



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
1322 PATTERSON AVENUE SE SUITE 3000
WASHINGTON NAVY YARD DC 20374-5066

IN REPLY REFER TO:
JAG/CNLSCINST 5370.1
Code 61

MAR 13 2014

JAG/COMNAVLEGSVCCOM INSTRUCTION 5370.1

From: Judge Advocate General of the Navy
Commander, Naval Legal Service Command

Subj: NAVY JAG CORPS RECRUITING FRATERNIZATION POLICY

Ref: (a) JAG/CNLSCINST 1150.1C
(b) OPNAVINST 5370.2C
(c) SECNAVINST 5300.26D
(d) OPNAVINST 5354.13
(e) Manual for Courts-Martial, 2012 Edition

Encl: (1) Fraternization Policy Acknowledgement

1. Purpose. To issue revised policies and procedures related to fraternization in the Navy Judge Advocate General's (JAG) Corps recruiting program.
2. Cancellation. JAGINST 5730 of 6 December 2010.
3. Scope. This instruction applies to all military personnel who practice law or provide legal services under the cognizance and supervision of the Judge Advocate General, and to all other military personnel assigned to the Office of the Judge Advocate General (OJAG) or Naval Legal Service Command (NLSC). Reference (a) provides procedures related to recruitment, internships, and selection of applicants for commissioning in the JAG Corps under the Student Program and Direct Appointment Program. To ensure that the JAG Corps continues to attract high quality officers, JAG Corps personnel actively assist Commander, Navy Recruiting Command recruiting efforts. All judge advocates, Legalmen, and other designated military personnel are a part of this mission. This instruction is intended to be a lawful general order and effective without further implementation. Violations of this instruction are subject to disciplinary action under the Uniform Code of Military Justice.
4. Background
 - a. Reference (b) details the Navy's fraternization policy. The Navy has historically relied upon custom and tradition to

MAR 13 2014

define the bounds of acceptable personal relationships among its members. Proper interaction between members has always been encouraged as it enhances unit morale and esprit de corps. However, unduly familiar personal relationships which do not respect differences in rank and grade, and unduly familiar personal relationships between staff and students and recruiting personnel and prospects, have traditionally been contrary to naval custom, because they undermine the respect for authority which is essential to the Navy's ability to accomplish its military mission.

b. The JAG Corps does not tolerate fraternization between recruiting personnel and interns/externs, prospects, applicants, or individuals professionally recommended (PROREC) by a JAG Corps Accession Board. Unduly familiar relationships between recruiting personnel and interns/externs, prospects, applicants, or PRORECs that are prejudicial to good order and discipline or are of a nature to bring discredit on the naval service, are prohibited. Such relationships undermine the JAG Corps recruiting mission and erode the public's trust and confidence in the Navy and the JAG Corps. JAG Corps recruiting personnel must maintain professional relationships with interns/externs, prospects, applicants, or PRORECs that ensure no actual or perceived favoritism, preferential treatment, personal gain, or involvement in activities or actions that otherwise may reasonably be expected to undermine good order, discipline, authority, or unit morale.

c. Fraternization is a gender-neutral concept. The prohibition against fraternization focuses on the detriment to good order and discipline and harm to the reputation of the Navy and the JAG Corps resulting from the erosion of respect inherent in an unduly familiar relationship between recruiting personnel and interns/externs, prospects, applicants, or PRORECs, not the gender of the members involved. The potential erosion of respect can seriously undermine the JAG Corps' recruiting effort. Therefore, prohibiting fraternization serves a valid, mission-essential purpose.

d. This instruction discusses only fraternization. Other forms of impermissible conduct, such as sexual harassment, are addressed in references (c) and (d).

5. Definitions

a. Fraternization. For purposes of this instruction, fraternization is defined as any personal relationship between JAG Corps recruiting personnel and an individual known to be an intern/extern, prospect, applicant, or PROREC, that is unduly familiar and prejudicial to good order and discipline, or of a nature to bring discredit on the naval service. Conduct that is prejudicial to good order and discipline or of a nature to bring discredit on the naval service may result from, but is not limited to, circumstances which:

- (1) call into question recruiting personnel objectivity;
- (2) result in actual or apparent preferential treatment;
- (3) undermine recruiting personnel credibility or compromise the appearance and reputation of the Navy or the JAG Corps; or,
- (4) compromise the chain of command.

b. Recruiting Personnel. All military personnel who practice law or provide legal services under the cognizance and supervision of the Judge Advocate General, and all other military personnel assigned to NLSC or OJAG, are considered recruiting personnel when interacting with an individual they know to be a JAG Corps intern/extern, prospect, applicant or PROREC. This definition is intentionally broad and is not limited to accession detailers, designated recruiting officers, and intern/extern coordinators.

c. Intern/extern. Any law student assigned to an internship or externship position pursuant to reference (a). The purpose of an internship or externship is to further the JAG Corps recruiting mission. Accordingly, the entirety of the internship or externship is considered recruiting. See paragraph 7.b. of this instruction for additional guidance concerning interactions with interns/externs.

d. Prospect. Any person who has expressed to recruiting personnel an active interest in receiving an appointment in the JAG Corps.

e. Applicant. Any person who has submitted an application for consideration by a JAG Corps Accession Board.

MAR 13 2014

f. PROREC. Any person who has been professionally recommended by a JAG Corps Accession Board.

6. Prohibited Activities

a. It is not possible to set forth every act which may constitute an unduly familiar relationship between recruiting personnel and interns/externs, prospects, applicants, and PRORECs because the surrounding circumstances often determine whether the conduct in question is inappropriate. Proper social interaction and appropriate personal relationships are an important part of showcasing unit morale and esprit de corps of the JAG Corps to interns/externs, prospects, applicants or PRORECs.

b. While not an exhaustive list, the following are examples of unduly familiar relationships that are prejudicial to good order and discipline or of a nature to bring discredit on the naval service, and therefore are prohibited under this instruction: dating, sharing living accommodations, engaging in intimate sexual relations, commercial solicitations, private business partnerships, gambling, or the lending or borrowing of money between recruiting personnel and interns/externs, prospects, applicants, or PRORECs.

7. Exceptions

a. Pre-existing Relationships. Many OJAG/NLSC personnel have previously formed and maintain personal relationships with individuals who may be interested in seeking a commission in the JAG Corps. This instruction should not be construed to discourage or punish military personnel for encouraging friends and colleagues to apply to the JAG Corps. Recruiting personnel shall notify their chain of command if they become aware that an individual with whom they share a pre-existing relationship applies to the JAG Corps. Recruiting personnel that do have a pre-existing relationship with an intern/extern, prospect, applicant, or PROREC shall not serve as an intern/extern sponsor or supervisor for that individual; conduct a JAG Corps Structured Interview for that individual; or, serve as a member on any Accession Selection Board or Pre-selection Board where that individual's application for professional recommendation for commissioning will be reviewed. Recruiting personnel shall not, however, be subject to disciplinary or administrative action solely for maintaining their pre-existing relationships.

MAR 13 2014

b. Summer Internship/School Year Externship. The purpose of the Summer Internship Program and School Year Externship Program is to recruit the best qualified candidates into the JAG Corps while providing law students with a valuable educational experience. Through these programs, participants have the opportunity to learn about the Navy and the JAG Corps and to develop a variety of professional skills. These internships and externships also allow recruiting personnel and JAG Corps leadership to observe law students and assess their potential for commissioning in the JAG Corps. As a result, interns/externs should be encouraged to participate in JAG Corps community activities, wardrooms, and command functions. Recruiting personnel must take an active role in mentoring, training, and developing interns/externs. The relationship between officer recruiting personnel and interns/externs is akin to the relationship between senior and junior officers. Likewise, the relationship between enlisted recruiting personnel and interns/externs is akin to the relationship between enlisted personnel and officers. Nothing in this instruction shall be construed to limit the interaction between military personnel and interns/externs, beyond that which would be expected between senior and junior officers or between officers and enlisted personnel. Examples of acceptable social interaction include: traveling to and attending meals and events together during the work day; inclusion in infrequent social activities outside of the workplace (whether command-sponsored or otherwise); and, inclusion in physical training and team sports. Recruiting personnel are expected to exercise their best judgment when deciding whether interaction with summer interns and school year externs is appropriate in light of the intent of this instruction.

8. Action

a. All OJAG/NLSC personnel will fully discharge their respective responsibilities under this instruction.

b. Commanding Officers (COs)/Officers in Charge (OICs)/OJAG Division Directors and judge advocates who supervise recruiting personnel shall:

(1) Ensure a fraternization policy acknowledgement, enclosure (1), is signed by all recruiting personnel and maintained by the command;

MAR 13 2014

(2) Immediately report all credible allegations of recruiting personnel fraternization with an intern/extern, prospect, applicant, or PROREC, to the Judge Advocate General and Commander, Navy Legal Service Command via the chain of command;

(3) Properly investigate all credible allegations of recruiting personnel fraternization;

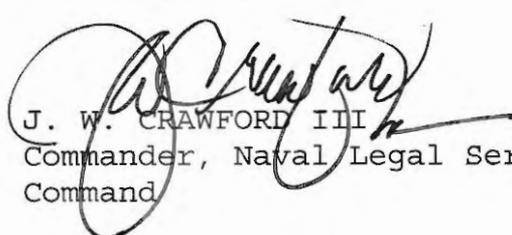
(4) Take appropriate disciplinary or administrative action, as necessary, in accordance with existing regulations and reference (e);

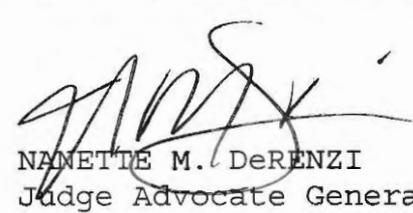
(5) Notify the JAG Corps Inspector General (IG)/CNLSC IG of any disciplinary or administrative action taken; and,

(6) Forward any investigation package to the JAG Corps IG/CNLSC IG upon completion of final action.

c. All recruiting personnel shall immediately report known violations of this instruction to the appropriate level within the chain of command.

9. Point of Contact. The Office of the Judge Advocate General's Military Personnel Division (Code 61) is the point of contact for all matters relating to this instruction and may be reached at (202) 685-7715 or DSN 325-7715.


J. W. CRAWFORD III
Commander, Naval Legal Service
Command


NANETTE M. DeRENZI
Judge Advocate General

Distribution:
Electronic only via the OJAG website, <http://www.jag.navy.mil>.

MAR 13 2014

Fraternization Policy Acknowledgement

I hereby acknowledge that I have read and understand the Navy JAG Corps Recruiting Fraternization Policy as promulgated in JAGINST 5370.1. I further understand that:

1. The JAG Corps does not tolerate fraternization between recruiting personnel and interns/externs, prospects, applicants, or individuals professionally recommended (PROREC) by a JAG Corps Accession Board.
2. All military personnel who practice law or provide legal services under the cognizance and supervision of the Judge Advocate General, and all military personnel assigned to NLSC or OJAG, are considered recruiting personnel when interacting with an individual they know to be JAG Corps intern/extern, prospect, applicant or PROREC.
3. All recruiting personnel shall immediately report known violations of this instruction to the appropriate level within the chain of command.
4. All credible allegations of recruiting personnel fraternization will be promptly investigated.
5. Substantiated allegations of fraternization between recruiting personnel and interns/externs, prospects, applicants, or PRORECs may result in disciplinary or administrative action, including processing for administrative separation.

MEMBER'S SIGNATURE

PRINTED NAME/DATE

Witnessed: _____

PRINTED NAME/DATE

Enclosure (1)