DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO

OPNAVINST 5370.2B
PERS-61
27 May 1999

OPNAV INSTRUCTION 5370.2B

From: Chief of Naval Operations
To: All Ships and Stations (less Marine Corps field addressees not having Navy personnel attached)

Subj: NAVY FRATERNIZATION POLICY

Ref: (a) U.S. Navy Regulations, 1990
(b) SECNAVINST 5300.26C
(c) OPNAVINST 5354.1D

1. Purpose. To conform Navy policy on fraternization to reference (a). This instruction has been substantially revised and should be reviewed in its entirety.

2. Cancellation. OPNAV Instruction 5370.2A.

3. Policy. Personal relationships between officer and enlisted members that are unduly familiar and that do not respect differences in rank and grade are prohibited, and violate long-standing custom and tradition of the naval service. Similar relationships that are unduly familiar between officers or between enlisted members of different rank or grade may also be prejudicial to good order and discipline or of a nature to bring discredit on the naval service and are prohibited. Commands are expected to take administrative and disciplinary action as necessary to correct such inappropriate behavior. This instruction and the prohibition of fraternization found in Article 1165 of reference (a) are lawful general orders effective without further implementation. Violation of this instruction or Article 1165 subjects the involved members to disciplinary action under the Uniform Code of Military Justice (UCMJ).

4. Background/Discussion

a. Navy has historically relied upon custom and tradition to define the bounds of acceptable personal relationships among its members. Proper social interaction among officer and enlisted members has always been encouraged as it enhances unit morale and esprit de corps. At the same time, unduly familiar personal relationships between officers and enlisted members have traditionally been contrary to naval custom because they undermine the respect for authority, which is essential to Navy's

ability to accomplish its military mission. Over 200 years of seagoing experience have demonstrated that seniors must maintain thoroughly professional relationships with juniors at all times. This custom recognizes the need to prevent use of a senior grade or position in such a way that it results in (or gives the appearance of) favoritism, preferential treatment, personal gain, or involves actions that otherwise may reasonably be expected to undermine good order, discipline, authority, or high unit morale. In like manner, custom requires that junior personnel recognize and respect the authority inherent in a senior's grade, rank, or position. This recognition of authority is evidenced by observance and enforcement of the military courtesies and customs that have traditionally defined proper senior-subordinate relationships.

b. "Fraternization" is the term traditionally used to identify personal relationships that contravene the customary bounds of acceptable senior-subordinate relationships. Although it has most commonly been applied to officer-enlisted relationships, fraternization also includes improper relationships and social interaction between officer members as well as between enlisted members.

c. Historically, and as used in this instruction, fraternization is a gender-neutral concept. Its focus is on the detriment to good order and discipline resulting from the erosion of respect for authority inherent in an unduly familiar senior-subordinate relationship, not the sex of the members involved. In this sense, fraternization is a uniquely military concept, although abuse of a senior's position for personal gain and actual or perceived preferential treatment are leadership and management problems that also arise in civilian organizations. In the context of military life, the potential erosion of respect for the authority and leadership position of a senior in grade or rank can have an enormously negative effect on good order and discipline and seriously undermine a unit's effectiveness. Therefore, prohibition of 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 (b) and (c).

5. <u>Prohibited Relationships</u>

a. Personal relationships between officer and enlisted members that are unduly familiar and that do not respect

differences in grade or rank are prohibited. Such relationships are prejudicial to good order and discipline and violate long-standing traditions of the Naval service.

b. Personal relationships between chief petty officers (E-7 to E-9) and junior personnel (E-1 to E-6), who are assigned to the same command, that are unduly familiar and that do not respect differences in grade or rank are prohibited. Likewise, personal relationships that are unduly familiar between staff/instructor and student personnel within Navy training commands, and between recruiters and recruits/applicants that do not respect differences in grade, rank, or the staff/student relationship are prohibited. Such relationships are prejudicial to good order and discipline, and violate long-standing traditions of the Naval service.

c. When prejudicial to good order or of a nature to bring discredit on the Naval service, personal relationships between officer members or between enlisted members that are unduly familiar and that do not respect differences in grade or rank are prohibited. Prejudice to good order and discipline or discredit to the Naval service may result from, but are not limited to, circumstances which:

(1) call into question a senior's objectivity;

(2) result in actual or apparent preferential treatment;

(3) undermine the authority of a senior; or

(4) compromise the chain of command.

6. Discussion

a. Fraternization, as defined in paragraph 5, is prohibited and punishable as an offense under the UCMJ.

b. It is impossible to set forth every act that may be prejudicial to good order and discipline or that is service discrediting 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 unit morale and esprit de corps. Officer and enlisted participation on command sports teams and other command-sponsored events intended to build unit morale and camaraderie are healthy and clearly appropriate. Dating, shared living accommodations, intimate or sexual relations, commercial

solicitations, private business partnerships, gambling and borrowing money between officers and enlisted members, regardless of Service, are unduly familiar and are prohibited. Likewise, such conduct between officer members and between enlisted members of different rank or grade would be unduly familiar and constitute fraternization if the conduct is prejudicial to good order and discipline or is Service discrediting.

c. Prejudice to good order and discipline and discredit to the Naval service may occur when the degree of familiarity between a senior and a junior in grade or rank is such that the senior's objectivity is called into question. This loss of objectivity by the senior may result in actual or apparent preferential treatment of the junior, and use of the senior's position for the private gain of either the senior or junior member. The actual or apparent loss of objectivity by a senior may result in the perception the senior is no longer capable or willing to exercise fairness and make judgments on the basis of merit. An unduly familiar relationship that so undermines the leadership authority of a senior or that compromises the chain of command (i.e., where there is a direct senior-subordinate relationship) is inappropriate and prohibited.

d. Unduly familiar relationships may exist with individuals outside one's direct chain of command. By long-standing custom and tradition, chief petty officers (E-7 to E-9) are separate and distinct leaders within their assigned command. Chief petty officers provide leadership not just within their direct chain of command, but for the entire unit. The prohibition of paragraph 5b is based on this unique leadership responsibility. While the existence of a direct senior-subordinate supervisory relationship is not a prerequisite for a relationship between juniors and seniors to constitute fraternization, the fact that individuals are in the same chain of command increases the likelihood that an unduly familiar relationship between senior and junior officers, or between senior and junior enlisted members will result in prejudice to good order and discipline or discredit to the naval service.

e. Conduct, which constitutes fraternization, is not excused or mitigated by a subsequent marriage between the offending parties.

f. Service members who are married or otherwise related (father/son, etc.) to other service members, must maintain the requisite respect and decorum attending the official relationship while either is on duty or in uniform in public.

g. Compatible with sea/shore rotation policy and the needs of the service, service members married to each other will not be assigned in the same chain of command.

7. Action/Responsibility

a. Seniors throughout the chain of command will:

(1) Be especially attentive to their personal associations such that their actions and the actions of their subordinates are supportive of the military chain of command and good order and discipline. Since circumstances are important in determining whether personal relationships constitute fraternization, seniors must provide guidance on appropriate relationships that build unit cohesion and morale.

(2) Ensure that all members of the command are aware of the policies set forth in this instruction.

(3) Address the offending conduct by taking appropriate action, to include counseling, issuing letters of instruction, comments on fitness reports or performance evaluations, reassignment, and/or, if necessary, by taking appropriate disciplinary steps.

b. The responsibility for preventing inappropriate relationships must rest primarily on the senior. While the senior party is expected to control and preclude the development of inappropriate relationships, this policy is applicable to both members and both are accountable for their own conduct.

c. The Director for Naval Training (N7) will ensure training on this subject, including examples of appropriate and prohibited personal relationships, is provided in General Military Training.

d. Commanders will provide indoctrination and annual training to all hands on the subject of fraternization, including examples of appropriate and prohibited personal relationships.

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