

based. If the Secretary determines from the report that the Superintendent's belief is well founded, the Secretary shall serve a copy of the report on the midshipman. Within such time as the Secretary considers reasonable, the midshipman shall show cause in writing why he should not be dismissed from the Academy. The Secretary, after consideration of any cause so shown, and with the written approval of the President, may dismiss the midshipman from the Academy and from the naval service.

(b) The truth of any issue of fact raised under subsection (a), except as to the record of demerits, shall be determined by a court of inquiry convened by the Secretary.

(Aug. 10, 1956, ch. 1041, 70A Stat. 432.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6961	34 U.S.C. 1062.	Apr. 9, 1906, ch. 1370, §1, 34 Stat. 104.

The words "court of inquiry" are substituted for the words "board of inquiry" to conform to the terminology of the Uniform Code of Military Justice. The words "under the rules and regulations for the government of the Navy" are omitted as unnecessary.

DELEGATION OF FUNCTIONS

For delegation to Secretary of Defense of authority vested in President by section 1062 of former Title 34, see Ex. Ord. No. 10621, July 1, 1955, 20 F.R. 4759, set out as a note under section 301 of Title 3, The President.

§ 6962. Midshipmen: discharge for unsatisfactory conduct or inaptitude

(a) The Superintendent of the Naval Academy shall submit to the Secretary of the Navy in writing a full report of the facts—

(1) whenever the Superintendent determines that the conduct of a midshipman is unsatisfactory; or

(2) whenever the Academic Board unaniously determines that midshipman possesses insufficient aptitude to become a commissioned officer in the naval service.

(b) A midshipman upon whom a report is made under subsection (a) shall be given an opportunity to examine the report and submit a written statement thereon. If the Secretary believes, on the basis of the report and statement, that the determination of the Superintendent or of the Academic Board is reasonable and well founded, he may discharge the midshipman from the Naval Academy and from the naval service.

(Aug. 10, 1956, ch. 1041, 70A Stat. 432.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6962	34 U.S.C. 1062a.	Dec. 11, 1945, ch. 562, 59 Stat. 605.

§ 6963. Midshipmen: discharge for deficiency

Midshipmen found deficient at any examination shall, unless the Academic Board recommends otherwise, be discharged from the Naval Academy and from the naval service.

(Aug. 10, 1956, ch. 1041, 70A Stat. 433.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6963	34 U.S.C. 1053.	R.S. 1519; restored Oct. 22, 1921, ch. 113, §2, 42 Stat. 207.

§ 6964. Hazing: definition; prohibition

(a) In this chapter, the term "hazing" means any unauthorized assumption of authority by a midshipman whereby another midshipman suffers or is exposed to any cruelty, indignity, humiliation, hardship, or oppression, or the deprivation or abridgement of any right.

(b) The Superintendent of the Naval Academy shall prescribe regulations, to be approved by the Secretary of the Navy, to prevent hazing.

(c) Hazing is an offense that may be dealt with as an offense against good order and discipline or as a violation of the regulations of the Naval Academy. However, no midshipman may be dismissed for a single act of hazing except by sentence of a court-martial.

(d) The finding and sentence of a court-martial of a midshipman for hazing shall be reviewed in the manner prescribed for general court-martial cases.

(e) A midshipman who is sentenced to imprisonment for hazing may not be confined with persons who have been convicted of crimes or misdemeanors.

(f) A midshipman who is dismissed from the Academy for hazing may not be reappointed as a midshipman or be appointed as a commissioned officer in the Army, Navy, Air Force, or Marine Corps until two years after the graduation of the class of which he was a member.

(Aug. 10, 1956, ch. 1041, 70A Stat. 433; Pub. L. 99-145, title XIII, §1301(c)(2), Nov. 8, 1985, 99 Stat. 736; Pub. L. 101-189, div. A, title XVI, §1622(e)(8), Nov. 29, 1989, 103 Stat. 1605.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6964(a)	34 U.S.C. 1064.	Apr. 9, 1906, ch. 1370, §4, 34 Stat. 105.
6964(b)	34 U.S.C. 1063.	Mar. 3, 1903, ch. 1010, 32 Stat. 1198 (1st 28 words of 1st proviso).
6964(c)	34 U.S.C. 1065.	Apr. 9, 1906, ch. 1370, §2 (last 54 words), 34 Stat. 104.
6964(d), (e).	34 U.S.C. 1066.	June 23, 1874, ch. 453, 18 Stat. 203; Mar. 3, 1903, ch. 1010, 32 Stat. 1198 (29th to 49th word of 1st proviso); Apr. 9, 1906, ch. 1370, §3, 34 Stat. 104; May 5, 1950, ch. 169, §11, 64 Stat. 146.
6964(f)	34 U.S.C. 1067.	Mar. 3, 1903, ch. 1010, 32 Stat. 1198 (last 43 words of 1st proviso).

In subsection (a) the words "privilege, or advantage to which he shall legally be entitled" are omitted as surplusage, since they are covered by the word "right". The definition in this subsection is made applicable throughout the chapter to cover §6965 of this title, since the reference in that section to hazing was also derived from the act which is the source for this subsection.

In subsection (b) the words "prescribe regulations * * * to prevent hazing" are substituted for the words "make such rules * * * as will effectually prevent the practice of hazing".