Chapter 10

IMPROPER SUPERIOR-SUBORDINATE RELATIONSHIPS & FRATERNIZATION

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Chapter 10

IMPROPER SUPERIOR-SUBORDINATE RELATIONSHIPS & FRATERNIZATION

Outline of Instruction

I. REFERENCES.

A. Army References.

1. Dep't of Army, Reg. 600-20, Personnel--General: Army Command Policy (13 May 2002)[hereinafter AR 600-20], implementing Message, 020804Z Mar 99, Headquarters, Dep't of Army, DAPE-HR-L, subject: Revised Policy on Relationships Between Soldiers of Different Ranks (2 Mar. 1999)[hereinafter DA Message].

2. Manual for Courts-Martial, United States [hereinafter MCM].

3. Former Dep't of Army, Pam. 600-35, Personnel--General: Relationships Between Soldiers of Different Rank (7 Dec 1993).

4. Dep't of Army, Pam. 600-35, Personnel--General: Relationships Between Soldiers of Different Rank (21 Feb 2001) (available from www.odcsper.army.mil).

B. Navy, Marine Corps, and Air Force References.

1. U.S. Navy Regulations, 1990, Article 1165 - Fraternization Prohibited (as amended 25 Jan 1993).

2. OPNAVINST 5370.2B, Navy Fraternization Policy (27 May 1999).

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3. Marine Corps Manual 1100.4 (as amended by HQMC, ALMAR 185/96, 130800Z May 96, subject: Marine Corps Manual (MCM) Change 3).

4. Department of Air Force Instruction 36-2909, Personnel: Professional and Unprofessional Relationships (1 May 1999).

II. INTRODUCTION.

A. Three Separate Concepts.

1. Improper Superior – Subordinate Relationships.

2. Fraternization.

3. Sexual Harassment.

B. A Spectrum of Misconduct.

III. IMPROPER SUPERIOR - SUBORDINATE RELATIONSHIPS.

A. History:

1. Task Force found disparate treatment between Services.

2. New policy announced by Secretary Cohen on 29 Jul 98 (Appendix 1).

3. Not effective immediately; gave Services 30 days to provide draft new policies to DoD. Essence of guidance now included within AR 600-20, paras 4-14 through 4-16.

4. Does NOT cover all senior / subordinate relationships.

5. Directs Service Secretaries to prohibit by policy:

a) Personal relationships, such as dating, sharing living accommodations, engaging in intimate or sexual relations, business enterprises, commercial solicitations, gambling and borrowing between officer and enlisted regardless of their Service; and

b) Personal relationships between recruiter and recruit, as well as between permanent party personnel and trainees.

B. **<u>The Old Army Policy</u>**. Previous AR 600-20 (30 Mar 88), para 4-14. Two Part Analysis:

1. Part One: "Army policy does not hold dating or most other relationships between soldiers [of different ranks] as improper, barring the adverse effects listed in AR 600-20." Old DA Pam 600-35, Para. 1-5(e). Therefore, Army policy did <u>not</u> prohibit dating (even between officers and enlisted soldiers), *per se*.

2. Part Two:

a) "Relationships between soldiers of different rank that involve, or give the appearance of, partiality, preferential treatment, or the improper use of rank or position for personal gain, are prejudicial to good order, discipline, and high unit morale. It is Army policy that such relationships will be avoided." Old AR 600-20, paragraph 4-14.

b) "Commanders and supervisors will counsel those involved or take other action, as appropriate, if relationships between soldiers of different rank --

(1) Cause actual or perceived partiality or unfairness.

(2) Involve the improper use of rank or position for personal gain.

(3) Create an actual or clearly predictable adverse impact on discipline, authority or morale." Old AR 600-20, para 4-14a.

C. Applicability of the Current Army Policy.

1. "Officer" includes commissioned and warrant officers.

2. Applies to relationships between soldiers, and between soldiers and members of other services.

3. Is gender-neutral.

4. Old AR 600-20 was not a punitive regulation. The new provisions of AR 600-20 are punitive. (Para 4-16: Paragraphs 4-14b. 4-14c and 4-15 are punitive. Violations could be punished as violations of Article 92, UCMJ).

5. All soldiers bear responsibility for maintaining appropriate relationships between military members. The senior military member is usually in the best position to terminate or limit relationships that may be in violation of this paragraph, but all soldiers involved may be held accountable for relationships in violation of this paragraph.

D. **The Current Army Policy**. Changes to AR 600-20, paras 4-14, 4-15 and 4-16.

1. Now a **THREE** Part Analysis:

a) Part 1: Is this a "strictly prohibited" category?

b) Part 2: If not, are there any adverse effects?

c) Part 3: If not "strictly prohibited" and there are no adverse effects, then the relationship is not prohibited.

2. Certain types of personal relationships between **officers and enlisted** personnel are prohibited. (PARA 4-14c.) Prohibited relationships include:

a) Ongoing business relationships (including borrowing or lending money, commercial solicitations and any other on-going financial or business relationships), **except**:

(1) Landlord / tenant; and

(2) One time transactions (such as car or home sales).

(3) All ongoing business relationships existing on the effective date of this prohibition, that were otherwise in compliance with the former policy, will not be prohibited until 1 Mar 00 ("grace period").

(4) This prohibition does not apply to USAR / ARNG soldiers when the ongoing business relationship is due to the soldiers' civilian occupation or employment.

b) Personal relationships, such as dating, shared living accommodations (other than as directed by operational requirements), and intimate or sexual relationships.

(1) This prohibition does not affect marriages.

(2) Otherwise prohibited relationships (dating, shared living accommodations [other than directed by operational requirements] and intimate or sexual relationships), outside of marriage that predate the effective date of this policy until 1 Mar 2000.

(3) Relationships otherwise in compliance with this policy **will not** become prohibited under this policy solely because of the change in status of one party to the relationship (such as commissioning). While not expressed in the policy, this provision is NOT intended to allow continued officer / enlisted dating after the close of the grandfather period.

(4) RC/RC exclusion when the personal relationship is primarily due to civilian acquaintanceship, unless on AD or Full Time National Guard Duty (FTNGD) other than AT.

(5) AD/RC exclusion when the personal relationship is primarily due to civilian association, unless on AD or FTNGD other than AT.

c) Gambling. NO EXCEPTIONS.

3. Other Prohibited Relationships Regardless of Rank. (Para 4-15):

a) **Trainee / Soldier**. Any relationship between IET trainees and permanent party soldiers (not defined) not required by the training mission will be prohibited. This prohibition would apply regardless of the unit of assignment of either the permanent party soldier or the trainee.

b) **Recruit / Recruiter**. Any relationship between a permanent party soldier assigned or attached to USAREC, and potential prospects, applicants, members of the Delayed Entry Program or members of the Delayed Training Program, not required by the recruiting mission, will be prohibited. The prohibition would apply regardless of the unit of assignment or attachment of the parties involved.

4. The following relationships between servicemembers of **different ranks** are prohibited. (PARA 4-14b.):

(1) Relationships that compromise or appear to compromise the integrity of supervisory authority or the chain of command;

(2) Relationships that cause actual or perceived partiality or unfairness;

(3) Relationships that involve or appear to involve the improper use or rank or position for personal gain;

(4) Relationships that are, or are perceived to be, exploitative or coercive in nature; and

(5) Relationships that cause an actual or clearly predictable adverse impact on discipline, authority, morale, or the ability of the command to accomplish its mission.

NOTE: Subparagraphs (1) and (4) are new additions to the three adverse effects looked for under the old policy's analysis.

5. These prohibitions are not intended to preclude normal team-building associations between soldiers, which occur in the context of activities such as community organizations, religious activities, family gatherings, unit social functions or athletic teams or events.

E. Commander's Analysis: How does the commander determine what's improper?

1. JAs must cultivate the idea that commanders should consult with OSJA.

2. Use common sense. “The leader must be counted on to use good judgment, experience, and discretion. . . ."

3. Keep an open mind. Don’t prejudge every male/female relationship. Relationships between males of different rank or between females of different rank can be as inappropriate as male/female relations. "[J]udge the results of the relationships and not the relationships themselves." DA Pam 600-35.

4. Additional scrutiny should be given to relationships involving (1) direct command/supervisory authority, or (2) power to influence personnel or disciplinary actions. "[A]uthority or influence . . . is central to any discussion of the propriety of a particular relationship." DA Pam 600-35. These relationships are most likely to generate adverse effects.

5. Be wary that **appearances of impropriety** can be as damaging to morale and discipline as actual wrongdoing.

F. Command Response.

1. The commander has a wide range of responses available to him and should use the one that will achieve a result that is "warranted, appropriate, and fair." Counseling the soldiers concerned is usually the most appropriate initial action, particularly when only the potential for an appearance of actual preference or partiality, or an appearance without any adverse impact on morale, discipline or authority exists.

2. Adverse Administrative Actions: Order to terminate, relief, re-assign, bar to re-enlistment, reprimand, adverse OER/NCOER, administrative separation.

3. Criminal Sanctions: Fraternization, disobey lawful order, conduct unbecoming, adultery.

G. Commander's Role.

1. Commanders should seek to prevent inappropriate or unprofessional relationships through proper training and leadership by example. AR 600-20, para. 4-14(f).

2. Don't be gun-shy. Mentoring, coaching, and teaching of soldiers by their seniors should not be inhibited by gender prejudices. Old AR 600-20, para. 4-14 (e)(1).

3. Training. DA Pam 600-35.

IV. FRATERNIZATION AND RELATED OFFENSES.

A. General.

1. Fraternization is easier to describe than define.

2. There is no stereotypical case. Examples include sexual relations, drinking, and gambling buddies.

B. Fraternization. UCMJ art. 134.

1. The President has expressly forbidden officers from fraternizing on terms of military equality with enlisted personnel. MCM, pt. IV, ¶ 83b.

2. Elements: the accused

a) Was a commissioned or warrant officer;

b) Fraternized on terms of military equality with one or more certain enlisted member(s) in a certain manner;

c) Knew the person(s) to be (an) enlisted member(s); and

d) Such fraternization violated the custom of the accused's service that officers shall not fraternize with enlisted members on terms of military equality; and

e) Under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces.

3. "Hard to define it, but I know it when I see it."

4. Article 134 has also been successfully used to prosecute instances of officer-officer fraternization, *United States v. Callaway*, 21 M.J. 770 (A.C.M.R. 1986), and even enlisted-enlisted relationships. *United States v. Clarke*, 25 M.J. 631 (A.C.M.R. 1987), *aff'd*, 27 M.J. 361 (C.M.A. 1989).

5. Maximum punishment: dismissal/dishonorable discharge, total forfeitures and two years confinement. MCM, pt. IV, ¶ 83e.

6. Custom.

   a) The gist of this offense is a violation of the custom of the armed forces against fraternization; it does not prohibit all contact or association between officers and enlisted persons.

   b) Customs vary from service to service, and may change over time.

   c) Custom of the service must be proven through the testimony of a knowledgeable witness. *United States v. Wales*, 31 M.J. 301 (C.M.A. 1990).

7. Factors to Consider in Deciding How to Dispose of an Offense.

   a) Nature of the military relationship;

   b) Nature of the association;

   c) Number of witnesses;

   d) Likely effect on witnesses.

C. Failure to Obey Lawful General Order or Regulation. UCMJ art. 92.

1. Elements. MCM, pt. IV, ¶ 16b(1).

   a) There was in effect a certain lawful general order or regulation;

   b) The accused had a duty to obey it; and

c) The accused violated or failed to obey the order or regulation.

2. Maximum punishment: dismissal/dishonorable discharge, total forfeitures and two years confinement. MCM, pt. IV, ¶ 16e(1).

3. Applications.

a) Applicable to officers and enlisted.

b) Most effective when used to charge violations of local punitive general regulations (for example, regulations prohibiting improper relationships between trainees and drill sergeants).

4. **Remember:** AR 600-20 re: improper relationships is NOW a punitive regulation.

D. Conduct Unbecoming an Officer. UCMJ art. 133.

1. Elements.

a) Accused did or omitted to do certain acts; and

b) That, under the circumstances, the acts or omissions constituted conduct unbecoming an officer and gentleman.

2. Only commissioned officers and commissioned warrant officers may be charged under article 133. Maximum punishment: dismissal, total forfeitures and confinement for a period not in excess of that authorized for the most analogous offense for which punishment is prescribed in the Manual, e.g., two years for fraternization.

E. Sexual Harassment.

1. Charged under Article 93 as Cruelty and Maltreatment.

2. Other offenses may be possible given the facts and circumstances of the case such as extortion, bribery, adultery, indecent acts or assault, communicating a threat, conduct unbecoming, conduct prejudicial to good order/discipline.

V. SELECT CASE LAW.

A. *United States v. Sanchez*, 50 M.J. 506 (A.F.Ct.Crim.App. 1998). Accused cannot be convicted of both conduct unbecoming (Art. 133) and fraternization (Art. 134) when the misconduct alleged in the specifications is identical; fraternization gets dismissed. Those fraternization allegations not alleged in conduct unbecoming specifications remain. Court cites *United States v. Harwood*, 46 M.J. 26, 28 (1997) in support.

B. *United States v. Hawes*, 51 M.J. 258 (CAAF, 1999). CAAF affirmed Air Force Court's decision to set aside fraternization conviction and to reassess the appellant's sentence without ordering a rehearing. CAAF agreed that the fraternization offense was "relatively trivial" when compared to other misconduct.

C. *United States v. Mann*, 50 M.J. 689 (A.F.Ct.Crim.App. 1999). Sexual relationship is not a prerequisite for fraternization. Evidence was legally and factually sufficient to support conviction for fraternization. No interference with accused's access to witnesses where order prohibiting accused from contact with his fraternization partner did not prohibit accused's counsel from such contact. A.F. court finds no unlawful command influence or unlawfulness with the order.

D. *United States v. Rogers*, 54 M.J. 244 (CAAF 2000). Evidence legally sufficient to sustain Art. 133 conviction for the offense of conduct unbecoming an officer by engaging in an unprofessional relationship with a subordinate officer in appellant's chain of command. AF Court holds there is no need to prove breach of custom or violation of punitive regulation.

VI. CONCLUSION

VII. APPENDCIES

APPENDIX 1

THE SECRETARY OF DEFENSE
WASHINGTON, DC 20301-1000

29 JUL 1998

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR OF ADMINISTRATION AND MANAGEMENT
DIRECTORS OF THE DEFENSE AGENCIES

SUBJECT: Good Order and Discipline

Last July, I directed the Under Secretary of Defense for Personnel and Readiness to lead a Task Force of senior representatives from the Services, the Office of the Secretary of Defense, the Office of the Joint Chiefs of Staff and the DoD Inspector General to determine whether current policies and practices for maintaining good order and discipline in the all volunteer force are fair and effective. This Task Force obtained the views of field commanders, senior enlisted personnel, members of the reserve components, Service chaplains, the Chair of the Defense Advisory Committee on Women in the Services and other interested parties on the content, enforcement, general understanding and perception of our policies.

The information gathered by the Task Force indicated that breaches of good order and discipline in our Services are not widespread. The information further revealed, however, that the Services defined, regulated and responded to relationships between service members differently. Such differences in treatment are antithetical to good order and discipline, and are corrosive to morale, particularly so as we move towards an increasingly joint environment.

In order to support our national objectives, the military Services task organize, deploy and fight predominantly as a unified force. In today's military environment, we owe it to our forces to eliminate as many differences in disciplinary standards as possible and to adopt uniform, clear and readily understandable policies.

Accordingly, the Service Secretaries will, by policy, prohibit personal relationships such as dating, sharing living accommodations, engaging in intimate or sexual relations, business enterprises, commercial solicitations, gambling and

borrowing between officer and enlisted regardless of their Service. This change will not affect existing marriages.

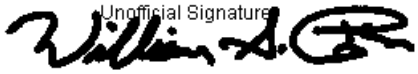
A more uniform policy is also needed in military recruiting and initial entry training environments. Interaction with recruiters and trainers offers the first examples of professional conduct expected of a military member and creates lasting impressions in new recruits. Similarly, military training and education are the means by which the values of military service are transferred. Because these relationships are so important, the Services shall prohibit personal relationships between recruiter and recruit, as well as between instructors and permanent party personnel with initial entry trainees.

In setting forth rules prohibiting unprofessional relationships, I want to make clear that professional interaction between officers and enlisted members is encouraged.

The best way to curtail inappropriate or unprofessional relationships is, of course, to prevent them through proper training and leadership by example. Should inappropriate relationships occur, commanders must carefully consider all facts and circumstances in reaching a disposition that is warranted, appropriate and fair. The failure to adhere to standards supportive of good order and discipline can often be satisfactorily addressed and corrected by appropriate administrative measures.

For any policy to be effective, it must be clear and understandable. I am directing each Service to prepare training materials explaining the Service's policies and regulations pertaining to good order and discipline, specifically addressing how the policies are applied and written in language that is understandable to all.

Each Service will provide me its draft implementing plans within 30 days and training materials within 60 days.



William S. Cohen

APPENDIX 2

Subject: R U 020804Z REVISED POLICY ON RELATIONSHIPS BETWEEN SOLDIERS OF
>
> RTTUZYUW RUEADWD3952 0612228-UUUU--RUERCOL.
> ZNR UUUUU ZYW ZOC ZEO T ALL US ARMY REPS ANS ACTIVITIES
> R 020804Z MAR 99
> FM DA WASHINGTON DC//DAPE-HR-L//
> TO ALARACT
> INFO RUEADWD/DA WASHINGTON DC//DAPE-HR-L//
> BT
> UNCLAS ALARACT 014/99
> SECTION 01 OF 02
> SUBJECT: REVISED POLICY ON RELATIONSHIPS BETWEEN SOLDIERS OF DIFFERENT RANKS
> 1. REFERENCE AR 600-20, PARAGRAPHS 4-14, 4-15, AND 4-16.
> 2. ARMY POLICY REGARDING RELATIONSHIPS BETWEEN SOLDIERS OF DIFFERENT RANKS HAS BEEN REVISED. THIS MESSAGE CONSTITUTES A PERMANENT CHANGE TO AR 600-20, TO TAKE EFFECT IMMEDIATELY. THIS TEXT WILL BE INCORPORATED INTO THE NEXT PRINTED REVISION OF THIS REGULATION.
> 3. AR 600-20, PARAGRAPH 4-14. RELATIONSHIPS BETWEEN MILITARY MEMBERS OF DIFFERENT RANK.
> A. THE TERM "OFFICER," AS USED IN THIS PARAGRAPH, INCLUDES BOTH COMMISSIONED AND WARRANT OFFICERS UNLESS OTHERWISE STATED. THE PROVISIONS OF THIS PARAGRAPH APPLY TO BOTH RELATIONSHIPS BETWEEN ARMY PERSONNEL AND BETWEEN ARMY PERSONNEL AND PERSONNEL OF OTHER MILITARY SERVICES. THIS POLICY IS EFFECTIVE IMMEDIATELY, EXCEPT WHERE NOTED

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> BELOW, AND APPLIES TO DIFFERENT-GENDER RELATIONSHIPS AND SAME-GENDER RELATIONSHIPS.
> B. RELATIONSHIPS BETWEEN SOLDIERS OF DIFFERENT RANK ARE PROHIBITED IF THEY:
> (1) COMPROMISE, OR APPEAR TO COMPROMISE, THE
> INTEGRITY OF SUPERVISORY AUTHORITY OR THE CHAIN OF COMMAND.
> (2) CAUSE ACTUAL OR PERCEIVED PARTIALITY OR UNFAIRNESS.
> (3) INVOLVE, OR APPEAR TO INVOLVE, THE IMPROPER USE OF RANK OR POSITION FOR PERSONAL GAIN.
> (4) ARE, OR ARE PERCEIVED TO BE, EXPLOITATIVE OR COERCIVE IN NATURE.
> (5) CREATE AN ACTUAL OR CLEARLY PREDICTABLE ADVERSE IMPACT ON DISCIPLINE, AUTHORITY, MORALE, OR THE ABILITY OF THE COMMAND TO ACCOMPLISH ITS MISSION.
> C. CERTAIN TYPES OF PERSONAL RELATIONSHIPS BETWEEN OFFICERS AND ENLISTED PERSONNEL ARE PROHIBITED. PROHIBITED RELATIONSHIPS INCLUDE:
> (1) ON-GOING BUSINESS RELATIONSHIPS BETWEEN OFFICERS AND ENLISTED PERSONNEL. THIS PROHIBITION DOES NOT APPLY TO LANDLORD/TENANT RELATIONSHIPS OR TO ONE-TIME TRANSACTIONS SUCH AS THE

> PAGE 03 RUEADWD3952 UNCLAS
> SALE OF AN AUTOMOBILE OR HOUSE, BUT DOES APPLY TO BORROWING OR LENDING MONEY, COMMERCIAL SOLICITATION, AND ANY OTHER TYPE OF ON-GOING FINANCIAL OR BUSINESS RELATIONSHIP. BUSINESS RELATIONSHIPS WHICH EXIST AT THE TIME THIS POLICY BECOMES EFFECTIVE, AND THAT WERE
> AUTHORIZED UNDER PREVIOUSLY EXISTING RULES AND REGULATIONS, ARE EXEMPT UNTIL MARCH 1, 2000. IN THE CASE OF ARMY NATIONAL GUARD OR UNITED STATES ARMY RESERVE PERSONNEL, THIS PROHIBITION DOES NOT APPLY TO RELATIONSHIPS THAT EXIST DUE TO THEIR CIVILIAN OCCUPATION OR EMPLOYMENT.
> (2) DATING, SHARED LIVING ACCOMMODATIONS OTHER THAN THOSE DIRECTED BY OPERATIONAL REQUIREMENTS, AND INTIMATE OR SEXUAL RELATIONSHIPS BETWEEN OFFICERS AND ENLISTED PERSONNEL. THIS PROHIBITION DOES NOT APPLY TO:
> (A) MARRIAGES THAT PREDATE THE EFFECTIVE DATE OF THIS POLICY OR ARE ENTERED INTO PRIOR TO MARCH 1, 2000.
> (B) UNTIL MARCH 1, 2000, RELATIONSHIPS (DATING, SHARED
> LIVING ACCOMMODATIONS, AND INTIMATE OR SEXUAL RELATIONSHIPS) OUTSIDE
> OF MARRIAGE THAT PREDATE THE EFFECTIVE DATE OF THIS POLICY.
> (C) SITUATIONS IN WHICH A RELATIONSHIP WHICH COMPLIES WITH
> THIS POLICY WOULD MOVE INTO NON-COMPLIANCE DUE TO A CHANGE IN STATUS

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> OF ONE OF THE MEMBERS (FOR INSTANCE, A CASE WHERE TWO ENLISTED MEMBERS ARE MARRIED AND ONE IS SUBSEQUENTLY COMMISSIONED OR SELECTED AS A WARRANT OFFICER).
> (D) PERSONAL RELATIONSHIPS OUTSIDE OF MARRIAGE BETWEEN MEMBERS OF THE NATIONAL GUARD OR ARMY RESERVE, WHEN THE RELATIONSHIP PRIMARILY EXISTS DUE TO CIVILIAN ACQUAINTANCESHIPS, UNLESS THE INDIVIDUALS ARE ON ACTIVE DUTY (OTHER THAN ANNUAL TRAINING) OR FULL-TIME NATIONAL GUARD DUTY (OTHER THAN ANNUAL TRAINING).
> (E) PERSONAL RELATIONSHIPS OUTSIDE OF MARRIAGE BETWEEN MEMBERS OF THE REGULAR ARMY AND MEMBERS OF THE NATIONAL GUARD OR ARMY RESERVE WHEN THE RELATIONSHIPS PRIMARILY EXISTS DUE TO CIVILIAN ASSOCIATION AND THE RESERVE COMPONENT MEMBER IS NOT ON ACTIVE DUTY (OTHER THAN ANNUAL TRAINING) OR FULL-TIME NATIONAL GUARD DUTY (OTHER THAN ANNUAL TRAINING).
> (F) SOLDIERS AND LEADERS SHARE RESPONSIBILITY,> HOWEVER, FOR ENSURING THAT THESE RELATIONSHIPS DO NOT INTERFERE WITH GOOD ORDER AND DISCIPLINE. COMMANDERS WILL ENSURE THAT PERSONAL RELATIONSHIPS WHICH EXIST BETWEEN SOLDIERS OF DIFFERENT RANKS EMANATING FROM THEIR CIVILIAN CAREERS WILL NOT INFLUENCE TRAINING,
> READINESS, OR PERSONNEL ACTIONS.
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> (3) GAMBLING BETWEEN OFFICERS AND ENLISTED PERSONNEL.
> D. THESE PROHIBITIONS ARE NOT INTENDED TO PRECLUDE NORMAL TEAM BUILDING ASSOCIATIONS WHICH OCCUR IN THE CONTEXT OF ACTIVITIES SUCH AS COMMUNITY ORGANIZATIONS, RELIGIOUS ACTIVITIES, FAMILY GATHERINGS, UNIT-BASED SOCIAL FUNCTIONS, OR ATHLETIC TEAMS OR EVENTS.
> E. ALL MILITARY PERSONNEL SHARE THE RESPONSIBILITY FOR MAINTAINING PROFESSIONAL RELATIONSHIPS. HOWEVER, IN ANY RELATIONSHIP BETWEEN SOLDIERS OF DIFFERENT GRADE OR RANK THE SENIOR MEMBER IS GENERALLY IN THE BEST POSITION TO TERMINATE OR LIMIT THE EXTENT OF THE RELATIONSHIP. NEVERTHELESS, ALL MEMBERS MAY BE HELD ACCOUNTABLE
> FOR RELATIONSHIPS THAT VIOLATE THIS POLICY.
> F. COMMANDERS SHOULD SEEK TO PREVENT INAPPROPRIATE OR UNPROFESSIONAL RELATIONSHIPS THROUGH PROPER TRAINING AND LEADERSHIP BY EXAMPLE. SHOULD INAPPROPRIATE RELATIONSHIPS OCCUR, COMMANDERS HAVE AVAILABLE A WIDE RANGE OF RESPONSES. THESE RESPONSES MAY INCLUDE COUNSELING, REPRIMAND, ORDER TO CEASE, REASSIGNMENT, OR ADVERSE ACTION. POTENTIAL ADVERSE ACTION MAY INCLUDE OFFICIAL REPRIMAND, ADVERSE EVALUATION REPORT(S), NONJUDICIAL PUNISHMENT, SEPARATION, BAR TO REENLISTMENT, PROMOTION DENIAL, DEMOTION, AND
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> COURTS MARTIAL. COMMANDERS MUST CAREFULLY CONSIDER ALL OF THE FACTS AND CIRCUMSTANCES IN REACHING A DISPOSITION THAT IS WARRANTED, APPROPRIATE, AND FAIR.
> 4-15. OTHER PROHIBITED RELATIONSHIPS
> A. TRAINEE AND SOLDIER RELATIONSHIPS. ANY RELATIONSHIP BETWEEN PERMANENT PARTY PERSONNEL AND IET TRAINEES NOT REQUIRED BY THE TRAINING MISSION IS PROHIBITED. THIS PROHIBITION APPLIES TO PERMANENT PARTY PERSONNEL WITHOUT REGARD TO THE INSTALLATION OF ASSIGNMENT OF THE PERMANENT PARTY MEMBER OR THE TRAINEE.
> B. RECRUITER AND RECRUIT RELATIONSHIPS. ANY RELATIONSHIP BETWEEN PERMANENT PARTY PERSONNEL ASSIGNED OR ATTACHED TO THE UNITED STATES ARMY RECRUITING COMMAND AND POTENTIAL PROSPECTS, APPLICANTS, MEMBERS OF THE DELAYED ENTRY PROGRAM (DEP), OR MEMBERS OF THE DELAYED TRAINING PROGRAM (DTP) NOT REQUIRED BY THE RECRUITING MISSION IS PROHIBITED. THIS PROHIBITION APPLIES TO UNITED STATES ARMY RECRUITING COMMAND PERSONNEL WITHOUT REGARD TO THE UNIT OF ASSIGNMENT OF THE PERMANENT PARTY MEMBER AND THE POTENTIAL PROSPECTS, APPLICANTS, DEP MEMBERS, OR DTP MEMBERS.
> 4-16. FRATERNIZATION. VIOLATIONS OF PARAGRAPH 4-14B, 4-14C, AND 4-15 MAY BE PUNISHED UNDER ARTICLE 92, UCMJ, AS A VIOLATION OF A LAWFUL GENERAL REGULATION.
> 4. DA PAM 600-35 IS BEING REVISED TO REFLECT THIS CHANGE.
> ADDITIONAL TRAINING MATERIALS PERTAINING TO THIS CHANGE WILL BE ISSUED SEPARATELY.
> 5. POC FOR THIS ACTION IS MAJOR LINDSEY ARNOLD, DAPE-HR-L, DSN 227-6864, COM (703)697-6864, E-MAIL ARNOLLE@HQDA.ARMY.MIL.
> BT