

APPENDIX 1: SUMMER SEA TERM CLASS 1 HEARING GUIDELINES

NOTE: CLASS 1 HEARINGS DURING SUMMER SEA TERM MAY BE ADAPTED TO ACCOMMODATE SHIPS SCHEDULE

CLASS I HEARING SAMPLE FOR A MAINE MARITIME ACADEMY MIDSHIPMAN (COMMANDANT STAFF FROM EACH MARITIME ACADEMY TO DRAFT NOTIFICATION DOCUMENT WHEN CADET INVOLVED IS FROM ANOTHER MARITIME ACADEMY)

Notification of Hearing

Date: Day of the week, Month, DD, 202__
To: MIDN 4/C Fname Lname, (A, B, C, D) Company (SST26)
From: LCDR Fname, Lname, Job Title
CC: CAPT Fname, Lname, Commandant
LCDR or LT Fname, Lname, Job Title (School Commandant Staff Member)
Prof. Fname, Lname, Job Title (School Academics Representative)
MIDN/Cadet Fname, Lname, Job Title
Subject: Class I Infraction Hearing

This is an official notification that you have been charged with a Class I infraction that consists of a serious breach of discipline. Class I offenses indicate your failure as a Midshipman to discharge your obligations to the Academy, to those in a position of authority, or to your fellow members of the Regiment. The charges are as follows:

Class I Offense: Conduct Unbecoming a Midshipman/Cadet. Specifically, ...

Your hearing is scheduled for **Friday, July DD, 2026**, in the **Commandant's Office** at **1300 hours** aboard STATE OF MAINE.

The uniform for the hearing will be **Salt and Peppers**.

You are directed to attend this hearing either in person or via online conference (MS Teams, Zoom). If you do not appear, the hearing will be held in your absence.

It is advisable for you to have an advisor (one) present with you (see Regimental Manual, Chapter VII, Section 170). As this is a Class I hearing with the possibility of dismissal, your advisor may be an attorney if you so choose and are reasonably available.

The Advisor's role is to ensure that proper procedures are followed and that your rights are protected. Please review the attached page for a full understanding of the advisor's role. When you have chosen your advisor, please notify me prior to the hearing date regarding whom you have selected. If you are not able to find an advisor, please contact me with at least 24 hours of notice and an advisor will be appointed for you. You have the right to call witnesses in your own defense and to question any witnesses that are called by the Commandant. If you will be bringing witnesses, you must notify me with the name(s) 24 hours prior to the hearing. Any witnesses called must have information relevant to the charges.

To better understand the charges against you, below you will find definitions. If you have questions, contact your Company Officer.

Standard of Proof: The standard of proof is "preponderance of the evidence" which simply means that, based upon the information, it is "more likely than not" that X occurred.

Class I: Serious breach of discipline punishable by dismissal or suspension.

Class I offenses are those which: reflect a serious breach of conduct regarding personal integrity and/or a major lack of character; demonstrate a blatant disregard for authority, the rights of others, safety of self or others; or indicate a complete lack of responsibility, or potential for regimental training. Violations of Class I offenses are punishable by dismissal or suspension from the Academy or any other regimental sanction which the Commandant may direct.

Class I offenses are normally adjudicated by the Commandant and in accordance with the procedures for the Commandant's Disciplinary Hearing, contained herein.

DEMERIT LIMITS

Demerits are awarded as necessary to reinforce reprimands and to provide the midshipman and his/her chain of command with an indication that he/she is not meeting regimental standards.

The conduct year will commence on admission to the Academy and will terminate and begin anew at the end of the second term of each academic year. Demerit limits for each class per conduct year for Maine students are:

First (Class) 125

Second (Class) 125

Third (Class) 150

Fourth (Class) 150

Cumulative demerits shall also be used as a reference in determining a midshipman's suitability for remaining in the Regiment. Any midshipman who at any time or for any reason exceeds 400

total demerits shall have exceeded the demerit limit for his/her enrollment period. Any midshipman exceeding the yearly or enrollment limits is subject to immediate dismissal from the Academy.

You should see your Company Officer to obtain a copy of your complete disciplinary record.

PLEASE PROVIDE THIS TO YOUR ADVISOR
Class I Hearing Student Advisor Information

If you are asked to be an Advisor for a student at a Class I hearing, here is the information you would need to know.

If you have questions about the hearing process, please feel free to contact the appropriate Company Officer at 326-2250.

Any student who has been accused of having committed a Class I Major Infraction and who is appearing before a Regimental Hearing, will be expected to select a member of the faculty or staff to serve as an advisor to guide them through the process. In the event the student is unable to obtain an advisor, one may be appointed for them. A student who does not want an advisor may also choose to waive his or her right to have an advisor, but this action is not recommended.

Advisor vs. Legal Counsel: In cases where suspension, dismissal or expulsion is possible, or criminal charges are pending, a student is permitted to have an attorney at the student's expense observe the hearing and privately advise the student, but the attorney may not otherwise participate in the hearing.

Advisor: Any student charged with an offense under the Academy regulations may be required to have an advisor to help guide them through the judicial process. This requirement depends on the hearings board and the nature and level of the offense charged. It is generally the student's responsibility to select their advisor, but he/she may have one appointed for them if they are unwilling or unable to find one. Any member of the faculty or staff (with the exception of any Student Services staff, the Vice President of Enrollment Management's staff, or the Commandant's staff who may be connected to the hearing) may serve as an advisor. The advisor is expected to appear at the hearing with the respondent. They will assist the respondent with his or her defense prior to and during the hearing, and if necessary, assist them in their responses to questions during the hearing. The advisor's role is not that of a lawyer, but of a guide to ensure that the rights of the student involved are protected. It is the student's responsibility to address the hearings officer(s) in any hearing and to question any witnesses as appropriate, but they may consult with their advisor at any time.

Below are the rights of the respondent:

1. The student must be advised of the charges against him /her
2. The student must be informed of the nature of the evidence against him/her
3. The student must be given the opportunity to be present in his/her own defense
4. The student must not be punished except on the basis of substantial evidence
5. The student must be permitted the assistance of a lawyer in a major disciplinary hearing
6. The student must be permitted to confront and cross-examine the witnesses against him/her and
7. The student has the right to an impartial tribunal

Summer Sea Term Expedited Hearing - Class I Procedures

Hearing Introduction:

With ALL participants in the room, the chair will state the following:

- “Good Morning. We are in the _____ for a Hearing regarding the charges against _____. The date is _____ and the time is _____.”
- “At this time, I would ask that each person in the room introduce themselves.” (Everyone present should answer, including chairs, members, respondent, advisor, witnesses, and observers, if appropriate.) “Each individual should state his/her name and role here today.” (Chair, faculty representative, Board Member, Observer, Respondent, Advisor, witness, etc.)
- To all: “This is an Administrative Hearing. It is not a criminal court of law, nor is it a military tribunal. Rather, it is an administrative process of justice operating in an educational setting. Though we follow procedural guidelines, we do not follow the same process used by the criminal or civil courts.”
- To all: “One of the procedures we follow is one of a *Standard of Proof*. The standard the Academy follows is “preponderance of evidence”, which simply stated means that it is “more likely than not” that the charge occurred.”
- To all: “Our purpose is to find the answer to two questions.
 - Is the Respondent responsible for violating the rules & standards as set forth in the Regimental Manual?
 - If yes, what are the appropriate sanctions?
- To the Respondent: “Midshipman _____, Do you understand what our purpose is?” (Please be sure that the respondent verbally indicates that he/she understands the purpose)
- To all: “It must also be understood by those present that any information or statement given as a part of this hearing is strictly confidential information that is not to be discussed outside of this hearing. Failure to maintain confidentiality can be grounds for disciplinary action. If everyone understands this and agrees to abide by this requirement, please respond with a verbal, YES.” (Wait for a response). “If anyone does not understand or has questions, please indicate this now.” (Wait for a response.)
- To all: “In addition, any statement made in this hearing must be truthful and honest in every aspect. Lying to the Board could result in an additional charge of lying. The penalty for lying to the Board could be dismissal. If everyone understands this and agrees to abide by this requirement, please respond with a verbal, YES.” (Wait for a response). “If anyone does not understand or has questions, please indicate this now.” (Wait for a response.)

- IF APPROPRIATE: At this point the Chair will excuse any participants who will be acting as witnesses so they can wait outside of the room. If there are witnesses, **“At this time, we would ask that all witnesses exit the hearing and wait across the hall. You will be called into the hearing as needed.”**

- **“Midshipman _____, so that you understand the process for this hearing, I will now outline the steps that will follow:**
 - **First, I will read the charge(s) against you. Once all charges are read, I will read each charge individually, followed by the definition of each charge.**
 - **Following this, you will have an opportunity to make a statement in your own defense, if you choose to do so.**
 - **Once you have made a statement, the Board will ask questions, and call witnesses, if necessary. If you have witnesses, you will also have the opportunity to call those witnesses at that time. You have the right to question any witnesses brought into the room. We will ask that any questions you have, you direct them to the chair, who will then ask the witness. This will avoid any confrontational issues from either side.**
 - **At the conclusion of any witness testimony, you will be allowed to make a final statement.**
 - **Following this, I will excuse you. When I have made a decision regarding responsibility and / or sanctioning, you will be asked to return, at which time you will be verbally told the outcome of the hearing. Are you clear about the format?” (Wait for a verbal answer)**
 - **“Do you have any questions?” (Wait for a verbal answer)**

- **“Midshipman _____, were you provided with the notification of your hearing and hearing materials?” (Seek a verbal positive response)**

- **“Midshipman _____, the Charge against you is:**

- **“Midshipman _____, do you understand these charges?” (Wait for a verbal response)**

- **‘Would you like to make a statement in your own defense at this time?’ (Wait for a verbal response)**

- **“Thank you. The Board will now begin asking questions.”**

Call any witnesses necessary. Be sure that witnesses are excused before a new witness is brought in. Be sure to let a witness know when they are no longer needed and are excused.

- **“Would you like to make a final statement in your own defense at this time?”**
- **“Midshipman _____, If you would kindly wait across the hall while I deliberate. We will ask you to return when we are prepared to address the charges against you.”**

After deliberation, bring respondent and advisor back into the room.

- **“Midshipman _____, I have reached a decision. You have been found:**
 - Responsible or Not Responsible – if more than one charge, be sure to identify each charge and the decision for each charge.
 - If responsible...
 - **“The following sanctions apply:”**
 - Read sanctions aloud

If Responsible:

- **“You will be notified when your formal letter regarding this decision is available. It is your responsibility to pick up this letter directly from the Commandant's Staff. During the Summer Sea Term, the appeal window is determined based on the ship's schedule. The appeal window will be no less than 4 hours and no longer than 72 hours commencing at the conclusion of this Class I hearing.**

Midshipman _____, your appeal window for this Class 1 Hearing is _____ hours, commencing now and concluding _____ (time/date) _____.
Do you have any questions concerning this appeal window? Thank you for your time.

NOTE: During Summer Sea Term, the Appeal Board will consist of two members. The Ship's Master will be the senior member and a senior representative who did not participate in the Class I Hearing, and from the midshipman's academy will be the supporting member. All efforts will be made to grant midshipmen the longest appeal window possible, however ship's schedule in coordination with Ship's Master, will determine the length of the appeal window.

If Not Responsible:

- **“You will be notified via email when your formal letter regarding this decision is available. It is your responsibility to pick up this letter directly from your Class Officer. Thank you for your time.”**