OPNAV INSTRUCTION 5370.2E

From: Chief of Naval Operations

Subj: NAVY FRATERNIZATION POLICY

Ref: (a) U.S. Navy Regulations, 1990
(b) SECNAVINST 5300.26D
(c) OPNAVINST 5354.1G
(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 section, and the action and responsibility section to include reporting procedures. It is a complete revision and should be reviewed in its entirety.

2. Cancellation. OPNAVINST 5370.2D.

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, and are also prohibited. 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 officer 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. Due to their grade or positional authority, senior personnel must recognize fraternization 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. 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 interactions 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. By long-standing custom and tradition, CPOs 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. This prohibition is based on this unique leadership responsibility.

c. 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/student relationship or recruiter/prospect relationship are prohibited. A prospect becomes an applicant when processing for enlistment or appointment in any of the Armed Forces begins. Processing begins when a 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.

d. Relationships between officer and enlisted members that are non-intimate, but involve frequent, exclusive off-duty activities not related to command events may be unduly familiar and
not respect differences in grade or rank. Additionally, personal relationships amongst officers or amongst enlisted members that are unduly familiar and that do not respect differences in grade or rank are prohibited. Unduly familiar relationships may exist with individuals outside one's direct chain of command. In these cases, 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.

The relationships in subparagraphs 5a through 5d 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.

b. Dating, shared living accommodations, intimate or sexual relations, commercial solicitations, private business partnerships, gambling, and borrowing money between officer and enlisted members, regardless of Service, are unduly familiar and are prohibited. Likewise, such conduct between officer or 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.

c. By contrast, and by way of example only, an intimate relationship between a senior and junior officer (e.g. O-6 and O-2) or between a senior petty officer and a junior sailor (e.g. E-6 and E-2) who are not within the same chain of command is not prejudicial to good order and discipline or service discrediting unless the factors outlined in subparagraph 5d, or other similar factors, are present. 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.
d. Conduct that constitutes fraternization is not excused or mitigated by a subsequent marriage or declared relationship between offending parties. However, clear and convincing evidence of a pre-existing relationship prior to a change in status of one of the members (e.g., E-6 subsequently commissions) will make the ongoing relationship permissible despite the status change, so long as the members in the relationship disclose the relationship, as appropriate, prior to the change in status. In the case of pre-existing marriages or intimate relationships, disclosure to the chain of command is required in order to ensure the members in the relationship are not assigned to the same unit. Those members currently in relationships that would qualify as a pre-existing marriage or intimate relationship as described above, but who have not yet disclosed the relationship to their chain of command, must do so as soon as reasonably practicable.

e. Service Members who are married, in an intimate relationship, or are 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.

f. 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

a. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned per the records disposition schedules located on the Department of the Navy Directorate for Administration, Logistics, and Operations, Directives and Records Management Division portal page at https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/Records-and-Information-Management/Approved%20Record%20Schedules/Forms/AllItems.aspx.

b. For questions concerning the management of records related to this instruction or the records disposition schedules, please contact the local records manager or the Department of the Navy Directorate for Administration, Logistics, and Operations, Directives and Records Management Division program office.

9. Review and Effective Date. Per OPNAVINST 5215.17A, OPNAV N17 will review this instruction annually around the anniversary of its issuance date to ensure applicability, currency, and consistency with Federal, Department of Defense, Secretary of the Navy, and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. This instruction will be in effect for 10 years, unless revised or cancelled in the interim, and will be reissued by the 10-year anniversary date if it is still required, unless it meets one of the exceptions in OPNAVINST 5215.17A, paragraph 9. Otherwise, if the instruction is no longer required, it will be processed for cancellation as soon as the need for cancellation is known following the guidance in OPNAV Manual 5215.1 of May 2016.
10. **Forms and Information Management Control**


   b. NAVCRUIT 1131/238 Application Processing and Summary Record is available via [https://forms.documentservices.dla.mil/order/](https://forms.documentservices.dla.mil/order/).

   c. 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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**Releasability and distribution:**
This instruction is cleared for public release and is available electronically only via Department of the Navy Issuances Web site, [https://www.secnav.navy.mil/doni/default.aspx](https://www.secnav.navy.mil/doni/default.aspx)