

VIRGINIA MILITARY INSTITUTE  
Lexington, Virginia

GENERAL ORDER)  
NUMBER 6)

17 November 2022

**Procedures for Appeals of Honor Dismissals**

RULE ONE: Scope of Rules and Definitions

These rules set forth the procedures for an appeal of a conviction by the Honor Court.

- a. "Board" means the Board of Visitors of the Virginia Military Institute.
- b. "Committee on Appeals" or "Committee" means the standing Committee on Appeals of the Board of Visitors.
- c. "Corps of Cadets" means the Corps of Cadets of the Virginia Military Institute.
- d. "Former Cadet" means the individual dismissed from the Institute as a result of a conviction by the Honor Court.
- e. "Former Cadet's Advocate" means the person chosen by the appellant to represent or assist the Former Cadet in the conduct of the appeal.
- f. "Institute Representative" means the staff officer, an employee of the Virginia Military Institute, designated by the Superintendent to act as administrative staff to the Committee on Appeals.
- g. "Honor Code" means the Honor Code of the Virginia Military Institute Corps of Cadets.
- h. "Honor Court" means the court and Cadet Jury duly constituted pursuant to VMI's Honor System.
- i. "Institute" means the Virginia Military Institute.
- j. "Secretary of the Board" means the person appointed by the Board of Visitors in accordance with governing By-Laws. The Secretary of the Board also typically serves as the Institute Representative to the Committee on Appeals.
- k. "Superintendent" means the Superintendent of the Virginia Military Institute.
- l. "Superintendent's Representative" means a member of the faculty or staff of the Virginia Military Institute appointed by the Superintendent as to oversee the fair, orderly, and efficient performance of Honor Court investigations, arrests, prosecutions, and trials, and designated by the Superintendent to represent the Institute on appeals of an



the Former Cadet is a dependent) are financially unable to bear the costs. Appropriate cadet financial records maintained by the Institute may be examined in this process. Decisions by the Institute Representative will be considered final. Transcripts will be delivered to the Institute Representative when completed by the transcribing agency and shall be considered an educational record for purposes of the Family Educational Records Privacy Act (FERPA).

- b. Upon receipt of the transcript, the Institute Representative shall maintain a copy, together with copies of all documentary exhibits and other records related to the trial, in a separate file, which shall constitute the Record on Appeal. If the transcript is reviewed by the Institute's legal counsel, the transcript may be redacted to exclude information protected by FERPA that pertains to other cadets who are not the subject of the appeal proceeding.
- c. The Institute Representative shall promptly deliver (either by hand or return receipt requested) a copy of the full Record on Appeal to the Former Cadet.

**RULE FIVE: Filing of Written Briefs.**

- a. Within fifteen (15) business days of the receipt of the Record on Appeal, the Former Cadet shall file with the Institute Representative a statement of the basis for the appeal. If the Former Cadet includes new evidence not known to or reasonably discoverable by the Former Cadet at the time of the trial (RULE TWO (a)(1) above), the Former Cadet must provide such new evidence to the Institute Representative with the statement of the basis for the appeal.
- b. Within ten (10) business days after the filing of such statement, the Superintendent's Representative shall file with the Institute Representative the Institute's response. The Former Cadet shall file with the Institute Representative a copy of the Former Cadet's response.

**RULE SIX: Form and Content of the Statement and Response.**

- a. No particular form is necessary for the written Statement or Response required by Rule Five except that each shall contain brief and concise statements of the grounds for the appeal, or refusal of the appeal, the facts relied upon, and the arguments in support of granting or refusing the appeal, respectively.
- b. Each document shall be double-spaced and no more than 15 pages in length, exclusive of appendices or exhibits, if any.

**RULE SEVEN: Scheduling of Hearing.**

- a. After the filing of the Statement and Response required by Rule Five, the Institute Representative shall promptly notify the Chairman of the Committee on Appeals that the Former Cadet's request for an Honor Court appeal is ready to be considered.
- b. Upon receipt of notification, the Chairman of the Committee shall appoint a subcommittee of no less than three members of the Committee. The Institute Representative shall deliver to the members of the subcommittee copies of the Record on Appeal and the Statement and Response.
- c. The subcommittee shall review the Record on Appeal, the Statement and Response, and determine whether or not the appeal will be heard within fifteen (15) business days of receipt of the Record. Upon the favorable vote of one or more of the three members of the subcommittee, the requested appeal shall be heard by the full Committee.

