



U.S. Army Cadet Command

PMS Legal Handbook



September 2024

Foreword

As a U.S. Army Cadet Command Professor of Military Science (PMS), you face a complex legal landscape. This handbook has two purposes: 1) to empower you to navigate that landscape efficiently; and 2) to engage in preventive law.

Empowerment. This handbook gives you tools to help you identify and resolve problems that have legal ramifications. It contains answers to questions the legal office often receives from ROTC programs. For example, our ethics and fundraising sections address common scenarios unique to ROTC (e.g., cadet student organizations fundraising 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). The PMS Toolkit at Appendix F synthesizes information from several sections of the handbook into a handy desk reference.

Prevention. You are often in the best position to prevent potential legal issues, especially those involving cadre-cadet relationships. Violations of that relationship are damaging to the mission and carry severe consequences for the cadre and cadets involved. To help you identify and possibly prevent issues, this handbook includes a trainee-trainer section. You must be familiar with this section and ensure that your cadre and cadets are as well. Unfortunately,

the emphasis placed on this section is based on experience.

I urge you to review this handbook now. Then, when you are faced with a legal problem, this handbook can help you narrow the issues involved and identify an appropriate course of action.

We need to know if this handbook is helpful. Please send comments, questions, and recommended topics to your assigned legal advisor.

Thank you!

JEREMY A. HAUGH
LTC, JA
STAFF JUDGE ADVOCATE

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

September 2024

Office of the Staff Judge Advocate

U.S. Army Cadet Command and Fort Knox

Table of Contents

Section 1 – Privacy: FERPA and the Privacy Act.....	1
Section 2 – Ethics Rules Applicability to Cadets	2
Section 3 – General Gift Rules.....	4
Section 4 – Dealing with Non-Federal Entities	8
Section 5 – Fundraising and Avoiding Augmentation.....	11
Section 6 – Use of Government Resources	14
Section 7 – Employment Topics.....	15
Section 8 – Cadet Training Events.....	16
Section 9 – Trainer-Trainee Relations.....	18
Section 10 – Responses to Reports of SHARP Violations	21
Section 11 – Social Media and Think, Type, Post.....	27
Section 12 – Cadet Drug Use.....	29
Section 13 – Disenrollments.....	30
Section 14 – UCMJ in Cadet Command.....	33

Appendices

Appendix A – Sample FERPA Waiver Form
Appendix B – Delegation of Authority to Accept Gifts
Appendix C – Request for Cadre Off-Duty Employment Approval
Appendix D – Disenrollment Checklist
Appendix E – DA 4856 – Example Notice of Intent to Disenroll a Cadet
Appendix F – PMS Toolkit
Appendix G – Sexual Assault Response Checklist for Reports Involving Soldiers
Appendix H – DA 4856 – Example No Contact Order for a Cadet

Appendix I – DA 4856 – Example No Contact Order and Flag Notification for a Cadre Member under Commander’s Investigation

Appendix J – DA 2873 – Steps to Initiate a Military Protective Order

Appendix K – DA 4856 – Example Delta-8-THC Counseling (First and Second Positive Test)

Appendix L – ROTC Educational Delay for Law School Attendance Info Paper

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.

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](#).¹

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:

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

¹ The text of the code may be found at: <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title20-section1232g&num=0&edition=prelim>

Section 2

Ethics Rules Applicability to Cadets

Ethics Generally

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 a 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 JER, Appendix A

Political Expression

ROTC Military and Civilian Cadre are covered by DoD Directive and the Hatch Act respectively. While ROTC cadets are not directly covered by these authorities, it is very important that cadets avoid any words, actions, images, or online behavior which could suggest that the Army is endorsing a political candidate or party. This means no uniforms, images, or connection between a cadet's status in the Army and any political candidate, party, or emerging issue. Like active duty, cadets have the right to engage in political activity such as voting, conducting voter registration drives, attending events in their community, attending debates, providing limited donations to a political organization/candidate, or even writing a letter to the editor in their personal capacity.

Private efforts must not connect the ROTC program or the Army with these political topics. Cadre must strive to ensure that Cadets are aware of their obligation not to link or connect their Army or ROTC status with any political issue. Here is a quick chart of activities for cadre, contracted cadets, reservists, and DA civilians out of uniform in their personal capacity:

Activity	Active Duty	Cadet	Reservist	DA Civilian
Official sponsorship, approval, or endorsement				
Attend, participate, speak, publish in uniform				
Participate in partisan political fundraising activities (more than as a spectator)				
Solicit votes for a particular candidate or issue				
Publish partisan political articles, letters, or endorsements (more than letter to editor)				
Serve in any official capacity with or be listed as a sponsor of a partisan political club				
Display a large political sign, banner, or poster (as distinguished from a bumper sticker) on a private vehicle				
Attend partisan political events as an official representative of the Armed Forces				
Sell tickets for or otherwise actively promote partisan political dinners and similar fundraising events				
March or ride in a partisan political parade				
Hold or run for partisan political office				
Post links to share or re-tweet comments or tweets from the Facebook page or twitter account of a political party of candidate running for partisan office				
Comment, post, or link to material that could be deemed contempt for public officials or unprofessional material that is prejudicial to good order and discipline or Service discrediting				
Engage in extremist activities or associate with extremist groups				

References:

5 U.S.C. § 7321 et al (Hatch Act); DoDD 1344.10

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. Cadre should not accept gifts from cadets. 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.

Reference:

5 CFR § 2635.203

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, contractor cadre, 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. Cadre should not have an undisclosed preexisting relationship with cadets.

(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; 5 CFR § 3601.102-103; DoD JER 2-505

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 \$480.00 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; 5 CFR § 3601.104

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 because 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.

Reference:

5 CFR § 2635.206

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 exception 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; 5 CFR § 3601.104; 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, an 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 an 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; DoD JER, Chapter 3

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); DoD JER 3-102d

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 an 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); DoD JER, Chapter 3; 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.

References:

5 CFR § 2635.807; 5 CFR § 3601.105; DoD JER 3-102

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 (e.g. Veterans’ Day or Memorial Day 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, commercial entities, or unofficial events.

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 under DoDI 3216.02. In addition to DoD research efforts, university professors, graduate students, and even undergraduates may seek to involve ROTC cadets in research on campus that is not DoD-sanctioned. For any of these initiatives, the PMS should coordinate the request with the USACC Director of Research Integration (reachable at (502) 624-4354). USACC will ensure that the research provides value to the Army and protects against involuntary participation or other practices which would affect the rights of participants. 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 the ROTC program may not be used as a “captive audience” for campus research programs.

References:

DoDI 3216.02; AR 70-25

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. 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.

References:

31 U.S.C. § 3302(b); B-291947, 15 AUG 03.

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.

Transportation to FTX

ROTC programs should not use funding from the University to pay for transportation to and from FTX. Programs are required to conduct two FTXs each academic year as part of the official ROTC curriculum. The two FTXs are official ROTC events for which programs should use appropriated funds to transport cadets and cadre to and from.

References:

10 USC 2109(b)(1); CCR 145-3, para. 2-6.

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.

References:

DoD JER 2-400–2-403; AR 1-10; AD 2019-17

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. Programs are prohibited from conducting any other fundraising efforts.

References:

AR 1-10; 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. 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.

References:

5 U.S.C. § 2635.808; DoD JER 2-400

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. 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:

5 CFR § 2635.101; DoD JER 3-200; 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 for 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. Cadets, in their unofficial capacity, may fundraise for these events through a cadet readiness group (CRG) or other means. Cadre may not participate as a member of the CRG but may donate funds to the CRG.

References:

DoD JER 2-300 – 2-303; AR 1-10

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 pages 6-7 of this handbook.

References: 5 C.F.R. § 2635.304(a)(1); AR 58-1, para. 2-3

Section 7

Employment Topics

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. ROTC employees may not use Government property or adjust their duty hours in order to perform outside employment. Additionally, ROTC employees are required to obtain approval from the Brigade Commander prior to accepting outside employment. Appendix C contains an outside employment request form the approval authority and legal reviewer can sign. Appendix C also contains a sample memorandum on which the individual seeking outside employment should detail their request.

References:

18 U.S.C. §§ 205, 209; 5 CFR §§ 2635.801–803; DoD JER 2-302; AR 145-1, para. 2-17

Civilian Lunch Breaks

A potential problem within USACC and other commands is civilian employees working through lunch. The USACC Civilian Work Schedule SOP, dated 24 October 2019, provides a clear prohibition against working through lunch breaks. Violations of this simple rule can lead to issues in a Fair Labor Standards Act dispute.

Counseling DA Civilians

Like military personnel, supervisors are responsible for counseling DA civilians. Most civilians should receive initial rating period counseling, mid-point counseling, and end of rating counseling. In addition to these counseling sessions, you may counsel DA civilians for issues to include but not limited to performance concerns and misconduct. If you have questions as to how to properly counsel, contact the Labor Management Employment Relations Management Team.

Section 8

Cadet Training Events

Student Status

Questions often arise regarding who may participate in ROTC training events such as FTXs, rappelling, marksmanship, aviation events, etc. The answer depends on the status of the student or cadet.

Auditing students: Auditing students attend an ROTC class, subject to the approval of the instructor, but do not receive a grade in the class, do not receive credit for taking the class, are not formally enrolled in the ROTC program and pursuant to the participating institution's policy, may or may not be registered in the class. Auditing students may not participate in drill, marching, leadership laboratories, participate in physical training events, field training exercises, attend basic or advanced camp. These students are not considered cadets.

Participating students: Participating students attend an ROTC class, are registered in the class, receive a grade in the class that is reflected on their student transcript, and receive credit for having taken the class, but are not formally enrolled in the ROTC program. Participating students may not draw or wear uniforms or equipment, participate in physical training events, attend basic or advanced camp, attend field training exercises. These students are not considered cadets.

Designated Applicant or Non-contracted cadet: Designated applicants or non-contracted cadets have not signed a military contract and have no obligation for active or reserve duty service. They have signed the CC Form 139-R. They are allowed to wear a uniform, attend physical training events, attend basic camp, and participate in local exercises and other miscellaneous training events.

Contracted cadet: Contract cadets have signed a contract incurring a military service obligation or an obligation to reimburse the United States for educational costs. They are allowed to wear a Service uniform, attend physical training events, participate in local exercises and other miscellaneous training events, attend basic camp, and attend advanced training and, if offered a commission, will be commissioned as an officer upon completion of the program.

Only designated applicants/non-contracted cadets and contracted cadets may participate in FTXs, marksmanship, rappelling, and other training events.

References:

AR 145-1, para. 3-3–3-4; CCR 145-3

Aviation Training Events

Brigade Commanders are the approval authority for medium risk training. Most aviation operations will be considered medium risk training. Only if a ROTC program can mitigate the risk of an aviation operation to low will the PMS be the approval authority. However, several USACC Brigades have a policy or SOP in place that states the Brigade Commander is the approval authority for all aviation operations or training events.

Designated applicants/non-contracted cadets and contracted cadets may participate in aviation training events. Auditing and participating students may not participate in aviation training events.

References:

AR 145-1, para. 3-3 – 3-4; CCR 385-10

Tricare Eligibility

Contracted cadets or designated applicants may be referred to a military treatment facility and/or receive coverage under Tricare if they are injured, ill, or disabled when:

- (1) Performing duties during practical military training (e.g., orienteering, physical training); or
- (2) Traveling directly to or from practical military training; or
- (3) Performing duties during overnight practical military training outside the reasonable commuting distance (e.g., Cadet Summer Training, field training exercise)

AND

There is no gross negligence or misconduct on the part of the contracted cadet or designated applicant.

Practical military training does not include cadet basic training.

Contact USACC OSJA Cadet Actions Division on counseling cadets on their options to address injuries, illnesses, or disabilities.

References:

10 U.S.C. §§ 1074b, 2109

Section 9

Trainer-Trainee Relations

Prohibitions

USACC cadre are subject to the prohibitions in AR 600-32 and Article 93a, UCMJ. Cadets are also subject to AR 600-32 and are “specially protected junior members of the Armed Forces” under Article 93a, UCMJ. Violations of these prohibitions are some of the most common types of misconduct across Cadet Command.

AR 600-32 lists several 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. Examples of activities and relationships that may violate this regulation include engaging in a personal phone conversation with a trainee unrelated to the training mission or other authorized activity. Another example includes “friending” trainees on social media except on official unit-sponsored social media pages directed at conveying official Army information.

Importantly, the prohibitions in AR 600-32 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.

AR 600-32 provides an accommodation for family member relationships that existed before the trainee started formal training. Unlike recruiter exceptions, this does not include dating relationships. The approval authority for exceptions is the Brigade Commander. Exceptions must be documented on DD Form 2982.

Further, AR 600-32 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 AR 600-32.

Substantiated violations of AR 600-32 will be punished. Uniformed cadre could face judicial, non-judicial, or adverse administrative action. A substantiated violation of AR 600-32 will result in the initiation of administrative separation or officer elimination.

Cadets violating AR 600-32 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 result in a sentence to a Dishonorable Discharge, 5 years' confinement, and total forfeitures.

References:

Art 93a, UCMJ; AR 600-32; CC Policy #9

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 600-32. Additionally, PMSs must ensure their cadre members and cadets are informed of the prohibited activities and relationships between cadre and cadets.

AR 600-32 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. 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 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. The program must maintain this form for six months after the cadet has left the program.

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.

Alcohol Policy

AR 600-32 prohibits cadre members from providing alcohol to, or consuming alcohol with, cadets on a personal social basis. There are two key exceptions to the prohibition on consuming alcohol with cadets. The regulation 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. Further, the prohibition does not apply to command-authorized unit social events, such as unit dining in/out events, holiday receptions, or hail and farewell events. The approval authority for these special considerations is the Brigade Commander.

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 600-32. The violation of AR 600-32 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:

Art 93a, UCMJ; AR 600-32; AR 27-10, chapter 29

Section 10

Responses to SHARP Violations

Responses to SHARP Generally

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. Additionally, the Command places a high degree of scrutiny on sexual harassment and inappropriate relationships between cadre and cadets.

Appendix F features a quick reference to this information. Appendix G provides 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 by cadre or a cadet, 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) Notify the Title IX Office and the brigade SARC. Either may provide the name of a victim advocate who can accompany the victim to the hospital or to the appropriate law enforcement office.
- (4) 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.
- (5) Coordinate with the SARC to determine if sexual assault Line of Duty (LoD) investigation is required. An LoD is required when a victim of sexual assault develops a condition of lasting significance and requires continued treatment while not in an active-duty status.

- (6) Send a detailed SIR to the Brigade Commander.
- (7) Consult their servicing legal advisor to discuss the matter and any ongoing or needed investigations.
- (8) 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 the subject is an SMP or G2G ADO cadet, contact CID (and see "Cadre and Other Soldiers," below). Ensure the victim knows about the availability of civilian protective orders from local civilian courts.
- (3) Put a no contact order in place using Appendix H – Developmental Counseling Form. If the subject is a G2G ADO or SMP cadet, coordinate with the subject's unit to get an [MPO](#)² in addition to the 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.
- (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 and Soldier Subjects of Sexual Assault Reports

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

² See appendix J or https://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd2873_2020.pdf

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](#).³

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 basic details from the victim (e.g. name of subject and location and time of assault). 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 status (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.
- (9) Brigade Commanders must provide status updates to victims within 72 hours of each recurring Sexual Assault Review Board (SARB). Brigade commanders (or brigade-equivalent commanders) will also notify the Soldier-complainant within 2 business days of receiving the final outcome of any judicial, non-judicial, or administrative proceedings.

³ You may find Commander's Legal Handbook on JAGCNE at <https://www.jagcnet.army.mil/#> or [https://www.jagcnet.army.mil/Sites/jagc.nsf/EE26CE7A9678A67A85257E1300563559/\\$File/CommandersLegalHandbook.pdf](https://www.jagcnet.army.mil/Sites/jagc.nsf/EE26CE7A9678A67A85257E1300563559/$File/CommandersLegalHandbook.pdf).

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

		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

References:

DoDI 6495.02, Volume 1; AR 600-20; AD 2022-13; Commander's Legal Handbook

Cadet Complainant of Sexual Harassment

When a cadet makes a report of sexual harassment by cadre or cadet(s), the PMS should ensure the following actions are taken:

- (1) Ensure the safety of the cadet and determine if the subject is nearby. If warranted by the facts and circumstances, make a recommendation regarding a Military Protective Order or a Developmental Counseling Form under Appendix H.
- (2) Collect basic details from the victim (e.g. name of subject and location and time of harassment). Do not attempt to get every detail or make the victim talk about the entire incident.
- (3) Notify the Title IX Office and the brigade SARC.
- (4) 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), Title IX and University resources, and any local area resources.
- (5) Send a detailed SIR to the Brigade Commander and your servicing legal advisor with a request, if necessary, for a Military Protective Order or developmental counseling form.
- (6) Continue to monitor the victim's well-being.

When a cadet makes a report of sexual harassment by cadre or cadet(s), the Brigade Commander should ensure the following actions are taken:

- (1) If warranted by the facts and circumstances, determine whether a Military Protective Order or a Developmental Counseling Form under Appendix H is necessary.
- (2) Consult your servicing legal advisor to discuss the initiation of an investigation with a certified investigating officer from the closest installation.
- (3) Follow the regulatory timeliness standards for informal (14 days) and formal/anonymous (30 days) complaints as well as the regulatory standards for periodic notice to the complainant.

Cadet Subjects of Sexual Harassment Reports

The PMS should ensure the following actions are taken when a cadet is accused of sexual harassment:

(1) If the facts and circumstances warrant it, put a no contact order in place using Appendix H – Developmental Counseling Form. If the subject is a G2G ADO or SMP cadet, notify the subject's unit commander of potential misconduct. 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.

(2) Notify the Title IX Office and brigade SARC.

(3) Send a detailed SIR to the Brigade Commander and your servicing legal advisor.

(4) For scholarship cadets, consider placing the cadet on a Leave of Absence during the investigation.

(5) Continue to monitor the subject cadet's well-being.

Cadre & Soldier Subjects of Sexual Harassment and Inappropriate Relationship Reports

A PMS must report and investigate every credible sexual harassment or inappropriate relationship complaint involving a cadre member, G2G ADO cadet, or other Soldier immediately. A PMS must also inform the chain of command, legal advisor, and the SARC. Additionally, some sexual harassment victims are entitled to certain rights and services through the Army. PMSs are strongly encouraged to review AR 600-20, para. 7-8 and Chapter 12 of the [Commander's Legal Handbook](#).

References:

AD 2022-13; AR 600-20; Commander's Legal Handbook

Section 11

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.

Extremist Activities

Treating others with dignity and respect includes ensuring personnel do not engage in extremist activities or participate in extremist organizations or criminal gangs.

The Army redefined extremist activities and participation in extremist organizations in June 2024. Extremist activity is defined as:

- (1) Advocating or engaging in unlawful force, unlawful violence, or other illegal means to deprive individuals of their rights under the United States Constitution or the laws of the United States, including those of any State, Commonwealth, Territory, or the District of Columbia, or any political subdivision thereof.
- (2) Advocating or engaging in unlawful force or violence to achieve goals that are political, religious, discriminatory, or ideological in nature.
- (3) Advocating, engaging in, or supporting terrorism within the United States or abroad.
- (4) Advocating, engaging in, or supporting the overthrow of the Government of the United States or any political subdivision thereof, including that of any State, Commonwealth, Territory, or the District of Columbia, by force or violence, or seeking to alter the forms of these governments by unconstitutional or other unlawful means (such as sedition).
- (5) Advocating or encouraging military, civilian, or contractor personnel within the DoD or United States Coast Guard to violate the laws of the United States, or any political subdivision thereof, including that of any State, Commonwealth, Territory, or the District of Columbia, or to disobey lawful orders or regulations, for the purpose of disrupting military activities (such as subversion), or personally undertaking the same.
- (6) Advocating widespread unlawful discrimination based on race, color, national origin, religion, sex (including pregnancy), gender identity, or sexual orientation.

Criminal gangs are defined as “organizations that advocate the planning or commission of one or more criminal offenses, by persons who share a group identity, and may share a common name, slogan, tattoos, graffiti, clothing style or color, or other shared characteristics like the use of violence and intimidation to further its criminal objectives.”

Army policy extends to cadre members’ and cadets’ online conduct on all personal and professional social media platforms, blogs, websites, and applications. Specifically, this includes “engaging in electronic and cyber activities regarding extremist activities, or groups that support extremist activities-including posting, liking, sharing, re-tweeting, or otherwise distributing content-when such action is taken with the intent to promote or otherwise endorse extremist activities.” Commanders may further order cadre or cadets not to participate in activities that are contrary to good order and discipline or morale, or pose a threat to health, safety, and security of cadre or cadets.

Cadre members who violate Army policy online may face UCMJ or adverse administrative actions. If a G2G ADO cadet or SMP cadet engages in conduct violating the Army policy, contact HHD USACC or the parent unit, respectively. Generally, while contracted 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. 10-2b 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:

DODI 1325.06; AD 2024-07; AD 2024-08; AR 600-20; AR 145-1, para. 10-2b

Section 12

Cadet Drug Use

Urinalysis Testing

USACC OPORD 23-10-019 (Army Substance Abuse Program (ASAP) Cadre and Cadet Testing and Reporting Procedures), provides the standard for UA testing. If you have credible evidence of a contracted cadet using an illegal substance, contact your servicing judge advocate. Only commanders are authorized to initiate probable cause urinalysis testing.

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

Cadets are prohibited from using Delta-8- and Delta-9-Tetrahydrocannabinol (THC). Delta-8-THC includes products derived from hemp and CBD.

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.

Reference:

USACC OPORD 23-10-019

Section 13

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](#)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) Citing to the superseded regulation.

An updated AR 145-1 (Senior Reserve Officers' Training Corps Program: Organization, Administration, and Training) was published on 28 April 2023. All disenrollment provisions are now in chapter 10, bases for disenrollment are now located in AR 145-1, para. 10-2b, disenrollments that require a board of officers should now consist of a minimum of three officers, the recorder can be a Staff Sergeant or above, and AR 145-1, para. 10-5 adds information on the cadet disenrollment appeals process.

(2) 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.

(3) 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. 10-2b(15)), but cite to AR 145-1, para. 10-2b(8),

⁴ You may find CC Pam 145-4 at https://www.cadetcommand.army.mil/res/files/forms_policies/pamphlets/USACC_PAMPHLET_145_4.pdf.

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.

(4) Appointment of an informal investigating officer rather than a formal board.

Disenrollments initiated under AR 145-1, para. 10-2b(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.

(5) 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 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.

(6) 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.

(7) The cadet is not provided a complete copy of the disenrollment packet when they are notified of disenrollment.

(8) A Board President conducts independent investigation outside of the board hearing and/or adds documentation to the packet.

(9) Insufficient written justification based upon the evidence in the packet from the Board, Appointing Authority, or Brigade Commander for the findings or recommendations.

(10) 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.

(11) 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 14

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 and above per [Fort Knox Regulation 27-10](#)⁵, para. 1-6. The Brigade Commander retains jurisdiction for all other misconduct within their brigade.

Cadets

Contracted cadets are generally not subject to the UCMJ. Brigade Commanders or PMSs can initiate disenrollment of a contracted cadet for misconduct. There are three exceptions which may result in UCMJ action over a cadet – Green-to-Gold Active-Duty Option (G2G ADO) cadets, Simultaneous Membership Program (SMP) cadets, and Cadet Summer Training (CST) contracted cadets.

G2G ADO cadets: HHD, USACC has jurisdiction over G2G ADO cadets and will address all UCMJ actions. The HHD commander should be notified immediately when a G2G ADO cadet commits misconduct. The Brigade Commander may initiate a removal from the G2G ADO program, under CC 145-6, para. 8-2, based on the same misconduct.

SMP cadets: These cadets are subject to the UCMJ when in drilling status. The parent unit commander should be notified immediately when an SMP cadet commits misconduct.

CST cadets: Cadets are subject to the UCMJ while on active duty for training at CST. 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:

⁵ You may find FK Reg 27-10 at <https://home.army.mil/knox/application/files/1415/6501/2526/R27-10.pdf>.

- 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 15-6, AR 27-10, AR 145-1, CCR 145-6, FK Reg 27-10

APPENDIX A**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 _____



REPLY TO
ATTENTION OF

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

ATBO-BP (1-100a1)

14 SEP 2022

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Delegation of Authority to Accept Gifts to the Army for the Benefit of Organizations Assigned to U.S. Army Training and Doctrine Command (TRADOC) and the Defense Warrior Games

1. Reference 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 and the Defense Warrior Games), 1 Apr 2021 (Encl).
2. In accordance with the above reference, I hereby delegate authority to the following personnel serving in the positions listed below without the authority for further delegation:
 - a. Deputy Commanding General/Chief of Staff, TRADOC and the Executive Deputy to the Commanding General, 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;
 - (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.

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 (TRADOC) and the Defense Warrior Games

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.

f. The general officer or member of the senior executive service serving as Director of Operations for the Defense Warrior Games the authority to accept gifts to the Army valued at up to \$50,000 for the benefit of the Defense Warrior Games.

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 the referenced memorandum, including the applicable provisions of AR 1-100 (The Army Gift Program), 7 Feb 19 and Department of Defense (DoD) Financial Management Regulation 7000.14-R.

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

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 (TRADOC) and the Defense Warrior Games

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.



GARY M. BRITO
General, U.S. Army
Commanding

Encl

DISTRIBUTION:

Commander
U.S. Army Combined Arms Center
U.S. Army Combined Army Support Command
U.S. Army Center for Initial Military Training
U.S. Army Cadet Command
U.S. Army Recruiting Command
Centers of Excellence
U.S. Army Soldier of Support Institute

Commandants, TRADOC Schools

Director, U.S. Army Center of Military History

Deputy Chiefs of General Staff and Chiefs of Special Staff Offices,
HQ TRADOC

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

APPENDIX C

Request for SROTC Cadre Off-Duty Employment Legal Review and Approval Authority Disposition

This form is to be filed with the relevant SROTC cadre member's request Memorandum for Record

Part I: Administrative Information

1. Requesting Cadre Member's Information:

a. Rank: _____ Name: _____

b. Assigned School: _____

2. Overview of Request:

Part II: USACC Legal Review (To be completed by Attorney)

1. SROTC Cadre Member is requesting approval to engage in outside employment pursuant to AR 145-1, para. 2-17.

The USACC Legal Office has conducted a legal review of the Cadre Member's Request for Off-Duty Employment and finds:

No Legal Objection.

Legal Objection(s) to Off-Duty Employment.

Legal Review is Attached

Legal Review Comments/Objection(s) listed below:

2. Rank (if applicable) and Name of Attorney Reviewing Packet:

Phone Number: _____ Email: _____

Installation: _____

SJA Digital Signature: _____ Date: _____

Part III: Brigade Commander's Disposition

1. SROTC Cadre Member is requesting approval to engage in outside employment pursuant to AR 145-1, para. 2-17.

The Approval Authority:

Approves

Disapproves

Comments/Objection(s) listed below:

2. Rank and Name _____

Phone Number: _____ Email: _____

Brigade: _____

Digital Signature: _____ Date: _____



DEPARTMENT OF THE ARMY
ORGANIZATIONAL NAME/TITLE
STANDARDIZED STREET ADDRESS
CITY STATE 12345-1234

[Office Symbol]

[Date]

MEMORANDUM THRU

Army ROTC Professor of Military Science [College/University] [Address], [City], [State]
[Zip Code]

FOR Brigade Commander, [X] Brigade, United States Army Cadet Command, Fort
Knox, KY 40121-3009

SUBJECT: Request for SROTC Cadre Off-Duty Employment

1. I hereby request approval to engage in outside employment pursuant to AR 145-1, para. 2-17.

2. I request approval to accept employment as a [position] with [entity]. Per AR 145-1, para. 2-17a, I understand that such position would constitute off-duty employment and thus cannot interfere with the full and effective performance of my military duties and is not part of my official military duties.

a. In the off-duty employment position, my duties and responsibilities would be [explain to a reasonable degree of specificity the duties and responsibilities of the desired employment]. My compensation would be [insert compensation].

b. The off-duty employment position will not interfere with the full and effective performance of my military duties because [explain to a reasonable degree of specificity how the off-duty employment will not interfere with full and effective performance of my military duties].

3. In the event my off-duty employment is approved, I understand there are several restrictions that must be considered.

a. Time. Per AR 145-1, para. 2-17a, I understand that my duty hours cannot be adjusted for the sole purpose of permitting off-duty employment. The hours required by the off-duty employment position do not require an adjustment to my duty hours. The hours required by the position are: [detail the hours of the off-duty employment and why they do not interfere with duty hours].

b. [As necessary, detail how any non-scheduled responsibilities required by the off-duty employment will not interfere with duty hours. For example, an SROTC cadre member who desires to teach an academic course outside the Department of Military Science might want to detail the anticipated demands of grading students' course work,

and why such grading will not interfere with the cadre member's full and effective performance of military duties during duty hours].

c. Location/Uniform. The location of the work will occur away from the ROTC program at [insert location]. I will remove my military uniform or ROTC-related gear or insignia before reporting to duty.

d. Technology/Communications Equipment. Government communications equipment, such as an Army computer, Government I-phone, or Government software may not be used for compensated off-duty employment.

e. Endorsement. In order to provide appropriate distance between the ROTC program and my off-duty employment, I will avoid reference to military status, rank, Army ROTC or another Army organization.

4. The POC for this memorandum is [RANK] [Name] at [\[email\]](#).

[FIRST] [M.I.] [LAST]
[RANK], [BRANCH]
[Position]

APPENDIX D

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 10-2b; 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.
- _____ 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 10-2b(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. 10-2b which applies.
- Limited to the reasons listed in the Notification of Disenrollment.
- Make recommendation for recoupment 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 recoupment 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.

*Disclaimer: A new AR 145-1 was published 28 April 2023. All references to paragraph 3-43 were replaced with paragraph 10-2b.

DEVELOPMENTAL COUNSELING FORM

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

PRIVACY ACT STATEMENT

AUTHORITY: 5 USC 301, Departmental Regulations, 10 USC 3013, Secretary of the Army.**PRINCIPAL PURPOSE:** These records are created and maintained to manage the member's Army and Army National Guard service effectively, to document historically a member's military service, and safeguard the rights of the member and the Army.**NOTE:** For additional information, see the System of Records Notice A0600-8-104b AHRC, <https://dpcl.dod.mil/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570051/a0600-8-104b-ahrc/>.**ROUTINE USE(S):** There are no specific routine uses anticipated for this form; however, it may be subject to a number of proper and necessary routine uses identified in the system of records notice specified in the purpose statement above.**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/Event-Oriented counseling, and include the leader's facts and observations prior to the counseling.)Approach: ☐ Non Directive ☐ Combined ☒ DirectiveType of Counseling: ☐ General Form ☐ Professional Growth ☐ Performance ☒ Event OrientedEvents: ☐ Superior Performance ☐ R & I Counseling ☐ Promotion ☐ Crisis ☐ Referral ☐ Transition☐ Substandard Performance ☒ Adverse Separation**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, 28 April 2023, 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 10-2b(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.

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.

(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.

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 (YYYYMMDD):

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

Signature of Counselor:

Date (YYYYMMDD):

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.)

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

SIGNATURES		
Counselor:	Individual Counseled:	Date of Assessment (YYYYMMDD):

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



APPENDIX F

PROFESSOR OF MILITARY SCIENCE TOOLKIT



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: Cadet's 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 Knox. 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 servicing judge advocate 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 possibly an AR 15-6 investigation.

Military Protective Orders (MPOs)

Subject: Soldier

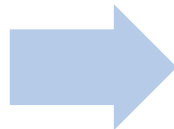
1. Contact your legal advisor.
2. Issue a MPO order on DD Form 2873.
3. Issue a corresponding counseling on a DA Form 4856 indicating that failure to comply with the order is a UCMJ violation.
4. Send MPO to your legal advisor so that it can be filed with the Provost Marshall's Office at Fort Knox and 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 universities and colleges, 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 10-2

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

1. After triggering incident, determine whether investigation is needed (consult your legal advisor).



2. Determine one or more basis for disenrollment.



3. Gather all supporting documentation (UA results, AR 15-6 investigations, police reports, academic records, etc.).



4. Notify cadet of disenrollment with **supporting documentation**.



5. Place cadet on leave of absence.



6. If cadet waives board, follow process in CC PAM 145-4.

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

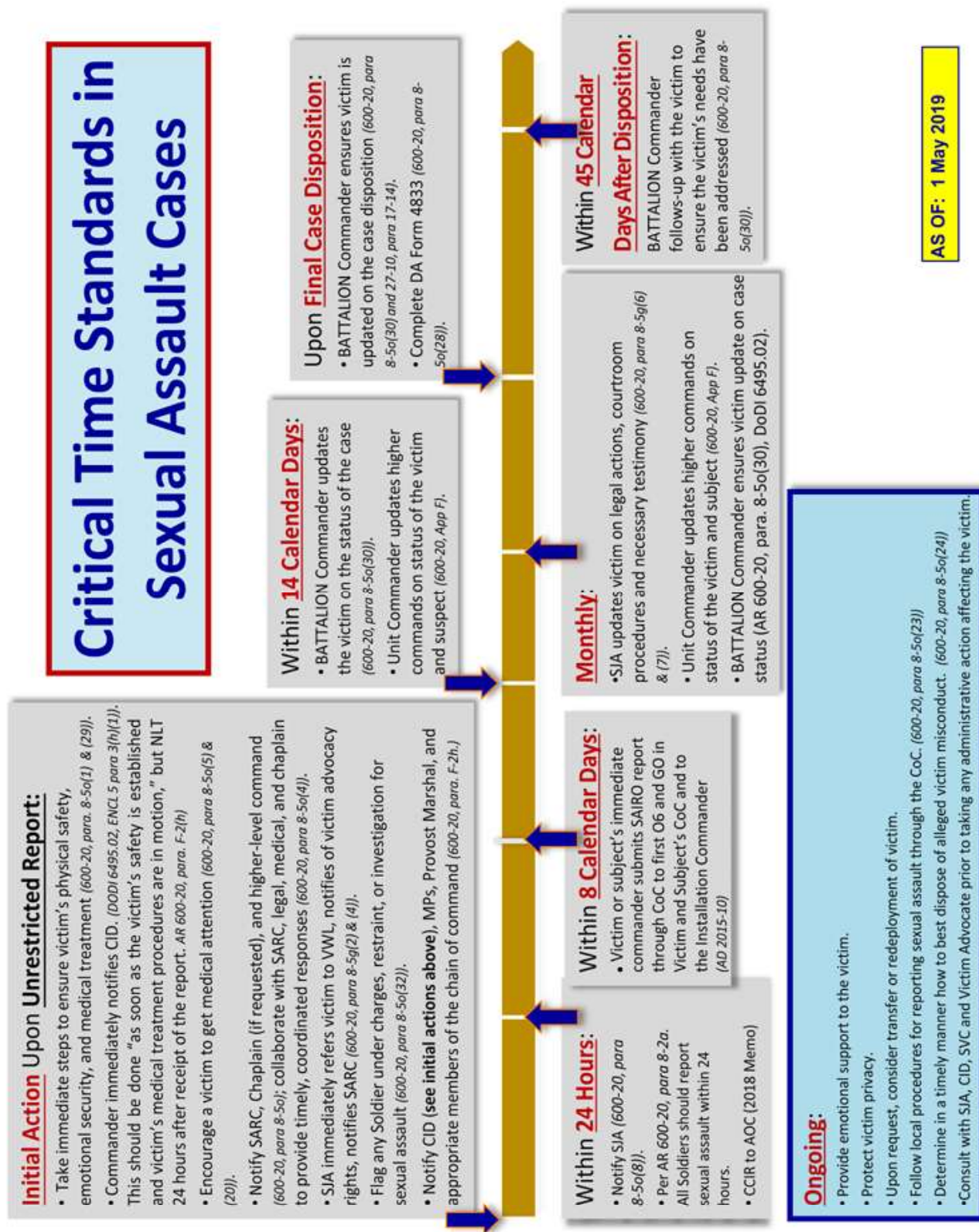
23. _____ Complete a CCIR in accordance with local policy.
24. _____ Confirm the SARC entered all reported sexual assaults into the DoD Sexual Assault Incident Database (DSOID) within 48 hours of the report.
25. _____ Complete and forward the SAIRO report within 8 calendar days of the unrestricted report.
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



APPENDIX H

DEVELOPMENTAL COUNSELING FORM

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

PRIVACY ACT STATEMENT

AUTHORITY: 5 USC 301, Departmental Regulations, 10 USC 3013, Secretary of the Army.

PRINCIPAL PURPOSE: These records are created and maintained to manage the member's Army and Army National Guard service effectively, to document historically a member's military service, and safeguard the rights of the member and the Army.

NOTE: For additional information, see the System of Records Notice A0600-8-104b AHRC, <https://dpcl.d.defense.gov/Privacy/SORNSIndex/DOD-wide-SORN-Article-View/Article/570051/a0600-8-104b-ahrc/>.

ROUTINE USE(S): There are no specific routine uses anticipated for this form; however, it may be subject to a number of proper and necessary routine uses identified in the system of records notice specified in the purpose statement above.

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/Event-Oriented counseling, and include the leader's facts and observations prior to the counseling.)

Approach: ☐ Non Directive ☐ Combined ☒ Directive

Type of Counseling: ☒ General Form ☐ Professional Growth ☐ Performance ☐ Event Oriented

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 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 (YYYYMMDD):

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

Signature of Counselor:

Date (YYYYMMDD):

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.)

SIGNATURES

Counselor:

Individual Counseled:

Date of Assessment (YYYYMMDD):

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.

PRIVACY ACT STATEMENT

AUTHORITY: 5 USC 301, Departmental Regulations, 10 USC 3013, Secretary of the Army.

PRINCIPAL PURPOSE: These records are created and maintained to manage the member's Army and Army National Guard service effectively, to document historically a member's military service, and safeguard the rights of the member and the Army.

NOTE: For additional information, see the System of Records Notice A0600-8-104b AHRC, <https://dpcld.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570051/a0600-8-104b-ahrc/>.

ROUTINE USE(S): There are no specific routine uses anticipated for this form; however, it may be subject to a number of proper and necessary routine uses identified in the system of records notice specified in the purpose statement above.

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/Event-Oriented counseling, and include the leader's facts and observations prior to the counseling.)

Approach: ☐ Non Directive ☐ Combined ☒ Directive

Type of Counseling: ☒ General Form ☐ Professional Growth ☐ Performance ☐ Event Oriented

- 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 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

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.

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)

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 (YYYYMMDD):

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

Signature of Counselor:

Date (YYYYMMDD):

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.)

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

SIGNATURES		
Counselor:	Individual Counseled:	Date of Assessment (YYYYMMDD):

APPENDIX J

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://dpdcd.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570082/a0608-18-dasg/>; N01752-1, Family Advocacy Program System, <https://dpdcd.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570332/n01752-1/>; F044 AF SG Q, Family Advocacy Program Record, <https://dpdcd.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://dpdcd.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 ☐MODIFICATION TO EXISTING MPO ☐

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	Asian	Black or African American	Hispanic or Latino	Native Hawaiian or Other Pacific Islander	White
	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<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	Asian	Black or African American	Hispanic or Latino	Native Hawaiian or Other Pacific Islander	White
	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<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? <i>(If Yes, please indicate which below. If No, use "Other" below to indicate reason.)</i>			<input type="radio"/> YES	<input type="radio"/> 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	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.			
	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:			
	NAME	DOB (Date of Birth) (YYYYMMDD)	GENDER	RACE
				RACE
				RACE
				RACE
				RACE
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:			

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.

APPENDIX K

DEVELOPMENTAL COUNSELING FORM

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

PRIVACY ACT STATEMENT

AUTHORITY: 5 USC 301, Departmental Regulations, 10 USC 3013, Secretary of the Army.

PRINCIPAL PURPOSE: These records are created and maintained to manage the member's Army and Army National Guard service effectively, to document historically a member's military service, and safeguard the rights of the member and the Army.

NOTE: For additional information, see the System of Records Notice A0600-8-104b AHRC, <https://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570051/a0600-8-104b-ahrc/>.

ROUTINE USE(S): There are no specific routine uses anticipated for this form; however, it may be subject to a number of proper and necessary routine uses identified in the system of records notice specified in the purpose statement above.

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/Event-Oriented counseling, and include the leader's facts and observations prior to the counseling.)

Approach: ☐ Non Directive ☐ Combined ☒ Directive

Type of Counseling: ☒ General Form ☐ Professional Growth ☐ Performance ☐ Event Oriented

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 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 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 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 or any other prohibited substance.
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 (YYYYMMDD):

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

Signature of Counselor:

Date (YYYYMMDD):

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.)

SIGNATURES

Counselor:

Individual Counseled:

Date of Assessment (YYYYMMDD):

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.

PRIVACY ACT STATEMENT

AUTHORITY: 5 USC 301, Departmental Regulations, 10 USC 3013, Secretary of the Army.

PRINCIPAL PURPOSE: These records are created and maintained to manage the member's Army and Army National Guard service effectively, to document historically a member's military service, and safeguard the rights of the member and the Army.

NOTE: For additional information, see the System of Records Notice A0600-8-104b AHRC, <https://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570051/a0600-8-104b-ahrc/>.

ROUTINE USE(S): There are no specific routine uses anticipated for this form; however, it may be subject to a number of proper and necessary routine uses identified in the system of records notice specified in the purpose statement above.

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/Event-Oriented counseling, and include the leader's facts and observations prior to the counseling.)

Approach: ☐ Non Directive ☐ Combined ☒ Directive

Type of Counseling: ☒ General Form ☐ Professional Growth ☐ Performance ☐ Event Oriented

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 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 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 10-2b(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 (YYYYMMDD):

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

Signature of Counselor:

Date (YYYYMMDD):

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.)

SIGNATURES

Counselor:

Individual Counseled:

Date of Assessment (YYYYMMDD):

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

APPENDIX L

INFORMATION PAPER

JALS-RO

14 February 2023

SUBJECT: ROTC Educational Delay for Law School Attendance – Army JAG Corps

1. This memorandum provides information regarding the ROTC Educational (Ed) Delay Program for attending law school to pursue a JAG Corps commission.

2. Overview. The Ed Delay Program produces Regular Army Judge Advocates by allowing exceptional ROTC cadets to defer their service obligation while attending law school. Ed Delay officers are required to apply for the JAG Corps in the first semester of the third year of law school. The accessions board chooses the best-qualified candidates by evaluating many factors, including character, intellect, leadership potential, communication skills, work ethic, and physical fitness. While participation in Ed Delay does not guarantee selection for a JAG Corps commission, the JAG Corps postures Ed Delay officers for success by assigning active duty mentors and providing clear expectations. The selection rate for Ed Delay officers in recent JAG Corps accession boards has been at or near 100 percent.

3. Application Process and Selection.

a. ROTC Cadets apply for the Ed Delay program through their ROTC battalion as part of the branching process. The ROTC Ed Delay selection board meets annually in early October to consider applicants (ROTC MS IV Cadets requesting an Ed Delay).

b. ROTC Cadets who attend Advanced Camp after their MS III year will apply for an Ed Delay during their MS IV year. End-of-camp commissionees are eligible for Ed Delay and will be considered at the Ed Delay Board immediately following commissioning. Current Guaranteed Reserve Forces Duty and Active Duty Option (ADO) Green-to-Gold cadets do not qualify for an Ed Delay.

c. Army Regulation (AR) 601-25, *Delay in Reporting for and Exemption from Active Duty, Initial Active Duty for Training, and Reserve Forces Duty*, paragraph 2-5, provides general guidance on the Ed Delay Program. Appendix J of Cadet Command Circular 601-23-1, *ROTC Accessions Fiscal Year 2023*, contains detailed application instructions and administrative requirements.

d. To qualify for the Ed Delay Program, Cadets must attend a law school accredited by the American Bar Association. Cadets should visit www.lsac.org for more information on LSAT dates and registration deadlines.

e. The selection board will occur after Active Duty/Reserve Forces Duty selection is complete but before active duty branching. Cadets can expect Ed Delay board results in November.

JALS-RO

SUBJECT: ROTC Educational Delay for Law School Attendance – Army JAG Corps

f. Cadets granted an Ed Delay are commissioned as Army officers and placed in the Individual Ready Reserve. Ed Delay officers are not assigned a branch. Ed Delay officers remain “branch unassigned” during law school until they apply for selection into the JAG Corps active duty accessions board during the fall of their third and final year of law school. If selected for the JAG Corps, officers are eligible for up to \$65K in student loan repayment.

4. Points of Contact. Cadets interested in pursuing an Ed Delay to become a Judge Advocate may contact CPT Konley Bell, Judge Advocate Recruiting Office (JARO), at konley.m.bell.mil@army.mil / (571) 723-1931 or by visiting www.jagcnet.army.mil/jaro. The Cadet Command point of contact is Mr. Troy Paisley, Accessions and Standards Division, at troy.d.paisley.civ@mail.mil / (502) 624-5014.

Prepared by: CPT Konley Bell
Approved by: LTC Angel Overgaard