

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 unanimously 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

| <i>Revised section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|---------------------------------------|
| 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

| <i>Revised section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|--|
| 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

| <i>Revised section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|--|
| 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”.

In subsection (c) the words “dealt with” are substituted for the words “proceeded against, dealt with, and punished”. The word “regulations” is substituted for the word “rules” for uniformity and the words “and breaches” are omitted as surplusage. The words “except by sentence of a court-martial” are substituted for the words “except under the provisions of section three of this Act” because § 3 of the source statute provided for a Naval Academy court-martial with special provisions for handling cases involving hazing. The enactment of the Uniform Code of Military Justice made midshipmen at the Naval Academy subject to the same military law which applies generally to the naval service, thereby superseding the special type of court-martial for midshipmen. A court-martial under the Uniform Code of Military Justice has the power to sentence anyone convicted by it to dismissal if authorized by the Table of Maximum Punishments.

In subsections (d) and (e) all that part of the source text preceding the proviso is omitted as superseded by the Uniform Code of Military Justice. The words “in a military or naval prison or elsewhere” are omitted as surplusage.

AMENDMENTS

1989—Subsec. (a). Pub. L. 101-189 inserted “, the term” after “In this chapter”.

1985—Subsec. (e). Pub. L. 99-145 substituted “persons” for “men”.

§ 6965. Failure to report violation: dismissal

(a) Each officer stationed at the Naval Academy, each midshipman officer, each midshipman petty officer, and each civilian member of the

teaching staff of the Academy shall report promptly to the Superintendent of the Naval Academy any fact that tends to show the commission of hazing or any violation of an Academy regulation by a midshipman.

(b) An officer of the naval service who fails to make a report required by subsection (a) shall be tried by court-martial and if convicted shall be dismissed from the naval service.

(c) A civilian member of the teaching staff of the Academy who fails to make a report required by subsection (a) shall, with the approval of the Secretary of the Navy, be dismissed by the Superintendent.

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

HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|---|
| 6965 | 34 U.S.C. 1068. | Apr. 9, 1906, ch. 1370, §5, 34 Stat. 105. |

In subsection (a) the words “each officer stationed at the Naval Academy, each midshipman officer, each midshipman petty officer, and each civilian member of the teaching staff of the Academy shall” are substituted for the words “it shall be the duty of every professor, assistant professor, academic officer, or any cadet officer or cadet petty officer, or instructor, as well as every other officer stationed at the United States Naval Academy to” to state the current applicability of the provision. The words “commission of hazing” are substituted for the words “violation * * * of any of the provisions of this Act”.

In subsection (b) the words “for neglect of duty” are omitted inasmuch as the Uniform Code of Military Justice sets out the offenses for which persons subject to the Code may be tried.

§ 6966. Course of study

(a) The course at the Naval Academy is four years.

(b) The Secretary of the Navy shall arrange the course so that classes will not be held on Sunday.

(Aug. 10, 1956, ch. 1041, 70A Stat. 434.)

HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|---|
| 6966(a) | 34 U.S.C. 1054. | Mar. 7, 1912, ch. 53 (1st 11 words), 37 Stat. 73. |
| 6966(b) | 34 U.S.C. 1056. | R.S. 1526. |

In subsection (b) the words “of studies and the order of recitations” are omitted as surplusage. The words “classes will not be held on Sunday” are substituted for the words “students in said institution shall not be required to pursue their studies on Sunday”.

§ 6967. Degree on graduation

Under regulations prescribed by the Secretary of the Navy, the Superintendent of the Naval Academy may confer the degree of bachelor of science upon graduates of the Academy.

(Aug. 10, 1956, ch. 1041, 70A Stat. 434.)

HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------------------|--|
| 6967 | 34 U.S.C. 1057a (less last sentence). | May 25, 1933, ch. 37, 48 Stat. 73 (less last sentence); Aug. 9, 1946, ch. 932, 60 Stat. 968; Aug. 4, 1949, ch. 393, §13, 63 Stat. 559; Aug. 18, 1949, ch. 476, 63 Stat. 614. |

The word “regulations” is substituted for the words “such rules and regulations”. Since the Naval Academy is now accredited, the words “from and after the date of accrediting of said Academy” are omitted as executed.

DEGREES FOR PERSONS WHO GRADUATED BEFORE ACCREDITING OF NAVAL ACADEMY

Act Aug. 10, 1956, ch. 1041, §35, 70A Stat. 634, provided in part that, under conditions prescribed by the Secretary of the Navy, the Superintendent of the United States Naval Academy may confer the degree of bachelor of science upon living graduates of the Academy who were graduated before the date of accrediting of the Academy and who meet the requirements of the Academy for that degree.

§ 6968. Board of Visitors

(a) A Board of Visitors to the Naval Academy is constituted annually of—

- (1) the chairman of the Committee on Armed Services of the Senate, or his designee;
- (2) three other members of the Senate designated by the Vice President or the President pro tempore of the Senate, two of whom are members of the Committee on Appropriations of the Senate;
- (3) the chairman of the Committee on Armed Services of the House of Representatives, or his designee;
- (4) four other members of the House of Representatives designated by the Speaker of the House of Representatives, two of whom are members of the Committee on Appropriations of the House of Representatives; and
- (5) six persons designated by the President.

(b) The persons designated by the President serve for three years each except that any member whose term of office has expired shall continue to serve until his successor is appointed. The President shall designate two persons each year to succeed the members whose terms expire that year.

(c) If a member of the Board dies or resigns, a successor shall be designated for the unexpired portion of the term by the official who designated the member.

(d) The Board shall visit the Academy annually. With the approval of the Secretary of the Navy, the Board or its members may make other visits to the Academy in connection with the duties of the Board or to consult with the Superintendent of the Academy.

(e) The Board shall inquire into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy that the Board decides to consider.

(f) Within 60 days after its annual visit, the Board shall submit a written report to the President of its action and of its views and recommendations pertaining to the Academy. Any re-