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MEMORANDUM FOR DISTRIBUTION C
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SUBJECT: Air Force Guidance Memorandum to AFI 36-2909, *Professional and Unprofessional Relationships*

By Order of the Secretary of the Air Force, this Air Force Guidance Memorandum immediately implements changes to AFI 36-2909, *Professional and Unprofessional Relationships*, dated 27 April 2018. Compliance with this memorandum is mandatory. To the extent its directions are inconsistent with other Air Force publications, the information herein prevails in accordance with AFI 33-360, *Publications and Forms Management*.

This Air Force Guidance Memorandum provides definitions pertaining to Article 93a, Uniform Code of Military Justice, regarding prohibited activities with military recruits or trainees by persons in positions of special trust. This guidance also revises provisions concerning the prohibition of retaliation against Airmen in accordance with Article 132, Uniform Code of Military Justice. Finally, this guidance changes the tier number specifying the waiver approval authority for this instruction's training requirement.

Failure to observe the mandatory provisions in paragraphs 2.3.7, 4.2.1, 5.1 and 5.2.1 of this instruction by Regular Air Force military members, Air Force Reserve military members on active duty or inactive duty for training, and Air National Guard members in Title 10 status is a violation of Articles 92, 93a, or 132 of the Uniform Code of Military Justice. Air National Guard members in Title 32 status performing full-time National Guard duty or inactive duty for training, who violate the mandatory provisions of this instruction, may be held accountable through similar provisions of their respective State Military Codes.

The authorities to waive wing/unit level requirements in this publication are identified with a Tier ("T-0, T-1, T-2, T-3") number following the compliance statement. See AFI 33-360, *Publications and Forms Management*, for a description of the authorities associated with the Tier numbers. Submit requests for waivers through the chain of command to the appropriate Tier waiver approval authority, or alternately, to the requestor's commander for non-tiered compliance items.

(REVISE) This Air Force Instruction implements Air Force Policy Directives 36-29, *Military Standards*, and 51-5, *Administrative Law, Gifts, and Command Relationships*.

(REVISE) 1.3. Training requirements. Commanders, judge advocates, first sergeants, and supervisors will familiarize themselves with this instruction and commanders will make certain all Air Force members are trained on this policy on an annual basis or more frequently. **(T-1).**

(ADD New) 4.1.3. Section 5542 of the Military Justice Act of 2016, division E of the National Defense Act for Fiscal Year 2016 prescribed Article 93a, Uniform Code of Military Justice (10 United States Code Section 893a). Article 93a, Uniform Code of Military Justice prohibits certain specified activities with military recruits or trainees by persons in positions of special trust. The following subparagraphs defines specific terms from Article 93a, Uniform Code of Military Justice.

(ADD New) 4.1.3.1. For the purposes of Article 93a(d)(1)(C) and Article 93a(d)(2)(A), Uniform Code of Military Justice, “training program for initial career qualification” includes entry-level or initial skills training as defined in this instruction. **(T-1).**

(ADD New) 4.1.3.2. For the purposes of Article 93a(d)(3), Uniform Code of Military Justice, an “applicant for military service” is a prospective member of the Armed Forces or prospect as defined in this instruction. **(T-1).**

(ADD New) 4.1.3.3. For the purposes of Article 93a(d)(4), Uniform Code of Military Justice, a “military recruiter” is a recruiter as defined in this instruction. **(T-1).**

(ADD New) 4.1.3.4. For purposes of Article 93a(d)(5), the following conduct is “prohibited sexual activity”:

(ADD New) 4.1.3.4.1. Any sexual act, as defined by Article 120, Uniform Code of Military Justice. **(T-1).**

(ADD New) 4.1.3.4.2. Any sexual contact, as defined by Article 120, Uniform Code of Military Justice. **(T-1).**

(REVISE) 4.2.1. Recruiters, and trainers who provide entry-level training, will not engage or attempt to engage in any of the following prohibited activities. *Failure by Regular Air Force members, Air Force Reserve members on active duty or inactive duty for training, and Air National Guard members in Title 10 status to obey the mandatory provisions in this paragraph and subparagraphs that do not otherwise constitute a violation of Article 93a, Uniform Code of Military Justice, in accordance with the definitions provided in paragraph 4.1.3 and its subparagraphs, constitutes a violation of Article 92, Uniform Code of Military Justice. Air National Guard members in Title 32 status performing full-time National Guard duty or inactive duty for training, who violate the mandatory provisions of this instruction, may be held accountable through similar provisions of their respective State Military Codes.*

(REVISE) 5.1. Prohibition on retaliation. Air Force members shall not retaliate against any person, ostracize a military member, or maltreat any person. **(T-0).** *Failure by Regular Air Force members, Air Force Reserve members on active duty or inactive duty for training, and Air National Guard members in Title 10 status to obey the mandatory provisions in this paragraph and subparagraphs that do not otherwise constitute a violation of Article 132, Uniform Code of Military Justice, constitutes a violation of Article 92 of the Uniform Code of Military Justice. Air National Guard members in Title 32 status performing full-time National Guard duty or inactive duty for training, who violate the mandatory provisions of this*

instruction, may be held accountable through similar provisions of their respective State Military Codes.

(REVISE) 5.1.1. Retaliation. Retaliation is a prohibited personnel action where an Air Force member wrongfully takes or threatens to take an adverse personnel action against any person, or wrongfully withholds or threatens to withhold a favorable personnel action with respect to any person, with the intent to: (a) retaliate against any person for reporting or planning to report a criminal offense, or making or planning to make a protected communication; or (b) discourage any person from reporting a criminal offense or making a protected communication.

(ADD New) References

National Defense Authorization Act for Fiscal Year 2017, 113 Public Law 114-328, 130 Stat. 2000, 2967 (2016).

This memorandum becomes void after one year has elapsed from the date of this memorandum, or upon publication of an Interim Change or rewrite of AFI 36-2909, whichever is earlier.

JEFFREY A. ROCKWELL
Lieutenant General, USAF
The Judge Advocate General

**BY ORDER OF THE
SECRETARY OF THE AIR FORCE**

AIR FORCE INSTRUCTION 36-2909

27 APRIL 2018



Personnel

**PROFESSIONAL AND
UNPROFESSIONAL RELATIONSHIPS**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This Air Force Instruction implements Air Force Policy Directive 36-29, *Military Standards*. In Chapter 1 and Chapter 2, this instruction establishes command, supervisory and personal responsibilities for maintaining professional relationships in the Air Force between Air Force members. Chapter 3 outlines the specific prohibitions that apply to officers. Chapter 4 implements Department of Defense Instruction 1304.33, *Protecting Against Inappropriate Relations During Recruiting and Entry Level Training*, by incorporating Department of Defense policy that defines professional and unprofessional relationships between recruiters and prospective military members, recruits, and applicants; and, between trainers, instructors, faculty and staff of entry-level training, and the trainees, students and cadets who are in entry-level training. Chapter 5 incorporates requirements from the Fiscal Year 2014 National Defense Authorization Act, Section 1709, which prohibits retaliation against a military member who has reported a criminal offense.

It is the responsibility of commanders and supervisors at all levels to ensure compliance with this instruction. This instruction applies to all Air Force members, to include: uniformed personnel in the Regular Air Force; uniformed personnel in the Air Force Reserve and Air National Guard except as provided in paragraph 1.2.11; Air Force civilian employees including employees of nonappropriated fund programs; and, government contract employees. **Failure to observe the mandatory provisions in paragraphs 2.3.7, 4.2.1, 5.1 and 5.2.1 of this instruction by Regular Air Force military members, Air Force Reserve military members on active duty or inactive duty for training, and Air National Guard military members in Title 10 status is a violation of Article 92 of the Uniform Code of Military Justice. Air National Guard members in Title 32 status performing full-time National Guard duty or inactive duty for**

training, who violate the mandatory provisions of this instruction, may be held accountable through similar provisions of their respective State Military Codes. Civilian employees are subject to administrative and/or disciplinary action for violations of the mandatory provisions of this instruction in accordance with Air Force Instruction 36-704, *Discipline and Adverse Actions* or Air Force Manual 34-310, *Nonappropriated Fund Personnel Program Management and Administration Procedures*, as applicable. Government contract employees are expected to uphold the requirements of this instruction in accordance with their statement of work.

This publication may be supplemented at any level, but all supplements must be routed to the Office of Primary Responsibility of this publication for coordination prior to certification and approval. Refer recommended changes and questions about this publication to the office of primary responsibility using the Air Force Form 847, *Recommendation for Change of Publication*; route Air Force Forms 847 from the field through the appropriate functional chain of command. The authorities to waive wing/unit level requirements in this publication are identified with a Tier (“T-0, T-1, T-2, T-3”) number following the compliance statement. See AFI 33-360, *Publications and Forms Management*, for a description of the authorities associated with the Tier numbers. Submit requests for waivers through the chain of command to the appropriate Tier waiver approval authority, or alternately, to the requestors commander for non-tiered compliance items. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with Air Force Manual 33-363, *Management of Records*, and disposed of in accordance with the Air Force Records Disposition Schedule in the Air Force Records Information Management System. This publication requires the collection and/or maintenance of information protected by Title 5 United States Code, Section 552a, *The Privacy Act of 1974*. The authorities to collect or maintain the records prescribed in the publication are Title 10 United States Code, Section 8013, *Secretary of the Air Force*; Executive Order 9397 (Social Security Number), as amended; and Air Force Instruction 36-2101, *Classifying Military Personnel (Officer and Enlisted)*. The applicable SORN, F036 AF PC C, *Military Personnel Records System*, is available at: <http://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/569821/f036-af-pc-c/>. The use of the name or mark of any specific manufacturer, commercial product, commodity, or service in this publication does not imply endorsement by the Air Force. Prior to publication, this instruction was provided to applicable national labor organizations for consultation in accordance with 5 U.S.C. § 7113.

SUMMARY OF CHANGES

This document has been substantially revised and must be completely reviewed. The revision incorporates new policy from Department of Defense Instruction 1304.33, *Protecting Against Inappropriate Relations During Recruiting and Entry Level Training*, 28 January 2015 (interim change 1, 5 April 2017) and Fiscal Year 2014, National Defense Authorization Act, Section 1741, which prohibit unprofessional relationships between recruiters-recruits and trainers-trainees in entry-level training; incorporates requirements from Fiscal Year 2014, National Defense Authorization Act, Section 1709, with respect to the prohibition on retaliation against military members who have reported a criminal offense; details roles and responsibilities; expands and clarifies the prohibitions and special considerations unique to officers; organizes the instruction into chapters; and provides relevant definitions in Attachment 1.

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Chapter 1

GENERAL GUIDELINES

1.1. General. Professional relationships are essential to the effective operation of all organizations, both military and civilian, but the nature of the military mission requires absolute confidence in command and an unhesitating adherence to orders that may result in personal inconvenience, hardships and, at times, injury or death. This distinction makes the maintenance of professional relationships in the military more critical than in civilian organizations. While personal relationships between Air Force members are normally matters of individual choice and judgment, they become matters of official concern when they adversely affect or have the reasonable potential to adversely affect the Air Force by eroding morale, good order, discipline, respect for authority, unit cohesion, or mission accomplishment. The needs of the institution will sometimes outweigh personal desires. The guidance in this instruction focuses on the impact of personal relationships on the interests of the Air Force as an institution.

1.2. Roles and responsibilities.

1.2.1. The Assistant Secretary of the Air Force for Manpower and Reserve Affairs (SAF/MR).

1.2.1.1. Serves as an agent of the Secretary and provides guidance, direction, and oversight for all matters pertaining to the formulation, review, and execution of plans, policies, programs, and budgets addressing military standards, in accordance with Air Force Policy Directive 36-29, *Military Standards*, paragraph 3.1.

1.2.1.2. Responsible for policy governing professional and unprofessional relationships between Air Force members, Air Force members and members of other uniformed services, Air Force members and civilian employees of the Department of Defense, Air Force members and government contractor employees, Air Force members and cadets, and Air Force members and prospective members of the Air Force.

1.2.2. The Judge Advocate General (AF/JA).

1.2.2.1. Develops, coordinates and executes personnel policy and procedural guidance for the management of professional and unprofessional relationships within the Air Force in accordance with federal law, Department of Defense issuances and policy set by the Secretary of the Air Force.

1.2.2.2. Responsible for ensuring personnel policy reflects standards that all Air Force members will refrain from relationships between Air Force members that violate the customary bounds of acceptable behavior, to include fraternization and other unprofessional relationships, due to the negative impact on good order, discipline, respect for authority, maintenance of unit cohesion, and mission accomplishment.

1.2.2.3. Approval authority for this instruction. Authority is delegated to AF/JA from the Secretary of the Air Force as an exception to the approval authority guidance in Air Force Instruction 36-8101, *Total Force Human Resource Management (HRM) Domain Governance*.

1.2.2.4. Ensures Staff Judge Advocates (SJAs) are trained to advise commanders and supervisors on the law and policy governing professional and unprofessional relationships in the Air Force.

1.2.2.5. The Administrative Law Directorate (AF/JAA).

1.2.2.5.1. On behalf of AF/JA, bears responsibility for the development and coordination of Air Force policy and procedural guidance for professional and unprofessional relationships by and between Air Force members in accordance with federal law, Department of Defense issuances and policy set by the Secretary of the Air Force and is the certifying authority for this instruction.

1.2.2.5.2. Coordinates with the Air Force Judge Advocate General's School to ensure Staff Judge Advocates are trained to advise commanders and supervisors on the law and policy governing professional and unprofessional relationships in the Air Force.

1.2.3. The Deputy Chief of Staff, Manpower, Personnel and Services (AF/A1). Coordinates, and executes personnel policy and procedural guidance for the management of military standards in collaboration with Chief, Air Force Reserve, while liaising with the Air National Guard, in accordance with Air Force Policy Directive 36-29, *Military Standards*, paragraph 3.2.

1.2.4. The Commander, Air Education and Training Command.

1.2.5.1. Develops, coordinates and executes training for the Air Force by ensuring that instruction for all Air Force members, on the concepts of unprofessional relationships and fraternization contained in this instruction, are made a part of the curricula for basic training, commissioning programs, technical training, advanced training and professional military education.

1.2.5.2. Ensures all Air Force instructors and staff, and trainees, students and cadets, are trained on the prohibition of unprofessional relationships between trainers and trainees listed in Chapter 4 and all administrative requirements outlined in paragraph 4.4 are met.

1.2.6. The Superintendent, United States Air Force Academy (USAFA).

1.2.6.1. Develops, coordinates and executes unprofessional and professional relationship training for all military and civilian personnel assigned to USAFA.

1.2.6.2. Ensures all USAFA faculty, staff and cadets are trained on the prohibition of unprofessional relationships between trainers and trainees listed in Chapter 4 and all administrative requirements outlined in paragraph 4.4 are met.

1.2.7. The Commander, Air Force Recruiting Service.

1.2.7.1. Develops, coordinates and executes training for the Air Force by ensuring that instruction on the concepts of unprofessional relationships and fraternization are made a part of initial and periodic instruction for all military and civilian recruiters.

1.2.7.2. Ensures all Air Force recruiters and recruits are trained on the prohibition on unprofessional relationships between recruiters and recruits listed in Chapter 4 and all administrative requirements outlined in paragraph 4.5 are met.

1.2.8. **Commanders, first sergeants and supervisors.** Commanders must act swiftly and effectively to investigate any allegations of unprofessional relationships within their unit and, if the allegations are substantiated, to take corrective action. Working with first sergeants and supervisors, commanders must actively discourage unprofessional relationships and create a command climate that encourages the formation of professional relationships within the unit. Equally, commanders must discourage unprofessional relationships as harmful to good order, discipline, unit cohesion, morale, and unit effectiveness.

1.2.8.1. **Actions in response to unprofessional relationships.** If a relationship is prohibited by this instruction or is causing a degradation of morale, good order, discipline or unit cohesion, a commander or supervisor should take appropriate corrective action.

1.2.8.1.1. **Administrative action.** The full spectrum of administrative actions is available and should be considered. Administrative actions include, but are not limited to, counseling, admonishment, reprimand, creation of an unfavorable information file, control roster, removal from position, reenlistment denial, reassignment, demotion, delay of or removal from a promotion list, adverse or referral comments in performance reports, and administrative separation. One or more complementary actions may be taken. Counseling is often an effective first step in curtailing unprofessional relationships. If counseling is ineffective, commanders may also lawfully order members to cease an unprofessional relationship or refrain from certain conduct. Violations of such orders may result in disciplinary action under Article 92 of the Uniform Code of Military Justice; however, an order is not required to hold the member accountable for dereliction of duty, if the facts support that avenue.

1.2.8.1.2. **Nonjudicial punishment or court-martial.** More serious cases may warrant nonjudicial punishment proceedings or court-martial. Court-martial is generally only appropriate in aggravated cases where an unprofessional relationship causes significant degradation in morale, discipline, respect for authority, or the mission of the Air Force. Instances of actual favoritism, partiality, or misuse of grade or position may constitute independent violations of the Uniform Code of Military Justice.

1.2.8.1.3. **Administrative discharge.** Administrative discharge processing must be initiated for a substantiated violation of paragraphs 4.2.1.1, 4.2.1.2, 4.2.1.3, and 4.2.1.4, of this instruction, by any Air Force recruiter or trainer providing entry-level training. **(T-0)** For further guidance, see paragraph 4.6. Administrative discharge may be pursued for other substantiated violations of this instruction where a valid basis for discharge exists. See Air Force Instruction 36-3206, *Administrative Discharge Procedures for Commissioned Officers*; Air Force Instruction 36-3207, *Separating Commissioned Officers*; Air Force Instruction 36-3208, *Administrative Separation of Airmen*; or, Air Force Instruction 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*.

1.2.8.1.4. Civilian employees who engage in unprofessional relationships as defined in this instruction or in AFI 36-703, *Civilian Conduct and Responsibility*, may be subject to disciplinary action up to and including removal when the unprofessional relationship impedes the efficiency of the service or adversely affects the mission.

Appropriate corrective action should be taken in accordance with AFI 36-704, *Discipline and Adverse Actions* and AFMAN 34-310, *Nonappropriated Fund Personnel Management and Administration Procedures*.

1.2.9. Judge Advocates. Advise Commanders, first sergeants and supervisors, at all levels, on Air Force policy governing unprofessional relationships between Air Force members, Air Force members and members of other uniformed services, Air Force members and civilian employees of the Department of Defense, Air Force members and government contractor employees, Air Force members and cadets, and Air Force members and prospective members of the Air Force.

1.2.10. All Air Force members. All Air Force members share the responsibility for maintaining professional relationships. However, the senior member (officer, enlisted or civilian) in a personal relationship bears primary responsibility for maintaining the professionalism of that relationship. Leadership requires the maturity and judgment to avoid relationships that undermine respect for authority or impact negatively on morale, good order, discipline, or the mission of the Air Force. This is especially true of officers, civilians, and noncommissioned officers who are required to exhibit the highest standards of professional conduct and lead by example. The senior member in a relationship is in the best position to appreciate the effect of that particular relationship on an organization and in the best position to terminate or limit the extent of the relationship. However, all Air Force members should expect to be and should be held accountable for the adverse impact of their conduct on the Air Force as an institution.

1.2.11. Air Reserve and Air National Guard component personnel. In applying the principles set out in this instruction to Air Reserve and Air National Guard personnel, when not performing active duty, full-time National Guard or Reserve duty, or inactive duty training, commanders, first sergeants, and supervisors should tailor the application and enforcement of the principles to appropriately address the unique situations that may arise from part-time service in an Air Reserve or Air National Guard component.

1.3. Training requirements. Commanders, judge advocates, first sergeants, and supervisors will familiarize themselves with this instruction and commanders will make certain all Air Force members are trained on this policy on an annual basis or more frequently. **(T-0).**

Chapter 2

PROFESSIONAL AND UNPROFESSIONAL RELATIONSHIPS

2.1. Professional relationships. Professional relationships are those interpersonal relationships that reflect Air Force standards of conduct and the Air Force core values. Effective professional relationships enhance morale, unit cohesion, good order and discipline and improve the operational environment while, at the same time, preserve proper respect for authority and focus on the mission. Air Force members are encouraged to communicate freely with their superiors regarding their careers, performance, duties and missions. In addition, Air Force members are encouraged to seek mentors to build professional relationships both inside and outside of their direct chain of command or functional area of expertise. Participation by Air Force members in organizational activities, unit-sponsored events, intramural sports, chapel activities, community welfare projects, youth programs and the like can enhance morale and contribute to unit cohesion.

2.2. Unprofessional relationships. Relationships are unprofessional, whether pursued on or off duty, when the relationship detracts from the authority of superiors or results in (or reasonably creates the appearance of) favoritism, misuse of office or position, or the abandonment of organizational goals for personal interests. Unprofessional relationships can exist between officers, between enlisted members, between officers and enlisted members, between military personnel and civilian employees, or between Air Force members and contractor personnel. Fraternalism is a unique form of unprofessional relationship and is discussed in more detail in Chapter 3. All relationships, whether pursued on or off duty, are prohibited if the relationship:

- 2.2.1. Compromises, or reasonably appears to compromise, the integrity of the supervisory authority or the chain of command.
- 2.2.2. Causes actual or reasonable perception of favoritism, partiality, or unfairness.
- 2.2.3. Involves, or reasonably appears to involve, the improper use of grade or position for personal gain or demonstrates the abandonment of organizational goals for personal interests.
- 2.2.4. Is, or is reasonably perceived to be, exploitive or coercive in nature.
- 2.2.5. Creates an actual or reasonably foreseeable adverse impact on good order, discipline, authority, morale, or command's ability to accomplish its mission.

2.3. Avoiding unprofessional relationships. Military experience has shown that certain kinds of personal relationships present a high risk of becoming unprofessional. Personal relationships that are not initially unprofessional may become unprofessional when facts or circumstances change. For example, a close personal relationship between officers or between enlisted members can easily become unprofessional if one member becomes the commander, supervisor, or rater of the other. Air Force members must be sensitive to the formation of these personal relationships, as well as the possibility that relationships that are not initially unprofessional may become so due to changed circumstances. The rules regarding personal relationships must be somewhat elastic to accommodate differing conditions and operational necessities; however, the underlying standard is that Air Force members are expected to avoid those relationships that negatively affect morale, good order and discipline, respect for authority, and unit cohesion. When economic constraints or operational requirements place senior and junior members in

close proximity with one another (such as combined ranks or joint use clubs, joint recreational facilities, or mixed officer/enlisted housing areas) Air Force members are, nevertheless, expected to maintain professional relationships. The mere fact that maintaining professional relationships may be more difficult under certain circumstances does not relieve a member from the responsibility to maintain Air Force standards.

2.3.1. Relationships within an organization. Familiar relationships between members in which one member exercises supervisory or command authority over the other can easily be or become unprofessional. Similarly, differences in grade increase the risk that a relationship will be, or will be perceived to be unprofessional, because senior members in military organizations normally exercise authority or some direct or indirect organizational influence over the duties and careers of more junior members. The potential for an abuse of authority is always present. The ability of the senior member to influence, directly or indirectly, assignments, promotion recommendations, duties, awards, and other privileges and benefits, places both the senior member, and the junior member in vulnerable positions. Once established, such relationships often do not go unnoticed by other members of a unit. Unprofessional relationships, including fraternization, between members of different services, particularly in joint service operations, can have the same impact on morale, discipline, respect for authority and unit cohesion as if the members were assigned to the same service and must be avoided.

2.3.2. Relationships with government contractor personnel. Contractor personnel are an integral part of Air Force and contribute directly to readiness and mission accomplishment. Consequently, Air Force members have a duty to maintain professional relationships with government contractor personnel, particularly those whom they supervise or direct, and to avoid relationships that adversely affect or reasonably can adversely affect morale, discipline, and respect for authority or that violate law or regulation.

2.3.3. Dating and close friendships. Dating, courtship, and close friendships between Air Force members are subject to the same policy considerations as are other relationships. Like any personal relationship, they become matters of official concern when they adversely affect morale, discipline, unit cohesion, respect for authority, or mission accomplishment. Dating and close friendships may adversely affect morale and discipline, even when the members are not in the same chain of command, unit, military service, or component. The formation of such relationships between superiors and subordinates within the same chain of command or supervision is prohibited because such relationships invariably raise the perception of favoritism or misuse of position and erode morale, discipline and unit cohesion.

2.3.4. Cases involving sexual relationships. Sexual relationships between Air Force members are subject to the same policy considerations as are other relationships. However, unprofessional relationships that include sexual activity have increased potential to significantly degrade unit cohesion, respect for authority in a unit and mission accomplishment. When an unprofessional relationship includes evidence of sexual acts, the entirety of the unprofessional relationship and its adverse impact on the unit should be considered when determining an appropriate disposition unless discharge is required. When a relationship has had an adverse impact on the Air Force, the unprofessional relationship should not be excused simply because the parties to the unprofessional relationship subsequently marry, change status, or one of the parties leaves the Service.

2.3.5. **Shared activities.** Sharing living accommodations, vacations, transportation, and off duty interests on a frequent or recurring basis can be, or could reasonably be perceived to be, an unprofessional relationship. These types of arrangements often lead to claims of abuse of position or favoritism. It is often the frequency of these activities or the absence of any official purpose or organizational benefit which causes them to become, or reasonably perceived to be, unprofessional relationships. While an occasional round of golf, game of basketball or similar activity between a supervisor and a subordinate could constitute a professional relationship, daily or weekly activities could result in the perception of an unprofessional relationship. Similarly, while it might be appropriate for a first sergeant to play golf with a different group of officers from his or her organization each weekend in order to get to know them better, playing with the same officers every weekend might be, or reasonably perceived to be, an unprofessional relationship.

2.3.6. **Recruiting, training, schools and professional military education.** Personal relationships between recruiters and prospective military members, applicants and recruits during the recruiting process or between students and faculty or staff in entry-level training, training schools or professional military education settings are generally prohibited. These interpersonal relationships are especially susceptible to abuse of position, partiality or favoritism, or can easily create the appearance of such. This is particularly true during the officer and enlisted recruiting and accessions process, and in the officer and enlisted entry-level training environment, because the trainee, student or cadet is often unfamiliar with Air Force standards and dependent on the senior member, and the senior member is in a position to directly affect, positively or negatively, the career of the junior member. Consequently, additional, specially tailored rules exist for the recruiting and training environments and are discussed in Chapter 4 of this instruction.

2.3.7. **Treatment, care, and counseling.** Persons undergoing medical or psychological treatment or care, or receiving medical, psychological, pastoral, legal, or other counseling, or other support services through the Sexual Assault Prevention and Response or the Family Advocacy Programs, may be dependent on, and therefore vulnerable to, those providing such services. Air Force members or contractors providing treatment, care and counseling have a duty to refrain from using their position to gain any personal benefit from persons who are receiving their services. In particular, personnel while providing such services will not seek or engage in sexual activity with, make sexual advances to, or accept sexual overtures from persons who are receiving or have received their services or the dependent family members of those receiving or have received their services. **Failure by Regular Air Force members, Air Force Reserve members on active duty or inactive duty for training, and Air National Guard members in Title 10 status to obey the mandatory provisions in this paragraph constitutes a violation of Article 92 of the Uniform Code of Military Justice. Air National Guard members in Title 32 status performing full-time National Guard duty or inactive duty for training, who violate the mandatory provisions of this instruction, may be held accountable through similar provisions of their respective State Military Codes.**

2.3.8. **Relationships prohibited by the *Joint Ethics Regulation*.** Some relationships between Air Force members may violate the ethical provisions outlined in Department of Defense 5500-7.R, *Joint Ethics Regulation*. A relationship between Air Force members that violates a prohibition in the *Joint Ethics Regulation* is unprofessional.

2.3.8.1. **Limitation on solicited sales.** Per *Joint Ethics Regulation*, subsection 2-205, Air Force members shall not knowingly solicit or make solicited sales to other Air Force members who are junior in rank, grade or position, or to the family members of such personnel, on or off duty. In the absence of coercion or intimidation, this does not prohibit the sale or lease of an Air Force member's noncommercial personal or real property or commercial sales solicited and made in a retail establishment during off duty employment. The posting of an advertisement in accordance with Federal Government building management policies does not constitute solicitation for purposes of this section. See also Title 5 of the Code of Federal Regulation, Part 3601.106.

2.3.8.2. **Commercial dealings involving military and civilian employees.** *Joint Ethics Regulation*, subsection 5-409, further clarifies the limitation on the solicited sales provision in *Joint Ethics Regulation*, subsection 2-205:

2.3.8.2.1. An Air Force member shall not make a solicited sale of insurance, stocks, mutual funds, real estate, cosmetics, household supplies, vitamins, or other goods or services, to another Air Force member who is junior in rank, grade or position, or to family members of such personnel, on or off duty. Both the act of soliciting and the act of selling as a result of soliciting are prohibited. Sales made because a junior member approaches the senior military or civilian member and requests the sale to be made are not prohibited, absent coercion or intimidation by the senior military or civilian member.

2.3.8.2.2. Personal commercial solicitations by the spouse or other household dependent of an Air Force member to those who are junior in rank, grade, or position to the Air Force member, may give rise to the appearance that the Air Force member is using his public office for personal gain. When a spouse or household dependent of an Air Force member engages in such activity, the supervisor of the Air Force member must consult an Ethics Counselor, and counsel the member that such activity should be avoided where it may: (1) cause actual or perceived partiality or unfairness; (2) involve the actual or apparent use of rank or position for personal gain; or (3) otherwise undermines good order, discipline, morale, or authority.

2.3.9. **Conduct on social media and other digital mediums.** Air Force members interact with individuals through many forms of communication, including face-to-face, telephone, letter, e-mail, text messages, social networking services, social media, and online dating sites. Social networking services include weblogs, message boards, file sharing (e.g., photos, videos, and documents), and social networking sites, (e.g., YouTube, Facebook, Twitter, Snapchat), which are web-based services that provide digital platforms for personal correspondence and file sharing. Regardless of the method of communication used, Air Force standards must be observed at all times, both on and off duty. Air Force members have an obligation to maintain appropriate communication and conduct between officer and enlisted personnel, peers, superiors, and subordinates (to include civilian superiors and subordinates) whether the communication is via a social networking service or other forms of communication, such as e-mail, instant messaging, or texting.

2.3.10. **Family relationships.** Family relationships among military members may be by blood, legal adoption or marriage. For many members, service in the military is a family tradition and members of the same family often serve in the military at the same time. To the

extent that members of the same family serve in the military, with one member of superior rank, grade or position to the other, flexibility should be afforded to those relationships within the standards described in this instruction. All members, regardless of familial relation, are expected to respect customs and courtesies observed by members of different grades when they are on duty, in uniform in public, or at official social functions.

2.3.11. **Other relationships and activities.** Other relationships, not specifically addressed above, can, depending on the circumstances, lead to actual or perceived favoritism or preferential treatment and, if so, should be avoided.

2.4. Relationship of unprofessional conduct to other provisions of the Uniform Code of Military Justice. All military members are subject to lawful orders. When a military member has been lawfully ordered to cease an unprofessional relationship or refrain from certain conduct, the military member is subject to prosecution under the Uniform Code of Military Justice for violation of the order under Article 92, Failure to Obey a Lawful Order. Similarly, all military members are subject to prosecution for criminal offenses committed incidental to an unprofessional relationship (e.g., adultery, maltreatment, etc.).

Chapter 3

SPECIFIC PROHIBITIONS RELATING TO OFFICERS

3.1. General. The guidance set forth in this chapter is based, in part, on the custom prohibiting fraternization that has been an integral part of and enforced within the American military for over 200 years. Unprofessional relationships between officers and enlisted members can be especially damaging to unit morale, good order and discipline in the unit, and mission accomplishment. In addition, unprofessional relationships can compromise the standing of officers in the unit. Consequently, officers have an ethical and a legal obligation to avoid certain relationships and activities with enlisted members. Officers must not engage in any activity with an enlisted member that reasonably may prejudice good order and discipline, discredit the armed forces or compromise the officer's standing. An officer who engages in an unprofessional relationship with an enlisted member may be subject to prosecution under the Uniform Code of Military Justice, as detailed below.

3.1.1. Fraternization. Fraternization is a unique type of unprofessional relationship between an officer and enlisted member that is specifically criminalized in the Manual for Courts-Martial under Article 134, *Fraternization* (Manual for Courts-Martial (2016), Pt IV, Para. 83). Fraternization exists when a relationship between an officer and an enlisted member puts the enlisted member on terms of military equality with the officer in such a way that prejudices good order and discipline in the armed forces or is of a nature to bring discredit upon the armed forces. This custom of the service recognizes that officers will not form personal relationships with enlisted members on terms of military equality, whether on or off duty. Whether the contact or association constitutes fraternization depends on the surrounding circumstances. Factors to be considered include whether the conduct has compromised the chain of command, resulted in the appearance of partiality, or otherwise undermined good order, discipline, authority, or morale. The prohibition on fraternization extends beyond organizational and chain of command lines to include members of different services or different Air Force components. In short, it extends to all officer and enlisted relationships.

3.1.1.1. When fraternization occurs, the officer will be held primarily responsible, and is the only member subject to disciplinary action for fraternization. However, an enlisted member involved in consensual fraternization is still engaged in an unprofessional relationship and is likewise subject to discipline under Article 92, Uniform Code of Military Justice, for violation of this regulation (see paragraphs 2.2. and 2.3).

3.1.2. Failure to obey a lawful order. Officers and enlisted members are subject to lawful orders. When an officer or enlisted member has been lawfully ordered to cease an unprofessional relationship or refrain from certain conduct, the member is subject to prosecution under Article 92, Uniform Code of Military Justice, for violations of the order.

3.1.3. Dereliction of duty. A duty may be imposed on an officer or enlisted member by treaty, statute, regulation, lawful order, standard operating procedure or custom of the service. *Air Force Instruction 36-2909 is a lawful regulation and creates the basis for a military duty.* An officer or enlisted member who knew or reasonably should have known of a duty or who performs a duty in a culpably inefficient manner may be held accountable under Article 92, Uniform Code of Military Justice, for failure to perform his or her duties.

3.1.4. **Conduct unbecoming an officer.** Officers are accountable for conducting themselves at a higher standard of personal and professional behavior. A failure by an officer to maintain this higher standard, by engaging in an unprofessional relationship, may constitute a violation of Article 133, Uniform Code of Military Justice, *Conduct Unbecoming an Officer*. The Manual for Courts-Martial defines conduct unbecoming an officer as "...action or behavior in an official capacity which, in dishonoring or disgracing the person as an officer, seriously compromises the officer's character as a gentleman, or action or behavior in an unofficial or private capacity which, in dishonoring or disgracing the officer personally, seriously compromises the person's standing as an officer. There are certain moral attributes common to the ideal officer and the perfect gentleman, a lack of which is indicated by acts of dishonesty, unfair dealing, indecency, indecorum, lawlessness, injustice, or cruelty."

3.2. Specific prohibitions. Officers are specifically prohibited from the following actions and may be held accountable through the Uniform Code of Military Justice articles listed in paragraphs 3.1.1-3.1.4, or any other applicable punitive article (**Note: *Failure by Regular Air Force members, Air Force Reserve members on active duty or inactive duty for training, and Air National Guard members in Title 10 status to obey the mandatory provisions in this paragraph and subparagraphs constitutes a violation of Article 92, Uniform Code of Military Justice. Air National Guard members in Title 32 status performing full-time National Guard duty or inactive duty for training, who violate the mandatory provisions of this instruction, may be held accountable through similar provisions of their respective State Military Codes.***):

3.2.1. **Officers will not gamble with enlisted members.**

3.2.2. **Officers will not lend money to, borrow money from or otherwise become indebted to enlisted members.** This prohibition does not apply to infrequent, non-interest-bearing loans of small amounts to meet exigent circumstances.

3.2.3. **Officers will not date or engage in sexual relations with enlisted members.** Dating as set out here includes not only traditional, prearranged, social engagements between two members, but also includes contemporary social activities that may reasonably be perceived as a substitute to traditional dating. When evidence of fraternization exists, the fact that an officer and enlisted member subsequently marry does not preclude appropriate command action based on prior fraternization that violates this paragraph.

3.2.3.1. **Officer-Enlisted marriages, generally.** Officer-enlisted marriages entered into while the spouses were in officer or enlisted status, respectively, may constitute fraternization if the marriage has compromised the chain of command, resulted in the appearance of partiality, or otherwise undermined good order, discipline, authority, or morale. An officer-enlisted marriage may subject the officer to potential disciplinary action under the UCMJ articles listed in paragraphs 3.1.1-3.1.4 and any other applicable punitive article.

3.2.3.2. **Officer-Enlisted marriages entered into prior to either spouse acquiring officer status.** Officer-enlisted marriages that occurred prior to either spouse acquiring officer status are less likely to constitute fraternization. The following are examples: officer-enlisted marriages created by the commissioning of civilians married to enlisted members, by the commissioning of enlisted members married to other enlisted members, and that result from force reductions and nonselection for promotion of some officers

who then reverted to enlisted status. Regardless of how the officer-enlisted marriage came to be, married members are expected to respect all customs and courtesies observed by members of different grades when they are on duty, in uniform in public, or at official social functions.

3.2.4. Officers will not share living accommodations with enlisted members except when required to accomplish a military operation. The exigency of a military operation may require shared living accommodations between officers and enlisted members and commanders in charge of such military operations must assess the military necessity for shared accommodations in accordance with the commander's responsibility as outlined in paragraph 1.2.8.

3.2.5. Officers will not engage, on a personal basis, in business enterprises with enlisted members, or solicit or make solicited sales to enlisted members. See paragraph 2.3.8 of this instruction for more detail on the Joint Ethics Regulation and prohibitions on solicited sales and commercial dealings.

Chapter 4

PROHIBITION AGAINST INAPPROPRIATE RELATIONS DURING RECRUITING AND ENTRY LEVEL TRAINING

4.1. Recruiting, entry-level processing, and entry-level training. The first impression that most prospective Air Force members form of the Air Force is through contact with an Air Force military or civilian recruiter. This experience is a critical first step in the development of prospective Air Force members because the recruiter establishes expectations about all aspects of life in the Air Force. In addition, the relationship provides the prospective Air Force members the first example of Air Force core values and standards of conduct. Once a prospective Air Force member gains acceptance and enters the Air Force, the next critical developmental steps are entry-level processing and entry-level training. The positive attitude, approach to professionalism, demonstration of proper professional relationships, and reflection of the Air Force core values by recruiters and trainers in these steps are critical to shaping new Air Force members. These critical developmental steps must not be compromised by unprofessional relationships between recruiters and prospective Air Force members or recruits; nor between trainers and trainees, students, or cadets.

4.1.1. Air Force members should treat prospective Air Force members, applicants, recruits, cadets, students, and trainees with dignity and respect as they pursue their aspirations of serving in the military. Air Force policy prohibits inappropriate relationships between recruiters and prospects, applicants, and/or recruits and between trainers providing entry-level training and trainees, students and cadets.

4.1.2. Unprofessional relationships and prohibited activities, as defined in this instruction, between recruiters and prospective Air Force members, applicants, and/or recruits and between trainers providing entry-level training and trainees, students, and/or cadets, are not permitted and appropriate action should be taken.

4.2. Prohibited activities between recruiter-recruits and trainer-trainees. Prohibited activities of a military or civilian recruiter when dealing with a prospective Air Force member, an applicant, or a recruit are outlined in paragraph 4.2.1. Prohibited activities of a military or civilian trainer providing entry-level training to a trainee, student or cadet are also outlined in paragraph 4.2.1. Prohibited activities for which a recruit or trainee, student, or cadet may be held accountable are outlined in paragraph 4.2.2. These prohibitions begin on the date of first contact between a prospective member of the Air Force and a recruiter, through accession and initial skills training, and for six months after the trainee, student or cadet completes initial skills training or ending on the date on which the member physically arrives at that member's first duty assignment following completion of initial entry training, whichever is later. The specific prohibitions in this chapter apply only to the Air Force recruiting and entry-level training environments. **(T-0).**

4.2.1. Recruiters, and trainers who provide entry-level training, will not engage or attempt to engage in any of the following prohibited activities. *Failure by Regular Air Force members, Air Force Reserve members on active duty or inactive duty for training, and Air National Guard members in Title 10 status to obey the mandatory provisions in this paragraph and subparagraphs constitutes a violation of Article 92, Uniform Code of Military Justice. Air National Guard members in Title 32 status performing full-time*

National Guard duty or inactive duty for training, who violate the mandatory provisions of this instruction, may be held accountable through similar provisions of their respective State Military Codes.

4.2.1.1. Develop or conduct a personal, intimate, or sexual relationship with a prospective Air Force member, an applicant, a recruit, a trainee, a student, or a cadet. This includes, but is 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 or via cards, letters, e-mails, telephone calls, instant messaging, video, photographs, social networking, texting, or any other means of communication.

4.2.1.2. Use grade or position, threats, pressure, or promise of return of favors or favorable treatment in an attempt to gain sexual favors from a prospective Air Force member, an applicant, a recruit, a trainee, a student, or a cadet.

4.2.1.3. Make sexual advances toward, or seek or accept sexual advances or favors from, a prospective Air Force member, an applicant, a recruit, a trainee, a student, or a cadet.

4.2.1.4. Allow entry of a prospective Air Force member, applicant, recruit, trainee, student, or cadet into their dwelling. Exceptions are permitted when the safety or welfare of the prospective member, applicant, recruit, trainee or student is at risk; or, to conduct official business, with command approval, in accordance with paragraph 4.5.

4.2.1.5. Establish a common household with a prospective Air Force member, an applicant, a recruit, a trainee, a student, or a cadet, that is, sharing 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.

4.2.1.6. Allow entry of a prospective Air Force member, applicant, recruit, trainee, student, or cadet into a recruiter's or trainer's privately-owned vehicle(s). Exceptions are permitted for official business or when the safety or welfare of recruit(s) or trainee(s) is at risk. When practicable, recruiters and trainers should travel in pairs when transporting a recruit or trainee in a privately-owned vehicle.

4.2.1.7. Provide alcohol to, or consume alcohol with, a prospective Air Force member, an applicant, a recruit, a trainee, a student, or a cadet, on a personal social basis.

4.2.1.8. Attend social gatherings, clubs, bars, theaters, or similar establishments; or, participate in sporting activities (e.g., golf, racquetball, bowling) on a personal social basis with a prospective Air Force member, an applicant, a recruit, a trainee, a student, or a cadet.

4.2.1.9. Gamble with a prospective Air Force member, an applicant, a recruit, a trainee, a student, or a cadet.

4.2.1.10. Lend money to, borrow money from, or otherwise become indebted to a prospective Air Force member, an applicant, a recruit, a trainee, a student, or a cadet.

4.2.1.11. Solicit donations from a prospective Air Force member, an applicant, a recruit, a trainee, a student, or a cadet.

4.2.1.12. Hire or otherwise employ or accept uncompensated personal services from a prospective Air Force member, applicant, recruit, trainee, student, or cadet (e.g., baby-sitting, maintenance jobs).

4.2.1.13. Accept personal goods, in an unofficial or personal capacity, from a prospective Air Force member, an applicant, a recruit, a trainee, a student, or a cadet for storage or any other reason.

4.2.1.14. Participate in closed-door discussions with a prospective Air Force member, applicant, recruit, trainee, student or cadet. The recruiter or trainer will keep doors open when meeting with a prospective Air Force member, applicant, recruit, trainee, student, or cadet except when:

4.2.1.14.1. There is another person at least 18 years of age present;

4.2.1.14.2. Based on the proximity of others, there is a need to protect personally identifiable, sensitive, or confidential information (closed-door sessions must be short in duration and will only last as long as needed to protect personal identifiable, sensitive or confidential information); or,

4.2.1.14.3. 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 that visitors are welcome.

4.2.1.15. **(Basic Military Training instructors only)** Attend technical training graduations without prior written approval from the instructor's squadron commander or higher.

4.2.1.16. **(Recruiters only)** Attend Basic Military Training or technical training graduations without prior written approval from the recruiter's squadron commander or higher.

4.2.1.17. Fraternize with a recruit, a trainee, a student or a cadet.

4.2.2. A recruit or a trainee, a student or a cadet in entry-level training will not:

4.2.2.1. Develop or conduct a personal, intimate, or sexual relationship with a recruiter or trainer. This includes, but is 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 or via cards, letters, e-mails, telephone calls, instant messaging, video, photographs, social networking, texting, or any other means of communication.

4.2.2.2. Establish a common household with a recruiter or trainer, that is, 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.

4.2.2.3. Consume alcohol with a recruiter or trainer on a personal social basis.

4.2.2.4. Attend social gatherings, clubs, bars, theaters, or similar establishments; or, participate in personal sporting activities (e.g., golf, racquetball, bowling), on a personal social basis with a recruiter or trainer.

4.2.2.5. Allow entry of any recruiter or trainer into their dwelling or privately-owned vehicles. Exceptions are permitted when the safety or welfare of a recruiter or trainer is at risk; or, to conduct official business. Recruiters may only enter dwellings for official business when a parent or guardian is present for the entirety of the visit and, if no parent or guardian is available, entering the dwelling is prohibited.

4.2.2.6. Gamble with a recruiter or trainer.

4.2.2.7. Make sexual advances toward, or seek sexual advances or favors from, a recruiter or trainer.

4.2.2.8. Lend money to, borrow money from, or otherwise become indebted to a recruiter or trainer.

4.3. Administrative requirements for recruiters and recruits. At a minimum and as required, recruits and recruiters will complete the following administrative actions. **(T-0)**. Commands may add requirements to this list.

4.3.1. Before performing recruiter duties, recruiters will sign a Department of Defense Form 2982, *Recruiter/Trainer Prohibited Activities Acknowledgment*, to acknowledge their understanding of the prohibitions listed in paragraph 4.2 of this instruction and their responsibilities to avoid the prohibited inappropriate behaviors and relations outlined in this chapter **(T-0)**. Recruiters will certify the form annually **(T-0)**. The form will be locally filed and, as a matter of Air Force policy, kept for five years **(T-1)**. DoD requires the form to be kept for at least one year **(T-0)**.

4.3.2. During the initial visit, recruiters will provide all prospective Air Force members with contact information that can be used to notify someone if they believe their recruiter has acted improperly **(T-0)**.

4.3.3. Prior to scheduling applicant for any processing with MEPS, recruiters must have recruits sign a Department of Defense Form 2983, *Recruit/Trainee Prohibited Activities Acknowledgment*, to acknowledge their understanding of the prohibitions listed in paragraph 4.2 of this instruction and their responsibilities to avoid the prohibited inappropriate behaviors and relations outlined in this chapter **(T-0)**. The Department of Defense Form 2983 will be filed in the recruit's personnel file and kept in accordance with system policy **(T-0)**.

4.3.4. 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 from their commander **(T-0)**. Higher level commanders may withhold this authority from subordinate commanders. Document all exceptions on Department of Defense Forms 2982 and/or 2983 as applicable.

4.4. Administrative requirements for trainers and trainees. At a minimum and as required, trainers who provide entry-level training, and trainees in entry-level training will complete the following administrative actions **(T-0)**. Commands may add requirements to this list.

4.4.1. Trainers providing entry-level training will sign a Department of Defense Form 2982 that acknowledges their understanding of the prohibitions listed in the subparagraphs of

paragraph 4.2 of this instruction and their responsibilities regarding the policies prohibiting inappropriate behaviors and relationships outlined in this instruction **(T-0)**. The form will be locally made, filed, and, as a matter of Air Force policy, kept for five years after the trainer has left the unit **(T-1)**. DoD requires the form to be kept for at least one year after the trainer has left the unit **(T-0)**.

4.4.2. At the onset of the first training session, trainers will brief trainees on the policies stated in this instruction and will provide information that trainees can use to contact someone in leadership if they wish to report any issue related to inappropriate conduct by the trainer. **(T-0)**.

4.4.3. Trainees will sign a Department of Defense Form 2983 to acknowledge their understanding and responsibilities as outlined in this instruction no later than the first day of entry-level training **(T-0)**. The form will be locally made, filed, and, as a matter of Air Force policy, kept for five years after the trainee has left the unit **(T-1)**. DoD requires the form to be kept for at least one year after the trainee has left the unit **(T-0)**.

4.4.4. Exceptions for trainers who provide entry-level training and trainees may be granted to accommodate relationships that existed before the trainee started entry-level training. These relationships include, but are not limited to, family members. Only the trainee's or trainer's commander, O-4 or higher, or higher-level authority, has the authority to approve these exceptions. Higher level commanders may withhold this authority from subordinate commanders. Trainers and trainees, students or cadets must request the exception in writing to their commander **(T-0)**. Document exceptions on the Department of Defense Form 2982.

4.5. Special considerations. The prohibited activities listed in paragraphs 4.2.1 and 4.2.2 of this instruction are not intended to eliminate all trainer and trainee, student, and cadet external classroom professional development and mentorship opportunities, as these opportunities are an important part of the learning process and lead to healthy mentoring relationships. Leaders are responsible for setting the right command climate and providing guidelines for outside the classroom mentoring, morale and welfare and team-building activities. Consistent with this philosophy the below exceptions apply:

4.5.1. The prohibitions listed in paragraphs 4.2.1 and 4.2.2 related to private dwellings, privately-owned vehicles, alcohol, social gatherings, and storage of personal goods do not apply to command-authorized programs such as the Air Force Academy's Cadet Sponsorship program or other similar social development programs within Reserve Officers Training Corps programs, which provide breadth and depth to the education of future leaders.

4.5.2. The prohibitions in paragraphs 4.2.1 and 4.2.2 related to private dwellings, alcohol and social gatherings also do not apply to command-authorized unit social or professional development events, such as unit dining in/out events, holiday receptions, or hail and farewell events, or inclusive group social functions, such as those by a wing, group, squadron, or element, to which all group members are invited.

4.6. Accountability for violations.

4.6.1. Violations of the specific prohibitions and requirements of this chapter by military personnel may result in prosecution under the Uniform Code of Military Justice, adverse administrative action, or discharge from active duty. Substantiated violations of the prohibitions outlined in paragraphs 4.2.1.1, 4.2.1.2, 4.2.1.3, and 4.2.1.4, of this instruction,

by any Air Force recruiter or trainer providing entry-level training, will require the offender to be processed for administrative discharge, unless the offender is otherwise punitively discharged or dismissed from the Air Force for the violation through Uniform Code of Military Justice prosecution (**T-0**). The requirement to initiate administrative discharge processing does not mean that the result of that processing must be administrative discharge; whether administrative discharge is appropriate depends upon the specific facts of each individual case. Commanders should consult paragraph 1.2.7 and the staff judge advocate for guidance on the full range of potential disciplinary actions. See Air Force Instruction 36-3206, *Administrative Discharge Procedures for Commissioned Officers*; Air Force Instruction 36-3207, *Separating Commissioned Officers*; Air Force Instruction 36-3208, *Administrative Separation of Airmen*; or, Air Force Instruction 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*.

4.6.2. Civilian recruiters, or civilian trainers providing entry-level training, who violate one or more of the subparagraphs of paragraph 4.2.1 of this instruction may be subject to disciplinary action up to removal. Organizations are reminded to fulfill applicable labor relations obligations before implementing this directive for civilian employees. Air Force organizations that have Air Force publications, supplements, or other guidance on this topic should review their policies and update them as required.

4.6.3. Contract employees who have had complaints of violations of paragraph 4.2 of this instruction made against them, the command to whom the contractor provides recruiting or training services will immediately contact the cognizant contracting officer for the contract who has authority to contact the contractor (**T-0**). 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 complaint of a violation of paragraph 4.2 by the contractor's employee is deemed a violation of the terms and conditions of the contractor's contract with the Air Force.

Chapter 5

PROHIBITION OF RETALIATION AGAINST AIRMEN

5.1. Prohibition on retaliation. Air Force members shall not retaliate against any person for reporting or planning to report a criminal offense, or making or planning to make a protected communication, or with the intent to discourage any person from reporting a criminal offense or making or planning to make a protected communication. **(T-0). *Failure by Regular Air Force members, Air Force Reserve members on active duty or inactive duty for training, and Air National Guard members in Title 10 status to obey the mandatory provisions in this paragraph constitutes a violation of Article 92 of the Uniform Code of Military Justice. Air National Guard members in Title 32 status performing full-time National Guard duty or inactive duty for training, who violate the mandatory provisions of this instruction, may be held accountable through similar provisions of their respective State Military Codes.***

5.1.1. **Retaliation.** Retaliation is taking or threatening to take an adverse personnel action, or withholding or threatening to withhold a favorable personnel action, with respect to a military member because the member reported a criminal offense.

5.1.2. **Ostracism.** Ostracism, which is a form of retaliation under this instruction, is wrongfully excluding a military member from social acceptance or membership in or association with a group of which such military member was a part or a reasonable person would conclude wanted to be a part, with the intent to do any of the following: (1) inflict emotional distress on the military member; (2) discourage reporting of a criminal offense or sexual harassment; or (3) otherwise discourage the due administration of justice concerning a criminal offense or sexual harassment; and, because the perpetrator knew or believed that (**Note:** Ostracism requires a nexus to military service):

5.1.2.1. The member reported or was planning to report a criminal offense or sexual harassment;

5.1.2.2. The member was a victim or alleged victim of a criminal offense or sexual harassment;

5.1.2.3. The member was reported by another as being a victim of a criminal offense or sexual harassment;

5.1.2.4. The member intervened to prevent or attempted to prevent a criminal offense or sexual harassment from occurring; or,

5.1.2.5. The member cooperated in an investigation or the member has served or will or may serve as a witness or otherwise cooperate in the future in a criminal, disciplinary, or administrative proceeding or investigation involving a criminal offense or sexual harassment.

5.1.3. **Maltreatment.** Maltreatment, which is a form of retaliation under this instruction, is treatment by peers or by other persons, that, when viewed objectively under all the circumstances, is cruel, abusive or otherwise unnecessary for any lawful purpose, that is done with the intent to discourage reporting of a criminal offense or otherwise discourage the due administration of justice because (**Note:** Maltreatment under this instruction is prohibited by the Fiscal Year 2014, National Defense Authorization Act (113 P.L. 66), Section 1709(b),

and does not require a senior-subordinate relationship as is required for maltreatment under Article 93, Uniform Code of Military Justice):

5.1.3.1. The individual reported a sex-related offense or sexual harassment or is believed to have reported a sex-related offense or sexual harassment;

5.1.3.2. The individual was the victim of a sex-related offense or sexual harassment or is believed to have been the victim of a sex-related offense or sexual harassment;

5.1.3.3. The individual was reported by another as being the victim of a sex-related offense or sexual harassment or is believed to have been reported by another as being the victim of a sex-related offense or sexual harassment;

5.1.3.4. The individual intervened, or attempted to intervene, to prevent or attempt to prevent a sex-related offense or sexual harassment or is believed to have intervened or attempted to intervene to prevent or attempt to prevent a sex-related offense or sexual harassment; or

5.1.3.5. The individual has cooperated or is believed to have cooperated in an investigation, has served as a witness, will or may serve as a witness, or is believed to have served as a witness, or it is believed that the individual will or may serve as a witness in the future in a criminal or disciplinary proceeding, or in an investigation, including an administrative investigation, involving a sex-related offense or sexual harassment.

5.1.4. **Personnel action.** Any action taken on a military member that affects or has the potential to affect that military member's current position or career. Such actions include promotion; disciplinary or other corrective action; transfer or reassignment; a performance evaluation; decisions concerning pay, benefits, awards, training, or relief and removal; separation; discharge; referral for mental health evaluations in accordance with Department of Defense Instruction 6490.04, *Mental Health Evaluations of Members of the Military Services*; and any other significant change in duties or responsibilities inconsistent with the military member's grade.

5.1.5. **Criminal Offense.** An act or omission punishable under the Uniform Code of Military Justice, or other federal, state or local criminal law.

5.2. Commander, first sergeant and supervisory responsibilities to prevent retaliation. Commanders, supervisors, and first sergeants, at all levels, have the authority and responsibility to ensure subordinates do not retaliate against an alleged victim or other military member who reports a criminal offense. Commanders, supervisors, and first sergeants have a duty to prevent retaliation and may be held accountable for failing to act in appropriate cases. **(T-0).**

5.2.1. **Actions in response to retaliation.** A commander or supervisor should take appropriate action if it is reasonable to believe retaliation has occurred. At a minimum, the member or members suspected of engaging in retaliation should be ordered to cease from engaging in any further retaliation. As soon as practicable, the alleged victim, or other military member who is believed to have been retaliated against, should be informed that the command is aware of the suspected act or acts of retaliation, and that the alleged offenders have been ordered to cease from engaging in any further retaliation. The individual retaliated

against should be advised to report any further acts of retaliation. *Failure by Regular Air Force members, Air Force Reserve members on active duty or inactive duty for training, and Air National Guard members in Title 10 status to obey the mandatory provisions in this paragraph constitutes a violation of Article 92 of the Uniform Code of Military Justice. Air National Guard members in Title 32 status performing full-time National Guard duty or inactive duty for training, who violate the mandatory provisions of this instruction, may be held accountable through similar provisions of their respective State Military Codes.*

5.3. Relationship of retaliation to Inspector General Complaints Resolution Program. Cases involving retaliation or allegations of retaliation should be evaluated to determine if they involve the following and, if so, the allegation must be immediately referred to the Inspector General Complaints Resolution Program in accordance with Air Force Instruction 90-301, *Inspector General Complaints Resolution (T-0)*:

5.3.1. Reprisal for making a protected communication in violation of Title 10 United States Code, Section 1034 (see Air Force Instruction 90-301) or,

5.3.2. Restriction from making lawful communications to a member of Congress or an Inspector General in violation of Title 10 United States Code, Section 1034 (see Air Force Instruction 90-301).

5.4. Questions regarding retaliation. Military members who have questions as to the application or interpretation of this policy should consult their commander. Commanders are highly encouraged to consult their staff judge advocates or servicing legal offices for assistance in interpretation.

CHRISTOPHER F. BURNE
Lieutenant General, USAF
The Judge Advocate General

Attachment 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

References

National Defense Authorization Act for Fiscal Year 2014 (113 P.L. 66), Sections 1709(b) and 1741

Department of Defense 5500.7-R subsection 2-205, *Limitation on Solicited Sales*

Department of Defense 5500.7-R subsection 5-409, *Commercial Dealings Involving DoD Employees*

Department of Defense Directive 7050.06, *Military Whistleblower Protection*, 17 April 2015

Department of Defense Directive 6495.01, *Sexual Assault Prevention and Response (SAPR) Program*, 23 January 2012 (incorporating change 2, 20 January 2015)

Department of Defense Instruction 1304.33, *Protecting Against Inappropriate Relations During Recruiting and Entry Level Training*, 28 January 2015 (incorporating change 1, 5 April 2017)

Department of Defense Instruction 6490.04, *Mental Health Evaluations of Members of the Military Services*, 4 March 2013

Department of Defense Instruction 6495.02, *Sexual Assault Prevention and Response (SAPR) Program Procedures*, 28 March 2013 (incorporating change 2, 7 July 2015)

Air Force Policy Directive 36-29, *Military Standards*, 24 September 2014

Air Force Instruction 33-360, *Publications and Forms Management*, 1 December 2015

Air Force Instruction 36-703, *Civilian Conduct and Responsibility*, 18 February 2014

Air Force Instruction 36-704, *Discipline and Adverse Actions*, 22 July 1994

Air Force Manual 34-310, *Nonappropriated Fund Personnel Program and Administration Procedures*, 28 September 2011

Air Force Instruction 36-3206, *Administrative Discharge Procedures for Commissioned Officers*, 9 June 2004 (incorporating change 7, 2 July 2013)

Air Force Instruction 36-3207, *Separating Commissioned Officers*, 9 July 2004 (incorporating change 6, 18 October 2011)

Air Force Instruction 36-3208, *Administrative Separation of Airmen*, 9 July 2004 (incorporating Change 7, 2 July 2013)

Air Force Instruction 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*, 14 April 2005 (incorporating change 3, 20 September 2011)

Air Force Instruction 90-301, *Inspector General Complaints Resolution*, 27 August 2015 (certified current, 8 July 2016)

Air Force Instruction 90-6001, *Sexual Assault Prevention and Response Program*, 21 May 2015 (incorporating change 1, 18 March 2016)

Air Force Manual 33-363, *Management of Records*, 1 March 2008 (incorporating change 2, 9 June 2016; certified current, 21 July 2016)

Adopted Forms

DD Form 2982, *Recruiter/Trainer Prohibited Activities Acknowledgment*

DD Form 2983, *Recruit/Trainee Prohibited Activities Acknowledgment*

AF Form 847, *Recommendation for Change of Publication*

Terms

Air Force members—Uniformed personnel in the Regular Air Force; uniformed personnel in the Air Force Reserve and Air National Guard except as provided in paragraph 1.2.11; Air Force civilian employees including civilian employees of nonappropriated fund programs; and, government contract employees.

Applicant—Any person who has commenced processing for enlistment or appointment in any of the Military Services by initiating a Department of Defense Form 1966, *Record of Military Processing - Armed Forces of the United States*, or comparable form.

At Risk—Air Force members whose health or safety is at risk due to inclement weather, unsafe setting, or other conditions that warrant immediate action.

Entry-Level Processing—Actions taken by recruiting personnel to effect the enlistment, commissioning, appointment, or selection of an Air Force applicant. Recruiting personnel include enlisted members, civilian employees or contractors, or commissioned officers whose duties include recruiting Air Force enlisted members, officers, or officer candidates, including recruiters, Air Force Reserve Officer Training Corps admission or liaison officers and Air Force Academy liaison officers. Entry-level processing also includes enlisted members, civilian employees or contractors, or officers performing duties at recruiting offices, Military Entrance Processing Station or Officer Training Program Examining Centers, where qualifying examinations are processed and interviews and drug abuse briefings are administered to applicants for training leading to enlistment or appointment into the Air Force.

Entry-Level or Initial Skills Training—Overarching terms for enlisted and officer training programs including, but not limited to: Basic Military Training, Enlisted Initial Skills training (a formal school course that results in an Air Force Specialty Code 3-skill level award), Air Force Reserve Officer Training Corps, Officer Training School (including Total Force Officer Training, Commissioned Officer Training, and Reserve Commissioned Office Training), United States Air Force Academy, and Officer Initial Skills Training (provides skill sets required to be successful in award of Air Force Specialty Code; skill sets range from technical to managerial skills; officer initial skills training may not be Air Force Specialty Code awarding, but is used in conjunction with experience, on-the-job training, and other supplemental training to provide required skill sets). *Note: entry-level or initial skills training includes the period beginning on the date on which the prospective member became a member of the Air Force and for six months after the trainee, following graduation from initial skills training, reports to his or her first permanent duty station of assignment or follow-on training program.*

Entry-Level Trainee—Any military or civilian member undergoing entry-level or initial skills training in a formal training course defined as “Entry-Level or Initial Skills Training.”

Entry-Level Trainer—Any military or civilian employee or civilian contractor who is responsible for planning, organizing, or conducting entry-level or initial skills training as part of a formal training course as defined above for “Entry-Level or Initial Skills Training.”

Prospective Member of the Armed Forces or Prospect—Any person who has expressed, to recruiting personnel, an interest in enlisting or receiving an appointment as a commissioned officer in a Military Service and who appears to possess, or who may in the future possess, the potential and qualifications for enlistment or appointment as a commissioned officer in said Military Service. An individual who expresses a loss of interest in enlistment or appointment as a commissioned officer will continue to be a prospect for the purpose of this instruction for a period of one year from the date they express this loss of interest to recruiting personnel. Individuals who possess the potential or qualifications for enlistment or appointment 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 as a commissioned officer but is permanently barred under existing regulations is not a prospect.

Recruit—An individual who has joined a Military Service to include military academy cadets, Reserve Officer Training Corps cadets who are under contract, and individuals in the Delayed Entry Program, Direct Accession Program or similar programs.

Recruiters—Any military or civilian employee or contractor whose primary duty is to recruit persons for military service regardless of program. Recruiters include, but are not limited to, Reserve Officer Training Corps admission or liaison officers, service academy liaisons and enlisted recruiters.

Substantiated Violation—A violation shall be treated as substantiated if there has been a court-martial conviction for a violation of the prohibited activities listed in paragraph 4.2, but the adjudged sentence does not include discharge or dismissal; if a nonjudicial punishment authority under Title 10 United States Code, Section 815 has determined that an Airman has committed an offense in violation of the prohibited activities listed in paragraph 4.2 and imposed nonjudicial punishment upon that member; if command authority has determined that an Airman has committed an offense in violation of the prohibited activities listed in paragraph 4.2 and issued a reprimand, admonition or counseling for such conduct; or, if there has been any substantiated adverse finding or conclusion from an officially documented investigation, proceeding, or inquiry conducted by competent military or civilian authorities, that a violation of one or more of the prohibited activities listed in paragraph 4.2 occurred. See paragraph 4.6.2 for discussion of civilian employees and paragraph 4.6.3 for discussion of civilian contractors.