



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

OPNAVINST 5370.2C

N13

26 Apr 07

OPNAV INSTRUCTION 5370.2C

From: Chief of Naval Operations

Subj: NAVY FRATERNIZATION POLICY

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

1. Purpose. To conform Navy policy on fraternization to reference (a). This instruction is a complete revision and should be read in its entirety.

2. Cancellation. OPNAVINST 5370.2B

3. Policy. Personal relationships between officer and enlisted members which are unduly familiar and do not respect differences in rank and grade are prohibited and violate long-standing custom and tradition of the naval service. Similar relationships which 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. Officer and enlisted members are prohibited from engaging in such unduly familiar personal relationships regardless of the service affiliation or service rules of the other person, including unduly familiar relationships with members of foreign military services. 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. The 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 the Navy's ability to accomplish its military mission. Over 220 years of seagoing experience demonstrates 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 where it results in (or gives the appearance of) favoritism, preferential treatment, personal gain, or involves actions which 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 which have traditionally defined proper senior-subordinate relationships.

b. "Fraternization" is the term traditionally used to identify personal relationships which 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, regardless of the service affiliation of the other officer or enlisted member, including members of foreign military services.

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 unique military concept, although abuse of a senior's position for personal gain and actual or perceived preferential treatment are leadership and management problems which 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. Prohibited Relationships

a. Personal relationships between officer and enlisted members which 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, which are unduly familiar and that do not respect differences in grade or rank are prohibited. Likewise, personal relationships which are unduly familiar between staff/instructor and student personnel within Navy training commands, and between recruiting personnel and prospects, applicants, or Delayed Entry Program (DEP) personnel that do not respect differences in grade, rank, or the staff/student relationship are prohibited. A prospect becomes an applicant when processing for enlistment or appointment in any of the Armed Forces by beginning to complete a DD Form 1966, NAVCRUIT 1100/11, or comparable form. 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 which 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.

d. The prohibited relationships discussed in subparagraphs (a) through (c) above are prohibited regardless of the service affiliation of the other person, including members of foreign military services.

6. Discussion

a. Fraternalization, as defined in paragraph 4, is prohibited and punishable as an offense under the UCMJ.

b. It is impossible to set forth every act which 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 in which 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, including relationships with members of other branches of the U.S. Armed Forces or with members of foreign military services. 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 (i.e., 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 which build unit cohesion and morale.

(2) Ensure all members of the command are aware of the policies herein.

(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 by taking appropriate disciplinary steps when necessary.

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. Director, Military Personnel Plans and Policy Division (N13) 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.

J. C. HARVEY, JR.
Vice Admiral, U.S. Navy
Deputy Chief of Naval Operations
(Manpower, Personnel, Training,
and Education)

Distribution:

Electronic only via Department of the Navy Issuances Web site
<http://doni.daps.dla.mil>

26 Apr 07

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 which build unit cohesion and morale.

(2) Ensure all members of the command are aware of the policies herein.

(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 by taking appropriate disciplinary steps when necessary.

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. Director, Military Personnel Plans and Policy Division (N13) 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.



J. C. HARVEY, JR.
Vice Admiral, U.S. Navy
Deputy Chief of Naval Operations
(Manpower, Personnel, Training,
and Education)

Distribution:

Electronic only via Department of the Navy Issuances Web site
<http://doni.daps.dla.mil>