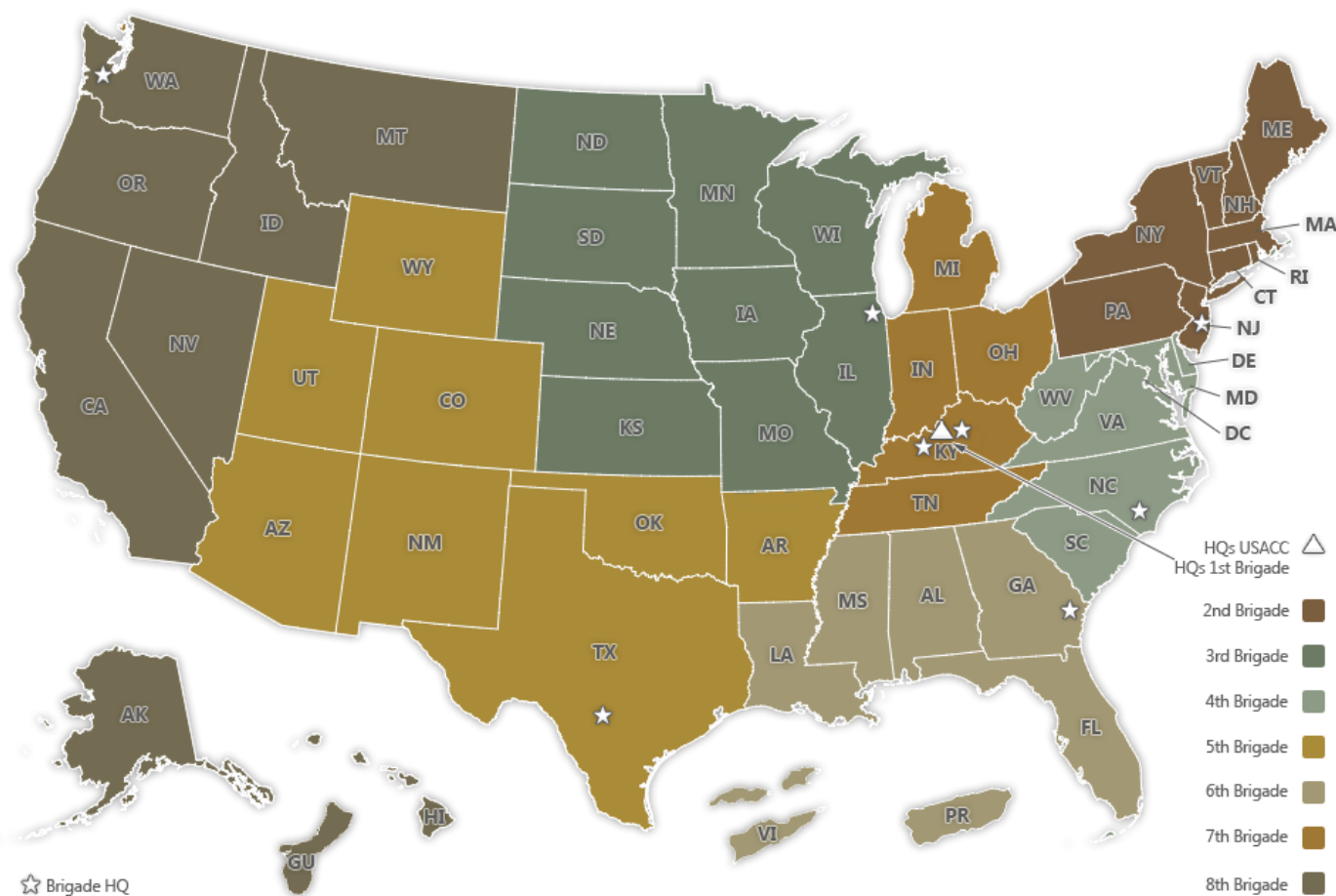




U.S. Army Cadet Command PMS Legal Handbook



September 2022

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Note: Additional information on these topics and others is available in the form of information papers on the “Administrative Law” section on [this page](#).

The PMS Legal Handbook can be found online [here](#) or by visiting https://www.cadetcommand.army.mil/forms_pubs.aspx#Policies.

Foreword



BRETT C. SHEPARD
LTC, JA
STAFF JUDGE ADVOCATE

U.S. Army Cadet Command Professors of Military Science (PMS) face a complex legal landscape. This handbook has two purposes: 1) to help PMS navigate that landscape efficiently; and 2) to practice preventative law.

Empowerment. This handbook contains answers to recurring questions from ROTC programs. For example, our ethics and fundraising sections address common scenarios unique to ROTC (e.g., cadet student organizations raising money for cadet initiatives), and provide

general principles tailored to ROTC programs (e.g., ROTC programs may not endorse, or appear to endorse, non-federal entities). This handbook also includes useful overviews and products designed to help PMS successfully identify a host of issues. The PMS Toolkit at Appendix F digests information from several sections of the handbook for even quicker reference.

Prevention. PMS are regularly presented with situations containing a legal component, and are often in the best position to prevent legal issues. For example, PMS must familiarize themselves with the content in the trainee-trainer section of this handbook and inform fellow cadre and cadets of the risk associated with engaging in prohibited activities.

Violations of the trainee-trainer relationship are damaging to the mission and carry severe consequences for the cadre and cadets involved. Understanding and adhering to the rules will protect yourself, your fellow cadre members, and your cadets.

Recommendations. I urge you to consult this handbook now and revisit whenever you face a legal issue. Consulting this product should help you better understand what you can and cannot do and also help you frame the issue for your servicing judge advocate so she can quickly provide actionable legal advice. Send comments, questions, and recommended topics for inclusion in this living product to your servicing judge advocate. This tool is for you!

This publication is not meant to replace or supersede the independent legal advice of your servicing judge advocate.

September 2022
Office of the Staff Judge Advocate
U.S. Army Cadet Command and Fort Knox

Section 1

Privacy

FERPA and the Privacy Act

PMSs often receive requests from parents via phone, email, and social media seeking information about their cadet son or daughter. Cadre are not permitted to release educational records without consent from the cadet.

The Family Educational Rights and Privacy Act (FERPA) is a Federal law protecting the privacy of education records. Generally, a cadre member must have written permission from the student in order to release any information to a third party, including parents. A sample FERPA waiver is available in Appendix A—but cadre members may use the college or university’s version of the form. The complete text of the FERPA law is available [here](#).

FERPA also restricts the ability of ROTC programs to obtain Title IX records for use in disenrollment boards.

Similarly, the Privacy Act of 1974 is a Federal law that protects privacy and prevents the Army from releasing records containing personally identifiable information (PII) to third parties without their consent, except for certain law enforcement purposes. In addition to complying with FERPA, cadre members must protect personal information in accordance with the Privacy Act and the Army Privacy Program in Army Regulation (AR) 25-22.

References:
20 USC § 1232g
5 USC § 552a
AR 25-22

Section 2

Ethics Rules Applicability to Cadets

Cadets often receive gifts or offers (e.g., free meals, tickets to a game, or ski trips) that would generally run afoul of the Joint Ethics Regulation (JER) if the cadets were Army employees.

The ethics rules and regulations are written as restrictions on the activities of Army employees. The definition of “Army employee” in the ethics regulations includes cadre and DA Civilians, but not cadets. While contracted cadets are considered part of the Individual Ready Reserve, they are generally not considered Army employees. As cadets are not Army employees, the requirements of the ethics rules generally do not apply to cadets, including contracted cadets.

However, there are instances when cadets take on an Army employment status and become subject to the ethics rules. The ethics rules clearly do apply to cadets when they are performing duty under the authority of United States Code Title 10 orders. This typically takes place when cadets are attending Cadet Summer Training (CST). Likewise, cadets must abide by the ethics rules when in a Title 32 status, such as while serving with their National Guard unit. Further, Green to Gold Active Duty Option cadets are active duty Soldiers and remain subject to the JER while they are cadets. A cadet’s failure to follow the ethics rules while in an Army employee status could lead to disciplinary measures.

The JER also applies to cadets if their actions can be perceived as an endorsement by DoD or the Army. For example, wearing issued uniforms or Army Senior Reserve Officers’ Training Corps shirts while participating in a fundraiser, such as a university sponsored 5K, could create the perception that the Army is soliciting funds or endorsing a non-federal entity in violation of the JER.

Another example involves cadets who are also NCAA athletes who may be compensated under the NCAA’s Name, Image, and Likeness (NIL) Policy (i.e., sponsorship, endorsement). While acting within the NCAA NIL Policy, to avoid the appearance of Army endorsement of a brand or business, ROTC cadets may not use any official Army symbols or insignia or wear the uniform. NIL promotions sometimes provide biographical information on the student-athlete’s background and academic status, so check with OSJA and Public Affairs on appropriate ways for promotions to reference the cadet’s ROTC status.

References:

5 CFR § 2635.102

DOD 5500.07-R, JER, sect. 1-209

Section 3

General Gift Rules

This section applies to gifts offered to cadre members. Gifts are generally divided into two categories; (1) gifts from outside sources and (2) gifts between employees or gifts from subordinates. Each gift type is restricted by the JER and has a general rule that is subject to various exceptions.

A cadre member who receives a gift should first consider if the item given meets the definition of a gift. If not a gift, the cadre member may retain the item. If it does constitute a gift, the cadre member should consider if an exception applies. If the item is considered a gift and none of the exceptions apply, the cadre member must decline, dispose of the item, or pay for the gift.

Gift Definition

A gift is defined as any gratuity, favor, discount, entertainment, hospitality, or any other item having monetary value. It includes services as well as gifts of training, transportation, local travel, lodging and meals. It does not include, among others:

- (1) Coffee, donuts and modest non-alcoholic refreshments not intended as a meal;
- (2) Greeting cards, plaques, trophies, and other items with little intrinsic value intended primarily for presentation;
- (3) Rewards and prizes for contests open to public; or
- (4) Commercial discounts generally available to the public or military.

References:

5 CFR § 2635.203

JER sect. 2-100

Gifts from Outside Sources

(1) General Rule. The general rule is that an employee may not, directly or indirectly, solicit or accept a gift from a prohibited source or given because of the employee's official position.

(2) Prohibited Source. A "prohibited source" is any person or entity that seeks official action from, does or seeks to do business with, is regulated by, or has interests substantially affected by the Government. For USACC, this includes colleges and universities, parents of cadets, alumni, and non-federal entities like AUSA.

(3) Exceptions. There are multiple exceptions to the general rule regarding gifts from an outside source. The most commonly used exceptions are listed below.

(a) \$20/\$50 Rule. Cadre members can accept a gift from a prohibited source valued at \$20 or less, per source, per occasion, not to exceed \$50 in a calendar year.

(b) Personal Relationship. Cadre members can accept gifts from outside sources that are given based on a preexisting personal relationship.

(c) Widely Attended Gathering. Cadre members may accept a gift to attend a “widely attended gathering” that will provide an opportunity to exchange ideas and views among invited persons. In USACC, this might be a reception, tailgate, faculty dinner, or similar events. For information about the possibility of accepting a gift of free attendance at a widely attended gathering consult the ethics counselors at the USACC OSJA.

References:

5 CFR § 2635.202-205

JER sect. 2-100

Gifts Between Employees

(1) General Rule. In general, USACC cadre may not accept a gift from a subordinate or solicit for or give a gift to a superior.

(2) Exceptions. There are two major exceptions allow employees to accept gifts from fellow employees.

(a) Traditional Gift Occasions. A cadre member may accept a gift on a traditional gift-giving occasion, such as a holiday, as long as the gift is valued at \$10.00 or less (no cash). This exception also authorizes cadre members to accept the unsolicited gift of personal hospitality at someone’s home (of a type customarily provided to personal friends) or host/hostess gifts (of a type and value given on such occasions).

(b) Special Infrequent Occasions. Cadre members may accept a gift on a special, infrequent occasion, including a marriage, illnesses, change of command, PCS, or retirement from subordinate Soldiers and Civilians. When accepting a gift based on a special infrequent occasion, the following rules apply:

1. The gift must be valued at \$300.00 or less per donating group;
2. If any employee donates to more than one donating group, the value of the gifts from all donating groups involved is added together;

3. Employees may solicit for contributions for the gift as long as the solicitation does not exceed \$10.00 (although the employees may contribute more than \$10.00).
4. Solicitation must be free from coercion; and
5. All contributions must be voluntary.

References:

5 CFR § 2635.301-304

JER sect. 2-203

Declining and Disposing of Gifts

A cadre member's actions should always promote the public's trust. For this reason, there are times when cadre members should consider declining otherwise permissible gifts if a reasonable person with knowledge of the relevant facts would question the employee's integrity or impartiality as a result of accepting the gift. Check with OSJA ethics counselors in these situations.

USACC personnel who receive a prohibited gift may dispose of it by refusing the gift, promptly returning it to the donor, or paying the donor its market value. For other possible options, PMSs may contact their servicing legal advisor.

References:

5 CFR § 2635.206

JER sect. 2-100

Gifts to Visiting VIPs

The OSJA most often deals with gift disposal when ROTC programs give prohibited gifts to visiting VIPs, such as the Brigade Commander, the Commanding General, or other senior DoD officials. ROTC programs can present gifts to VIPs subject to the following rules:

(1) **Accepting Gifts from Prohibited Sources.** A DoD employee cannot accept a gift from a "prohibited source" valued in excess of \$20. A prohibited source is any person or organization that does, or seeks to do, business with the DoD, conducts activities regulated by the DoD, or has interests that may be affected by the performance of a DoD employee in their official duty. Examples of prohibited sources include colleges and universities, alumni, or non-federal entities like AUSA.

(2) **Supervisor Acceptance of Gifts from Subordinates.** ROTC programs should generally not present gifts to senior Army officials presiding over commissioning ceremonies. Federal employees cannot accept a gift from a subordinate with a value

exceeding \$10. The only exceptions to this rule is where the gift is for a special infrequent occasion such as marriage, ETS, birth or illness, or retirement, and the value of the gift is appropriate to the occasion.

(3) *Appropriated funds may not be used to purchase gifts or presentation items for guest speakers.* Senior Army officials may also not accept ROTC or Army recruiting items purchased with Army advertising funds that are normally presented to university leaders or other centers of influence who support ROTC. Awards, prizes, or other recognitions are to be secured within the framework of AR 600-8-22, *Military Awards*. Marketing items are funded with Army Operations and Maintenance funds and are intended for prospect and other targets of the Army's recruiting efforts. *The use of Army marketing apparel as presentation items for visiting senior officers is not authorized.*

ROTC programs may present VIPs items of little intrinsic value such as plaques, certificates, or other items which are intended primarily for presentation. For example, it is appropriate to provide a VIP guest speaker at a commissioning ceremony with a framed picture of the commissioning class.

The OSJA processes gift "returns" every month from Army commands for items presented to senior officials by ROTC personnel. This can put the senior leader in a difficult position. For example, an ROTC program recently gave an Army senior leader a plaque after he spoke at a commissioning ceremony. The plaque was purchased with advertising funds and was intended for centers of influence as part of the Army's recruiting efforts. Applying the rule in paragraph 3 above, the senior leader determined he could not keep the gift and returned it to Cadet Command. Rather than showing gratitude as intended, the gift became an inconvenience to the senior leader. Please help us avoid these situations.

References:

5 CFR § 2635.202-206

AR 600-8-22

Section 4

Dealing with Non-Federal Entities

A Non-Federal Entity (NFE) is any organization or individual other than the U.S. Government, including universities, charities, and not-for-profit organizations, state and local governments, and professional sports teams. Alumni groups and student organizations are also NFEs. Given USACC's unique mission, each ROTC Program has necessary ongoing relationships with NFEs. NFEs often request support from government personnel, government property, official endorsement (actual or implied), and/or information (e.g., faculty research study). The ethics rules address what interactions are appropriate with NFEs.

No Endorsement

A cadre member may not endorse, and must take precautions to avoid the appearance of endorsing, a NFE. "An employee shall not use or permit the use of his Government position or title or any authority associated with his public office to endorse any product, service or enterprise." 5 CFR 2635.702(c).

This section does not apply to cadets unless they are acting under Title 10 or Title 32 orders, but PMSs should not allow ROTC resources to be used in a manner that could create the perception that the Army is endorsing a NFE. For example, a PMS should not provide an ROTC-branded tent in support of a 10k race sponsored by a local charity or fraternity. The organization is a NFE and is not subject to the JER, but the presence of the tent might suggest the Army is sponsoring the organization in violation of the JER.

References:
5 CFR 2635.702
JER sect. 2-100

Equal Treatment

A cadre member may not give a NFE preferential treatment or special access to cadets over other similar NFEs. "Employees shall act impartially and not give preferential treatment to any private organization or individual." 5 CFR 2635.101(b)(8). If an employee does allow access to cadets, the employee should be prepared to allow similar NFEs the same type of access.

For example, a non-profit organization may ask a PMS to share details about an upcoming event sponsored by the non-profit. Before sharing with all cadets and cadre, the PMS should consider whether he or she is willing to share information about similar events or organizations in the future if he or she is asked to do so. If the PMS is willing, he or she can share the event with cadets. The PMS should include a caveat that

participation will not be tracked nor will participation, or lack of participation, impact the cadet in any way. If the PMS determines he or she may not want to share information about similar events or organizations with cadets in the future, then the PMS should not share the details about the non-profit organization's event.

References:

5 CFR 2635.101(b)(8)

JER sect. 2-100

Financial Readiness Classes

Financial institutions, such as USAA and Navy Federal Credit Union, often reach out to ROTC programs to provide classes to students on financial readiness. ROTC programs may accept financial readiness training offered by a NFE. However, ROTC programs must take care not to endorse or give preferential treatment to the NFE. PMSs and faculty should review the financial readiness training to ensure the speaker will not advertise the NFE's products or solicit the cadets' business. The presentation should be informational and not use the NFE's logo or other marketing.

References:

5 CFR 2635.101(b)(8)

JER sect. 2-100

CCR 145-3, para. 2-3(a)

Support to NFEs

University officials may request the Brigade Commander or a PMS to speak at a college event. ROTC programs may provide logistical support and DoD speakers to NFE-sponsored events (other than fundraisers) if the support:

- (1) Does not interfere with official duties;
- (2) Serves community relations, public affairs, or military training interests;
- (3) Is appropriate for DoD association;
- (4) Benefits the DoD or the local community;
- (5) Does not offer preferential treatment—the command is able and willing to provide the same support to comparable events sponsored by similar organizations;
- (6) Does not violate federal law or regulations; and
- (7) Has no admission fee, has an admission fee that is not beyond the reasonable costs of sponsoring the event, or DoD support to the event is incidental.

Reference:
JER sect. 3-211

Color Guard Requests

Local professional sports teams and community organizations will likely request color guard support. ROTC programs may provide color guard support for most of their college and university events and other entities in the communities they serve. Under Army public affairs guidance, “Army commanders at all levels are encouraged to provide Army . . . color guards. . . and similar support to events and activities conducted in the public domain.” AR 360-1, para. 7-27(a). An ROTC program’s color guard can generally support official civil ceremonies, parades, patriotic events, military events, sports events and games, and recruiting events. However, color guards should not participate in events that are primarily sponsored by political parties or commercial entities.

Reference:
AR 360-1

Cadets and Research Studies

Army Research Institute (ARI), RAND, TRADOC, and USACC conduct official DoD-sponsored research into recruiting, resiliency, and dozens of other topics where Soldiers, new recruits, and even cadets may be included in questionnaires, performance studies, and similar efforts. These efforts are strictly controlled as covered by DoDI 3216.02. University professors, graduate students, and even undergraduates are involved in research on campus that is not DoD-sanctioned. For these private efforts, the PMS must ensure that cadets are not required to participate as research subjects. As college students, ROTC cadets may voluntarily elect to participate in private research on campus, and may even collect participation incentives such as gift cards or coupons. But ROTC classes may not be used as “captive audiences” for campus research programs.

Reference:
DoDI 3216.02

Section 5

Fundraising and Avoiding Augmentation

ROTC programs are provided appropriated funds to use when delivering the approved official curriculum. A program is prohibited from augmenting its appropriation by receiving money from outside sources. See 31 U.S.C. § 3302(b) and B-291947, 15 AUG 03. Funds received directly by the program from NFEs or other outside sources cannot be added to their appropriated funds. Instead, a program “receiving money for the Government from any source shall deposit the money in the Treasury as soon as practicable without deduction for any charge or claim.” 31 U.S.C. § 3302(b). Fundraisers cannot be used to raise money to augment events or equipment that is already budgeted for the ROTC department by the Army. In other words, a ROTC program short on ammo or uniforms cannot accept ammo, uniforms, or money to buy these items from an NFE.

Funding from NFEs

ROTC programs may use funds from the university or other NFEs for events (e.g., dining-ins or military balls), activities (Army Ten Miler or Bataan Memorial March), or items (cadet lounge) that are outside of the official curriculum. Programs should not administer the NFE funds and should take care not to commingle funds with its appropriations. A way to do this is by having separate bank accounts for funds for activities outside the official curriculum and consulting your legal advisor if there are questions on which funds to use.

Fundraising

Fundraising is “any activity conducted for the purpose of collecting money, goods, or non-Federal fund support for the benefit of others.” AR 600-29, Glossary. ROTC programs often wish to raise funds to support activities for cadets. The ethics and fiscal law rules address what a ROTC Program can and cannot do to fundraise.

Program Fundraising

ROTC programs are generally restricted from engaging in fundraising. Congress requires programs to execute the official ROTC curriculum with the appropriated funds it provides. Programs are not authorized to augment their appropriation with fundraisers. Programs may only raise funds for the Combined Federal Campaign (CFC), Army Emergency Relief (AER), and Office of Personnel Management (OPM) authorized emergency and disaster relief. Additionally, a program may raise funds for its informal or cup and flower funds as long as the money is used for the benefit of the Government employees within its staff. See AR 600-20, para. 4-20 and AR 600-29, para. 1-7. Programs are prohibited from conducting any other fundraising efforts.

References:
AR 600-29
AR 600-20

Non-Federal Entity (NFE) Fundraising

NFEs such as student organizations and alumni groups will likely want to help cadets raise money for a military ball, 5K, or some other event. ROTC programs may not endorse fundraising by a NFE, even if the funds will primarily benefit cadets. The ethics rules state, “DoD employees shall not officially endorse or appear to endorse membership drives or fundraising for any non-Federal entity.” Joint Ethics Regulation (JER), sect. 3-210. The prohibition includes university, cadet student organizations, and other NFE fundraising. Programs may not advertise fundraisers on official ROTC websites, social media, letterhead or other official publications.

NFEs are not subject to the Federal Ethics rules and may fundraise for the benefit of cadets. NFEs often raise funds for cadets to participate in social events. For example, cadets may participate in a student organization in their personal capacities to raise money for a dining-in or military ball, extracurricular activities (e.g., Army Ten Miler or Bataan Memorial March), or for other unofficial events. However, NFEs may not use official USACC, Army, ROTC brigade/program, or other logos that may give the appearance of fundraiser endorsement. Cadets may not wear their uniforms or any other clothing that may imply official Army endorsement while participating in fundraising.

An acceptable way a student organization can fundraise is by selling baked goods or organizing a 5K with references made to cadet student organization as opposed to the ROTC program or the Army.

Reference:
JER sect. 3-210

Cadre Participation in NFE Fundraising

Cadre may participate in NFE fundraisers as long as they do so in their personal capacity. “Purely personal, unofficial volunteer efforts to support fundraising outside the Federal Government workplace are not prohibited where the efforts do not imply [Army] endorsement.” JER, sect. 3-300(a)(2). Cadre should not participate in NFE fundraising while on duty time, in uniform, or under other circumstances that imply official action. “Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards.” 5 CFR 2635.101(b)(14).

The OSJA recognizes that establishing scholarships for ROTC cadets or the availability of increased funds for cadets to participate in outside activities (e.g. the Army Ten Miler or a military ball) supports the morale of the battalion, and helps further recruiting and

retention of highly qualified candidates. There are some permissible activities that, while not directly a fundraising effort, may have a beneficial effect on cadet fundraising or scholarship activities. For example, informational briefs or tours provided to ROTC/university alumni or prospective cadets and family would be appropriate as part of public affairs and community outreach efforts, and would serve to educate and promote service opportunities to service-age citizens and their influencers. Furthermore, while cadre members may not solicit funds, they may refer an individual seeking to make a donation to a cadet fund/scholarship point of contact or to the appropriate school official, alumni, or private individual who could facilitate that donation.

References:

JER sect. 3-300
5 CFR 2635.101
AR 360-1
AR 601-208

Requests to Donate

ROTC programs often enjoy the benefit of supportive family, friends, and alumni. Programs may not accept donated funds from outside sources. Instead, programs may direct potential donors to the university, the Military Science Department, a student organization, or another NFE that may be able to accept the donation for the benefit of the cadets.

Section 6

Use of Government Resources

ROTC cadre often have to determine whether use of government vehicles is appropriate when traveling to events, such as an ROTC commissioning ceremony, a commissioning after-party, or the Army Ten Miler. ROTC leaders should generally only use Government resources, including funds, personnel, equipment, and property, for official purposes. PMSs may approve personal use of Government equipment and property only if the use does not interfere with official duties, is reasonable in duration and frequency, is used during off-duty times, serves a legitimate public interest, would not reflect adversely on the Army, and creates no significant cost to the Army. Unless specifically authorized by law or regulation, Army employees may not be used for any unofficial activity or non-Federal purposes.

Travel to Army Ten Miler or Bataan

Army ROTC programs participate in many official programs away from campus (e.g., LDX, FTX, Ranger Challenge) where official travel resources are clearly authorized. On the other hand, ROTC cadets and cadre also participate in unofficial competition events when use of official travel funds and government vehicles are not permissible (e.g., Army Ten Miler, Bataan Memorial Death March). Unless participation is official in nature, Government resources are not authorized.

References:

JER sect. 2-301 and 3-303

VIP Travel to Commissioning

The Army has determined that changes of command, promotions, retirements, and unit activations and deactivations are considered official business internal to the Army community. A commissioning ceremony is sufficiently similar in nature to a promotion or retirement ceremony to extend the same guidelines to those officiating or speaking at commissioning events. Therefore, when an individual is attending a commissioning ceremony in an official capacity, the use of transportation resources may be permissible, particularly for the officer who is conducting the ceremony or presenting remarks. Many senior officers may be invited to speak as prominent ROTC alumni; this is consistent with Army recruiting and public affairs guidance. Rules for “Gifts to Visiting VIPs” are on page 5 of this handbook.

References:

5 C.F.R. 2635.304 (a)(1)

AR 58-1, para. 2-3c

AD 2017-05 (SA Travel Policy), para. 14f

Section 7

Outside Employment

Universities often ask cadre members to teach other non-ROTC courses. DOD employees, including cadre members, are restricted from engaging in outside employment that is prohibited by law or regulation, conflicts with their official duties, requires representation to the Government, or provides salary or compensation for official Government duties. 18 U.S.C. §§ 205, 209 and 5 CFR § 2635.801. ROTC employees may not use Government property or adjust their duty hours in order to perform outside employment. JER, sect. 2-301; AR 145-1, para. 2-15. Additionally, ROTC employees are required to obtain approval from the Brigade Commander prior to accepting outside employment. AR 145-1, para. 2-15; JER, sect. 2-303.

References:

18 U.S.C. §§ 205, 209;
5 CFR § 2635.801-803;
JER, sect. 2-301 and 303.
AR 145-1, para. 2-15

Section 8

Trainer-Trainee Relations

Prohibitions

ROTC cadre are subject to the prohibitions in AR 600-20, para. 4-15 and Article 93a, UCMJ. Cadets are also subject to AR 600-20 and are “specially protected junior members of the Armed Forces” under Article 93a, UCMJ. Violations of these prohibitions are some of the most common misconduct across Cadet Command.

AR 600-20, para. 4-15 lists a number of activities and relationships that cadets and cadre may not engage in. The list is not all-inclusive. Any activity or relationship that violates the dignity and respect of a trainee, creates a perception of bias, or otherwise undermines the trainer-trainee relationship could fall under the prohibitions.

Importantly, the prohibitions in AR 600-20, para. 4-15 apply for six months after a cadet completes entry-level training, including BOLC, or informs the program they are ceasing participation in ROTC. Furthermore, a ROTC cadre member who PCSs to a new location is still prohibited from inappropriate communications or activities with cadets or those within six months of completing entry-level training.

Violations of AR 600-20, para. 4-15 may be punished severely. Uniformed cadre could face UCMJ action under Article 92, or adverse administrative action, such as a GOMOR. A substantiated violation of AR 600-20, para. 4-15 also requires initiation of administrative separation or officer elimination.

Cadets violating AR 600-20 could face disenrollment and recoupment.

A cadre member who engages in sexual contact or a sexual act, or who attempts or solicits a sexual act or contact, could face prosecution under Article 93a, UCMJ. Conviction under 93a could carry up to a Dishonorable Discharge, 5 years’ confinement, and total forfeitures.

PMS Responsibilities

Cadre must understand these prohibitions and ensure subordinates and trainees are aware of them. The Army presumes cadre know the provisions of AR 600-20. Additionally, PMSs must ensure their cadre members and cadets are informed of the prohibited activities and relationships between cadre and cadets.

AR 600-20, para. 4-15 prescribes, at a minimum, the following measures to inform cadre and cadets of prohibitions on trainer-trainee relations:

(1) PMSs must ensure that cadre members sign a [DD Form 2982](#) acknowledging their understanding of the prohibitions listed in AR 600-20, para. 4-15. This form must be maintained at the ROTC program for one year after the cadre member has left the program.

(2) At the first training session, a cadre member must brief their cadets on the policies under AR 600-20, and provide cadets points of contact they can use to report a cadre member's inappropriate conduct.

(3) No later than the first day of training, trainees must also sign a [DD Form 2983](#) to acknowledge their understanding of the provisions of AR 600-20, para. 4-15. The program must maintain this form for six months after the cadet has left the program.

(4) If a cadre member or cadet intends to seek an exception to the provisions of AR 600-20, para. 4-15, he or she must outline the basis on the DD Form 2982 or 2983 or an attached memorandum. The PMS will route the exception request to the Brigade Commander for approval or disapproval and will inform the requestor of the decision. These issues most commonly arise in the context of Gold Bar Recruiters seeking exceptions for pre-existing relationships with cadet roommates or cadet personal relationships.

Please note, DD Forms 2982 and 2983 are not comprehensive; they do not include important information that cadre members and cadets need to know. For example, the forms do not inform cadre members and cadets that the list is not all-inclusive, or that the prohibitions apply for six months following completion of entry-level training. It also omits any reference to punishment under the UCMJ. PMSs must ensure their cadre members and cadets understand these provisions.

TRADOC Regulation (TR) 350-6, para. 2-5, reinforces the prohibitions in AR 600-20, para. 4-15, and prohibits additional activities not expressly prohibited in AR 600-20, para. 4-15. For example, TR 350-6, para. 2-5, expressly prohibits trainers from engaging in a personal phone conversation with a trainee unrelated to the training mission or other authorized activity. It also prohibits "friending" trainees on social media except on official unit-sponsored social media pages directed at conveying official Army information. As with AR 600-20, para. 4-15, TR 350-6, para. 2-5 is punitive.

AR 600-20, para. 4-15, is not intended to eliminate all opportunities for trainer and trainee external classroom professional development and mentorship. For example, prohibitions involving cadets entering private dwellings, privately owned vehicles, alcohol, and social gatherings do not apply to certain command-authorized programs such as the United States Military Academy's Cadet Sponsorship or Character Development programs or similar social development programs within ROTC programs. PMSs should consult their servicing legal advisor for guidance before holding any social event that they think may be exempted from the provisions of AR 600-20, para. 4-15.

Alcohol Policy

AR 600-20, para. 4-15 prohibits cadre members from providing alcohol to, or consuming alcohol with, cadets on a personal social basis.

AR 600-20, para. 4-15 also provides an exception to the prohibition on consuming alcohol with cadets and provides that the prohibition does not apply to command authorized programs such as the Military Academy's Cadet Sponsorship or Character Development programs or similar social development programs. The prohibitions in paragraphs 4-15c(1) and 4-15c(2) related to alcohol and social gatherings also do not apply to command-authorized unit social events, such as unit dining in/out events, holiday receptions, or hail and farewell events.

Many issues arise after an official event when a cadre member continues to drink with cadets. For example, a cadre member leaves the program's dining-in, where the Brigade Commander has authorized the presence of alcohol, and goes to a nearby bar with a group of cadets. Drinking with cadets at the bar in this scenario would violate AR 600-20, para. 4-15. The violation of AR 600-20 would require initiation of separation against the cadre member. Cadre members must be professional, use sound judgment, and avoid creating even the appearance of inappropriate conduct.

PMSs who receive an allegation of inappropriate activity between a cadre member and a cadet should immediately inform their Brigade leadership, contact their assigned legal advisor, and follow applicable SIR requirements.

References:

AR 600-20, para. 4-15 and glossary, section II, "entry-level training"

AR 27-10, chapter 29

TR 350-6, para. 2-5

Article 93A, UCMJ

Section 9

Responses to Reports of Sexual Assault

A report of sexual assault is one of the most sensitive topics cadre members may have to deal with in Cadet Command. Commanders, Professors of Military Science, and Military Science Instructors, are all mandatory reporters and must report a sexual assault allegation to the university Title IX office and CID or local law enforcement.

The next two sections address reports of sexual assault involving cadets. The PMS Toolkit at Appendix F features a quick reference to this information. The third section and the checklist at Appendix G provide resources for responding to reports of sexual assault involving Soldiers, such as cadre members and Green to Gold Active Duty Option (G2G ADO) cadets. Note: G2G ADO cadets are active duty Soldiers and are subject to UCMJ.

Cadet Victims of Sexual Assault

When a cadet makes a report of a sexual assault, the PMS should ensure the following actions are taken:

1. Ensure the safety of the cadet. Determine if the subject is nearby and if the cadet needs protection. Determine if the cadet needs emergency medical care and advise on the availability of sexual assault examinations at hospitals.
2. Obtain necessary details from the victim (e.g. location and time of assault and subject's description). Do not attempt to get every detail or make the victim talk about the entire incident.
3. If the subject is an SMP or G2G ADO cadet, contact local law enforcement or CID (and see "Cadre and Other Soldiers," below). Ensure the victim knows about the availability of civilian protective orders from local civilian courts.
4. If the subject is a cadet, put in place a no contact order on a DA 4856 (example at Appendix H). If the subject is a G2G ADO or SMP cadet, coordinate with the subject's unit to get an [MPO \(see Appendix J\)](#) in addition to the PMS-issued no-contact order. When the subject's O-6 Commander determines an MPO is warranted, the Commander must issue an MPO within 6 hours, submit it to the Directorate of Emergency Services or Provost Marshal Office, and provide a copy to the protected individual in accordance with Army Directive.
5. Notify the brigade SARC.
6. Notify the Title IX Office.

7. Provide the victim with copies of the no-contact orders(s) and advise the victim of available resources: SARC (AR 600-20, para. 7-8a), Special Victim's Counsel (AR 27-3, para. 7-7e), Title IX and University resources, and any local area resources.
8. Send a detailed SIR to the Brigade Commander.
9. Consult their servicing legal advisor to discuss the matter and any ongoing or needed investigations.
10. Continue to monitor the victim's well-being.

Cadet Subjects of Sexual Assault Reports

Actions to take when a cadet is accused of sexual assault:

1. Notify local law enforcement.
2. If an SMP or G2G ADO cadet, see "Cadre Members and Other Soldiers," below.
3. Issue the cadet a no-contact order (example at Appendix H) and provide a copy to the victim.
4. Notify the Title IX Office.
5. Send a detailed SIR to the Brigade Commander.
6. Consult their servicing legal advisor to discuss the matter and any ongoing or needed investigations.
7. For scholarship cadets, consider placing the cadet on a Leave of Absence during the investigation.
8. Continue to monitor the subject cadet's well-being.

Cadre Members and Other Soldiers

A PMS must report every allegation of a sexual assault offense involving a cadre member, G2G ADO cadet, or other Soldier to CID immediately. He or she must also inform the chain of command, legal advisor, and the SARC. CID has jurisdiction over sexual assaults when the subject is a Soldier. Additionally, Soldier sexual assault victims are entitled to certain rights and services through the Army. A PMS who receives a report of sexual assault involving a Soldier victim or subject should use the checklist at Appendix G. PMSs are strongly encouraged to review AR 600-20, para. 7-11 and Chapter 12 of the [Commander's Legal Handbook](#).

Sexual Assault Response Quick Reference and Chart

This section combines the previous sections regarding responses to reports of sexual assault. PMSs should ensure a cadre member or the brigade SARC takes the following actions in every case, regardless of the statuses of the cadre or cadet victim and subject:

1. Ensure the victim is safe. Ensure the victim gets emergency medical care if needed and tell the victim sexual assault examinations may be available at hospitals.
2. Collect necessary details from the victim (e.g. location and time of assault and subject's description). Do not attempt to get every detail or make the victim talk about the entire incident.
3. Ensure the victim knows about the availability of civilian protective orders from local civilian courts.
4. Place an MPO or no contact order as appropriate (see chart for specifics).
5. Notify the brigade SARC and send a detailed SIR to the Brigade Commander.
6. Assist the victim in finding resources through the university or local area. Additional resources may be available to victims depending on their statuses (see chart on next page).
7. Consult the servicing legal advisor to discuss the matter and any ongoing or needed investigations.
8. Continue to monitor the well-being of the subject and victim.

Additionally, PMSs should take the measures listed in the chart on the next page to ensure the incident is handled properly based on the statuses of the subject and victim.

References:

DOD Policy 6495.02
AR 600-20, Chapter 7
Army Directive 2021-16
Commander's Legal Handbook

		and the subject is a:				
		Cadet	SMP Cadet	G2G ADO	Cadre Member	Civilian
If the alleged victim is a:	Cadet	<ul style="list-style-type: none"> o Report to: Local law enforcement & University Title IX o Place subject and victim under a no contact order on DA Form 4856 (Appx H) 	<ul style="list-style-type: none"> o Report to: Local law enforcement, University Title IX, & Drilling NG/Reserve Unit o Place subject and victim under a no contact order on DA Form 4856 (Appx H) o Coordinate with subject's drilling unit to place the subject under an MPO 	<ul style="list-style-type: none"> o Report to: CID & University Title IX o Place subject and victim under a no contact order on DA Form 4856 (Appx H) o Coordinate with HHD USACC commander* to issue the G2G ADO cadet an MPO 	<ul style="list-style-type: none"> o Report to: CID & University Title IX o Coordinate with brigade to place the subject cadre member under an MPO 	<ul style="list-style-type: none"> o Report to: Local law enforcement & Title IX
	SMP Cadet	<ul style="list-style-type: none"> o Report to: Local law enforcement & University Title IX o Place subject and victim under a no contact order on DA Form 4856 (Appx H) o Coordinate with victim's drilling unit to ensure SMP cadet victim receives available services 	<ul style="list-style-type: none"> o Report to: Local law enforcement, University Title IX, & drilling NG/Reserve Unit o Place subject and victim under a no contact order on DA Form 4856 (Appx H) o Coordinate with subject's drilling unit to place the subject under an MPO o Coordinate with victim's drilling unit to ensure SMP cadet victim receives available services 	<ul style="list-style-type: none"> o Report to: CID & University Title IX o Place subject and victim under a no contact order on DA Form 4856 (Appx H) o Coordinate with HHD USACC commander* to issue the G2G ADO cadet an MPO o Coordinate with victim's drilling unit to ensure SMP cadet victim receives available services 	<ul style="list-style-type: none"> o Report to: CID & University Title IX o Coordinate with brigade to place the subject cadre member under an MPO o Coordinate with victim's drilling unit to ensure SMP cadet victim receives available services 	<ul style="list-style-type: none"> o Report to: Local law enforcement & Title IX o Coordinate with victim's drilling unit to ensure SMP cadet victim receives available services
	G2G ADO	<ul style="list-style-type: none"> o Report to: Local law enforcement & University Title IX o Place subject and victim under a no contact order on DA Form 4856 (Appx H) o Coordinate with G2G ADO commander*, brigade SARC/VA, & assigned MJA to ensure victim receives available services 	<ul style="list-style-type: none"> o Report to: Local law enforcement, University Title IX, & drilling NG/Reserve Unit o Place subject and victim under a no contact order on DA Form 4856 (Appx H) o Coordinate with subject's drilling unit to place the subject under an MPO o Coordinate with G2G ADO commander*, brigade SARC/VA, & assigned MJA to ensure victim receives available services 	<ul style="list-style-type: none"> o Report to: CID & University Title IX o Place subject and victim under a no contact order on DA Form 4856 (Appx H) o Coordinate with HHD USACC commander* to issue the G2G ADO cadet an MPO o Coordinate with HHD USACC commander*, brigade SARC/VA, & assigned MJA to ensure victim receives available services 	<ul style="list-style-type: none"> o Report to: CID & University Title IX o Coordinate with brigade to place the subject cadre member under an MPO o Coordinate with G2G ADO commander*, brigade SARC/VA, & assigned MJA to ensure victim receives available services 	<ul style="list-style-type: none"> o Report to: Local law enforcement & Title IX o Coordinate with G2G ADO commander*, brigade SARC/VA, & assigned MJA to ensure victim receives available services
	Cadre Member	<ul style="list-style-type: none"> o Report to: Local law enforcement & University Title IX o Place subject and victim under a no contact order on DA Form 4856 (Appx H) o Coordinate with brigade SARC/VA & assigned MJA to ensure victim receives available services 	<ul style="list-style-type: none"> o Report to: Local law enforcement, University Title IX, & drilling NG/Reserve Unit o Place subject and victim under a no contact order on DA Form 4856 (Appx H) o Coordinate with subject's drilling unit to place the subject under an MPO o Coordinate with brigade SARC/VA & assigned MJA to ensure victim receives available services 	<ul style="list-style-type: none"> o Report to: CID & University Title IX o Place subject and victim under a no contact order on DA Form 4856 (Appx H) o Coordinate with HHD USACC commander* to issue the G2G ADO cadet an MPO o Coordinate with brigade SARC/VA & assigned MJA to ensure victim receives available services 	<ul style="list-style-type: none"> o Report to: CID & University Title IX o Coordinate with brigade to place the subject cadre member under an MPO o Coordinate with brigade SARC/VA & assigned MJA to ensure victim receives available services 	<ul style="list-style-type: none"> o Report to: Local law enforcement & Title IX o Coordinate with brigade SARC/VA & assigned MJA to ensure victim receives available services
	Civilian	<ul style="list-style-type: none"> o Report to: Local law enforcement o Report to: University Title IX if the victim is a student or the alleged sexual assault occurred on campus o Place subject and victim under a no contact order on DA Form 4856 (Appx H) 	<ul style="list-style-type: none"> o Report to: Local law enforcement & drilling NG/Reserve Unit o Report to: University Title IX if the victim is a student or the alleged sexual assault occurred on campus o Place subject and victim under a no contact order on DA Form 4856 (Appx H) o Coordinate with subject's drilling unit to place the subject under an MPO 	<ul style="list-style-type: none"> o Report to: CID o Report to: University Title IX if the victim is a student or the alleged sexual assault occurred on campus o Place subject and victim under a no contact order on DA Form 4856 (Appx H) o Coordinate with HHD USACC commander* to issue the G2G ADO cadet an MPO 	<ul style="list-style-type: none"> o Report to: CID o Report to: University Title IX if the victim is a student or the alleged sexual assault occurred on campus o Coordinate with brigade to place the subject cadre member under an MPO 	<ul style="list-style-type: none"> o Report to: Local law enforcement o Report to: University Title IX if the victim is a student or the alleged sexual assault occurred on campus

Section 10

Social Media and Think, Type, Post

The Army requires its members to treat all persons with dignity and respect. AR 600-20, para. 4-19 prohibits hazing, bullying, discriminatory harassment, or other acts that violate the dignity and respect of others. This includes, but is not limited to, participation in extremist organizations and activities in violation of AR 600-20, para. 4-12.

Army policy extends to cadre members' and cadets' online conduct, including posting, liking, sharing, re-tweeting, or otherwise distributing content on private social media accounts. Cadre members who violate Army policy online may face UCMJ or adverse administrative actions. While most cadets are not subject to UCMJ, cadets may be subject to disenrollment for misconduct, undesirable character, inaptitude for military service, or other bases under AR 145-1, para. 3-43.a. for violating this policy.

Cadre should encourage all cadets to begin modeling the behavior required of Army Officers. Cadre must also take great care not to infringe on the First Amendment rights of cadets.

References

AR 600-20, para. 4-12 and 4-19

AR 145-1, para. 3-43a

DODI 1325.06

Section 11

Cadet Drug Use

Delta-8-THC vs. Delta-9-THC

USACC published Policy Memorandum 1-7 – Hemp/CBD and THC Substance Abuse Policy on 16 June 2022. The purpose of the policy is to ensure awareness that cadets are prohibited from using Delta-8- and Delta-9-Tetrahydrocannabinol (THC). Delta-8-THC includes products derived from hemp and CBD.

If a cadet, who is not a member of the Green to Gold Active Duty Option (G2G ADO), tests positive for Delta-8, the PMS will counsel the cadet in writing. The cadet will be retested 90 days after the first Delta-8 positive test. If the cadet tests positive on the second urinalysis, the PMS will initiate disenrollment proceedings. If the cadet tests negative on the second urinalysis, the PMS may request a waiver for the positive urinalysis. Example Delta-8-THC counseling's can be found in Appendix K.

If a G2G ADO cadet tests positive for Delta-8, the PMS will immediately notify the Commander, HHD, USACC. If a SMP cadet tests positive for Delta-8, the PMS will notify the cadet's owning organization of the positive test.

Command Directed Urinalysis

USACC Regulation 600-85, para. 6-1, provides the standard for a command directed UA. Testing of contracted cadets may occur only if credible information is provided that a cadet is using an illegal substance. In such cases, Brigade Commander approval is required following consultation with their legal advisor.

Random testing and 100 percent testing of cadets is authorized only when the Brigade Commander has a written policy for such testing.

References

USACC Policy Memorandum 1-7
CCR 600-85

Section 12

Disenrollments

Disenrollments are a significant event for cadre members and cadets. If done the wrong way, they have the potential to consume an enormous amount of time. PMSs must ensure they properly process these actions.

Disenrollment packets are routinely procedurally defective and most require some form of remediation. Cadets are entitled to substantial administrative due process during the disenrollment process and many errors may impact the cadets' rights. PMSs should review [CC Pam 145-4](#), chapter 8 and use the checklist at CC Pam 145-4, figure 8-2 (and Appendix D of this handbook) to help to avoid these issues.

Additionally, the following is a list of commonly seen processing errors that every PMS should look for when reviewing a disenrollment packet before forwarding to the brigade level. It is better to get this right the first time.

1. Stated reasons for disenrollment change over the course of the procedure. For instance, the disenrollment notification may cite breach of contract; however, the board notification may cite misconduct and poor grades. Or, to give another example, the board's findings and recommendations may discuss a different basis than the one for which the cadet was originally placed on notice. Throughout the disenrollment process, PMSs and board presidents must ensure the basis for disenrollment matches the original notification.
2. Stated reasons for disenrollment are inaccurate or inconsistent. For instance, the packet may describe an indifferent attitude or lack of interest in military training (AR 145-1, para. 3-43a(15)), but cite to AR 145-1, para. 3-43a(8), which covers APFT failure. PMSs must make sure that the factual basis described in the packet matches the correct paragraph number in AR 145-1.
3. Appointment of an informal investigating officer rather than a formal board. Disenrollments initiated under AR 145-1, para. 3-43a(13) through (16) require a formal board. For all other paragraphs, an informal investigating officer is sufficient. A board president or an investigating officer cannot do independent investigation outside the actual board because a cadet has the right to be present during any questioning or review of evidence.
4. Failure to provide and properly document reasonable notification to the cadet regarding disenrollment proceedings. Certified mail with return receipt must be utilized. Send the notification to all known addresses at the same time. If the mail is returned as undeliverable, the PMS should use other reasonable means to find the location of the cadet such as emails, phone numbers, fellow cadets, and the university. Checking with the university for a more current address is a good first

step. Also consider sending the notification to a parent's address if the student file contains one. In addition, if the cadet is still attending classes, the PMS could obtain a copy of the cadet's class schedule from the university and personally deliver the notification documents to the cadet before or after class. If someone other than the cadet signs for any registered mail, attempt to ascertain the identity of that person and his or her relationship to the cadet so that it can be properly documented in the record. Lastly, the PMS should ensure that all of the program's notification efforts are placed in an MFR and placed in the record. The MFR will serve as proof that reasonable notification attempts were made in those cases where the cadet is not present at a disenrollment hearing or fails to submit a rebuttal to the board's findings and recommendations.

5. The order of the packet does not flow chronologically and/or is missing multiple items. All disenrollment packets are governed by a process in Army Cadet Actions (ACA) that employs a chronological order. Many of the packets that the OSJA reviews contain date inaccuracies and other procedural defects. For instance, one packet contained a rebuttal notification that was dated prior to the board hearing. Before forwarding the packet to the brigade, the PMS should review the packet for chronological consistency.
6. The cadet is not provided a complete copy of the disenrollment packet when they are notified of disenrollment.
7. A Board President conducts independent investigation outside of the board hearing and/or adds documentation to the packet.
8. Insufficient written justification based upon the evidence in the packet from the Board, Appointing Authority, or Brigade Commander for the findings or recommendations.
9. Failure to provide the cadet an opportunity to rebut the Board's findings and recommendations. After the board, the board's findings and recommendations and the entire record must be forwarded to the cadet for rebuttal in accordance with Part V of the disenrollment checklist at Appendix D of this handbook. Note: when taking final action on the DA Form 1574-2, the Approving Authority must comment on the issues raised in the rebuttal and explain why they were or were not persuasive. Additionally, if the Brigade Commander makes a written recommendation not to follow the board's findings or recommendations, the recommendation and the entire record must go back to the cadet for another rebuttal.
10. Failure to notify the cadet of the actual location of the board and failure to allow a cadet to call witnesses, have a military representative to assist them, or obtain a reasonable delay. It is inherently unfair to only notify a cadet that a board will be held at XYZ University on ABC date; the cadet should also be made aware of the building and room in which the board will occur, as well as the time.

A PMS should counsel a cadet before formal notification is prepared. An example notice of intent to initiate disenrollment counseling is provided at Appendix E.

The PMS toolkit at Appendix F contains a useful overview of the bases for disenrollment and the disenrollment process.

References:

AR 145-1

AR 15-6

CC Pam 145-4

Section 13

UCMJ in Cadet Command

Cadet Command has 10 Commanders: the Commanding General (CG), the eight Brigade Commanders, and one HHD Company Commander. PMSs are not commanders and cannot exercise command authority. Brigade Commanders can delegate some command tasks to their PMSs, such as counseling and conducting first readings for Art. 15s. However, only Brigade Commanders will appoint Commander's Inquires and AR 15-6 investigations.

Cadre

The CG, USACC, withholds the disposition of misconduct for Soldiers in the grade of E-8 or E-9, commissioned officers, and warrant officers per [Fort Knox Regulation 27-10](#), para. 2-2. The Brigade Commander retains jurisdiction for all other misconduct within his or her brigade.

Cadets

Cadets are generally not subject to the UCMJ. However, the Brigade Commander or PMS can initiate disenrollment of a cadet for misconduct. One exception to the general rule is Green-to-Gold Active Duty Option (G2G ADO) cadets. HHD, USACC has jurisdiction over G2G ADO cadets and will address all UCMJ actions.

Another exception is Simultaneous Membership Program (SMP) cadets, but these cadets are only subject to the UCMJ when in drilling status. When a G2G ADO cadet or SMP cadet commits misconduct, HHD, USACC, or parent unit, respectively, should be notified immediately. The Brigade Commander, however, may initiate a removal from the G2G ADO program, under AR 145-6, para. 8-2, based on the same misconduct.

The final exception is cadets on active duty status while at Cadet Summer Training (CST). Advanced Camp cadets are subject to the UCMJ while on active duty for training at CST. However, a cadet who commits a crime at CST will usually face prosecution under federal jurisdiction as a civilian through the U.S. Attorney's Office, and face disenrollment under AR 145-1.

Options for Commanders and PMSs when a cadet commits misconduct:

- Discipline commensurate with University policy (options may include verbal warnings, removal from class, grade adjustments, probation, suspension, etc)
- Verbal and written corrective counseling
- Counseling with disenrollment warning
- Disenrollment

The following resources are provided to help PMSs navigate common issues:

- PMS Toolkit – Appendix F
- Example No Contact Order Counseling for a Cadet – Appendix H
- Example Suspension Pending Investigation, No Contact Order, and Investigation Flag Notification for a Soldier – Appendix I

PMSs may contact their servicing legal advisor for additional counseling examples.

References:

AR 27-10

AR 15-6

AR 145-1

AR 145-6

FK Reg 27-10

APPENDICES

FERPA CONSENT TO RELEASE STUDENT INFORMATION

TO: _____
(Name of University Official and Department that will be releasing the educational records)

Please provide information from the educational records of _____ [Name of Student requesting the release of educational records] to:

_____ [Name(s) of person to whom the educational records will be released, and if appropriate the relationship to the student such as “parents” or “prospective employer” or “attorney”]

(Note: this Consent does not cover medical records held solely by Student Health Services or the Counseling Center – contact those offices for consent forms.)

The only type of information that is to be released under this consent is:

- _____ transcript
- _____ disciplinary records
- _____ recommendations for employment or admission to other schools
- _____ all records
- _____ other (specify) _____

The information is to be released for the following purpose:

- _____ family communications about university experience
- _____ employment
- _____ admission to an educational institution
- _____ other (specify) _____

I understand the information may be released orally or in the form of copies of written records, as preferred by the requester. I have a right to inspect any written records released pursuant to this Consent (except for parents’ financial records and certain letters of recommendation for which the student waived inspection rights). I understand I may revoke this Consent upon providing written notice to [Name of Person listed above as the University Official permitted to release the educational records]. I further understand that until this revocation is made, this consent shall remain in effect and my educational records will continue to be provided to [Name of Person listed above to whom the educational records will be released] for the specific purpose described above.

Name (print) _____

Signature _____

Student ID Number _____

Date _____



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND
950 JEFFERSON AVENUE
FORT EUSTIS, VIRGINIA 23604-5700

REPLY TO
ATTENTION OF

ATBO-BP (1-100a1)

7 April 2021

MEMORANDUM FOR

Deputy Commanding General/Chief of Staff, U.S. Army Training and Doctrine Command, 950 Jefferson Avenue, Fort Eustis, Virginia 23604-5700
Executive Director, U.S. Army Center of Military History, 102 4th Avenue, Building 35, Fort Lesley J. McNair, DC 20319-5058
Commanders/Commandants, U.S. Army Training and Doctrine Command Centers of Excellence and Schools

SUBJECT: Delegation of Authority to Accept Gifts to the Army for the Benefit of Organizations Assigned to U.S. Army Training and Doctrine Command

1. References:

a. Secretary of the Army, memorandum (Delegation of Authority to Accept Gifts to the Army for the Benefit of Organizations Assigned to U.S. Army Training and Doctrine Command), 10 Dec 2019 (Encl).

b. HQ TRADOC, ATBO-BP memorandum (Delegation of Authority to Accept Gifts to the Army for the Benefit of Organizations Assigned to U.S. Army Training and Doctrine Command), 2 Feb 2020 (hereby superseded) (Encl).

2. In accordance with reference 1a., I hereby delegate the authority to the following personnel serving in the positions listed below without the authority for further delegation:

a. Deputy Commanding General/Chief of Staff, U.S. Army Training and Doctrine Command (TRADOC) the authority to accept gifts to the Army valued up to \$50,000 for the benefit of TRADOC organizations and activities under the direct authority or jurisdiction of the Commanding General (CG), TRADOC.

b. General officers and members of the Senior Executive Service serving in command, commandant, or director positions for TRADOC Centers of Excellence, commands, activities, and schools the authority to accept gifts valued at up to \$10,000 for the benefit of TRADOC organizations and activities under the direct authority or jurisdiction of the CG, TRADOC.

c. Executive Director, U.S. Army Center of Military History, for the benefit of an Army museum or museum program the authority to:

- (1) accept gifts of personal property or money to the Army valued up to \$50,000;

ATBO-BP (1-100a1)

SUBJECT: Delegation of Authority to Accept Gifts to the Army for the Benefit of Organizations Assigned to U.S. Army Training and Doctrine Command

(2) accept gifts to the Army determined to be artifacts, as defined by Army Regulation (AR) 870-20 (Army Museums, Historical Artifacts, and Art) 11 Jan 99, as well as art, archives, photographs, multimedia materials, and books valued up to \$50,000;

(3) accept a gift of services pursuant to 10 U.S. Code § 2601 (a)(2)(A) valued up to \$50,000; and

(4) solicit gifts pursuant to 10 U.S. Code § 2601 (a)(2)(B) valued up to \$50,000.

d. Director, Museums Directorate, U.S. Army Center of Military History, for the benefit of an Army museum or museum program, the authority to:

(1) accept gifts of personal property or money to the Army valued up to \$20,000;

(2) accept gifts to the Army determined to be artifacts, as defined by AR 870-20, as well as art, archives, photographs, multimedia materials, and books valued up to \$20,000;

(3) accept a gift of services pursuant to 10 U.S. Code § 2601 (a)(2)(A) valued up to \$20,000; and

(4) solicit gifts pursuant to 10 U.S. Code § 2601(a)(2)(B) valued up to \$20,000.

e. Director, National Museum of the U.S. Army, for the benefit of the National Museum of the U.S. Army or museum program, the authority to:

(1) accept gifts of personal property (with the exception of artifacts) or money to the Army valued up to \$20,000;

(2) accept a gift of services pursuant to 10 U.S. Code § 2601 (a)(2)(A) valued up to \$20,000; and

(3) solicit gifts pursuant to 10 U.S. Code § 2601(a)(2)(B) valued up to \$20,000.

3. You will exercise this delegated authority in accordance with applicable law, regulation, and policy. Specifically, I direct your attention to the requirements contained in reference 1a., including the applicable provisions of AR 1-100 (The Army Gift Program) 7 Feb 19, and the Department of Defense (DoD) Financial Management Regulation 7000.14-R.

4. AR 1-100 provides details on requirements concerning the acceptance, recording, reporting, and administration of gifts to the U.S. Army, including the establishment of a

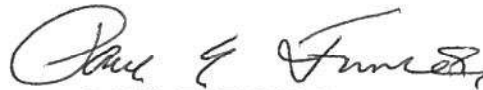
ATBO-BP (1-100a1)

SUBJECT: Delegation of Authority to Accept Gifts to the Army for the Benefit of Organizations Assigned to U.S. Army Training and Doctrine Command

field gift program office and designation of a field gift program manager. As required by DoD 7000.14-R, your field gift program manager will report all gifts accepted under this delegated authority to the TRADOC G-1 /4 quarterly.

5. This delegation is effective the date of this memorandum and will remain in effect until superseded or rescinded. Upon change of command, this delegation is subject to review by the new commander, who may choose to cancel or change any of the delegations contained herein.

Encl



PAUL E. FUNK II
General, U.S. Army
Commanding

CF:
Office, Administrative Assistant to the Secretary of the Army



SECRETARY OF THE ARMY
WASHINGTON

10 DEC 2019

MEMORANDUM FOR COMMANDING GENERAL, U.S. ARMY TRAINING AND DOCTRINE COMMAND, 950 JEFFERSON AVENUE, FORT EUSTIS, VIRGINIA 23604-5700

SUBJECT: Delegation of Authority to Accept Gifts to the Army for the Benefit of Organizations Assigned to U.S. Army Training and Doctrine Command

1. References:

- a. Title 10, United States Code, sections 2601(a) and (b).
- b. Department of Defense 7000.14-R (Department of Defense Financial Management Regulation (DoD FMR)); Volume 12 (Special Accounts, Funds, and Programs); Chapter 30 (Operation and Use of General Gift Funds); March 2019.
- c. Army Regulation 870-20 (Army Museums, Historical Artifacts, and Art), 11 January 1999.
- d. Army Regulation 1-100 (The Army Gift Program), 7 February 2019.

2. Reference 1a gives the Secretaries of the Military Departments the authority and responsibility to accept and administer gifts for organizations and individuals under their jurisdiction. Reference 1b further defines the Secretaries' responsibilities and allows them to delegate their acceptance authority. Therefore, I delegate to the Commanding General, U.S. Army Training and Doctrine Command (TRADOC) the authority to accept gifts to the Army valued at up to \$50,000 for the benefit of TRADOC organizations and activities under the direct authority or jurisdiction of the Commanding General. I also delegate the authority to solicit certain gifts and gifts of services pursuant to Title 10, U.S. Code, section 2601(a)(2)(b) for the benefit of an Army museum or museum program up to \$50,000. You may delegate this authority through the chain of command.

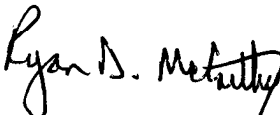
3. Any delegation of authority will not be effective unless it is in writing with the official(s) designated by organizational title and a copy provided to the Office of the Administrative Assistant to the Secretary of the Army, my proponent for the Army Gift Program, for archiving. A copy of the delegation must be maintained in your office for archiving and in the office where the authority is held. You will remain cognizant of and accountable for all actions taken pursuant to any delegation of this authority.

SUBJECT: Delegation of Authority to Accept Gifts to the Army for the Benefit of Organizations Assigned to U.S. Army Training and Doctrine Command

4. You will exercise this authority in accordance with applicable law, regulation, and policy. Refer to reference 1d for requirements concerning the acceptance, recording, reporting, and administration of gifts to the Army, including the establishment of a field gift program office and designation of a field gift program manager. The regulation also provides guidance for obtaining written legal reviews and staffing gifts of construction, and processing gifts to benefit Army museums and museum programs.

5. Although not a limitation on your authority to act pursuant to this delegation, I trust that you will exercise sound judgment in keeping me informed of any action under this delegation that will have significant White House, congressional, Department of Defense, or public interest, or would represent a significant change in Army precedent or policy. If such circumstance arises, I ask that you coordinate with the Army Gift Program Coordinator to brief me before the decision so that I can provide appropriate guidance.

6. This delegation is effective immediately. The Office of the Administrative Assistant will initiate a review of the delegation with your office every 3 years from the date of this memorandum to ensure that the delegation is current.


Ryan D. McCarthy

CF:
Chief of Staff of the Army
General Counsel
Administrative Assistant to the Secretary of the Army

Prior Approval for Outside Employment and Business Activities

The purpose of the attached sample request for approval is to ensure that DoD employees engaging in outside employment and business activities do not have conflicts of interest with their official duties.

Background

Generally, DoD personnel are prohibited from engaging in outside employment or any other outside activity that conflicts with their official duties. An activity conflicts with an individual's official duties if it is prohibited by statute or by an agency supplemental regulation or would require the individual to be disqualified from matters so central or critical to the performance of his official duties that the individual's ability to perform the duties of his position would be materially impaired. 5 C.F.R. § 2635.802.

DoD Supplemental Ethics Regulation

The DoD Supplemental Standards of Ethical Conduct require DoD personnel, other than a Special Government Employee, who are required to file a financial disclosure report, to obtain written approval from their supervisor *before* engaging in a business activity or compensated outside employment with a prohibited source unless general approval has been given in accordance with the Regulation. Approval should be granted unless the individual's supervisor determines that the business activity or compensated outside employment is expected to involve conduct prohibited by statute or regulation. Business activity means any contractual or other financial relationship not involving the provision of personal services by the individual. It does not include a routine commercial transaction or the purchase of an asset or interest such as a stock that is available to the general public. Outside employment includes any form of non-Federal employment or business relationship involving the provision of personal services by the individual, whether paid or unpaid. For example, a DoD financial disclosure filer would need to receive prior written approval from his or her supervisor before beginning employment with a DoD support contractor. 5 C.F.R. § 3601.107; JER Sections 2-206 and 3-304.

Procedure

An employee considering accepting or engaging in outside employment and business activities with an entity that is a DoD prohibited source should provide his supervisor with the required information to make an assessment. The supervisor must then make the determination, consulting with the Standards of Conduct Office as necessary. A copy of the supervisor's determination must be forwarded to the DoD Standards of Conduct Office for retention with the employee's financial disclosure report.

[date]

MEMORANDUM FOR [Employee Name/Title]

SUBJ: Request for Prior Written Approval to Engage in Outside Employment and Business Activities

On [date], you requested permission to engage in outside employment or business activity with ___[name of outside employer or business entity], a DoD prohibited source. Because you are a financial disclosure filer, prior written supervisor approval is required for this outside employment or business activity pursuant to 5 C.F.R. § 3601.107.

Your DoD duties involve_____[describe duties]. You also indicate that this outside employment or business activity will involve_____[describe duties].

As your supervisor, I hereby APPROVE/ DISAPPROVE your engagement in this outside employment or business activity as it is unlikely/likely to create a potential or actual conflict of interest with your DoD responsibilities.

If approved, please note that you are subject to all applicable ethics laws and regulations when engaging in this outside employment or business activity. Specifically, you may not:

- (1) represent this outside employer or business entity before the Federal Government;
- (2) participate in official DoD matters that will have a financial effect on this outside employer or business entity;
- (3) use Government time or property; or
- (4) disclose nonpublic information.

Should a possible conflict of interest arise with this outside employer or business entity, you should not participate in the matter and must submit a written disqualification to your supervisor. You should contact an ethics official if you have any questions or concerns. If you have questions about these rules, you should consult me or an ethics official.

Supervisor Signature

Supervisor Name

cc: Ethics Office

Figure 8-4 Checklist for Disenrollment Actions

Part I
Actions by PMS (CC PAM 145-4, para 8-2)

- _____ Determine one or more bases for disenrollment action
 -AR 145-1 para 3-43a; Include all applicable bases in notice to Cadet.

- _____ Gather all supporting documentation
 -Transcript, Privacy Act Form, Counseling Statements, etc.
 -Obtain certified copies.

- Place Cadet on Leave of Absence (LOA Pending Disenrollment-F)
 Note ensure there are NO additional payments made during the term the Cadet is placed in F-Status

- _____ FOR ECP CADETS: Request DA form 5315-R, U.S.Army Advanced Education Financial Assistance Record from Cadet Command, RMD, Pay Operations Division, via e-mail address: usarmy.knox.usacc.mbx.hq-g8-debt-mgmt-disenrollment@mail.mil . Include Cadet’s name, SSN, contract date, current status, school FICE code, and an ROTC POC. Allow ten working days for receipt of the certified form.

- _____ Provide disenrollment notification **with all supporting documents** to Cadet.

- _____ Retain evidence of notification in the file (certified mail receipt, etc.)

- _____ If Cadet waives right to a Board, follow the process in CC PAM 145-4, para. 6-11. Waivers of rights to a Board by non-scholarship Cadets who received a bonus must be sent through Brigade to HQ, USACC for review and approval.

- _____ If the Cadet does not respond within 10 days or the notification is undeliverable, document all efforts made to contact Cadet in a memorandum for record and maintain in the Disenrollment file.

- _____ If Cadet does not waive right to a Board, respond within 10 working days, or if the notification is undeliverable, proceed to Part II.

Figure 8-4 Checklist for Disenrollment Actions-continued

Part II Actions by Appointing Authority

- _____ Determine if a Board is needed. Determine if a recorder is needed.
 - A Board must be appointed for all disenrollments where the Cadet does not waive his/her rights.
 - Recorders are recommended for all Boards.
 - IMPORTANT: The Cadet has the right to be present for all interviews/proceedings and to cross-examine all witnesses. This is not like an AR 15-6 investigation.

- _____ Appoint a Field Grade Officer for Board.
 - Recommend Board President and two additional voting members if possible
 - If a Field Grade is not available because of a military exigency, an exigency memorandum must be written at the time of appointment.

- _____ Appoint a Recorder (nonvoting commissioned officer).

- _____ Forward appointment memorandum and the Notice of Disenrollment with all enclosures to the Board President

Actions of Board Prior to Hearing (CC PAM 145-4, para 8-2, 8-3 and 8-4)

- _____ **Contact USACC OSJA** for guidance when appointment and packet are received and throughout the process (<mailto:usarmy.knox.tradoc.mbx.sja-adminlaw@mail.mil>).

- _____ Notify the Cadet of the board (Figure 6-3). This notice informs the Cadet of the time, place and exact purpose(s) of the board. Cadet must receive notice 5 working days prior to the Board. Retain copy in file. *Make reasonable efforts to contact Cadet and document all contact efforts.*

- _____ Notify/secure both Cadet's and Board's witnesses. Provide 5-day minimum written notice to the Cadet-respondent's witnesses, and all others concerned. Reasonable attempts should be made to assist the Cadet in getting witnesses to appear.

- _____ Notify the University Representative. Retain notification/response in file.

- _____ Retain documentation showing Cadet had notice 5 working days in advance of Board, which includes:
 - Mail receipt, receipt acknowledgment; MFR of phone conversation; e-mail; If the above is not available, ensure notification sent via

Figure 8-4 Checklist for Disenrollment Actions-continued

certified mail to last known address and any permanent address.
Attempt to contact by phone and e-mail, document all efforts.
Obtain a signed Privacy Act Statement if Cadet attends hearing.
Retain in file.

Part III

Board Proceedings (CC PAM 145-4 Para 8-5; Figure 8-5 and 8-6)

- _____ Place Board and Recorder under oath.
- _____ Explain board proceedings to Cadet and inform of possible outcomes to include recoupment of scholarship funds or call to Active Duty.
- _____ Inform Cadet of his or her rights listed in Paragraph 8-5a. **THESE ARE NOT THE SAME RIGHTS INCLUDED ON A DA 3881. DO NOT USE THE DA 3881** because all of the rights listed in the DA 3881 do not apply at disenrollments. (For example, we are not going to provide them an attorney if they cannot afford one.)
- _____ Provide for opening statements. Allow Cadet to make opening statement.
- _____ Provide for evidence presentation. Allow Cadet to present evidence.
- _____ Swear and question witnesses. Allow Cadet to be present for all questioning and to question all witnesses.
- _____ Provide for closing statements. Allow Cadet to make a closing statement.
- _____ Conduct deliberations in closed session. Do not announce decision to Cadet at the board. Inform Cadet the findings and recommendations will be communicated in writing.

Part IV

Board Findings and Recommendations (CC PAM 145-4 Para 8-6; DA Form 1574-2)

- _____ Include verbatim transcript or summarize the testimony of all witnesses and the Cadet.
- _____ List evidence reviewed by Board as exhibits.
- _____ You must address the following in your findings:
 - Was there a valid contract

Figure 8-4 Checklist for Disenrollment Actions-continued

- Did the Cadet receive advanced educational assistance through an ROTC scholarship and the amount of the debt
- Did the Cadet breach the terms of the contract through his/her actions
- If more than one reason for disenrollment in Notification of Disenrollment, indicate which paragraphs the disenrollment is based on and which it is not based on (e.g. The Notice of Disenrollment states disenrollment on the basis of paragraphs (14) and (16). There is evidence supporting disenrollment for (16) but not (14). The recommendation should read: "Should be disenrolled from ROTC pursuant to AR 145-1, paragraph 3-43(16). However, there is not sufficient evidence to support disenrollment based on undesirable character." Cadet will still be disenrolled for (16).

_____ Make recommendations based on the questions listed in appointment memo.

- Cite subparagraph of AR 145-1, para. 3-43 which applies.
- Limited to the reasons listed in the Notification of Disenrollment.
- Make recommendation for recoument and call to active duty; if not recommended, explain why.

Part V

Appointing Authority Actions after Receiving Recommendations of the Board (CC PAM 145-4, para. 8-7)

_____ Circle the appropriate determination approving or disapproving findings and recommendations on DA Form 1574-2. If the Appointing Authority does not concur with the Board, he/she must provide a detailed explanation why.

_____ If disenrollment is recommended without recoument or call to Active Duty, specifically address why (para 8-6b).

_____ Forward record to University representative if they did not attend the board if requested. Retain copy of correspondence in file.

_____ Forward a copy of the entire record to Cadet for opportunity for rebuttal.

Rebuttal (CC PAM 145-4, para. 8-7)

_____ Forward record, including all exhibits to Cadet with rebuttal notice regardless of whether or not cadet appeared or has responded to previous notifications.

Figure 8-4 Checklist for Disenrollment Actions-continued

_____ Forward rebuttal if received, with packet to approving authority. Approving authority must comment on the rebuttal in previous finding and explain why it persuaded you or not. Then submit to Cadet Command through ACA.

Additional Guidance

- Board President and members should always read applicable portions of AR 145-1, AR 15-6, and CC PAM 145-4, and the contract prior to the Board. Board President must contact USACC, OSJA for guidance prior to the Board.
- All information must be made a matter of record and included in the report of findings.
- Notification to the Cadet of the impending board action must be documented in the record. The notification memorandum must be presented or received by the Cadet at least five (5) working days prior to the hearing. The notification must address who, what, when, where, and why.
- A copy of the report of proceedings must be given/sent to the Cadet after the Appointing Authority takes action and the action is documented in the record, with comments on any rebuttal submitted by Cadet.
- Subsistence allowance, as deemed by Congress, is not recoupable and as such, repayment is not required, unless erroneously expended.
- The Cadet must be notified he/she may challenge the appointment of board members for cause.
- The Cadet will be given a reasonable amount of time to prepare his/her case. A request of 15 days extension is reasonable. **All** records and documents will be made available to the Cadet and provided in advance with Notification of Disenrollment (document everything).
- After the conclusion of the board, the voting members will deliberate in closed session.
- The Cadet is allowed to be present for all open sessions of the hearing, has the right to present evidence, and ask questions of all witnesses (ROTC and Cadet).
- Recommendations must include recommendation regarding recoupment of scholarship funds or active duty service.

- DA Form 1574-2 will be used in all cases. An index of all exhibits must be attached to the 1574-2.
- The Appointing Authority will not attend the Board except if it is necessary for him/her to testify, in which he/she cannot be the Approving Authority or make a recommendation as set forth in CC PAM 145-4, paragraph 8-7. If this happens, contact USACC, OSJA prior to the Board.
- If any questions arise during the processing of the Board action, refer to the USACC, OSJA.

DEVELOPMENTAL COUNSELING FORM

For use of this form, see ATP 6-22.1; the proponent agency is TRADOC.

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: 5 USC 301, Departmental Regulations; 10 USC 3013, Secretary of the Army.
PRINCIPAL PURPOSE: To assist leaders in conducting and recording counseling data pertaining to subordinates.
ROUTINE USES: The DoD Blanket Routine Uses set forth at the beginning of the Army's compilation of systems or records notices also apply to this system.
DISCLOSURE: Disclosure is voluntary.

PART I - ADMINISTRATIVE DATA

Name (Last, First, MI)	Rank/Grade Cadet	Date of Counseling
Organization	Name and Title of Counselor	

PART II - BACKGROUND INFORMATION

Purpose of Counseling: (Leader states the reason for the counseling, e.g. Performance/Professional or Event-Oriented counseling, and includes the leader's facts and observations prior to the counseling.)

Event-Oriented Counseling. This counseling serves to notify you that I am initiating disenrollment from the Army Reserve Officer Training Corps due to undesirable character based on your lack of integrity related toADD INFO HERE

PART III - SUMMARY OF COUNSELING

Complete this section during or immediately subsequent to counseling.

Key Points of Discussion:

- (1) [Detail Facts here]
- (2) As your Professor of Military Science, I am initiating your disenrollment from the ROTC program under the provisions of Army Regulation 145-1, Senior Reserve Officers' Training Corps Program: Organization, Administration, and Training, 22 JUL 96 (RAR 6 SEP 11), for the following:
- Undesirable character demonstrated by cheating on examinations, stealing, unlawful possession, use, distribution, manufacture, sale (including attempts) of any controlled substances, as listed or defined in 21 USC 812, discreditable incidents with civil or university authorities, falsifying academic records or any forms of academic dishonesty, failure to pay just debts, or similar acts. Such acts may also be characterized as misconduct.[AR 145-1, Paragraph 3-43 a(14)]
- (3) If you elect, a board of officers will be appointed in accordance with the formal procedures outlined in AR 15-6, as modified by AR 145-1, and guidance from the CG, USACC, to consider your disenrollment case. You have the right to appear personally before the board. You are entitled to be assisted in the preparation of the hearing by any reasonable available military officer (who need not be an attorney) or may hire civilian counsel at your expense. However, the counsel may not represent you at the hearing, although counsel may be available to give advice. At least one school official will be invited to observe any hearings that may arise from the appointment of such board. Notwithstanding any provision of AR 15-6, you are not entitled to counsel at Government expense. The requirement for appointment of a board of officers will be waived should you choose to voluntarily waive this right in writing within 10 days of formal notification of pending disenrollment.
- (4) Upon receipt of this notification, you will be placed on a Leave of Absence which will suspend tuition and subsistence payments pending the outcome of the board. You are not to enroll in ROTC classes or participate ROTC activities until further notice.

OTHER INSTRUCTIONS

This form will be destroyed upon: reassignment (*other than rehabilitative transfers*), separation at ETS, or upon retirement. For separation requirements and notification of loss of benefits/consequences see local directives and AR 635-200.

Plan of Action (Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specified time line for implementation and assessment (Part IV below)

- (1) Upon receipt of the notification of disenrollment via certified mail make your elections, sign and return within 10 business days of receipt.
- (2) Be prepared to return all government issued equipment pending for equipment accountability purposes, if requested.
- (3) Provide a valid email, mailing address, and phone number in order to maintain constant contact throughout the disenrollment process.

Session Closing: (The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate.)

Individual counseled: I agree disagree with the information above.

Individual counseled remarks:

Signature of Individual Counseled: _____

Date: _____

Leader Responsibilities: (Leader's responsibilities in implementing the plan of action.)

Signature of Counselor: _____

Date: _____

PART IV - ASSESSMENT OF THE PLAN OF ACTION

Assessment: (Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling.)

Counselor: _____

Individual Counseled: _____

Date of
Assessment: _____

Note: Both the counselor and the individual counseled should retain a record of the counseling.



Army Services

Available to Cadets	NOT Available to Cadets
<ul style="list-style-type: none"> • Victim Advocates for support after Sexual Assault • Special Victims Counsel (through nearest Legal Assistance or Fort Knox Legal Assistance Office) • Equal Opportunity Advisor (can file formal complaints) 	<ul style="list-style-type: none"> • Legal Assistance • Trial Defense Service • Army Substance Abuse Services
<p>Freedom of Speech: Cadets speech is only limited if the speech could suggest Army endorsement (e.g. cadet expressed opinion in uniform or states, "as a cadet in the ROTC program, I think...").</p> <ul style="list-style-type: none"> ○ Cadet statements are still subject to scrutiny for commissioning. Opinions expressed that are inconsistent with the Army values may be grounds for disenrollment for undesirable character. 	

Reports of Sexual Assault

1. Ensure the safety of the Cadet(s).
2. If the subject is SMP or Green-to-Gold cadet, notify CID immediately as well as the subject's NG Command or the student detachment at Fort Jackson. Ask their commander for a copy of the MPO they issue.
3. Notify the Title IX office of the report for all cadets. *Note:* You cannot receive an anonymous report from a cadet because you are a mandatory reporter.
4. Issue a no-contact order to the subject, advising him/her that he/she is subject to disenrollment for violating the order. Consult your SJA on whether to issue a no-contact order to the victim.
5. Notify the victim of the no-contact order that is in place and advise him/her of the available resources to help: Title IX, Sharp (AR 600-20, para 7-8a), SVC (AR 27-3, para 7-7e), Local Law Enforcement (Civilian Protective Orders)
6. Call the BDE SHARP rep. Your BDE SHARP has contact information for your Title IX office.
7. Send the 5W's to the BDE Commander.
8. Send a detailed SIR to the BDE.
9. Consult your SJA on whether to pursue an investigation. Investigations should be handled by CID or local law enforcement, then Title IX, and then possible an AR 15-6 investigation.

Military Protective Orders (MPOs)

Subject: Soldier

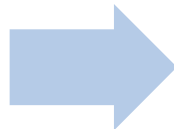
1. Contact your legal advisor.
2. Issue a MPO order on DD Form 2873.
3. Issue a corresponding counseling on a DA Form 4856 indicating that failure to comply with the order is a UCMJ violation.
4. Send MPO to your legal advisor so that it can be filed with the Provost Marshall's Office at Fort Knox and entered into the NCIC system.
5. Distribute a copy to the service member, protected person, service member's local personnel file, and installation law enforcement.

Subject: Cadet

1. Contact your legal advisor.
2. Issue a no-contact order on DA Form 4856 and advise cadet that violating the order may subject him/her for disenrollment.
3. Distribute a copy to the cadet and protected person.

"Probable Cause" UA Process

1. If you suspect a contracted cadet to be using drugs based on credible information, notify the BDE Commander.



2. BDE Commander can order a urinalysis of a cadet based on credible information of use, based on CC Red. 600-85 after consultation with legal advisor.

Support of Non-Federal Entities

- **Rule:** In an official capacity, cadre and cadets cannot promote, endorse or fundraise for a non-federal entity. Support efforts must be private activities that do not create an appearance of official Army endorsement.
- What is a non-federal entity? Any organization or business, to include non-profits, alumni groups, parents groups, etc.
- Examples:
 - Permissible: while off-duty and not in uniform, cadre and cadets can run a 5K with team RWB
 - Impermissible: cadre and cadets volunteering time with a local organization to rebuild houses, during the day, in uniform



Cadre-Student Relations, AR 600-20, para 4-15

Rule: Inappropriate relationships and prohibited activities between cadre and cadets is not permitted

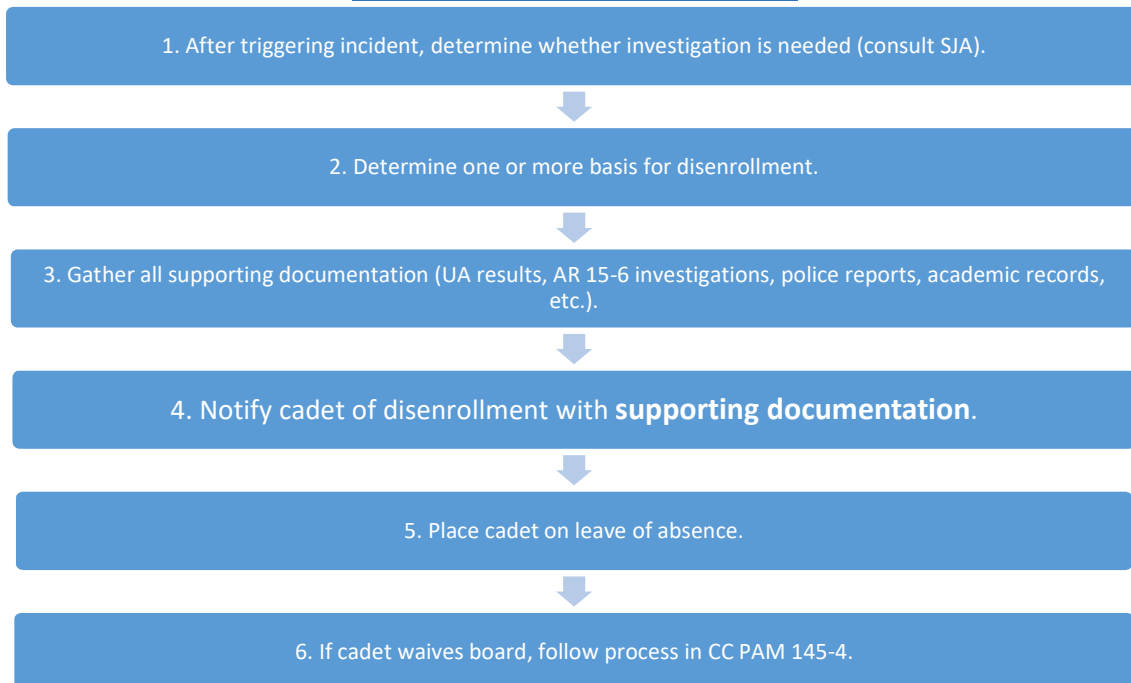
Cadre will NOT:

- Develop, attempt to develop, or conduct a personal, intimate, or sexual relationship with a cadet
- Date, have sexual relationships, send intimate personal messages through any means of communication
- Make sexual advances toward or accept sexual advances from cadets
- Allow a cadet into their car or dwelling
- Establish a common household with a cadet
- Provide alcohol or consume alcohol with a cadet
- Attend social gatherings or go to club/bar/theatre/etc with a cadet
- Lend to or borrow from a cadet
- Gamble or fundraise with a cadet
- Hire or accept personal goods from a cadet

Disenrollment Triggers and Process AR 145-1, para 3-43

1. Cadet enters another officer training program.
2. Enters training under Army Medical Department program.
3. Cadet requests disenrollment, 4 year scholarship cadets can do so only as MSI.
4. Withdrawal or dismissal from University.
5. Medical condition that will disqualify them from service.
6. Under 2.0 overall GPA in University; Under 3.0 GPA in ROTC.
7. Personal hardship; such as loss of spouse or immediate family member.
8. Failure to meet ABCP or APFT (ACFT) standards period to the end of MSIII.
9. Approved Conscientious Objector.
10. Dismissal from advanced camp or recommendation not to receive credit.
11. Conditions that will bar cadet from appointment as an officer (positive UA).
12. Misconduct that substantially interferes with ROTC mission (broad).
13. Inaptitude for military service (broad).
14. Undesirable character (broad).
15. Indifferent attitude in military training (broad).
16. Breach of Contract.

Disenrollment Process



Appendix G

Commander's Sexual Assault Victim Assistance Checklist

The actions in the following list are to be taken in the event of receiving a report of sexual assault. Although the commander has significant leadership responsibility for actions after a report of sexual assault, not necessarily all of the actions listed below will be taken by the commander personally. This list is non-inclusive. Commanders must review AR 600-20, AR 27-10, DoDI 6495.02, the Commander's Legal Handbook, and the SHARP Guidebook along with other pertinent guidance regarding sexual assault to ensure they are aware of all requirements.

VICTIM'S COMMANDER

1. _____ Ensure the physical safety of the victim-determine if the alleged offender is still nearby and if the victim needs protection.
2. _____ Provide the victim emergency healthcare, regardless of visible injuries, unless the victim declines healthcare. Ensure that sexual assault victims are given priority, and treated as emergency cases.
3. _____ Notify CID and commanders in the chain of command (as appropriate) immediately, as soon as the victim's immediate safety is assured, and medical treatment procedures elected by the victim are initiated.
4. _____ Ensure the SARC is notified immediately.
5. _____ Ensure the victim understands the availability of victim advocacy and the benefits of accepting confidential advocacy and support.
6. _____ Inform the victim of the availability of the Special Victim Counsel (SVC), to confidentially explain, among other issues, the military justice process.
7. _____ Contact your judge advocate.
8. _____ Collect only the necessary information (e.g., victim's identity, location, and time of the incident, name and/or description of offender(s)). **DO NOT ASK DETAILED QUESTIONS AND/OR PRESSURE THE VICTIM FOR RESPONSES OR INFORMATION ABOUT THE INCIDENT.**

9. _____ Ask if the victim needs a support person to immediately join them. If the support person is a personal friend or family member, advise the victim this support person could later be called to testify as a witness if the case goes to trial.
10. _____ Ask if the victim would like a chaplain to be notified and notify accordingly.
11. _____ Make appropriate administrative and logistical coordination for movement of victim to receive care. (Involve minimum number of personnel possible on a need-to-know basis).
12. _____ Ensure the victim is made aware of his/her options during each phase of the medical, investigative, and legal processes to include notification of the right to Special Victim Counsel. (Reference AR 600-20, AR 27-10, DoDI 6495.02, DoDI 1030.2)
13. _____ Ensure CID notifies victims and witnesses of their rights through a completed Victims and Witnesses of Crime form, DD Form 2701. (Reference AR 27-10).
14. _____ Inform the victim of the resources available through the Victim and Witness Assistance Program (VWAP) (AR 27-10). Also, inform the victim of resources accessible from anywhere in the world (that is, Military One Source (from U.S.: 1-800-464-8107; International: 800-464-81077; International collect: 484-530-5889, 24-hours-a-day, 7-days-a-week)).
15. _____ To the extent practicable, strictly limit knowledge of the facts or details regarding the incident to only those personnel who have a legitimate need-to-know. Protect the victim's privacy.
16. _____ Take action to safeguard the victim from any formal or informal investigative interviews or inquiries, except those conducted by authorities who have a legitimate need-to-know, including but not limited to, the Criminal Investigation Command investigator(s) and the trial counsel.
17. _____ Throughout the investigation, consult with the victim, and listen/engage in quiet support, as needed, and provide the victim appropriate emotional support resources.
18. _____ Continue to monitor the victim's well-being, particularly if there are any indications of suicidal ideations.
19. _____ Determine the best courses of action for separating the victim and the alleged offender during the investigation:
 - Determine whether the victim desires to be transferred to another unit.
 - Determine if the alleged offender needs/desires to be transferred to another unit.
 - Consider whether a Military Protection Order (MPO) (DD Form 2873), referred to as "no contact order," is appropriate.
 - Coordinate with sexual assault response agencies and the chain of command (involve as few people as possible and only on a need to know basis, protecting the victim's privacy) to determine if the victim's condition warrants redeployment or reassignment until there is a final legal disposition of the sexual assault case and/or the victim is no longer in danger.

- To the extent practicable, preferential consideration related to the reassignment should be based on the victim's desires.

20. _____ If the alleged offender is a foreign national or from a coalition force, confer with SJA on responsibilities, options, and victim's rights (in theater).
21. _____ Brigade commanders should consider deferring discipline for victim misconduct until all investigations are completed and the sexual assault allegation has been resolved. Keep in mind the implications of this decision on speedy trial and/or statute of limitations and consult your TC.
22. _____ When practicable, consult with the servicing legal office, CID, and notify the assigned SAPR VA or SARC prior to taking any administrative or disciplinary action affecting the victim.

Reporting and Notification Requirements

23. _____ Complete a CCIR in accordance with local policy.
24. _____ Confirm the SARC entered all reported sexual assaults into the DoD Sexual Assault Incident Database (DSAID) within 48 hours of the report.
25. _____ Complete and forward the SAIRO report within 8 calendar days of the unrestricted report.
26. _____ Attend the monthly Sexual Assault Review Board (SARB) Meeting. If the Deputy Installation Commander, chair the monthly SARB meeting. Direct the required SARB members attend the meetings.
27. _____ Update the victim on the status of the case within 72 hours of the monthly SARB.
28. _____ Ensure the victim receives monthly reports regarding the status of the sexual assault investigation from the date the investigation was initiated until there is a final disposition of the case (the commander can update the victim within 72 hours of the SARB). If the victim or alleged offender is transferred or redeployed prior to the case closing, coordinate with investigative and SJA personnel before ceasing monthly updates on parties involved.
29. _____ If you are the Battalion Commander, update the victim on the status of the case within 14 days of the unrestricted report and within 45 days of the final disposition of the accused's case.

ALLEGED OFFENDER'S COMMANDER

1. _____ Notify CID, military police, installation provost marshal (per AR 195-1, paragraph 6), and commanders in the chain of command (as appropriate) immediately after receiving a report of a sexual assault incident.
2. _____ Avoid questioning about the sexual assault allegation with the alleged offender, to the extent possible, since doing so may jeopardize the criminal investigation.
3. _____ Contact your judge advocate.

4. _____ Flag (suspend favorable personnel actions) any Soldier under charges, restraint, or investigation for sexual assault in accordance with AR 600–8–2 (Suspension of Favorable Actions), and suspend the Soldier’s security clearance in accordance with AR 380–67, The Department of the Army Personnel Security Program.
5. _____ Strictly limit information pertinent to an investigation to those who have a legitimate need-to-know.
6. _____ Ensure procedures are in place to inform the alleged offender, as appropriate, about the investigative and legal processes that may be involved.
7. _____ Ensure procedures are in place to inform the alleged offender about available counseling support. As appropriate, refer the alleged offender to available counseling groups and other services.
8. _____ Monitor the well-being of the alleged offender, particularly for any indications of suicide ideation, and ensure appropriate intervention occurs if indicated.
9. _____ With the benefit of the SARC, VA, legal, and/or investigative advice, determine the need for a “no contact” order, or the issuance of an MPO, DD Form 2873.
10. _____ Always confer with TC and/or servicing SJA office to consider legal options and responsibilities such as pretrial restraint and appropriate disposition of the alleged offense.

Critical Time Standards in Sexual Assault Cases

Critical Time Standards in Sexual Assault Cases

Initial Action Upon Unrestricted Report:

- Take immediate steps to ensure victim's physical safety, emotional security, and medical treatment (600-20, para. 8-5a(1) & (29)).
- Commander immediately notifies CID. (DODI 6495.02, ENCL 5 para 3(h)(1)). This should be done "as soon as the victim's safety is established and victim's medical treatment procedures are in motion," but NLT 24 hours after receipt of the report. AR 600-20, para. F-2(h)
- Encourage a victim to get medical attention (600-20, para 8-5a(5) & (20)).
- Notify SARC, Chaplain (if requested), and higher-level command (600-20, para 8-5a); collaborate with SARC, legal, medical, and chaplain to provide timely, coordinated responses (600-20, para 8-5a(4)).
- SJA immediately refers victim to VWL, notifies of victim advocacy rights, notifies SARC (600-20, para 8-5g(2) & (4)).
- Flag any Soldier under charges, restraint, or investigation for sexual assault (600-20, para 8-5a(32)).
- Notify CID (see initial actions above), MPs, Provost Marshal, and appropriate members of the chain of command (600-20, para. F-2h.)

Within 14 Calendar Days:

- BATTALION Commander updates the victim on the status of the case (600-20, para 8-5a(30)).
- Unit Commander updates higher commands on status of the victim and suspect (600-20, App F).

Upon Final Case Disposition:

- BATTALION Commander ensures victim is updated on the case disposition (600-20, para 8-5a(30) and 27-10, para 17-14).
- Complete DA Form 4833 (600-20, para 8-5a(28)).

Within 24 Hours:

- Notify SJA (600-20, para 8-5a(8)).
- Per AR 600-20, para 8-2a. All Soldiers should report sexual assault within 24 hours.
- CCIR to AOC (2018 Memo)

Within 8 Calendar Days:

- Victim or subject's immediate commander submits SAIRO report through CoC to first O6 and GO in Victim and Subject's CoC and to the Installation Commander (AD 2015-10)

Monthly:

- SJA updates victim on legal actions, courtroom procedures and necessary testimony (600-20, para 8-5g(6) & (7)).
- Unit Commander updates higher commands on status of the victim and subject (600-20, App F).
- BATTALION Commander ensures victim update on case status (AR 600-20, para. 8-5a(30), DoDI 6495.02).

Within 45 Calendar Days After Disposition:

- BATTALION Commander follows-up with the victim to ensure the victim's needs have been addressed (600-20, para 8-5a(30)).

Ongoing:

- Provide emotional support to the victim.
- Protect victim privacy.
- Upon request, consider transfer or redeployment of victim.
- Follow local procedures for reporting sexual assault through the CoC. (600-20, para 8-5a(23))
- Determine in a timely manner how to best dispose of alleged victim misconduct. (600-20, para 8-5a(24))
- Consult with SJA, CID, SVC and Victim Advocate prior to taking any administrative action affecting the victim.

AS OF: 1 May 2019

DEVELOPMENTAL COUNSELING FORM

For use of this form, see ATP 6-22.1; the proponent agency is TRADOC.

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: 5 USC 301, Departmental Regulations; 10 USC 3013, Secretary of the Army.
PRINCIPAL PURPOSE: To assist leaders in conducting and recording counseling data pertaining to subordinates.
ROUTINE USES: The DoD Blanket Routine Uses set forth at the beginning of the Army's compilation of systems or records notices also apply to this system.
DISCLOSURE: Disclosure is voluntary.

PART I - ADMINISTRATIVE DATA

Name (Last, First, MI)		Rank/Grade CDT	Date of Counseling
Organization USACC, BDE,		Name and Title of Counselor , PMS	

PART II - BACKGROUND INFORMATION

Purpose of Counseling: (Leader states the reason for the counseling, e.g. Performance/Professional or Event-Oriented counseling, and includes the leader's facts and observations prior to the counseling.)

The purpose of this counseling is to inform you of the no-contact order being placed on you to refrain from any form of contact with CDT _____.

NOTICE: This counseling is directive. I will not discuss the facts or circumstances that have led me to put this no-contact order in place at this time.

PART III - SUMMARY OF COUNSELING

Complete this section during or immediately subsequent to counseling.

Key Points of Discussion:

Until I inform you otherwise, I am prohibiting you from contact with CDT _____. These measures are not intended to be punitive in nature. This order is an administrative measure based on the need to protect, promote, and preserve good order and discipline. However, if you violate this no-contact order, you may be subject to disenrollment.

If you believe you are required to contact CDT _____ or if CDT _____ initiates communication with you, immediately inform the PMS.

Any limitations on your instruction and studies resulting from this no-contact order will be resolved through the PMS. This will allow you to stay current with your studies and academic progress.

For the purposes of this order, the terms "contact" or "communicate" include but are not limited to the following: communication in person or through a third party; via face-to-face contact; telephone; writing a letter; data fax; electronic mail; social media; and electronic communications to include texting, Facebook, Twitter, Google Plus, Skype, Snapchat, or other similar forms of communication.

If you violate this no-contact order, it may be grounds for disenrollment from Army ROTC under the bases listed in AR 145-1, para. 3-43. These bases include, but are not limited to, misconduct, undesirable character, inaptitude for military service, or breach of contract. Should disenrollment be initiated, you will be placed on a leave of absence pending disenrollment. If you are ultimately disenrolled, the government may recoup any scholarship funds paid to you and/or you may be ordered to active duty. If you are a member of the Simultaneous Member Program, you may have to complete your military service obligation in your unit.

If you are a member of the National Guard or Reserves, or a Green-to-Gold Active Duty Option cadet, you may also receive a Military Protective Order (MPO) from your unit. If you do, you must comply with both your unit's MPO and this order. If you believe there is a conflict between the orders, bring the issue to my attention immediately.

OTHER INSTRUCTIONS

This form will be destroyed upon: reassignment (*other than rehabilitative transfers*), separation at ETS, or upon retirement. For separation requirements and notification of loss of benefits/consequences see local directives and AR 635-200.

Plan of Action (*Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specified time line for implementation and assessment (Part IV below)*)

1. You are directed not to have contact with CDT _____ to include third-party communication, and must remain away from her/him. You will check with Cadre (PMS or designated representative) to receive additional instructions or requirements.
2. You will maintain enrollment in ROTC and continue your studies while complying with the limitations and restrictions listed above.
3. You will inform me of any challenges this MPO presents with respect to completing course work on time and to standard.
4. You will notify me as soon as possible if you feel you need to have contact with _____ OR if _____ makes contact with you.

Session Closing: (*The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate.*)

Individual counseled: I agree disagree with the information above.

Individual counseled remarks:

Signature of Individual Counseled: _____

Date: _____

Leader Responsibilities: (*Leader's responsibilities in implementing the plan of action.*)

- I will do whatever I can to ensure you can complete your coursework on time and to standard.
- I will inform you of any changes to MPO restrictions as soon as possible.

Signature of Counselor: _____

Date: _____

PART IV - ASSESSMENT OF THE PLAN OF ACTION

Assessment: (*Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling.*)

Counselor: _____

Individual Counseled: _____

Date of
Assessment: _____

Note: Both the counselor and the individual counseled should retain a record of the counseling.

APPENDIX I

DEVELOPMENTAL COUNSELING FORM

For use of this form, see ATP 6-22.1; the proponent agency is TRADOC.

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: 5 USC 301, Departmental Regulations; 10 USC 3013, Secretary of the Army.
PRINCIPAL PURPOSE: To assist leaders in conducting and recording counseling data pertaining to subordinates.
ROUTINE USES: The DoD Blanket Routine Uses set forth at the beginning of the Army's compilation of systems or records notices also apply to this system.
DISCLOSURE: Disclosure is voluntary.

PART I - ADMINISTRATIVE DATA

Name (Last, First, MI)	Rank/Grade	Date of Counseling
Organization	Name and Title of Counselor	

PART II - BACKGROUND INFORMATION

Purpose of Counseling: (Leader states the reason for the counseling, e.g. Performance/Professional or Event-Oriented counseling, and includes the leader's facts and observations prior to the counseling.)

- Order not to contact Cadets
- Initiation of Flag for Commander's Investigation

PART III - SUMMARY OF COUNSELING

Complete this section during or immediately subsequent to counseling.

Key Points of Discussion:

I am conducting an inquiry into allegations against you.

No-Contact Order:

Effective immediately, I order you to cease all contact with all current and former cadets from the _____ ROTC program. This is an order. Should you fail to comply with this order you may be subjected to punishment under the UCMJ or administrative action.

For the purposes of this order, the term "contact" includes but is not limited to, communication in person or through a third party, via face to face contact, telephone, writing a letter, data fax, electronic mail, social media and electronic communications to include texting, Facebook, Twitter, Google plus, Skype, Snapchat, etc.

Your duties as Military Science Instructor are temporarily suspended. Until this inquiry is completed, you will be assigned duties that do not require contact with Cadets. Report to _____ for assignment of duties.

This order remains in effect until I tell you that it is rescinded.

Flag Notification:

You are being flagged as the subject of a Commander's Investigation in accordance with AR 600-8-2, Suspension of Favorable Personnel Actions (Flag). This flag, code L, is covered under AR 600-8-2, paragraph 2-2a. This notification has been furnished to you, not as a punitive measure under the provisions of the UCMJ, but as an administrative measure to notify you of the flag. I am unable to discuss any portion of the investigation at this time. In the event that there is any adverse action against you on the basis of the investigation, you will receive appropriate due process.

The No-Contact Order above is an order. Failure to obey this order may subject you to punishment under the UCMJ or separation from the Army IAW AR 635-200. If you are involuntarily separated, you could receive an Honorable Discharge, a General (Under Honorable Conditions) Discharge, or Under Other Than Honorable Conditions Discharge. An Honorable Discharge is a separation with honor based on the quality of service, which meets the standards of acceptable conduct and performance of duty. A General Discharge is a separation under honorable conditions, based on a military record being satisfactory but not sufficiently meritorious to warrant an Honorable Discharge. A discharge Under Other Than Honorable Conditions is based upon a pattern of behavior of one or more acts or omissions that constitutes a significant departure from the conduct expected of a soldier. An Honorable Discharge may be awarded under any provisions. A General Discharge may be awarded for separation under Chapter 5, Chapter 9, Chapter 13 and Chapter 14. An Under Other Than Honorable Conditions Discharge may be awarded for separation under Chapter 14 for misconduct. If you receive an Honorable Discharge, you will be qualified for most benefits resulting from military service. An involuntary honorable Discharge, however, will disqualify you from reenlistment for some period of time and may disqualify you from receiving transitional benefits (e.g., commissary, housing, health benefits) and the GI Bill if you have not met other program requirements. If you receive a General Discharge, you will be disqualified from reenlisting in the service for some period of time and you will be ineligible for some military and VA administered benefits, including the GI Bill. If you receive a discharge Under Other Than Honorable Conditions, you will be ineligible for reenlistment and for most benefits, including payments of accrued leave, transitional benefits, the GI Bill, and possibly transportation of dependents and household goods to home. You may also face difficulty in obtaining civilian employment as employers have a low regard for General and Under Other Than Honorable conditions discharges. Although there are agencies to which you may apply to have your characterization of service changed, it is unlikely that such application will be successful. _____ (Soldier's initials)

OTHER INSTRUCTIONS

This form will be destroyed upon: reassignment (*other than rehabilitative transfers*), separation at ETS, or upon retirement. For separation requirements and notification of loss of benefits/consequences see local directives and AR 635-200.

Plan of Action (Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specified time line for implementation and assessment (Part IV below)

- Do not contact Cadets ____ (Soldier's Initials)

- Report to _____ for assignment of duties ____ (Soldier's Initials)

Session Closing: (The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate.)

Individual counseled: I agree disagree with the information above.

Individual counseled remarks:

Signature of Individual Counseled: _____

Date: _____

Leader Responsibilities: (Leader's responsibilities in implementing the plan of action.)

Signature of Counselor: _____

Date: _____

PART IV - ASSESSMENT OF THE PLAN OF ACTION

Assessment: (Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling.)

Counselor: _____

Individual Counseled: _____

Date of
Assessment: _____

Note: Both the counselor and the individual counseled should retain a record of the counseling.

Steps to Initiate a Military Protective Order

This section provides the steps to initiate a military protective order (MPO) (DD Form 2873). PMSs initiate MPOs when Green-to-Gold Active Duty Option (G2G ADO) cadets are involved in a sexual assault, domestic violence, or other instances when a victim must be safeguarded.

1. PMS should consult their legal advisor to determine if an MPO should be initiated.
2. PMS should gather the required data from the subject and protected person(s).
3. Once complete, PMS sends to the HHD, USACC Commander for signature.
4. HHD, USACC Commander will sign and send back to the PMS.
5. PMS informs the G2G ADO cadet of the MPO and the G2G ADO cadet will sign and date.
6. PMS sends the MPO to Fort Knox DES at usarmy.knox.id-training.list.des-mp-desk-sergeant@army.mil.

Common mistakes when filling out MPO data include: failing to include driver's license number and state from both subject and protected person(s), failing to include the protected person's middle initial, failing to include distance/feet to stay away, failing to be specific when filling out "Information Supporting Issuance" in Box 5, must include any prior report, commander's investigation, and law enforcement involvement.

References:
32 CFR § 635.19
DoDI 6400.06

MILITARY PROTECTION ORDER

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; DoDI 6400.06, Domestic Abuse Involving DoD Military and Certain Affiliated Personnel; and E.O. 9397 (SSN), as amended.

PRINCIPAL PURPOSE(S): To inform the Service member and the protected person that the commanding officer is issuing an order to the member prohibiting contact or communication with the protected person or members of the protected person's family or household and directing that the member take specified actions that support, or are in furtherance of, the prohibition.

ROUTINE USE(S): Information may be disclosed to Departments and agencies of the Executive Branch of government in performance of their official duties relating to coordination of Family Advocacy Programs, medical care and research concerning child abuse and neglect, and spouse abuse; to the Attorney General of the United States or his authorized representatives in connection with litigation, or other matters under the direct jurisdiction of the Department of Justice; to law enforcement officials to protect the life and welfare of third parties; see each applicable Military Service system of records notice for a complete listing of routine uses: A0608-18 DASG, Army Family Advocacy Program Files, <https://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570082/a0608-18-dasg/>; N01752-1, Family Advocacy Program System, <https://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570332/n01752-1/>; F044 AF SG Q, Family Advocacy Program Record, <https://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/569871/f044-af-sg-q/>; and DMDC 01, Defense Manpower Data Center Data Base, <https://dpcl.d.defense.gov/Portals/49/Documents/Privacy/SORNs/OSDJS/DMDC-01.pdf?ver=2019-04-18-091612-550>.

DISCLOSURE: Voluntary; however, failure to disclose/verify information will not delay either the issuance of the order or the enforceability of the order.

1a. DATE MPO ISSUED				1b. SELECT ONE: INITIAL MPO <input type="radio"/>			MODIFICATION TO EXISTING MPO <input type="radio"/>		
2. SUBJECT SERVICE MEMBER						a. MILITARY SERVICE:			
b. GRADE		c. LAST NAME			FIRST NAME		MI	d. GENDER	
e. UNIT					f. INSTALLATION				
g. DOB (YYYYMMDD)		h. HEIGHT		i. WEIGHT		j. EYE COLOR		k. HAIR COLOR	
l. Race:	American Indian or Alaska Native <input type="radio"/>	Asian <input type="radio"/>	Black or African American <input type="radio"/>	Hispanic or Latino <input type="radio"/>	Native Hawaiian or Other Pacific Islander <input type="radio"/>		White <input type="radio"/>		
m. EAS (YYYYMM)		n. OTHER DISTINGUISHING FEATURES (Scars, marks, tattoos, etc.)							
o. DRIVER'S LICENSE NUMBER		p. STATE OF ISSUANCE		q. VEHICLE INFORMATION (Plate Number/State/Make/Model/Year)					
r. PASSPORT NUMBER			s. SSN			t. OTHER ID			
3. PROTECTED PERSON (Omit any information from item 3 that could endanger the protected person, if known to the subject Service member in item 2).									
a. GRADE/CIVILIAN		b. LAST NAME			FIRST NAME		MI	c. GENDER	
d. DRIVER'S LICENSE NUMBER			e. STATE OF ISSUANCE			f. OTHER ID			
g. UNIT				h. INSTALLATION				i. DOB (YYYYMMDD)	
j. Race:	American Indian or Alaska Native <input type="radio"/>	Asian <input type="radio"/>	Black or African American <input type="radio"/>	Hispanic or Latino <input type="radio"/>	Native Hawaiian or Other Pacific Islander <input type="radio"/>		White <input type="radio"/>		

4. THE PROTECTED PERSON HAS ALSO BEEN ISSUED THE FOLLOWING COURT ORDERS

a. Civil protection order issued (<i>Date</i>)	Court, _____, in _____	County, _____
State of _____	_____	
b. Civil protection order issued (<i>Date</i>)	Court, _____, in _____	Property Settlement <input type="checkbox"/>
County, State of _____	_____	
c. Civil protection order issued (<i>Date</i>)	Court, _____, in _____	Custody and/or Visitation <input type="checkbox"/>
County, State of _____	_____	
d. Civil protection order issued (<i>Date</i>)	Court, _____, in _____	Restriction on Firearms Possession <input type="checkbox"/>
County, State of _____	_____	

5. INFORMATION SUPPORTING ISSUANCE OF THIS MILITARY PROTECTION ORDER

6.a. IS THIS MILITARY PROTECTION ORDER BEING ISSUED FOR AN ALLEGATION OF ONE OR MORE OF THE FOLLOWING REASONS? (*If Yes, please indicate which below. If No, use "Other" below to indicate reason.*)

YES NO

6.b.

<input type="checkbox"/> DOMESTIC VIOLENCE	<input type="checkbox"/> DATING VIOLENCE	<input type="checkbox"/> SEXUAL ASSAULT
<input type="checkbox"/> STALKING	<input type="checkbox"/> CHILD ENDANGERMENT	<input type="checkbox"/> OTHER

7. As a Commanding Officer with jurisdiction over the above-named Service member, I find that there is sufficient reason to conclude the issuance of a protection order is warranted in the best interest of good order and discipline. It is hereby ordered that (*place initials in the appropriate portions*):

INITIALS	a. The above-named Service member is restrained from assaulting, threatening, abusing, harassing, following, interfering with, or stalking the protected person and/or the additional listed protected parties.																								
INITIALS	<p>b. The above-named Service member is restrained from initiating any contact or communication with the above-named protected person either directly or through a third party. For purposes of this order, the term "communication" includes, but is not limited to, communication in person, or through a third party, via face-to-face contact, telephone, in writing by letter, data fax, electronic mail or via the internet or social media. If the protected person initiates any contact with the Service member, the Service member must immediately notify me regarding the facts and circumstances surrounding such contact.</p> <p>c. The above-named Service member shall remain at all times and places at least _____ feet away from the above-named protected person and additional protected person's family or household including, but not limited to, residences and workplaces. Additional protected persons includes the following individuals:</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:40%;">NAME</th> <th style="width:15%;">DOB (Date of Birth) (YYYYMMDD)</th> <th style="width:15%;">GENDER</th> <th style="width:30%;">RACE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td>RACE</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td>RACE</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td>RACE</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td>RACE</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td>RACE</td> </tr> </tbody> </table>	NAME	DOB (Date of Birth) (YYYYMMDD)	GENDER	RACE				RACE				RACE				RACE				RACE				RACE
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INITIALS	d. The above-named Service member will vacate the military residence shared by the parties located at:																								
INITIALS	e. Until further notified, the above-named Service member will be provided temporary military quarters at:																								

CUI (when filled in)

Maintain in accordance with appropriate Service retention schedule.

INITIALS	f. The Service member has visitation or custody rights of the child or children named:
INITIALS	g. The protected person has temporary exclusive custody of the child or children named:
INITIALS	h. The above-named Service member will attend the following counseling:
INITIALS	i. The above-named Service member will surrender his/her government weapons custody card at the time of issuance of this order.
INITIALS	j. The above-named Service member will dispose of his/her personal firearm(s) that are located or stored on the installation at the time of issuance of this order.
INITIALS	k. The above named individual will comply with any applicable law requiring him or her to dispose of his or her and privately owned firearms and ammunition and provide information that this order has been carried out.
INITIALS	l. Exceptions to this order will be granted only after an advance request is made to me and approved by me.
INITIALS	m. Other specific provisions of this order:

8. DURATION: This is a NON-EXPIRING ORDER

The terms of this order shall be effective until modified or rescinded in writing by me.

ENFORCEABILITY: Violation of this order shall constitute a violation of Article 90 of the Uniform Code of Military Justice.

a. COMMANDING OFFICER'S SIGNATURE

b. DATE (YYYYMMDD)

STOP – GENERATE SUBJECT COPY BEFORE OBTAINING SERVICE MEMBER SIGNATURE.

9. I hereby acknowledge receipt of a copy of this order with such redactions as are appropriate and attest that I understand the terms and conditions it imposes on me.

a. SERVICE MEMBER'S SIGNATURE

b. DATE (YYYYMMDD)

c. TIME ORDER SERVED

10. DATE OF REVIEW (*Upon review, the order may be modified or terminated*)

11. DOD LAW ENFORCEMENT REPORT/ORIGINATING AGENCY CASE #

12. NATIONAL CRIME INFORMATION CENTER (NCIC) PROTECTION ORDER FILE (POF)

**a.
ORI**

**b.
NCIC#**

c. DATE PLACED IN NCIC

DISTRIBUTION:

- Service member (Print Subject Copy)
- Protected person (custodial parent of protected child)
- Service member's local personnel file
- Installation Law Enforcement for entry in the National Crime Information Center (NCIC)

INSTRUCTIONS

Complete as follows: Sections 1-8 and 11 are to be completed by the subject Service member's commanding officer. Section 12 is to be completed by the subject Service member and Sections 9 & 10 are to be completed by law enforcement.

Note: Utilize Generate Subject Copy function (top left of Page 1) before this form is digitally signed by the service member subject OR provided to subject. Do not email form to subject. The Service member subject will not be given the protected person's identifying information.

Section 1: Issuance or Modification of Order

1a-b. Self-explanatory.

Section 2: Service Member Data

2a-l. Self-explanatory.

2m. Provide EAS (End of Active Service) date.

2n. Self-explanatory.

2o-t. Provide information of an acceptable form of government identification, to include:

driver's license, state ID card, passport or naturalization number. The social security number is required when the Service Member does not have other acceptable identification.

Section 3: Protected Person

3a-c. Self-explanatory. (Omit any information from this section that, if known to the subject Service member, could endanger the protected person.)

3d-f. Driver's license, state ID card, passport or naturalization number are acceptable forms of identification.

3g-j. Self-explanatory.

Section 4: Protected Person Court Orders

4a-d. Provide information of current civil orders.

Section 5: Information Supporting Issuance of Military Protection Order

Avoid identifying anonymous sources and victim information that might endanger protected person, if known to the subject Service member.

Section 6: Reasons For Issuance of Order

6a. Self-explanatory.

6b. Check each applicable box that correlates with comments in item #5.

Section 7: MPO Orders

7a-m. Initial each applicable order and/or requirement.

Section 8: Commanding Officer's Signature

a-b. Self-explanatory.

STOP – GENERATE SUBJECT COPY USING BUTTON AT TOP LEFT OF PAGE 1 BEFORE OBTAINING SERVICE MEMBER SIGNATURE

Section 9: Service Member's Signature

a-c. Self-explanatory. (Obtain subject signature via external CAC reader to prevent unauthorized disclosure of protected person information.)

Section 10: Date of Review

Self-explanatory.

Section 11: Military Report Number

Self-explanatory.

Section 12: National Crime Information Center (NCIC) Protection Order File (POF)

10a. Originating Agency Identifier (ORI) - Self-explanatory.

10b. National Crime Information Center (NCIC) - Self-explanatory.

10c. Self-explanatory.

PRINT SUBJECT COPY TO DISTRIBUTE TO SUBJECT – DO NOT EMAIL FORM TO SUBJECT.

DEVELOPMENTAL COUNSELING FORM

For use of this form, see ATP 6-22.1; the proponent agency is TRADOC.

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: 5 USC 301, Departmental Regulations; 10 USC 3013, Secretary of the Army.
PRINCIPAL PURPOSE: To assist leaders in conducting and recording counseling data pertaining to subordinates.
ROUTINE USES: The DoD Blanket Routine Uses set forth at the beginning of the Army's compilation of systems or records notices also apply to this system.
DISCLOSURE: Disclosure is voluntary.

PART I - ADMINISTRATIVE DATA

Name (Last, First, MI)		Rank/Grade CDT	Date of Counseling
Organization USACC, BDE,		Name and Title of Counselor , PMS	

PART II - BACKGROUND INFORMATION

Purpose of Counseling: (Leader states the reason for the counseling, e.g. Performance/Professional or Event-Oriented counseling, and includes the leader's facts and observations prior to the counseling.)

The purpose of this counseling is to inform you that you tested positive for Delta-8-THC after a urinalysis conducted on [insert date].

PART III - SUMMARY OF COUNSELING

Complete this section during or immediately subsequent to counseling.

Key Points of Discussion:

Use of Delta-8-THC, commonly known as CBD, is expressly prohibited for cadets.

Military Departments were directed to issue punitive general orders or regulations, enforceable under Article 92 of the Uniform Code of Military Justice (10 U.S.C. 892), prohibiting the use by active duty service members and members of the Reserve Components of products made or derived from hemp, including CBD, regardless of the product's THC concentration, claimed or actual, and regardless whether such products may lawfully be bought, sold, and used under the laws applicable to civilians, and regardless of the route of administration or use.

Pursuant to USACC Policy Memorandum 1-7, Hemp/CBD and THC Substance Abuse Policy, you will be retested after 90 days have passed following your first Delta-8-THC positive test. If you test positive on the second urinalysis, your PMS will initiate disenrollment proceedings pursuant to AR 145-1. If you test negative on the second urinalysis, your PMS may request a waiver for positive urinalysis.

Should disenrollment be initiated, you will be placed on a leave of absence pending disenrollment. If you are ultimately disenrolled, the government may recoup any scholarship funds paid to you and/or you may be ordered to active duty.

OTHER INSTRUCTIONS

This form will be destroyed upon: reassignment (*other than rehabilitative transfers*), separation at ETS, or upon retirement. For separation requirements and notification of loss of benefits/consequences see local directives and AR 635-200.

Plan of Action (Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specified time line for implementation and assessment (Part IV below)

1. You are directed not to use Delta-8-THC.
2. You will maintain enrollment in ROTC and continue your studies while complying with this counseling.

Session Closing: (The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate.)

Individual counseled: I agree disagree with the information above.

Individual counseled remarks:

Signature of Individual Counseled: _____ Date: _____

Leader Responsibilities: (Leader's responsibilities in implementing the plan of action.)

Signature of Counselor: _____ Date: _____

PART IV - ASSESSMENT OF THE PLAN OF ACTION

Assessment: (Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling.)

Counselor: _____ Individual Counseled: _____ Date of Assessment: _____

Note: Both the counselor and the individual counseled should retain a record of the counseling.

DEVELOPMENTAL COUNSELING FORM

For use of this form, see ATP 6-22.1; the proponent agency is TRADOC.

DATA REQUIRED BY THE PRIVACY ACT OF 1974

AUTHORITY: 5 USC 301, Departmental Regulations; 10 USC 3013, Secretary of the Army.
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PART I - ADMINISTRATIVE DATA

Name (<i>Last, First, MI</i>)	Rank/Grade CDT	Date of Counseling
Organization USACC, BDE,	Name and Title of Counselor , PMS	

PART II - BACKGROUND INFORMATION

Purpose of Counseling: (*Leader states the reason for the counseling, e.g. Performance/Professional or Event-Oriented counseling, and includes the leader's facts and observations prior to the counseling.*)

The purpose of this counseling is to inform you that you tested positive for Delta-8-THC after a urinalysis conducted on [insert date]. You were retested after 90 days and tested positive for Delta-8-THC on [insert date].

PART III - SUMMARY OF COUNSELING

Complete this section during or immediately subsequent to counseling.

Key Points of Discussion:

Use of Delta-8-THC, commonly known as CBD, is expressly prohibited for cadets. You tested positive for Delta-8-THC on two separate urinalysis.

Pursuant to USACC Policy Memorandum 1-7, Hemp/CBD and THC Substance Abuse Policy, you were retested after 90 days passed following your first Delta-8-THC positive test. Because you tested positive for Delta-8-THC twice, your PMS will initiate disenrollment proceedings pursuant to AR 145-1. The basis for disenrollment will be: "It is discovered that a fact or condition exists that will bar a Cadet for appointment as a commissioned officer, to include a positive urinalysis for drug and alcohol abuse," under paragraph 3-43a(11).

You will be placed on a leave of absence pending disenrollment. If you are ultimately disenrolled, the government may recoup any scholarship funds paid to you and/or you may be ordered to active duty.

OTHER INSTRUCTIONS

This form will be destroyed upon: reassignment (*other than rehabilitative transfers*), separation at ETS, or upon retirement. For separation requirements and notification of loss of benefits/consequences see local directives and AR 635-200.

Plan of Action (Outlines actions that the subordinate will do after the counseling session to reach the agreed upon goal(s). The actions must be specific enough to modify or maintain the subordinate's behavior and include a specified time line for implementation and assessment (Part IV below)

Session Closing: (The leader summarizes the key points of the session and checks if the subordinate understands the plan of action. The subordinate agrees/disagrees and provides remarks if appropriate.)

Individual counseled: I agree disagree with the information above.

Individual counseled remarks:

Signature of Individual Counseled: _____

Date: _____

Leader Responsibilities: (Leader's responsibilities in implementing the plan of action.)

Signature of Counselor: _____

Date: _____

PART IV - ASSESSMENT OF THE PLAN OF ACTION

Assessment: (Did the plan of action achieve the desired results? This section is completed by both the leader and the individual counseled and provides useful information for follow-up counseling.)

Counselor: _____

Individual Counseled: _____

Date of
Assessment: _____

Note: Both the counselor and the individual counseled should retain a record of the counseling.