

RECOMMENDATIONS TO USAFA BOARD OF VISITORS

BY

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Senator (ret) Mike Rose and Colonel (ret) Mark Stoup urge the Air Force Academy Board of Visitors (BoV) to recommend that the Secretary of the Air Force order implementation of improvements to the Air Force Academy (USAFA) conduct/honor/disenrollment systems, as and for the reasons stated below.

EXECUTIVE SUMMARY

Senator (ret) Mike Rose and Colonel (ret) Mark Stoup recommend USAFA improve fairness by ensuring fair hearings before disenrollment, minimizing Article 15 punishments, and aligning disciplinary practices with legal standards. They urge clearer communications, proportional sanctions, training, holding accountable officers and cadets, data tracking, and addressing coercion concerns. Emphasizing rehabilitation over retribution, they call for accountability and legal compliance to protect cadet rights and ensure integrity, fairness and perceived fairness.

This document urges the U.S. Air Force Academy Board of Visitors to recommend comprehensive reforms to the Academy's cadet conduct and disenrollment systems to ensure due process, fairness, transparency, and proportionality. Key recommendations include requiring fair hearings before disenrollment, minimizing the use of Article 15 punishments, ensuring punishments are reasonable and rehabilitative, improving advance notice and training for cadets and officers, enhancing data collection, and fostering a culture that values legal compliance, fairness and cadet development over punitive measures.

1. REQUIRE FAIR HEARING BEFORE INVOLUNTARY DISENROLLMENT FROM AFA

Receipt of a USAFA Bachelor of Science degree after having met USAFA's academic requirements, graduation from USAFA, commissioning as an officer

(with rank and pay above that of a cadet) and reputation are significant property interests protected by the due process clause of the Fifth Amendment of the US Constitution. Restrictions, walking tours and required labor are liberty interests protected by due process. Due process requires that the government do what is “fundamentally fair” under the circumstances.ⁱ

- On December 12, 2025, the United States General Accountability Office (GAO) published a Congressionally required 110-page report (GAO Report) comparing the conduct and honor systems at the five service academies.
- That GAO Reportⁱⁱ states “hearings are **not** typically required to adjudicate offenses (emphasis added)”ⁱⁱⁱ at USAFA.
- Multiple disenrolled cadets report they had no fair hearing before their disenrollment from USAFA, and they believe they likely would not have been disenrolled if they had had a fair hearing.
- Second Circuit Court of Appeals decisions identified by the Government Accountability Office (GAO) require a fair hearing before disenrollment from a service academy, and state a fair hearing consists of reasonable prior notice of allegations, evidence and punishments; a fair opportunity to rebut the allegations and evidence with a personal appearance, calling witnesses, the assistance of legal counsel, reasonable time to prepare for a hearing, impartial decision makers, etc. The hearing provided before disenrollment should be about whether (1) facts alleged to justify enrollment are accurate and (2) the facts that are accurate justify/warrant disenrollment versus a lesser punishment. See GAO Report (Dec. 2025), at 9-10, citing Wasson v. Trowbridge, 382 F.2d 807 (2d Cir. 1967)(due process requires that individuals facing expulsion from a military or quasi-military institution be given a fair hearing where they are informed of the charges and allowed to present a defense; cadet’s allegations regarding impartiality of the panel, denial of witnesses, and lack of full disclosure of evidence merited further examination); Hagopian v. Knowlton, 470 F.2d 201 (2nd Cir. 1972)(when an accumulation of awarded demerits renders the cadet subject to separation, he must be granted a fair hearing before being separated, including the right to personally appear and to present witnesses and other evidence in his behalf); Phillips v. Marsh, 687 F.2d 620 (2d Cir. 1982); Andrews v. Knowlton, 509 F.2d 898 (2d Cir. 1975) (due process requirements “not a rigid formula,” depends on balancing multiple factors, including military operational needs).

2. DISCONTINUE OR MINIMIZE GIVING ARTICLE 15s TO CADETS

- Article 15 legally can be applied to cadets because cadets are subject to UCMJ (United States v. Ellman, 9 U.S.C.M.A. 549, 26 C.M.R. 329, 332, 333 (1958)).
- STOP or MINIMIZE giving cadets an Art 15 because, e.g., (a) unnecessary –

not used at AFA until 2003; (b) punishments sometimes exceed limits of Art 15; (c) cadets may be unaware of consequences of getting an Art 15: e.g., cadets not informed Art 15 they accept can be used to disenroll them from AFA, resulting in having to repay as much as \$150,000+ or serve as much as three years in enlisted status, and can follow cadets after AFA graduation as unfavorable information, thereby misleading cadets about total quantity/nature/significance of punishments; (d) insufficient means/time for cadets to rebut allegations.

3. LIMIT QUANTITY AND NATURE OF CADET PUNISHMENTS TO WHAT IS RATIONAL, REASONABLE, PROPORTIONATE AND NEEDED FOR LEARNING, REHABILITATION AND DETERRENCE

- Punishments should be reasonable; rational; proportionate to the offense; not excessive or abusive; for rehabilitation and deterrence, not retribution
- Quantity of administrative punishments must not exceed limits in Article 15, UCMJ, promulgated by Congress
- Probation is a STATUS, not a punishment per se; placing a cadet on probation and giving punishments should be separate decisions, instead of automatically giving punishments based on the length of the probation, and thereby allow commanders discretion (e.g., maybe a cadet should get six months probation but only two months of restrictions)
- There is no rational and reasonable justification for humiliating and wasting the time of cadets by making them walk “tours,” i.e., walk back and forth for 50 minutes per “tour” in public view, for hours each week, instead of receiving more constructive punishments.
 - Restrictions, confinements, counseling, warnings and tours should be for the purposes of achieving deterrence and rehabilitation, if rehabilitation is possible, not retribution.
 - The initial reason the Air Force Academy adopted “tours” for cadet punishments is because West Point graduate officers who started the curriculum at the AFA imported from West Point “tours” as a punishment; consider whether “tours,” which are not imposed anywhere else in the Air/Space Force or ROTC for any purpose, continue as punishment for AFA cadets solely due to habit or because it serves a beneficial purpose not replaceable with something better, like administratively imposed constructive “extra duty” having an educational/socially/spiritually redeeming value.
 - Cadets should not be restricted for months to protect them from doing something else stupid that will require disenrollment. Rather, the amount and type of punishments should be limited to what is needed to teach how and why the misconduct was wrong and should not be repeated. Once sufficient punishment has been imposed to accomplish

that, cadets should be free of punishment as are other cadets so they can be tested to see if they can conduct themselves responsibly so as to justify graduation and commissioning. If, on the other hand, cadets are restricted/confined excessively to prevent them from having an opportunity to engage in misconduct – “screw up” – again, AFA leadership will not know before the time for graduation/commissioning if the cadet has learned lessons sufficient to cause the cadet to act responsibly as an officer.

4. ADVANCE NOTICE OF REQUIREMENTS AND PUNISHMENTS, ALLEGED MISCONDUCT, EVIDENCE AND CONSEQUENCES, INCLUDING POSSIBILITY OF NOT GRADUATING

- Give cadets prior notice of and training about conduct expected and possible punishments for misconduct, so they have opportunity to avoid inadvertent misconduct.
- Give cadets at least 30 days advance notice they may not graduate, before normal graduation date, to minimize inconvenience to cadet families/friends planning to attend graduation.

5. TIMING

- Punish misconduct within a reasonable time after the misconduct; delaying for months between the misconduct and the punishment for the misconduct is not reasonable.
- Give cadets a reasonable time to prepare to rebut allegations and evidence before a hearing about disenrollment; current three days allowed is not reasonable.

6. TRAINING CADETS

- Teach cadets nature and purpose of conduct expected and penalties for noncompliance (as done regarding cadet honor system).
- Test cadets’ knowledge of proscriptions of conduct and honor systems, as with other military knowledge.

7. TRAINING OFFICER LEADERSHIP

- Train and expect officers to lead cadets to avoid misconduct
- Train officers to know, understand and apply properly the conduct and honor systems; GAO Report states 64% of 3075 USAFA cadets polled by GAO identified “different understanding of rules and regulations among decision-

makers” as a “cause of unfair conduct offense findings.”

8. ATTITUDE/CULTURE CHANGES

- Purpose of punishments is rehabilitation and deterrence, not retribution
 - Consider cadets as valuable resources whose disenrollment should be rare and only when “clearly warranted” (not just by “preponderance of the evidence”)
- Officer leadership is responsible knowing, understanding and applying conduct/honor/disenrollment systems properly
- Officer leadership is responsible for training cadets to comply with conduct standards
- Officers rated as responsible for failures of leadership for excessive misconduct by cadets under their command
- Officer leaders are not infallible and therefore should not have unfettered discretion to impose unlimited, excessive punishments
- **RESULTS. Inconsistencies, lack of a fair hearing, *ex post facto* changes and other irregularities violating fair due process cause (1) careers and lives to be destroyed; (2) morale and respect to plummet; (3) cadets not to learn by example proper ways to administer discipline as officers; and (4) the Air and Space Forces, and our country, to lose good people unnecessarily and at great cost.**

9. ACCOUNTABILITY OF USAFA LEADERSHIP

- Judge USAFA commanders in part on rate and nature of cadet disciplinary problems; hold them responsible for failures of leadership evidenced by excessive deviations from misconduct norms under their command

10. REAPPOINTMENT OPPORTUNITIES AFTER DISENROLLMENT

- Allow selected disenrolled cadets to reapply to the AFA and be readmitted if they comply with criteria showing they have been rehabilitated and likely would be good officers; there may be no need to ruin a cadet’s life with permanent USAFA expulsion for a mistake in conduct, if warranted by the cadet’s overall record

11. STATUS CHECKS

- Officers should do periodic “status checks” to determine if lengthy punishments should be curtailed because of progress

12. IMPROVE CADET DISCIPLINE DATA COLLECTION

- AFA data collection/tracking very deficient according to GAO, which reported:
 - A. “At the Air Force Academy, conduct case data were not centrally collected and available for analysis.”^{iv} USAFA does not collect data on reports of conduct offenses,^v appeals,^{vi} the use of administrative sanctions or disenrollments resulting from a conduct offense.^{vii} **USAFA was the only one of the five academies that could not provide the GAO data about its conduct violation cases, including hearings and findings.**^{viii} (Emphasis added.)
 - B. “Air Force Academy officials told us that their use of a spreadsheet to track honor-related cases limits their ability to maintain visibility over required tasks related to processing an honor case and showing what stage it is in.”^{ix}
 - C. The availability of due process protections available to cadets needs to be better articulated to cadets;^x a better set of data collection for all stages of the honor and conduct systems needs to be maintained;^{xi} and the timely access to honor and conduct data needs to be implemented.^{xii}
- AFA should track, record and monitor the process and progress of all cadet discipline/honor/conduct cases at every stage.

13. COERCION. On 20 Jun 2025 cadets were given a written Letter of Notification that they were being recommended for disenrollment from USAFA. Subsequently, on 3 Jul 2025 those cadets were informed by the Superintendent they would not be disenrolled if they accepted five more months of probation and punishments. **The cadets had no effective option but to accept the additional probation and punishments.** The impact of this “Hobson’s choice” was expressed in writing by a cadet to USAFA as follows:

“In my eyes the environment and way we have been treated has been extremely, extremely coercive. I was given an offer and a probationary placement where the flipside to this would most certainly be disenrollment regardless of strides made during my time at the Academy. This has not felt like a fair or just arrangement in my eyes. The situation has felt like more of a pick your poison.”

A second cadet expressed his view of the unfairness of the cadets’ treatment as follows:

“I am accepting this [ten month] probation under duress, and only because I believe it is the sole remaining path to preserve my future in

the United States Air Force. The environment surrounding this decision has been, in my view, deeply coercive. I have been placed in a situation where refusal would almost certainly result in disenrollment, regardless of my performance, character, or contributions throughout my time at the Academy. I do not accept this arrangement as fair or just-only as the lesser of two unacceptable options.

At no point has this felt like a true choice. The message has been clear: comply or be removed. I believe that is fundamentally inconsistent with the ideals of leadership, trust, and development that the Academy is supposed to embody.”

14. GOALS OF CADET CONDUCT/HONOR/DISENROLLMENT SYSTEMS:

- **Strict Legal Compliance:** The Academy must bring its cadet disciplinary systems into full and rigorous compliance with the law, ensuring unequivocally that due process is provided.
- **Inherent and Perceived Fairness:** The disciplinary system must be implemented so that it is not only objectively fair but is perceived and respected by both the cadets and the American public as fundamentally fair.

Lt. Gen. John M. Schofield on Discipline in his address to West Point Corps of Cadets in 1879:

“The discipline which makes the soldiers of a free country reliable in battle is not to be gained by harsh or tyrannical treatment. On the contrary, such treatment is far more likely to destroy than to make an army. It is possible to impart instruction and give commands in such a manner and such a tone of voice as to inspire in the soldier no feeling but an intense desire to obey, while the opposite manner and tone of voice cannot fail to excite strong resentment and a desire to disobey. The one mode or the other in dealing with subordinates springs from a corresponding spirit in the breast of the commander. He who feels the respect which is due to others cannot fail to inspire in them respect for himself; while he who feels, and hence manifests, disrespect toward others, especially his subordinates, cannot fail to inspire hatred against himself.”

- **Modeling Exceptional Leadership:** The Academy must teach cadets by setting the highest standards of example. The system must demonstrate firsthand exactly how cadets are expected to administer discipline effectively, fairly, and legally when they become commissioned military officers.

- Teach Cadets to Modify Behavior Rather Than Disenroll Them Without Compelling Cause: Give cadets an opportunity to learn and rehabilitate from mistakes to improve character and officership. Every year the AFA admits over a thousand new cadets who are among the “cream of the crop” but also involuntarily disenrolls many cadets. Cadets should be considered valuable resources in whom the AFA has invested and who should be given the opportunity to learn and rehabilitate from mistakes, rather than disenrolling the cadets, when reasonable to do so.

15. DESIRED ATTITUDES TOWARD LEGAL REQUIREMENTS

Legal requirements regarding cadet discipline (conduct/honor/disenrollment) at the AFA:

- A. Are not optional and must be obeyed, as part of the legal and moral duty to support and defend the Constitution;
- B. Have been violated at the academies on an ongoing basis, even when inadvertent and in good faith;
- C. Are “friends” that protect rights and prevent abuse/injustice/unfairness/excess, not just “legalisms” and “technicalities” that get guilty people “off the hook;”
- D. Should be viewed as beneficial, to ensure justice, prevent abuse and avoid litigation/appeals/adverse publicity, etc.;
- E. Would be complied with correctly if greater advance understanding and training were provided to officers and cadets;
- F. Should be and be perceived as “fundamentally fair,” to ensure legal compliance and cadet/officer/public respect;
- G. Change and evolve as legal principles/rules/interpretations/decisions change, but maintain certain foundational baseline principles, e.g., the requirement for due process;
- H. Are not always clear;
- I. Should teach and model how cadets must/should administer discipline/justice as officers and commanders;
- J. Are not the same as, and can and should differ in certain respects from, military administrative discipline systems in the “real” military outside of the service academy context, but within limits;
- K. Are technical and not always intuitive, and therefore must be taught, learned and tested to ensure understanding and compliance, resulting in less misconduct;
- L. Must be monitored constantly to ensure compliance and to avoid abuse; and
- M. Should not be assumed to be being implemented or understood correctly merely because of the longevity or approvals of the existing systems.



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ⁱ See, e.g., *Gagnon v. Scarpelli*, 411 U.S. 778, 790 (1973) (“fundamental fairness – the touchstone of due process”); *Walters v. National Ass’n of Radiation Survivors*, 473 U.S. 305, 312, 321 (1985) (due process violated when process “fundamentally unfair;” “fundamental fairness” required).

ⁱⁱThe GAO Report examines the extent to which each academy’s “honor and conduct systems . . . [1] provide common procedural due process protections [and the academies] [2] collect honor and conduct data;” and describes “[3] the perceptions and attitudes of students toward their respective academy’s honor and conduct systems.”ⁱⁱⁱ Importantly, this GAO Report fails to address the adequacy, fairness, and legality of the due process procedures the U.S. Air Force Academy (USAFA) says its conduct and honor systems provide. Letter dated December 16, 2025, from U.S. Government Accountability Office to Congressional Committees, at 1.

ⁱⁱⁱ GO Report, at 25, 32.

^{iv} GAO Report, at 62.

^v GAO Report, at 38.

^{vi} GAO Report, at 37.

^{vii} GAO Report, at 39.

^{viii} GAO Report, at 74 (Table 24) – 79 (Table 30).

^{ix} GAO Report, at 41.

^x GAO Report, at 54-55.

^{xi} GAO Report, at 55.

^{xii} GAO Report, at 56.