

CHAPTER 8

BATTALION DISCIPLINARY SYSTEM

801. PURPOSE. To provide procedures to enforce good order and discipline within the Battalion.

802. AUTHORITY AND RESPONSIBILITY. Exercise of authority is granted only to support the fulfillment of assigned duties and responsibilities. This chapter is designed to empower small Unit leaders (particularly squad leaders and above) to enforce good order and discipline. Leaders are evaluated on how well they enforce the regulations set forth in this chapter. All leaders are expected to use the procedures of this chapter to uphold the highest standards of proper conduct. Student commanders within the battalion (squad leaders, platoon commanders, company commanders, battalion commander) have the authority (and obligation) to correct conduct deficiencies in the subordinates, using nonpunitive measures, subject to the limitations of this chapter. The unit Commanding Officer delegates the authority to conduct masts at the company and battalion level to the unit staff officers, acting through the company and battalion commanders.

803. APPLICABILITY. This conduct system is applicable to all NROTC students. **All NROTC students are expected to abide by the UCMJ.** Violation of the UCMJ is unsatisfactory, and will be corrected using the Battalion Conduct System. Some of the articles of the UCMJ are presented here:

ARTICLE

- 86. Absence without leave.
- 88. Contempt toward officials.
- 89. Disrespect toward superior commissioned officer.
- 90. Assaulting or willfully disobeying superior commissioned officer.
- 91. Insubordinate conduct toward warrant officer, noncommissioned officer, or petty officer.
- 92. Failure to obey order or regulation.
- 107. False official statements.
- 108. Military property of the United States-- Loss, damage, destruction, or wrongful disposition.
- 111. Drunken or reckless driving.
- 112. Drunk on duty.

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- 112a. Wrongful use, possession, etc., of controlled substances.
- 113. Misbehavior of sentinel.
- 117. Provoking speeches or gestures.
- 121. Larceny and wrongful appropriation.
- 128. Assault.
- 132. Frauds against the United States.
- 133. Conduct unbecoming an officer and a gentleman.
- 134. General Article. [Includes: adultery, bigamy, bribery, wrongful cohabitation, and fraternization]

These are only some of the articles. It may be safely assumed that any conduct prejudicial to good order and discipline is punishable under these regulations. Note that all active duty personnel, to include MIDN on active duty for training [ACDUTRA] (i.e., summer cruise), are subject to non-judicial punishment (NJP) and courts-martial, in addition to the provisions of this chapter.

804. Spectrum of Severity.

a. It is the responsibility of the student and officer chain of command to correct conduct deficiencies in accordance with the provisions of this chapter. Several measures are available to the students and officers of the Unit to correct conduct deficiencies. In order of severity, they are:

- (1) Nonpunitive Censure;
- (2) Extra Military Instruction (EMI);
- (3) Withholding Privileges;
- (4) Company-level Punishment;
- (5) Battalion-level Punishment;
- (6) Aptitude Leave of Absence (LOA);
- (7) Disenrollment;
- (8) Non-judicial Punishment (NJP) - for personnel on active duty only;
- (9) Court Martial - for personnel on active duty only.

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b. Nonpunitive censure, EMI, and withholding of privileges are nonpunitive measures, described in paragraph 807. Procedures for applying nonpunitive measures, company-level punishment, and battalion-level punishment are covered in the paragraphs 805 and 806. Aptitude LOA and disenrollment are possible results of a Performance Review Board (PRB), convened by the unit staff. The Commanding Officer reserves the right to impose NJP and refer to courts martial.

805. Individual Responsibilities

a. Accuser. All members of the battalion should report suspected violations of the UCMJ to their chain-of-command. To place a student on report, an individual must initiate and sign Section A of the Report and Disposition of Offenses (NROTCUAU CONDUCT FORM 2). The report is then delivered to the alleged offender's squad leader. If the accuser is not a member of the battalion, then the squad leader will initiate charges by completing Section A of Conduct Form 2. Conduct Form 2 is located in paragraph 809 of this instruction.

b. Accused. Must sign the Conduct Form 2, Section A, acknowledging that he/she has been placed on report. This signature is in no way an admission of guilt.

c. Squad Leader. The responsibilities of the squad leader include:

(1) Fill out the Report and Disposition of Offenses (Conduct Form 2), Section B.

(2) Make an initial inquiry into the circumstances of the allegations and offense.

(3) Determine a Course of Action:

(a) Dismiss the charges.

(b) Nonpunitive Measures. Any combination of the following:

1. Nonpunitive Censure (using "Record of Counseling", NROTCUAU Conduct Form 1, located in paragraph 809).

2. Assign up to 30 minutes of EMI (see paragraph 807 b).

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(c) Refer to platoon commander for disposition (including recommendations to dismiss charges).

(4) Forward Conduct Form 2 and Conduct Form 1 (if used) to the platoon commander within one business day.

d. Platoon Commander. The responsibilities of the platoon commander include:

(1) Filling out the Report and Disposition of Offenses (Conduct Form 2), Section C.

(2) Making further inquiry into the circumstances of the offense, if necessary.

(3) Determining a Course of Action:

(a) Dismiss charges.

(b) Refer back to the squad leader for further action.

(c) Nonpunitive measures. Any combination of:

1. Nonpunitive censure (another Conduct Form 1, if necessary).

2. Award up to 1 hour EMI. (see paragraph 807 b).

3. Withholding of up to one week of privileges. (see paragraph 807 c).

(d) Refer to company commander for disposition.

(4) Submitting Conduct Form 2 and all relevant Conduct Form 1s to the company commander within one business day.

e. Company Commander. The responsibilities of the company commander include:

(1) Making further inquiry into the circumstances of the offense, if necessary.

(2) Determining a course of action:

(a) Dismiss charges.

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(b) Refer back to platoon commander for further action.

(c) Hold company mast, in accordance with the procedures set forth in paragraph 806.

(d) Refer to battalion commander for disposition.

(3) Filling out the Report and Disposition of Offenses (Conduct Form 2), Section D.

(4) Submitting the Conduct Form 2 and all relevant Conduct Form 1's to the company advisor within one business day.

(5) Informing the battalion commander of the action taken.

f. Battalion Commander. The responsibilities of the battalion commander include:

(1) Make further inquiry into the circumstances of the offense, if necessary.

(2) Determine a course of action:

(a) Dismiss charges.

(b) Refer back to company commander for further action.

(c) Hold battalion mast, in accordance with the procedures set forth in paragraph 806.

(d) Refer to the unit staff for disposition.

(3) Fill out the Report and Disposition of Offenses (Conduct Form 2), Section E.

(4) Submit Conduct Form 2 and all relevant Conduct Form 1s to the company advisor within one business day.

g. Company Advisor. The responsibilities of the company advisor include:

(1) File a copy of the finished Conduct Form 2 (Report of Disposition of Offenses) and all relevant Conduct Form 1s (Record of Counseling) in the individual's training folder.

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(2) Ensure the unit XO is informed of all company level conduct action.

806. CONDUCTING THE MAST. Mast will be scheduled as needed. Those students charged with offenses to be handled at mast must be notified of the requirement to appear as soon as practicable but not less than 24 hours prior to the mast.

a. Company Mast. The company commander will conduct the mast, using Conduct Form 3 as a script. The company XO will assist him in conducting the mast. The company advisor will be present as Unit Staff Representative.

(1) Others required to attend are:

(a) Accused

(b) Witnesses as required by accused or accuser

(c) Immediate supervisor of accused

(2) The uniform for mast is the uniform of the day.

(3) In each case, the company XO will read the charges to the accused. The company commander will then offer the accused the opportunity to enter his plea, make a statement, and call witnesses on his/her own behalf.

(4) After hearing all testimony, the company commander shall determine one of the following courses of action, as he/she deems appropriate:

(a) Dismiss charges

(b) Refer back to platoon commander for further action.

(c) Nonpunitive measures. Any combination of:

1. Nonpunitive Censure (another Conduct Form 1).

2. Assign up to two hours of EMI. (Maximum one hour per day-see paragraph 807 b)

3. Withholding of up to two weeks of privileges. (see paragraph 807 c)

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(d) Company level punishment. Paragraph 808 addresses implementation of these punishments. Company-level punishment consists of any combination of the following:

1. Up to two weeks of restriction musters with up to three musters per day.

2. Up to two hours of extra duty in any combination of the following: (Maximum of one hour per day)

a. Extra supervised duty in supply.

b. Extra unit clean-up.

c. Extra van clean-up.

3. Nonpunitive censure (using Conduct Form 1).

(e) Refer to battalion commander for disposition.

(5) The company commander shall ensure that Section D of Conduct Form 2 is completed, and that the Conduct Form 2 and all relevant Conduct Form 1s are submitted to the company advisor.

(6) Once the company commander delivers a decision, the accused shall have the right to appeal the decision of the company commander to the battalion commander. If such an appeal is made, the accused will submit his/her appeal in writing within five business days of the date of the company mast. The appeal can address both the severity of punishment and the finding of guilty. In the event of appeal, execution of the punishment awarded will be held in abeyance pending the outcome of the appeal.

b. Battalion Mast. The battalion commander will conduct the mast using Conduct Form 3 as a script. The battalion executive officer will assist him in conducting the mast. The battalion advisor will be present as the unit staff representative.

(1) Others required to attend are:

(a) Accused

(b) Witnesses as required by accused or accuser

(c) Immediate supervisor of the accused

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(2) The uniform for the mast is the uniform of the day.

(3) In each case, the battalion executive officer will read the charges to the accused. The battalion commander will then offer the accused the opportunity to enter his plea, make a statement and call witnesses on his/her own behalf.

(4) After hearing all testimony, the battalion commander shall determine one of the following courses of action, as he/she deems appropriate:

(a) Dismiss charges

(b) Refer back to the company commander for further action.

(c) In cases of appeal, uphold or overturn the company commander's decision.

(d) Nonpunitive measures. Any combination of:

1. Nonpunitive censure (another Conduct Form 1).

2. Assign up to 4 hours of EMI (maximum 1 hour per day-see paragraph 807 b).

3. Withholding of up to 4 weeks of privileges (see paragraph 807 c).

(e) Battalion level punishment. Paragraph 808 addresses implementation of these punishments. Battalion-level punishment consists of any combination of the following:

1. Up to 4 weeks of restriction musters, three musters per day.

2. Up to 4 hours of extra duty in any combination of the following: (maximum 1 hour per day)

a. Extra supervised duty in Supply.

b. Extra unit clean-up.

c. Extra van clean-up.

3. Nonpunitive censure (using Conduct Form 1).

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(f) Refer to unit staff for disposition

(5) The battalion commander shall ensure that Section E of Conduct Form 2 is completed, and that copies of Conduct Form 2 and all relevant Conduct Form 1s are submitted to the company commander, company advisor, and battalion advisor.

(6) Once the battalion commander delivers his/her decision, the accused shall have the right to appeal the decision of the battalion commander to the battalion advisor. If such an appeal is made, the accused will submit his/her appeal in writing within five business days of the mast. The appeal can address both the severity of punishment and the finding of guilty.

c. Battalion Advisor Review of Appeal. After reading the appeal and reviewing the circumstances of the case, the battalion advisor will take action as he deems appropriate. If the case is referred/appealed to the unit staff, the battalion advisor will review the case and make recommendations to the PNS. In the event of appeal, execution of the punishment awarded will be held in abeyance pending the outcome of the appeal.

807. Nonpunitive Measures. Students implementing nonpunitive censure, EMI, and withholding of privileges will adhere to the following guidelines:

a. Nonpunitive Censure. Nonpunitive censure occurs when a superior criticizes a subordinate's conduct or performance of duty. The criticism may be made either orally or in writing, using Conduct Form 1 (Record of Counseling--located in paragraph 809).

b. Extra Military Instruction. Extra military instruction is instruction in a phase of military duty in which an individual is deficient and is intended to correct that deficiency. Extra military instruction is an administrative measure authorized under Part II, MCM (Rules for Courts-Martial (R.C.M.) 306(c)(2)) and Part V, MCM, 1984 as a bona fide training device intended to improve efficiency of a command or unit and must, therefore, be genuinely intended as such. It must not be used as a substitute for punitive action appropriate under the UCMJ. Extra instruction assigned must be logically related to the deficiency to be corrected.

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(1) Implementation. Extra military instruction within the Navy shall be implemented, when required, within the following limitations:

(a) EMI will not normally be assigned for more than 2 hours per day.

(b) EMI may be assigned at a reasonable time outside normal working hours.

(c) EMI will not be conducted over a period that is longer than necessary to correct the performance deficiency.

(d) EMI should not be assigned on member's Sabbath.

(e) EMI will not be used as a method of depriving normal liberty. A member who is otherwise entitled to liberty may commence normal liberty upon completion of EMI.

(2) Authority. Authority to assign EMI to be performed during working hours is not limited to any particular rank or rate. It is an inherent part of that authority over subordinates that is vested in officers and petty officers in connection with duties and responsibilities assigned to them. Authority to assign EMI to be performed after working hours rests in the commanding officer or officer in charge but may be delegated to officers and petty officers in connection with duties and responsibilities assigned to them. Administration of EMI within the Navy shall be monitored by superiors in the chain of command as part of their normal supervisory duties. Authority should not be delegated below the lowest level of competence. Authority to assign EMI during working hours may be withdrawn by any superior if warranted. Authority to assign EMI after working hours may be withdrawn as provided in delegation of authority of the commanding officer or officer in charge. Duties and responsibilities should also be withdrawn if withdrawal of authority is considered appropriate. Delegation of authority to assign EMI outside of working hours to responsible officers and senior petty officers is encouraged. Ordinarily such authority should not be delegated below the chief petty officer level. However, it is emphasized that delegation is the prerogative of the commanding officer and he/she is expected to exercise his/her independent judgment in determining the appropriate level, based on the situation prevailing in his/her command. The authority to impose EMI is delegated by the Commanding Officer, NROTC Unit Auburn University to all squad leaders, platoon commanders, company commanders, and the battalion commander. This authority may be limited or withdrawn at any time.

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(3) Supervision. EMI must be monitored by an individual of adequate authority to effectively monitor and provide guidance for the instruction required. Usually, this is the individual who has assigned the EMI or someone who is familiar with the deficiency requiring correction.

(4) Examples of EMI: To assist with the assignment of the EMI the following examples are provided:

(a) Deficiency: Late for duty/muster. EMI assigned should be to reinforce the requirement to be at an appointed place at an appointed time in the proper uniform of the day and could be to take a name by name muster of all personnel at quarters for submission, in writing, to the Squad leader.

(b) Deficiency: Inaccurate/incomplete muster. EMI assigned should be to reinforce the importance of accurate musters and could be to verify verbal and written musters for a period of time to correct the deficiency.

(c) Deficiency: Allowing a government vehicle to run low on oil during use (dereliction of duty). EMI should reinforce need to be attentive to assigned duty and to complete duties pursuant to existing guidance and could be to check all fluid levels of command vehicles prior to liberty.

(d) Deficiency: Dirty/Improper Uniform. EMI should be directed to reinforce knowledge of uniform requirements and could be to prepare for and stand a "sea bag" or uniform inspection.

(e) Deficiency: Improper military courtesy. EMI should be directed towards reinforcing knowledge of proper military courtesies and customs and could be to write an essay on military courtesy and customs.

(5) Selected examples of UNAUTHORIZED EMI:

(a) Incentive PT: **Incentive PT has no relation to the service member's deficiency. As such physical exercise (such as pushups) is not authorized.**

(b) Unsupervised EMI: Any EMI that is not supervised by someone senior to the service member is unauthorized.

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c. Withholding of Privileges. Temporary withholding of privileges is authorized under R.C.M. 306(c)(2) and Part V, MCM, 1984 as another administrative corrective measure that may be employed by superiors to correct infractions of military regulation or performance deficiencies in their subordinates when punitive action does not appear appropriate due to the minor nature of the infraction or deficiency. A privilege is a benefit, advantage, or favor, provided for the convenience or enjoyment of an individual. Examples of privileges that may be temporarily withheld as administrative corrective measures are special liberty, exchange of duty, special command programs, wardroom and kitchenette usage, participation in unit-sponsored extracurricular activities, weight room usage, and alumni computer lab usage.

(1) Authority. Final authority to withhold a privilege, however temporary, must ultimately rest with the level of authority empowered to grant that privilege. Therefore, authority of officers and petty officers to withhold privileges is, in many cases, limited to recommendations via the chain of command to the appropriate authority. Officers and petty officers are authorized and expected to initiate such actions when considered appropriate to remedy minor infractions as necessary to further efficiency of the command. Authority to withhold privileges of personnel in a liberty status is vested in the commanding officer or officer in charge. Such authority may, however, be delegated to the appropriate echelon, but, in no event, may the withholding of such privileges either by the commanding officer, officer in charge, or some lower echelon be tantamount to a deprivation of liberty itself.

(2) Implementation. Implementation of temporary withholding of privileges will be governed by specific procedures as prescribed by the authority empowered to grant that privilege. The Commanding Officer, NROTCU Auburn University delegates the authority to withhold certain privileges to platoon commanders, company commanders, and the battalion commander, in accordance with paragraph 805.

808. Implementing Battalion and Company Level Punishments

a. Punishment Authority. The authority to administer punishment rests with the Commanding Officer, NROTCU Auburn University. In order to promote good order and discipline, he has delegated to his unit staff officers the authority to supervise company and battalion masts. No mast will occur without appropriate unit staff officer representation.

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b. Restriction Muster. Restriction musters will occur no more than three times per day, at times specified by the awarding authority. Personnel awarded restriction muster will muster with a unit staff officer for inspection in the uniform of the day. Restriction musters will be scheduled Monday morning through Friday evening and will not occur on holidays without prior approval from the unit CO.

809. Forms. Three forms will be used to administer the Battalion Conduct System: the Record of Counseling (NROTCUAU CONDUCT FORM 1), the Report and Disposition of Offenses (NROTCUAU CONDUCT FORM 2), and the Battalion and Company Mast Proceedings Script (NROTCUAU CONDUCT FORM 3).

Conduct Form 1

RECORD OF COUNSELING

DATE: _____

PRIVACY ACT STATEMENT

The authority for requesting the following information is contained in 30 USC 8012 and DOD 9397. The data will be used to document quality force counseling actions not prescribed in other directives. When completed this form may or not become a source document to support administrative separation or UCMJ actions.

Completion of this form by a counseling officer is mandatory; however, disclosure of information or facts by the member is voluntary. Failure to disclose information or facts may not be in the member's best interest in the event that administrative, disciplinary, or separation action is subsequently deemed warranted by the member's commander.

NAME (LAST, FIRST MI) GRADE CO/PLT NAME/GRADE OF COUNSELING OFFICER

Reason for Counseling

____ Performance _____ Responsibilities
____ Personal Behavior _____ Other: _____
____ Substandard dress/appearance

Specifics of Deficiency: (Details, dates, names, sequence of events, etc.)

How to Correct the Deficiency: (Solutions directed by the counselor or offered by the counseled member.)

Member's Comments:

Member's Signature

Counseling Officer's Signature

Conduct Form 2

REPORT AND DISPOSITION OF OFFENSES (SIDE ONE)

Section A Accused's Name: _____ FR SO JR SR Platoon: _____ Company: _____ Date of Offense: _____ Occasion: _____ UCMJ Article(s) violated: _____ Circumstances of Offense: _____ Signature of Accuser: _____ Date: _____ I hereby acknowledge that I have been placed on report for the above offense. Signature of Accused: _____ Date: _____
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Section B Squad Leader's Action _____ Dismiss Charges _____ Nonpunitive Measures. Any combination of: _____ Nonpunitive Censure (using Conduct Form 1 (Record of Counseling)) _____ Assign up to 30 minutes of EMI (see para. 807b) _____ Refer to Platoon Cdr for disposition Squad Leader Remarks, details of EMI, or recommendations to Plt. Cdr: Signature of Squad Leader: _____ Date: _____
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Section C Platoon Commander's Action _____ Dismiss Charges _____ Refer back to squad leader for further action _____ Nonpunitive Measures. Any combination of: _____ Nonpunitive Censure (using Conduct Form 1 (Record of Counseling)) _____ Assign up to one hour of EMI (see para. 807b) _____ Withholding of up to one week of privileges (see para 807c) _____ Refer to Company Cdr for disposition Platoon Commander's Remarks, details of EMI/Withholding of privileges, recommendations: Signature of Platoon Commander: _____ Date: _____
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Return to the company advisor for filing in the student record book.

Conduct Form 2

REPORT AND DISPOSITION OF OFFENSES (SIDE TWO)

Section D

Company Commander's Action:

- Dismiss Charges
 Refer back to Platoon Commander for further action
 Hold Company Mast Date of Mast: _____
 Dismiss Charges
or
 Nonpunitive Measures. Any combination of:
 Nonpunitive Censure (using Conduct Form 1 (Record of Counseling))
 Assign up to two hours of EMI (see para. 807b)
 Withholding of up to two weeks of privileges (see para 807c)
or
 CO-Level punishment (see para. 806a.4.d). Any combination of:
 Up to two weeks of Restriction Musters (No more than three per day)
 Up to two hours of extra duty (No more than one per day)
 Non-punitive censure (Conduct Form 1)
or
 Refer to BN CDR for disposition
 Refer to BN CDR for disposition

Company Commander's remarks, details of action taken, recommendations:

Signature of Company Commander: _____ Date: _____

Section E

Battalion Commander's Action:

- Dismiss Charges
 Refer back to Company Commander for further action
 Hold Company Mast Date of Mast: _____
 Dismiss Charges
or
 Nonpunitive Measures. Any combination of:
 Nonpunitive Censure (using Conduct Form 1 (Record of Counseling))
 Assign up to four hours of EMI (see para. 807b)
 Withholding of up to four weeks of privileges (see para 807c)
or
 BN-Level punishment (see para. 806a.4.e). Any combination of:
 Up to four weeks of Restriction Musters (No more than three per day)
 Up to four hours of extra duty (No more than one per day)
 Non-punitive censure (Conduct Form 1)
or
 Refer to BN Advisor/Unit Staff for disposition
 Refer to BN Advisor/Unit Staff for disposition

Battalion Commander's remarks, details of action taken, recommendations:

Signature of Battalion Commander: _____ Date: _____

Signature of Battalion Advisor: _____ Date: _____

Conduct Form 3

BATTALION OR COMPANY MAST PROCEEDINGS (SIDE ONE)

Company/Battalion Commander reads the following:

“The nature of alleged offenses and the specific UCMJ articles violated are:” [Insert specific articles and circumstances]

CHARGE(S):

SPECIFICATION(S):

“Possible outcomes of this mast are:

- a. Dismissal of charges.
- b. Nonpunitive corrective measures.
- c. Company/battalion level punishment.
- d. Referral to higher authority.

“You have the following rights:

- a. The right to remain silent.
- b. The right to confront witnesses.
- c. The right to call witnesses on your behalf.
- d. The right to examine evidence.
- e. The right to testify on your own behalf.

"You do NOT have the right to legal counsel at this mast, as it is not a judicial proceeding.

“You have the right to appeal a finding of guilty, or to appeal the severity of the punishment; however, if appealed, a higher authority may award a more severe punishment. The appeal authority in this case is _____. (At Company Mast, insert the Battalion Commander. At Battalion Mast, insert the Battalion Advisor.)

“Do you have any questions about this mast proceeding or your rights, which I have just explained to you?” [Answer questions, if any.]

BATTALION OR COMPANY MAST PROCEEDINGS (SIDE TWO)

Conduct the mast.

1. Examine evidence.
 2. Provide the accused the opportunity to testify on his behalf.
 3. Hear witnesses, including witnesses on behalf of the accused.
 4. Provide the accused the opportunity to ask questions.
 5. Make a determination: (specifics are listed on Conduct Form 2)
 - a. Dismiss charges
 - b. Award non-punitive measures
 - c. Award battalion/company level punishment
 - d. Refer to higher authority
 6. Inform the accused of your determination
 7. Remind the accused that he has five business days to appeal the results in writing.
 8. Dismiss the accused
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