

Commandant's Board

Sequence of Events

Notice is given that I am recording the events of this hearing so there will be a record for summary and transcription purposes and for any clarification needed after the fact.

Commandant's Board No. ____ is convened at _____ hours on _____.

This Board is pursuant to Discipline General Order No. ____ dated _____.
_____ is appointed President for Commandant's Board No ____.

Members of the Board:

_____ : Recorder
_____ : Member
_____ : Member

Explanation of the Nature and Process of a Board:

“Blue Book; Chapter 6 - DISCIPLINE; Paragraph 5.10 –INVESTIGATIONS AND BOARDS;

5.10.1.1 Violations or suspected violations of regulations on the part of cadets are reported and the details or facts surrounding the report of an offense are most frequently determined through an ERW and face-to face sessions between the accused and the Chain of Command and TAC Officers.

5.10.1.2 In Class I Offenses where suspension, dismissal, or expulsion is the maximum punishment, or in cases where there are conflicting versions of the circumstances surrounding the offense, an Investigating Officer (IO) or Commandant’s Board (CB) is appointed.

The formalization of the fact-finding process for Class 1 Offenses is intended to ensure that the accused has ample opportunity to present the facts and to confront the accuser or witnesses in the presence of the IO or CB.”

At this time I also enter into the record:

Discipline General Order No. ____, dated _____: Witness List for Commandant's Board No. ____ and Change #1 to Discipline General Order No. ____, dated _____.

The following are listed as witnesses:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I note the following individuals listed as witnesses will not be present for testimony, for the reason indicated. The Respondent is aware of this absence / these absences and has no objection to proceeding without him / her / them.

_____ Reason for absence: _____

_____ Reason for absence: _____

_____ Reason for absence: _____

_____ Reason for absence: _____

This Board has been called as a result of Performance Report for:

Cadet _____, CWID # _____, Class ____, C/ _____, _____ Co.:

- _____

 _____;

a violation of Code # _____, Class I; Maximum Punishment is _____.
The PR is dated _____, contains _____ signed statements, and is signed by _____.

Cadet _____'s ERW is dated _____ and contains _____ additional signed statements.

All of these documents are now entered into the record of this Board.

At this time I enter into the record:

A Cadet Rights Briefings for Disciplinary Hearings and Boards, dated _____, and I ask the Respondent, if he acknowledges his initials signifying receipt of and understanding of his rights warnings and his signature on this form.

Are these your initials? (Respondent acknowledges.)

Is this your signature? (Respondent acknowledges.)

I also ask the Respondent to acknowledge receipt of all pertinent documents and statements for this Board.

(Respondent acknowledges.)

Explanation of Duties of Witnesses:

- Cadet witnesses are bound by the Cadet Honor System
- Witnesses may be cross examined
- Anything said may be use subsequently in other proceedings, to include legal proceedings outside of campus
- Witnesses do not have to give testimony which may be self-incriminating

Let me review the rights of the Respondent:

- You have the right to present information on your own behalf in defense, extenuation or mitigation; that is, information that will show you did not commit the alleged offense(s), pertinent circumstances relating to the alleged offense(s), the alleged offense(s) is not as serious as it might otherwise seem and, based on circumstances, any punishment received should be less severe.
- You have the right to question all witnesses.
- You have the right to call your own witnesses.
- You have the right to see all documents.
- You have the right to be advised by up to two individuals.
- If you are facing disciplinary action for an act which is also the subject of an off-campus criminal proceeding, you may request that an attorney attend the Board. your attorney may attend the Board, but may not speak or actively, directly participate in Board proceedings, but will be available to advise you during breaks.
- You have the right to challenge any Board member for cause.
- You do not have to testify before the Board, but inference can be drawn from your failure to testify. If you do testify, you will be subject to cross-examination. Once you begin to testify, you may not subsequently refuse to answer questions put to you.

I note for the record:

Respondent _____ is not accompanied by any advisors.

Is it your intention to proceed without an advisor? (Respondent acknowledges.)

Respondent _____ is accompanied by _____ and _____.

Is it your intention that _____ and _____ serve as your advisors.
(Respondent acknowledges.)

Are you satisfied with the composition of the Board? (Respondent acknowledges.)

Let me explain some final rules:

- I admonish everyone as to the confidential nature of all testimony and hearing processes until final decisions are rendered by the Commandant and/or the President of the college on the Board's findings and recommendations - **do not discuss any portion of your testimony or these proceedings outside of this room.**
- While in the waiting area:
 - You are not to have any substantive discussions regarding this matter, to include comparison of testimony.
 - You will remain in the waiting area.
 - You will not leave the area until released by the Board President.
- For the Respondent, you will have the right to appeal any action of this Board, once the findings are acted upon. Those rights will be explained to you in detail when you are advised of the results. Your rights are also found in cadet and college regulations.

Does anyone have any questions regarding these proceedings?

Mr. President, subject to have any comments you might have, I believe we are ready to proceed with the first witness.