier under the AMP.

c. Cadets must request to participate in the AMP by executing the Request to Participate format at figure B-7.

d. The Superintendent will promulgate procedures implementing the AMP after coordination with PERSCOM. A copy of the current procedures and any subsequent amendments will be forwarded to Headquarters and will reference this paragraph.

### **6-32. Academic, Military, Physical Program deficiency**

Cadets who fail to meet the requirements of the Academic, Military, or Physical Program may be separated from the Academy or subject to other remedial action pursuant to paragraph 4-5 of this regulation.

a. Cadets who are deficient in the Academic Program, in military science or physical education courses, or in Military Development may be separated from the Academy or subject to other remedial action pursuant to paragraph 4-5 of this regulation.

b. Cadets who are deficient in the Military or Physical Program, for reasons other than those included in paragraph

6-32a, may be separated from the Academy pursuant to paragraphs 6-24, 6-25, 6-28, and 6-29 of this regulation, as appropriate.

## **Chapter 7**

### **Separations and Resignations**

#### **7-1. General**

An officer appointed as the result of graduation from the USMA will incur a military service obligation (MSO) of 8 years.

*a.* Rules concerning separation of cadets prior to completion of the course of instruction, or upon refusal after graduation to accept an appointment as a commissioned officer are contained in the following references:

- (1) DOD Instruction 1304.25.
- (2) DOD Directive 1332.23.
- (3) Army Regulation 612-205.

*b.* A brief overview of these rules is presented below. For a complete exposition of all applicable rules see the references listed above.

(1) Cadets who enter the USMA directly from a civilian status:

*(a)* Assume an MSO of 8 years when they enter the Academy (Section 651, Title 10, United States Code (10 USC 651); DOD Instruction 1304.25; and DOD Directive 1332.23).

*(b)* Have no active duty service obligation and will be discharged, with their MSO waived, if they resign or are separated from the Academy prior to the commencement of term 1 of their second class year.

*(c)* Have an MSO equivalent to the period for which they are ordered to serve on active duty or in a Reserve component in an enlisted status, if they resign or are separated after the commencement of term 1 of their second class year, but before completing the COI. They may be ordered to active duty for a period of not less than 2 years, but no more than 4 years.

(2) Cadets who entered the Military Academy from a Regular or Reserve component of any military Service:

*(a)* Assume an MSO of 8 years when they enter the service pursuant to an enlistment contract, to include admittance to the United States Military Academy Preparatory School (10 USC 651; DODI 1304.25; and DODD 1332.23). Those cadets who enter USMA from USMAPS as invitational reservists will be processed in accordance with AR 612-205, table 3.

*(b)* Have an MSO equal to the time not served on the original enlistment contract, with all service as a cadet counted as service under that contract, if they resign or are separated from the Academy prior to the commencement of term 1 of their second class year. Those cadets with less than 1 year remaining in the original enlistment contract may have their remaining MSO waived and may be discharged on the approval of the resignation or separation by the separation authority.

*(c)* Have an MSO equivalent to that set forth in paragraph 7-1b(1)(c) or paragraph 7-1b(3)(a), or that will be equal to the time not served on the original enlistment contract (with credit for cadet time served), whichever period is longer, if they resign or are separated after the commencement of term 1 of their second class year, but before completing the COI.

*(d)* Completion or partial completion of an MSO acquired by prior enlistment in no way exempts a separated cadet from being transferred to a Reserve component and ordered to active duty.

(3) All cadets regardless of entrance source.

*(a)* First class cadets who complete the COI and decline to accept an appointment as a commissioned officer will be transferred to the Reserve component in an enlisted status and ordered to active duty for 4 years (10 USC 4348(b)).

*(b)* Cadets who resign or are separated, and who are, for reasons of unsuitability, unfitness, or physical disqualification, not suited for enlisted service will be discharged.

*(c)* Cadets who tender a resignation will be required to state a specific reason for their action.

*(d)* A resignation may be accepted when found to be in the best interests of the service.

*c.* The foregoing provisions will be applied in accordance with the following guidance:

(1) Term 1 of the second class year will commence at noon on the first day of regularly scheduled academic classes following the summer training period. As an exception, the second class year for a cadet who is designated a potential mid-year graduate will commence at noon on the first day of regularly scheduled classes in the term following the advancement of that cadet to the second class.

(2) In cases where it is necessary to determine whether cadets resign prior to or following the commencement of their second class year, the critical date is the date the resignation action is initiated by the cadet.

(3) In cases in which the Academy discovers an incident giving rise to separation in one academic year, but separation is not initiated (or a resignation in lieu of the same is not forwarded by the chain of command) until the



following year, the separation action will be deemed to have been “started” on the date of discovery for purposes of computing the service obligation and pay grade under AR 612–205, table 3.

## **7–2. Delegation of separation and discharge authority**

*a.* The Superintendent, USMA, is delegated the authority to separate from the Military Academy, prior to the commencement of term 1 of their second class year, cadets who have no prior service obligation remaining and to discharge such cadets from the Army with issuance of an Honorable Discharge Certificate pursuant to paragraphs 6–18 through 6–22, 6–24, 6–25, 6–28 through 6–30, 6–32, and 7–5 through 7–6 of this regulation, unless such cadets entered USMA from a military service other than the Army, in which case they will be transferred to their parent service upon separation under this paragraph.

*b.* The Superintendent, USMA, is delegated the authority to separate from the Military Academy, prior to the commencement of term 1 of their second class year, cadets who entered the Academy from the Regular or Reserve component of any military service and who have a prior service obligation remaining at the time of their separation pursuant to paragraphs 6–18 through 6–22, 6–24, 6–25, 6–28 through 6–30, 6–32, and 7–5 through 7–6 of this regulation, and to then dispose of the case under the provisions of paragraph 7–1*b*(2) of this regulation. Cadets who entered the Military Academy from a military service other than the Army will be transferred to their parent service upon separation from the Military Academy.

## **7–3. Action by the Superintendent**

*a.* The summarized record of a proceeding before a Misconduct Hearing, Honor Investigation Hearing, or Conduct Investigation will be reviewed by the Staff Judge Advocate. A copy of the summarized record, along with the Staff Judge Advocate’s review, will be forwarded to the Commandant of Cadets for consideration. Thereafter, the record, the recommendations and comments of the Commandant, if any, and the Staff Judge Advocate’s review will be provided to the respondent for consideration and an opportunity for rebuttal. The Superintendent will review the entire record, including the Staff Judge Advocate’s review, the Commandant’s recommendation, and any matters offered by the respondent prior to taking action on the case.

*b.* Except in cases where the Superintendent is the separation authority, all documents pertinent to the separation of a cadet from the Academy will be forwarded to Headquarters, Department of the Army, for final action. The Superintendent will make recommendations concerning separation from the Academy and discharge from the Service. If discharge is recommended, the type of discharge recommended will be specified.

## **7–4. Restriction on separation actions**

No cadet will be considered for separation pursuant to this regulation because of conduct that has been the subject of judicial or administrative proceedings under this chapter when the results of those proceedings constitutes an acquittal, a determination tantamount to an acquittal, or a final administrative determination not substantiating the allegation or issue upon which the subsequent action is based. These limitations are not applicable when—

*a.* There has been a finding of not guilty by a court-martial, and the subsequent action is initiated under the Cadet Honor System; or

*b.* It is discovered that the proceedings were tainted by fraud or collusion, or by like misconduct by a board member, or if substantial new incriminating evidence is discovered which, despite the exercise of due diligence, was not available to the Board before it reached its decision.

## **7–5. Unqualified resignations**

*a.* Except as provided in paragraphs 7–5*d* and 7–6 of this regulation, a cadet may submit an unqualified resignation from the Military Academy at any time, and will, upon acceptance by the Superintendent or Headquarters, Department of the Army, as appropriate, be separated in accordance with the applicable procedures established by this regulation.

*b.* When the Superintendent is the separation authority, a cadet may withdraw, with the Superintendent’s approval, his or her resignation at any time until acted upon by the Superintendent. Otherwise, a cadet may withdraw his or her resignation upon approval of the Superintendent until such time as it is forwarded to Headquarters, Department of the Army. Thereafter, it may be withdrawn only upon the approval of Headquarters, Department of the Army.

*c.* Each letter of unqualified resignation will comply with the format at figure B–1 or B–2. Statements in the cadet’s behalf may be appended to the letter of unqualified resignation.

*d.* If charges have been preferred against a cadet under the UCMJ, or if allegations against a cadet have been referred to a hearing before a Misconduct Hearing, Honor Hearing, or Conduct Investigation, an unqualified resignation may not be submitted (para 7–6).

## **7–6. Qualified resignation—resignation in lieu of court-martial or involuntary separation**

*a.* If charges have been preferred against a cadet under the UCMJ or separation proceedings against a cadet have been initiated for misconduct, honor, or conduct under this regulation, the cadet concerned may resign in lieu thereof. Such resignations may be submitted at any time prior to final separation approval.

*b.* A cadet may withdraw his or her resignation upon approval of the Superintendent until such time as it is

forwarded to Headquarters, Department of the Army. Thereafter, it may be withdrawn only upon the approval of Headquarters, Department of the Army.

*c.* Each letter of resignation submitted pursuant to this paragraph will comply with the format at figure B-3 or B-4, or at figure B-5 or B-6, as appropriate. Statements in the cadet's behalf may be appended to the letter of resignation.

*d.* Prior to submitting a letter of resignation in lieu of administrative separation pursuant to misconduct, honor, or conduct proceeding under this regulation, the cadet will be afforded the opportunity to consult with legal counsel. Upon request, the Staff Judge Advocate will appoint military counsel. Civilian counsel may be retained at the cadet's own expense. If the cadet concerned does in fact consult with counsel, the letter of resignation will so acknowledge, and it will include a statement signed by military or civilian counsel that counsel has advised the cadet of the meaning and effect of the discharge and his or her rights with respect to the action contemplated. Otherwise, the letter of resignation will acknowledge that the cadet was afforded the opportunity to consult with counsel.

*e.* Prior to submitting a letter of resignation in lieu of trial by court-martial or in lieu of final disposition of the results of a trial by court-martial, the cadet will consult with legal counsel provided by the U.S. Army Trial Defense Service. Civilian counsel may be retained at the cadet's own expense. The letter of resignation will acknowledge that the cadet did in fact consult with counsel, and it will include a statement signed by military or civilian counsel that counsel has advised the cadet of the meaning and effect of the discharge and his or her rights with respect to the action contemplated.

### **7-7. Separation documents**

*a.* Separation documents issued to cadets administratively separated will be of the following types:

- (1) DD Form 256A (Honorable Discharge Certificate).
- (2) DD Form 257A (General Discharge Certificate (Under Honorable Conditions)).
- (3) Discharge under other than honorable conditions may be issued if discharge is pursuant to a resignation in lieu of court-martial.
- (4) Entry-level separation.

*b.* A cadet who has been separated and discharged under any provision of this regulation normally will be issued an honorable or general discharge certificate unless Headquarters, Department of the Army, determines that the facts and circumstances of the case warrant issuance of a discharge of lower character.

*c.* Normally, a cadet who enters the Academy from civilian status, who, within 180 days of entering the Academy, (that is, taking the required oath), resigns or has separation action initiated against him or her, will be given an entry-level separation and this service will be uncharacterized.

*d.* Record of disenrollment. Upon receipt of a request from a DOD agency for information concerning a cadet disenrolled from the United States Military Academy, a DD Form 785 (Record of Disenrollment From Officer Candidate-Type Training), will be completed by the Superintendent and returned directly to the requesting Service.

### **7-8. Consequences of separation or resignation**

*a.* Former cadets of the Military Academy may not be originally appointed in a commissioned grade in any component of the Army before their West Point classmates are graduated and appointed as officers.

*b.* Except when otherwise required by law or DOD directives or regulations, former cadets of the Military Academy who did not graduate from the Military Academy may not be credited, upon original appointment as commissioned officers of any component of the Army, with longer service than that credited to any member of their West Point class, whose service in the Army has been continuous since graduation.

### **7-9. Breach of service agreement and reimbursement of educational costs**

*a.* Cadets who resign from the Military Academy, or who are separated from the Academy under the procedures contained in table 7-1, will be deemed to have breached their service agreement.

*b.* Cadets separated from the Military Academy under procedures other than those contained in table 7-1 may be deemed by the Superintendent to have breached their service agreement if the cadet's failure to meet the standards for continued attendance at USMA or for commissioning resulted from a willful act or omission.

(1) For Academic, Military, or Physical Program failures, the determination of a willful act or omission will be based on a recommendation of the Academic Board after the cadet has been advised of the basis for the contemplated separation and has had the opportunity to present, in writing, his or her rebuttal to the allegation of willful act or omission.

(2) For other failures, the determination of a willful act or omission will be based upon an investigation conducted under the provisions of AR 15-6. The Superintendent, upon recommendation of the Commandant, will appoint the investigating officer. The report of the investigating officer will be processed in accordance with paragraph 7-3, prior to action by the Superintendent.

*c.* A cadet who voluntarily, or because of misconduct fails to complete the period of active duty service specified by the Secretary in the cadet's agreement to serve may be required to reimburse the Government for educational costs pursuant to Section 2005, Title 10, United States Code (10 USC 2005) and implementing regulations. If the Secretary

determines that such active duty service is not in the best interests of the Army, the cadet will be considered to have failed to complete the period of active duty and may be required to reimburse the government for educational costs.

d. A cadet who may be subject to this reimbursement requirement will be advised, in writing, of such requirement before—

- (1) Submitting a request for voluntary resignation; or
- (2) Making a decision on a course of action regarding personal involvement in administrative or judicial action resulting from alleged misconduct.

e. When the Superintendent recommends reimbursement of educational costs and the cadet disputes the validity of the debt, the Superintendent is authorized to appoint an investigating officer to hear evidence concerning the validity of the debt under 10 USC 2005(g)(1).

**Table 7-1**  
**Separations deemed to be a breach of service contract**

Nature of separation	Standards	Procedures
Conduct deficiency	Para 6-17, this regulation	See local regulations; paras 6-17 and 7-3, this regulation
Extended unauthorized absence	Para 6-22, this regulation	Para 6-22 <i>b</i> , this regulation
Homosexual conduct	Para 6-27, this regulation	See local regulations; Paras 6-27 <i>b-f</i> and 7-3, this regulation
Honor	Para 6-16, this regulation	See local regulations; Paras 6-16 and 7-3, this regulation
Marriage or support obligation	Para 6-20, this regulation	Para 6-20 <i>b</i> , this regulation
Misconduct	Paras 6-9 through 6-19, this regulation	See local regulations; Paras 6-5 and 7-3, this regulation
Conscientious objection or refusal to perform duties that conflict with religious practices	Para 6-21, this regulation	Para 6-21, this regulation
Failure to maintain physical fitness standards in accordance with AR 350-41	Para 6-25, this regulation	Para 6-25, this regulation
Failure to meet army weight and body composition standards or make satisfactory progress in a weight control program in accordance with AR 600-9	Para 6-24, this regulation	Para 6-24 <i>b</i> , this regulation

**Table 7-2**  
**Delegation of separation and discharge authority**

Rule	If separation will occur	and the cadet	and the military service obligation is	and the cause for separation is	the separation authority is	and the discharge authority is
1	before commencement of term 1 of the second class year (junior year)	entered USMA from civilian status	waived (automatic)	Paras 6-18, 6-20, 6-21, 6-22, 6-24, 6-28, 6-29, 6-30, 6-32, 7-5, and 7-6	Superintendent, USMA <sup>1</sup>	Superintendent, USMA, provided an Honorable Discharge Certificate is issued
2	Same as above	Entered USMA from USMAPS as an invitational reservist <sup>2</sup>	Waived (automatic)	Same as above	Same as above	Same as above
3	Same as above	Entered USMA from any Active or Reserve component of any military Service	Less than 1 year	Same as above	Same as above	Same as above and the Superintendent decides to waive the remaining MSO
4	Same as above	Entered USMA from an Active or Reserve component of any military Service	1 year or more	Same as above	Same as above	Secretary of the Army, Return to former status for completion of MSO unless the Secretary determines otherwise

**Table 7-2**  
**Delegation of separation and discharge authority—Continued**

Rule	If separation will occur	and the cadet	and the military service obligation is	and the cause for separation is	the separation authority is	and the discharge authority is
5	After commencement of term 1 of the second class year (junior year)	Entered USMA from any source	Is in effect (all cases)	Any case under chapters 6 and 7	Secretary of the Army <sup>3,4</sup>	Secretary of the Army

Notes:

<sup>1</sup> The Secretary of the Army (SA) is the discharge authority for all cadet separation cases where an other than honorable discharge is recommended. The Deputy Chief of Staff, G-1 is delegated authority to take final action in cases involving third and fourth class cadets for honor violations, undesirable habits or traits of character, misconduct, and conduct deficiency.

<sup>2</sup> Invitational reservists are civilians invited to enlist in the USAR specifically to attend USMAPS (AR 140-111, para 2-8f)

<sup>3</sup> The Assistant Secretary of the Army (M&RA) is delegated the authority to separate first and second class cadets where separation and a call to active duty is recommended. If no call to active duty is recommended, first and second class cadets recommended for separation, except for medical separations, may be separated by DCS, G-1.

<sup>4</sup> The Director for Military Personnel Policy (DMPP) is delegated authority to take final action in medical separations of first and second class cadets.

## Chapter 8

### Administration for Cadets

#### 8-1. Pay and allowances

- a. Cadets at the USMA, to include foreign cadets, are entitled to receive monthly pay at the rate prescribed by law.
- b. Cadets who request and are granted leave while awaiting final action on separation from USMA or discharge from the Service will receive no pay during the period of such leave.

#### 8-2. Leave without pay and suspension of pay

- a. Pursuant to the authority vested in the Secretary under 10 USC 702(b) and (e), the Superintendent may, in his discretion, immediately suspend, without pay, a cadet:

- (1) Against whom final action is pending on a recommendation for involuntary separation or a resignation in lieu thereof,
- (2) Who is pending return to the Academy to repeat an academic semester or year, or
- (3) For other good cause to include when court-martial charges have been preferred.

- b. The pay and allowances of all cadets who fail to return to the Military Academy at the expiration of their leaves of absence will be stopped and will not be provided to them unless they have been prevented from returning by sickness or some other unavoidable circumstance. In computing the amount of pay to be withheld, the day on which return was due will be counted as the first day of the unauthorized absence and the day of return as a day of duty, regardless of the hour.

#### 8-3. Cadet accounts

- a. The Treasurer, USMA will, with the prior written consent of cadets, keep an account for each cadet in which the Treasurer will credit the cadet with monthly pay, along with other revenues, and deduct charges in authorized amounts from the account. Proper records will be kept on file for all transactions on the accounts of cadets. The Treasurer will furnish each cadet an itemized statement of the cadet's account at the close of every settlement period.
- b. The Treasurer will not pay money or receive deposits on account of any cadet without authority from the Superintendent.
- c. Cadets will not be entitled to receive the balance of their cadet account, until graduated or otherwise separated from the Academy, unless so authorized by the Superintendent.

#### 8-4. Cadet budget

- a. Subject to the approval of the Superintendent, the Treasurer will, beginning 1 July each year, budget cadets' accounts so that the cadets will have the funds necessary to meet their mandated expenditures.
- b. A cadet who is separated and subsequently readmitted will, upon readmission, deposit with the Treasurer, an amount of money equal to the average balance of the cadet's class.

#### 8-5. Travel to and from the Academy

- a. Persons entering the Military Academy (who have taken the oath) are entitled to permanent change of station allowances as prescribed for commissioned officers for travel actually performed, not to exceed the official distance between the place that is certified as the actual permanent place of domicile, school, or duty station at the time such travel commenced and the USMA. The mileage allowance payable to foreign cadets for travel to the Academy for

initial admission is not limited to mileage for travel within the United States (10 USC 4344(b); sections 410 and 422, Title 37, United States Code (37 USC 410 and 422)).

*b.* When cadets resign, or are otherwise separated under honorable conditions, they are entitled to the travel allowance from the Military Academy to their domicile or military station.

#### **8-6. Traveling expenses**

Cadets are authorized, while traveling on duty, *per diem* and transportation allowances as prescribed for officers of the uniformed Services in the Joint Travel Regulations. However, when cadets are on temporary duty at any Service academy where quarters and mess are available, they will not be entitled to temporary duty *per diem* allowances at that place from 0001 on the day after they arrive until 2400 on the day prior to their departure; otherwise, temporary duty allowances for travel away from that Service academy are payable.

#### **8-7. Settlement of accounts**

*a.* The Treasurer will not pay or settle the account of cadets who are about to leave the post permanently until they have accounted for all the public property for which they were responsible.

*b.* When cadets are involuntarily separated from the Military Academy, while owing the United States for pay advanced for the purchase of required clothing and equipment, these cadets will turn in sufficient military clothing and equipment to repay the amount advanced. If the total value of the clothing and equipment available for turn-in fails to cover the amount owed, the remaining indebtedness will be canceled (Section 4350(a), Title 10, United States Code (10 USC 4350(a))).

#### **8-8. Leaves of absence**

Leaves may be granted to cadets at such times and under such conditions as may be prescribed by the Superintendent.

#### **8-9. Medical leave**

*a.* A cadet may be granted leave of absence because of sickness or for the purpose of convalescence. Such leave will be known as medical leave and will be predicated in every instance on the cadet's inability to perform duty because of physical disability or medical condition and on the expectation that such disability or condition will not be permanent.

*b.* Recommendation for medical leave will be initiated by the Surgeon and will be forwarded to the Superintendent through the Commandant for action. Should the Superintendent approve the recommendation for medical leave for any cadet, a report of the action taken will be submitted to the Department of the Army.

#### **8-10. Grievances**

The right of cadets to register official complaints and to request redress of grievances is protected by the Inspector General system and Article 138, UCMJ (Art. 138, UCMJ).

#### **8-11. Cadet uniforms**

The uniforms of cadets will be as prescribed by the Superintendent. Major changes will be made only after approval by the Department of the Army.

## **Appendix A References**

### **Section I Required Publications**

#### **AR 15-6**

Procedures for Investigating Officers and Boards of Officers (Cited in paras 6-20 and 7-9b(2))

#### **AR 25-400-2**

The Modern Army Recordkeeping System (MARKS) (Cited in 3-5g(2)(c))

#### **AR 40-501**

Standards of Medical Fitness (Cited in paras 3-6d, 4-6 and 6-30a(2))

#### **AR 350-41**

Training in Units (Cited in para 6-25 and table 7-1)

#### **AR 600-9**

The Army Weight Control Program (Cited in para 6-24 and table 7-1))

#### **AR 600-20**

Army Command Policy (Cited in paras 1-19a and 6-27)

#### **AR 600-85**

Army Substance Abuse Program (Cited in para 6-26d)

#### **AR 612-205**

Appointment and Separation of Service Academy Attendees (Cited in paras 6-30a(2) and (4), 7-1b(2)(a) and 7-1c(3))

#### **DODD 1332.23**

Service Academy Disenrollment (Cited in paras 3-14a and 7-1b(2)(a)) <http://www.dtic.mil>)

#### **DODI 1304.25**

Fulfilling the Military Service Obligation (Cited in para 7-1b(2)(a)) <http://www.dtic.mil>)

#### **DOD Regulation 5500.7-R**

Joint Ethics Regulation (JER) (Cited in para 1-17) <http://www.dtic.mil>)

#### **UCMJ, Article 112a**

Wrongful use, possession, etc., of controlled substances (Cited in para 6-6) <http://www.defenselink.mil/>)

#### **UCMJ, Article 120**

Rape and carnal knowledge <http://www.defenselink.mil/>

#### **UCMJ, Article 125**

Sodomy <http://www.defenselink.mil/>

#### **UCMJ, Article 134**

General article <http://www.defenselink.mil/>

#### **Manual for Courts-Martial United States (2000 Edition)**

R.C.M. 304g Pretrial restraint; Release <http://www.defenselink.mil/>

#### **Manual for Courts-Martial United States (2000 Edition)**

R.C.M. 305. Pretrial confinement <http://www.defenselink.mil/>

## **Section II**

### **Related Publications**

A related publication is merely a source of additional information. The user does not have to read it to understand this regulation.

#### **AR 27–10**

Military Justice

#### **AR 140–111**

U.S. Army Reserve Reenlistment Program

#### **AR 670–1**

Wear and Appearance of Army Uniforms and Insignia

#### **5 CFR 2635**

Standards of Ethical Conduct for Employees of the Executive Branch <http://www.access.gpo.gov/>

#### **DAGO No. 3, 10 February 1977**

West Point Military Reservation—Change of Jurisdiction; United States Military Academy—Change of Jurisdiction; Junior ROTC Units—Disestablished

#### **DFAS-IN Manual 37–100**

The Management Structure, Standard Army Accounting Classification Operating Agencies, Army <http://www.asafm.army.mil/>

#### **DODD 5500.7**

Standards of Conduct <http://www.defenselink.mil/>

#### **DODD 6490.1**

Mental Health Evaluations of Members of the Armed Forces <http://www.defenselink.mil/>

#### **DODI 6490.4**

Requirements for Mental Health Evaluations of Members of the Armed Forces <http://www.defenselink.mil/>

#### **Public Law 94–106**

The Department of Defense Appropriation Authorization Act of 1976 <http://www.access.gpo.gov/>

#### **Manual for Courts–Martial United States (2000 Edition)**

R.C.M. 302b Apprehension; Who may apprehend <http://www.defenselink.mil/>

#### **UCMJ, Article 15**

Commanding officer’s non-judicial punishment <http://www.defenselink.mil/>

#### **UCMJ, Article 138**

Complaints of Wrongs <http://www.defenselink.mil/>

#### **10 USC 533**

Service credit upon original appointment as a commissioned officer [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

#### **10 USC 541**

Graduates of the United States Military, Naval, and Air Force Academies [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

#### **10 USC 651**

Members: required service [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

#### **10 USC 702**

Cadets and midshipmen [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

#### **10 USC 802**

Art. 2. Persons subject to this chapter [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**10 USC 822**

Art. 22. Who may convene general courts-martial [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**10 USC 871**

Art. 71. Execution of sentence; suspension of sentence [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**10 USC 978**

Drug and alcohol abuse and dependency: testing of new entrants [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**10 USC 1251**

Age 62: regular commissioned officers; exceptions [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**10 USC 2005**

Advanced education assistance: active duty agreement; reimbursement requirements [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**10 USC 3075**

Regular Army: composition [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**10 USC Chapter 367**

Retirement for length of service [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**10 USC 3920**

More than 30 years: permanent professors and the Director of Admissions of the United States Military Academy [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**10 USC 3962**

Higher grade for service in special positions [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**10 USC 4331**

Establishment; Superintendent; faculty [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**10 USC 4332**

Departments and professors: titles [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**10 USC 4333**

Superintendent; faculty: appointment and detail [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**10 USC 4334**

Command and supervision [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**10 USC 4335**

Dean of Academic Board [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**10 USC 4336**

Permanent professors; director of admissions [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**10 USC 4337**

Chaplain [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**10 USC 4340**

Quartermaster [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**10 USC 4341**

Faculty and other officers: leaves of absence [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**10 USC 4342**

Cadets: appointment; numbers, territorial distribution [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**10 USC 4343**

Cadets: appointment; to bring Corps to full strength [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)



**10 USC 4344**

Selection of persons from foreign countries [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**10 USC 4346**

Cadets: requirements for admission [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**10 USC 4347**

Cadets; nominees: effect of redistricting of States [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**10 USC 4348**

Cadets: agreement to serve as officer [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**10 USC 4349**

Cadets: organization of Corps; service; instruction [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**10 USC 4350**

Cadets: clothing and equipment [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**10 USC 4351**

Cadets: deficiencies in conduct or studies; effect of failure on successor [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**10 USC 4352**

Cadets: hazing [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**10 USC 4353**

Cadets: degree and commission on graduation [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**10 USC 4354**

Buildings and grounds: memorial hall; buildings for religious worship [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**10 USC 4355**

Board of Visitors [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**37 USC 204**

Entitlement [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**37 USC 410**

Travel and transportation allowances: miscellaneous categories [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**37 USC 422**

Cadets and midshipmen [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**38 USC 2411**

Prohibition against interment or memorialization in the National Cemetery Administration or Arlington National Cemetery of persons committing Federal or State capital crimes [www.access.gpo.gov/uscode/](http://www.access.gpo.gov/uscode/)

**Section III**

**Prescribed Forms**

This section contains no entries.

**Section IV**

**Referenced Forms**

**DD Form 256A**

Honorable Discharge Certificate

**DD Form 257A**

General Discharge Certificate (Under Honorable Conditions)

**DD Form 785**

Record of Disenrollment from Officer Candidate-Type Training

## **Appendix B Required Formats**

### **B-1. Unqualified resignations**

Figures B-1 and B-2 contain the required formats for unqualified resignations.

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Office Symbol

(Date)

MEMORANDUM THRU

Tactical Officer, Company X, X Regiment, United States Military Academy, West Point,  
New York 10996

Regimental Tactical Officer, X Regiment, United States Military Academy, West Point,  
New York 10996

Commandant of Cadets, United States Military Academy, West Point, New York 10996

FOR Superintendent, United States Military Academy, West Point, New York 10996

SUBJECT: Unqualified Resignation Under Provisions of Paragraph 7–5, AR 210-26.

1. I, *(insert name)*, *(social security number (optional))*, do hereby voluntarily tender my resignation from the United States Military Academy. The reason for this action is that I *(insert reason(s) for resignation)*.

2. I understand that if this resignation is accepted, I may be *(insert appropriate language depending on current service status: (transferred to the Reserve component in an enlisted status and ordered to active duty for not less than 2 years) or (transferred to the Individual Ready Reserve) or (reverted to my former enlisted status to complete my previous military service obligation) or (discharged from the United States Army))*. I further understand that should I fail, voluntarily or because of my misconduct, to complete this period of active duty, or if I am not so ordered to active duty because of my acts or misconduct, the Reimbursement Provision of my Agreement to Serve will apply.

3. I understand that, rather than order active duty service, the Army may require that I repay the cost of my educational expenses in accordance with Section 2005, Title 10, United States Code.

4. I understand that I may not be appointed to a commissioned grade in any component of the United States Army, Navy, Marine Corps, or Air Force, prior to the commissioning date of my current class at the United States Military Academy.

5. I agree to liquidate any indebtedness that I may have to the Treasurer, United States Military Academy, as soon as my account is settled and a final statement rendered.

6. I am *(insert age)* years of age. My parents *(do/do not)* have knowledge of my resignation.

7. I understand that upon tendering this resignation, it may be withdrawn only with the approval of the Superintendent, United States Military Academy, prior to being forwarded to Headquarters, Department of the Army, and thereafter only with the approval of Headquarters, Department of the Army.

8. I have retained a copy of this resignation *(and of any enclosure hereto)*.

*(signature)*

TYPED NAME

Company X, X Regiment, Class of XXXX  
United States Corps of Cadets

Figure B–1. Required format for unqualified resignations

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Office Symbol

(Date)

MEMORANDUM THRU

Tactical Officer, Company X, X Regiment, United States Military Academy, West Point,  
New York 10996

Regimental Tactical Officer, X Regiment, United States Military Academy, West Point,  
New York 10996

Commandant of Cadets, United States Military Academy, West Point, New York 10996

FOR Superintendent, United States Military Academy, West Point, New York 10996

SUBJECT: Unqualified Resignation Under Provisions of Paragraph 7-5, AR 210-26.

1. I, *(insert name)*, *(insert social security number (optional))*, do hereby voluntarily tender my resignation from the United States Military Academy. The reason for this action is that I *(insert reason(s) for resignation)*.

2. I understand that if this resignation is accepted, I may be discharged from the United States Army. I further understand that if issued a General Discharge under Honorable conditions, I may expect to encounter substantial prejudice in civilian life.

3. Statements on my own behalf *((are) or (are not))* submitted herewith.

4. I understand that I may not be appointed to a commissioned grade in any component of the United States Army, Navy, Marine Corps or Air Force prior to the commissioning date of my current class at the United States Military Academy.

5. I agree to liquidate any indebtedness that I may have to the Treasurer, United States Military Academy, as soon as possible after my account is settled and a final statement rendered.

6. I am *(insert age)* years of age. My parents *(do/do not)* have knowledge of my resignation.

7. I understand that upon tendering this resignation, it may be withdrawn only with the approval of the Superintendent, United States Military Academy, prior to being forwarded to Headquarters, Department of the Army, and thereafter only with the approval of Headquarters, Department of the Army.

8. I have retained a copy of this resignation (and of any enclosures hereto).

*(signature)*

TYPED NAME

Company X, X Regiment, Class of XXXX  
United States Corps of Cadets

Figure B-2. Required format for unqualified resignations

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**B-2. Qualified resignations**

Figures B-3 and B-4 contain the required formats for qualified resignations.

MEMORANDUM THRU

Tactical Officer, Company X, X Regiment, United States Military Academy, West Point,  
New York 10996

Regimental Tactical Officer, X Regiment, United States Military Academy, West Point,  
New York 10996

Commandant of Cadets, United States Military Academy, West Point, New York 10996

FOR Superintendent, United States Military Academy, West Point, New York 10996

SUBJECT: Resignation in Lieu of (*Appearance Before (an Investigating Officer) (an Honor Investigative Hearing) (a Conduct Investigation)*) or (*Final Disposition of My Case Resulting from My Appearance Before (an Investigating Officer) (an Honor Investigative Hearing) (a Conduct Investigation)*) Under the Provisions of Paragraph 7-6, AR 210-26.

1. Having been advised of the basis for the contemplated action against me under the provisions of chapters 6 and 7 of AR 210-26, I, (*insert name*), (*social security number (optional)*), do hereby voluntarily tender my resignation from the United States Military Academy in lieu of (*insert appropriate language depending on type of resignation: (appearance before (an Investigating Officer) (a Honor Investigative Hearing) (a Conduct Investigation)) or (final disposition of my case resulting from my appearance before (an Investigating Officer) (an Honor Investigative Hearing) (a Conduct Investigation))*).

2. I understand that if this resignation is accepted, I may be (*insert appropriate language depending on current service status: (transferred to the Reserve component in an enlisted status and ordered to active duty for not less than two years) or (transferred to the Individual Ready Reserve) or (reverted to my former enlisted status to complete my previous military service obligation) or (discharged from the United States Army)*). I further understand that should I fail, voluntarily or because of my misconduct, to complete this period of active duty, or if I am not so ordered to active duty because of my acts or misconduct, the Reimbursement Provision of my Agreement to Serve will apply.

3. I understand that, rather than order active duty service, the Army may require that I repay the cost of my educational expenses in accordance with Section 2005, Title 10, United States Code.

4. Statements on my own behalf ((are) or (are not)) submitted herewith.

5. Before making this decision, I was afforded the opportunity to consult with appointed counsel, military counsel of my own choice, if reasonably available, or civilian counsel at my own expense. I (*insert language as appropriate: (declined the opportunity to consult with counsel) or (have consulted with (name of Counsel)*, who has fully advised me of the nature of my rights prior to, during and after an appearance before (*an Investigating Officer) (an Honor Investigative Hearing) (a Conduct Investigation)*).

6. I understand that I may not be appointed to a commissioned grade in any component of the United States Army, Navy, Marine Corps, or Air Force prior to the commissioning date of my current class at the United States Military Academy.

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Figure B-3. Required format for qualified resignations

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7. I agree to liquidate any indebtedness that I may have to the Treasurer, United States Military Academy, as soon as my account is settled and a final statement rendered.

8. I am *(insert age)* years of age. My parents *(do/do not)* have knowledge of my resignation.

9. I understand that upon tendering this resignation, it may be withdrawn only with the approval of the Superintendent, United States Military Academy, prior to being forwarded to Headquarters, Department of the Army, and thereafter only with the approval of Headquarters, Department of the Army.

10. I have retained a copy of this resignation *(and of any enclosure hereto)*.

*(signature)*  
TYPED NAME  
Company X, X Regiment,  
Class of XXXX  
United States Corps of Cadets

I have advised *(insert name of respondent)* about *(his)/(her)* pending action as a result of *(his)/(her)* appearance before an *((Investigating Officer) (Honor Investigative Hearing) (Conduct Investigation))*, the procedures and rights available to *(him)/(her)*, and the effect of this resignation. After being so advised, *(Insert name of respondent)* personally made the choices indicated in the foregoing resignation.

*(signature)*  
TYPED NAME OF COUNSEL  
*(Grade), JA*  
*(Title)*

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Figure B-3. Required format for qualified resignations—Continued

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Office Symbol

(Date)

MEMORANDUM THRU

Tactical Officer, Company X, X Regiment, United States Military Academy, West Point,  
New York 10996

Regimental Tactical Officer, X Regiment, United States Military Academy, West Point,  
New York 10996

Commandant of Cadets, United States Military Academy, West Point, New York 10996

FOR Superintendent, United States Military Academy, West Point, New York 10996

SUBJECT: Resignation in Lieu of *(Appearance before [an Investigating Officer] (a Honor Investigative Hearing) (a Conduct Investigation))* or *(Final Disposition of My Case Resulting from My Appearance Before (an Investigating Officer) (an Honor Investigative Hearing) (a Conduct Investigation))* Under Provisions of Paragraph 7-6, AR 210-26.

1. Having been advised of the basis for the contemplated action against me under the provisions of chapters 6 and 7, AR 210-26, I, *(insert name)*, *(social security number (optional))*, hereby voluntarily tender my resignation from the United States Military Academy in lieu of *(insert appropriate language depending on type of resignation: (appearance before (an Investigating Office) (a Honor Investigative Hearing) (a Conduct Investigation)) or (final disposition of my case resulting from my appearance before [an Investigating Officer] (an Honor Investigative Hearing) (a Conduct Investigation))*).
2. I understand that if this resignation is accepted, I may be discharged from the United States Army. I further understand that if issued a General Discharge under Honorable conditions, I may expect to encounter substantial prejudice in civilian life.
3. Statements on my own behalf *((are) or (are not))* submitted herewith.
4. Before making this decision, I was afforded the opportunity to consult with appointed counsel, military counsel of my own choice, if reasonably available, or civilian counsel at my own expense. I *(insert language as appropriate: (declined the opportunity to consult with counsel) or (have consulted with (Name of Counsel), who has fully advised me of the nature of my rights prior to, during and after an appearance before (an Investigating Officer) (an Honor Investigative Hearing) (a Conduct Investigation))*.
5. I understand that I may not be appointed to a commissioned grade in any component of the United States Army, Navy, Marine Corps or Air Force prior to the commissioning date of my current class at the United States Military Academy.
6. I agree to liquidate any indebtedness that I may have to the Treasurer, United States Military Academy, as soon as possible after my account is settled and a final statement rendered.
7. I am *(insert age)* years of age. My parents *(do/do not)* have knowledge of my resignation.
8. I understand that upon tendering this resignation, it may be withdrawn only with the approval of the Superintendent, United States Military Academy, prior to being forwarded to Headquarters, Department of the Army, and thereafter only with the approval of Headquarters, Department of the Army.

Figure B-4. Required format for qualified resignations

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9. I have retained a copy of this resignation (and of any enclosures hereto).

*(signature)*  
TYPED NAME  
Company X, X Regiment, Class of XXXX  
United States Corps of Cadets

I have advised *(insert name of respondent)* about *(his)/(her)* pending action as a result of *(his/her)* appearance before an *((Investigating Officer) (Honor Investigative Hearing) (Conduct Investigation))*, the procedures and rights available to *(him)/(her)*, and the effect of this resignation. After being so advised, *(Insert name of respondent )* personally made the choices indicated in the foregoing resignation.

*(signature)*  
TYPED NAME OF COUNSEL  
*(Grade)*, JA  
*(Title)*

Figure B-4. Required format for qualified resignations—Continued

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### **B-3. Resignations in lieu of court-martial**

Figures B-5 and B-6 contain the required format for resignations in lieu of court-martial.

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Office Symbol

(Date)

MEMORANDUM THRU

Tactical Officer, Company X, X Regiment, United States Military Academy, West Point,  
New York 10996

Regimental Tactical Officer, X Regiment, United States Military Academy, West Point,  
New York 10996

Commandant of Cadets, United States Military Academy, West Point, New York 10996

FOR Superintendent, United States Military Academy, West Point, New York 10996

SUBJECT: Resignation in Lieu of *(Trial by Court-Martial)* or *(Final Disposition of My Case Resulting from My Trial by Court-Martial)*

1. Having been advised of the basis for the contemplated action against me under the provisions of the Uniform Code of Military Justice, I, *(insert name)*, *(social security number (optional))*, hereby voluntarily tender my resignation from the United States Military Academy in lieu of *(insert language as appropriate: (trial by court-martial) or (final disposition of my case resulting from my trial by court-martial))*.

2. I understand that if this resignation is accepted, I may be *(insert appropriate language depending on current service status: (transferred to the Reserve component in an enlisted status and ordered to active duty for not less than 2 years) or (transferred to the Individual Ready Reserve) or (reverted to my former enlisted status to complete my previous military service obligation) or (discharged from the United States Army))*. I further understand that, if discharged, it may be Under Other Than Honorable Conditions, which may render me ineligible for many or all benefits under both federal and state laws, and that this discharge may carry substantial prejudice in civilian life. I further understand that if issued a General Discharge under Honorable conditions, I may expect to encounter substantial prejudice in civilian life.

3. I understand that, rather than order active duty service, the Army may require that I repay the cost of my educational expenses in accordance with Section 2005, Title 10, United States Code.

4. Statements on my own behalf *((are) or (are not))* submitted herewith.

5. Before making this decision, I was afforded the opportunity to consult with appointed counsel, military counsel of my own choice, if reasonably available, or civilian counsel at my own expense. I *(insert language as appropriate: (declined the opportunity to consult with counsel) or (have consulted with (Name of Counsel))*, who has fully advised me of the nature of my rights prior to, during and after a trial by court-martial.

6. I understand that I may not be appointed to a commissioned grade in any component of the United States Army, Navy, Marine Corps or Air Force prior to the commissioning date of my current class at the United States Military Academy.

7. I agree to liquidate any indebtedness that I may have to the Treasurer, United States Military Academy, as soon as possible after my account is settled and a final statement rendered.

8. I am *(insert age)* years of age. My parents *(do/do not)* have knowledge of my resignation.

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Figure B-5. Required format for resignation in lieu of court-martial

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9. I understand that upon tendering this resignation, it may be withdrawn only with the approval of the Superintendent, United States Military Academy, prior to being forwarded to Headquarters, Department of the Army, and thereafter only with the approval of Headquarters, Department of the Army.

10. I have retained a copy of this resignation (and of any enclosures hereto).

*(signature)*

**TYPED NAME**

Company X, X Regiment, Class of XXXX

United States Corps of Cadets

I have advised *(insert name of respondent)* about the contemplated action against *(him)/(her)* pursuant to trial by court-martial, *(insert language as appropriate: (the maximum punishment authorized under the Uniform Code of Military Justice) (the sentence imposed by the court))*, the procedures and rights available to *(him)/(her)* and the effect of this resignation. After being so advised, *(Insert name of respondent)* personally made the choices indicated in the foregoing resignation.

*(signature)*

**TYPED NAME OF COUNSEL**

*(Grade)*, JA

*(Title)*

Figure B-5. Required format for resignation in lieu of court-martial—Continued

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Office Symbol

(Date)

MEMORANDUM THRU

Tactical Officer, Company X, X Regiment, United States Military Academy, West Point,  
New York 10996

Regimental Tactical Officer, X Regiment, United States Military Academy, West Point,  
New York 10996

Commandant of Cadets, United States Military Academy, West Point, New York 10996

FOR Superintendent, United States Military Academy, West Point, New York 10996

SUBJECT: Resignation in Lieu of *(Trial by Court-Martial)* or *(Final Disposition of My Case Resulting from My Trial by Court-Martial)*

1. Having been advised of the basis for the contemplated action against me under the provisions of the Uniform Code of Military Justice, I, *(insert name)*, *(social security number (optional))*, hereby voluntarily tender my resignation from the United States Military Academy in lieu of *(insert language as appropriate: (trial by court-martial) or (final disposition of my case resulting from my trial by court-martial))*.
2. I understand that if this resignation is accepted, I may be discharged from the United States Army. I further understand that, if discharged, it may be Under Other Than Honorable Conditions, which may render me ineligible for many or all benefits under both federal and state laws, and that this discharge may carry substantial prejudice in civilian life. I further understand that if issued a General Discharge under Honorable conditions, I may expect to encounter substantial prejudice in civilian life.
3. Statements on my own behalf *((are) or (are not))* submitted herewith.
4. Before making this decision, I was afforded the opportunity to consult with appointed counsel, military counsel of my own choice, if reasonably available, or civilian counsel at my own expense. I *(insert language as appropriate: (declined the opportunity to consult with counsel) or (have consulted with (Name of Counsel))*, who has fully advised me of the nature of my rights prior to, during and after a trial by court-martial.
5. I understand that I may not be appointed to a commissioned grade in any component of the United States Army, Navy, Marine Corps or Air Force prior to the commissioning date of my current class at the United States Military Academy.
6. I agree to liquidate any indebtedness that I may have to the Treasurer, United States Military Academy, as soon as possible after my account is settled and a final statement rendered.
7. I am *(insert age)* years of age. My parents *(do/do not)* have knowledge of my resignation.
8. I understand that upon tendering this resignation, it may be withdrawn only with the approval of the Superintendent, United States Military Academy, prior to being forwarded to Headquarters, Department of the Army, and thereafter only with the approval of Headquarters, Department of the Army.

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Figure B-6. Required format for resignation in lieu of court-martial

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9. I have retained a copy of this resignation (and of any enclosures hereto).

*(signature)*  
TYPED NAME  
Company X, X Regiment, Class of XXXX  
United States Corps of Cadets

I have advised *(insert name of respondent)* about the contemplated action against *(him)/(her)* pursuant to trial by court-martial, *(insert language as appropriate: (the maximum punishment authorized under the Uniform Code of Military Justice) (the sentence imposed by the court))*, the procedures and rights available to *(him)/(her)* and the effect of this resignation. After being so advised, *(Insert name of respondent)* personally made the choices indicated in the foregoing resignation.

*(signature)*  
TYPED NAME OF COUNSEL  
*(Grade)*, JA  
*(Title)*

Figure B-6. Required format for resignation in lieu of court-martial—Continued

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#### **B-4. Participation in the Academy Mentorship Program**

Figure B-7 contains the required format to request participation in the Academy Mentorship Program.

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Office Symbol

(Date)

MEMORANDUM THRU

Tactical Officer, Company X, X Regiment, United States Military Academy, West Point,  
New York 10996

Regimental Tactical Officer, X Regiment, United States Military Academy, West Point,  
New York 10996

Commandant of Cadets, United States Military Academy, West Point, New York 10996

FOR Superintendent, United States Military Academy, West Point, New York 10996

SUBJECT: Request to Participate in the Academy Mentorship Program

1. I have read the attached separation action of the Superintendent dated *(insert date)*.
2. I have consulted with *(insert name)*, my counsel concerning my right to have any administrative separation action pending against me reviewed by the Secretary of the Army, the Army General Counsel and The Judge Advocate General, and my rights concerning participation in the Academy Mentorship Program. I am satisfied with my counsel's advice.
3. I hereby request to participate in the Academy Mentorship Program with a call to active duty in an enlisted status as set forth below.
4. I make these decisions freely and voluntarily and with the following understanding:
  - a. The Secretary of the Army or his designee will separate me from the United States Military Academy.
  - b. Concurrently with my Separation from the Military Academy I will:
    - (1) At my request, be voluntarily placed in the AMP and extended an invitation to apply for readmission to the Academy after 8 to 12 months on active duty.
    - (2) Be assigned a Military Academy Staff or Faculty mentor who will establish for me a documented Development Program to assist me in meeting established goals for improvement during my absence. I will also be assigned a military mentor at the installation where I will be stationed while on active duty.
    - (3) *(For Fourth or Third Class cadets with no prior service obligation)* At my request, be transferred to the United States Army Reserve in the grade of E-2 for 1 year, and called to active duty for a period of up to 12 months.  
*(For Fourth or Third Class cadets with a prior service obligation)* Be transferred to the United States Army Reserve in the grade of E-2 (or previous held grade, if higher) for *(enter length remaining prior service obligation, or 1 year, whichever is longer)*, and called to active duty for a period of up to 12 months.  
*(For Second Class cadets)* Be transferred to the United States Army Reserve in the grade of E-3 for 2 years, and called to active duty for a period of 2 years.  
*(For First Class cadets)* Be transferred to the United States Army Reserve in the grade of E-4 for 3 years, and called to active duty for a period of 3 years.
  - c. If I later decide not to apply for readmission, or if I am not accepted for readmission, I will complete the remaining period of my active duty and reserve service obligation. The characterization of my ultimate discharge will be based on my service in the Army.

---

Figure B-7. Required format to request participation in the Academy Mentorship Program

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5. I have retained a copy of this request (and of any enclosures hereto).

(signature)  
TYPED NAME  
Company X, X Regiment, Class of XXXX  
United States Corps of Cadets

I have advised (*insert name of respondent*) about (*his*)/(*her*) contemplated request for participation in the Academy Mentorship Program, and about (*his*)/(*her*) pending action as a result of (*his*)/(*her*) appearance before an (*Investigating Officer*) (*Honor Investigative Hearing*) (*Conduct Investigation*), the procedures and rights available to (*him*)/(*her*) and the effect of this request. After being so advised, (*insert name of respondent*) personally made the choices indicated in the foregoing request.

(signature)  
TYPED NAME OF COUNSEL  
(Grade), JA  
(Title)

Figure B-7. Required format to request participation in the Academy Mentorship Program—Continued

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## Appendix C West Point Cemetery

### C-1. General

Interment and inurnment in the West Point Cemetery will be restricted to the remains of the following personnel:

a. A graduate of the USMA, provided the individual was a U.S. citizen, both as a cadet and at the time of death, and whose military service fulfilled one of the following criteria.

- (1) The graduate's service in the Armed Forces of the United States, if any, terminated honorably.
- (2) The graduate's service in wartime in the Armed Forces of a nation that was allied with the United States during the war terminated honorably.

b. Members of the Armed Forces of the United States, including USMA cadets, who were on active duty at the USMA at time of death and their dependents who may have died while the service member was on active duty at the USMA.

c. Members of the Armed Forces of the United States who were on active duty at the USMA at time of retirement.

d. Members of the Armed Forces of the United States whose last active duty station prior to retirement for physical disability was the USMA. However, personnel (not otherwise eligible) who are transferred to the Medical Holding Detachment, Keller Army Hospital, for medical boarding or medical disability retirement are not, regardless of length of time, eligible for interment or inurnment in the West Point Cemetery or Columbarium.

e. Officers appointed as Professors, USMA.

f. Others having bona fide reservations assigned by the Superintendent under previous regulations and policies. However, the eligibility of the family members of these persons must be determined by the Superintendent on a case-by-case basis.

g. People who, at the time of their death, were the spouses or widow(er)s, minor children, or dependent and unmarried sons or daughters of eligible persons. However, an unmarried adult son or daughter must have been incapable of self-support and must have been receiving more than one-half of their support from some other source at the time of their death. Also, eligibility by virtue of being a spouse of an eligible person is terminated by divorce. Likewise, eligibility by virtue of being a widow(er) of an eligible person is terminated by remarriage to an ineligible person.

### C-2. Conviction of capital crime

Any individual mentioned in (a) through (g) convicted or found to have committed a capital crime, as referred to in 38 USC 2411 (b), is prohibited from interment and inurnment in the West Point Cemetery. This prohibition shall only

apply if the Superintendent, the United States Military Academy, receives written notification of the conviction or finding from the Attorney General, in the case of a Federal capital crime, or by an appropriate State official, in the case of a State capital crime. For this paragraph to apply, the Superintendent must receive the written notification of the conviction or finding prior to approval of the application/request for interment and inurnment.



## **Glossary**

### **Section I Abbreviations**

#### **COI**

course of instruction

#### **CSA**

Chief of Staff of the Army

#### **DCS, G-1**

Deputy Chief of Staff, G-1, Department of the Army

#### **DODD**

Department of Defense directive

#### **MSO**

military service obligation

#### **ROTC**

Reserve Officers' Training Corps

#### **UCMJ**

Uniform Code of Military Justice

#### **USAR**

United States Army Reserve

#### **USC**

United States Code

#### **USMA**

United States Military Academy

#### **USMAPS**

United States Military Academy Preparatory School

### **Section II**

#### **Terms**

##### **Academic Board**

Advises the Superintendent on all matters concerning the academic aspects of the Academic, Military, and Physical Programs at the USMA, including, standards; cadet performance evaluations in the Academic, Military, and Physical Programs; and graduation requirements. The Academic Board also exercises those specific functions required by statute or other provisions of this regulation.

##### **Military service obligation**

Obligation for military service incurred by those who enter the USMA directly from civilian status or from a Regular or Reserve component of any military Service.

##### **Retention with condition**

When a cadet is found to be deficient in the Academic, Military, or Physical Programs, the Superintendent may recommend retention with condition, that is, do not separate, but retain the cadet with his or her class and provide a concurrent opportunity to demonstrate proficiency under specified conditions.

##### **Turn-back**

When a cadet is found to be deficient in the Academic, Military, or Physical Programs, the Superintendent may recommend turn-back, that is, a transfer of the cadet to the next lower class.

**West Point Military Reservation**

The grounds of the United States Military Academy, to include Pershing Center, Constitution Island, and all training areas.

**Section III****Special Abbreviations and Terms****AMP**

Academy Mentorship Program

**ASAP**

Army Substance Abuse Program

**CLDS**

Cadet Leader Development System

**DMPP**

Director for Military Personnel Policy

**STP**

summer term program

**USCC**

United States Corps of Cadets

**WPMR**

West Point Military Reservation

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