

## TRAINING SUPPORT PACKAGE (TSP)

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<b>TSP Number / Title</b>	L226 / MAINTAIN DISCIPLINE
<b>Effective Date</b>	01 Oct 2003
<b>Supersedes TSP(s) / Lesson(s)</b>	P206, Maintain Discipline, May 00.
<b>TSP Users</b>	400-PLDC, Primary Leadership Development Course
<b>Proponent</b>	The proponent for this document is the Sergeants Major Academy.
<b>Improvement Comments</b>	Users are invited to send comments and suggested improvements on DA Form 2028, <i>Recommended Changes to Publications and Blank Forms</i> . Completed forms, or equivalent response, will be mailed or attached to electronic e-mail and transmitted to:  COMDT USASMA ATTN ATSS D BLDG 11291 BIGGS FIELD FT BLISS TX 79918-8002  Telephone (Comm): (915) 568-8875 Telephone (DSN): 978-8875 e-mail: atss-dcd@bliss.army.mil
<b>Security Clearance / Access</b>	Unclassified
<b>Foreign Disclosure Restrictions</b>	This product/publication has been reviewed by the product developers in coordination with the USASMA foreign disclosure authority. This product is releasable to students from all requesting foreign countries without restrictions.

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## PREFACE

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**Purpose**

This Training Support Package provides the instructor with a standardized lesson plan for presenting instruction for:

**Task Number**

**Task Title**

**Individual**

158-100-1110	Apply the Essential Elements of Army Leadership Doctrine to a Given Situation
158-100-1132	Identify Ways National, Army, and Individual Values and Professional Obligations Relate to Each Other
158-100-1134	Resolve an Ethical Problem
158-100-1135	Apply Leadership Fundamentals to Create a Climate that Fosters Ethical Behavior
158-100-1183	Identify Duties, Responsibilities, and Authority of Officers, Warrant Officers, Noncommissioned Officers, and Civilians
181-301-0001	Identify the Legal Implications of the Homosexual Conduct Policy
181-331-1001	Employ Military Justice

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This TSP  
Contains

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**MAINTAIN DISCIPLINE**  
**L226 / Version 1**  
**01 Oct 2003**

**SECTION I. ADMINISTRATIVE DATA**

<b>All Courses Including This Lesson</b>	<u>Course Number</u>	<u>Version</u>	<u>Course Title</u>
	400-PLDC	1	Primary Leadership Development Course

<b>Task(s) Taught(*) or Supported</b>	<u>Task Number</u>	<u>Task Title</u>
	<u>Individual</u>	
	158-100-1110 (*)	Apply the Essential Elements of Army Leadership Doctrine to a Given Situation
	158-100-1132 (*)	Identify Ways National, Army, and Individual Values and Professional Obligations Relate to Each Other
	158-100-1134 (*)	Resolve an Ethical Problem
	158-100-1135 (*)	Apply Leadership Fundamentals to Create a Climate that Fosters Ethical Behavior
	158-100-1183 (*)	Identify Duties, Responsibilities, and Authority of Officers, Warrant Officers, Noncommissioned Officers, and Civilians
	181-301-0001 (*)	Identify the Legal Implications of the Homosexual Conduct Policy
	181-331-1001 (*)	Employ Military Justice

<b>Reinforced Task(s)</b>	<u>Task Number</u>	<u>Task Title</u>
	None	

<b>Academic Hours</b>	The academic hours required to teach this lesson are as follows:	
		Resident
		<u>Hours/Methods</u>
		4 hrs / Conference / Discussion
	Test	0 hrs
Test Review	0 hrs	
Total Hours:		4 hrs

<b>Test Lesson Number</b>	<u>Hours</u>	<u>Lesson No.</u>
Testing (to include test review)	2 hrs 30 min	WE01 version 1

<b>Prerequisite Lesson(s)</b>	<u>Lesson Number</u>	<u>Lesson Title</u>
	L225	The Three Direct Leadership Actions

**Clearance Access**

Security Level: Unclassified  
Requirements: There are no clearance or access requirements for the lesson.

**Foreign Disclosure Restrictions**

This product/publication has been reviewed by the product developers in coordination with the USASMA foreign disclosure authority. This product is releasable to students from all requesting foreign countries without restrictions.

**References**

<u>Number</u>	<u>Title</u>	<u>Date</u>	<u>Additional Information</u>
FM 22-100	ARMY LEADERSHIP	31 Aug 1999	
FM 27-14	LEGAL GUIDE FOR SOLDIERS	16 Apr 1991	
AR 27-10	MILITARY JUSTICE	6 Sep 2002	
AR 600-20	ARMY COMMAND POLICY	13 May 2002	
TSP 181-A-0001	IDENTIFY THE LEGAL IMPLICATIONS OF THE HOMOSEXUAL CONDUCT POLICY	15 Sep 2000	

**Student Study Assignments**

Before class--

- Read Student Handout 1, Appendix D, for study and reading assignments.

During class--

- Participate in classroom discussions.

After class--

- Turn in recoverable reference materials after the examination.

**Instructor Requirements**

1:8, SSG, PLDC graduate, who meets the requirements outlined in the PLDC CMP, or SFC, PLDC graduate, who meets the requirements outlined in the PLDC CMP (only used in the absence of an SSG and approved by the proponent commandant or post commander).

**Additional Support Personnel Requirements**

<u>Name</u>	<u>Stu Ratio</u>	<u>Qty</u>	<u>Man Hours</u>
None			

**Equipment  
Required  
for Instruction**

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<u>ID</u> <u>Name</u>	<u>Stu</u> <u>Ratio</u>	<u>Instr</u> <u>Ratio</u>	<u>Spt</u>	<u>Qty</u>	<u>Exp</u>
441-06 LCD Projection System	1:16	1:2	No	1	No
6730-00577-4813 SCREEN PROJECTION: BM-10	1:16	1:2	No	1	No
702101T134520 DELL CPU, MONITOR, MOUSE, KEYBOARD	1:16	1:2	No	1	No
7110-00-T81-1805 DRY ERASE BOARD	1:16	1:2	No	1	No
7510-01-424-4867 EASEL, (STAND ALONE) WITH PAPER	1:16	1:2	No	1	No

\* Before Id indicates a TADSS

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**Materials  
Required**

## Instructor Materials:

- TSP
- Viewgraphs: VGT-1 thru VGT-21
- Any materials required by the NCOA's SOP

## Student Materials:

- SH-1, Advance Sheet.
  - SH-2, Extracted Material from AR 600-20.
  - SH-3, Extracted Material from AR 27-10.
  - SH-4, Extracted Material from FM 27-14.
  - SH-5, Extracted Material from TSP 181-A-0001.
  - FM 22-100.
  - Pen or pencil and writing paper.
  - Any materials required by the NCOA's SOP.
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**Classroom,  
Training Area,  
and Range  
Requirements**

GEN INSTRUCT BLDG (CLASSROOM SIZE 40x40 PER 16 STU)

**Ammunition  
Requirements**

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<u>Id</u>	<u>Name</u>	<u>Exp</u>	<u>Stu</u> <u>Ratio</u>	<u>Instr</u> <u>Ratio</u>	<u>Spt</u> <u>Qty</u>
	None				

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**Instructional  
Guidance**

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**NOTE:** Before presenting this lesson, instructors must thoroughly prepare by studying this lesson and identified reference material.

Before class--

- Read and study all TSP material and be ready to conduct the class.
- This TSP has questions throughout to check learning or generate discussion among the group members. We expect you to add any questions you deem necessary to bring a point across to the group or expand on any matter discussed.
- USASMA expects you to know the information in this TSP well enough to teach from it, not read from it.

During class--

- Conduct the class in accordance with this TSP.

After class--

- Collect all recoverable materials after the examination for this lesson.
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**Proponent  
Lesson Plan  
Approvals**

<u>Name</u>	<u>Rank</u>	<u>Position</u>	<u>Date</u>
/s/Randolph E. Kelly /t/Kelly, Randolph E.	GS09	Training Specialist	15 Jul 03
/s/Brian H. Lawson /t/Barnes, Ronnie G.	MSG	Chief, PLDC	17 Jul 03
/s/Brian H. Lawson /t/Lawson, Brian H.	SGM	Chief, NCOES	17 Jul 03
/s/Albert J. Mays /t/Mays, Albert J.	SGM	Chief, CDDD	18 Jul 03

**SECTION II. INTRODUCTION**

Method of Instruction: Conference / Discussion  
 Technique of Delivery: Small Group Instruction (SGI)  
 Instructor to Student Ratio is: 1:8  
 Time of Instruction: 5 mins  
 Media: None

**Motivator**

Have you ever thought about everything that goes into maintaining discipline? Do you think the Army would be successful without discipline? Imagine trying to lead soldiers without discipline. Do you think you could? How effective do you think you would be? Without discipline, most likely everyone would end up doing his or her own thing. As you know, the Army requires leaders and soldiers that can act responsibly in any given situation. This means that your soldiers have the ability to do what they need to do with or without you. Therefore, discipline is inevitable. During this lesson we'll discuss several topics that have an impact on discipline. These include self-discipline, types of authority, building discipline, officer and NCO relationships, and NCO responsibilities and associated duties. We'll conclude this lesson by discussing the legal implications of the DOD homosexual conduct policy.

**Terminal Learning Objective**

**NOTE:** Inform the students of the following Terminal Learning Objective requirements. At the completion of this lesson, you [the student] will:

<b>Action:</b>	Determine the leader's role in maintaining unit discipline.
<b>Conditions:</b>	In a classroom or field environment (culminating in a situational training exercise) and given a squad and extracts from FM 22-100, FM 27-14, AR 27-10, AR 600-20, and TSP 181-A-1001.
<b>Standards:</b>	Determined the leader's role in maintaining unit discipline by identifying the difference between types of discipline, types of military authority, and individual and command responsibilities; identifying NCO responsibilities and associated duties, command relationships between officers, NCOs, and their subordinates; identifying the difference between nonjudicial punishment and nonpunitive measures; determining which corrective measures are available that best support the NCO's role in maintaining discipline; and identifying the legal implications of the DOD homosexual conduct policy IAW FM 22-100, AR 27-10, FM 27-14, AR 600-20, and TSP 181-A-0001.

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**Safety Requirements**

None

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**Risk Assessment Level**

Low

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**Environmental Considerations**

**NOTE:** It is the responsibility of all soldiers and DA civilians to protect the environment from damage.

None

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**Evaluation**

You will take a written examination. The examination will contain some questions from this lesson. You must correctly answer 70 percent or more of the questions on the examination to receive a GO.

**NOTES:**

- Inform the students where their examination will take place as posted on the training schedule and when they will receive feedback on the test. Include any retest information.
- Inform the students that they must turn in all recoverable reference material after the examination.

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**Instructional Lead-In**

Everything we do or teach in the Army revolves around teamwork. As a leader, you must instill discipline in your subordinates due to the critical nature of the Army's mission and severe consequences (death) of failure in combat or dangerous training events.

In order to maintain discipline, we must learn about the types of discipline and authority, our role and responsibilities as NCOs, and our relationships with our superiors and subordinates.

Many times we only think of punishment as discipline, overlooking the reality that self-will, determination, responsibility, desire, and our ability to understand our roles and responsibilities, impact heavily on unit discipline. You must identify your role and assist in maintaining discipline.

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### SECTION III. PRESENTATION

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**NOTE:** Inform the students of the Enabling Learning Objective requirements.

#### A. ENABLING LEARNING OBJECTIVE

<b>ACTION:</b>	Identify the differences between discipline and self-discipline.
<b>CONDITIONS:</b>	As a squad leader, in a classroom environment and given FM 22-100.
<b>STANDARDS:</b>	Identified the differences between discipline and self-discipline IAW FM 22-100.

1. Learning Step / Activity 1. Identify the differences between discipline and self-discipline  
Method of Instruction: Conference / Discussion  
Technique of Delivery: Small Group Instruction  
Instructor to Student Ratio: 1:8  
Time of Instruction: 20 mins  
Media: None

Discipline is a combination of Army values, attributes, skills, and actions that relate directly to the physical and mental sides of each soldier. An army without discipline is ineffective and unmanageable. On the other hand, a disciplined army has esprit, purpose, courage, high morale, and with adequate support, can accomplish any mission. With discipline being so important to the character of the Army, noncommissioned officers must do everything within their power to identify and preserve military standards and traditions that encourage discipline.

You achieve excellence when your people have discipline and commitment to Army values. Leaders know that the path to excellence is a leader with strong discipline and Army values. This type of leader, in turn, produces disciplined soldiers with strong Army values. Together--the leader and his soldiers--become a disciplined cohesive unit that trains hard, fights honorably, and wins decisively.

You learned that warrior ethos refer to the professional attitudes and beliefs that characterize the American soldier. Discipline is one of the keys to the development of warrior ethos. Warrior ethos motivate soldiers and leaders to continue the mission while discipline holds the team together.

Ref: FM 22-100, p 1-17, para 1-71 and 1-72; p 2-21, para 2-85; and p 3-6, para 3-28

Discipline plays a key role in the coming together of a team. Team identities come out of mutual respect and trust that forms a bond between leaders and subordinates. The highest form of discipline is the willing obedience of subordinates who--

- trust their leaders,
- understand and believe in the mission's purpose,
- value the team and their place in it, and
- have the will to see the mission through.

This form of discipline produces soldiers and teams--who in the really tough moments--come up with solutions themselves.

Discipline is a moral, mental, and physical state in which all ranks respond to the will of the leader. Soldiers who understand the purpose of the mission, trust the leader, and share Army values will take the right action even if they don't feel like it. True discipline demands an obedience that preserves initiative and works even when the leader gets killed, wounded, or just isn't around.

Discipline doesn't just mean barking orders and demanding an instant response--it's more complex than that. You build discipline by training to standards, using rewards and punishment judiciously, instilling confidence in and building trust among team members, and creating a knowledgeable collective will.

Ref: FM 22-100, p 3-1 and 3-2, para 3-6 thru 3-9

QUESTION: What three things must a disciplined unit have that are crucial in combat?

ANSWER: Confidence, trust, and collective will.

Ref: FM 22-100, p 3-2, para 3-9

The confidence, trust, and collective will of a disciplined cohesive unit are crucial in combat. Soldiers fighting, despite their wounds and fighting for their comrades, have proved these three important characteristics over and over again in the Army's history. Soldiers draw strength from their own and their unit's discipline. They know that other members of the team are depending on them. Soldiers fight through

because they have confidence in themselves, their buddies, their leaders, their equipment, and their training. Also, because they have discipline and will. Even in the most complex operations, the performance of the Army comes down to the training and disciplined performance of soldiers and teams on the ground.

### **Self-Discipline**

Self-discipline is drawing upon Army values, attributes, skills, and actions in order to do the right thing and get the job done, regardless of the consequences to you or your subordinates.

Former SMA Bainbridge said of self-discipline, "The core of a soldier is moral discipline. It is intertwined with the discipline of physical and mental achievement. Total discipline overcomes adversity, and physical stamina draws on an inner strength that says, 'drive on.' "

Under the extreme stresses of combat, you and your team might be cutoff and alone, fearing for your lives, and having to act without guidance or knowledge of what is going on around you. Still, you must think clearly and act reasonably. Self-discipline is the key to this kind of behavior. In peacetime, self-discipline gets you and your squad out for the hard training. It makes you require your squad to repeat a drill if the squad's performance didn't meet the standard--even though everyone is long past ready to quit. Self-discipline doesn't mean that you never get tired or discouraged--you are only human. However, it does mean that you need to do what you have to do regardless of your feelings.

Ref: FM 22-100, p 2-12, para 2-46 and 2-47

### **CHECK ON LEARNING:**

QUESTION: As a leader, how can you build discipline in your squad?

ANSWER: By training to standard, using rewards and punishment judiciously, instilling confidence in and building trust among team members, and creating a knowledgeable collective will.

Ref: FM 22-100, p 3-2, para 3-9

QUESTION: What is it that makes leaders do what they need to do regardless of how they feel?

ANSWER: Self-discipline.

Ref: FM 22-100, p 2-12, para 2-47

**B. ENABLING LEARNING OBJECTIVE**

<b>ACTION:</b>	Identify the types of military authority.
<b>CONDITIONS:</b>	As a squad leader, in a classroom environment and given FM 22-100.
<b>STANDARDS:</b>	Identified authority, command authority, and general military authority in relation to unit discipline IAW FM 22-100.

1. Learning Step / Activity 1. Authority  
Method of Instruction: Conference / Discussion  
Technique of Delivery: Small Group Instruction (SGI)  
Instructor to Student Ratio: 1:8  
Time of Instruction: 10 mins  
Media: None

**Authority**

Authority is the legitimate power of leaders to direct subordinates or to take action within the scope of their positions. Military authority begins with the Constitution, which divides it between Congress and the President. There are two types of military authority--command and general military authority.

Ref: FM 22-100, App A, p A-3, para A-7

**Command Authority**

Command is the authority that commissioned officers and warrant officers lawfully exercise over subordinates by virtue of their rank or assignment. The Army grants commissioned officers and warrant officers command authority when they fill a command-designated position. Command includes the authority and responsibility for effectively using available resources to organize, direct, coordinate, employ, and control military forces so that they accomplish assigned missions. It also includes responsibility for the health, welfare, morale, and discipline of assigned personnel.

Ref: FM 22-100, App A, p A-3, para A-8

## **General Military Authority**

NCOs get their authority from general military authority that originates in oaths of office, law, rank structure, traditions, and regulations. This broad-based authority also allows leaders to take appropriate actions whenever a member of any armed service, anywhere, commits an act involving a breach of good order or discipline. AR 600-20, paragraph 4-5, (SH-1, page SH-1-4) states this specifically, authorizing commissioned, warrant, and noncommissioned officers authority to “quell all quarrels, frays, and disorders among persons subject to military law”--in other words, to maintain good order and discipline. As stated, all NCOs have general military authority. For example, dining facility managers, platoon sergeants, squad leaders, and tank commanders all use general military authority when they issue orders to direct and control their subordinates. Army leaders may exercise general military authority over soldiers from different units.

NCOs have another source of general military authority that stems from the combination of the chain of command and the NCO support channel. The chain of command passes orders and policies through the NCO support channel and provides authority for NCOs to do their job.

Ref: FM 22-100, App A, p A-3, para A-11, A-12, and A-13

### **CHECK ON LEARNING:**

QUESTION: What type of authority do NCOs have in order to maintain good order and discipline?

ANSWER: General military authority.

Ref: FM 22-100, App A, p A-3, para A-11

QUESTION: What type of authority does the Army give an officer when assigned as a company commander?

ANSWER: Command authority.

Ref: FM 22-100, App A, p A-3, para A-10

QUESTION: What provides the NCO with another source of general military authority when combined with the chain of command?

ANSWER: The NCO support channel.

Ref: FM 22-100, App A, p A-3, para A-13

QUESTION: What type of authority includes the authority and responsibility for effectively using available resources to organize, direct, coordinate, employ, and control military forces so that they can accomplish assigned missions?

ANSWER: Command authority.

Ref: FM 22-100, App A, p A-3, para A-8

C. **ENABLING LEARNING OBJECTIVE**

<b>ACTION:</b>	Identify the difference between individual and command responsibility.
<b>CONDITIONS:</b>	As a squad leader, in a classroom environment and given FM 22-100 and extract from AR 600-20.
<b>STANDARDS:</b>	Identified the difference between individual and command responsibility IAW FM 22-100, App A, and AR 600-20, Chap 4 (SH-2).

1. Learning Step / Activity 1. Command and Individual Responsibility

Method of Instruction: Conference / Discussion

Technique of delivery: Small Group Instruction (SGI)

Instructor to Student Ratio: 1:8

Time of Instruction: 15 mins

Media: VGT-1 and VGT-2

**Command and Individual Responsibility**

During your time in the military, you have probably noticed that no definitive lines separate officer, NCO, and DA civilian responsibilities. Officers, NCOs, and DA civilians lead other officers, NCOs, and DA civilians and help them carry out their responsibilities. Commanders set overall policies and standards, but all leaders must provide the guidance, resources, assistance, and supervision necessary for subordinates to perform their duties. Similarly, subordinates must assist and advise their leaders. Mission accomplishment demands that officers, NCOs, and DA civilians work together to advise, assist, and learn from each other. These

responsibilities fall into two categories--command and individual.

Ref: FM 22-100, App A, para A-17

The first category we'll discuss is command responsibility.

**NOTE:** Allow students to respond to the following question before showing VA-1.

**QUESTION:** What is the meaning of command responsibility and provide an example?

**ANSWER:** See VGT-1.

**SHOW VGT-1, COMMAND RESPONSIBILITY**

**Command Responsibility**

Refers to collective or organizational accountability and includes how well units perform their missions.

**EXAMPLE:** A company commander is responsible for all the tasks and missions assigned to his company.

L226/OCT 03/VGT-1

Ref: FM 22-100, App A, p A-4, para A-18

As you can see by the example, a company commander is responsible for all the tasks and missions assigned to his company and his leaders hold him accountable for completing them. Both military and DA civilian leaders have responsibility for what their sections, units, or organizations do or fail to do.

**REMOVE VGT-1**

This leads us to the second category, individual responsibility. What do we mean by individual responsibility, and when do you take on that responsibility?

**NOTE:** Allow the class to answer before showing the visual aid to confirm their answers.

## SHOW VGT-2, INDIVIDUAL RESPONSIBILITY

### Individual Responsibility

- **Accounting for your personal conduct.**
- **Commissioned officers, warrant officers, and DA civilians assume this responsibility when they take their oath.**
- **Soldiers assume this responsibility with their initial oath of enlistment.**

L2226/OCT 03/VGT-2

Ref: FM 22-100, App A, p A-4, para A-19

DA civilians take the same oath as commissioned officers. You and your fellow soldiers assumed this responsibility when you took your initial oath of enlistment. Members of the Army account for their actions to their fellow soldiers or coworkers, the appointed leader, their unit or organization, the Army, and the American people.

### **REMOVE VGT-2**

**NOTE:** Tell the students to take out SH-2, Extracted Material from AR 600-20.

Let's discuss an example of individual responsibility. A soldier writes a check to the PX and does not have sufficient funds in his bank account, and the PX returns the check for lack of funds after the soldier departs from the station. Who is responsible for making the check good?

**NOTE:** Solicit responses from several students before providing the answer.

**ANSWER:** The individual. The commander is responsible to initiate actions to ensure payment of the debt IAW AR 600-15, after the soldier departs.

Ref: AR 600-20 (SH-2), p 16 and 17, para 4-8

### **CHECK ON LEARNING:**

**QUESTION:** A company commander is responsible for all the tasks and missions assigned to his company and his leaders hold him accountable for completing them. This is an example of what type of responsibility?

**ANSWER:** Command responsibility.

Ref: FM 22-100, App A, p A-4, para A-18

QUESTION: An individual responsibility that all soldiers and DA civilians have is to account for what?

ANSWER: Their personal conduct.

Ref: FM 22-100, App A, p A-4, para A-19

**Break:** TIME: 00:50 to 01:00

**D. ENABLING LEARNING OBJECTIVE**

<b>ACTION:</b>	Identify noncommissioned officer responsibilities and associated duties.
<b>CONDITIONS:</b>	As a squad leader, in a classroom environment and given an extract from AR 600-20.
<b>STANDARDS:</b>	Identified noncommissioned officer responsibilities and associated duties IAW AR 600-20, Chap 3 (SH-2).

1. Learning Step / Activity 1. NCO Responsibilities  
Method of Instruction: Conference / Discussion  
Technique of Delivery: Small Group Instruction (SGI)  
Instructor to Student Ratio: 1:8  
Time of Instruction: 20 mins  
Media: VGT-3 thru VGT-5

**NCO Responsibilities**

**NOTE:** Tell the students to take out SH-2, Extracted Material from AR 600-20.

Commanders must define the responsibilities and authority of their NCOs to their staffs and subordinates. You learned earlier that the NCO support channel parallels, compliments, and supports the chain of command. Since you are a member of the NCO support channel, you are responsible to assist the chain of command.

Ref: AR 600-20 (SH-2), p 12, para 3-2a

We will now cover your responsibilities as NCOs in supporting the chain of command.

**NOTE:** When you show VGTs 3 thru 5, call on students to read each bullet comment and provide their perspectives of its importance based on their studies and personal experiences.

**SHOW VGT-3, NCO RESPONSIBILITIES**

### **NCO Responsibilities**

- Transmitting, instilling, and ensuring the efficacy of the professional Army ethic.
- Planning and conducting the day-to-day unit operations within prescribed policies and directives.
- Training of enlisted soldiers in their MOS as well as in the basic skills and attributes of a soldier.

L226/OCT 03/VGT-3

Ref: AR 600-20 (SH-2), p 12, para 3-2a(1) thru (3)

**REMOVE VGT-3**

**SHOW VGT-4, NCO RESPONSIBILITIES, (cont)**

### **NCO Responsibilities (cont)**

- Supervising unit physical fitness training and ensuring soldiers comply with the weight and appearance standards of ARs 600-9 and 670-1.
- Teaching soldiers the history of the Army, to include military customs, courtesies, and traditions.
- Caring for soldiers and their families, on and off duty.
- Teaching soldiers the mission of the unit and developing individual training programs to support the mission.

L226/OCT 03/VGT-4

Ref: AR 600-20 (SH-2), p 12, para 3-2a(4) thru (7)

**REMOVE VGT-4**

**SHOW VGT-5, NCO RESPONSIBILITIES (cont)**

### **NCO Responsibilities (cont)**

- Accounting for and maintaining individual arms and equipment of enlisted soldiers, and unit equipment under their control.
- Administering and monitoring the NCO professional development program, and other unit training programs.
- Achieving and maintaining courage, candor, competence, commitment, and compassion.

L226/OCT 03/VGT-5

Ref: AR 600-20 (SH-2), p 12, para 3-2a(8) thru (10)

This may seem like an awesome array of responsibilities, and, to successfully meet your responsibilities, your leaders are responsible to provide you with the guidance, resources, assistance, and supervision necessary to help you perform your duties. This means you must also provide the same to your subordinates.

**REMOVE VGT-5**

**CHECK ON LEARNING:**

**QUESTION:** As part of your duties in supporting the chain of command, what does teaching soldiers the history of the Army include?

**ANSWER:** Military customs, courtesies, and traditions.

Ref: AR 600-20 (SH-2), p 12, 3-2a(5)

**QUESTION:** As part of your duties in supporting the chain of command, what does the training of enlisted soldiers include?

**ANSWER:** Training enlisted soldiers in their MOS as well as in the basic skills and attributes of a soldier.

Ref: AR 600-20 (SH-2), p 12, para 3-2a(3)

**QUESTION:** As part of your duties in supporting the chain of command, what does accounting for and maintaining include?

**ANSWER:** Individual arms and equipment of enlisted soldiers, and unit equipment under their control.

Ref: AR 600-20 (SH-2), p 12, para 3-2a(8)

**E. ENABLING LEARNING OBJECTIVE**

<b>ACTION:</b>	Identify command relationships desired between officers, NCOs, and their subordinates.
<b>CONDITIONS:</b>	As a squad leader, in a classroom environment and given FM 22-100 and extract from AR 600-20.
<b>STANDARDS:</b>	Identified the division of responsibilities between officers and NCOs and the prohibited relationships between soldiers of different ranks that lead to desired command relationships IAW FM 22-100, Appendix A, and AR 600-20 (SH-2).

1. Learning Step / Activity 1. Officer/NCO Relationships
  - Method of Instruction: Conference / Discussion
  - Technique of Delivery: Small Group Instruction (SGI)
  - Instructor to Student Ratio: 1:8
  - Time of Instruction: 10 mins
  - Media: VGT-6 thru VGT-8

## **Officer/NCO Roles and Relationships**

**NOTE:** Inform the students to refer to FM 22-100.

As you probably know, when we speak of soldiers, we refer to the men and women filling the positions of commissioned officers, warrant officers, noncommissioned officers (NCOs), and enlisted personnel. You use the terms commissioned officer, warrant officer, and noncommissioned officer when it is necessary to specifically address or refer to a particular group. All Army leaders--soldiers and DA civilians--share the same goal to accomplish their organization's mission. No doubt you have probably noticed that the roles and responsibilities of Army leaders overlap.

Ref: FM 22-100, App A, p A-1, para A-1

## **Commissioned Officers Roles and Responsibilities**

Commissioned officers are direct representatives of the President of the United States. Commissions are legal instruments the president uses to appoint and exercise direct control over qualified people to act as his legal agents and help him carry out his duties. The Army retains this direct-agent relationship with the President through its commissioned officers. The commission serves as the basis for a commissioned officer's legal authority. Lets take a look at just a few of the roles and responsibilities of the commissioned officer.

## **Officer/NCO Roles and Responsibilities**

**NOTE:** Call on a student to read the bullet comments.

### **SHOW VGT-6, COMMISSIONED OFFICERS ROLES AND RESPONSIBILITIES**

<p style="text-align: center;"><b><u>Commissioned Officers Roles and Responsibilities</u></b></p> <ul style="list-style-type: none"><li>• Command, establish policy, and manage Army resources.</li><li>• Integrate collective, leader, and soldier training to accomplish missions.</li><li>• Deal primarily with units and unit operations.</li><li>• Concentrate on unit effectiveness and readiness.</li></ul> <p style="font-size: small;">L226/OCT 03/VGT-6</p>
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Ref: FM 22-100, App A, p A-2, Fig A-1

**REMOVE VGT-6**

**Warrant Officers Roles and Responsibilities**

Warrant officers are highly specialized, single-track specialty officers who receive their authority from the Secretary of the Army upon their initial appointment. However, upon promotion to chief warrant officer (CW2) they become commissioned warrant officers. These commissioned warrant officers are direct representatives of the President of the United States. They derive their authority from the same source as commissioned officers but remain specialists--in contrast to commissioned officers--who are generalists.

Warrant officers can and do command detachments, units, activities, and vessels as well as lead, coach, train, and counsel subordinates. As leaders and technical experts, they provide valuable skills, guidance, and expertise to commanders and organizations in their particular field. Now let's review some of the roles and responsibilities of warrant officers.

Ref: FM 22-100, App A, p A-1, para A-3

**NOTE:** Have students read the bullets on VGT-7.

**SHOW VGT-7, WARRANT OFFICERS ROLES AND RESPONSIBILITIES**

<p style="text-align: center;"><b>Warrant Officers Roles and Responsibilities</b></p> <ul style="list-style-type: none"><li>• Provide quality advice, counsel, and solutions to support the command.</li><li>• Execute policy and manage Army systems.</li><li>• Command special-purpose units and task-organized operational elements.</li><li>• Focus on collective, leader, and individual training.</li><li>• Operate, maintain, administer, and manage Army equipment, support activities, and technical systems.</li></ul> <p><small>L226/OCT 03/VGT-7</small></p>
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Ref: FM 22-100, App A, p A-2, Fig A-1

**REMOVE VGT-7**

## **NCO Roles and Relationships**

Now we are going to discuss our roles and responsibilities as NCOs. We are the backbone of the Army. We train, lead, and take care of enlisted soldiers. We receive our authority from oaths of office, law, rank structure, traditions, and regulations. This authority allows us to direct soldiers, take actions required to accomplish the mission, and enforce good order and discipline. NCOs represent officers, and sometimes DA civilian leaders. We ensure our subordinates, along with their personal equipment, are ready to function as an effective unit and team members. While commissioned officers command, establish policy, and manage resources, NCOs conduct the Army's daily business.

QUESTION: What are some of our roles and responsibilities as NCOs?

ANSWER: See VGT-8.

**NOTE:** Call on students to read the bullet comments.

### **SHOW VGT-8, NONCOMMISSIONED OFFICERS ROLES AND RESPONSIBILITIES**

#### **Noncommissioned Officers Roles and Responsibilities**

- Train soldiers and conduct the daily business of the Army within established policy.
- Focus on individual soldier training.
- Deal primarily with individual soldier training and team leading.
- Ensure that subordinate teams, NCOs, and soldiers have properly prepared to function as effective unit and team members.

L226/OCT 03/VGT-8

Ref: FM 22-100, App A, p A-2, Fig A-1

### **REMOVE VGT-8**

#### **Officer/NCO Roles and Relationships**

When asked, what is "officer business" and what is "NCO business," is there really any distinct difference? You and your officers share the same goal--to accomplish

your unit's mission. As you can see by what we have just discussed, many responsibilities and duties overlap. No strict rule covers every relationship between officers and NCOs. We must work together and advise, assist, and learn from each other.

**CHECK ON LEARNING:** The discussion of each bullet on the three visual aids suffices as a check on learning for this learning step / activity.

2. Learning Step / Activity 2. Relationships of Soldiers of Different Rank  
Method of Instruction: Conference / Discussion  
Technique of Delivery: Small Group Instruction (SGI)  
Instructor to Student Ratio: 1:8  
Time of Instruction: 20 mins  
Media: VGT-9 thru VGT-12

### **Relationships of Soldiers of Different Rank**

Note: Tell the student to refer to AR 600-20 (SH-2).

We will now discuss prohibited relationships between soldiers of different rank and some relationships that may be detrimental to a unit's moral and discipline.

**NOTE:** Call on students to read the comments on the following VGTs and explain or offer an example of a violation of one of the items that they may have observed or feel they may have encountered. Stay in sequence with the VGTs.

### **SHOW VGT-9, PROHIBITED SOLDIER RELATIONSHIPS**

#### **Prohibited Soldier Relationships**

- Compromises, or appears to compromise, the integrity of supervisory authority, or the chain of command.
- Causes actual or perceived partiality or unfairness.
- Involves, or appears to involve, the improper use of rank or position for personal gain.

L226/OCT 03/VGT-9

Ref: AR 600-20 (SH-2), p 19, para 4-14b(1) thru (3)

**REMOVE VGT-9**

**SHOW VGT-10, PROHIBITED SOLDIER RELATIONSHIPS (cont)**

**Prohibited Soldier Relationships (cont)**

- Are, or someone perceives to be, exploitative or coercive in nature.
- Creates an actual or clearly predictable adverse impact on--
  - Discipline.
  - Authority.
  - Morale.
  - Ability of the command to accomplish its mission.

L226/OCT 03/VGT-10

Ref: AR 600-20 (SH-2), p 19, para 4-14b (4) and (5)

**REMOVE VGT-10**

NCOs must also know and adhere to the standards of Army policy in order to maintain good order and discipline. We must use good judgment in our relationships with soldiers of different ranks. Some relationships are punishable under the provisions of the Uniform Code of Military Justice (UCMJ). Keep in mind that other relationships may not be against the law but may be detrimental to the unit's moral and discipline.

The next visual aid provides you some of the prohibited relationships between officer and enlisted personnel.

**NOTE:** Have the students read the examples one by one and generate a brief discussion of each.

**SHOW VGT-11, OFFICER AND ENLISTED PROHIBITED RELATIONSHIP EXAMPLES**

**Officer and Enlisted Prohibited Relationship Examples**

- Financial or business relationships.
- Dating, sharing living accommodations.
- Gambling.

L226/OCT 03/VGT-11

Ref: AR 600-20 (SH-2), p 19, para 4-14c(1) thru (3)

The prohibition of “ongoing business relationships” between officers and enlisted personnel does not apply to landlord/tenant relationships or to one-time transactions such as the sale of an automobile or house. The prohibition does apply to borrowing or lending money, commercial solicitation, and any other type of ongoing financial or business relationship. In the case of the Army National Guard or United States Army Reserve soldiers, this prohibition does not apply to relationships that exist due to their civilian occupation or employment.

The prohibition of “dating,” shared living accommodations other than those directed by operational requirements, and intimate or sexual relationships between officers and enlisted personnel, does not apply under certain conditions. For example, married enlisted members, and one becomes commissioned or gets selected as a warrant officer.

**REMOVE VGT-11**

**NOTE:** Allow students time to respond to the following question before showing VGT-12. Select students to read the bullet comments and generate a brief discussion.

**QUESTION:** Can anyone provide any other examples of prohibited relationships that affect good order and discipline?

**ANSWER:** See VGT-12.

**SHOW VGT-12, OTHER PROHIBITED RELATIONSHIPS**

<p style="text-align: center;"><b><u>Other Prohibited Relationships</u></b></p> <ul style="list-style-type: none"><li>• Trainee and soldier.</li><li>• Recruiter and recruit.</li></ul> <p style="text-align: left; font-size: small;">L226/OCT 03/VGT-12</p>
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Ref: AR 600-20 (SH-2), p 20, para 4-15a and b

**REMOVE VGT-12**

You must be aware of, and make your peers and subordinates aware of the fact that violations of these rules may be punishable under Article 92, UCMJ, as a violation of a lawful general regulation.

You have a 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 accountable for relationships that violate the professional relationship policy. To maintain good order and discipline, you must support your leaders in preventing inappropriate or unprofessional relationships through proper training and leadership by example.

**CHECK ON LEARNING:**

QUESTION: What are the three types of prohibited personal relationships between officer and enlisted personnel?

ANSWER: Ongoing business relationships between officer and enlisted personnel; dating, shared living accommodations other than those directed by operational requirements, and intimate or sexual relationships between officers and enlisted personnel; gambling between officers and enlisted personnel.

Ref: AR 600-20 (SH-2), p 19, para 4-14c(1) thru (3)

QUESTION: In any relationship between soldiers of different grades or rank, who is generally in the best position to terminate or limit the extent of the relationship and what are the consequences for not doing so?

ANSWER: The senior member; all members may be accountable for violation of an inappropriate relationship.

Ref: AR 600-20 (SH-2), p 19, para 4-14e

QUESTION: What Army leaders deal primarily with individual soldier training and team leading?

ANSWER: Noncommissioned officers.

Ref: FM 22-100, App A, p A-2, Fig A-1

QUESTION: What Army leader is responsible for establishing the leadership climate of the unit and developing disciplined and cohesive units?

ANSWER: The commander.

Ref: AR 600-20 (SH-2), p 1, para 1-5c

**Break:** TIME: 01:50 to 02:00

F. **ENABLING LEARNING OBJECTIVE**

<b>ACTION:</b>	Identified the difference between nonjudicial punishment and nonpunitive measures.
<b>CONDITIONS:</b>	As a squad leader, in a classroom environment and given an extract from AR 27-10.
<b>STANDARDS:</b>	Identified the difference between nonjudicial punishment and nonpunitive measures IAW AR 27-10 (SH-3).

1. Learning Step / Activity 1. Nonjudicial Punishment  
 Method of Instruction: Conference / Discussion  
 Technique of Delivery: Small Group Instruction (SGI)  
 Instructor to Student Ratio: 1:8  
 Time of Instruction: 15 mins  
 Media: VGT-13

**Nonjudicial Punishment**

**NOTE:** Refer the students to AR 27-10 (SH-3).

Commanders should impose nonjudicial punishment to correct soldiers' misconduct that's in violation of the Uniform Code of Military Justice (UCMJ). Commanders normally impose nonjudicial punishment when soldiers intentionally disregard or fail to follow the prescribed standards of military conduct.

Nonjudicial punishment is proper in all cases involving minor offenses in which the leader considers that nonpunitive measures are inadequate or inappropriate. If it is clear that nonjudicial punishment will not be sufficient to meet the ends of justice, leaders must take more stringent measures. Prompt action is essential for non-judicial punishment to have the proper corrective effect.

**Nonpunitive Measures**

The commander and NCO have at their disposal nonpunitive measures they may use for soldiers whose misconduct or actions may not require nonjudicial or judicial punishment.

**NOTE:** After asking the following question, give the group some time to respond before showing VGT-13.

QUESTION: What are the intended effects of nonpunitive measures?

ANSWER: Show VGT-13.

## SHOW VGT-13, EFFECTS OF NONPUNITIVE MEASURES

### Effects of Nonpunitive Measures

To teach proper standards of conduct and performance, not to punish.

L226/OCT 03/VGT-13

Ref: AR 27-10 (SH-3), p 3, para 3-3a

### REMOVE VGT-13

Commanders should use nonpunitive measures to the fullest extent to further the efficiency of the command before resorting to nonjudicial punishment. Nonpunitive measures usually deal with misconduct resulting from simple neglect, forgetfulness, laziness, inattention to instruction, sloppy habits, immaturity, difficulty in adjusting to a disciplined military life, and similar deficiencies.

Leaders use nonpunitive actions primarily as tools for teaching soldiers the standards of conduct and performance and do not constitute punishment. Often these actions have a rehabilitative effect on the soldiers and benefit them and the Army.

### CHECK ON LEARNING:

QUESTION: When do commanders normally impose nonjudicial punishment?

ANSWER: When soldiers intentionally disregard or fail to follow the prescribed standards of military conduct.

Ref: AR 27-10 (SH-3), p 3, para 3-3a

QUESTION: When a commander opts to use nonpunitive measures, what type of misconduct has the soldier most likely displayed?

ANSWER: Simple neglect, forgetfulness, laziness, inattention to detail, sloppy habits, immaturity, difficulty in adjusting to military life, and similar deficiencies.

Ref: AR 27-10 (SH-3), p 3, para 3-3a

**G. ENABLING LEARNING OBJECTIVE**

<b>ACTION:</b>	Determine which corrective measures are available that best support your role in maintaining unit discipline.
<b>CONDITIONS:</b>	As a squad leader, in a classroom environment and given extracts from AR 27-10 and FM 27-14.
<b>STANDARDS:</b>	Determined which corrective measures are available that best support your role in maintaining unit discipline IAW AR 27-10 (SH-3) and FM 27-14 (SH-4).

1. Learning Step / Activity 1. Options for Enforcing Discipline  
 Method of Instruction: Conference / Discussion  
 Technique of Delivery: Small Group Instruction (SGI)  
 Instructor to Student Ratio: 1:8  
 Time of Instruction: 20 mins  
 Media: VGT-14

**Options for Enforcing Discipline**

**NOTE:** Refer the students to AR 27-10 (SH-3) and FM 27-14 (SH-4).

**NOTE:** When you ask the following question, allow the class to give some responses before showing VGT-14.

**QUESTION:** Based on your homework readings and your experience in the Army, what do you see as some options that NCOs have available or that they may request to enforce discipline?

**ANSWER:** See VGT-14.

**SHOW VGT-14, OPTIONS FOR ENFORCING DISCIPLINE**

<p><b><u>Options for Enforcing Discipline</u></b></p> <ul style="list-style-type: none"> <li>• Corrective admonition and reprimand.</li> <li>• Counseling.</li> <li>• Corrective training.</li> <li>• Withholding discretionary benefits, award, or promotion.</li> <li>• Administrative reduction.</li> <li>• Article 15.</li> <li>• Courts-martial.</li> </ul> <p><small>L226/OCT 03/VGT-14</small></p>
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Ref: AR 27-10 (SH-3), p 3, para 3-3 and FM 27-14 (SH-4), p 8 and 9, para titled Withholding of Privileges

Leaders use nonpunitive measures to maintain discipline through corrective actions. Your use of corrective actions allows you to emphasize correction and not

punishment. You use corrective action because it implies that the soldier, with proper guidance, will become efficient and competent.

#### **REMOVE VGT-14**

We will now discuss some of the corrective actions that are available to the NCO. The actions are reprimands and admonitions, counseling, and extra training or instruction.

#### **Admonitions and Reprimands**

An admonition is the act of counseling, advising, or cautioning. It is a mild reproof or warning expressing your disapproval of a soldier's actions or lack of action. In other words, a warning or "chewing out." It may be a written or oral admonition that you or an officer may impose.

A reprimand is similar to an admonition, however it is a severe, usually formal reproof or rebuke, a formal act of scolding, a strong criticism, or a severe "chewing out." Like the admonition, it may be an oral or written reprimand, and an NCO or officer may impose it.

When a commander imposes a written admonition or reprimand, he has the option of using it as an administrative measure or as nonjudicial punishment. If he decides to impose an admonition or reprimand as a punitive measure under Article 15, then he must follow the procedures set fourth in the Manual for Courts-Martial and AR 27-10.

When a commander imposes a written admonition or reprimand as nonpunitive punishment, he must ensure the admonition or reprimand contains a statement to indicate that he imposed it as an administrative measure and not as punishment under Article 15, UCMJ. This admonition or reprimand is in a memorandum format to the soldier for acknowledgment and rebuttal. Admonitions and reprimands that a commander does impose as punishment under Article 15, whether administered orally or in writing, should state clearly that the commander imposed them as punishment under that Article.

## **Counseling**

Counseling is a dimension of discipline that adds to the leadership climate of the unit. You will learn later in this course the different types of developmental counseling that deals with disciplinary matters.

## **Extra Training or Instruction**

One of the most effective nonpunitive measures you have available to you is extra training or instruction. You use it when one of your soldier's duty performance is substandard or deficient. As an example, a soldier may lack in the proper wear of the class A uniform. You may require him to attend classes--maybe after duty hours--on the proper wear of the class A uniform and stand an inspection until he corrects the deficiency.

Ref: AR 27-10 (SH-3), p 3 and 4, para 3-3

**NOTE:** Read the following situation and ask the questions following the situation.

A week earlier, SGT Jones counseled PFC Smith about PFC Smith's problem in maintaining his M16, particularly the weapon's cleanliness. After inspecting PFC Smith's weapon, SGT Jones found the weapon dirty. SGT Jones decided that PFC Smith needed some extra training. SGT Jones called PFC Smith into the squad room and told him the following:

"PFC you are to report to the arms room after duty hours for the next three days. You will sign out your weapon and report to me at the PT track. There you will run at port arms for two miles. Maybe after the three days you'll learn to keep your weapon clean. I'm sick and tired of always finding your weapon dirty."

**QUESTION:** Is the extra training or instruction that SGT Jones gave PFC Smith proper?

**ANSWER:** No. SGT Jones must select some type of extra training or instruction that aims at correcting the particular deficiency, in this situation, something to teach PFC Smith how to clean his M-16 properly.

Ref: AR 27-10 (SH-3), p 4, para 3-3c

**QUESTION:** Was the time of extra training that SGT Jones selected proper?

**ANSWER:** Yes, SGT Jones may conduct extra training or instruction after duty hours.

Ref: AR 27-10 (SH-3), p 4, para 3-3c

## **Withholding of Privileges**

NOTE: Refer the students to FM 27-14 (SH-4).

At times it may be necessary to withhold privileges in order to maintain good order and discipline. You may recommend to the commander that he withhold an award, promotion, or other certain benefits from a soldier. The commander does not have direct control over some privileges; therefore, before you initiate or recommend any action concerning benefits, consult with someone, e.g., the platoon sergeant or the first sergeant, to ensure your commander has the authority to withhold certain benefits. Although not true in all cases, privileges withheld are normally those that a soldier may have misused.

Ref: FM 27-14 (SH-4), p 8 and 9, para Withholding of Privileges

You must keep in mind that you need the assistance and cooperation of the unit commander to impose some of these corrective nonpunitive measures. Having a good working knowledge of these nonpunitive measures allows you to provide the commander with a knowledgeable and sound recommendation. Proper use of administrative action will motivate the soldier to adjust and improve his conduct and not become a candidate for punitive actions later.

### **CHECK ON LEARNING:**

QUESTION: When do leaders use extra training or instruction?

ANSWER: When a soldier's duty performance has been substandard or deficient.

Ref: AR 27-10 (SH-3), p 4, para 3-3c

QUESTION: Does a company commander have the authority to withhold all privileges from a soldier in his command?

ANSWER: No, only those privileges he has direct control/authority over.

Ref: FM 27-14 (SH-4), p 8 and 9, para Withholding of Privileges

H.

**ENABLING LEARNING OBJECTIVE**

<b>ACTION:</b>	Identify the legal implications of the DOD homosexual conduct policy.
<b>CONDITIONS:</b>	As a squad leader, in a classroom environment and given an extract from TSP 181-A-0001
<b>STANDARDS:</b>	Identified what constitutes homosexual conduct. Further, identified the responsibilities of a commander when inquiring into an allegation of homosexual conduct, including the rights of the soldier under inquiry. Finally, identified the rights of a soldier who is being harassed or threatened based on a perceived sexual orientation. Included in this last standard is the ability to identify the commander's responsibilities toward a harassed or threatened soldier, as well as the commander's duty to properly investigate the soldier(s) who is alleged to have committed the harassment and/or threat.

1.

Learning Step / Activity 1. Focus of DOD Policy

Method of Instruction: Conference / Discussion

Technique of Delivery: Small Group Instruction (SGI)

Instructor to Student Ratio: 1:8

Time of Instruction: 15 mins

Media: VGT-15 and VGT-16

**Focus of DOD Policy**

**NOTE:** The material in this ELO comes straight from the JAG School with directions prohibiting any rewriting due to legal jargon. Therefore, you will find passive voice and possibly other items that do not follow the Army Writing Style.

**NOTE:** Direct the students to SH-5, Extracted Material from TSP 181-A-0001.

**General Policy**

For soldiers who have been in the Army since 1994, it is important to realize that the DOD policy on homosexual conduct has not changed since then. Under this policy, soldiers still have certain rights, and commanders have certain responsibilities when investigating allegations of homosexual conduct. Based on recent Army guidance, this lesson plan also focuses on the right of soldiers, and the responsibilities of the command, when faced with a soldier being harassed or threatened because of a perceived sexual, orientation.

Ref: SH-5, p SH-5-3, para 1

QUESTION: What are the two key areas to remember in understanding the DOD policy on homosexual conduct?

ANSWER: Show VGT-15.

**NOTE:** Allow the students a moment to answer before showing VGT-15.

**SHOW VGT-15, DOD HOMOSEXUAL CONDUCT POLICY**

**DOD Homosexual Conduct Policy**

- Focus of policy is homosexual conduct, NOT sexual orientation.
- Command will separate soldiers for homosexual:
  - Statements (e.g. “I am gay”).
  - Acts.
  - Marriages (actual or attempted).
- NOTE: A soldier who makes a homosexual statement, but who also convinces a separation board that he or she will not engage in homosexual acts, can be retained by the Army.

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Ref: SH-5, p SH-5-3 and SH-5-4, para 2a and b

**Conduct**

The key to understanding the DOD policy on homosexual conduct is to remember that it focuses on homosexual conduct (what a soldier says or does) not on sexual orientation alone (how a soldier feels about himself or herself as a heterosexual [straight] or homosexual [gay or lesbian] or bisexual [sexually attracted to both genders]).

The easiest way to remember the key features of the DOD policy on homosexual conduct is to remember the acronym “SAM,” which stands for Statements – Acts – Marriages.

**Statements**

The command will take action to separate a soldier who says he or she is gay, or a lesbian, or has a homosexual orientation, because the law says that it is reasonable to presume that someone who says he or she has such an orientation will act on that orientation. However, there is a special rule about statements that we will discuss later.

## **Acts**

The command will take action to separate a soldier who performs a homosexual act. A homosexual act is:

Any bodily contact, actively taken or passively permitted,  
Between members of the same sex, for the purpose of satisfying  
sexual desire. It does not require any particular form of  
intercourse or penetration. Any bodily contact that a reasonable  
person would understand to demonstrate a likelihood that the  
person will engage in homosexual acts. Depending on the  
circumstances, this could include handholding, kissing, or "slow"  
dancing with a member of the same sex.

## **Marriages**

The command will take action to separate a soldier who marries or attempts to marry a person of the same biological gender (a male soldier who marries or tries to marry another man, or a female soldier who marries or tries to marry another woman).

## **Special Rule About Statements**

As previously stated, a soldier who says that he or she is homosexual (e.g., "I am gay," or "I am a lesbian," or "I have a homosexual orientation," or similar language), will be processed for separation. Why? Because it is reasonable to presume that someone who says that he or she has such an orientation will act on the orientation and engage in a homosexual act. However, such a soldier may attempt to convince an administrative separation board, that despite having made a statement that he or she is a homosexual, the soldier will not engage in homosexual acts. If the soldier can convince the separation board that he or she will not engage in homosexual acts, the board can choose to recommend the soldier be retained in the Army.

## **REMOVE VGT-15**

It is your duty and legal obligation to follow the Army's rules and policies. You demonstrate your loyalty to the Army and your fellow soldiers by behaving in accordance with Army policies. You also serve honorably when you adhere to the Army's regulation, policies, and laws.

Ref: SH-5, p SH-5-4, para 2c

If you take any of the following actions, you will violate the Army's homosexual conduct policy and the Army may discharge you.

### **SHOW VGT-16, DOD HOMOSEXUAL CONDUCT POLICY (cont)**

<p style="text-align: center;"><b><u>DOD Homosexual Conduct Policy (cont)</u></b></p> <ul style="list-style-type: none"><li>• A soldier who takes any of the following actions violates the homosexual conduct policy, and the Army may discharge him or her:<ul style="list-style-type: none"><li>– Makes a homosexual statement.</li><li>– Commits a homosexual act.</li><li>– Enters, or attempts to enter into a homosexual marriage.</li></ul></li><li>• A soldier, who for the purpose of avoiding military duty, engages in any of the behaviors listed above, may be subject to disciplinary actions under the UCMJ.</li></ul> <p style="font-size: small; margin-top: 10px;">L226/OCT 03/VGT-16</p>
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Ref. SH-5, p SH-5-4, para 2d

### **Consequences**

You will violate the Army's homosexual policy and the Army will discharge you should you take any of the following actions:

- Make a homosexual statement (for example, "I am gay," "I am a lesbian," "I am homosexual," or "I have a homosexual orientation.")
- Engage in a homosexual act.
- Enter, or attempt to enter, into a homosexual marriage.

### **A Special Point**

Saying that you are a homosexual or committing other homosexual conduct to avoid a military obligation (e.g., Deployment) violates Army policy and betrays your military duty. Making such statements or committing such acts may subject you to disciplinary action under the Uniform Code of Military Justice.

### **REMOVE VGT-16**

**CHECK ON LEARNING:**

QUESTION: The DOD categorized the policy on homosexual conduct into which of the following areas:?

- a. Orientation, perceptions, statements.
- b. Marriages, acts, perceptions.
- c. Acts, orientation, marriage.
- d. Statements, acts, marriage.

ANSWER: d. Statements, acts, marriage.

Ref: SH-5, p SH-5-3, para 2b

QUESTION: True or False: The Army will recognize a same sex marriage between soldiers so long as the soldiers married in a state that legally recognizes same sex marriages?

ANSWER: False

Ref: SH-5, p SH-5-4, para 2b(3)

QUESTION: What can be the consequences for making a statement that you are homosexual or committed other homosexual conduct to avoid a deployment?

ANSWER: You may be subject to disciplinary action under the UCMJ.

Ref: SH-5, p SH-5-4, para 2e

**Break:** TIME: 02:50 to 03:00

2. Learning Step / Activity 2. Investigating Homosexual Conduct  
Method of Instruction: Conference / Discussion  
Technique of Delivery: Small Group Instruction (SGI)  
Instructor to Student Ratio: 1:8  
Time of Instruction: 20 mins  
Media: VGT-17 and VGT-18

Let's take a second to review. Remember, DOD's policy on homosexual conduct is "conduct-based," focusing on what a soldier does or says, not on the soldier's orientation alone.

QUESTION: Who may conduct and on what basis may he conduct an investigation concerning homosexual conduct?

ANSWER: Show VGT-17.

**NOTE:** Allow a moment for the students to answer the question before showing VGT-17.

## SHOW VGT-17, INVESTIGATING HOMOSEXUAL CONDUCT

### **Investigating Homosexual Conduct**

- **Only commanders initiate inquiries.**
- **An inquiry must be based on Credible information.**
- **Examples of information that is NOT credible:**
  - Mere suspicion, opinion or rumors.
  - Reading homosexual publications/Going to "gay bars."
  - Homosexual statements made to avoid duty.
- **Conduct the inquiry (informal inquiries preferred):**
  - Right against self-incrimination (Article 31, UCMJ).
  - Cannot ask soldier about his/her sexual orientation.
  - Can question soldier's supervisory chain of command.
  - Can question persons suggested by the soldier.

L226/OCT 03/VGT-17

Ref: SH-5, p SH-5-4 and SH-5-5, para 3a thru 3e(2)(c)

Only the commander can initiate fact-finding inquiries into homosexual conduct.

You may not, on your own, do any investigation or inquiring into whether a soldier is homosexual or has committed homosexual conduct. Subordinate leaders should direct questions and report grounds for separation to their commanders. A soldier's duty to do the right thing extends to reporting observed incidents of harassment. Soldiers and subordinate leaders should remain sensitive to instances of harassment based on perceived sexual orientation. They must report such incidents to the chain of command.

Commanders investigate homosexual conduct only if there is credible evidence of homosexual statement, act, or marriage (remember "SAM"). Credible evidence is any information, considering its source and the surrounding circumstances, that supports a reasonable belief that there is a basis for discharge. Commanders should not investigate (or take other actions) when there is NO credible evidence of a basis for discharge. Examples of NO credible evidence include:

- Mere suspicion of homosexual conduct.

Other peoples' opinions or rumors about a soldier's homosexual orientation, when the opinion or rumor is NOT based on factual evidence is not a basis for discharge.

Statements made by a soldier claiming homosexuality when the evidence available at the time of the statement supports an attempt to avoid duty, or to void an enlistment. Commanders should exercise care before determining that such

statements do not meet the requirements of "SAM" as outlined in the DOD Homosexual Conduct Policy guidelines.

Informal inquiries are preferred. The CID or MPI usually should not become involved in an investigation to determine whether homosexual conduct took place.

When interviewing a soldier believed to have committed homosexual conduct, explain the Army's homosexual conduct policy before questioning. The interviewer will begin the interview by informing the soldier of his or her rights against self-incrimination under Article 31, UCMJ. If the soldier does not want to make a statement, the interviewer will not ask further questions. An interviewer shall not ask, and a soldier does not have to reveal whether he or she is a heterosexual, homosexual, or a bisexual. For example, you cannot ask either, "Are you homosexual?" or "Are you gay?"

If the inquiry is only about a statement the soldier made ("I am gay"), in most cases, the admission by the soldier is sufficient; and no further investigation is required. If a commander wishes to inquire further whether the statement is credible, the commander may do so in the following manner:

If the soldier is to be interviewed about the statement, he or she must first be read his or her rights against self-incrimination under Article 31, UCMJ. The soldier can then be asked if he or she has committed, or attempted to commit homosexual acts. The soldier may be asked if he or she intends to commit homosexual acts in the future. The soldier may be asked why he or she made the statement and what the statement meant.

Members of the soldier's supervisory chain-of-command may be questioned. Other persons suggested by the soldier in the interview may also be questioned.

#### **REMOVE VGT-17**

Any inquiry beyond that which we just covered is considered a "Substantial Investigation." A Substantial Investigation requires approval from the Department of the Army.

## SHOW VGT-18, INVESTIGATING HOMOSEXUAL CONDUCT (cont)

### **Investigating Homosexual Conduct (cont)**

- “Substantial investigation” requires DA approval.
- Statements to chaplains, attorneys, and spouses may be considered confidential.
- You will violate the policy IF:
  - You investigate a soldier for homosexual conduct without a commander’s permission, or
  - Accuse a soldier of violating the homosexual conduct policy based on:
    - \* Suspicion without credible evidence.
    - \* Rumors.
    - \* Observing a soldier with homosexual materials or in certain locations (e.g. “gay bars”).

L226/OCT 03/VGT-18

Ref: SH-5, p SH-5-5 and SH-5-6, para 3e(2)(d) thru 3h

Statements made by the soldier to certain individuals, e.g., chaplains, attorneys, and spouses, may be considered confidential. However, such statements must be looked at separately on a “case by case” basis to determine whether or not the statements are confidential.

### **Your Responsibilities as a Soldier**

It is your duty, as well as your legal obligation, to follow the Army’s rules and policies. When you behave in accordance with Army policies you demonstrate your loyalty to the Army and your fellow soldiers. You also serve honorably when you adhere to the Army’s regulations, policies, and laws.

If you take any of the following actions, you have violated the homosexual conduct policy:

- Investigate a soldier for homosexual conduct without a commander’s permission.
- Accuse a soldier of violating the homosexual conduct policy based on:
  - Suspicion without credible evidence.
  - Rumors.
  - Observing a soldier with homosexual materials or in certain locations (e.g., gay bars).

### **REMOVE VGT-18**

**CHECK ON LEARNING:**

QUESTION: Who is the only person that can initiate a fact-finding inquiry into an allegation of homosexual conduct?

ANSWER: A commander.

Ref: SH-5, p SH-5-5, para 3a

QUESTION: A commander sees one of his soldiers entering a bar that is a known homosexual establishment. May the commander initiate an inquiry as to the soldier's sexual preferences?

ANSWER: No. Just because the soldier enters such a bar does not provide credible evidence that the soldier is a homosexual.

Ref: SH-5, p SH-5-5, para 3c

QUESTION: What is the preferred type of inquiry into homosexual conduct?

ANSWER: Informal.

Ref: SH-5, p SH-5-6, para 3d

- 3. Learning Step / Activity 3. Anti-Harassment Policy
  - Method of Instruction: Conference / Discussion
  - Technique of Delivery: Small Group Instruction (SGI)
  - Instructor to Student Ratio: 1:8
  - Time of Instruction: 15 mins
  - Media: VGT-19 thru VGT-21

**SHOW VGT-19, ANTI-HARASSMENT POLICY**

**Anti-Harassment Policy**

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- A soldier being harassed should seek out the chain of command, a chaplain, the IG, or a legal assistance attorney.
- A harassed or threatened soldier should not be investigated simply because of the harassment or threat.
- The DOD Homosexual Conduct Policy does not, however, prohibit investigating the soldier(s) who harass(es) or threaten(s) another soldier for possible violations of the UCMJ.

L226/OCT 03/VGT-19

Ref: SH-5, p SH-5-6, para 4

A soldier who is being threatened or harassed because he or she is perceived to be homosexual should always seek out his or her chain of command to get help. If the soldier doesn't feel comfortable using the chain of command, he or she should go

to the chaplain, the inspector general, or the judge advocate general legal assistance attorney.

### **Harassed Soldiers Are Not Investigated**

If a soldier is being harassed or threatened because the soldier is said or perceived to be homosexual, the harassment or threat is not enough by itself to justify investigating the harassed/threatened soldier for homosexual conduct. This bar to investigation concerning the harassed soldier's sexual orientation does not prevent the investigation of the soldier(s) committing the harassment for possible violations of the UCMJ.

**REMOVE VGT-19**

**SHOW VGT-20, ANTI-HARASSMENT POLICY (cont)**

<p style="text-align: center;"><b>Anti-Harassment Policy (cont)</b></p> <ul style="list-style-type: none"><li>• Commanders need credible information other than harassment to investigate a soldier for homosexual conduct. HARASSMENT ALONE IS NOT CREDIBLE INFORMATION.</li><li>• Absent credible information, an investigation into a complaint or either harassment or of a threat must focus on the harassment or threat, ONLY.</li><li>• Credible information discovered during the course of an investigation does NOT stop the requirement to properly dispose of allegations of harassment.</li></ul> <p style="font-size: small;">L226/OCT 03/VGT-20</p>
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Ref: SH-5, SH-5-6, para 4b thru d

### **There Must Be Credible Information Apart From Harassment**

A commander still needs credible information apart from any threat or harassment to justify an investigation into homosexual conduct.

### **When Investigating Harassment, a Harassed Soldier's Orientation/Conduct Should Not Be Investigated**

When investigating a threat or harassment, the harassed/threatened soldier's sexual orientation should not be investigated, nor whether he or she committed homosexual conduct. The focus should be on the harassment or threat itself.

**If Credible Information Comes Up During the Investigation, It Must Be Carefully Reviewed.**

The information must be credible, apart from the harassment or threat. Receiving this information does not stop the requirement to investigate and take appropriate action against any harasser.

**REMOVE VGT-20**

**SHOW VGT-21, ANTI-HARASSMENT POLICY (cont)**

<p style="text-align: center;"><b><u>Anti- Harassment Policy (cont)</u></b></p> <ul style="list-style-type: none"><li>• <b>The Command cannot make harassment stop if its is not reported .</b></li><li>• <b>Commander must adequate address reported instances of harassment</b><ul style="list-style-type: none"><li>- <b>The focus of any investigation into alleged harassment must be on the soldier (s) committing the harassment.</b></li><li>- <b>Harassed or threatened soldiers must know that their own sexual orientation will not be the subject of the investigation.</b></li><li>- <b>When conducting the investigation, a commander can request the assistance of either MPI or CID.</b></li></ul></li></ul> <p><small>L226/OCT 03/VGT-21</small></p>
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**Soldiers Being Harassed/Threatened Should Seek Their Chain of Command**

Soldier who are being harassed or threatened because they are perceived to be homosexual should seek their chain of command for assistance. They should understand that reporting harassment or threats does not support an investigation into whether they have committed homosexual conduct. The command cannot make harassment stop if it is not reported. Commanders must adequately address reported instances of harassment, to include initiating a commander's inquiry under Rule for courts-martial 303, or referring the case to Military Police Investigators or the Criminal Investigation Division for investigation of the individuals committing the harassment. Harassed soldiers must know that they will not be investigated regarding their sexual orientation as a result of telling the chain of command about the harassment.

**REMOVE VGT-21**

**CHECK ON LEARNING:**

QUESTION: When a commander is investigating a threat or harassment against a soldier perceived to be homosexual, does he also initiate an investigation into whether the soldier is homosexual?

ANSWER: No. The commander should not investigate the threatened or harassed soldier's sexual orientation, nor whether the soldier committed homosexual conduct. The focus should be on the harassment or threat, only.

Ref: SH-5, SH-5-6, para 4c

QUESTION: What should the commander's actions be if credible information comes up during an investigation of threats to or harassment of a soldier perceived to be homosexual?

ANSWER: The commander must carefully review the information to determine its credibility. However, receiving this information does not stop the requirement to investigate and take appropriate action against any harasser.

Ref: SH-5, p SH-5-6, para 4d

**SECTION IV. SUMMARY**

Method of Instruction: <u>Conference / Discussion</u>
Technique of Delivery: <u>Small Group Instruction (SGI)</u>
Instructor to Student Ratio is: <u>1:8</u>
Time of Instruction: <u>15 mins</u>
Media: <u>None</u>

**Check on Learning**

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QUESTION: As a leader, how can you build discipline in your squad?

ANSWER: By training to standard, using rewards and punishment judiciously, instilling confidence in and building trust among team members, and creating a knowledgeable collective will.

Ref: FM 22-100, p 3-2, para 3-9

QUESTION: What is it that makes a leader do what he needs to do regardless of his personal feelings?

ANSWER: Self-discipline.

Ref: FM 22-100, p 2-12, para 2-47

QUESTION: A company commander is responsible for all the tasks and missions assigned to his company, and his leaders hold him accountable for completing them. This is an example of what type of responsibility?

ANSWER: Command responsibility.

Ref: FM 22-100, App A, p A-4, para A-18

QUESTION: What type of authority do NCOs have in order to maintain good order and discipline?

ANSWER: General military authority.

Ref: FM 22-100, App A, p A-3, para A-11 and A-12

QUESTION: As part of your duties in supporting the chain of command, what does teaching soldiers the history of the Army include?

ANSWER: Military customs, courtesies, and traditions.

Ref: AR 600-20 (SH-2), p 12, para 3-2a(5)

QUESTION: As part of your duties in supporting the chain of command, what does the training of enlisted soldiers include?

ANSWER: Training enlisted soldiers in their MOS as well as in the basic skills and attributes of a soldier.

Ref: AR 600-20 (SH-2), p 12, para 3-2a(3)

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QUESTION: As part of your duties in supporting the chain of command, what does accounting for and maintaining include?

ANSWER: Individual arms and equipment of enlisted soldiers, and unit equipment under their control.

Ref: AR 600-20 (SH-2), p 12, para 3-2a(8)

QUESTION: SPC Smith and SGT Smith have been married for five years. SGT Smith just received word that the Army selected her for warrant officer. Is the couple in compliance with what the Army allows for relationships?

ANSWER: Yes, since they were already a married couple prior to the selection.

Ref: AR 600-20 (SH-2), p 19, para 4-14c(2)(c)

QUESTION: In any relationship between soldiers of different grades or rank, who is generally in the best position to terminate or limit the extent of the relationship?

ANSWER: The senior member.

Ref: AR 600-20 (SH-2), p 19, para 4-14e

QUESTION: What Army leaders deal primarily with individual soldier training and team leading?

ANSWER: Noncommissioned officers.

Ref: FM 22-100, App A, p A-2, Fig A-1

QUESTION: What Army leader is responsible for establishing the leadership climate?

ANSWER: The commander.

Ref: AR 600-20 (SH-2), p 1, para 1-5c

QUESTION: When do commanders normally impose nonjudicial punishment?

ANSWER: When soldiers intentionally disregard or fail to follow the prescribed standards of military conduct.

Ref: AR 27-10 (SH-3), p 3, para 3-3a

QUESTION: When do leaders use extra training or instruction?

ANSWER: When a soldier's duty performance has been substandard or deficient.

Ref: AR 27-10 (SH-3), p 4, para 3-3c

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QUESTION: When a commander is investigating a threat or harassment against a soldier perceived to be homosexual, does he also initiate an investigation into whether the soldier is homosexual?

ANSWER: No. The commander should not investigate the threatened or harassed soldier's sexual orientation, nor whether the soldier committed homosexual conduct. The focus should be on the harassment or threat.

Ref: SH-5, p SH-5-6, para 4c

QUESTION: What should the commander's actions be if credible information comes up during an investigation of threats to or harassment of a soldier perceived to be homosexual?

ANSWER: The commander must carefully review the information to determine its credibility. However, receiving this information does not stop the requirement to investigate and take appropriate action against any harasser.

Ref: SH-5, p SH-5-6, para 4d

QUESTION: What acronym can you use to remember the key features of the DOD policy on homosexual conduct?

ANSWER: SAM, Statements – Acts – Marriages.

Ref: SH-5, p SH-5-3, para 2b

QUESTION: Who is the only person that can initiate a fact-finding inquiry into an allegation of homosexual conduct?

ANSWER: A commander.

Ref: SH-5, SH-5-5, para 3a

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**Review /  
Summarize  
Lesson**

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During this lesson you studied the definition of discipline and the difference between discipline and self-discipline. You studied the terms “authority, command authority, and general military authority.” You learned the differences between individual and command responsibilities and their role in maintaining discipline.

You also studied NCO responsibilities in supporting and assisting the commander in accomplishing the mission and maintaining discipline by supporting the chain of command. You learned about relationships between officers, warrant officers, NCOs and enlisted soldiers, and you learned how different relationships affect unit morale and discipline.

You read about the options of nonpunitive and punitive actions. Remember that nonpunitive actions are to help the soldier make corrections, NOT to punish him. In dealing with the lesser range of misconduct, the noncommissioned officer’s primary concern is to teach discipline and train to the proper standards of conduct.

You learned about the DOD policy on homosexual conduct focusing on homosexual “conduct” and not on sexual “orientation.” You also learned that the policy covers homosexual conduct, which includes statements, acts, and marriages, and that soldiers could be separated for such conduct. However, remember the special rule about homosexual statements that allows a soldier to remain in the Army, even after making a homosexual statement, provided the soldier can convince a separation board that he or she will not engage in homosexual acts.

You also learned that only commanders can initiate fact-finding inquiries into homosexual conduct. They may inquire into possible homosexual conduct only if there is credible evidence, meaning more than mere suspicion or rumor, of a homosexual statement, act, or marriage.

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Finally, you learned that soldiers who feel threatened /harassed because of being perceived as a homosexual are advised to seek assistance from the chain of command, chaplain, IG, or JAG legal assistance attorney. When investigating a threat or harassment, the focus should be on the threat or harassment and NOT on the perceived sexual orientation or alleged homosexual conduct of the threatened/harassed soldier. If the commander has credible information regarding any homosexual conduct, apart from the threat or harassment, the commander could then initiate an inquiry into these allegations.

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**Transition to  
Next Lesson**

None

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**SECTION V. STUDENT EVALUATION**

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**Testing Requirements**

**NOTE:** Describe how the student must demonstrate accomplishment of the TLO. Refer student to the Student Evaluation Plan.

You will take a written leadership examination. The examination will contain questions from this lesson. You must correctly answer 70 percent or more of the questions on the examination to receive a GO. Failure to achieve a GO on the examination will result in a retest. Failure of the retest could result in your dismissal from the course.

---

**Feedback Requirements**

**NOTE:** Feedback is essential to effective learning. Schedule and provide feedback on the evaluation and any information to help answer students' questions about the test. Provide remedial training as needed.

Inform the students where their examination will take place as posted on the training schedule, and when they will receive feedback on the test. Include any retest information.

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Terminal Learning Objective

VGT-1, Command Responsibility

## **Command Responsibility**

Refers to collective or organizational accountability and includes how well units perform their missions.

**EXAMPLE:** A company commander is responsible for all the tasks and missions assigned to his company.

L226/OCT 03/VGT-1

## **Individual Responsibility**

- **Accounting for your personal conduct.**
- **Commissioned officers, warrant officers, and DA civilians assume this responsibility when they take their oath.**
- **Soldiers assume this responsibility with their initial oath of enlistment.**

## **NCO Responsibilities**

- Transmitting, instilling, and ensuring the efficacy of the professional Army ethic.
- Planning and conducting the day-to-day unit operations within prescribed policies and directives.
- Training of enlisted soldiers in their MOS as well as in the basic skills and attributes of a soldier.

## **NCO Responsibilities (cont)**

- Supervising unit physical fitness training and ensuring soldiers comply with the weight and appearance standards of ARs 600-9 and 670-1.
- Teaching soldiers the history of the Army, to include military customs, courtesies, and traditions.
- Caring for soldiers and their families, on and off duty.
- Teaching soldiers the mission of the unit and developing individual training programs to support the mission.

## **NCO Responsibilities (cont)**

- Accounting for and maintaining individual arms and equipment of enlisted soldiers, and unit equipment under their control.
- Administering and monitoring the NCO professional development program, and other unit training programs.
- Achieving and maintaining courage, candor, competence, commitment, and compassion.

## **Commissioned Officers Roles and Responsibilities**

- Command, establish policy, and manage Army resources.
- Integrate collective, leader, and soldier training to accomplish missions.
- Deal primarily with units and unit operations.
- Concentrate on unit effectiveness and readiness.

L226/OCT 03/VGT-6

## **Warrant Officers Roles and Responsibilities**

- Provide quality advice, counsel, and solutions to support the command.
- Execute policy and manage Army systems.
- Command special-purpose units and task-organized operational elements.
- Focus on collective, leader, and individual training.
- Operate, maintain, administer, and manage Army equipment, support activities, and technical systems.

L226/OCT 03/VGT-7

## **Noncommissioned Officers Roles and Responsibilities**

- Train soldiers and conduct the daily business of the Army within established policy.
- Focus on individual soldier training.
- Deal primarily with individual soldier training and team leading.
- Ensure that subordinate teams, NCOs, and soldiers have properly prepared to function as effective unit and team members.

L226/OCT 03/VGT-8

## **Prohibited Soldier Relationships**

- Compromises, or appears to compromise, the integrity of supervisory authority, or the chain of command.
- Causes actual or perceived partiality or unfairness.
- Involves, or appears to involve, the improper use of rank or position for personal gain.

L226/OCT 03/VGT-9

## **Prohibited Soldier Relationships (cont)**

- Are, or someone perceives to be, exploitative or coercive in nature.
- Creates an actual or clearly predictable adverse impact on--
  - Discipline.
  - Authority.
  - Morale.
  - Ability of the command to accomplish its mission.

L226/OCT 03/VGT-10

## **Officer and Enlisted Prohibited Relationship Examples**

- Financial or business relationships.
- Dating, sharing living accommodations.
- Gambling.

L226/OCT 03/VGT-11

## **Other Prohibited Relationships**

- Trainee and soldier.
- Recruiter and recruit.

L226/OCT 03/VGT-12

## **Effects of Nonpunitive Measures**

To teach proper standards of conduct and performance, not to punish.

L226/OCT 03/VGT-13

## **Options for Enforcing Discipline**

- Corrective admonition and reprimand.
- Counseling.
- Corrective training.
- Withholding discretionary benefits, award, or promotion.
- Administrative reduction.
- Article 15.
- Courts-martial.

L226/OCT 03/VGT-14

## **DOD Homosexual Conduct Policy**

- Focus of policy is homosexual conduct, NOT sexual orientation.
- Command will separate soldiers for homosexual:
  - Statements (e.g. “I am gay”).
  - Acts.
  - Marriages (actual or attempted).
- NOTE: A soldier who makes a homosexual statement, but who also convinces a separation board that he or she will not engage in homosexual acts, can be retained by the Army.

L226/OCT 03/VGT-15

## **DOD Homosexual Conduct Policy (cont)**

- A soldier who takes any of the following actions violates the homosexual conduct policy, and the Army may discharge him or her:
  - Makes a homosexual statement.
  - Commits a homosexual act.
  - Enters, or attempts to enter into a homosexual marriage.
- A soldier, who for the purpose of avoiding military duty, engages in any of the behaviors listed above, may be subject to disciplinary actions under the UCMJ.

L226/OCT 03/VGT-16

## **Investigating Homosexual Conduct**

- **Only commanders initiate inquiries.**
- **An inquiry must be based on Credible Information.**
- **Examples of information that is NOT credible:**
  - Mere suspicion, opinion or rumors.
  - Reading homosexual publications/Going to “gay bars.”
  - Homosexual statements made to avoid duty.
- **Conduct the inquiry (informal inquiries preferred):**
  - Right against self-incrimination (Article 31, UCMJ).
  - Cannot ask soldier about his/her sexual orientation.
  - Can question soldier's supervisory chain of command.
  - Can question persons suggested by the soldier.

L226/OCT 03/VGT-17

## **Investigating Homosexual Conduct (cont)**

- **“Substantial investigation” requires DA approval.**
- **Statements to chaplains, attorneys, and spouses may be considered confidential.**
- **You will violate the policy IF:**
  - You investigate a soldier for homosexual conduct without a commander’s permission, or
  - Accuse a soldier of violating the homosexual conduct policy based on:
    - \* Suspicion without credible evidence.
    - \* Rumors.
    - \* Observing a soldier with homosexual materials or in certain locations (e.g. “gay bars”).

L226/OCT 03/VGT-18

## **Anti-Harassment Policy**

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- A soldier being harassed should seek out the chain of command, a chaplain, the IG, or a legal assistance attorney.
- A harassed or threatened soldier should not be investigated simply because of the harassment or threat.
- The DOD Homosexual Conduct Policy does not, however, prohibit investigating the soldier(s) who harass(es) or threaten(s) another soldier for possible violations of the UCMJ.

L226/OCT 03/VGT-19

## **Anti-Harassment Policy (cont)**

- Commanders need credible information other than harassment to investigate a soldier for homosexual conduct. **HARASSMENT ALONE IS NOT CREDIBLE INFORMATION.**
- Absent credible information, an investigation into a complaint or either harassment or of a threat must focus on the harassment or threat, **ONLY.**
- Credible information discovered during the course of an investigation does **NOT** stop the requirement to properly dispose of allegations of harassment.

L226/OCT 03/VGT-20

## **Anti-Harassment Policy (cont)**

- The command cannot make harassment stop if it is not reported.
- Commanders must adequately address reported instances of harassment.
  - The focus of any investigation into alleged harassment must be on the soldier(s) committing the harassment.
  - Harassed or threatened soldiers must know that their own sexual orientation will not be the subject of the investigation.
  - When conducting the investigation, a commander can request the assistance of either MPI or CID.

L226/OCT 03/VGT-21

**Appendix B Test(s) and Test Solution(s) (N/A)**

## Appendix C Practical Exercises and Solutions (N/A)

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**HANDOUTS FOR LESSON 1: L226 version 1**

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**This Appendix  
Contains**

This appendix contains the items listed in this table--

<b>Title/Synopsis</b>	<b>Pages</b>
SH-1, Advance Sheet	SH-1-1 and SH-1-2
Extracted Material from AR 600-20	SH-2-1
Extracted Material from AR 27-10	SH-3-1
Extracted Material from FM 27-14	SH-4-1
SH-5, Extracted Material from TSP 181-A-0001	SH-5-1 thru SH-5-11

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# Student Handout 1

## Advance Sheet

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**Lesson Hours** This lesson consists of four hours of conference/discussion.

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**Overview** During this lesson you will learn that, as a noncommissioned officer you are the commander's front-line in the continuing effort to gain and maintain a high standard of discipline in the unit. This lesson explains the options available to the NCO support channel and the chain of command to enforce unit discipline.

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**Learning Objective** Terminal Learning Objective (TLO).

<b>Action:</b>	Determine the leader's role in maintaining unit discipline.
<b>Conditions:</b>	In a classroom or field environment (culminating in a situational training exercise) and given a squad and extracts from FM 22-100, FM 27-14, AR 27-10, AR 600-20, and TSP 181-A-1001.
<b>Standards:</b>	Determined the leader's role in maintaining unit discipline by identifying the difference between types of discipline, types of military authority, and individual and command responsibilities; identifying NCO responsibilities and associated duties, command relationships between officers, NCOs, and their subordinates; identifying the difference between nonjudicial punishment and nonpunitive measures; determining which corrective measures are available that best support the NCO's role in maintaining discipline; and identifying the legal implications of the DOD homosexual conduct policy IAW FM 22-100, AR 27-10, FM 27-14, AR 600-20, and TSP 181-A-0001.

- ELO A** Identify the differences between discipline and self-discipline.
  - ELO B** Identify the types of military authority.
  - ELO C** Identify the difference between individual and command responsibility.
  - ELO D** Identify noncommissioned officer responsibilities and associated duties.
  - ELO E** Identify command relationships desired between officers, NCOs, and their subordinates.
  - ELO F** Identify the difference between nonjudicial punishment and nonpunitive measures.
  - ELO G** Determine which corrective measures are available that best support your role in maintaining unit discipline.
  - ELO H** Identify the legal implications of the DOD homosexual conduct policy.
-

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**Assignment**

The student assignments for this lesson are:

- Student Handout 1, Advance Sheet
- Student Handout 2, Extracted Material from AR 600-20
- Student Handout 3, Extracted Material from AR 27-10
- Student Handout 4, Extracted Material from FM 27-14
- Student Handout 5, Extracted Material from TSP 181-A-0001
- FM 22-100, p 1-17 and 1-18, para 1-71 and 1-72; p 2-12, para 2-46 and 2-47; p 2-21, para 2-85; p 3-1 thru 3-3, para 3-6 thru 3-13; p 3-6, para 3-28; App A, p A-1 thru A-4, para A-1 thru A-19 and Fig A-1.

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**Additional  
Subject Area  
Resources**

None

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**Bring to Class**

- All reference material received for this lesson.
  - Pencil or pen and writing paper
-

## Student Handout 2

### Extracted Material from AR 600-20

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**This Student  
Handout  
Contains**

This student handout contains 10 pages of extracted material from the following publication:

AR 600-20, Army Command Policy, 15 May 2002

Item/Title	Reading Assignment
Chap 1, p 1 and 2	para 1-5
Chap 2, p 5 and 6	para 2-1 thru 2-4
Chap 3, p 12 and 13	para 3-1 and 3-2
Chap 4, p 15 thru 17, 19, and 20	para 4-5, 4-8, and 4-14 thru 4-16

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## Chapter 1 Introduction

### 1-1. Purpose

This regulation prescribes the policies and responsibilities of command, which include military discipline and conduct, and the Army Equal Opportunity Program.

### 1-2. References

Required and related publications and prescribed and referenced forms are listed in appendix A.

### 1-3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are listed in the glossary.

### 1-4. Responsibilities

The detailed responsibilities are listed and described in separate chapters under specific programs and command functions. This paragraph outlines those general responsibilities.

*a.* The Deputy Chief of Staff , G-1 (DCS, G-1) will formulate, manage, and evaluate command policies, plans, and programs that relate to:

(1) Chain of command (para 2-1); designation of junior in the same grade to command (para 2-7); and assumption of command by the senior when the commander dies, is disabled, resigns, retires, or is absent (para 2-8).

(2) Extremist organizations and activities (para 4-12), relationships between soldiers of different rank (para 4-14), other prohibited relationships (4-15), and homosexual conduct policy (para 4-19).

(3) Political activities (para 5-3), Family Care Plans (para 5-5), and accommodation of religious practices (para 5-6).

(4) The Army Equal Opportunity (EO) Program (paras 6-2 and 6-18)

*b.* The officials listed below have responsibilities for specific groups of personnel concerning awareness of the Army's accommodation of religious practices policies. Every enlisted soldier (including reenlistment), cadet, warrant officer, and commissioned officer applicant needs to be informed of the Army's accommodation of religious practices policies under this regulation (para 5-6).

(1) The Judge Advocate General. All judge advocate officer accessions.

(2) The Chief of Chaplains. All chaplain officer accessions. This principal HQDA official will also formulate and disseminate education and training programs regarding religious traditions and practices within the U.S. Army.

(3) The Superintendent, U. S. Military Academy. All U.S. Military Academy cadet applicants.

(4) The CG, U.S. Army Training and Doctrine Command (TRADOC). All Reserve Officer Training Corps cadets and all officer and warrant officer candidates.

(5) The CG, U.S. Army Recruiting Command (USAREC). All enlisted and AMEDD officer accessions.

*c.* Commanders at all levels will implement and enforce the chain of command and Army command policies.

### 1-5. Command

*a. Privilege to command.* Command is exercised by virtue of office and the special assignment of members of the United States Armed Forces holding military grade who are eligible to exercise command. A commander is therefore a commissioned or warrant officer who, by virtue of grade and assignment, exercises primary command authority over a military organization or prescribed territorial area that under pertinent official directives is recognized as "command." The privilege to command is not limited solely by branch of Service except as indicated in chapter 2. A civilian, other than the President as Commander-in Chief (or National Command Authority), may not exercise command. However, a civilian may be designated to exercise general supervision over an Army installation or activity under the command of a military superior.

*b. Elements of command.* The key elements of command are authority and responsibility. Formal authority for command is derived from the policies, procedures, and precedents presented in chapters 1 through 3.

*c. Characteristics of command leadership.* The commander is responsible for establishing leadership climate of the unit and developing disciplined and cohesive units . This sets the parameters within which command will be exercised and, therefore, sets the tone for social and duty relationships within the command. Commanders are also responsible for the professional development of their soldiers. To this end, they encourage self-study, professional development, and continued growth of their subordinates' military careers.

(1) Commanders and other leaders committed to the professional Army ethic promote a positive environment. If leaders show loyalty to their soldiers, the Army, and the Nation, they earn the loyalty of their soldiers. If leaders consider their soldiers' needs and care for their well-being, and if they demonstrate genuine concern, these leaders build a positive command climate.

(2) Duty is obedient and disciplined performance. Soldiers with a sense of duty accomplish tasks given them, seize opportunities for self-improvement, and accept responsibility from their superiors. Soldiers, leader and led alike, work together to accomplish the mission rather than feed their self-interest.

(3) Integrity is a way of life. Demonstrated integrity is the basis for dependable, consistent information, decision-making, and delegation of authority.

(4) Professionally competent leaders will develop respect for their authority by-

(a) Striving to develop, maintain, and use the full range of human potential in their organization. This potential is a critical factor in ensuring that the organization is capable of accomplishing its mission.

(b) Giving troops constructive information on the need for and purpose of military discipline. Articles in the UCMJ which require explanation will be presented in such a way to ensure that soldiers are fully aware of the controls and obligations imposed on them by virtue of their military service. (See Art 137, UCMJ.)

(c) Properly training their soldiers and ensuring that both soldiers and equipment are in the proper state of readiness at all times. Commanders should assess the command climate periodically to analyze the human dimension of combat readiness. Soldiers must be committed to accomplishing the mission through the unit cohesion developed as a result of a healthy leadership climate established by the command. Leaders at all levels promote the individual readiness of their soldiers by developing competence and confidence in their subordinates. In addition to being mentally, physically, tactically, and technically competent, soldiers must have confidence in themselves, their equipment, their peers, and their leaders. A leadership climate in which all soldiers are treated with fairness, justice, and equity will be crucial to development of this confidence within soldiers. Commanders are responsible for developing disciplined and cohesive units sustained at the highest readiness level possible.

d. *Assignment and command.* Soldiers are assigned to stations or units where their services are required. The commanding officer then assigns appropriate duties. Without orders from proper authority, a soldier may only assume command when eligible according to chapter 2.

**1-6. Military grade and rank**

a. Military rank among officers of the same grade or of equivalent grade is determined by comparing dates of rank. An officer whose date of rank is earlier than the date of rank of another officer of the same or equivalent grade is senior to that officer. Grade and precedence of rank confers eligibility to exercise command or authority in the United States military within limits prescribed by law. (10 USC 741)

b. Grade is generally held by virtue of office or position in the Army. For example, second lieutenant (2LT), captain (CPT), sergeant first class (SFC), chief warrant officer two (CW2) are grades. Table 1-1 shows the grades in the Army in order of their precedence. It indicates the grouping of grades into classes, pay grades, titles of address, and abbreviations.

c. The pay grade is also an abbreviated numerical device with useful applications in pay management, personnel accounting, automated data organization, and other administrative fields. However, the numerical pay grade will not be used as a form of address or title in place of the proper title of address of grade. A soldier holding the numerical pay grade of E-5 will be addressed as Sergeant, not as “ E-5.” (See table 1-1.)

d. All chaplains are addressed as “ Chaplain,” regardless of military grade or professional title. When a chaplain is addressed in writing, grade is indicated in parentheses; for example, Chaplain (Major) John F. Doe.

e. Conferring honorary titles of military grade upon civilians is prohibited. However, honorary titles already conferred will not be withdrawn.

**Table 1-1  
Grades of rank, U.S. Army**

<b>General Officers</b>	
<b>Grade of rank:</b> General of the Army <b>Pay grade:</b> Special <b>Title of address:</b> General <b>Abbreviation:</b> GA (See footnote 1)	<b>Grade of rank:</b> Major General <b>Pay grade:</b> O-8 <b>Title of address:</b> General <b>Abbreviation:</b> MG
<b>Grade of rank:</b> General <b>Pay grade:</b> O-10 <b>Title of address:</b> General <b>Abbreviation:</b> GEN	<b>Grade of rank:</b> Brigadier General <b>Pay grade:</b> O-7 <b>Title of address:</b> General <b>Abbreviation:</b> BG
<b>Grade of rank:</b> Lieutenant General <b>Pay grade:</b> O-9 <b>Title of address:</b> General <b>Abbreviation:</b> LTG	
<b>Field Grade Officers</b>	

**Table 1–2  
Comparable rank among the Services—Continued**

Army	Air Force	Marine Corps	Navy
Chief Warrant Officer One	Chief Warrant Officer One	Chief Warrant Officer One	Chief Warrant Officer
<b>Cadets</b>			
Cadet	Cadet	---	Midshipman
<b>Enlisted</b>			
Sergeant Major of the Army	Chief Master Sergeant of the Air Force	Sergeant Major of the Marine Corps	Master Chief Petty Officer of the Navy
Command Sergeant Major	Chief Master Sergeant	Sergeant Major	Command Master Chief Petty Officer
Sergeant Major		Master Gunnery Sergeant	Master Chief Petty Officer
First Sergeant	Senior Master Sergeant	First Sergeant Officer	Senior Chief Petty
Master Sergeant	---	Master Sergeant	---
Sergeant First Class	Master Sergeant	Gunnery Sergeant	Chief Petty Officer
Staff Sergeant	Technical Sergeant	Staff Sergeant Class	Petty Officer First
Sergeant	Staff Sergeant	Sergeant Class	Petty Officer Second
Corporal	Sergeant	Corporal Class	Petty Officer Third
Specialist	---	---	---
Private First Class	Airman First Class	Lance Corporal	Seaman
Private	Airman	Private First Class	Seaman Apprentice
Private	Basic Airman	Private	Seaman Recruit

### **1–8. Precedence between members of the Army and members of foreign military services serving with the Army**

Members of foreign military services serving with the U.S. Army have equal status with Army members of equivalent grade. When authorized by the President or the Secretary of Defense, members of foreign military service serving with the U.S. Army may exercise operational or tactical control, but may not exercise command over soldiers of the United States Army.

## **Chapter 2 Command Policies**

### **2–1. Chain of Command**

*a.* The chain of command assists commanders at all levels to achieve their primary function of accomplishing the unit's assigned mission while caring for personnel and property in their charge. A simple and direct chain of command facilitates the transmittal of orders from the highest to the lowest levels in a minimum of time and with the least chance of misinterpretation. The command channel extends upward in the same manner for matters requiring official communication from subordinate to senior.

*b.* Commanders are responsible for everything their command does or fails to do. However, commanders subdivide responsibility and authority and assign portions of both to various subordinate commanders and staff members. In this way, a proper degree of responsibility becomes inherent in each command echelon. Commanders delegate sufficient authority to soldiers in the chain of command to accomplish their assigned duties, and commanders may hold these soldiers responsible for their actions. The need for a commander or staff officer to observe proper channels in issuing instructions or orders to subordinates must be recognized.

*c.* Proper use of the chain of command is vital to the overall effectiveness of the Army. Commanders must acquaint all their soldiers with its existence and proper function. Effective communication between senior and subordinate soldiers within the chain of command is crucial to the proper functioning of all units. Therefore, soldiers will use the chain of command when communicating issues and problems to their leaders and commanders.

### **2–2. Open Door Policies**

Commanders will establish an open door policy within their commands. Soldiers are responsible to ensure that the

commander is made aware of problems that affect discipline, morale, and mission effectiveness; and an open door policy allows members of the command to present facts, concerns, problems of a personal or professional nature, or other issues which the soldier has been unable to resolve. The timing, conduct, and specific procedures of the open door policy are determined by the commander. He or she is responsible for ensuring that soldiers are aware of the command's open door policy.

### **2-3. Performance Counseling**

Commanders will ensure that all members of their command receive timely performance counseling. Effective performance counseling of officer, noncommissioned officer (NCO), enlisted soldiers, and DA civilian employees helps to ensure that they are prepared to efficiently carry out their duties and accomplish the mission. AR 623-105 and AR 623-205 contain counseling requirements in conjunction with the evaluation reporting systems. Unit commanders will determine the timing and specific methods used to provide guidance and direction through counseling. FM 22-101 provides advice and makes suggestions concerning effective counseling. Providing regular and effective performance counseling to all soldiers, not just those whose performance fails to meet unit standards, is a command function. All commanders will ensure that their subordinate commanders have implemented and are maintaining an effective performance counseling program.

### **2-4. Staff or technical channels**

Staff or technical channels may be used for sending reports, information, or instructions not involving variations from command policy and directives.

### **2-5. Command of installations, activities, and units**

*a. Responsibility.* The senior regularly assigned United States Army officer present for duty normally has responsibility for the command of units, platoon level and above, except as shown in paragraphs 2-8a, 2-15, and 2-16.

*b. Command of installations.* Army installations are assigned to and operate under commanders of major Army commands (MACOMs) or, in selected cases, field operating agencies (FOAs). The installation commander is normally the senior commander on the installation. In addition to mission functions, the installation commander has overall responsibility for all real estate, facilities, base support operations, and activities on the installation. At those installations where the senior commander is assigned to a tenant organization, the MACOM/FOA to which the installation is assigned may designate the garrison commander as the installation commander subject to the following restrictions:

(1) Installation commanders will not exercise operational control over tenant organization missions. Relationships and responsibilities of the installation and tenant organizations should be established by support agreements. See FM 100-22.

(2) Installation commanders who are junior-in-grade will not exercise any aspect of command over senior officers.

*c. UCMJ authority* will be governed by AR 27-10, para 5-2.

(1) Army commanders in the grade of lieutenant general or above may not assume command of Army installations, except where the installation serves as the location for an Army Corps, continental United States Army (CONUSA), or higher headquarters. An exception to this policy must be approved by GENERAL OFFICER MANAGEMENT OFFICE, CHIEF OF STAFF (DACS-GOM), 200 ARMY PENTAGON, WASH DC 20310-0200.

(2) MACOM commanders may relieve tactical commanders of installation responsibilities by designating a junior officer of the permanent station as installation commander.

(3) Command of installations and units under the Army Medical Department (AMEDD) will be as prescribed in AR 40-1.

*c. Announcement of assumption of command.* Assumption of command will be announced in a memorandum and will contain the information shown in figure 2-1. To preclude two separate documents, appointment (applies only to three and four star general officers) and assumption announcements may be included in a single memorandum as shown in figure 2-2.

than those specified above, will be submitted to GENERAL OFFICER MANAGEMENT OFFICE, CHIEF OF STAFF (DACS-GOM), 200 ARMY PENTAGON, WASH DC 20310-0200.

*j. Professors at the United States Military Academy.* Officers appointed as permanent professors at the United States Military Academy (USMA) exercise command only in the academic departments of USMA. (10 USC 4334).

## **2-17. Relief for cause**

*a.* When a senior commander loses confidence in a subordinate commander's ability to command due to misconduct, poor judgment, the subordinate's inability to complete assigned duties, or for other similar reasons, the senior commander has the authority to relieve the subordinate commander. Relief is preceded with formal counseling by the commander or supervisor unless such action is not deemed appropriate or practical under the circumstances. Although any commander may temporarily suspend a subordinate from command, final action to relieve an officer from any command position will not be taken until after written approval by the first general officer (to include one frocked to the grade of brigadier general) in the chain of command of the officer being relieved is obtained. Any action purporting to finally relieve an officer from any command position prior to the required written approval will be considered for all purposes as a temporary suspension from assigned duties rather than a final relief from command for cause. If a general officer (to include one frocked to the grade of brigadier general) is the relieving official, no further approval of the relief action is required, however, AR 623-105 and AR 623-205 concerning administrative review of relief reports remain applicable.

*b.* If a relief for cause is contemplated on the basis of an informal investigation under AR 15-6, the referral and comment procedures of that regulation must be followed before initiating or directing the relief. This does not preclude a temporary suspension from assigned duties pending completion of the procedural safeguards contained in AR 15-6. Any action purporting to initiate or direct a relief for cause on the basis of an informal investigation under AR 15-6 taken prior to completion of the procedural safeguards of AR 15-6 will be considered for all purposes as a temporary suspension from assigned duties.

## **Chapter 3 Enlisted Aspects of Command**

### **3-1. Delegation of authority**

Commanders and their staffs, at all levels of command, are responsible for ensuring proper delegation of authority to NCOs by their seniors. This policy applies whether the senior is an officer, WO, or another NCO.

### **3-2. Noncommissioned officer support channel**

*a.* The NCO support channel (leadership chain) parallels and complements the chain of command. It is a channel of communication and supervision from the command sergeant major to first sergeant and then to other NCOs and enlisted personnel of the units. Commanders will define responsibilities and authority of their NCOs to their staffs and subordinates. This NCO support channel will assist the chain of command in accomplishing the following-

(1) Transmitting, instilling, and ensuring the efficacy of the professional Army ethic. (See FM 100-1 for an explanation of the professional Army ethic.)

(2) Planning and conducting the day-to-day unit operations within prescribed policies and directives.

(3) Training of enlisted soldiers in their MOS as well as in the basic skills and attributes of a soldier.

(4) Supervising unit physical fitness training and ensuring that unit soldiers comply with the weight and appearance standards of AR 600-9 and AR 670-1.

(5) Teaching soldiers the history of the Army, to include military customs, courtesies, and traditions.

(6) Caring for individual soldiers and their families both on and off duty.

(7) Teaching soldiers the mission of the unit and developing individual training programs to support the mission.

(8) Accounting for and maintaining individual arms and equipment of enlisted soldiers, and unit equipment under their control.

(9) Administering and monitoring the NCO professional development program, and other unit training programs.

(10) Achieving and maintaining courage, candor, competence, commitment, and compassion.

*b.* AR 611-201 and TC 22-6 contain specific information concerning the responsibilities, command functions, and scope of NCO duties.

(1) Sergeant Major of the Army. This is the senior sergeant major grade and designates the senior enlisted position of the Army. The sergeant major in this position serves as the senior enlisted adviser and consultant to the Chief of Staff, Army.

(2) Command Sergeant Major. This position title designates the senior NCO of the command at battalion or higher levels. He or she carries out policies and standards, and advises the commander on the performance, training,

appearance, and conduct of enlisted soldiers. The command sergeant major administers the unit Noncommissioned Officer's Professional Development Program (NCODP).

(3) First Sergeant. The position of first sergeant designates the senior NCO at company level. The first sergeant of a separate company or equivalent level organization administers the unit NCODP.

(4) Platoon Sergeant. The platoon sergeant is the key assistant and adviser to the platoon leader. In the absence of the platoon leader, the platoon sergeant leads the platoon.

(5) Section, squad, and team leaders. These direct leaders are the NCOs responsible at this level.

c. NCO disciplinary policies are shown below.

(1) NCOs are important to maintaining discipline in the Army. The policies prescribed in this subparagraph should be considered together with the provisions of chapter 4 of this regulation, AR 27-10, and the MCM.

(a) NCOs have the authority to apprehend any person subject to trial by court-martial under the MCM (Article 7, UCMJ, and para 302(b), Rules for Courts-Martial (RCM)) and chapter 4 of this regulation.

(b) NCOs may be authorized by their commanders to order enlisted soldiers of the commanding officer's command or enlisted soldiers subject to the authority of that commanding officer into arrest or confinement per the MCM (para 304(b), RCM).

(2) NCOs do not have authority to impose nonjudicial punishment on other enlisted soldiers under the MCM (Article 15, UCMJ.) However, the commander may authorize an NCO in the grade of sergeant first class or above, provided such person is senior to the soldier being notified, to deliver the DA Form 2627 (Record of Proceedings under Article 15, UCMJ) and inform the soldier of his or her rights. In cases of nonjudicial punishment, the recommendations of NCOs should be sought and considered by the unit commanders.

(3) As enlisted leaders of soldiers, NCOs are essential to furthering the efficiency of the company, battery, or troop. This function includes preventing incidents that make it necessary to resort to trial by courts-martial or to impose nonjudicial punishment. Thus, NCOs are assistants to commanders in administering minor nonpunitive corrective actions as found in AR 27-10 and Part V, paragraph 1g of the MCM. "Nonpunitive measures" are not "nonjudicial punishment."

(4) In taking corrective action with regard to subordinates, NCOs will be guided by and observe the principles listed in chapter 4.

d. NCO prerogatives and privileges are shown below. NCOs will-

(1) Function only in supervisory roles on work details and only as NCOs of the guard on guard duty, except when temporary personnel shortages requires the NCO to actively participate in the work detail.

(2) Be granted such privileges as organization and installation commanders are capable of granting and consider proper to enhance the prestige of their enlisted troop leaders.

### **3-3. Precedence of relative grade**

Among enlisted soldiers of the same grade in active military service to include retired enlisted soldiers on active duty, precedence or relative grade will be determined as follows-  
According to date of rank.

b. By length of active Federal Service in the Army when dates of rank are the same.

c. By length of total active Federal Service when a and b above are the same.

d. By date of birth when a, b, and c are the same-older is more senior.

### **3-4. Date of rank, enlisted soldiers**

a. On enlistment in the-

(1) U.S. Army (any component) with no previous military service, the Date of rank (DOR) of the enlistment grade is the same as the date of enlistment.

(2) Regular Army (RA) following discharge from the USAR (Delayed Entry Program) (DEP), the DOR of the enlistment grade is the same as the date of enlistment in the RA.

(3) U.S. Army (any component) of a former commissioned officer or warrant officer with no previous enlisted military service, the DOR of the enlistment grade is the same as the date of enlistment.

(4) U.S. Army (any component) of a former enlisted member of the Armed Forces, other than the Army, if enlisted in the-

(a) RA, the DOR of the enlistment grade is the date of enlistment in the RA.

(b) ARNGUS and enlists-

1. More than 24 months after discharge, the DOR of enlistment grade is the date of enlistment.

2. Within 24 months of the last discharge in the same grade held at the discharge, the DOR will be adjusted to reflect the original DOR plus elapsed time since discharge.

3. Within 24 months of last discharge in a grade lower than held at discharge, the DOR will be adjusted to reflect the original DOR (of the grade in which enlisting) plus elapsed time since discharge.

(c) USAR and enlists-

which ordered to AD will be stated on the AD orders. It is computed by adding, at the time of retirement, the period of time between the date of the retirement and the date of return to AD. In case of additional periods of inactive service, the DOR is adjusted further.

*d.* On advancement, promotion, reduction, and grade restoration.

(1) The DOR for advancement and promotion to a higher grade is the date specified in the instrument of promotion or, when no date is specified, is the date of the instrument of promotion.

(2) The DOR for the lateral appointment to a different grade within the same pay grade is date held in the grade from which the appointment was made.

(3) The DOR for the grade held during a period in which lost time occurs will be adjusted to reflect lost time accumulated for any reason. This paragraph is retroactive to include adjustment of DOR held during previous periods of lost time.

(4) The DOR of a grade to which reduced for inefficiency or failure to complete a school course is the same as that previously held in that grade. If reduction is to a higher grade than that previously held, it is the date the soldier was eligible for promotion under the promotion criteria set forth for that grade.

(5) The DOR on reduction for all other reasons is the effective date of reduction. (See AR 27-10, chapter 3, when a soldier is reduced under Article 15, UCMJ.)

(6) The DOR on restoration to a grade from which reduced following a successful appeal of the reduction or action by a superior authority to mitigate the punishment, is the date held before the reduction. (See AR 27-10, chap 3 when a soldier is reduced under the MCM (Article 15, UCMJ).)

(7) The DOR on restoration to a higher grade held before reduction to comply with requirements to enter initial active duty for training (IADT), or to attend school under an Army program will be the DOR held prior to reduction.

(8) The DOR of an ARNGUS/USAR soldier promoted to a higher grade held before acceptance of the reduction of one or more grades, without prejudice, due to lack of position vacancy, unit reorganization, unit inactivation/deactivation, or for entry on FTNGD, AD, or ADT will be a date preceding the promotion by a period equal to the length of time previously served in the grade to which promoted.

## **Chapter 4**

### **Military Discipline and Conduct**

#### **4-1. Military discipline**

*a.* Military discipline is founded upon self-discipline, respect for properly constituted authority, and the embracing of the professional Army ethic with its supporting individual values. Military discipline will be developed by individual and group training to create a mental attitude resulting in proper conduct and prompt obedience to lawful military authority.

*b.* While military discipline is the result of effective training, it is affected by every feature of military life. It is manifested in individuals and units by cohesion, bonding, and a spirit of teamwork; by smartness of appearance and action; by cleanliness and maintenance of dress, equipment, and quarters; by deference to seniors and mutual respect between senior and subordinate personnel; by the prompt and willing execution of both the letter and the spirit of the legal orders of their lawful commanders; and by fairness, justice, and equity for all soldiers, regardless of race, religion, color, gender, and national origin.

*c.* Commanders and other leaders will maintain discipline according to the policies of this chapter, applicable laws and regulations, and the orders of seniors.

#### **4-2. Obedience to orders**

All persons in the military service are required to strictly obey and promptly execute the legal orders of their lawful seniors.

#### **4-3. Military courtesy**

*a.* Courtesy among members of the Armed Forces is vital to maintain military discipline. Respect to seniors will be extended at all times. (See AR 600-25, chap 4.)

*b.* The actions of military personnel will reflect respect to both the National Anthem and the National Colors. The courtesies listed in AR 600-25, appendix A, should be rendered the National Colors and National Anthem at public events whether the soldier is off or on duty, whether he or she is in or out of uniform. Intentional disrespect to the National Colors or National Anthem is conduct prejudicial to good order and discipline and discredits the military service.

#### **4-4. Soldier conduct**

*a.* Ensuring the proper conduct of soldiers is a function of command. Commanders and leaders in the Army, whether on or off duty or in a leave status, will-

- (1) Ensure all military personnel present a neat, soldierly appearance.
- (2) Take action consistent with Army regulation in any case where a soldier's conduct violates good order and military discipline.

*b.* On public conveyances in the absence of military police, the person in charge of the conveyance will be asked to notify the nearest military police and arrange to have them, if necessary, take custody of military personnel. In serious situations, such as physical assault, the person in charge of the conveyance will be asked to stop at the first opportunity and request local police assistance. In all such cases, the local police will be advised to telephone (collect) the nearest Army post or Army headquarters.

*c.* When an offense endangering the reputation of the Army is committed elsewhere (not on a public conveyance) and military police are not available, civilian police will be requested to take appropriate action.

*d.* When military police are not present, the senior officer, WO, or NCO present will obtain the soldier's name, grade, social security number, organization, and station. The information and a statement of the circumstances will be sent to the soldier's commanding officer without delay. If the soldier is turned over to the civilian police, the above information will be sent to the civilian police for transmittal to the proper military authorities.

#### **4-5. Maintenance of order**

Army and Marine Corps Military Police, Air Force Security Police, and members of the Navy and Coast Guard Shore Patrols are authorized and directed to apprehend Armed Forces members who commit offenses punishable under the UCMJ. Officers, WOs, NCOs, and petty officers of the Armed Forces are authorized and directed to quell all quarrels, frays, and disorders among persons subject to military law and to apprehend participants. Those exercising this authority should do so with judgment and tact. Personnel so apprehended will be returned to the jurisdiction of their respective Service as soon as practical. Confinement of females will be according to AR 190-47.

#### **4-6. Exercising military authority**

*a.* Military authority is exercised promptly, firmly, courteously and fairly. Commanders should consider administrative corrective measures before deciding to impose nonjudicial punishment. Trial by court-martial is ordinarily inappropriate for minor offenses unless lesser forms of administering discipline would be ineffective. (See MCM, Part V, and chap 3, AR 27-10.)

*b.* One of the most effective administrative corrective measures is extra training or instruction (including on-the-spot correction). For example, if soldiers appear in an improper uniform, they are required to correct it immediately; if they do not maintain their housing area properly, they must correct the deficiency in a timely manner. If soldiers have training deficiencies, they will be required to take extra training or instruction in subjects directly related to the shortcoming.

(1) The training, instruction, or correction given to a soldier to correct deficiencies must be directly related to the deficiency. It must be oriented to improving the soldier's performance in his or her problem area. Corrective measures may be taken after normal duty hours. Such measures assume the nature of training or instruction, not punishment. Corrective training should continue only until the training deficiency is overcome. Authority to use it is part of the inherent powers of command.

(2) Care should be taken at all levels of command to ensure that training and instruction are not used in an oppressive manner to evade the procedural safeguards applying to imposing nonjudicial punishment. Deficiencies satisfactorily corrected by means of training and instruction will not be noted in the official records of the soldiers concerned.

#### **4-7. Disciplinary powers of the commanding officer**

*a.* Commanding officers exercise broad disciplinary powers in furtherance of their command responsibilities. Discretion, fairness, and sound judgment are essential ingredients of military justice.

*b.* Commanders will familiarize themselves with their powers and responsibilities as outlined in MCM, AR 27-10, AR 600-37, AR 635-200 and other authorities. Legal advice is available from supporting judge advocates.

*c.* Disciplinary measures are tailored to specific offenses and individual offenders. Commanders will neither direct subordinates to take particular disciplinary actions, nor unnecessarily restrict disciplinary authority of subordinates. (See Articles 37, and 98, UCMJ, and AR 27-10 regarding the proper exercise of authority by commanders.)

#### **4-8. Settlement of local accounts on change of station**

To ensure organizations and individuals have properly settled their accounts, commanders will-

- a.* Make every effort to settle local accounts of their organizations before movement.
- b.* Take action to promptly settle organizational accounts with local firms when unable to settle before movement.
- c.* Take action as needed when soldiers under their command issue checks against an account with insufficient funds

or fail to clear their personal accounts before departure from their stations. This includes consideration under Articles 15, 121, 123a, 133, or 134, Uniform Code of Military Justice. When indebtedness information is received after a soldier departs from the station, the commanding officer of the station at which personal accounts remain unsettled will take action outlined in AR 600-15.

#### **4-9. Civil status of members of the Reserve component**

*a.* Reserve Component members, not serving on active duty, are not for most purposes considered officers or employees of the United States solely by reason of their Reserve status. They may accept and receive pay for employment in any civil branch of the public service, in addition to any pay and allowances they may be entitled to under the laws governing members of RCs.

*b.* A member of the RC, not serving on active duty, may practice his or her civilian profession or occupation before or in connection with any department of the Federal Government unless prohibited by law.

*c.* Conflict of interest laws impose limitations on activities in which persons may engage after terminating active duty or employment by the United States. A reservist who has handled a government matter shall not, while in a civilian status, represent any party, other than the government, in connection with the same particular matter. (See 18 USC 207.) While handling government matters, reservists will not take any direct or indirect action in a particular matter in which they have an outside financial interest. (See 18 USC 208; DODD 5500.7-R, para 5-408.)

*d.* ARNG and USAR soldiers who are officers and employees of the United States or the District of Columbia are entitled to a leave of absence from their civilian employment when ordered under Title 39, District of Columbia Code to ADT or annual training (AT). This leave of absence will be granted without loss of pay, time, or efficiency rating on all days during which they are ordered to duty with troops or field exercises, or for instruction, for periods not over 15 days in any calendar year. As an exception, officers and employees of the United States or of the District of Columbia who are members of the Army National Guard of the District of Columbia are authorized leave for all days (no limit) on which they are ordered under Title 39, District of Columbia Code to duty for parades or encampment under 5 USC 6323.

*e.* ARNG and USAR soldiers may accept and be paid for civil employment with any foreign government, when approved by the Secretary of the Army and the Secretary of State. This includes any concern controlled in whole or in part by a foreign government. AR 600-291 is used for processing applications.

#### **4-10. Participation in support of civilian law enforcement agencies**

*a.* Military support of civilian law enforcement is governed by the Posse Comitatus Act (18 USC 1385), 10 USC Sections 371-382, DODD 5525.5, and AR 500-51. Commanders will not sanction use of military personnel in support of civilian law enforcement agencies in the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, or United States Territories, except when authorized by law. Because this is a complex area of the law, commanders and law enforcement personnel should consult with their servicing judge advocate or legal advisor.

*b.* Military personnel may report crimes or other suspicious activities to civilian police agencies or cooperate with civilian authorities in their capacities as private citizens. Military law enforcement personnel may exchange information with civilian authorities according to AR 500-51.

#### **4-11. Membership campaigns**

DA recognizes and benefits from the activities of many worthy organizations, associations, and clubs. Many of these organizations enjoy close, historical ties with the military community and are composed largely of active or retired military personnel. DA support of private organizations is strictly regulated by DODI 1000.15 and DODD 5500.7-R.

*a.* In supporting such organizations and associations, post commanders and heads of DA Staff agencies will-

(1) Ensure membership among personnel under their jurisdiction is truly voluntary.

(2) Prohibit any practice that involves or implies compulsion, coercion, influence, or reprisal in the conduct of membership campaigns. This prohibition includes repeated orientations, meetings, or similar counseling of persons who have chosen not to join after given a chance to do so. It also includes using membership statistics in support of supervisory influence.

(3) Prohibit any practice that involves or implies DA sponsorship or endorsement of the organization and its activities.

(4) Prohibit the use of government property, facilities, or services, e.g., golf course membership, as an inducement to join a private organization.

*b.* This policy does not prohibit commanders from informing personnel without coercion about membership in such organizations. When doing so, commanders will ensure they do not favor one organization over others.

#### **4-12. Extremist organizations and activities**

Participation in extremist organizations and activities by Army personnel is inconsistent with the responsibilities of military service. It is the policy of the United States Army to provide equal opportunity and treatment for all soldiers without regard to race, color, religion, gender, or national origin. Enforcement of this policy is a responsibility of

(3) The commander of a military installation or other military controlled facility under the jurisdiction of the United States shall prohibit any demonstration or activity on the installation or facility that could result in interference with or prevention of orderly accomplishment of the mission of the installation or facility, or present a clear danger to loyalty, discipline, or morale of the troops. Further, such commanders shall deny requests for the use of military controlled facilities by individuals or groups that engage in discriminatory practices or for activities involving such practices.

f. Commanders should seek the advice and counsel of their legal advisor when taking actions pursuant to this policy.

#### **4-13. Army language policy**

English is the operational language of the Army. Soldiers must maintain sufficient proficiency in English to perform their military duties. Their operational communications must be understood by everyone who has an official need to know their content, and, therefore, must normally be English. However, commanders may not require soldiers to use English unless such use is clearly necessary and proper for the performance of military functions. Accordingly, commanders may not require the use of English for personal communications which are unrelated to military functions.

#### **4-14. Relationships between soldiers 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 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 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.

(b) Relationships (dating, shared living accommodations, and intimate or sexual relationships) outside of marriage that predate the effective date of this policy until 1 March 2000.

(c) Situations in which a relationship which complies with this policy would move into non-compliance due to a change in status 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.

(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 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. Fraternalization**

Violations of paragraphs 4-14b, 4-14c, and 4-15 may be punished under Article 92, UCMJ, as a violation of a lawful general regulation.

#### **4-17. Standards of conduct**

Department of the Army personnel must place loyalty to country, ethical principles, and law above private gain and other personal interests. The performance of their duties should be in keeping with the highest tradition of military and civilian service to the U.S. Government.

a. *Guidance.* Minimum standards of conduct required of all Soldiers and Army civilians are prescribed by the Joint Ethics Regulation, DODD 5500.7-R. That regulation provides Army personnel with guidance on a multitude of ethical issues including the avoidance of conflicts of interests between their commercial/financial interest and their official duties.

b. *Annual training.* Commanders at all levels will ensure that all Army personnel required to file either a public or confidential financial disclosure report, contracting officers, procurement officials, and others identified by an Army ethics counselor, receive annual ethics training as prescribed by DODD 5500.7-R.

#### **4-18. Employment and volunteer work of spouse**

a. The Army affirms the rights of a spouse of a soldier to pursue and hold a job, attend school, or perform volunteer services on or off a military installation. No DA official will, directly or indirectly, impede or otherwise interfere with these rights. Moreover, no DA official will use the preferences and requirements of the Army or any other DOD component to influence the employment, educational, or volunteer service decisions of a spouse. Neither will such decision of a spouse, nor the marital status of the soldier affect, favorably or adversely, the performance evaluations, assignments, or promotion opportunities of the soldier.

(1) In discharging their responsibilities, members of military promotion, continuation, and similar personnel selection boards are prohibited from considering the marital status of a soldier, or the employment, educational, or volunteer service activities of a soldier's spouse. AR 135-155, AR 135-205, AR 140-158, and AR 600-8-29 provide specific policies governing board conduct.

(2) Personnel decisions, including those related to the assignments of soldiers, will not be affected favorably or adversely, by the employment, educational or volunteer services activities of a soldier's spouse, or solely by reason of a soldier's marital status. AR 140-10, AR 614-30, AR 614-100, AR 614-200, and AR 690-700 provide specific policies. Exceptions may be-

(a) Necessary to alleviate the personal hardship of a soldier or spouse upon the request of the soldier concerned, such as when a family member requires specialized medical treatment or educational provisions or similar personal preference accommodations.

(b) Needed to facilitate the assignment of dual-military couples to the same geographic area.

(c) Required by law such as instances in which a prohibited conflict of interest may exist between the official duties of a soldier and the employment of the soldier's spouse. DODD 5500.7-R, The Joint Ethics Regulation, provides specific policies.

(d) Made by the Assistant Secretary of Defense (Personnel and Readiness), with the concurrence of the General Counsel, on a case-by-case basis, for reasons of national security, that marital status is an essential assignment qualification for particular military billets or positions.

(3) Performance appraisals on soldiers, including officer and enlisted evaluations reports, will not contain any information regarding the employment, educational or volunteer service activities of the soldier's spouse, or reflect

## Student Handout 3

### Extracted Material from AR 27-10

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**This Student  
Handout  
Contains**

This student handout contains 3 pages of extracted material from the following publication:

AR 27-10, Military Justice, 6 September 2002

Item/Title	Reading Assignment
Chap 3, p 3 thru 5	para 3-1 thru 3-6

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have national security implications. This is in addition to the reporting requirements set forth for cases involving a threat to U.S. national security in which a grant of immunity is being proposed in accordance with paragraph 2–4*d*. SJAs will also provide a copy of the unclassified executive summary via e-mail to HQDA, International and Operational Law Division (DAJA–IO) of The Judge Advocate General. These cases involve offenses such as—

- (1) Sedition (UCMJ Articles 82 and 94) when foreign power involvement is suspected.
  - (2) Aiding the enemy by giving intelligence to the enemy (Article 104 element).
  - (3) Spying (Article 106).
  - (4) Espionage (Article 106a).
  - (5) Suspected or actual unauthorized acquisition of military technology, research and development information, or Army acquisition program information, by or on behalf of a foreign power.
  - (6) Violation of rules or statutes concerning classified information, or the foreign relations of the United States.
  - (7) Sabotage conducted by or on behalf of a foreign power.
  - (8) Subversion, treason, domestic terrorism, and known or suspected unauthorized disclosure of classified information or material.
  - (9) Attempts (Article 80), solicitations (Article 134) or conspiracies (Article 81) to commit (1) through (8) above.
- b.* SJA notification is designed to improve force protection and security while at the same time protecting the accused’s right to a fair trial, free from unlawful command influence.

## **Chapter 3 Nonjudicial Punishment**

### **Section I Applicable Policies (para 1, part V, MCM)**

#### **3–1. General**

This chapter implements and amplifies Article 15, UCMJ, and part V, MCM. No action should be taken under the authority of Article 15, UCMJ, without referring to the appropriate provisions of the MCM and this chapter. This chapter prescribes requirements, policies, limitations, and procedures for—

- a.* Commanders at all levels imposing nonjudicial punishment.
- b.* Members on whom this punishment is to be imposed.
- c.* Other persons who may take some action with respect to the proceedings.

#### **3–2. Use of nonjudicial punishment**

A commander should use nonpunitive measures to the fullest extent to further the efficiency of the command before resorting to nonjudicial punishment (para 1*d*(1), part V, MCM). Use of nonjudicial punishment is proper in all cases involving minor offenses in which nonpunitive measures are considered inadequate or inappropriate. If it is clear that nonjudicial punishment will not be sufficient to meet the ends of justice, more stringent measures must be taken. Prompt action is essential for nonjudicial punishment to have the proper corrective effect. Nonjudicial punishment may be imposed to—

- a.* Correct, educate, and reform offenders who the imposing commander determines cannot benefit from less stringent measures.
- b.* Preserve a soldier’s record of service from unnecessary stigma by record of court-martial conviction.
- c.* Further military efficiency by disposing of minor offenses in a manner requiring less time and personnel than trial by court-martial.

#### **3–3. Relationship of nonjudicial punishment to nonpunitive measures (para 1*g*, part V, MCM)**

*a. General.* Nonjudicial punishment is imposed to correct misconduct in violation of the UCMJ. Such conduct may result from intentional disregard of or failure to comply with prescribed standards of military conduct. Nonpunitive measures usually deal with misconduct resulting from simple neglect, forgetfulness, laziness, inattention to instructions, sloppy habits, immaturity, difficulty in adjusting to disciplined military life, and similar deficiencies. These measures are primarily tools for teaching proper standards of conduct and performance and do not constitute punishment. Included among nonpunitive measures are denial of pass or other privileges, counseling, administrative reduction in grade, administrative reprimands and admonitions, extra training (Army Regulation (AR) 600–20), bar to reenlistment, and military occupational specialty (MOS) reclassification. Certain commanders may administratively reduce enlisted personnel for inefficiency and other reasons. This authority exists apart from any authority to punish misconduct under Article 15. These two separate and distinct kinds of authority should not be confused.

*b. Reprimands and admonitions.*

- (1) Commanding officers have authority to give admonitions or reprimands either as an administrative measure or as

nonjudicial punishment. If imposed as a punitive measure under Article 15, the procedure set forth in paragraph 4, part V, MCM, and in section III of this chapter must be followed.

(2) A written administrative admonition or reprimand will contain a statement that it has been imposed as an administrative measure and not as punishment under Article 15 (AR 600–37). Admonitions and reprimands imposed as punishment under Article 15, whether administered orally or in writing (para 5c(1), part V, MCM), should state clearly that they were imposed as punishment under that Article.

*c. Extra training or instruction.* One of the most effective nonpunitive measures available to a commander is extra training or instruction (AR 600–20). It is used when a soldier’s duty performance has been substandard or deficient; for example, a soldier who fails to maintain proper attire may be required to attend classes on the wearing of the uniform and stand inspection until the deficiency is corrected. The training or instruction must relate directly to the deficiency observed and must be oriented to correct that particular deficiency. Extra training or instruction may be conducted after duty hours.

### **3–4. Personal exercise of discretion (para 1d(2), part V, MCM)**

*a.* A commander will personally exercise discretion in the nonjudicial punishment process by—

- (1) Evaluating the case to determine whether proceedings under Article 15 should be initiated.
- (2) Determining whether the soldier committed the offense(s) where Article 15 proceedings are initiated and the soldier does not demand trial by court-martial.
- (3) Determining the amount and nature of any punishment, if punishment is appropriate.

*b.* No superior may direct that a subordinate authority impose punishment under Article 15 or issue regulations, orders, or so-called “guides” that either directly or indirectly suggest to subordinate commanders that—

- (1) Certain categories of offenders or offenses should be disposed of by punishment under Article 15.
- (2) Predetermined kinds or amounts of punishment should be imposed for certain categories of offenders or offenses.

*c.* A superior commander may send or return a case to a subordinate for appropriate disposition if necessary and within the jurisdiction of the subordinate. A superior commander may also reserve personally, or to the superior commander’s delegate, the right to exercise Article 15 authority over a particular case or over certain categories of offenders or offenses (para 3–7d).

### **3–5. Reference to superior**

*a.* See R.C.M. 306(b). Nonjudicial punishment should be administered at the lowest level of command commensurate with the needs of discipline, after thoroughly considering—

- (1) The nature and circumstances of the offense.
- (2) The age, previous record, maturity, and experience of the offender.

*b.* If a commander determines that the commander’s authority under Article 15 is insufficient to impose a proper punishment, the case may be referred to an appropriate superior. The same procedure will be followed if the authority of the commander to exercise Article 15 powers has been withheld or limited (paras 3–4 and 3–7d). In transmitting a case for action by a superior, no recommendation of the nature or extent of the punishment to be imposed will be made. Transmittal should normally be accomplished by written correspondence using DA Form 5109 (Request to Superior to Exercise Article 15, UCMJ, Jurisdiction).

### **3–6. Filing determination**

*a.* A commander’s decision whether to file a record of nonjudicial punishment on the performance section of a soldier’s Official Military Personnel File (OMPF) is as important as the decision relating to the imposition of nonjudicial punishment itself. In making a filing determination, the imposing commander must weigh carefully the interests of the soldier’s career against those of the Army to produce and advance only the most qualified personnel for positions of leadership, trust, and responsibility. In this regard, the imposing commander should consider the soldier’s age, grade, total service (with particular attention to the soldier’s recent performance and past misconduct), and whether the soldier has more than one record of nonjudicial punishment directed for filing in the restricted section (see *b* below). However, the interests of the Army are compelling when the record of nonjudicial punishment reflects unmitigated moral turpitude or lack of integrity, patterns of misconduct, or evidence of serious character deficiency or substantial breach of military discipline. In such cases, the record should be filed in the performance section.

*b.* If a record of nonjudicial punishment has been designated for filing in a soldier’s restricted section, the soldier’s OMPF will be reviewed to determine if the restricted section contains a previous record of nonjudicial punishment. In those cases in which a previous DA Form 2627 (Record of Proceedings under Article 15, UCMJ) that has not been wholly set aside has been filed in the restricted section and in which prior to that punishment, the soldier was in the grade of SGT or higher, the present DA Form 2627 will be filed in the performance section. The filing should be recorded on the present DA Form 2627 in block 11. The soldier concerned and the imposing commander will be informed of the filing of the DA Form 2627 in the performance section.

*c.* The filing of a record of nonjudicial punishment imposed upon a member of another armed service will be done

in a manner consistent with the governing regulations of that member's parent Service (see Manual of The Judge Advocate General, Navy (JAG-MAN) 0112 for Navy and Marine Corps personnel; paragraphs 2.2 and 2.2.1, Air Force Instruction (AFI) 51-202, for Air Force personnel; and U.S. Coast Guard Military Justice Manual (MJM) for Coast Guard personnel).

## Section II

### Authority (para 2, part V, MCM)

#### 3-7. Who may impose nonjudicial punishment

*a. Commanders.* Unless otherwise specified in this regulation or if authority to impose nonjudicial punishment has been limited or withheld by a superior commander (see *d* below), any commander is authorized to exercise the disciplinary powers conferred by Article 15.

(1) The term commander, as used in this chapter, means a commissioned or warrant officer who, by virtue of that officer's grade and assignment, exercises primary command authority over a military organization or prescribed territorial area, that under pertinent official directives is recognized as a command.

(2) The term imposing commander refers to the commander or other officer who actually imposes the nonjudicial punishment.

(3) Commands include the following:

(a) Companies, troops, and batteries.

(b) Numbered units and detachments.

(c) Missions.

(d) Army elements of unified commands and joint task forces.

(e) Service schools.

(f) Area commands.

(4) Commands also include, in general, any other organization of the kind mentioned in (1) above (for example, a provisional unit designated under AR 220-5), the commander of which is the one looked to by superior authority as the individual chiefly responsible for maintaining discipline in that organization. Thus, an infantry company, whether or not separate or detached (R.C.M. 504(b)(2)), is considered to be a command. However, an infantry platoon that is part of a company and is not separate or detached is not considered to be a command. Although a commissioned or warrant officer exercising command is usually designated as the commander, this position may be designated by various other titles having the same official connotation; for example, commandant, chief of mission, or superintendent. Whether an officer is a commander is determined by the duties he or she performs, not necessarily by the title of the position occupied.

*b. Multi-Service commanders and officers in charge.* A multi-Service commander or officer in charge, to whose command members of the Army are assigned or attached, may impose nonjudicial punishment upon such soldiers. A multi-Service commander or officer in charge, alternatively, may designate one or more Army units and will for each such Army unit designate an Army commissioned or warrant officer as commanding officer for the administration of discipline under Article 15, UCMJ. A copy of such designation will be furnished to Criminal Law Division (DAJA-CL), HQDA, The Judge Advocate General, 1777 North Kent Street, Rosslyn, VA 22203-2194. A multi-Service commander or officer in charge, when imposing nonjudicial punishment upon a military member of their command, will apply the provisions of this regulation.

*c. Delegation.* The authority given to a commander under Article 15 is an attribute of command and, except as provided in this paragraph, may not be delegated. Pursuant to the authority vested in the SA under the provisions of Article 15(a), UCMJ, the following rules with respect to delegation of powers are announced:

(1) Any commander authorized to exercise GCM jurisdiction or any commanding general may delegate that commander's or commanding general's powers under Article 15 to one commissioned officer actually exercising the function of deputy or assistant commander. A commander may instead of delegating powers under Article 15 to a deputy or assistant commander, delegate such powers to the chief of staff of the command, provided the chief of staff is a general officer, or frocked to a general officer grade. An officer in command who is frocked to the grade of brigadier general is not a general officer in command as defined in para 2c, part V, MCM, and lacks the authority to impose some punishments, including forfeitures and arrest upon commissioned and warrant officers. See paragraph 5(b)(1)(B), part V, MCM, table 3-1B (Maximum Punishment for Commissioned and Warrant Officers that may be imposed by a general officer in command or GCMCA), and AR 600-8-29, paragraph 6-1a, figure 6-1 (limitations of frocked officers).

(2) Authority delegated under *c*(1) above may be exercised only when the delegate is senior in grade to the person punished. A delegate need not, when acting as a superior authority on an appeal, be senior in grade to the imposing commander.

(3) Delegations of authority to exercise Article 15 powers will be made in writing; for example, a memorandum. It will designate the officer on whom the powers are conferred by name and position. Unless limited by the terms of such delegation or by (2) above, an officer to whom this authority is granted may exercise any power that is possessed by

## Student Handout 4

### Extracted Material from FM 27-14

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**This Student  
Handout  
Contains**

This student handout contains 2 pages of extracted material from the following publication:

FM 27-14, Legal Guide for Soldiers, 16 April 1991

Item/Title	Reading Assignment
Chap 2, p 8 and 9	p 8 and p 9 up to the para titled ADMINISTRATIVE REDUCTIONS

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## TYPES OF DISCHARGE

The separation authority decides what type of discharge you will receive based on your military record. If you are separated for administrative reasons other than for completion of term of service, you may receive an honorable, general, other-than-honorable, or entry level discharge.

### Honorable Discharge

Issuance of an honorable discharge depends upon your proper military behavior and performance of duty. The separation authority may disregard isolated incidents of minor misconduct if, overall, your service record is good.

### General Discharge Under Honorable Conditions

General discharges are appropriate for those whose military records are satisfactory but are not good enough to warrant honorable discharge. You may have had frequent nonjudicial punishments or may have been a troublemaker, but your conduct has not warranted less than a general discharge.

### Discharge Under Other Than Honorable Conditions

Only a general court-martial convening authority or general officer in command may give a discharge under other than honorable conditions. AR 635-200, Chapter 10, delegates that authority, in limited circumstances, to the special court-martial convening authority. Such a discharge will usually be given to those who have shown, for example, one or more incidents of serious misconduct.

Discharge under other than honorable conditions is the most severe of the administrative discharges and may result in your loss of veterans' benefits, as determined by the Department of Veterans' Affairs. If you receive this type of discharge, you will not receive a discharge certificate.

### Entry Level Separation

The separation authority will give you an entry level separation if you are within the first 180 days of continuous active duty and your records do not warrant a discharge under other than honorable conditions.

## REVIEW BOARDS

If you have been separated from the Army, you may have your discharge reviewed by two

boards established by Congress—the Army Discharge Review Board (ADRB) and the Army Board for Correction of Military Records (ABCMR).

### Army Discharge Review Board

The ADRB will review any discharge, unless the discharge resulted from a general court-martial. If the ADRB decides that the action was improper, it may change the type of discharge, but it may not revoke it and return you to active duty. If you want a review, you must request it within 15 years after the date of your discharge. (See AR 15-180.)

### Army Board for Correction of Military Records

The ABCMR may review any discharge, and it may revoke an improper discharge and give a proper discharge in its place. It reports its findings and recommendations directly to the Secretary of the Army for final action. If your discharge is declared improper, you may receive back pay. The ABCMR does not return soldiers to active duty. You must request an ABCMR review within three years after you discover the claimed error or injustice, but the ABCMR may waive the time limitations when appropriate. Normally, applications for an upgraded discharge should go first to the ADRB. (See AR 15-185.)

## NONPUNITIVE DISCIPLINARY MEASURES

The most familiar measures used in the military to enforce discipline and good order are the court-martial and UCMJ, Article 15. A commander, however, may opt for a variety of administrative actions in cases of poor duty performance or minor misconduct. Often these actions have a rehabilitative effect on you, benefiting both you and the Army.

### WITHHOLDING OF PRIVILEGES

When necessary to maintain good order and discipline, the unit commander has the authority to withhold many privileges, such as the pass privilege. The unit commander does not have direct control over some privileges, such as use of post facilities and on-post driving. Only a higher commander having the authority to grant these privileges may revoke them. Although not true in all cases, privileges withheld normally are those that you have misused.

For example, you may be denied use of the service club if you have been disorderly in the club, be denied government quarters if you have misused them, or lose on-post driving privileges if you commit a serious driving offense.

### **ADMONITIONS AND REPRIMANDS**

The unit commander may give an oral or written admonition or reprimand for a specific act of misconduct. He submits a written admonition or reprimand in memorandum format to you for acknowledgment and rebuttal. The written admonition or reprimand may be filed in either the military personnel records jacket (MPRJ) (field 201 file) or official military personnel file (OMPF). Only a general officer or GCM convening authority (GCMCA) may direct that a written reprimand or admonition be filed in your OMPF. It is filed in your performance fiche until you successfully appeal it. (See AR 600-37.)

An admonition or reprimand that is filed in your MPRJ stays there until the soonest of the following occurs:

- You are transferred to another general court-martial (GCM) jurisdiction.
- The commander removes it.
- A maximum of three years has elapsed.
- You successfully appeal the reprimand.

### **ADMINISTRATIVE REDUCTIONS**

The rank of enlisted soldiers maybe reduced by court-martial. The rank of staff sergeants and below may also be reduced under UCMJ, Article 15. Commanders may administratively reduce your rank for inefficiency or civilian conviction. (See AR 600-200, Chapter 6.)

A company, battery, or separate detachment commander has the authority to reduce the rank of private through specialist or corporal. Field grade commanders of organizations authorized a lieutenant colonel or higher may reduce the rank of sergeant and staff sergeant. Commanders of organizations authorized a colonel or higher may reduce the rank of sergeant first class through command sergeant major. A commander may reduce corporals or specialists and below without convening a board to consider the case.

Commanders wanting to reduce the rank of sergeant through command sergeant major must first refer the case to a board of officers and enlisted soldiers for a hearing and recommendation. The exception is a mandatory reduction

to private due to a serious civilian conviction. All board members must be senior in rank to the soldier under consideration. You may decline to appear before the board, or you may appear with an appointed or detailed judge advocate or with civilian counsel, at your own expense. You may request a non-lawyer military counsel if you wish. You may question the witnesses against you and present evidence in your own behalf. The commander may not take any action more severe than that the board recommends. Army regulations provide that if you have had your rank reduced due to inefficiency or due to conviction by civil court, you may appeal that reduction through command channels within 30 days.

### **Inefficiency**

Commanders may evaluate you for inefficiency when your misconduct shows a lack of abilities or qualities expected of you. If you are an assigned soldier and have served in the same unit for at least 90 days, you may have your rank reduced by one pay grade for inefficiency.

### **Civilian Conviction**

If you are sentenced to death or to confinement for one year or more and the sentence is not suspended, you will be reduced to private. If you are sentenced to confinement for more than 30 days but less than one year and the sentence is not suspended, you might have your rank reduced one or more pay grades. You might also have your rank reduced one or more pay grades for sentences less severe than those already mentioned. If you lose your rank, but your conviction by a civil court is reversed because of some error or irregularity, your rank will be restored. You may also be promoted if promotion was denied because of the reversed conviction. AR 600-200, Table 6-1, details administrative reduction based on a civilian conviction.

### **REVOCATION OF SECURITY CLEARANCE**

Conduct that merits revocation or suspension of a security clearance includes criminal and immoral activities. Abuse of drugs and alcohol, excessive indebtedness, and repeated AWOL are grounds for such action. A clearance may also be denied or suspended if you are subject to coercion or undue influence, perhaps because you have a close relative living in a communist country.

## Student Handout 5

### Extracted Material from TSP 181-A-0001

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**This Student Handout Contains**

This student handout contains 10 pages of extracted material from the following document:

TSP 181-A-001, Identify the Legal Implications of the Homosexual Conduct Policy, (Revised 15 Sep 2000)

Item/Title	Pages
Homosexual Conduct Policy, Student Handout to Accompany TSP 181-A-0001	SH-5-2 thru SH-5-13

**Disclaimer:** The training developer downloaded this extract from the General Dennis J. Reimer Training and Doctrine Digital Library. The text may contain passive voice, misspellings, grammatical errors, etc., and may not be in compliance with the Army Writing Style Program.

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# **Homosexual Conduct Policy**

**Student Handout to Accompany TSP 181-A-0001**

**The Judge Advocate General's School  
United States Army  
Charlottesville, Virginia**

**6 Mar 2000**

# Homosexual Conduct Policy

## 1. INTRODUCTION.

This lesson will reacquaint you with, or inform you of, the DoD policy on homosexual conduct policy. Specifically, you will learn about the policy's provisions regarding what constitutes homosexual conduct. Further, you will also learn about your rights, the rights of your soldiers, as well as the command's responsibilities, during the conduct of an inquiry into allegations of homosexual conduct. Finally, you will be provided guidance of which you, your soldiers, and the command should be aware should any soldier feel harassed or threatened because of a perceived sexual orientation.

Terminal Learning Objective: At the conclusion of this lesson you will:

<i>Action:</i>	Identify the legal implications of the homosexual conduct policy
<i>Conditions:</i>	Given information on the Army's guidance regarding the DoD policy on homosexual conduct.
<i>Standards:</i>	Define what constitutes homosexual conduct. Further, identify the responsibilities of a commander when inquiring into an allegation of homosexual conduct, including the rights of the soldier under inquiry. Finally, identify the rights of a soldier who is being harassed or threatened based on a perceived sexual orientation. Included in this last standard is the ability to identify the commander's responsibilities toward a harassed or threatened soldier, as well as the commander's duty to properly investigate the soldier(s) who are alleged to have committed the harassment and/or threat.

For soldiers who have been in the Army since 1994, it is important to realize that the DoD policy on homosexual conduct has not changed since then. Under this policy, soldiers still have certain rights, and commanders still have certain responsibilities when investigating allegations of homosexual conduct. Based on recent Army guidance, this lesson plan also focuses on the rights of soldiers, and the responsibilities of the command, when faced with a soldier being harassed or threatened because of a perceived sexual orientation.

## 2. KEY ELEMENTS OF THE HOMOSEXUAL CONDUCT POLICY.

**NOTE:** See Figure 1, DoD Homosexual Conduct Policy.

a. Conduct. The key to understanding the DoD policy on homosexual conduct is to remember that it focuses on homosexual conduct (what a soldier does or says) not on sexual orientation alone (how a soldier feels about himself or herself as a heterosexual ("straight") or homosexual ("gay" or "lesbian") or bisexual (sexually attracted to both genders)).

b. "SAM". The easiest way to remember the key features of the DoD policy on homosexual conduct is to remember the acronym "SAM." "SAM" stands for:

Statements – Acts – Marriages.

(1) Statements. The command will take action to separate a soldier who says he or she is gay, or a lesbian, or has a homosexual orientation, because the law says it is reasonable to presume that someone who says he or she has such an orientation will act on that orientation. There is, however, a special rule about statements that we'll discuss later.

(2) Acts. The command will take action to separate a soldier who performs a homosexual act.

(a) A homosexual act is any bodily contact, actively taken or passively permitted, between members of the same sex, for the purpose of satisfying sexual desire. It does not require any particular form of intercourse or penetration.

(b) A homosexual act also includes any bodily contact that a reasonable person would understand to demonstrate a likelihood that the person will engage in homosexual acts. Depending on the circumstances, this could include handholding, kissing, or "slow" dancing with a member of the same sex.

(3) Marriages. The command will take action to separate a soldier who marries or attempts to marry a person of the same biological gender (a male soldier who marries or tries to marry another man, or a female soldier who marries or tries to marry another woman).

(4) Special Rule about Statements. As previously stated, a soldier who says that he or she is homosexual (e.g., "I'm gay," or "I'm a lesbian," or "I have a homosexual orientation," or similar such language) will be processed for separation. Why? Because it is reasonable to presume that someone who says that he or she has such an orientation will act on the orientation and engage in a homosexual act. However, such a soldier may attempt to convince an administrative separation board that despite having made a statement that he or she is homosexual, the soldier will not engage in homosexual acts. If the soldier can convince the separation board that he or she will not engage in homosexual acts, the board can choose to recommend the soldier be retained in the Army.

c. It is your duty, as well as your legal obligation, to follow the Army's rules and policies. You demonstrate your loyalty to the Army and your fellow soldiers by behaving in accordance with Army policies. You also serve honorably when you adhere to the Army's regulations, policies, and laws.

**NOTE:** See Figure 2, DoD Homosexual Conduct Policy.

d. If you, as a soldier, take any of the following actions, you have violated the homosexual conduct policy and may be discharged:

(1) Make a homosexual statement (for example, "I am gay," "I am a lesbian," "I am homosexual," or "I have a homosexual orientation").

(2) Engage in a homosexual act.

(3) Enter, or attempt to enter, into a homosexual marriage.

e. A special point: Saying that you are a homosexual or committing other homosexual conduct so you can avoid a military obligation not only violates Army policy, it betrays your military duty. If you make such a statement or commit such conduct to avoid a military obligation (such as a deployment), you may also be subject to disciplinary action under the UCMJ.

### 3. HOMOSEXUAL CONDUCT INQUIRIES.

**NOTE:** See Figure 3, Investigating Homosexual Conduct.

Before discussing the topic of investigating homosexual conduct, you first need to have a clear understanding of the DoD policy on homosexual conduct. Remember that the policy is conduct-based: it focuses on what a soldier does or says, not on the soldier's orientation alone.

a. Only commanders can initiate fact-finding inquiries into homosexual conduct. You may not, on your own, do any investigation or inquiry into whether a soldier is homosexual or has committed homosexual conduct. Subordinate leaders should direct questions and report grounds for separation to their commanders.

b. Commanders inquire about possible homosexual conduct only if there is credible evidence of a homosexual statement, act, or marriage (remember "SAM"). What is credible evidence? Credible evidence is any information, considering its source and the surrounding circumstances, which supports a reasonable belief that there is a basis for discharge.

c. Commanders are not supposed to investigate (or take other action) when there is NO credible evidence of a basis for discharge. Examples of NO credible evidence include:

(1) Mere suspicion of homosexual conduct, without any credible evidence.

(2) Other people's opinions or rumors about a soldier's homosexual orientation, when the opinion or rumor is not based on factual evidence of a basis for discharge.

(3) The fact that a soldier reads a homosexual publication or goes to a homosexual bar.

(4) Statements made by a soldier claiming homosexuality when the evidence available at the time of the statement supports an attempt to avoid duty, or to void an enlistment. Commanders should exercise care before determining that such statements do not meet the requirements of "SAM" as outlined in the DoD Homosexual Conduct Policy guidelines.

d. Informal inquiries are preferred. CID or MPI usually should not become involved in an investigation to determine whether homosexual conduct took place.

e. When interviewing a soldier believed to have committed homosexual conduct, explain the homosexual conduct policy to the soldier before questioning. The interviewer will begin the interview by informing the soldier of his or her rights against self-incrimination under Article 31, UCMJ. If the soldier does not want to make a statement, the interviewer will not ask further questions.

(1) An interviewer shall not ask, and a soldier shall not be required to reveal, whether a soldier is heterosexual, homosexual, or bisexual. For example, you cannot ask either, "Are you homosexual?" or "Are you gay?"

(2) If the inquiry is only about a statement (e.g., "I am gay") the soldier has made, in most cases, the admission by the soldier is sufficient and no further investigation is required. If a commander wishes to inquire further to determine whether the statement is credible, the commander may do the following:

(a) If the soldier is to be interviewed about the statement, he or she must first be read his or her rights against self-incrimination under Article 31, UCMJ.

(b) The soldier can then be asked if he or she has committed, or attempted to commit, homosexual acts. The soldier may be asked if he or she intends to commit homosexual acts in the future. The soldier may be asked why he or she made the statement and what the statement meant.

(c) Members of the soldier's supervisory chain-of-command may be questioned. Other persons suggested by the soldier in the interview may also be questioned.

**NOTE:** See Figure 4, Investigating Homosexual Conduct.

(d) Any inquiry beyond that stated in paragraphs (a), (b) and (c) above is considered a "substantial investigation" requiring approval from DA level.

f. Statements made by a soldier to certain individuals (e.g., chaplains, attorneys, and spouses) may be considered confidential. However, such statements must be looked at separately on a "case by case" basis to determine whether or not the statements are confidential.

g. It is your duty, as well as your legal obligation, to follow the Army's rules and policies. You demonstrate your loyalty to the Army and your fellow soldiers by behaving in accordance with Army policies. You also serve honorably when you adhere to the Army's regulations, policies, and laws.

h. If you, as a soldier, take any of the following actions, you have violated the homosexual conduct policy:

- (1) Investigate a soldier for homosexual conduct without a commander's permission.
- (2) Accuse a soldier of violating the homosexual conduct policy based on:
  - Suspicion without credible evidence;
  - Rumors;
  - Observing a soldier with homosexual materials or in certain locations (e.g., gay bars).

#### 4. GUIDANCE REGARDING SOLDIERS BEING HARASSED OR THREATENED BECAUSE OF A PERCEIVED SEXUAL ORIENTATION.

**NOTE:** See Figure 5, Anti-Harassment Policy.

A soldier who is being threatened or harassed because he or she is perceived to be homosexual should always seek out his or her chain-of-command to get help. Alternatively, the soldier should go to the chaplain, IG, or a JAG legal assistance attorney.

a. Harassed soldiers are not investigated. If a soldier is being harassed or threatened because the soldier is said or perceived to be homosexual, the harassment or threat is not enough by itself to justify investigating the harassed/threatened soldier for homosexual conduct. This bar to investigation concerning the harassed soldier's sexual orientation does not prevent investigation of the soldier(s) committing the harassment for possible violations of the UCMJ.

**NOTE:** See Figure 6, Anti-Harassment Policy.

b. There must be credible information apart from harassment. A commander still needs credible information apart from any threat or harassment to justify an inquiry into homosexual conduct.

c. When investigating harassment, a harassed soldier's orientation/conduct should not be investigated. When investigating a threat or harassment, the threatened/harassed soldier's sexual orientation should not be investigated, nor whether he or she committed homosexual conduct. The focus should be on the harassment or threat itself.

d. If credible information comes up during the investigation, it must be carefully reviewed. The information must be credible, apart from the harassment or threat. Receiving this information does not stop the requirement to investigate and take appropriate action against any harasser.

**NOTE:** See Figure 7, Anti-Harassment Policy.

e. Soldiers being harassed/threatened should seek out their chain-of-command. Soldiers who are being harassed or threatened because they are perceived to be homosexual should seek their chain-of-command for assistance. They should understand that reporting harassment or threats does not support an investigation into whether they have committed homosexual conduct. The command cannot make harassment stop if it is not reported. Commanders must adequately address reported instances of harassment, to include initiating a commander's inquiries under R.C.M. 303, or referring the case to MPI or CID for investigation of the individuals committing the harassment. Soldiers who are being harassed must know that they will not be investigated regarding their sexual orientation as a result of telling the chain-of-command about the harassment.

## 5. SUMMARY.

a. During this lesson, you learned that the DoD and Army policy on homosexual conduct focused on homosexual conduct and not on sexual orientation. You were advised that the policy covered homosexual conduct, which includes statements, act, and marriages, and that soldiers could be separated from the Army for such conduct. However, you should remember that there is a special rule about homosexual statements. This means that even if a soldier makes a statement that he or she is homosexual, the soldier may still be retained in the U.S. Army if the soldier can convince a separation board that he or she will not actually engage in homosexual acts.

b. The lesson also advised you that only commanders can initiate fact-finding inquiries into homosexual conduct. CID or MPI investigators usually should not become involved in an investigation to determine whether homosexual conduct took place. Commanders may inquire into possible homosexual conduct only if there is credible evidence, meaning more than mere suspicion or rumor, of a homosexual statement, act, or marriage. A commander must explain the homosexual conduct policy to any soldier alleged to have been involved in homosexual conduct before inquiring further. The interviewer, before asking any questions, must first inform the soldier of his or her rights against self-incrimination under Article 31, UCMJ. A "substantial investigation" requires approval from Department of the Army level (see Learning Step/Activity 2, Paragraph g).

c. Finally, the lesson advised soldiers, who feel threatened or harassed because of perceived homosexual orientation, to seek assistance from their chain-of-command, chaplain, IG, or JAG legal assistance attorney. When investigating a threat or harassment, the focus should be on the threat or harassment and not on the perceived sexual orientation or alleged homosexual conduct of the threatened/harassed soldier. If the commander has credible information regarding any homosexual conduct apart from the threat or harassment, the commander could then initiate an inquiry into these allegations.

### **DoD Homosexual Conduct Policy**

- Focus on the policy is Homosexual Conduct, NOT Sexual Orientation.
- Command will separate soldiers for homosexual:
  - Statements (e.g. “I am gay”).
  - Acts.
  - Marriages (actual or attempted).
- **NOTE:** A soldier who makes a homosexual statement, but who also convinces a separation board that he or she will not engage in homosexual acts, can be retained in the Army.

Figure 1

### ***DoD Homosexual Conduct Policy***

- A soldier who takes any of the following actions violates the homosexual conduct policy and may be discharged from the Army:
  - Makes a homosexual statement.
  - Commits a homosexual act.
  - Enters, or attempts to enter, into a homosexual marriage.
- A soldier who, for the purpose of avoiding military duty, engages in any of the behaviors listed above may be subject to disciplinary action under the UCMJ.

Figure 2

### ***Investigating Homosexual Conduct***

- Only commanders initiate inquiries.
- An inquiry must be based on Credible information.
- Examples of information that is NOT Credible:
  - Mere suspicion, opinion, or rumors
  - Reading Homosexual Publications/Going to “gay bars.”
  - Homosexual statements made to avoid duty.
- Conduct the inquiry (informal inquiries preferred):
  - Right against self-incrimination (Article 31, UCMJ).
  - Cannot ask soldier about his/her sexual orientation.
  - Can question soldier’s supervisory chain-of-command
  - Can question persons suggested by the soldier.

Figure 3

### ***Investigating Homosexual Conduct***

- “Substantial investigation” requires DA approval.
- Statements to chaplains, attorneys, and spouses may be considered confidential.
- You will violate the Policy IF:
  - You investigate a soldier for homosexual conduct without a commander’s permission; or
  - Accuse a soldier of violating the homosexual conduct policy based on:
    - ◆ Suspicion without credible evidence.
    - ◆ Rumors.
    - ◆ Observing a soldier with homosexual materials or in certain locations (e.g. “gay bars”).

Figure 4

### ***Anti-Harassment Policy***

- A soldier being harassed should seek out the chain-of-command, a chaplain, the IG, or a legal assistance attorney.
- A harassed or threatened soldier should not be investigated simply because of the harassment or threat.
- The DoD Homosexual Conduct Policy does not, however, prohibit investigating the soldier(s) who harass(es) or threaten(s) another soldier for possible violations of the UCMJ.

Figure 5

### **Anti-Harassment Policy**

- Commanders need credible information other than harassment to investigate a soldier for homosexual conduct. **HARASSMENT ALONE IS NOT CREDIBLE INFORMATION.**
- Absent credible information, an investigation into a complaint or either harassment or of a threat must focus on the harassment or threat, **ONLY.**
- Credible information discovered during the course of an investigation does **NOT** stop the requirement to properly dispose of allegations of harassment.

Figure 6

### ***Anti-Harassment Policy***

- The command cannot make harassment stop if it is not reported.
- Commanders must adequately address reported instances of harassment:
  - The focus of any investigation into alleged harassment must be on the soldier(s) committing the harassment.
  - Harassed or threatened soldiers must know that their own sexual orientation will not be the subject of the investigation.
  - When conducting the investigation, a commander can request the assistance of either MPI or CID.

Figure 7