



DEPARTMENTS OF THE ARMY AND THE AIR FORCE
JOINT FORCE HEADQUARTERS - NEW YORK
330 OLD NISKAYUNA ROAD
LATHAM, NY 12110-3514

5 APR 2022

MNAG-TAG

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Inappropriate/Unprofessional/Prohibited Relationships

1. References:

- a. AR 600-20, Army Command Policy, 24 July 2020.
- b. AFI 36-2909, Professional and Unprofessional Relationships, 14 November 2019.
- c. DMNA Regulation 27-2, Military Justice, 30 October 2003.

2. Applicability: All Service Members assigned to the New York Army National Guard and New York Air National Guard in a State Active Duty, and or any Title 32 Duty capacity to expressly include Active/Guard Reserve (AGR) or Active Duty Operational Support (ADOS).

3. This Policy is punitive in nature and violations may result in adverse administrative and disciplinary actions.

4. Inappropriate/unprofessional/prohibited relationships are at the heart of many of the adverse and disciplinary actions I review. This scourge has seen all ranks affected, Officer, Warrant Officer, Non-Commissioned Officer, and Junior Enlisted alike. As an organization, we must recognize its toxic effect on Soldier /Airmen safety, end indifference and toleration to it, work to increase awareness and prevention. All Commanders, leaders, Soldiers, and Airmen are charged with ending it, putting their oaths and creeds above their self-interest.

5. Every relationship amongst Service Members must answer two fundamental questions. Is the relationship strictly prohibited based on the status of the Service Members? Is the relationship of such a nature to generate adverse effects (actual, predictable, or perceived)?

6. NYNG Officers and Enlisted members may not engage in:

a. Personal Relationships. Dating, shared living accommodations, and intimate or sexual relationships.

(1) Example: An AGR Captain and Staff Sergeant engaged in an intimate relationship for over a year and believed wrongly so long as other Service Members were unaware their relationship was acceptable – Prohibited.

(2) Example: A MDAY Colonel invited a MDAY Technical Sergeant to join him for drinks and a dinner not for purposes of team building, but as a romantic overture, the very definition of dating – Prohibited.

MNAG-TAG

SUBJECT: Inappropriate/Unprofessional Relationships

(3) Example: An ADOS Major shared his quarters with an ADOS Staff Sergeant to provide her with affordable duty week accommodations, notwithstanding whether they had an intimate relationship this is cohabitation – Prohibited.

b. On-going business relationship except for those that exist because of their civilian occupations. Loaning or borrowing money, commercial solicitation, or joint business venture. One time transactions such as the selling and purchasing of a house or a car are permissible.

Example: An AGR Captain approaches an AGR Staff Sergeant and a MDAY Specialist with a business proposition; loan him tens of thousands of dollars to invest in his motorcycle business, they accepted and loaned him the money – Prohibited.

c. Gambling. Playing at a game of chance for money or other things of value.

Example: At drill a MDAY Flight Commander and her MDAY Senior Enlisted Leader decide a unit wide betting pool for March Madness would be a great unit cohesion builder and widely solicit both officer and enlisted members alike to participate, this is a game of chance with a payout – Prohibited.

7. NYNG Non-Commissioned Officers (NCO) and Junior Enlisted members (E4 and below) may not engage in:

a. Personal Relationships. Dating, shared living accommodations, and intimate or sexual relationships.

(1) Example: An AGR Sergeant First Class engages in a sexual relationship with an AGR Specialist in her office – Prohibited.

(2) Example: A MDAY Sergeant shares her home with a Specialist on ADOS orders – Prohibited.

(3) Example: A Master Sergeant on State Active Duty Orders invited a Senior Airman also on State Active Duty to join him for drinks and a dinner at a hotel restaurant not for purposes of team building, but as a romantic overture, this is dating – Prohibited.

b. On-going business relationship except for those that exist because of their civilian occupations. Loaning or borrowing money, commercial solicitation, or joint business venture. One time transactions such as the selling and purchasing of a house or a car are permissible.

Example: An AGR Staff Sergeant is behind on her cellphone plan and borrows money from an AGR Specialist to avoid loss of her cellphone – Prohibited.

c. Gambling. Playing at a game of chance for money or other things of value.

Example: A MDAY Sergeant First Class invites the NCOs and Enlisted Members of his Platoon over to his house after drill for a night of Poker with a small buy in of 25.00 dollars, because Junior Enlisted members are invited to a game of chance with a payout – Prohibited.

MNAG-TAG

SUBJECT: Inappropriate/Unprofessional Relationships

8. NYNG Recruiters and Recruits including prospects, applicants, and those in delayed entry or training programs.

a. Personal Relationships. Dating, shared living accommodations, and intimate or sexual relationships.

(1) Example: An AGR Technical Recruiter notices a female he finds attractive at a hotel bar, engages her as a potential recruit, waits for some time, and contacts her using his government supplied cellphone and asks her to join him for drinks and dinner while he's "in town" attending an official function – Prohibited.

(2) Example: An AGR Staff Sergeant Recruiter takes a special interest in a recruit while she's in the Recruit Sustainment Program and during the course of the program developed a relationship that resulted in the Recruit moving into the Recruiter's residence – Prohibited.

(3) Example: A MDAY Staff Sergeant working the State Fair identified several female potential recruits whom he found to be attractive, contacted them, later medically disqualified them without justification, and engaged in intimate relations with them - Prohibited.

b. On-going business relationship except for those that exist because of their civilian occupations. Loaning or borrowing money, commercial solicitation, or joint business venture. One time transactions such as the selling and purchasing of a house or a car are permissible.

Example: An AGR Staff Sergeant Recruiter with money problems solicited Recruits to loan her money, she ultimately secured over 5,000 dollars in funds, and repaid the loans with returned checks – Prohibited.

c. Gambling. Playing at a game of chance for money or other things of value.

Example: An AGR Master Sergeant Recruiter starts a fantasy football with a 200 dollar buy in solicits the Recruiters and Recruits to participate, this is a game of chance with a payout – Prohibited.

9. NYNG members of different ranks may not engage in relationships which:

a. Compromise, or **appear** to compromise the integrity of authority.

Example: A Dual Status Technician (MDAY Sergeant) had a close relationship with an AGR Master Sergeant such that when she was instructed by her MDAY superiors to conduct an inventory, she refused, complained to the Master Sergeant whom in turn ordered the Dual Status Technician's superiors to rescind their instruction – Prohibited.

b. Cause actual or **perceived** partiality or unfairness.

Example: A MDAY Sergeant Major had a close professional and concurrent personal relationship with an MDAY Sergeant First Class. When their unit was ordered to field duties all personnel were directed to billet in tents erected at the training site, with the exception of key leadership. The Sergeant First Class was not identified as key leadership, yet the Sergeant Major specifically authorized her to stay in a hotel room – Prohibited.

MNAG-TAG

SUBJECT: Inappropriate/Unprofessional Relationships

c. Involve or **appear** to involve improper use of rank.

Example: An AGR Master Sergeant pressured a subordinate, his GSA Fleet manager to permit his use of a GSA Van to move his daughter – Prohibited.

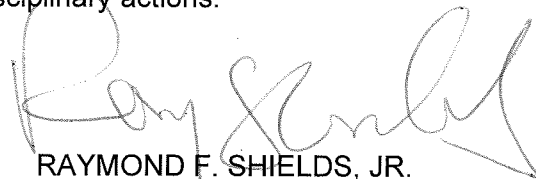
d. Are, or are **perceived** to be, exploitative or coercive.

Example: A MDAY Sergeant would engage the new female Junior Enlisted members of his unit whom he knew to be housing insecure, as a ruse he offered a room in his apartment to them, and after they accepted his offer engaged in sexual relations with them – Prohibited.

e. Cause/create actual or **predictable** adverse impact on discipline, authority morale, or mission accomplishment.

Example: An AGR Technical Sergeant had a personal relationship with the Senior Non-Commissioned Officer of her section, the entire section was aware of the relationship. The Sergeant would use the section member's awareness of the relationship to thwart any tasks assigned to her by immediate superiors – Prohibited.

10. These rules are in place to ensure good order and discipline. When they are violated, it tears at the fabric of trust and faith in the organization and serves as a detriment to effectiveness and cohesiveness. Further, failure to adhere to these prohibitions may result in the full range of adverse administrative and or disciplinary actions.



RAYMOND F. SHIELDS, JR.
Major General, NYARNG
The Adjutant General

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