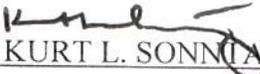


POLICY OR PRECEDENT

SUBJECT:
Treatment of Persons

DATE: 1 NOV 2018

POLICY NUMBER: 16-18
ORIGINATING SECTION: AOJK-EO
ORIGINATOR: MSG Davis
PHONE#: 432-9296

APPROVED BY:  KURT L. SONNATG, Major General, USA, Commanding General

SYNOPSIS:

1. PURPOSE: To establish the U.S. Army John F. Kennedy Special Warfare Center and School (USAJFKSWCS) Policy on Treatment of Persons.
2. SCOPE: This policy applies to all military and Department of the Army (DA) Civilian employees assigned, attached or on temporary duty to the USAJFKSWCS to include all Component Subordinate Commands (CSC), Component Subordinate Units (CSU), and USAJFKSWCS Directorates and Special Staff offices and their Family members. This policy applies both on and off post during duty hours and non-duty hours.
3. POLICY. The USAJFKSWCS is a values-based organization where all persons can expect to be treated with dignity and respect. Hazing, bullying, and other mistreatment of persons directly and negatively impact the morale, safety, motivation, performance, and cohesion of our Soldiers, Family members, and Civilian employees, as well as unit readiness. These behaviors have no place in the USAJFKSWCS, and will not be tolerated. Anything that undermines dignity and respect is opposed to our Army Values and is prohibited. This policy is punitive. Soldiers who violate this policy may be subject to punishment under the Uniform Code of Military Justice. I am personally committed to preventing and/or eliminating these behaviors in this command.

PRESCRIBING DIRECTIVES: AR 690-12, Appendix D, 22 December 2016; AR 600-20, Army Command Policy, chap 4, para 4-19, c, (2), 6 November 2014; Deputy Secretary of Defense Memorandum on Hazing and Bullying Prevention and Response, 23 December 2015; DODD 1350.02 (C2), Department of Defense Military Equal Opportunity (MEO) Program, 8 June 2015; DODD 7050.06, Military Whistleblower Protection, 17 April 2015; DODI 1020.03, Harassment Prevention and Response in The Armed Forces, 8 February 2018

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OTHER POLICIES AFFECTED:
Policy 17-17

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4. DEFINITIONS:

a. **HAZING.** Any conduct through which a military member or members, or a Civilian employee or employees, without a proper military or other governmental purpose but with a nexus to military service or DA Civilian employment, physically or psychologically injures or creates a risk of physical or psychological injury to one or more military members, DA Civilians, or any other persons for the purpose of: initiation into, admission into, affiliation with, change in status or position within, or as a condition for continued membership in any military or DOD civilian organization. Hazing includes, but is not limited to the following when performed without a proper military or governmental purpose: any form of initiation or congratulatory act that involves physically striking another in any manner or threatening to do the same; pressing any object into another person's skin, regardless of whether it pierces the skin, such as "pinning" or "tacking on" of any object, badge, or insignia; oral or written berating of another for the purpose of belittling or humiliating; encouraging another to engage in illegal, harmful, demeaning or dangerous acts; playing abusive or malicious tricks; branding, handcuffing, duct taping, tattooing, shaving, greasing, or painting; subjecting to excessive or abusive use of water; and the forced consumption of food, alcohol, drugs, or any other substance. Hazing can be conducted through the use of electronic devices or communications, and by other means, as well as in person.

b. **BULLYING.** Bullying is an act of aggression by a military member or members, or DA Civilian employee or employees, with a nexus to military service or DA Civilian employment, with the intent of harming a military member, DA Civilian, or any other persons, either physically or psychologically, without a proper military or other governmental purpose. Bullying may involve the singling out of an individual from his or her co-workers, or unit for ridicule because he or she is considered different or weak. It often involves an imbalance between the aggressor and the victim. Bullying includes, but is not limited to the following when performed without a proper military or other governmental purpose: physically striking another in any manner or threatening to do the same; intimidating; teasing; taunting; oral or written berating of another for the purpose of belittling or humiliating; encouraging another to engage in illegal, harmful, demeaning, or dangerous acts; playing abusive or malicious tricks; branding, handcuffing, duct taping, tattooing, shaving, greasing, or painting; subjecting to excessive or abusive use of water; the forced consumption of food, alcohol, drugs, or any other substance; and degrading or damaging the person of his or her property or reputation. Bullying can be conducted through the use of electronic devices or communications, and by other means, as well as in person.

c. **HARASSMENT.** Behavior that is unwelcome or offensive to a reasonable person, whether oral, written, or physical, that creates an intimidating, hostile, or offensive environment. Harassment can occur through electronic communications, including social media, other forms of communication, and in person. Harassment may include offensive jokes, epithets, ridicule or mockery, insults or put-downs, displays of offensive objects or imagery, stereotyping,

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intimidating acts, veiled threats of violence, threatening or provoking remarks, racial or other slurs, derogatory remarks about a person's accent, or displays of racially offensive symbols. Activities or actions undertaken for a proper military or governmental purpose, such as combat survival training, are not considered harassment.

d. WHAT CONSTITUTES HAZING AND BULLYING?

(1) A military member or DA Civilian employee may still be responsible for an act of hazing and bullying, even if there was actual or implied consent from the victim and regardless of the grade/rank, status, or service of the victim. Hazing and bullying can include both physical and nonphysical interactions. Hazing typically involves conduct directed at new members of an organization or individuals who have recently achieved a career milestone. It may result from any form of initiation, "rite of passage," or congratulatory act that includes unauthorized conduct such as: physically striking another while intending to cause, or causing, the infliction of pain or other physical marks such as bruises, swelling, broken bones, internal injuries; piercing another's skin in any manner; forcing or requiring the consumption of excessive amounts of food, alcohol, drugs, or other substances; or encouraging another to engage in illegal, harmful, demeaning, or unauthorized dangerous acts. Unlike hazing, bullying often, but not always, takes the form of excessive corrective measures that, like hazing, involve the infliction of physical or psychological pain and go beyond what is required for authorized corrective training.

(2) Hazing and bullying are not limited to superior subordinate relationships. They may occur between peers, or under certain circumstances, may involve actions directed towards senior personnel by those junior in rank, grade, or position to them. Hazing may occur during graduation or promotion ceremonies or similar military "rites of passage." However, it may also happen in military settings, such as in small units, to initiate or "welcome" a new member to the unit. Bullying may also occur in all settings but it most often appears as excessive correction of, or punishment for, perceived performance deficiencies. Hazing and bullying are prohibited in all cases, to include off-duty or "unofficial" celebrations or unit functions, on or off post.

e. WHAT DOES NOT CONSTITUTE HAZING OR BULLYING?

(1) Hazing may occur when otherwise authorized or permissible conduct crosses the line into impermissible conduct. Bullying is always committed with the intent to exclude or reject another from inclusion in a group and, while the bullying conduct may appear to be corrective training, it is never authorized or permissible. The imposition of necessary or proper duties and the requirement of their performance does not violate this policy even though the duties may be arduous, hazardous, or both. When authorized by the chain of command and/or operationally required, the following activities do not constitute hazing or bullying: (1) the physical and mental hardships associated with operations or operational training; (2) lawful punishment imposed pursuant to the UCMJ; (3) administrative corrective measures, including verbal reprimands and command-authorized physical exercises; (4) extra military instruction or

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corrective training that is a valid exercise of military authority needed to correct a Soldier's deficient performance in accordance with paragraph AR 600-20 para 4-6, 6 November 2014; (5) physical training and remedial physical training; and (6) other similar activities that are authorized by the chain of command and conducted in accordance with this or other applicable regulations.

(2) Many time-honored customs of the Army include traditional events that celebrate personal milestones and professional achievements. These events are part of our heritage and include hails and farewells, promotion and graduation ceremonies, and other official command functions. The chain of command will ensure these traditions and customs are carried out in accordance with Army values and that the dignity and respect of all participants is maintained.

5. ISSUES AND CONCERNS COMMON TO BOTH HAZING AND BULLYING.

a. The willingness of any participant is irrelevant; therefore, expressed or implied consent to prohibited behaviors under this policy is not a valid defense to a violation of this regulation. A USAJFKSWCS Soldier or Civilian may still be responsible for an act of hazing or bullying even if there was actual or implied consent from the victim and regardless of the grade/rank, status, or Service of the victim.

b. Soliciting, coercing, or knowingly permitting another person to solicit or coerce acts of hazing or bullying may be considered acts of hazing or bullying.

c. Hazing and bullying are prohibited in all circumstances and environments, including off-duty or in "unofficial" unit functions and settings.

d. Hazing and bullying are prohibited in deployed, combat, operational, and both garrison and "field" training environments and settings.

e. Incidents of hazing or bullying that may involve allegations of sexual assault, sexual harassment, or discrimination must be addressed in accordance with the laws, regulations, and policies pertaining to such allegations. In all cases, appropriate reporting and investigative protocols shall be followed and support and care shall be provided to complainants and victims.

6. COMMAND RESPONSIBILITIES:

a. Commanders and supervisors will enforce this policy at all levels.

b. Commanders at all levels down to company (or equivalent) level will publish and post written command policy statements on the treatment of persons. Treatment of Persons policy statements will be consistent with USAJFKSWCS and Army policies, include the local command's commitment to prevention of hazing and bullying, and reaffirm that these behaviors

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will not be tolerated. The command policy will explain how and where to file complaints and will state that all complainants will be protected from reprisal. Commanders must consult their respective legal office prior to publishing.

c. Commanders will conduct hazing and bullying training at least annually as part of the EO training requirements related to promoting a healthy unit climate. Incorporating training and education on preventing and responding to hazing and bullying is an important component of changing military culture. Therefore, training must occur at all levels, from the lowest level to our most senior leaders. Training will differentiate between hazing and bullying and appropriate administrative corrective measures, extra military instruction, and command-authorized physical training. The training must emphasize that bullying and hazing are unacceptable and prohibited. Finally, training must include examples of hazing and bullying behaviors and illustrate how these behaviors negatively impact the mission, as well as information on how to report hazing and bullying incidents, and victim rights and resources.

d. Commanders will immediately report allegations of criminal behavior in violation of this policy to law enforcement. All hazing or bullying allegations reported to a commander will be investigated as possible violations of Article 92 of the UCMJ in accordance with the informal board procedures set forth in AR 15-6 or as a commander's inquiry. Individuals may also report incidents of hazing to the appropriate Inspector General Office and may be investigated by that office or referred to the command for investigation. Regardless of the type of investigation conducted into the hazing or bullying allegation (law enforcement, IG, or administrative), commanders are responsible for coordinating with their unit Equal Opportunity Advisor (EOA) to ensure all hazing or bullying allegations are recorded and tracked in the Equal Opportunity Reporting System (EORS). Additionally, commanders will ensure the security manager records the derogatory information as an incident report in JPAS in accordance with AR 380-67, Personnel Security Program, 24 January 2014.

e. Commanders will ensure allegations of mistreatment are investigated promptly.

f. Commanders will protect victims, witnesses, and other individuals who file complaints from the presence or perception of intimidation, harassment, reprisal, or retaliation.

g. Commanders must seek the advice and counsel of their legal advisor when taking actions pursuant to this policy.

7. INDIVIDUAL RESPONSIBILITIES:

a. Individuals will conduct themselves in accordance with this policy and treat all persons as they should be treated with dignity and respect.

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b. Individuals will advise the command of any incidents of hazing or bullying. Incidents of hazing, bullying, or other mistreatment of persons should be reported to supervisors, the chain of command, law enforcement, and/or the inspector general.

8. The elimination of hazing and bullying is one of the USAJFKSWCS top priorities - and it is everyone's responsibility. Likewise, every Soldier, Civilian employee, and Family member is responsible for treating one another with mutual dignity and respect. We cannot tolerate or condone hazing or bullying in our units and work areas. It is incumbent upon all leaders to set a positive example and create an environment conducive to good order and discipline. Again, I am personally committed to eliminating hazing and bullying in the USAJFKSWCS. I will provide commanders, units, and supervisors with the resources they need to eliminate these behaviors.

9. EXPIRATION. This policy memorandum is in effect until superseded or rescinded.