

DEFENSE EQUAL OPPORTUNITY MANAGEMENT INSTITUTE (DEOMI)

STUDENT RULES AND REGULATIONS OF CONDUCT

Student 'conduct standards' at DEOMI are based upon Service Core Values and Academic Integrity and are set forth in writing in order to give *students* general notice of prohibited conduct. This document is not designed to present an exhaustive list of examples of violations of conduct as all Service members and federal civilian employees are responsible to abide by the Uniform Code of Military Justice (UCMJ), federal laws and statutes (e.g. OSHA guidance, US Code Title 5, Title 10, Title 14, Title 17, Title 18, Title 32, etc.) Executive Orders, Service policies, and Service Core Values as applicable. DEOMI training programs consist of courses, lessons, activities, assessments, and evaluations.

MILITARY BEARING AND CONDUCT:

Students are expected to comply with Service directives regarding customs, courtesies, proper uniform wear, and appearance. As students in this Joint Service environment, they should become familiar with the rank and insignia of the other Services. Students must adhere to their Service regulations and policies concerning fraternization and conduct themselves in a manner which ensures that proper relationships are maintained. (See DEOMI Standard Operating Procedure (SOP) 1325.01, *Professional and Unprofessional Relationships*, for more detail).

DISCIPLINARY ACTIONS:

Students who fail to maintain the standards of professional conduct or behavior required by the Institute, Patrick AFB, or appropriate Service guidance, on- or off-duty, will be processed for appropriate disciplinary action to include possible disenrollment (See DEOMI SOP 1025.02, *Student Disenrollment Procedures*). Information on standards of conduct is available in DEOMI SOP 1025.01, *Student Standards and Evaluation*. A review of possible misconduct may start anywhere within the chain of command.

CHAIN OF COMMAND:

The chain of command for academic, administrative, and disciplinary matters, as outlined in DEOMI's SOP 1025.02, usually commences with the group trainers, flows to applicable Service Liaison Officer, then through the Sergeant Major of Equal Opportunity (EO) Education and Training, to the appropriate EO or Equal Employment Opportunity (EEO) Director of Education and Training, then to the Dean of Education, and finally to the Commandant.

PROGRAM POLICIES:

1. Students are responsible for completing all assignments from the classroom, schedule, and syllabus.

2. Unless otherwise directed, assignments are due at the start of the scheduled periods. Failure to turn in assignments or give oral presentations when scheduled may result in a score of zero. Substandard work will be graded and returned for correction.
3. It is the student's responsibility to contact their trainer to clarify lesson assignments, gain approval to be absent, and/or coordinate to submit/complete assignments that will be due during an excused absence.
4. A misunderstanding is not an acceptable reason for failure to comply with Program or Institute policy.
5. Students must personally prepare all written assignments and presentations. Specifically, student's must:
 - a. Write their own papers without assistance
 - b. Write their own presentations
 - c. Prepare their own visual aids

Exceptions are when assignment instructions specifically state students are to collaborate with a partner or group.

6. Written and presentation material shall be in good taste. If students have any doubt about the appropriateness, check with their academic instructor(s).
7. Instructors are required to keep graded work. Students may review their work anytime by contacting their instructor.
8. Violations of academic integrity may result in dismissal and disenrollment from the program as outlined in DEOMI SOP 1025.12, *Academic Integrity and Freedom*.
9. Overall Performance. Instructors(s) provide student counseling and feedback. Students are encouraged to strive for higher levels of skill development, even if minimum standards are met.
10. Unsatisfactory or poor performance will be addressed through academic standards as published in DEOMI SOP 1025.01.
11. Professional Infraction(s). Students may be required to appear before the Commandant or a Faculty Review Board for any of the following infractions:
 - a. Action(s) detrimental to good order and discipline (fighting, discrimination or slurs of another's race, ethnicity, gender identity, religion, or drug or alcohol violations).
 - b. Failing to maintain standards of professional military or federal civilian behavior as outlined in Service or federal civilian employee regulations or policies.
 - c. Violations of academic integrity (e.g. Plagiarism, Copyright violation, etc.).

It is the expectation that all students taking DEOMI courses conduct themselves in a professional manner consistent with the high standards associated with academic integrity. Any student found to have committed or to have attempted to commit misconduct or violations of the above mentioned policies is subject to the disciplinary actions or punishment under the UCMJ as applicable. All students are provided DEOMI policies regarding student and academic standards, academic integrity, and disenrollment procedures. All students have access to and are responsible for behavior that violates the UCMJ, military and federal civilian standards of conduct, Service core values, and all other statutes, laws, and policies that govern personal and professional behavior. *See 'Attachment 1' for examples of specific 'Behaviors' constituting misconduct at DEOMI.*

MARY L. MARTIN
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Commandant

Attachment
Examples of Misconduct Behaviors

ATTACHMENT 1

UNAUTHORIZED BEHAVIOR:

Behavioral Observations. Students may be required to appear before a Faculty Review Board (FRB), Director of EO/EEO Training (J-7/EEO), or depending on the severity of a negative behavior observed, the Commandant.

Personal Issues. Students may be required to appear before a FRB, Director of EO/EEO Training (J-7/EEO), or the Commandant when student personal issues interfere with their group participation and involvement, or when disenrollment would be in the best interest of the Institute or the individual.

Some unauthorized behavior may fall under the UCMJ. The UCMJ manual states that the purpose of military law is “to promote justice, to assist in maintaining good order and discipline in the armed forces, to promote efficiency and effectiveness in the military establishment, and thereby to strengthen the national security of the United States.”

Unauthorized behavior may lead to immediate expulsion as well as other administrative action.

Dishonesty. Acts of dishonesty, including but not limited to the following:

1. Misrepresenting the truth during a Faculty Review Boards or student conduct investigation(s), and/or making false statements to any DEOMI official or law enforcement officer in the course of his or her duties.
2. Furnishing false information to and/or withholding information from any DEOMI representative, faculty member, or office or law enforcement officer in the course of his or her duties.
3. Forgery, alteration, possession, or misuse of any DEOMI document, record, or instrument of identification.
4. The submission of false information at the time of admission or readmission is grounds for rejection of the application, withdrawal of any offer of acceptance, cancellation of enrollment, dismissal or other appropriate disciplinary action.

Harassment. Behavior that is severe, pervasive or persistent to a degree that a reasonable person similarly situated would be prevented from accessing an educational opportunity or benefit. This behavior includes, but is not limited to, verbal abuse, threats, intimidation, and coercion. In addition, harassment *may* be conducted by a variety of mediums, including but not limited to, physical, verbal, graphic, written, or electronic. All Service members are afforded equal opportunity in an environment free from harassment and unlawful discrimination on the basis of race, color, national origin, religion, sex, or sexual orientation.

Stalking. Any repeated conduct directed specifically at another person that would cause a reasonable person similarly situated (or a member of that person’s family or household) to fear his/her safety. Such conduct includes, but is not limited to, following another person and acts that threaten or intimidate another person through fear of bodily injury or death of self or members of that person’s family or household or an offense being committed against that person’s property.

Physical Abuse. Any attempt to cause injury or inflict pain; or causing injury or inflicting pain. Also causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative. It is not a defense that the person, group, or organization against whom the physical abuse was directed consented to, or acquiesced to, the physical abuse.

The physical abuse *rule* is not intended to prohibit the following conduct:

1. Military athletic events, contests, or competitions that are approved by each Service or DEOMI; or the organized and supervised practices associated with such events; or
2. Any activity or conduct that furthers the goals of a legitimate educational curriculum, a legitimate extracurricular program or a legitimate military training program as defined and approved by DEOMI.

Domestic Violence. Physical abuse by one or more parties in a domestic relationship against one or more parties in that domestic relationship (see “domestic violence” in definitions).

Retaliation. The Department of Defense (DoD) and DEOMI will not tolerate retaliation. Retaliation against any person or group who makes a complaint, cooperates with an investigation, or participates in a resolution process is a violation of DoD and DEOMI policy. Retaliation can take many forms, including continued abuse or violence, bullying, threats, and intimidation. Any individual or group of individuals, not just a complainant or respondent, can engage in retaliation.

Retaliation should be reported promptly to the student Class President, appropriate Service Liaison Officer, Dean, and appropriate Training Director concerning inappropriate conduct. Retaliatory behavior may result in disciplinary action independent of any sanction or interim measures imposed in response to the underlying allegation of misconduct.

Disorderly Conduct. Students at DEOMI have the right to express their views, feelings, and beliefs inside and outside the classroom and to support causes publicly, including by demonstrations and other means.

These freedoms of expression extend so far as conduct does not impinge on the rights of other members of the community or the orderly and/or essential operations of the Institute. Disorderly conduct is not permitted.

Violation of the orderly operation at DEOMI includes, but is not limited to:

1. Excessive noise, which interferes with classes, DEOMI offices, residence hall neighbors, or other campus and community activities;
2. Unauthorized entry into or occupation of a private work area;
3. Conduct that restricts or prevents faculty or staff members or student employees from performing their duties, including interruption of meetings, classes, or events;
4. Failure to maintain clear passage into or out of any DEOMI building or passageway, and/or work space;
5. Failure to disperse when a building, office, or campus space is closed; and/or
6. Other conduct that disrupts the normal operations of the institute (DEOMI).

Theft/Vandalism.

1. ***Theft.*** Unauthorized removal or stealing and/or attempted removal or stealing of property of a *member of the DEOMI community* or other personal or public property, on- or off-base. This includes knowingly possessing such stolen property.
2. ***Vandalism.*** Behavior that destroys, damages, or litters any property of the DEOMI, of a DEOMI community member, of another institution, or of another person, on- or off-campus is prohibited under this *rule*.

Hazing/Bullying.

There are many time-honored traditions in our Services, but hazing and bullying are not among them and have no place in our force.

1. ***Hazing:*** Hazing is any conduct through which a military member or members or a DoD civilian employee or employees, without a proper military or other governmental purpose but with a nexus to military service or DoD civilian employment, physically or psychologically injure or create a risk of physical or psychological injury to one or more military members, DoD 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 other 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 rank insignia, aviator wings, jump wings, diver insignia, badges, medals, or any other object; 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.

2. **Bullying:** Bullying is an act of aggression by a military member or members, or DoD civilian employee or employees, with a nexus to military service or DoD civilian employment, with the intent of harming a military member, DoD 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 of power 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 or 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.

Soliciting, coercing, or knowingly permitting another person to solicit or coerce acts of hazing or bullying may be considered acts of hazing or bullying. A military member or DoD civilian employee may still be responsible for or bullying, even if there was actual or implied consent from the victim and regardless of the grade/rank, status or Service or organization of the victim.

Examples of such behavior include but are not limited to:

- Misuse of authority by virtue of one's class rank or leadership position.
- Striking another *student* by hand or with any instrument.
- Any form of physical bondage of a *student*.
- Taking of a *student* to an outlying area and dropping him/her off.
- Causing a *student* to violate the law or UCMJ such as indecent exposure, trespassing, violation of visitation, etc.

Having firsthand knowledge of the planning of such activities or firsthand knowledge that an incident of this type has occurred and failing to report it to appropriate *DEOMI official* is also a violation under this section.

Students who are recipients and/or victims of hazing/bullying (and who have not perpetrated hazing behavior on others involved in the fact pattern for which they are reporting) and who report the activities to DEOMI leadership (Service Liaison Officers, Directors, Dean, Senior Enlisted Advisor, or Commandant) will not be charged with a violation of the hazing *rule*.

The hazing *rule* is not intended to prohibit the following conduct:

- Customary public athletic events, contests, or competitions that are sponsored by the DEOMI or the organized and supervised practices associated with such events; or
- Any activity or conduct that furthers the goals of a legitimate educational curriculum, a legitimate extracurricular program or a legitimate military training program as defined and approved by the DEOMI.

The prohibition on hazing and bullying extends to such misconduct or activities committed via electronic communications, as well as in the context of in-person interactions and through other means.

Those who engage in such behavior may be:

1. Immediately removed from the Institute or training site.
2. Denied re-entry to the Institute or placed on administrative leave pending completion of an appropriate investigation.
3. Subject to appropriate corrective, administrative and/or disciplinary action.

DoD military personnel and civilian employees will comply with the hazing and bullying prevention and response policies of their organizations.

Breaching Safety or Security. This includes but is not limited to: Unauthorized access to DEOMI facilities; unauthorized entry to or use of DEOMI premises; intentionally damaging door locks; unauthorized possession of DEOMI keys or access cards; duplicating DEOMI keys or access cards; or propping open of exterior residence hall or other campus building doors; tampering with fire safety equipment such as fire extinguishers, smoke detectors, alarm pull stations, gas detectors, or emergency exits; unauthorized entry into another person's or entity's residence, vehicle, or business.

Violation of Law. Violation(s) of any federal (to include the UCMJ), state or local law.

Drugs. The act of using, possessing, being under the influence of, manufacturing, or distributing illegal drugs, illegally obtained/possessed controlled substances or abusing legally obtained drugs by failing to take the drug as directed is prohibited. Except as expressly permitted by law, use, possession, manufacturing, or distribution or being a party thereto of marijuana, heroin, narcotics, or other controlled and/or prescribed substances and/or drug paraphernalia and/or dangerous drug is also prohibited. Individuals may not operate a motor vehicle or another form of transportation while under the influence of drugs or while intoxicated.

Weapons and Explosives. Illegal or unauthorized use, possession of fireworks or explosive, other weapons, or dangerous chemicals on DEOMI premises or at any DEOMI-sponsored activity or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others is prohibited. Illegal or unauthorized use or storage of any weapon. The term weapon may be defined as any object or substance designed to inflict a wound, cause injury or pain, or to incapacitate. Weapons may include, but are not limited to, all firearms, pellet guns, Tasers, stun guns, slingshots, martial arts devices, switchblade knives and clubs.

DISRUPTIVE ACTIVITY:

Disruption or obstruction of teaching, research, administration, or other DEOMI activities (including public-service functions on- or off-campus) or of other authorized non-DEOMI activities when conduct and occurs on DEOMI premises. Such activities *may* include, but are not limited to:

1. Leading or inciting others to disrupt scheduled and/or normal activities on DEOMI premises.
2. Classroom behavior that seriously interferes with either (a) the faculty member's ability to conduct the class or (b) the ability of other students to profit from the instructional program.
3. Any behavior in class or out of class, which for any reason interferes with the class work of others, involves disorder, or otherwise disrupts the regular and essential operation of the DEOMI.
4. Activity or conduct that violates DEOMI Academic Freedom policy.

Unauthorized Recording. Any unauthorized use of electronic or other devices to make an audio, video, still frame or photographic record of any person without his/her prior knowledge, or without his/her effective consent when the person or persons being recorded have a reasonable expectation of privacy and/or such recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom or recording administrative meetings with DEOMI officials.

Misuse of Computing Resources. Failure to comply with DEOMI regulations and policies, license agreements, and contracts governing network, software and hardware use; abuse of communal resources; use of computing resources for unauthorized commercial purposes or personal gain; failure to protect your password or use of your account; breach of computer security, harmful access or invasion of privacy may lead to punishment IAW UCMJ and/or dismissal. Misuse and/or other abuse of computer facilities and resources including, but not limited to:

1. Use of another individual's identification and/or password.
2. Use of computing facilities and resources to send obscene or threatening messages.
3. Use of computing facilities and resources in violation of copyright laws.

SEXUAL MISCONDUCT:

Sexual Harassment. A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or
2. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

This definition emphasizes that workplace conduct, to be actionable as "abusive work environment" harassment, need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive. ("Workplace" is an expansive term for Military members and may include conduct on- or off-duty, 24 hours a day.) Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay, or job of a Military member or civilian employee is engaging in sexual harassment. Similarly, any Military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature in the workplace is also engaging in sexual harassment.

Aggravated Sexual Contact. Any federal employee who commits or causes sexual contact upon or by another person, if to do so would violate subsection (a) (rape) had the sexual contact been a sexual act, is guilty of aggravated sexual contact and shall be punished as a court-martial may direct.

Abusive Sexual Contact. Any federal employee who commits or causes sexual contact upon or by another person, if to do so would violate subsection (b) (sexual assault) had the sexual contact been a sexual act, is guilty of abusive sexual contact and shall be punished as a court-martial may direct.

Sexual Assault. Any federal employee who commits a sexual act upon another person by threatening or placing that other person in fear; causing bodily harm to that other person; making fraudulent representation that the sexual act serves a professional purpose; or inducing a belief by any artifice, pretense, or concealment that the person is another person is committing a sexual assault.

Sexual Assaults are committed when:

A sexual act is committed upon another person, when the person knows or reasonably should know that the other person is asleep or unconscious, or otherwise unaware that the sexual act is occurring; or commits a sexual act upon another person when the other person is incapable of consenting to the sexual act due to—impairment by any drug, intoxicant, or other similar substance, and that condition is known or reasonably should be known by the person; or a mental disease or defect, or physical disability, and that condition is known or reasonably should be known by the person; is guilty of sexual assault and shall be punished as a court-martial may direct.

Rape. Any federal employee who commits a sexual act upon another person by using unlawful force against that other person; using force causing or likely cause death or grievous bodily harm to any person; threatening or placing that other person in fear that any person will be subjected to death, grievous bodily harm, or kidnapping; first rendering that other person unconscious; or administering to that other person by force or threat of force, or without the knowledge or consent of that person, a drug, intoxicant, or other similar substance and thereby substantially impairing the ability of that other person to appraise or control conduct; is guilty of rape and shall be punished as a court-martial may direct.

Sexual Abuse. Sexual abuse is the oral, anal, or vaginal penetration by a sexual organ of another, use of another's sexual organ for oral, anal, or vaginal penetration, or anal/vaginal penetration by any means against the victim's will or without his/her *consent* (see "consent" in definitions). An individual who is mentally incapacitated, unconscious, or unaware that the sexual abuse is occurring is considered unable to give *consent*. The type of force employed *may* involve physical force, coercion, intentional impairment of an individual's ability to appraise the situation through the administering of any substance, or threat of harm to the victim.

Sexual contact. Attempting or making sexual contact, including but not limited to inappropriate touching or fondling, without the person's *consent* (see "consent" in definitions), or in circumstances where the person is physically, mentally or legally unable to give *consent*.

Sexual exploitation. Taking non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or to the benefit or advantage of anyone other than the one being exploited. For example, sexual exploitation could include such actions as secretly videotaping sexual activity, voyeurism, sexually-based stalking, invasion of sexual privacy, and knowingly transmitting a sexually transmitted infection to another person.

Abuse of student conduct process. Abuse of the student conduct processes including *investigations, conferences,* and appeals. Prohibited behavior includes, but is not limited to:

- Falsification, distortion, or misrepresentation of information.
- Disruption or interference with the orderly conduct of an *investigation* or an *appeal process*.
- Intentionally initiating or causing to be initiated any false report.
- Attempting to discourage an individual's proper participation in, or use of, a student conduct process.