



FORT SILL LEGAL ASSISTANCE

Faculty Board Proceedings: USAFCOEFS Regulation 15-1



What is a Faculty Board?

A Faculty Board is convened at the direction of a School Commandant to investigate circumstances of officers who demonstrate some type of misconduct, including but not limited to, academic deficiency, disciplinary problems, honor violations, and failing to meet course standards. The Board will determine all circumstances contributing to the student's failure, rehabilitation actions taken by the command, and evaluate the student's leadership potential for continued service as an officer. ***The Board will only document its findings and make a recommendation as to the appropriate course of action to the School Commandant.*** The School Commandant will make the final consideration and disposition of the student's case and is *not* bound to follow the Board's recommendation.

What are the possible outcomes of a Faculty Board?

The Faculty Board's recommendations may include, but are not limited to, graduation, reinstatement in the class, relief, or recycling of the student. In all cases, the School Commandant is *not* bound by the Faculty Board's recommendation. Students in the Captains' Career Course (CCC) and the Basic Officer Leadership Course (BOLC) normally should be recommended for recycle only because of circumstances beyond their control but not purely for academic reasons.

Is the Faculty Board Mandatory/May I Waive my Right to a Board?

Captains' Career Course (CCC), Basic Officer Leadership Course (BOLC), Warrant Officer Advanced Course (WOAC), and Warrant Officer Basic Course (WOBC) students **MUST** be referred to a faculty board prior to dismissal for academic deficiencies, disciplinary problems, honor violations, lack of motivation, lack of adaptability, or otherwise failing to meet course standards. Students referred to a faculty board *may* waive their right to a board using the memorandum sample provided in the Regulation.

Who serves on a Faculty Board?

The Commandant's office will appoint an odd number of voting members to the Faculty Board, and the Board must have at least three members. A Lieutenant Colonel or Major will serve as the Board President. The Board members will *not* be from the student's chain of command. Upon request at least 2 duty days prior to the convening of the Board, a female or minority student may request that the Board contain at least one female or one minority member. If the student is a female minority member, this requirement is satisfied if one board member is both a female and a minority.

Am I entitled to counsel when appearing before a Faculty Board?

Students are *not* entitled to representation by military counsel at the Board. The student may retain civilian counsel, but that counsel may not personally participate in the Board proceedings. Military and lay counsel may, however, advise the student on how to present his or her case.

How much notice will I receive/May I ask for an extension?

Faculty Boards should be conducted no earlier than the 7th day following the student's selection for a Board. Board proceedings may be scheduled after duty hours or on weekends if necessary. ***The Board President may grant one extension of no more than 10 calendar days.***

What are my rights and responsibilities when appearing before a Faculty Board?

The student will elect or waive the Faculty Board within 2 days of notification of the pending action. If the student is a female or minority, he or she may request a member of the Board be female or minority if so desired. Students are encouraged to seek assistance of Trial Defense Services or Legal Assistance Counsel or a civilian attorney to discuss the case. Students are encouraged to make every effort to seek assistance and prepare for the Board within the timeline the Board President sets.

The student will be given a fair opportunity to present to the Board any facts or extenuating circumstances related to his or her performance during the course. ***The student is responsible for all arguments and questioning for his case at the hearing.*** The student will prepare the case and keep the Board Recorder informed of military witnesses and any documentation necessary for the hearing. The rules of evidence for faculty board proceedings are found in AR 15-6, para. 3-6.

The student is entitled to present sworn statement and/or live testimony of witnesses at Faculty Board proceedings. ***At least 2 duty days prior to the Board, the student will inform the Recorder of the names, duty locations, and duty telephone numbers of all military and civilian employees he or she feels are necessary to a fair hearing.*** The Recorder will arrange for the appearance of the witnesses.

What standard guides the Board in evaluating my packet?

The Board will carefully and impartially evaluate *all evidence* presented to them. Before making their recommendation, the Board will consider the student under the whole person concept, to include the student's conduct, performance, leadership ability, attitude, motivation, discipline, and any other matters affecting the student's potential for service. Each of the Board's findings must be supported by a greater weight of the evidence than supports a contrary conclusion; that is, the finding must be more likely than not. The findings will be treated confidentially until published by the Commandant's Office. The Respondent will *not* be informed of the Board's recommendation prior to the Commandant's decision. ***After the Commandant reaches a decision, the student will be notified in writing of that decision and of his or her appellate rights if the Commandant prescribed adverse action.***

Can I appeal the Commandant's decision?

Yes. Generally, students are given three duty days from the day they receive formal notice of the Commandant's action to submit matters for appeal. The Commandant, under unusual circumstances, may extend the deadline for the student's response. Written appellate matters should be submitted to the Commandant's Office.

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If you have questions concerning the information in this fact sheet, please call the Fort Sill Legal Assistance Office at (580) 442-5058 or (580) 442-5059. Our hours of operation are Monday, Tuesday, Wednesday and Friday, 0900 – 1600, and Thursdays 1300-1600. The Fort Sill Legal Assistance Office is located on the 4th floor of Building 4700, Welcome Center, 4700 Mow-Way Road.