
MEMBER CONDUCT AND DISCIPLINE

PROCEDURES

1. Purpose: To establish policy and procedure for recommending action regarding a student accused of a serious infraction of rules or regulations.
2. Related Personnel:

Course Director
Deputy Director
Three-Member Hearing Committee
Investigating Officer
Senior Member, each student seminar (Seminar Representatives Committee)
3. Materials:
 - a. Written, signed accusation of the infraction.
 - b. Written standards and rules against which to evaluate the infraction.
 - c. Written statements from witnesses (if applicable).
 - d. Written statement of policies and procedures.
 - e. Notes of Hearing Committee.
 - f. Notes from Investigating Officer.
4. Policy: Infractions judged serious by the Deputy Director shall be staffed and submitted by him/her to a Three-Member Hearing Committee appointed from the Seminar Representatives Committee. The Hearing Committee investigates, considers evidence, and recommends action to the Deputy Director. In the event a student has committed an offense against local law, including base regulations, and it is apparent that the alleged offender will be brought to trial or a hearing by other agencies, the committee should NOT conduct a hearing on such offenses but merely request the final determination and present it to the Deputy Director.
5. Procedures: At the beginning of each college the Deputy Director shall form two committees:
 - a. Seminar Representative Committee
 - (1) The Seminar Representatives Committee, chaired by the Deputy Director, shall consist of the senior CAP student officer from each staff college seminar.
 - (2) The purpose of the Seminar Representatives Committee is to:
 - (a) Receive and relay to each seminar pertinent information regarding standards of dress and conduct for students of the staff college.
 - (b) Resolve and/or report infractions of standards of dress and conduct to the Deputy Director. Serious infractions must be reported promptly and in writing.
 - (c) Form a body of members from which three can be selected to comprise a Hearing Committee if needed.

(d) Consider other matters as requested.

b. Hearing Committee

- (1) Purpose: The Hearing Committee receives, considers, and makes recommendations to the Deputy Director regarding serious infractions of standards of conduct and/or dress.
- (2) General Procedures:
 - (a) If necessary, the Deputy Director appoints three members of the Seminar Representatives Committee to serve on a Hearing Committee. Persons directly concerned in a case are disqualified from serving on a Hearing Committee.
 - (b) The Deputy Director or designated representative provides the hearing Committee with a written statement of the charges and provides the committee with any other related evidence available.
- (3) Hearing Committee Procedures:
 - (a) The committee selects a chairperson (the senior member of the Hearing Committee) and recorder (the junior member) from its membership. If available and deemed necessary, a professional secretary and/or recording device may be used by the committee to record the minutes of its hearing.
 - (b) The committee determines whether additional investigation is required. If so, the Deputy Director appoints an investigating officer, charging the officer with the task of expeditiously gathering, without expressing judgement, all data necessary for a fair and informed decision by the committee. The investigating officer will have no vote in the final determination. If no additional investigation is deemed necessary, the committee proceeds.
 - (c) The committee privately informs the student of the charges made.
 - (d) The committee invites the following to an open hearing:
 - (i) The person making the charge.
 - (ii) The student charged with an infraction (A representative of the student's choice should be afforded an opportunity to be present and speak on behalf of the student at all hearings).
 - (iii) One witness at a time may be invited to the hearing, either through personal appearance or written statement; by either the person making the charge or by the student charged, and as approved by the committee, to provide additional relevant evidence.
 - (e) At the hearing:
 - (i) The committee convenes in the presence of both the person making the charge and the student being charged (except where the committee has received a written, signed waiver from the student charged).

- (ii) The investigating officer presents the charge and the evidence obtained relating to the charge.
 - (iii) The person making the charge presents, as desired, additional information, through written statements or witnesses, within the rules of the committee.
 - (iv) The student against whom the charge is made, or their representative, answers the charge, providing additional information through written statements or witnesses, as desired, within the rules of the committee.
 - (v) Acting through the committee chair, the two parties to the charge may ask questions of one another relevant to the charge.
 - (vi) The committee asks questions of either or both parties to further the committee's opportunity to provide a fair, informed, decision.
 - (vii) The committee adjourns to a private meeting and considers the case. It develops a written recommendation to the Deputy Director concerning the charges (The committee will give a brief recitation of the facts on which the decision of guilt or innocence is decided. The recommendation of the committee will be in the form of whether the student is found to have committed the offense, and an additional statement regarding what the final determination should be, i.e., the student remains in the course or is dismissed). The committee discloses its considerations and findings to the Deputy Director only.
- (f) The Hearing Committee meets with the Deputy Director to provide him/her with a written recommendation signed by each member. A minority recommendation may be submitted, if desired.
- (4) Upon receipt of the hearing Committee's recommendation, the Deputy Director:
- (a) May elect to return it for further consideration, stating the reasons for refusal.
 - (b) May accept the committee's decision, and then notify the student of the outcome.
- (5) The student may appeal the decision to the college director, whose decision shall be final.
- (6) If there is no appeal, the committee's decision stands and is carried out by the Deputy Director. A copy of the decision shall be sent to the student's unit commander.

(STAFF COLLEGE NAME AND DATE)

SEMINAR REPRESENTATIVES AND COMMITTEE APPOINTMENT

The Seminar Representatives Committee (SRC) is an ad hoc committee with three primary functions:

1. Communicate between the Deputy Director and attendees of the staff college.
2. Report infractions of all codes, standards, and conduct which might interfere with the staff college objectives or compromise the CAP image.
3. Form a body of members from which three can be selected to comprise a Hearing Committee if needed.
4. Consider other matters as deemed necessary by the Deputy Director.

The SRC is composed of:

1. Deputy Director, Chair
2. Senior representatives from each seminar

The tenure of the SRC will be the duration of the staff college. If for any reason an original SRC member cannot continue to represent their seminar, the student should immediately notify the Deputy Director who will appoint a replacement.

Following an initial meeting, the SRC will meet upon notification of the Deputy Director. Contact between individual SRC members and the Deputy Director is encouraged at any time.

Additional items, details, and examples of possible SRC actions will be discussed at the organization meeting.

(Signature)

Director

Deputy

(STAFF COLLEGE NAME AND DATE)

HEARING COMMITTEE APPOINTMENT

TO: _____

You have been selected to act as part of a three-member Hearing Committee. Your function will be to receive and consider charges and make recommendations to the undersigned regarding serious alleged infractions of code, conduct, and standards by staff college students. You will be provided with such allegations and further instructions upon the need to convene the Hearing Committee. Of the three appointed officers, the senior officer will serve as chair and the junior officer will serve as recorder.

(Signature)

Director

Deputy