

USAREC Regulation 27-4

Legal Services

Prohibited and Regulated Activities

Rapid Action Revision (RAR) Issue Date: 18 April 2016

Headquarters
United States Army Recruiting Command
1307 3rd Avenue
Fort Knox, KY 40121-2725
11 March 2016

UNCLASSIFIED

SUMMARY of CHANGE

USAREC Reg 27-4

Prohibited and Regulated Activities

This Rapid Action Revision, dated 18 April 2016 , includes the following:

- o This regulation replaces USAREC Regulation 600-25, Prohibited and Regulated Activities, dated 4 February 2009.
- o Expands application to civilian employees of USAREC.
- o Rescinds, revises, and incorporates the Buddy System Policy, formerly USAREC Messages 07-100 and 13-018.
- o Clarifies the definition of serious offenses.
- o Clarifies the duties to report and investigate certain suspected offenses.
- o Clarifies the definition of prohibited relationships; removes duplicity of prohibitions and defines the term “prospect” as contained in AR 600-20, paragraph 4-15.
- o Permits commissioned officer commanders to approve employment of high school students who are not a contact, prospect or applicant.
- o Removes references to sexual harassment as redundant to AR 600-20.
- o Removes prohibition on possession of pornography as redundant with other regulations and allows for accepted legal definitions to define pornography.
- o Removes references to prohibitions of misuse of government equipment, possession of pornography, gambling, participation in demonstrations, misuse of government charge cards as redundant with other regulations.
- o Eliminates UF 1196, UF 1266, UF 1267, UF 1268, UF 1274 and UF 1301.

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Effective 18 April 2016

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For the Commander:

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Official:


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History. This publication is a rapid action revision. The portions affected by this rapid action are listed in the summary of change.

Summary. This regulation identifies U.S. Army Recruiting Command prohibited activities. Failure by any U.S. Army Recruiting Command personnel to comply with the provisions of Chapter 2 may subject Soldiers to disciplinary action under the Uniform Code of Military Justice and civilian employees may be subject to disciplinary or adverse actions under

Federal law and regulations. The enumeration of proscribed activities herein does not preclude prosecution for violations of other Army or Recruiting Command regulations or of other laws.

Applicability. This regulation applies to and is binding on all military and civilian personnel assigned, attached, detailed, or on temporary duty with the U.S. Army Recruiting Command.

Proponent and exception authority. The proponent of this regulation is the Staff Judge Advocate. The proponent has the authority to approve exceptions to this regulation that are consistent with controlling law and regulation. Proponent may delegate the approval authority, in writing, to the deputy within the proponent agency.

Army management control process. This regulation contains management control provisions in accordance with AR 11-2, but does not identify key management controls that must be evaluated.

Supplementation. Supplementation of this regulation is prohibited.

Relation to USAREC Reg 10-1. This publication establishes policies and procedures to advise the commander regarding prohibited activities according to UR 10-1. para 3-31c.(1).

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQ USAREC, ATTN: RCSJA, 1307 3rd Avenue, Fort Knox, KY 40121-2725.

Distribution. This regulation is available in electronic media only and is intended for command level A.

*This regulation supersedes USAREC Regulation 600-25, dated 4 February 2009.

*This regulation supersedes USAREC Regulation 27-4, dated 11 March 2009.

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Chapter 1

General

1-1. Purpose

This regulation enumerates certain prohibited activities for Soldiers assigned to U.S. Army Recruiting Command (USAREC). The prohibitions contained in paragraphs 2-2 through 2-6 also apply to civilian employees of USAREC.

1-2. References

Required and related publications and referenced forms are listed in appendix A.

1-3. Policy

a. Chapter 2 is punitive. USAREC personnel who fail to comply with its provisions may be subject to disciplinary action under the Uniform Code of Military Justice (UCMJ) or, for civilian employees, to disciplinary or adverse personnel actions under Federal law and regulations.

b. If any portion of this regulation be declared invalid by a court of law, that declaration shall not affect the validity of any other portion of this regulation.

1-4. Responsibilities

a. USAREC personnel must report known or suspected violations of this regulation to the first commissioned officer in the chain of command or supervision.

b. Battalion commanders will report known or suspected violations of this regulation in accordance with USAREC Reg 190-4.

c. Commanders will report felony level and serious offenses to HQ USAREC in accordance with USAREC Reg 190-4; and all offenses within the investigative purview of Army law enforcement will be reported to the appropriate servicing agency. Commanders will reference AR 195-2, Table B-1 to determine the appropriate investigative agency. [To find the nearest U.S. Army Criminal Investigation Command office, see: www.cid.army.mil for a current listing of supporting CID offices]. Failure to report an alleged offense may constitute Dereliction of Duty and/or Misprision of a Serious Offense.

d. Battalion commanders will ensure suspected violations are investigated. Specific investigative procedures for informal investigations are provided in USAREC Pam 27-2.

e. Upon completion of a commander's inquiry and/or informal investigation, commanders shall consult with the brigade judge advocate (BJA) prior to initiating adverse administrative or UCMJ action against a Soldier or civilian employee.

Chapter 2

Prohibited Practices

2-1. Unauthorized relationships

a. Any relationship with a Subject of Recruiting Efforts (SRE).

b. A SRE is any person who is a prospect, applicant, or recruit.

(1) A prospect is 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.

(a) 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.

(b) 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.

(c) An individual who expresses an interest in enlistment or appointment but is permanently barred under existing regulations is not a prospect.

(2) An applicant is 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.

(3) A recruit is an individual who has joined a Military Service to include military academy cadets, ROTC cadets who are under contract, and individuals in the Delayed Entry Program (DEP) or similar programs.

(4) The DEP is synonymous with Future Soldier Program. It is any 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. 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.

c. "Relationship" is defined as any social activity of an unofficial nature including 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. This includes, but is not limited to, dating, handholding, kissing, embracing, caressing, and engaging in sexual activities.

d. Prohibited activities include, but are not limited to those that:

(1) Develop, attempt to develop, or conduct a relationship with a SRE.

(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 SRE.

(3) Make sexual advances toward, or seek or accept sexual advances or favors from, a SRE.

(4) Allow entry of any SRE into their dwelling (to include temporary lodging).

(5) Establish a common household with a SRE, 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.

(6) Allow entry of any SRE into their privately owned vehicles. Exceptions are permitted for official business when the safety or welfare of a SRE is at risk.

(7) Provide alcohol to, or consume alcohol with, a SRE on a personal social basis.

(8) Attend social gatherings, clubs, bars, theaters, or similar establishments on a personal social basis with a SRE.

(9) Gamble with a SRE.

(10) Lend money to, borrow money from, or otherwise become indebted to a SRE.

(11) Solicit donations from a SRE.

(12) Hire or otherwise employ an applicant or recruit (e.g., baby-sitting, maintenance jobs).

(13) Accept personal goods, in an unofficial or personal capacity, from a SRE for storage or any other reason.

e. Contact or relationships that are based upon household members' relationships shall not constitute a qualifying relationship. However, if a person with whom a recruiter has a relationship becomes a SRE, the recruiter is prohibited from processing or assisting in processing that individual. Exceptions for a SRE may be granted to accommodate relationships that existed before the SRE starting the recruiting process. These relationships include, but are not limited to, family members. Only the recruiter's battalion commander, 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. Exceptions for Future Soldiers must also be documented using DD Form 2983, in accordance with UR 601-210, Appendix O-7, Restrictions on Future Soldier Activities.

f. All communication media with SREs will be official. The use of personal cell phones or personal unofficial social media is strictly prohibited. Examples include using personal social media accounts that are not used exclusively for recruiting operations. Recruiters must separate personal social media from public/professional social media. There are no exceptions to these prohibitions.

g. The following are situational examples to help understand the intent. Recruiters are not expected to live in a social vacuum. Each relationship will be evaluated upon its individual facts and the following examples will not be relied upon to justify an otherwise prohibited relationship. For example, if a recruiter has high school children and his or her children have high school friends, the Recruiter is not required to prohibit his or her children from having the children's friends to the residence.

h. In addition, conduct that is a result of being in the proximity of a person or persons with whom unofficial contact is prohibited is not itself a violation. For example, ordering an alcoholic beverage in restaurant that has high school students present in the restaurant while off duty is not prohibited.

i. SREs retain their status except as follows:

(1) Enlistees (those Soldiers who have completed processing and have assessed onto active duty, either as active duty or reserve) retain a “recruit” status for six months following the completion of entry-level training.

(2) As determined by enlistment eligibility regulations, a permanently disqualified applicant is no longer a SRE. Applicants who are permanently disqualified by appropriate authorities retain their prohibited status for one year from the date the permanent disqualification is recorded in recruiting records. Additionally, recruiting records must reflect the permanent disqualification change in status prior to the applicant losing the status of a subject of recruiting efforts.

(3) Applicants and enlistees who are temporarily disqualified are still regarded as prospects. This includes Future Soldier Training Program (FSTP) losses or enlistees who do not complete entry level training but who may be qualified to enlist at a later date.

j. The prohibitions in this paragraph do not apply to authorized functions or activities such as FSTP events approved by Brigade Commanders or higher.

2-2. Misuse of alcohol

a. The following misuses of alcohol are prohibited:

(1) Consumption of alcoholic beverages while on duty. For purposes of this regulation, on duty includes during meals or other breaks during Recruiters work hours or events.

(2) Driving a Government-owned or -provided vehicle (including rental car) within 8 hours of consuming alcohol.

(3) Possession, transportation, or consumption of alcohol in any recruiting facility or Government owned or leased vehicle, to include Government-provided rental cars. However, personnel who are on temporary duty (TDY) are allowed to transport unopened containers of alcohol, which are for personal use, in a rental car (that is, a Soldier picks up a six-pack of beer at a local convenience store and brings it back to his or her hotel to drink over his or her 3-night TDY).

b. Subject to restrictions of state and federal law, Brigade Commanders are permitted to allow possession and consumption of alcoholic beverages in recruiting facilities on special occasions (for example, social activities held at the end of the duty day for an award ceremony, retirement ceremony, holiday balls, functions coordinated with the family readiness group, and other social activities). In the case involving HQ USAREC, the Chief of Staff is authorized to permit possession and consumption of alcoholic beverages for special occasions. In all cases, permission shall be in writing and in advance.

2-3. Weapons

Possession of any of the following items in a recruiting facility or the transportation thereof in a government owned or provided vehicle is prohibited:

a. Privately-owned weapons, including but not limited to, firearms, compressed air guns, BB guns, or stun guns;

b. Government weapons, without the prior written permission of the battalion commander;

c. Knives with a switchblade, automatic opener, or blade longer than 4 inches;

d. Bludgeoning or asphyxiating type items to include but not limited to: blackjacks, nunchucks, billy clubs, riot batons, homemade clubs, martial arts weapons, nooses, garrotes, or other related items;

e. Brass knuckles, knucklers, and any other device fitting over the hand used for the purpose of striking;

f. Slingshots, bows, crossbows, or similar devices;

g. Any type of pyrotechnics or explosives, including simulators, ammunition, or grenades. This does not include military or civilian automotive road flares designed for use as temporary hazard warning devices. Battalion commanders are permitted to approve exceptions to the prohibition against using simulators if they are to be used for official recruiting events.

h. Company commanders may authorize the display of mounted swords and knives and firearms that have been rendered inoperable.

2-4. Gambling

Personnel are prohibited from participation in gambling activities while in any RC, facility, headquarters, or Government vehicle, when on duty, in uniform. This also includes, but is not limited to lotteries, pools, and the sale or purchase of related tickets when any money changes hands.

2-5. Voluntary services

Recruiters are prohibited from allowing any personnel, to include SREs, to provide voluntary services (such as community service or internships) in an Recruiting Center (RC) without written approval from the servicing civilian personnel office and the battalion commander for non-prospect volunteers. The use of individuals completing court ordered community service, performed pursuant to a criminal conviction or other adverse disposition, is strictly prohibited.

2-6. Security of laptops and portable computer systems

a. When traveling with a laptop outside the regular place of duty:

(1) Recruiting and/or responsible personnel will not leave a laptop unsecured or in plain view in a Government-owned vehicle or privately-owned vehicle.

(2) Recruiting and/or responsible personnel will carry the laptop on their person or otherwise maintain positive visual or physical control of the laptop when traveling by airplane or train. If the computer carrying case is too large to be carried on an airplane, recruiting and/or responsible personnel are required to take the computer out of the case and hand-carry it on the airplane.

(3) Recruiting and/or responsible personnel will not leave a laptop unattended in a hotel room unless the recruiter has secured the computer through means of a cable lock, hotel safe or other reasonable manner to ensure its security.

b. Recruiting and/or responsible personnel in an RC or company headquarters will not leave a laptop unattended unless it is secured with a cable lock or other approved locking device provided the facility is so equipped to permit such security measures. Non-Commissioned Officers-in-Charge of centers will secure unassigned laptop computers in a locked closet, locked cabinet, or locked filing cabinet provided by the command. Recruiters will utilize security equipment supplied by the command and are not responsible to obtain their own security measures.

2-7. Buddy System Policy

a. During the recruiting process at least one qualifying person must be present at all times whenever a recruiter is in the presence of an SRE of the opposite gender, unless in a public area for an official purpose, or specifically authorized an exception by the Company Commander, First Sergeant, Command Sergeant Major, or higher commander.

b. Recruiters will never conduct one on one physical fitness activities with SREs of the opposite gender.

c. Definitions:

(1) Qualifying person: A person who is eighteen (18) years of age or older.

(2) Recruiting process: Begins with a recruiter's first contact with a prospect and continues throughout the entire enlistment process (to include attendance at all Future Soldier Training Functions and individual tutorials).

(3) Public area: A place or location that is accessible or visible to the general public at times, conditions and usual manner in which the public has access or visibility.

d. Recruiters will not be behind closed-doors with an SRE, regardless of gender. Recruiters and trainers will keep doors open when meeting with SREs except when:

(1) There is a qualifying person 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.

e. Reporting requirements:

(1) Recruiters will update the contact history information each time there is contact with a SRE.

(2) Upon completion of any contact with a SRE of the opposite gender, a recruiter will update the contact history with the name and relationship of the qualifying person present or the location of the public area where the contact occurred.

(3) If the recruiter met with the individual under an exception to this policy, this must be documented by both the recruiter and the approval authority in the contact history section of the SRE's record.

f. This policy may not be supplemented without approval of CG, USAREC.

Appendix A

References

Section I

Required Publications

AR 195-2

Criminal Investigation Activities. (Cited in para 1-4c)

DODI 1304.33

Protecting Against Inappropriate Relations During Recruiting and Entry Level Training

UCMJ

Uniform Code of Military Justice. (Cited in paras 1-3a, 1-4e.)

USAREC Reg 190-4

Incident Reporting. (Cited in paras 1-4b and 1-4c.)

USAREC Reg 600-22

Assignment of Enlistment Processing Responsibility. (Cited in para 2-1h.)

USAREC Pam 27-2

Procedural Guide for the United States Army Recruiting Command Investigating Officer. (Cited in para 1-4d.)

Section II

Related Publication

There are no entries for this section.

Section III

Prescribed Forms

There are no entries for this section.

Section IV

Referenced Forms

DD Form 1966 series

Record of Military Processing - Armed Forces of the United States.

DD Form 2982

Recruiter/Trainer Prohibited Activities Acknowledgment

Glossary

Section I

Abbreviations

BJA

Brigade Judge Advocate

CG

Commanding General

FSTP

Future Soldier Training Program

HQ USAREC

Headquarters, U.S. Army Recruiting Command

RC

Recruiting Center

SCMCA

Summary Court-Martial Convening Authority

SRE

Subject of Recruiting Effort

TDY

Temporary Duty

USAREC

U.S. Army Recruiting Command

Section II

Terms

There are no entries for this section.

USAREC

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