



Department of Defense **INSTRUCTION**

NUMBER 1304.33

January 28, 2015

Incorporating Change 1, April 5, 2017

USD(P&R)

SUBJECT: Protecting Against Inappropriate Relations During Recruiting and Entry Level Training

References: See Enclosure 1

1. **PURPOSE.** In accordance with the authority in DoD Directive (DoDD) 5124.02 and the guidance in Secretary of Defense Memorandum to the Services, DoDD 1322.18, DoD Instruction (DoDI) 6495.02, and section 1741 of Public Law 113-66 (References (a)-(e)), this instruction establishes policies, assigns responsibilities, and provides direction to prohibit inappropriate relations between recruiters and recruits, and trainers and trainees.

2. **APPLICABILITY.** This instruction applies to the OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this instruction as the “DoD Components”).

3. **POLICY.** It is DoD policy that:
 - a. Consistent and standardized protections will be established across DoD Components to ensure that current and future policies and instructions prohibit inappropriate relations between recruiters and recruits, and trainers providing entry-level training and trainees.

 - b. The Military Services will treat each recruit and each trainee with dignity and respect as they pursue their aspiration of serving in the military.

 - c. Inappropriate relationships and prohibited activities between recruits and recruiters and between trainers providing entry-level training and trainees, as defined in this instruction, will not be tolerated and corrective action will be taken, as appropriate.

 - d. If an allegation of sexual assault occurs, it must be reported to either the Sexual Assault Prevention and Response Victim Advocate community as a Restricted Report in accordance with

Reference (d) and DoDD 6495.01 (Reference (f)), or a military criminal investigative organization in accordance with section 1743 of Reference (e) and DoDI 5505.18 (Reference (g)).

4. RESPONSIBILITIES. See Enclosure 2.

5. PROCEDURES. See Enclosure 3.

6. RELEASABILITY. **Cleared for public release.** This instruction is available on the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

7. SUMMARY OF CHANGE 1. The changes to this issuance are administrative and update organizational titles and references for accuracy.

8.. EFFECTIVE DATE. This instruction is effective January 28, 2015.


Jessica L. Wright
Under Secretary of Defense for
Personnel and Readiness

Enclosures

1. References
2. Responsibilities
3. Procedures

Glossary

TABLE OF CONTENTS

ENCLOSURE 1: REFERENCES.....4

ENCLOSURE 2: RESPONSIBILITIES.....5

 ASSISTANT SECRETARY OF DEFENSE FOR MANPOWER AND RESERVE AFFAIRS
 (ASD(M&RA)).....5

 SECRETARIES OF THE MILITARY DEPARTMENTS.....5

ENCLOSURE 3: PROCEDURES.....6

 RECRUITING AND TRAINING PROCESSES6

 Prohibited Activities6

 Administrative Actions8

 Special Consideration9

 PUNISHMENT FOR VIOLATORS9

GLOSSARY11

 PART I: ABBREVIATIONS AND ACRONYMS11

 PART II: DEFINITIONS.....11

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008
- (b) Secretary of Defense Memorandum to the Military Department Secretaries, "Sexual Assault Prevention and Response," August 14, 2013
- (c) DoD Directive 1322.18, "Military Training," January 13, 2009
- (d) DoD Instruction 6495.02, "Sexual Assault Prevention and Response (SAPR) Program Procedures," March 28, 2013, as amended
- (e) Public Law 113-66, "National Defense Authorization Act for Fiscal Year 2014," December 26, 2013
- (f) DoD Directive 6495.01, "Sexual Assault Prevention and Response (SAPR) Program," January 23, 2012, as amended
- (g) DoD Instruction 5505.18, "Investigation of Adult Sexual Assault in the Department of Defense," January 25, 2013, as amended
- (h) Section 815 of Title 10, United States Code

ENCLOSURE 2

RESPONSIBILITIES

1. ASSISTANT SECRETARY OF DEFENSE FOR MANPOWER AND RESERVE AFFAIRS (ASD(M&RA)). Under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), the ASD(M&RA):

- a. Provides policy and oversight to implement requirements established in this instruction.
- b. Coordinates reviews and updates to this instruction with the Secretaries of the Military Departments to strengthen commander accountability, command climate, victim advocacy, and safety.
- c. Ensures U.S. Military Entrance Processing Command assists the Military Services in implementing the standards of this instruction.
- d. Acts as an advisor to the USD(P&R) on Reserve Components concerns regarding this policy.
- e. Provides specific Reserve Components recommendations to the USD(P&R).
- f. Oversees Reserve Components compliance with this instruction.

2. SECRETARIES OF THE MILITARY DEPARTMENTS. The Secretaries of the Military Departments:

- a. Oversee and ensure compliance with this instruction.
- b. Recommend changes to this instruction to the ASD(M&RA) as necessary.
- c. Establish training programs to prevent inappropriate relations between recruiters and recruits, and trainers providing entry-level training and trainees to ensure compliance with Service-specific standards as necessary to implement this instruction.

ENCLOSURE 3

PROCEDURES

1. RECRUITING AND TRAINING PROCESSES

a. Prohibited Activities. Prohibited activities between a recruit and a recruiter and a trainer providing entry-level training and a trainee are listed in paragraphs 1a(1)(a) through (n) of this section. 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 listing is not all inclusive and the Military Services may add to it.

(1) Recruiters and trainers providing entry-level training will not:

(a) Develop, attempt to develop, or conduct a personal, intimate, or sexual relationship with a recruit or trainee. 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, or any other means of communication.

(b) Use grade or position, threats, pressure, or promise of return of favors or favorable treatment in an attempt to gain sexual favors from a recruit or trainee.

(c) Make sexual advances toward, or seek or accept sexual advances or favors from, a recruit or trainee.

(d) Allow entry of any recruits or trainees into their dwelling.

(e) Establish a common household with a recruit or trainee, that is, share the same living area in an apartment (does not include facilities open to all members of a homeowners association or all tenants in an apartment complex), house, or other dwelling.

(f) Allow entry of any recruits or trainees into a recruiter or trainer's privately owned vehicle(s). Exceptions are permitted for official business or when the safety or welfare of a 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.

(g) Provide alcohol to, or consume alcohol with, a recruit or trainee on a personal social basis.

(h) Attend social gatherings, clubs, bars, theaters, or similar establishments on a personal social basis with a recruit or trainee.

(i) Gamble with a recruit or trainee.

(j) Lend money to, borrow money from, or otherwise become indebted to a recruit or trainee.

(k) Solicit donations from a recruit or trainee.

(l) Hire or otherwise employ recruits or trainees (e.g., baby-sitting, maintenance jobs).

(m) Accept personal goods, in an unofficial or personal capacity, from a recruit or trainee for storage or any other reason.

(n) Participate in closed-door discussions with recruits or trainees. Recruiters and trainers will keep doors open when meeting with recruits or trainees except when:

1. There is another person at least 18 years of age or older present;

2. Based on the proximity of others, there is a need to protect personal identifiable information, sensitive information, or confidential information (these closed-door sessions will be short in duration); or

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.

(2) Recruits and trainees will not:

(a) Develop, attempt to 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, or any other means of communication.

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

(c) Consume alcohol with a recruiter or trainer on a personal social basis.

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

(e) Allow entry of any recruiter or trainer into their dwelling or privately-owned vehicles except to conduct official business. Exceptions are permitted when the safety or welfare

of a recruiter or trainer is at risk. Additionally, recruiters may enter for official business only when a parent or guardian is present for the entirety of the visit.

(f) Gamble with a recruiter or trainer.

(g) Make sexual advances toward, or seek or accept sexual advances or favors from, a recruiter or trainer.

(h) Lend money to, borrow money from, or otherwise become indebted to a recruiter or trainer.

b. Administrative Actions. At a minimum, and as required, administrative actions to be completed by the recruit or recruiter, or trainer or trainee are:

(1) Recruiter and Recruit Administrative Requirements

(a) Before performing recruiter duties, recruiters will sign a DD Form 2982, "Recruiter/Trainer Prohibited Activities Acknowledgment," located at the DoD Forms Management Program website at <http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm>, acknowledging their understanding of the prohibitions listed in paragraphs 1a(1)(a)-(n) of this enclosure and their responsibilities regarding the policies prohibiting inappropriate behaviors and relations outlined in this instruction. As a minimum, this form will be retained in the recruiter's record while they are assigned to recruiting duty and will be recertified annually. Once the recruiter leaves recruiting, the form may be disposed of at the Services' discretion. However, as the form may be of value if future allegations are made, the Services may elect to retain the form in the recruiter's permanent records.

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

(c) No later than the first visit with a recruiter following a recruit's entry into the Delayed Entry Program (DEP), a recruit must sign a DD Form 2983, "Recruit/Trainee Prohibited Activities Acknowledgment," located at the DoD Forms Management Program website at <http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm>, acknowledging their understanding of the prohibitions listed in paragraphs 1a(2)(a)-(h) of this enclosure. As a minimum, this form will be retained in the recruit's file until they enter active duty. Once the recruit enters active duty, the form may be disposed of at the Services' discretion. However, as the form may be of value if future allegations are made, the Services may elect to retain the form in the recruit's permanent records.

(d) Exceptions for recruits may be granted to accommodate relationships that existed before the recruit starting the recruiting process. These relationships include, but are not limited to, family members. Only the recruiter's commander, O-4 or higher, or higher-level authority,

has the authority to approve these exceptions. Recruiters must request the exception in writing to their commander. All exceptions will be documented on DD Form 2982.

(2) Trainer and Trainee Administrative Requirements

(a) Trainers providing entry-level training will sign a DD Form 2982 with explicit and strict command guidance that acknowledges their understanding of the prohibitions listed in paragraphs 1a(1)(a)-(n) of this enclosure and their responsibilities regarding the policies prohibiting inappropriate behaviors and relations outlined in this instruction. As a minimum this form will be retained in the trainer's record while they are assigned to training duty and will be revalidated annually. Once the trainer leaves training duties the form may be disposed of at the Services' discretion. However, as the form may be of value if future allegations are made against the trainer the Services may elect to retain the form in the trainer's permanent records.

(b) 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.

(c) Trainees will sign a DD Form 2983 with explicit and strict command guidance acknowledging their understanding and responsibilities as outlined in this instruction no later than the first day of entry-level training. As a minimum, this form will be retained in the trainees file until the trainee detaches from the training command or school. Once the trainee detaches from the training command or school the form may be disposed of at the Services' discretion. However, as the form may be of value if future allegations are made, the Services may elect to retain the form in the trainee's permanent records.

(d) Exceptions for trainers and trainees may be granted to accommodate relationships that existed before the trainee starting formal 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. Trainers and trainees must request the exception in writing to their commander. All exceptions will be documented on the DD Form 2982.

c. Special Consideration. The policy guidance provided in this instruction is not intended to eliminate all trainer and trainee external classroom professional development and mentorship opportunities, as 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, morale and welfare, and team building activities. These activities include, but are not limited to, officially-sanctioned holiday programs and other team building activities or morale and welfare programs.

2. ACCOUNTABILITY FOR VIOLATORS

a. Substantiated violations, as defined by this instruction, of actions identified in paragraph 1a(1)(a-d) of this enclosure, by any military recruiter or military trainer providing entry-level

training, will require the Service member to be processed for administrative separation from Military Service, unless the member is otherwise punitively discharged or dismissed from the Military Services for the violation in accordance with section 1741 of Reference (e). The requirement to initiate administrative 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.

b. Findings of wrongdoing for actions identified in paragraph 1a(1)(e-n) of this enclosure, by any military recruiter or military trainer providing entry-level training, will result in the recruiter or trainer being held accountable at the discretion of the individual's commander.

c. Substantiated violations of paragraph 1a(1) of this enclosure by civilian recruiters or trainers providing entry-level training may be subject to administrative action up to and including termination.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

ASD(M&RA) Assistant Secretary of Defense for Manpower and Reserve Affairs

DEP Delayed Entry Program

DoDD DoD Directive

DoDI DoD Instruction

ROTC Reserve Officer Training Corps

USD(P&R) Under Secretary of Defense for Personnel and Readiness

PART II. DEFINITIONS

These terms and their definitions are for the purposes of this instruction.

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

at risk. Recruits or trainees whose health or safety is at risk due to inclement weather, unsafe setting, or other condition that warrants immediate action.

DEP. A program under which an individual may enlist in a Reserve Component of a Military Service and specify a future reporting date for entry on active duty that would coincide with availability of training spaces and with personal plans such as high school graduation. Any person who accesses into the DEP of any of the Military Services and has agreed to commence active duty or active duty for training at a later date is considered a member of the DEP.

entry level training. Recruit and Initial Skill Training, to include One Station Unit Training, and Officer Acquisition Training, to include Officer Candidate School, the ROTC, and the Service Academies.

prospect. Any person who has expressed, to recruiting personnel, an interest in enlisting or receiving an appointment in a Military Service and who appears to possess, or who may in the future possess, the potential and qualifications for enlistment or appointment in said Military Service.

An individual who expresses a loss of interest in enlistment or appointment will continue to be a prospect for the purpose of the policy guidance provided in this instruction for a period of 1 year from the date they express this 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.

recruiter. Any military or civilian member whose primary duty is to recruit persons for Military Service regardless of program. Recruiters include, but are not limited to, ROTC admission or liaison officers and Service Academy liaison officers.

recruit. An individual who has joined a Military Service to include military academy cadets, ROTC cadets who are under contract, and individuals in the DEP or similar programs.

recruit's family. The near relatives of a Military Service recruit to include the guardian, parent, mother, father, siblings, and spouse of recruits.

substantiated violation. A violation shall be treated as substantiated if there has been a court-martial conviction for a violation of the policy, 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 (h)) has determined that a Service member has committed an offense in violation of the policy and imposed nonjudicial punishment upon that member.

trainee. Any military or civilian member undergoing initial military training in a formal training course with a unique training course identifier, or in an in-residence training or education course.

trainer. Any military or civilian member who is 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.