



SECRETARY OF THE ARMY
WASHINGTON

22 JUN 2016

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2016-17 (Protecting Against Prohibited Relations During Recruiting and Entry-Level Training)

1. References. A complete list of references is at the enclosure.
2. Purpose. This directive provides policy regarding prohibited relationships between recruiters and recruits, and trainers and trainees. It supersedes the policy on other prohibited relationships in Army Regulation (AR) 600-20, paragraph 4-15 (reference k).
 - a. This directive does not change Army policy as it relates to the Sexual Harassment/Assault Response and Prevention program. Sexual assault is a crime. Sexual harassment and assault violate policy, are contrary to good order and discipline, and will not be tolerated. The Army continues to provide services to victims who may choose both unrestricted and restricted reporting options in accordance with references d and g.
 - b. This directive implements DoD Instruction 1304.33 (Protecting Against Inappropriate Relations During Recruiting and Entry Level Training) effective immediately. The provisions of paragraph 5 of this directive are punitive, and violations may be subject to punishment under Article 92, Uniform Code of Military Justice (reference i) and/or adverse administrative action. Civilian employees are subject to disciplinary or adverse actions under Federal law and regulation.
3. Applicability. This directive applies to:
 - a. All Army recruiting commands, activities, and personnel, including but not limited to, U.S. Army Recruiting Command, Army National Guard recruiting commands and centers, U.S. Army Cadet Command (Reserve Officer Training Corps (ROTC)) admission or liaison officers, U.S. Military Entrance Processing Command, and United States Military Academy liaison officers. Applicability covers any military, civilian, or contractor personnel whose primary duty is to recruit persons for the Army, regardless of the program.
 - b. All Army entry-level training commands, centers, activities, and personnel, including but not limited to, U.S. Army Training and Doctrine Command, the Military Academy, Cadet Command (ROTC), U.S. Army Medical Department Center and School, The Judge Advocate General's Center and School, Army National Guard and

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U.S. Army Reserve training units and commands, and any military, civilian, or contractor personnel who augment training units on a full- or part-time basis.

4. Definitions

a. Applicant. Any person who has begun processing for enlistment or appointment in a Military Service by initiating a Department of Defense (DD) Form 1966 (Record of Military Processing - Armed Forces of the United States) or comparable form.

b. Army Recruit. An Army recruit is an individual who has joined the Army, including Military Academy cadets, ROTC cadets who are under contract, and individuals in the Delayed Entry Program (Future Soldiers Program), Delayed Training Program, Recruit Sustainment Program, or similar programs.

c. Army Trainee. An Army trainee is any military or civilian member undergoing initial military training in a formal training course with a unique training course identifier, or attending an in-residence or a nonresidence training or education course.

d. Army Trainer. Army trainers include any Army military, civilian, or contractor personnel who are responsible for planning, organizing, or conducting initial military training as part of a formal training course with a unique training course identifier or as part of an in-residence training or education course, or who provide administrative, logistical, or personnel support to trainees.

e. Delayed Entry Program (Future Soldier Program), Delayed Training Program, and the Recruit Sustainment Program. Under these programs, an individual may enlist in a reserve component of the Army or other Military Service and specify a future reporting date for entry on active duty that would coincide with the availability of training spaces and personal plans, such as high school graduation. This policy also covers any similar program.

f. Entry-Level Training. Entry-level training includes, but is not limited to, recruit and initial skill training, including enlisted Basic Combat Training, Advanced Individual Training, and One Station Unit Training; officer acquisition training, such as the Basic Officer Leader Course, Officer Candidate School, Warrant Officer Basic Course, and Warrant Officer Candidate School; and Military Academy- and Cadet Command-conducted training (including ROTC courses). It includes students in training and holding status.

g. Prospect. Any person who has expressed an interest to recruiting personnel in enlisting or receiving an appointment in the Army or any other Military Service and who

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appears to possess, or who may in the future possess, the potential and qualifications for enlistment or appointment in the Army or other Military Service. For the purpose of the policy, an individual who expresses a loss of interest in enlistment or appointment will continue to be a prospect for a period of 1 year from the date they express their loss of interest to recruiting personnel. Individuals who possess the potential or qualifications for enlistment or appointment at some point in the future may include, but are not limited to, individuals who do not meet minimum age requirements, who scored too low on the qualification testing but will be eligible to retest, or who have not completed their education. An individual who expresses an interest in enlistment or appointment but is permanently barred under existing regulations is not a prospect.

h. **Recruit's Family.** The near relatives of an Army recruit, including the guardian, parent, mother, father, siblings, and spouse of the recruit.

i. **Substantiated Violation.** Only for the purposes of applying this directive, a violation will be treated as substantiated if a violation of the policy results in a court-martial conviction, but the adjudged sentence does not include discharge or dismissal; or if a nonjudicial punishment authority under section 815 of Title 10, United States Code (reference a) has determined that a servicemember has committed an offense in violation of the policy and imposed nonjudicial punishment upon that servicemember. Civilian recruiters and trainers providing entry-level training may be subject to disciplinary action up to and including termination for substantiated violations (see reference m). For civilian and contractor recruiters and trainers providing entry-level training, a violation will be treated as substantiated if the charge is supported by a preponderance of the evidence.

5. Policy

a. The Army and all Army personnel will treat each prospect, applicant, recruit, and trainee with dignity and respect as they pursue their aspiration of serving in the military. Army policy prohibits inappropriate relations between recruiters and prospects, applicants, and/or recruits and between trainers providing entry-level training and trainees.

b. Inappropriate relationships and prohibited activities between recruiters and prospects, applicants, and/or recruits and between trainers providing entry-level training and trainees, as defined in this directive, are not permitted and appropriate action will be taken.

c. Prohibited activities between a recruiter and a prospect, applicant, and/or recruit and a trainer providing entry-level training and a trainee are listed in paragraph 5d.

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These prohibitions apply from the first contact between a recruit and recruiter through entry-level training and for 6 months after the trainee completes entry-level training. This list is not all-inclusive. Training commands (for example, Training and Doctrine Command, Army Medical Department Center and School, and Recruiting Command) are authorized to publish supplemental regulations to paragraph 5d, which further detail prohibited conduct within their respective organizations.

d. Recruiters and trainers providing entry-level training will not:

(1) develop, attempt to develop, or conduct a personal, intimate, or sexual relationship with any prospect, applicant, recruit, or trainee. These relationships include, but are not limited to, dating, handholding, kissing, embracing, caressing, and engaging in sexual activities. Prohibited personal, intimate, or sexual relationships include those relationships conducted in person; through a third person; or via cards, letters, emails, telephone calls, instant messaging, video, photographs, social media, social networking, and any other means of communication.

(2) use grade or position, threats, pressure, or promise of return of favors or favorable treatment in an attempt to gain sexual favors from any prospect, applicant, recruit, or trainee.

(3) make sexual advances toward, or seek or accept sexual advances or favors from, any prospect, applicant, recruit, or trainee. In addition, recruiters and trainers will report all offers of sexual favors or sexual advances any prospect, applicant, recruit, or trainee makes to appropriate military authorities.

(4) allow any prospect, applicant, recruit, or trainee to enter their dwelling.

(5) establish a common household with any prospect, applicant, recruit, or trainee (that is, they will not share the same living area in an apartment, house, or other dwelling). This prohibition does not include facilities open to all members of a homeowners association or all tenants in an apartment complex.

(6) allow any prospect, applicant, recruit, or trainee to enter their privately owned vehicles. Exceptions are permitted for official business when the safety or welfare of the prospect, applicant, recruit, or trainee is at risk.

(7) provide alcohol to, or consume alcohol with, any prospect, applicant, recruit, or trainee on a personal social basis. This prohibition does not apply to the practice of participation in religious services, rites, or rituals.

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(8) attend social gatherings, clubs, bars, theaters, or similar establishments on a personal social basis with any prospect, applicant, recruit, or trainee.

(9) gamble with any prospect, applicant, recruit, or trainee.

(10) lend money to, borrow money from, or otherwise become indebted to any prospect, applicant, recruit, or trainee.

(11) solicit donations from any prospect, applicant, recruit, or trainee.

(12) hire or otherwise employ, in an unofficial or personal capacity, any prospect, applicant, recruit, or trainee (for example, for babysitting or maintenance jobs).

(13) accept personal goods, in an unofficial or personal capacity, from any prospect, applicant, recruit, or trainee for storage or any other reason.

(14) participate in closed-door discussions with any prospect, applicant, recruit, or trainee. Recruiters and trainers will keep doors open when meeting with prospects, applicants, recruits, and trainees except when:

- another person at least 18 years of age or older is present;
- because of the proximity of others, it is necessary to protect personally identifiable, sensitive, or confidential information (these closed-door sessions will be short in duration); or
- the design of the office is such that the door opens to a public area where the office is left unprotected from the elements or allows unwanted public interaction. In these cases, the door will be left unlocked and clearly marked that it is open for business and visitors are welcome.

e. Prospects, applicants, recruits, or trainees will not:

(1) develop, attempt to develop, or conduct a personal, intimate, or sexual relationship with a recruiter or trainer. These relationships include, but are not limited to, dating, handholding, kissing, embracing, caressing, and engaging in sexual activities. Prohibited personal, intimate, or sexual relationships include those relationships conducted in person; through a third party; or via cards, letters, emails, telephone calls, instant messaging, video, photographs, social media, social networking, or any other means of communication.

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(2) make sexual advances toward, or seek or accept sexual advances or favors from, a recruiter or trainer.

(3) allow any recruiter or trainer to enter their dwelling or privately owned vehicles except to conduct official business. Exceptions are permitted for official business when the safety or welfare of a recruiter or trainer is at risk.

(4) establish a common household with a recruiter or trainer (that is, will not share the same living area in an apartment, house, or other dwelling). This prohibition does not include facilities open to all members of a homeowners association or all tenants in an apartment complex.

(5) consume alcohol with a recruiter or trainer on a personal social basis.

(6) attend social gatherings, clubs, bars, theaters, or similar establishments on a personal social basis with a recruiter or trainer.

(7) gamble with a recruiter or trainer.

(8) lend money to, borrow money from, or otherwise become indebted to a recruiter or trainer.

6. Procedures. At a minimum and as required, the prospect, applicant, recruit, trainee, recruiter, or trainer will complete the following administrative actions. Commanders may add requirements to this list.

a. Administrative Requirements for Recruiters and Recruits

(1) Before performing recruiter duties, recruiters will sign a DD Form 2982 (Recruiter/Trainer Prohibited Activities Acknowledgment) to acknowledge their understanding of the prohibitions listed in paragraph 5d and their responsibilities to avoid the prohibited inappropriate behaviors and relations outlined in this directive. Recruiters will recertify the form annually. The form will be locally filed and kept for 1 year after the recruiter has left the unit. The form is available at <http://www.dtic.mil/whs/directives/forms/dd/ddforms2500-2999.htm>.

(2) During the initial visit, recruiters will provide all applicants with contact information they can use to notify someone if they believe their recruiter has acted improperly.

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(3) No later than the first visit with a recruiter after a recruit's entry into the Delayed Entry Program, Future Soldier Program, Delayed Training Program, or Recruit Sustainment Program, a recruit must sign a DD Form 2983 (Recruit/Trainee Prohibited Activities Acknowledgment) to acknowledge their understanding of the prohibitions listed in paragraph 5e. The DD Form 2983 will be filed in the recruit's enlistment Electronic Records System and kept in accordance with system policy. The form is located at <http://www.dtic.mil/whs/directives/forms/dd/ddforms2500-2999.htm>.

(4) Exceptions may be granted to accommodate relationships that existed before the recruit started the recruiting process. These relationships include, but are not limited to, Family members. Only the recruiter's commander in the grade of O-4 or higher, or a higher level authority, has the authority to approve these exceptions. Recruiters must request the exception in writing to their commander. Higher level commanders may withhold this authority from subordinate commanders. All exceptions will be documented on DD Forms 2982 and 2983 as applicable.

b. Administrative Requirements for Trainers and Trainees

(1) Trainers providing entry-level training will sign a DD Form 2982 that acknowledges their understanding of the prohibitions listed in paragraph 5d and their responsibilities regarding the policies to avoid the inappropriate behaviors and relations outlined in this directive. The DD Form 2982 will be recertified annually. The form will be locally filed and kept for 1 year after the trainer has left the unit.

(2) At the onset of the first training session, trainers will brief trainees on the policies in this directive and provide information that trainees can use to contact someone in leadership if they wish to report any issue related to a trainer's inappropriate conduct.

(3) Trainees will sign a DD Form 2983 to acknowledge their understanding and responsibilities as outlined in this directive no later than the first day of entry-level training. The DD Form 2983 will be locally filed and kept until 6 months after the trainee has left the unit.

(4) Exceptions may be granted to accommodate relationships that existed before the trainee started formal training. An exception may be permitted for Family members. Commanders for the trainer and trainee must approve the exception for it to apply to both parties. Only the trainer's and trainee's commanders in the grade of O-4 or higher, or higher level authority, have the authority to approve these exceptions. Higher level commanders may withhold this authority from subordinate commanders. Trainers and

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trainees must request the exception in writing to their commander. All exceptions will be documented on DD Forms 2982 and 2983 as applicable.

c. **Special Consideration.** The policy in this directive is not intended to eliminate all opportunities for trainer and trainee external classroom professional development and mentorship because these opportunities are important to the learning process. Leaders are responsible for setting the right command climate and providing guidelines for outside the classroom mentoring and team-building activities. The prohibitions listed in paragraphs 5d and 5e related to private dwellings, privately owned vehicles, alcohol, and social gatherings do not apply to command-authorized programs such as the Military Academy's Cadet Sponsorship or Character Development programs or other similar social development programs within ROTC programs, which provide breadth and depth to the education of future leaders. The prohibitions in paragraphs 5d and 5e related to alcohol and social gatherings also do not apply to command-authorized unit social events, such as unit dining in/out events, holiday receptions, or hail and farewell events, or inclusive group social functions, such as those by team, squad, or platoon, to which all group members are invited. The policy in this directive will not infringe upon the right to the free exercise of religion for trainers and trainees.

7. Accountability for Violators

a. Substantiated violations, as defined by this directive, of actions identified in paragraphs 5d(1)–(4) by any military recruiter or military trainer providing entry-level training will require the Soldier to be processed for administrative separation from the Army, unless the Soldier is otherwise punitively discharged or dismissed from the Army for the violation as part of a court-martial sentence. The requirement to initiate administrative processing does not mean that the result of that processing must be administrative discharge; the specific facts of each individual case will determine whether administrative discharge is appropriate. In all other findings of wrongdoing for actions identified in paragraphs 5d(1)–(4), commanders will take appropriate action. If the separation authority approves retention, he or she will initiate action for Secretarial plenary separation authority under AR 135-178, paragraph 14-3, or AR 635-200, paragraph 5-3, as appropriate.

b. Findings of wrongdoing for actions identified in paragraphs 5d(5)–(14) against any military recruiter or military trainer providing entry-level training will result in the recruiter or trainer being held accountable at the discretion of their commander.

c. Civilian recruiters or trainers providing entry-level training with substantiated violations of paragraph 5d may be subject to disciplinary action up to and including termination in accordance with reference k.

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d. For contract employees with substantiated violations of paragraph 5d (charges supported by a preponderance of the evidence), the command to whom the contractor provides recruiting or training services will immediately contact the cognizant contracting officer for the contract. The command should not take disciplinary action against either the contractor or the contractor employee. The contracting officer has authority to take such action against the contractor as is warranted under the contract to the extent that a substantiated violation by the contractor's employee is deemed a violation of the terms and conditions of the contractor's contract with the Army.

e. Activities are reminded to fulfill applicable labor relations obligations before implementing this directive for civilian employees. Army organizations that have Army publications, internal regulations, or other guidance on this topic will immediately review their policies and update them as required.

8. The Deputy Chief of Staff, G-1 is the proponent for this policy and will incorporate the provisions of this directive into the next revision of Army Regulation 600-20 as soon as practicable. This directive is rescinded upon publication of the revised regulation.



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REFERENCES

- a. Title 10, United States Code, Section 815 - Article 15, Commanding Officer's Non-Judicial Punishment.
- b. National Defense Authorization Act for Fiscal Year 2014, Pub. L. No. 113-66, section 1741, 127 Stat. 977–79.
- c. Department of Defense (DoD) Directive 1322.18 (Military Training), January 13, 2009.
- d. DoD Directive 6495.01 (Sexual Assault Prevention and Response (SAPR) Program), January 23, 2012, Incorporating Change 2, Effective January 20, 2015.
- e. DoD Instruction 1304.33 (Protecting Against Inappropriate Relations During Recruiting and Entry Level Training), January 28, 2015.
- f. DoD Instruction 5505.18 (Investigation of Adult Sexual Assault in the Department of Defense), January 25, 2013, Incorporating Change 2, Effective June 18, 2015.
- g. DoD Instruction 6495.02 (Sexual Assault Prevention and Response (SAPR) Program Procedures), March 28, 2013, Incorporating Change 2, Effective July 7, 2015.
- h. Memorandum, Secretary of Defense, August 14, 2013, subject: Sexual Assault Prevention and Response.
- i. Manual for Courts-Martial, United States, Part IV Punitive Articles, 2012 Edition.
- j. Army Regulation (AR) 135-178 (Enlisted Administrative Separations), 18 March 2014.
- k. AR 600-20 (Army Command Policy), 6 November 2014.
- l. AR 635-200 (Active Duty Enlisted Administrative Separations), 6 June 2005, Incorporating Rapid Action Revision No. 3 Issued 6 September 2001.
- m. AR 690-700 (Personnel Relations and Services), chapter 751 (Discipline), 22 March 1985.

Enclosure