



BOARD OF VISITORS

APPEALS COMMITTEE

28 APRIL 2023

APPEALS COMMITTEE

AGENDA

4:30 PM, 28 April 2023

Conference Room (701), Preston Library

CHARTER: The Appeals Committee is responsible for oversight of policies and practices of the Honor Court and shall meet as required in order to review, hear, and take final action on appeals from the Superintendent's decision to dismiss a cadet for violation of the Institute's Honor Code. The Committee shall adopt its own procedures for consideration of such appeals. During the appeal process, the Institute shall be represented by one of the Honor Court's Prosecutors and by the Superintendent's representative to the Honor Court. The Committee shall be advised by the Attorney General's appointee or representative.

1. Approve Minutes of the 27 January 2023 Appeals Committee Meeting
2. Update on Honor Court Cases (Superintendent Honor Court Representatives)
3. Updated Standard Operating Procedures (SOP) First Year Review (Colonel Timmes)
4. Current Status of the Corps of Cadets Honor Court Training (Honor Court)
5. Introduction of New Honor Court Leadership/Representatives (Honor Court President)
6. Other Business

Minutes for the January 27, 2023 Appeals Committee Meeting
Starting Time: 1600
Location: Marshall Hall Board Room

Members Present: BOV Member Present: Mr. David Miller, Mr. Conrad Garcia, Mr. Lester Johnson, Mr. Scott Marsh

HC Members Present: Mr. Marks, Mr. Argauer, Mr. Collier, Mr. Clements

Others Present: COL Merce Brooke, COL Thomas Timmes, MAJ Mary S. Noe, Mr. Patrick O'Leary, Mr. Thomas H. Zarges, Mr. Tom Watjen

- Mr. Miller presided as chairman and called the meeting to order at 1613.
- The September 22, 2023 Appeals Committee Minutes were approved.
- Mr. Miller discussed the Appeals Committee's responsibilities.
 - The Appeals Committee reviews honor court trial appeals.
 - In his time on the committee there have been 6 appeals in 8 years and each time the subcommittee sided with the trial verdict.
 - Current SOP allows for only 2 reasons for appeals.
 - G.O. #6 outlines the appeal process and the 8 rules of the appeal.
- Mr. Miller mentioned the Motion to Dismiss of charges in the SOP.
 - Mr. Miller and General Wins have been challenged by an alumnus about the Motion to Dismiss and why accused students can submit one before the trial.
 - COL Brooke mentioned the Superintendent is the only person who can authorize charges therefore he is the only one who can dismiss charges. The prosecutors cannot dismiss the charges if exculpatory evidence is found after the pretrial.
 - Mr. O' Leary stated the Superintendent would approve a Motion to Dismiss if exculpatory evidence was found.
 - The Superintendent provided additional information directly to the alumnus inquiring of the Motion to Dismiss process, and the alumnus expressed satisfaction with the Superintendent's response.
- COL Brooke updated the committee on the Honor Court cases and trials since the last committee meeting.
 - There have been five pretrials, three of which were for cheating.
 - One student was acquitted during the trial.
 - One student admitted guilt.
 - One student admitted guilt by not returning.
 - Two trials are pending.
 - There are several ongoing investigations.
- Based on the update the committee discussed that it seems dismissals numbers are down, which is positive if there is still buy-in from faculty and the Corps.
 - Improved education efforts would contribute to fewer trials.
 - Cadet Marks commended the current VP for Education on this year's education efforts.
- Cadet Marks discussed alumni questioning SOP changes and mentioned some Court members have been contacted by alumni to discuss the SOP and the current status of the Honor system.
 - Committee members encouraged honor court members to let the Superintendent's Representatives intervene if it becomes an issue.
 - Alumni have expressed concern about jury selection and that it favors the accused cadet.
 - COL Brooke explained a larger pool is a better representation of the Corps.
- Mr. Miller asked Assistant Prosecutors about plans for next year.

- The cadets plan to continue building on the education that was set this year.
- Mr. Miller asked about the conflicts with the Blue Book and the Honor Code.
 - Cadet Marks explained that there are current discussions happening with the Commandant Staff regarding permit stipulations and using the honor code to enforce blue book regulations.
 - The court is hopeful that some of these issues will be resolved.
- There being no further business, the meeting adjourned at 1657.

Mary Schriver Noe, Major, VA Militia
Assistant Superintendent's Representative to the Honor Court