

VIRGINIA MILITARY INSTITUTE
Lexington, Virginia

GENERAL ORDER)
NUMBER 17)

13 November 2018

**ADMINISTRATIVE PROCESS FOR
CADET SUSPENSIONS AND DISMISSALS**

1. Purpose: The purpose of this general order is to outline the policies and procedures for suspensions and dismissals of cadets at VMI. This general order is not applicable to dismissals following Honor Court conviction or suspension or dismissal for an offense prohibited under General Order 16.
2. Academic Suspensions:
 - a) If a cadet fails to meet required academic standards for the academic year (i.e., failure to meet required GPA, total credit hours passed, or yearly hours), the Registrar will send a letter to the cadet notifying him/her that he/she has the summer to correct the deficiencies. If the cadet fails to meet the minimum academic standard prior to the start of the fall semester, he/she is placed on an academic suspension status until such time as the requirement is met (traditionally one semester minimum), and the cadet is eligible for readmission consideration. Cadets with extenuating circumstances who wish to appeal the academic suspension may do so to the Committee on Academic Appeals. The Committee on Academic Appeals reviews the circumstances of the appeal and makes a recommendation to the Dean of the Faculty, who makes the final decision.
 - b) Suspended cadets must reapply to the Readmission Committee by the established deadlines. The Readmission Committee reviews academic, discipline and medical records based on the standards established and weighs the cadet's future ability for success in the major area.
 - c) Approvals are granted by the Readmission Committee provided the cadet meets the criteria for return. Denials and recommendations for restrictions are referred to the Dean for final determination and approval [Note: If any disciplinary matters are taken into consideration by the Readmission Committee, the Dean addresses the recommendation with the Superintendent before a final decision is made].
3. Academic Dismissals:
 - a) Two academic suspensions trigger an academic dismissal. If a cadet fails to meet required academic standards for the academic year (i.e., failure to meet required GPA, total credit hours passed, or yearly hours), the Registrar will send a letter to the cadet notifying him/her that he/she is in danger of a second academic suspension, which will result in dismissal. The cadet has the summer to correct the deficiencies.
 - b) If the cadet fails to meet the minimum academic standard prior to the start of the fall semester, he/she is placed on an academic dismissal status. The cadet's records are deactivated, and he/she is restricted from future pursuit of a degree.
 - c) Before the dismissal occurs and it reaches the Dean, a cadet can petition the Committee on Academic Appeals to review the case. The Committee on Academic Appeals makes a recommendation to the Dean. The Dean approves/disapproves and notifies the Superintendent prior to final action.
 - d) Appeal Process: Cadets are referred to the Dean to petition in writing if they wish to appeal the Academic Dismissal status. Petitions are considered by the Dean, in conjunction with the

academic department head, but only under the most unusual of circumstances. The Dean approves/disapproves and notifies the Superintendent prior to final action.

4. Disciplinary Suspensions:

- a) The Commandant prepares a packet of information regarding the individual cadet's case and sends it to the Superintendent. The Commandant's recommendation is included in the packet.
- b) If the cadet has not been afforded a cadet government hearing in accordance with the procedures in the White Book, the cadet will be given an opportunity to present his defense before a hearing officer pursuant to the hearing procedures in Section 6 below. Within three (3) business days of receipt of the Commandant's recommendation, the Executive Assistant to the Superintendent shall notify the cadet of his opportunity for a hearing before a hearing officer and shall provide the cadet the Commandant's packet. The cadet shall have three (3) business days from such notification to inform the Executive Assistant to the Superintendent of whether he or she will proceed to a hearing or chooses not to contest the Commandant's recommendation.
- c) If the cadet chooses not to contest the recommended suspension, the cadet shall sign a statement acknowledging no contest to the Commandant's recommendation and waiving the right to a hearing. The Superintendent will then provide the cadet an opportunity to be heard by him before taking action on the Commandant's recommendation.
- d) If suspended, the Executive Assistant to the Superintendent prepares letters to the cadet and parents with a memorandum noting restrictions incident to suspension. Note: a suspension is a two semester absence – current semester plus one regular semester. If semester final exams are taken, then suspension is for the following two semesters. Summer school does not "count" as a semester. The cadet's transcript will indicate a status of disciplinary suspension.
- e) A cadet must reapply to the Readmission Committee in the designated time-frame noted in the cadet's suspension letter. The Readmission Committee recommends approval/disapproval of the request if the cadet meets all established readmission criteria and the readmission is supported by the Commandant's Office. All recommendation packages are sent to the Superintendent for final decision.
- f) Stipulations for return from an alcohol-related suspension are detailed in Appendix I.
- g) Resignation to Avoid Suspension: In the case of a cadet who resigns from VMI to avoid a possible disciplinary suspension, that cadet's transcript will indicate a status of resigned pending disciplinary suspension. If that cadet applies for readmission to VMI and is accepted, the cadet's offense would be adjudicated upon return to the Corps. This stipulation should be noted to the cadet by the Registrar upon receiving the application for readmission.
- h) At the time of notification of the pending suspension offense, the Executive Assistant to the Superintendent will also notify the cadet of the conditions faced if the cadet resigns prior to adjudication.
- i) Cadets who are serving disciplinary suspensions may not attend VMI summer school. Exception to this policy is rare and made only by the Superintendent for extremely unusual circumstances. Cadets seeking an exception to the summer attendance policy must first apply and be approved for readmission for the fall semester prior to being considered for summer session attendance. Upon application for readmission for the fall semester, the cadet must also include a formal letter of appeal to the Superintendent (through the Readmission Committee), which requests consideration for summer attendance, and the reason the exception. The Superintendent will make the final decision based on the letter of appeal and Readmission Committee's recommendation for return in the fall. Application for readmission and summer attendance should be into the Registrar no later than 1 March in order to receive a timely review and decision for summer and fall attendance.

5. Disciplinary Dismissals:

- a) The Commandant prepares a thorough packet of information regarding the individual cadet's case and sends it to the Superintendent. The Commandant's recommendation is included in the packet.
- b) If the cadet has not been afforded a cadet government hearing in accordance with the procedures in the White Book, the cadet will be given an opportunity to present his defense before a hearing officer pursuant to the hearing procedures in Section 6 below. Within three (3) business days of receipt of the Commandant's recommendation, the Executive Assistant to the Superintendent shall notify the cadet of his opportunity for a hearing before a hearing officer and shall provide the cadet the Commandant's packet. The cadet shall have three (3) business days from such notification to inform the Executive Assistant to the Superintendent of whether he or she will proceed to a hearing or chooses not to contest the Commandant's recommendation.
- c) If the cadet chooses not to contest the recommended dismissal, the cadet shall sign a statement acknowledging no contest to the Commandant's recommendation and waiving the right to a hearing. The Superintendent will then provide the cadet an opportunity to be heard by him before taking action on the Commandant's recommendation.
- d) If dismissed, the Executive Assistant to the Superintendent prepares letters to the cadet and parents with a memorandum noting restrictions incident to dismissal. The cadet's transcript will indicate a status of Dismissed for Reasons Satisfactory to the Superintendent.
- e) Stipulations for return from an alcohol-related dismissal are detailed in Appendix I
- f) Stipulations for return from a drug-related dismissal are detailed in Appendix II.
- g) Resignation to Avoid Dismissal: A cadet facing a disciplinary dismissal offense cannot avoid adjudication of the charges by resigning from the Institute. Any resignation following notification by the Executive Assistant to the Superintendent that a disciplinary dismissal is pending or, absence without leave, or failure to return from any authorized leave will be deemed an admission of the offense with which the cadet was charged. The cadet's transcript will indicate a status of resigned pending disciplinary dismissal. If that cadet applies for readmission to VMI and is accepted, the cadet's offense would be adjudicated upon return to the Corps. This stipulation should be noted to the cadet by the Registrar upon receiving the application for readmission.
- f) At the time of notification of the pending dismissal offense, the Executive Assistant to the Superintendent will also notify the cadet of the conditions faced if the cadet resigns prior to adjudication.
- g) A cadet may petition the Superintendent for readmission after a minimum one year absence. The Readmissions Committee will take into consideration the cadet's academic, discipline, and medical records and make a recommendation to the Executive Committee (composed of the Dean of the Faculty, Deputy Superintendent for Finance, Administration and Support, and Commandant of Cadets). The Executive Committee will then submit their recommendation to the Superintendent for final decision.

6. Hearing Procedures:

- a) Within five (5) business days of receipt of the written request for a hearing from a cadet, the Executive Assistant to the Superintendent will notify the cadet of the time and place of the hearing and the name of the hearing officer. The hearing officer shall be selected from the individuals appointed to the Discrimination Appeals Committee pursuant to the procedure in General Order 16. Such hearing typically will be scheduled within fifteen (15) business days of

receipt of the request for a hearing. If extension beyond fifteen (15) business days is necessary, the cadet will be notified of the expected time frame. The cadet must raise within five (5) business days of such notification any objection to the hearing officer on the basis of conflict of interest or bias. The Superintendent shall rule on any such objection no later than three (3) business days prior to the hearing.

- b) Within five (5) business days of the request for a hearing, the cadet must submit a written statement that (i) identifies the names and addresses of witnesses that are requested to be called at the hearing; (ii) identifies and includes copies of any documents that will be used as evidence at the hearing; and (iii) requests a specific remedy.
- c) Within two (2) business days of receipt of the cadet's statement identifying witnesses and documents and requesting a specific remedy, the hearing officer will identify the names and addresses of witnesses that the hearing officer requests to be called at the hearing and documents that the hearing officer will use as evidence at the hearing, including copies of such documents.
- d) The Executive Assistant to the Superintendent shall provide all materials in the Commandant's packet and all witness information and documents identified by the cadet and the hearing officer to the cadet and the hearing officer at least three (3) business days prior to the hearing.
- e) The cadet may retain legal counsel at his or her own expense or designate a non-attorney advisor to accompany him or her at the hearing. If the cadet has retained legal counsel or a non-attorney advisor, the cadet must immediately notify the hearing officer of such representation. The role of counsel or the non-attorney advisor shall be limited to advice and consultation with the cadet and the cadet's witnesses. The counsel/advisor shall not be permitted to question witnesses, raise objections, or make statements or arguments at the hearing. The Institute may be represented at the hearing by assigned legal counsel from the Office of the Attorney General, who will ensure that the rights of the Institute and the cadet are respected.
- f) The hearing officer shall preside over the hearing, including the questioning of witnesses and the presentation of documentary evidence, and will be the final decision-maker on all matters of procedure during the hearing. The hearing will be a non-adversarial proceeding and the rules of evidence shall not be strictly applied. However, the hearing officer may limit evidence or testimony that is not relevant to the Commandant's recommendation. The hearing officer's determination shall be under a preponderance of the evidence standard. The hearing will be conducted in a fair and impartial manner. All hearings will be closed to the public.
- g) Within ten (10) business days of the hearing, the hearing officer will submit a written decision to the cadet, the Commandant, and the Superintendent. The decision shall include the hearing officer's decision to uphold or reject the recommendation of the Commandant, including the recommended sanction, and the rationale for such determination. If the Commandant's recommendation is rejected, the hearing officer will include in the decision recommendations for resolution and sanction, if any.
- h) Within three (3) business days of the hearing officer's decision, the Superintendent shall notify the hearing officer, the Commandant, and the cadet, in writing, of his decision relative to the findings and recommendations of the hearing officer. The Superintendent will provide the cadet an opportunity to be heard by him before rendering his decision. The decision of the Superintendent is final with no further right to appeal.

7. Interim Suspensions: A cadet may be placed on an interim (immediate) suspension if such action is necessary to preserve the health or safety of members of the Institute community or Institute property or to resolve potential physical threats. Interim suspension may be imposed by the Superintendent, in consultation with the Threat Assessment Team as appropriate. Interim

suspensions will normally be for a limited duration. A cadet placed on interim suspension will be sent a letter which states that he or she is suspended from the Institute pending disciplinary proceedings or a determination on the appropriateness of medical leave or medical furlough. A cadet placed on interim suspension also will be barred from Post. The cadet will further be informed that he or she may request interim suspension review with the Superintendent, to demonstrate why his or her continued presence on Post does not constitute a physical threat to persons or property, by notifying the Executive Assistant to the Superintendent within 48 hours of receipt of the suspension letter. Such review will be conducted as soon as practical following the request, typically within 10 working days or as soon as the cadet's condition permits. The decision of the Superintendent to place a cadet on interim suspension, whether or not interim suspension review is requested, shall be final. There will be no appeal. If a cadet on interim suspension is found to have committed an act or acts of misconduct that warrant a disciplinary suspension or dismissal then the procedures for such disciplinary action, as detailed above, will be followed. Likewise, if a cadet who is on an interim suspension is found to require medical leave or furlough then such procedures will be followed, in accordance with General Order 61.

8. Suspensions and Dismissals for Misconduct While a Cadet is Off Post: Cadets are held to disciplinary standards set forth in the Blue Book from the day of matriculation until they graduate. Acts of misconduct when a cadet is on leave, furlough, or otherwise absent from Post may warrant a suspension or dismissal. In those cases, the Commandant will notify the cadet of the alleged offense(s) and that the matter is being referred to the Superintendent. The cadet will have a specified, reasonable time allowed to respond in writing or, at his or her election, in person before the Superintendent. Travel costs to and from a meeting with the Superintendent in these cases are borne by the cadet.
9. Medical Dismissals: All cadets must be medically cleared in order to safely participate in the rigorous environment at VMI. In rendering these medical clearances, medical staff must rely upon medical history and other medical information provided by applicants. The VMI medical staff requests the necessary information in medical documents that the new cadets must complete and submit before matriculation. Appointment to VMI is not final until such time as a cadet is medically cleared. Applicants are informed in the medical clearance documents that failure to report complete and accurate information is a basis for dismissal from VMI. If it is discovered following matriculation that false, misleading, or inaccurate information was submitted in these medical documents, that cadet is subject to dismissal.
 - a) If it appears the cadet did not intentionally submit false or inaccurate information during the medical review process, the Institute Physician will determine whether or not the cadet can safely and successfully complete all required program elements at VMI. If the cadet cannot do so, and would not have been medically cleared if the medical condition or issue had been made known, the cadet may be dismissed from VMI under the following procedures. First, the Institute Physician will prepare a report to include the medical forms and case summaries, notifying the cadet of the reasons for dismissal. The Institute Physician will provide the cadet with this information and allow the cadet a reasonable opportunity to respond orally, in writing, or both. If an oral presentation is made, the appropriate official will summarize it in writing. Based upon those presentations, the Institute Physician may either terminate the action if satisfied or recommend dismissal to the Superintendent. If a recommendation to dismiss is made, the Institute Physician shall forward the recommendation, response, and other relevant documents to the Superintendent. The cadet will be notified of the recommendation and given

a reasonable opportunity to respond in writing, orally, or both to the Superintendent during the cadet's personal appearance. Decisions of the Superintendent are final.

- b) If it appears that the cadet intentionally provided incomplete, false, or misleading medical information, the Institute Physician will follow these procedures. First, the Institute Physician will inform the cadet in question in writing of his finding, and give the cadet a reasonable opportunity to respond in person, in writing, or both. If the Institute Physician finds that the cadet did not intentionally provide inaccurate information, he will then perform the analysis described in subparagraph A, above, to determine if the cadet can safely and successfully complete program requirements. If the Institute Physician determines the cadet has intentionally provided inaccurate information on the medical forms, or if unintentional, cannot meet program requirements, he/she will then transmit the package to the Superintendent for action. The Superintendent will permit the cadet to respond in writing or orally in person. Decisions of the Superintendent are final. Dismissal for unintentional submission of inaccurate information is not a disciplinary dismissal but in the nature of an administrative withdrawal. Cadet transcripts will not be annotated with a "Dismissed" notation in such cases.

10. Medical Dismissals While on Furlough: There may be occasions while a cadet is on leave or furlough, to include medical leave or furlough, when medical information is discovered that indicates incomplete, false, or misleading medical information was provided before matriculation. If this information indicates that the medical entry clearance would not have been granted had this information been known, the cadet is subject to being medically dismissed. The Chief of Staff may initiate this action by notification letter to the cadet providing the cadet the opportunity to respond orally or in writing, or to make a personal appearance, if desired, before the Superintendent before a final decision. Decisions of the Superintendent are final. Similar to paragraph 6, above, such dismissals are administrative and not disciplinary in nature. Cadet transcripts will not be annotated with a "Dismissed" notation.

FOR THE SUPERINTENDENT:

James P. Inman
Colonel, US Army (Ret.)
Chief of Staff

DIST: E, Cadets

OPR: Executive Asst to Superintendent, Commandant

Appendix I
VIRGINIA MILITARY INSTITUTE
Lexington, Virginia

MEMORANDUM FOR CORPS OF CADETS

SUBJECT: Stipulation for Return from Alcohol-Related Penalty

1. The penalty for an alcohol-related offense resulting in a cadet suspension or dismissal includes special conditions of return.
2. Alcohol abuse is a significant problem, which requires action that looks beyond the offense itself and addresses the potentially greater problem of an uncontrollable pattern of alcohol abuse.
3. All cadets suspended or dismissed for violation of VMI alcohol regulations must provide the following to the Readmission Committee by the deadline for readmission in the case of a suspension, or upon petition to the Readmission Committee for reinstatement after at least one year from the date of dismissal:
 - a. Signed releases of information permitting VMI's Counselors to exchange assessment and treatment information with:
 - i. Any and all substance abuse/mental health care providers,
 - ii. The Superintendent and/or his deputies.
 - b. Full written documentation of a substance abuse assessment, including a urine drug screen, from a certified substance abuse counselor (or other licensed mental health provider **approved by a VMI Counselor**). The documentation must clearly indicate if the cadet met the criteria for substance abuse or dependence. If the criteria for either was met, the following must also be provided:
 - i. Full written documentation of compliance with and completion of treatment by a certified substance abuse counselor (or other licensed mental health professional approved by a VMI Counselor),
 - ii. Clear recommendations for any after-care that may be indicated (e.g. participation in Alcoholics Anonymous),
 - iii. Evidence of involvement in an ongoing recovery program, if recommended.

FOR THE SUPERINTENDENT:

James P. Inman
Colonel, US Army (Ret.)
Chief of Staff

cc: Commandant
Cadet Counseling
Parents

Appendix II
VIRGINIA MILITARY INSTITUTE
Lexington, Virginia

MEMORANDUM FOR CORPS OF CADETS

SUBJECT: Stipulation for Return for Drug-Related Dismissal

- 1) The penalty for a drug-related offense is Dismissal.
- 2) General Order #17, Paragraph 5(g) states:

A cadet may petition the Superintendent for readmission after a minimum one year absence. The Readmissions Committee will take into consideration the cadet's academic, discipline, and medical records and make a recommendation to the Executive Committee (composed of the Dean of Faculty, Deputy Superintendent for Finance, Administration and Support, and Commandant of Cadets). The Executive Committee will then submit their recommendations to the Superintendent for final action.

- 3) After dismissal, any cadet considering a petition for readmission must comply with the following conditions:
 - a. Contact the VMI Cadet Counseling Office and have a drug rehabilitation program approved by a VMI Counselor of that office. This will require:
 - i. Arranging for a complete substance abuse assessment, including a urine drug screen, with a certified substance abuse counselor (or licensed mental health professional approved by a VMI Counselor),
 - ii. Providing signed releases of information permitting VMI's Counselors to exchange assessment and treatment information with all treatment providers prior to initial appointment and substance abuse assessment, and at any time throughout treatment.
 - b. Contact the Executive Assistant to the Superintendent and have a community service program (minimum 175 hours) approved.
 - c. Upon completion of your approved drug rehabilitation program you must:
 - i. Submit to **two** random drug urinalysis tests, conducted through that program's office. Results of the urinalysis must be submitted to the Director of VMI Cadet Counseling and the Commandant of Cadets.
 - ii. Submit written documentation of your treatment including evidence of full treatment compliance and completion as well as any and all recommendations for your sustained recovery (e.g. ongoing counseling or participation in Narcotics Anonymous).
 - iii. Evidence of involvement in an ongoing recovery program during your absence from VMI, if recommended.
- 4) The Readmissions Committee will make a recommendation to a three-member panel composed of both Deputy Superintendents (Chaired by the Deputy Superintendent for Academics and Dean of the Faculty) and the Commandant of Cadets. The three member panel will then make

a recommendation to the Superintendent. In addition to the information contained in the readmission packet, the readmission committee, the three member panel and the Superintendent will also consider the following factors: previous performance as a cadet, nature of the dismissal offense, potential for success in the VMI system, and Barracks availability. The final decision for readmission is dependent on a personal interview with the Superintendent prior to the beginning of the fall or spring semester.

- 5) Should the Superintendent approve readmission, the cadet will:
- a. Return to VMI on Conduct Probation for one semester.
 - b. Meet with the VMI Office of Cadet Counseling within one week of the start of semester classes and comply with any and all requirements set forth by a VMI Counselor.
 - c. Be remanded to a program of random drug urinalysis for the remainder of his/her cadetship.

FOR THE SUPERINTENDENT:

James P. Inman
Colonel, US Army (Ret.)
Chief of Staff

cc: Commandant
Cadet Counseling
Parents