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MEMORANDUM FOR DISTRIBUTION C
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FROM HQ USAF/JA
1420 Air Force Pentagon
Washington DC 20330-1040

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 changes AFI 36-2909, *Professional and Unprofessional Relationships*, dated 1 May 1999. 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 (AFGM) establishes command, supervisory and personal responsibilities in prohibiting retaliation against an alleged victim or other member of the Armed Forces (hereafter, military members) for reporting a criminal offense. Retaliation against individuals who report criminal offenses is unlawful and erodes good order, discipline, respect for authority, unit cohesion and ultimately mission accomplishment. In addition, this AFGM incorporates the specific prohibitions that define unprofessional relationships between recruiters, prospective Airmen, recruits, entry-level trainers and entry-level trainees and mandates discharge processing for certain prohibitions as defined in DoDI 1304.33, *Protecting Against Inappropriate Relations During Recruiting and Entry Level Training*, 28 January 2015. It is the responsibility of commanders and supervisors at all levels to ensure compliance with this instruction.

The policy set out in this instruction applies to all Regular Air Force (RegAF) members and to members of the United States Air Force Reserve (USAFR) and Air National Guard (ANG), except as provided in paragraph 3.8. Military members, including Reserve members on active duty or inactive duty for training and ANG members in Federal service, who violate the specific prohibitions contained in paragraphs 11 and 19 of this instruction can be prosecuted under either Article 92 or Article 134 of the Uniform code of Military Justice (UCMJ), or both, as well as any other applicable Article of the UCMJ, as appropriate.

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*, Table 1.1 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 Publication OPR for non-tiered compliance items.

(ADD New) 11. Prohibition on Retaliation. Military members shall not retaliate against an alleged victim or other military member who reports a criminal offense. (T-0). [NOTE: This paragraph is directive in nature and failure to adhere to the standards set out in this instruction can form the basis for adverse action under the Uniform Code of Military Justice (UCMJ). An example would be a dereliction of duty offense under Article 92.]

(ADD New) 11.1. 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.

(ADD New) 11.2. 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:

(ADD New) 11.2.1. The member reported or was planning to report a criminal offense or sexual harassment;

(ADD New) 11.2.2. The member was a victim or alleged victim of a criminal offense or sexual harassment;

(ADD New) 11.2.3. The member was reported by another as being a victim of a criminal offense or sexual harassment;

(ADD New) 11.2.4. The member intervened to prevent or attempt to prevent a criminal offense or sexual harassment from occurring; or,

(ADD New) 11.2.5. The member cooperated in an investigation or the member has served or will 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.

(ADD New) 11.3. 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 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, and that results in physical or mental harm or suffering, or reasonably could have caused, physical or mental harm or suffering. Maltreatment under this instruction is prohibited by the NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014, 113 P.L. 66, Section 1709(b), 127 Stat. 672, and does not require a senior-subordinate relationship as is required for maltreatment under Article 93, UCMJ.

(ADD New) 11.4. 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, or training, relief and removal; separation; discharge; referral for mental health evaluations in accordance with DoD 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.

(ADD New) 11.5. Member of the Armed Forces (Military Member). Included in this definition are regular component military personnel, and ARC personnel when performing active duty, full-time National Guard duty, or inactive duty training.

(ADD New) 11.6. Criminal Offense. An act or omission punishable under the UCMJ, or other federal, state or local criminal law.

(ADD New) 12. Individual Responsibility to Refrain from Engaging in Retaliation. All military members share the responsibility to refrain from retaliating against an alleged victim or other military member who reports a criminal offense.

(ADD New) 13. Commander and Supervisory Responsibilities to Prevent Retaliation. Commanders and supervisors 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 and supervisors have a duty to prevent retaliation and may be held accountable for failing to act in appropriate cases. **(T-0).**

(ADD New) 14. Actions in Response to Retaliation. A commander or supervisor must take appropriate action if it is reasonable to believe retaliation has occurred. At a minimum, the member or members suspected of engaging in retaliation will 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, will be informed that 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 will be advised to report any further acts of retaliation. **(T-0).**

(ADD New) 15. Relationship of Retaliation to Other Provisions of the UCMJ. All military members are subject to lawful orders. When a military member has been lawfully ordered to cease from engaging in retaliation, the military member is subject to prosecution under the UCMJ for violation of that order.

(ADD New) 16. Relationship of Retaliation to Inspector General Complaints Resolution Program. Cases involving retaliation or allegations of retaliation, should be evaluated to determine if they involve 1) reprisal for making a protected communication in violation of 10 U.S.C. §1034 and DoD Directive (DoDD) 7050.06, *Military Whistleblower Protection*, Chapter 6, or 2) restriction from making lawful communications to a Member of Congress or an Inspector General (IG) in violation of 10 U.S.C. §1034 and DoDD 7050.06, *Military Whistleblower Protection*, Chapter 7. If so, immediately refer the matter to the Inspector General Complaints Resolution Program in accordance with AFI 90-301, *Inspector General Complaints Resolution*, para. 1.13.6.

(ADD New) 17. Questions Regarding Retaliation. Military members who have questions as to the application or interpretation of the policy should consult their commander. Commanders are highly encouraged to consult their staff judge advocates or servicing legal offices for assistance in interpretation.

(ADD New) 18. Recruiting, Entry-Level Processing, and Entry-Level Training. The first impression that most prospective Airmen receive of the Air Force is through contact with a 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 Airman the first example of the Air Force core values and standards of conduct. Once a prospective Airman 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 Airmen. These critical developmental steps must not be compromised by unprofessional relationships between recruiters and prospective Airmen or recruits; nor by trainers and trainees. Paragraph 19 of this instruction, and its subparagraphs, outlines the specific prohibitions that define unprofessional relationships in the recruiting and training environment.

(ADD New) 18.1. All Air Force personnel treat each prospective Airman, applicant, recruit, and trainee with dignity and respect as they pursue their aspiration of serving in the military. Air Force policy prohibits inappropriate relations between recruiters and prospects, applicants, and/or recruits and between trainers providing entry-level training and trainees.

(ADD New) 18.2. Inappropriate relationships and prohibited activities between recruiters and prospective Airmen, applicants, and/or recruits and between trainers providing entry-level training and trainees, as defined in this instruction, are not permitted and appropriate action will be taken.

(ADD New) 18.3. Paragraph 19 of this instruction, and its subparagraphs, outline the specific prohibitions that define unprofessional relationships in the recruiting and training environment.

(ADD New) 18.4. This instruction does not change Air Force policy as it relates to Sexual Assault Response and Prevention (SAPR) program. For questions relating to Air Force or DoD SAPR policy consult AFI 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*, 21 May 2015 (incorporating change 1, 18 March 2016); DoD Directive 6495.01, *Sexual Assault Prevention and Response (SAPR) Program*, 23 January 2012 (incorporating change 2, effective 20 January 2015); or, DoD Instruction 6495.02, *Sexual Assault Prevention and Response (SAPR) Program Procedures*, 28 March 2013 (incorporating change 2, effective 7 July 2015).

(ADD New) 19. Prohibited activities between recruiter-recruits and trainer-trainees. Prohibited activities between a recruiter and a prospective Airman, an applicant, or a recruit are outlined in paragraph 19.1 and subparagraphs. Prohibited activities between a trainer providing entry-level training and a trainee are also outlined in paragraph 19.1 and subparagraphs. Prohibited activities for which a recruit or trainee may be held accountable are outlined in paragraph 19.2 and subparagraphs. 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 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 greater.

[NOTE: This paragraph is directive in nature and failure to adhere to the standards set out in this instruction can form the basis for adverse action under the Uniform Code of Military Justice (UCMJ). An example would be a dereliction of duty offense under Article 92.] **(T-0)**.

(ADD New) 19.1. Recruiters and trainers providing entry-level training will not engage or attempt to engage in any of the following prohibited activities:

(ADD New) 19.1.1. Develop, or conduct a personal, intimate, or sexual relationship with a prospective Airman, an applicant, or a recruit. 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.

(ADD New) 19.1.2. Use grade or position, threats, pressure, or promise of return of favors or favorable treatment in an attempt to gain sexual favors from a recruit or trainee.

(ADD New) 19.1.3. Make sexual advances toward, or seek or accept sexual advances or favors from, a recruit or trainee.

(ADD New) 19.1.4. Allow entry of any recruits or trainees into their dwelling.

(ADD New) 19.1.5. 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.

(ADD New) 19.1.6. Allow entry of any recruits or trainees into their privately-owned vehicles. Exceptions are permitted for official business when the safety or welfare of a recruit or trainee is at risk.

(ADD New) 19.1.7. Provide alcohol to, or consume alcohol with, a recruit or trainee on a personal social basis.

(ADD New) 19.1.8. Attend social gatherings, clubs, bars, theaters, or similar establishments; or, participating in sporting activities (e.g., golf, racquetball, bowling) on a personal social basis with a recruit or trainee.

(ADD New) 19.1.9. Gamble with a recruit or trainee.

(ADD New) 19.1.10. Lend money to, borrow money from, or otherwise become indebted to a recruit or trainee.

(ADD New) 19.1.11. Solicit donations from a recruit or trainee.

(ADD New) 19.1.12. Hire or otherwise employ or accept uncompensated personal services from recruits or trainees (e.g., baby-sitting, maintenance jobs).

(ADD New) 19.1.13. Accept personal goods, in an unofficial or personal capacity, from a recruit or

trainee for storage or any other reason.

(ADD New) 19.1.14. Participate in closed-door discussions with recruits or trainees. Recruiters and trainers will keep doors open when meeting with recruits or trainees except when:

(ADD New) 19.1.14.1. There is another person at least 18 years of age present;

(ADD New) 19.1.14.2. 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,

(ADD New) 19.1.14.3. 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.

(ADD New) 19.1.15. (Basic Military Training instructors only) Attend technical training graduations without prior written approval from their squadron commander.

(ADD New) 19.1.16. (Recruiters only) Attend Basic Military Training or technical training graduations without prior written approval from their squadron commander.

(ADD New) 19.1.17. Fraternize with such personnel, as defined in Article 134, UCMJ.

(ADD New) 19.2. Recruits and trainees will not:

(ADD New) 19.2.1. 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, or any other means of communication.

(ADD New) 19.2.2. 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.

(ADD New) 19.2.3. Consume alcohol with a recruiter or trainer on a personal social basis.

(ADD New) 19.2.4. 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.

(ADD New) 19.2.5. Allow entry of any recruiter or trainer into their dwelling or privately-owned vehicles except to conduct official business. Exceptions are permitted for official business when the safety or welfare of a recruiter or trainer is at risk.

(ADD New) 19.2.6. Gamble with a recruiter or trainer.

(ADD New) 19.2.7. Make sexual advances toward, or seek sexual advances or favors from, a

recruiter or trainer.

(ADD New) 19.2.8. Lend money to, borrow money from, or otherwise become indebted to a recruiter or trainer.

(ADD New) 19.3. 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.

(ADD New) 19.3.1. Before performing recruiter duties, recruiters will sign a DD Form 2982 *Recruiter/Trainer Prohibited Activities Acknowledgment*, to acknowledge their understanding of the prohibitions listed in the subparagraphs of paragraph 19.1 of this instruction and their responsibilities to avoid the prohibited inappropriate behaviors and relations outlined in this chapter. Recruiters will certify the form annually. The form will be locally filed and kept for five years after the recruiter has left. **(T-0).**

(ADD New) 19.3.2. During the initial visit, recruiters will provide all prospective Airmen with contact information that can be used to notify someone if they believe their recruiter has acted improperly. **(T-0).**

(ADD New) 19.3.3. No later than the first visit with a recruiter following a recruit's entry into the Delayed Entry Program (DEP), recruits must sign a DD Form 2983, *Recruit/Trainee Prohibited Activities Acknowledgment*, to acknowledge their understanding of the prohibitions listed in the subparagraphs of paragraph 19.2 of this instruction. The DD Form 2983 will be filed in the recruit's personnel file and kept in accordance with system policy. **(T-0).**

(ADD New) 19.3.4. 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 to their commander. Higher level commanders may withhold this authority from subordinate commanders. All exceptions will be documented on DD Forms 2982 and/or 2983 as applicable.

(ADD New) 19.4. Administrative Requirements for Trainers and Trainees. At a minimum and as required, trainees and trainers who provide entry-level training will complete the following administrative actions. Commands may add requirements to this list. **(T-0)**

(ADD New) 19.4.1. Trainers providing entry-level training will sign a DD Form 2982 that acknowledges their understanding of the prohibitions listed in the subparagraphs of paragraph 19.1 of this instruction and their responsibilities regarding the policies prohibiting inappropriate behaviors and relations outlined in this instruction. The form will be locally made and maintained for five years after the trainer has left the unit. **(T-0).**

(ADD New) 19.4.2. 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).**

(ADD New) 19.4.3. Trainees will sign a DD Form 2983 to acknowledge their understanding and

responsibilities as outlined in this instruction no later than the first day of entry-level training. The form will be locally made and maintained for five years after the trainer has left the unit. **(T-0)**.

(ADD New) 19.4.4. 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. Higher level commanders may withhold this authority from subordinate commanders. Trainers and trainees must request the exception in writing to their commander. All exceptions will be documented on the DD Form 2982.

(ADD New) 19.5. Special Considerations. The prohibited activities listed in paragraphs 19.1 and 19.2, are not intended to eliminate all trainer and trainee external classroom professional development and mentorship opportunities, as these opportunities are an important part of the learning process and lead to healthy mentoring relationships. The prohibitions listed in paragraphs 19.1 and 19.2 related to private dwellings, privately-owned vehicles, alcohol, and social gatherings do not apply to command-authorized programs such as the Air Force Academy's Cadet Sponsorship program or other similar social development programs within ROTC programs, which provide breadth and depth to the education of future leaders. The prohibitions in paragraphs 19.1 and 19.2 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 wing, group, squadron, element, to which all group members are invited. Leaders are responsible for setting the right command climate and providing guidelines for outside the classroom mentoring and team-building activities.

(ADD New) 19.6. Accountability for Violations.

(ADD New) 19.6.1. Violations of the specific prohibitions and requirements of this chapter by military personnel may result in prosecution under the UCMJ, adverse administrative action, or discharge from active duty. Substantiated violations of the prohibitions outlined in paragraphs 19.1.1, 19.1.2, 19.1.3, and 19.1.4, of this instruction, by any Air Force recruiter or trainer providing entry-level training, will require the offender to be processed for administrative separation, unless the offender is otherwise punitively discharged or dismissed from the Air Force for the violation through UCMJ prosecution. 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. **(T-0)**. See AFI 36-3208, *Administrative Separation of Airmen*; AFI 36-3206, *Administrative Discharge Procedures for Commissioned Officers*; or, AFI 36-3207, *Separating Commissioned Officers*.

(ADD New) 19.6.2. Findings of wrongdoing for actions identified in the subparagraphs of paragraph 19.1 of this instruction against any military recruiter or military trainer providing entry-level training will result in the recruiter or trainer being held accountable at the discretion of their commander.

(ADD New) 19.6.3. Civilian recruiters or trainers providing entry-level training who violate one or more of the subparagraphs of paragraph 19.1 of this instruction may be subject to disciplinary action up to removal. Activities 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 will immediately review their policies and update them as required.

(ADD New) 19.6.4. For contract employees with substantiated violations of the subparagraphs of paragraph 19.1 of this instruction (charges supported by a preponderance of the evidence), the command to whom the contractor provides recruiting or training services will immediately contact the cognizant contracting officer for the contract. The command should not take disciplinary action against either the contractor or the contractor employee. The contracting officer has authority to take such action against the contractor as is warranted under the contract to the extent that a substantiated violation by the contractor's employee is deemed a violation of the terms and conditions of the contractor's contract with the Air Force. **(T-0).**

(ADD New) References

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014, 113 P.L. 66, Section 1709(b) and 1741, 127 Stat. 672

DoDD 7050.06, *Military Whistleblower Protection*, 17 April 2015

DoDD 6495.01, *Sexual Assault Prevention and Response (SAPR) Program*, 23 January 2012

DoDI 1304.33, *Protecting Against Inappropriate Relations During Recruiting and Entry Level Training*, 28 January 2015

DoDI 6490.04, *Mental Health Evaluations of Members of the Military Services*, 4 March 2013

DoDI 6495.02, *Sexual Assault Prevention and Response (SAPR) Program Procedures*, 28 March 2013

AFI 36-3206, *Administrative Discharge Procedures for Commissioned Officers*, 9 June 2004

AFI 36-3207, *Separating Commissioned Officers*, 9 July 2004

AFI 36-3208, *Administrative Separation of Airmen*, 9 July 2004

AFI 90-301, *Inspector General Complaints Resolution*, 27 August 2015

AFI 90-6001, *Sexual Assault Prevention and Response (SAPR) Program*, 21 May 2015

(ADD New) Adopted Forms

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

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

(ADD New) Terms

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

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 (OTPEC), 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 AFSC 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 AFSC; skill sets range from technical to managerial skills; officer initial skills training may not be AFSC awarding, but is used in conjunction with experience, OJT, 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 Air Force recruit is an individual who has joined the Air Force, including enlisted members, United States Air Force Academy cadets, ROTC 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, ROTC 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 19, but the adjudged sentence does not include discharge or dismissal; if a nonjudicial punishment authority under 10 U.S.C. § 815 has determined that an Airman has committed an offense in violation of the prohibited activities listed in paragraph 19 and imposed nonjudicial punishment upon that member; or, if command authority has determined that an Airman has committed an offense in violation of the

prohibited activities listed in paragraph 19 and issued a reprimand, admonition or counseling for such conduct.

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

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

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

AIR FORCE INSTRUCTION 36-2909

1 MAY 1999



Personnel

**PROFESSIONAL AND UNPROFESSIONAL
RELATIONSHIPS**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This instruction establishes command, supervisory and personal responsibilities for maintaining professional relationships between Air Force members, between Air Force members and members of other uniformed services, between Air Force members and civilian employees of the Department of Defense, to include Air Force civilian employees, and between Air Force members and government contractor employees. Unprofessional relationships are those interpersonal relationships that erode good order, discipline, respect for authority, unit cohesion and, ultimately, mission accomplishment. It is the responsibility of commanders and supervisors at all levels to ensure compliance with this instruction. The policy set out in this instruction applies to all active duty members and to members of the United States Air Force Reserve (USAFR) and Air National Guard (ANG), except as provided in paragraph 3.8., below. Officers, including Reserve officers on active duty or inactive duty for training and ANG officers in Federal service, who violate the custom of the service against fraternization or the specific prohibitions contained in paragraph 5.1 of this instruction can be prosecuted under either Article 92 or Article 134 of the Uniform Code of Military Justice (UCMJ), or both, as well as any other applicable article of the UCMJ, as appropriate. This instruction implements Air Force Policy Directive (AFPD) 36-29, *Military Standards*.

SUMMARY OF CHANGES

This document is substantially revised and must be completely reviewed.

This instruction has been revised to include specific prohibitions on the formation of personal relationships in the recruiting and training environments (paragraph 3.5); to stress the use of a stepped approach to enforcement of the policy, taking into consideration all the surrounding facts

and circumstances (paragraph 8.); and, to stress the prevention of unprofessional relationships through training and leadership by example (paragraph 9.).

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 inconvenience, hardships or, 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. Professional relationships are those interpersonal relationships consistent with Air Force core values: integrity first, service before self, and excellence in all we do. Military members understand that the needs of the institution will sometimes outweigh personal desires. This guidance focuses on the impact of personal relationships on the interests of the Air Force as an institution. The guidance set forth in this instruction is based, in part, on the custom against fraternization that has been a part of and enforced within the American military for over 200 years.

2. Policy.

2.1. Professional Relationships. Professional relationships are those that contribute to the effective operation of the Air Force. The Air Force encourages personnel to communicate freely with their superiors regarding their careers, performance, duties and missions. This type of communication enhances morale and discipline and improves the operational environment while, at the same time, preserving proper respect for authority and focus on the mission. Participation by members of all grades 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 they detract from the authority of superiors or result in, or reasonably create 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, and between military personnel and civilian employees or contractor personnel. Fraternization is one form of unprofessional relationship and is a recognized offense under Article 134 of the Uniform Code of Military Justice (UCMJ).

2.2.1. Fraternization. Fraternization, as defined by the Manual for Courts-Martial, is a personal relationship between an officer and an enlisted member that violates the customary bounds of acceptable behavior in the Air Force and prejudices good order and discipline, discredits the armed services, or operates to the personal disgrace or dishonor of the officer involved. The custom recognizes that officers will not form personal relationships with enlisted members on terms of military equality, whether on or off-duty. Although the custom originated in an all male military, it is gender neutral. Fraternization can occur between males, between females and between males and females. Because of the potential damage fraternization can do to morale, good order, discipline, and unit cohesion, the President specifically provided for the offense of fraternization in the

Manual for Courts-Martial. (See Manual for Courts-Martial, 1998 Edition, Part IV, paragraphs 59 and 83 for a discussion of fraternization and the related offense of conduct unbecoming an officer.)

3. General Guidelines for All Military Personnel for Avoiding Unprofessional Relationships, Including Fraternization. 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, both officer and enlisted, 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, 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) military 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.

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 danger for 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 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.

3.2. Relationships with Civilian Employees and Government Contractor Personnel. Civilian employees and contractor personnel are an integral part of the Air Force. They contribute directly to readiness and mission accomplishment. Consequently, military members of all grades must maintain professional relationships with civilian employees and government contractor personnel, particularly those whom they supervise or direct, and must avoid relationships that adversely affect or reasonably can adversely affect morale, discipline and respect for authority or that violate law or regulation.

3.3. Dating and Close Friendships. Dating, courtship, and close friendships between men and women 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. Members must recognize that these relationships can adversely affect morale and discipline, even when the members are not in the same chain of command or unit. 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.

3.4. Shared Activities. Sharing living accommodations, vacations, transportation, and off-duty interests on a frequent or recurring basis can be, or can reasonably be perceived to be, unprofessional. 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 to be perceived to be, unprofessional. While an occasional round of golf, game of racquetball or similar activity between a supervisor and a subordinate could remain professional, daily or weekly activities could result at a minimum 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 be perceived to be, unprofessional.

3.5. Recruiting, Training, Schools and Professional Military Education. Personal relationships between recruiters and potential recruits during the recruiting process or between students and faculty or staff in training schools or professional military education (PME) 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 recruiting process and in basic military training, because the potential recruit or junior military member 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 are needed in the recruiting and training environments.

3.5.1. Recruiting. The first impression of the Air Force that most military men and women form is through their contacts with a recruiter. This experience is a critical step in the development of Air Force members; it establishes expectations and begins the formation of Air Force core values. The relationship between recruiter and applicant must be completely professional. Consequently, recruiters will not form unprofessional personal relationships with applicants. At a minimum, recruiters will not date or carry on a social relationship with an applicant, or seek or engage in sexual activity with, or make sexual advances to, or accept sexual overtures from an applicant. In addition, recruiters will not use grade, position, threats, pressure or promises to attain or attempt to attain any personal benefit of any kind from an applicant. Recruiters will not gamble with, lend money to, borrow money from or become indebted to an applicant, or use personal resources to provide an applicant with lodging or transportation or any other benefit. The same limitations govern relationships between recruiters and an applicant's immediate family members.

3.5.2. Basic Military Training and Initial Technical Training. The integrity and leadership of the faculty and staff in basic military training and the initial technical training environment must not be permitted to be compromised by personal relationships with trainees. At a minimum, faculty and staff will not date or carry on a social

relationship with a trainee, or seek or engage in sexual activity with, make sexual advances to, or accept sexual overtures from a trainee. In addition, faculty and staff will not use grade, position, threats, pressure or promises to attain or attempt to attain any personal benefit of any kind from a trainee, or share living quarters with, gamble with, lend money to, borrow money from or become indebted to, or solicit donations (other than for Air Force approved campaigns) from a trainee. The same limitations govern personal relationships between faculty and staff and a trainee's immediate family members. Trainees have an independent obligation not to engage in these activities with members of the faculty and staff.

3.5.3. Other Training and Education Settings . The integrity and leadership of faculty and staff in all formal training and PME settings must not be compromised by personal relationships with trainees or students. At a minimum, faculty and staff will not date or carry on a social relationship with a trainee or student, or seek or engage in sexual activity with, make sexual advances to, or accept sexual overtures from a trainee or student. In addition, faculty and staff will not use grade, position, threats, pressure or promises to attain or attempt to attain any personal benefit of any kind from a trainee or student or members of a trainee or student's immediate family.

3.5.4. Supplementation of this Instruction in the Recruiting, Training and Education Environments. Commands providing recruiting, training and education functions may, consistent with this instruction, publish supplemental directives, to include punitive provisions, to regulate personal relationships in the recruiting, education, training, school and similar environments.

3.6. Treatment, Care and Counseling. Persons undergoing medical or psychological treatment or care, or receiving medical, psychological, pastoral, legal or other professional counseling may be dependent on, and therefore vulnerable to, those providing such services. Personnel 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 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 their services or the immediate family members of those receiving their services.

3.7. Other Relationships. Other relationships, not specifically addressed above, can, depending on the circumstances, lead to actual or perceived favoritism or preferential treatment and, if so, must be avoided. Examples of activities that may result in an adverse impact on morale, discipline and respect for authority are gambling or partying with subordinates, soliciting or making solicited sales to subordinates and entering into business ventures with members who are junior in rank, grade or position. (See DoD Directive 5500-7.R [the Joint Ethics Regulation], subsections 2-205 and 5-409 for guidance on solicitation and commercial activities), (set out in [Attachment 1](#) to this instruction).

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

4. Relationship of Unprofessional Conduct to Other Provisions of the UCMJ. 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 UCMJ for violation of the order. Similarly, all military members are subject to prosecution for criminal offenses committed incidental to an unprofessional relationship (e.g., gambling, adultery, assault). In addition, officers may be prosecuted for violation of the specific prohibitions listed in paragraph 5.1, and its subparagraphs (below); violation of the custom against fraternization; and conduct unbecoming an officer.

5. Specific Prohibitions Relating to Officers (Fraternization). Unprofessional relationships between officers and enlisted members have a high potential for damaging morale and discipline and for compromising the standing of officers. Consequently, officers have an ethical and a legal obligation to avoid certain relationships and activities. 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 an officer's standing. The custom against fraternization in the Air Force extends beyond organizational and chain of command lines. In short, it extends to all officer/enlisted relationships.

5.1. Specific Prohibitions. Conduct that violates the custom of the Air Force against fraternization can be prosecuted under Article 134 of the UCMJ. In addition, with reasonable accommodation for married members and members related by blood or marriage, the following conduct is prohibited and can be prosecuted under either Article 92 of the UCMJ, Article 134, or both, and any other applicable article of the UCMJ when appropriate:

5.1.1. Officers Will Not Gamble With Enlisted Members.

5.1.2. Officers Will Not Lend Money to, Borrow Money From or Otherwise Become Indebted to Enlisted Members. exception: Infrequent, non-interest-bearing loans of small amounts to meet exigent circumstances.

5.1.3. Officers Will Not Engage in Sexual Relations with or Date Enlisted Members. Dating as set out here includes not only traditional, prearranged, social engagements between two members, but also includes more contemporary social activities that would reasonably be perceived to be a substitute for traditional dating.

5.1.3.1. Officer/Enlisted Marriages. When evidence of fraternization exists, the fact that an officer and enlisted member subsequently marry does not preclude appropriate command action based on the prior fraternization. The fact that an officer is married to an enlisted member is not, by itself, evidence of misconduct. For example, some officer-enlisted marriages are created by the commissioning of civilians married to enlisted members, or by the commissioning of enlisted members married to other enlisted members. Other officer-enlisted marriages may 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.

5.1.4. Officers Will Not Share Living Accommodations with Enlisted Members Except When Reasonably Required by Military Operations.

5.1.5. Officers Will Not Engage, on a Personal Basis, in Business Enterprises with Enlisted Members, or Solicit or Make Solicited Sales to Enlisted Members, Except as Permitted by the Joint Ethics Regulation. For the application of this rule, members should consult DoD Directive 5500.7-R, the Joint Ethics Regulation, subsections 2-205 and 5-409, (set out in [Attachment 1](#) to this instruction)

6. Individual Responsibility To Maintain Professional Relationships. All military members share the responsibility for maintaining professional relationships. However, the senior member (officer or enlisted) 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, discipline, respect for authority, or the mission of the Air Force. This is especially true of officers and noncommissioned officers who are expected to exhibit the highest standards of professional conduct and to 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 members should expect to be and must be held accountable for the impact of their conduct on the Air Force as an institution.

7. Command and Supervisory Responsibilities. Commanders and supervisors at all levels have the authority and the responsibility to maintain good order, discipline and morale within their units. They may be held accountable for failing to act in appropriate cases.

8. Actions in Response to Unprofessional Relationships. If a relationship is prohibited by this instruction or is causing (or if good professional judgment and common sense indicate that a relationship may reasonably result in) a degradation of morale, good order, discipline or unit cohesion, a commander or supervisor should take corrective action. Action should normally be the least severe necessary to terminate the unprofessional aspects of the relationship. The full spectrum of administrative actions is available and should be considered. Administrative actions include, but are not limited to, counseling, reprimand, creation of an unfavorable information file (UIF), removal from position, 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 can be taken. Experience has shown that counseling is often an effective first step in curtailing unprofessional relationships. More serious cases may warrant administrative action or nonjudicial punishment. Referral of charges to a court-martial is not appropriate except in aggravated cases. An order to terminate a relationship, or the offensive portion of a relationship, can and should be given whenever it is apparent that lesser administrative action may not be effective. Officers or enlisted members who violate such orders are subject to action under the UCMJ for violation of the order. Instances of actual favoritism, partiality, or misuse of grade or position may constitute independent violations of the UCMJ or the punitive provisions of the Joint Ethics Regulation.

8.1. Responses To Cases Involving Dating or Sexual Relationships. When unprofessional conduct includes evidence of a sexual relationship, the sexual relationship is but one factor to be considered in determining the adverse impact, if any, on the organization and, hence, an appropriate response. It is the impact or reasonably foreseeable consequences of the conduct on morale, discipline, good order, unit cohesion and mission accomplishment that determines its seriousness, not its characterization, even if the conduct could be characterized as adultery or some other potential offense. No fact, standing alone, necessarily warrants referral of charges to a court-martial. When a relationship has had an adverse

impact on the Air Force, unprofessional conduct should not be excused simply because the parties to the unprofessional relationship subsequently marry or one of the parties leaves the service.

9. Training. Instruction on the concepts of unprofessional relationships and fraternization shall be made a part of the curricula for basic training, commissioning programs, and professional military education for all military personnel. Commanders, judge advocates and supervisors will familiarize themselves with this instruction (in particular paragraph 8.) and commanders will make certain all personnel are briefed on this policy on an annual basis or more frequently.

10. Questions Regarding This Instruction. Military members who have questions as to the application or interpretation of the policy should consult their commander. Commanders are encouraged to consult their staff judge advocates or servicing legal offices for assistance in interpretation.

WILLIAM A. MOORMAN, Maj General, USAF
The Judge Advocate General

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

DoD 5500.7-R subsection 2-205, *Limitation on Solicited Sales*. Excerpts from the Joint Ethics Regulation. A DoD employee shall not knowingly solicit or make solicited sales to DoD personnel 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 a DoD employee's non-commercial 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.

DoD 5500.7-R subsection 5-409, *Commercial Dealings Involving DoD Employees*. Excerpts from the Joint Ethics Regulation. A DoD employee shall not knowingly solicit or make solicited sales to DoD personnel 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 a DoD employee's non-commercial 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 subsection.

- a. This prohibition includes the solicited sale of insurance, stocks, mutual funds, real estate, cosmetics, household supplies, vitamins, and other goods or services.
- b. Both the act of soliciting and the act of selling as a result of soliciting are prohibited. In both cases, however, a solicitation is necessary for a violation to occur. While the standard prohibits a senior from making a solicited sale to a junior or to the junior's family, sales made because a junior approaches the senior and requests the sale to be made are not prohibited, absent coercion or intimidation by the senior.
- c. Personal commercial solicitations by the spouse or other household member of a DoD employee to those who are junior in rank, grade, or position to the DoD employee, may give rise to the appearance that the DoD employee himself is using his public office for personal gain. When a spouse or household member of a DoD employee engages in such activity, the supervisor of the DoD employee must consult an Ethics Counselor, and counsel the DoD employee 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 undermine discipline, morale, or authority.

Abbreviations and Acronyms

AFI—Air Force Instruction

ANG—Air National Guard

ARC—Air Reserve Component

DoD—Department of Defense

DoDD—Department of Defense Directive

DoDI—Department of Defense Instruction

JER—Joint Ethics Regulation

UCMJ—Uniform Code of Military Justice

USAFR—United States Air Force Reserve