



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON DC 20350-2000

OPNAVINST 5370.2D
N17
6 Jan 2016

OPNAV INSTRUCTION 5370.2D

From: Chief of Naval Operations

Subj: NAVY FRATERNIZATION POLICY

Ref: (a) U.S. Navy Regulations, 1990
(b) SECNAVINST 5300.26D
(c) OPNAVINST 5354.1F
(d) OPNAVINST F3100.6J (NOTAL)
(e) SECNAVINST 5370.7D

1. Purpose

a. To provide policy and procedures on fraternization as defined in reference (a).

b. This revision provides updates to the background and discussion sections along with the action and responsibility sections to include reporting procedures. It is a complete revision and should be reviewed in its entirety.

2. Cancellation. OPNAVINST 5370.2C.

3. Policy. Personal relationships between officer and enlisted members that are unduly familiar and do not respect differences in rank and grade are prohibited and violate long-standing customs and traditions of the U.S. Navy. 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 U.S. Navy and are also 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 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 and 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 are contrary to good order and discipline because these relationships undermine the respect for authority which is essential to the Navy's ability to accomplish its military mission. Seniors must maintain thoroughly professional relationships with juniors at all times. This policy 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 that otherwise may reasonably be expected to undermine good order, discipline, authority, or high unit morale. In like manner, junior personnel must 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 defined proper senior-subordinate relationships.

b. "Fraternization" is a gender-neutral concept used to identify personal relationships that do not respect the 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. This instruction only discusses 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 that are unduly familiar and that do not respect differences in grade or rank are prohibited.

b. Personal relationships between chief petty officers (CPO) (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 or instructor and student personnel within Navy training commands, and between recruiting personnel and prospects, applicants, or delayed entry program personnel that do not respect differences in grade, rank, or the staff or instructor and student relationship are prohibited. A prospect becomes an applicant when processing for enlistment or appointment in any of the Armed Forces begins. Processing begins when prospect begins to complete a DD Form 1966 Record of Military Processing - Armed Forces of the United States, and NAVCRUIT 1131/238 Application Processing and Summary Record, or any other comparable form.

c. Personal relationships between officers 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 that:

- (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 relationships discussed in subparagraphs 5a through 5c are prejudicial to good order and discipline and violate long-standing traditions of the naval service. Therefore, these relationships are prohibited regardless of the Service affiliation of the other person, including members of foreign military services.

6. Discussion

a. 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 also constitute fraternization if the conduct is prejudicial to good order and discipline or is Service discrediting.

b. 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, CPOs (E-7 to E-9) are separate and distinct leaders within their assigned command. CPOs provide leadership not just within their direct chain of command, but for the entire unit. The prohibition of subparagraph 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.

c. Conduct, that constitutes fraternization is not excused or mitigated by a subsequent marriage or declared relationship between offending parties.

d. Service Members who are married or otherwise related (e.g., parent, child, cousin) 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 as Navy standards of conduct still apply.

e. Compatible with sea and shore rotation policy and the needs of the Service, Service Members married to each other or in a personal relationship should not be assigned in the same chain of command.

7. Action and Responsibility

a. Office of Chief of Naval Operations, Director, 21st Century Sailor Office (OPNAV N17) must:

(1) Be the lead for the Navy's fraternization policy.

(2) Track incidents or reports of fraternization including Navy personnel.

(3) Maintain a database from data provided in Navy unit situation reports (SITREP) of fraternization incidents. This database will be a historical record to capture trend analysis.

b. Commanders, commanding officers, and officers in charge must:

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

(2) Provide indoctrination and training to all hands on the subject of fraternization, including examples of appropriate and prohibited personal relationships.

(3) Report any allegation of fraternization via a Navy unit SITREP per reference (d) to the Chief of Naval Operations. Upon conclusion of an investigation, provide a final SITREP indicating the disposition of the case.

(4) Address the offending conduct by taking appropriate action that may include counseling; issuing letters of instruction; commenting on fitness reports or performance

evaluations; reassignment; and taking appropriate disciplinary steps when necessary.

(5) Ensure Service Members assigned to their command who report any fraternization allegations are not subjected to reprisal, per reference (e).

c. Seniors throughout the chain of command must:

(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) Take responsibility for preventing inappropriate relationships. 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.

8. Records Management. Records created as a result of this instruction, regardless of media and format, must be managed per Secretary of the Navy Manual 5210.1 of January 2012.

9. Information Collection Requirements. Reporting requirements within this instruction are exempt from reports control per part IV, paragraph 7n of Secretary of the Navy Manual 5214.1 of December 2005.



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