

## AUXILIARY ADMINISTRATIVE DISCIPLINE

### PRELIMINARY INVESTIGATION (Manual 3.F.)

1. Initiated by a request for a preliminary investigation by a member of Coast Guard Forces:
  - Request may be made by any member of Coast Guard Forces (Active Duty, Reserve, Auxiliary or Civilian Employee). (Manual 3.F.2.).
  - Request may be oral or in writing. (Manual 3.F.2.a.).
  - Request to be made to the elected leader at the lowest level of the organization who is capable of handling the complaint. (See Manual 3.F.2.a. for examples).
  - Director is to assist in determining what level leader the complaint should be made to.
2. In addition to the request for investigation by a member of CG Forces, a leader, Director, Chief Director, CG officer or CG command may also initiate a preliminary investigation of any Auxiliarist based upon first-hand observations. (Manual 3.F.3.).
3. The leader to whom the request is made, or to whom an investigation is referred, **shall immediately notify the Auxiliarist who is the subject of the request for investigation of** (1) the basic grounds for the request; (2) the source of the request; (3) the right to address the complaint in writing prior to any report of the elected leader; and (4) the elected leader's initial plan of action. The leader shall also provide the Auxiliarist with timely notifications of the status of the investigation at appropriate waypoints throughout the process. (Manual 3.F.2.b.).
4. **Within seven (7) days** of receipt of the request for preliminary investigation, the leader shall **make a determination as to the propriety of an investigation** and take appropriate action. (Manual 3.F.3.).
5. No Investigation Warranted: If the determination is that no investigation is warranted, then the leader shall notify the Director of such determination, including justification for that determination, via the chain of leadership and management. The Director shall review the request and the justification of a determination that no investigation is warranted, and shall confer with the leader about them. If in concurrence that no investigation is warranted, then the Director shall notify the leader in writing (e-mail is acceptable) and the leader **shall so notify in writing the Auxiliarist who submitted the request and the Auxiliarist who is the subject of the request**. If not in concurrence, then the Director shall notify the leader in writing and the leader shall pursue investigation of the matter. (Manual 3.F.3.a.).
6. Investigation Warranted: If the determination is that investigation is warranted, then the leader shall promptly notify the chain of leadership and management (Director), as well as the source of the investigation, of this determination, in writing (e-mail is acceptable). The leader shall concurrently appoint, in writing, an Auxiliarist, or committee of Auxiliarists, to conduct the investigation (appointees must be clearly impartial and detached from the issues around which the investigation centers). The leader may specify

a period of **up to sixty (60) days** for a report of investigation to be completed. (Manual 3.F.3.b.).

7. The leader shall also concurrently **notify the Auxiliarist who is the subject of the investigation that investigative action is being pursued** and that the Auxiliarist has the right to address, in writing, the investigator(s) prior to any report to the leader.
8. For general guidance about the investigation elements and format (e.g., findings of fact, opinions, recommended action), refer to the Coast Guard Administrative Investigations Manual, COMDTINST M5830.1 (series).
9. Preliminary Determination: Once the report of investigation has been received, the leader shall make a preliminary determination as to whether or not a violation of Coast Guard or Auxiliary policy was committed. This **preliminary determination shall be made within fifteen (15) days of receipt of the report of investigation** and shall be made in consultation with the DSO-LP. (Manual 3.F.4.).
10. Non-Violation Determination: If the leader determines that no violation of CG or Auxiliary policy occurred, then the leader shall notify in writing all those who were initially notified of the investigation of such determination **within five (5) days** of such determination. (Manual 3.F.5.).
11. Violation: If the leader determines that a violation of CG or Auxiliary policy occurred, then the leader shall notify in writing all those who were initially notified of the investigation of such determination **within five (5) days** of such determination, and shall proceed with administrative discipline as set forth in the Manual. (Manual 3.F.6.).
12. The administrative discipline action recommended includes either informal disciplinary action or formal disciplinary action, depending on the nature of the violation.

#### **INFORMAL DISCIPLINARY ACTION** (Manual 3.G.)

1. A structured, **non-judicial** course of action followed when the determination is made that a **minor violation** of policy occurred. It is corrective in nature and intended to be administered by the Auxiliary chain of leadership and management. (Manual 3.G.)
2. Examples of infractions warranting informal disciplinary action are set forth at Manual 3.G.1.
3. The nature of this action shall be documented and communicated by the leader to the subject Auxiliarist, in writing, **within ten (10) days** of the leader's determination of the propriety of such action, with copies to all those who were notified of the investigation, including the Director. (Manual 3.G.2.). The required contents of such notification are set forth at Manual 3.G.2.a.
4. Types of informal disciplinary action include:
  - (1) Counseling Session.
  - (2) Suspension of Web Privileges.
  - (3) Letter of Caution.(Manual 3.G.2.b.).

5. Appeal of Informal Disciplinary Action: The Auxiliarist may appeal, in writing, an informal disciplinary action that is not purely counseling in nature. **A letter of caution that only counsels the Auxiliarist may not be appealed.** Such appeal must be made **within thirty (30) days** of the date of the written notification of informal disciplinary action. (Manual 3.G.3.).
6. Upon completion of the informal disciplinary action's effective period, the Director shall remove all associated documentation from the Auxiliarist's file.

### **FORMAL DISCIPLINARY ACTION (Manual 3.H.)**

1. A structured, **non-judicial** course of action followed when the determination is made that a **major violation** of policy occurred. It is also corrective in nature and intended to be administered by the Auxiliary chain of leadership and management. (Manual 3.G.)
2. Examples of infractions warranting formal disciplinary action are set forth at Manual 3.H.1.
3. Recommendation to Commence Action: If a violation is deemed to be serious by the leader upon completion of the preliminary investigation, then the leader shall notify the DCO and the Director, in writing, vial the chain of leadership and management, with the recommendation to commence formal disciplinary action. (Manual 3.H.2.). Such correspondence shall include the complete investigation package and a description of the unacceptable conduct. (See Manual 3.H.2.a. for required contents of the notification package). The leader shall concurrently send a copy of the written notification, **without copy of the investigation package**, to the subject Auxiliarist. (Manual 3.H.2.a.).
4. Types of formal disciplinary action:
  - (1) Suspension of any and all aspects of an Auxiliarist's membership, including suspension of qualifications and/or certifications, elected or appointed office, eligibility/availability for elected or appointed office, training privileges, and other privileges.
  - (2) Loss of time toward Auxiliary longevity awards and retirement.
  - (3) Letter of Reprimand.
  - (4) Disenrollment.(Manual H.3.a.(1))
5. Upon receipt of the notification package from the leader, the DCO and the Director shall each review the package, confer with the DSO-LP as necessary, and make a determination as to the propriety of formal disciplinary action. (Manual 3.H.3.).
6. Notification of Disciplinary Action: The DCO and the Director shall jointly notify, in writing, the subject Auxiliarist of their determination **within thirty (30) days of the receipt of the notification package**. Such notification shall include a summary of

the allegations, and the facts upon which the determination has been based. (Manual 3.H.3.a.).

7. Informal Disciplinary Action: If the determination is that informal disciplinary action is appropriate, then the notification shall so state and shall indicate that the package will be sent back to the elected leader for disposition. The package shall be sent back to the leader **within five (5) days** of this notification. (Manual 3.H.3.a.(1)).
8. Formal Disciplinary Action: If the determination is that formal disciplinary action is appropriate, then the notification shall so state. Additionally, the subject Auxiliarist shall be notified of their opportunity to respond again to the allegation(s), including factors the Auxiliarist may desire to be considered by the DCO and/or the Director before imposition of any action. The **Auxiliarist shall have thirty (30) days from the date of the notification letter** to submit such response in writing. Any denials of allegations not made in good faith may alone provide sufficient basis to warrant additional disciplinary action. (Manual 3.H.3.a.(2)).

### **SPECIFIC TYPES OF FORMAL DISCIPLINARY ACTION**

#### 1. Letter of Reprimand:

- A letter of reprimand is a form of formal disciplinary action and may be issued only by the DCO or the Director. (Manual 3.H.4.).
- Required contents of a letter of reprimand are set forth at Manual 3.H.4.a.
- Appeal Rights: If the letter of reprimand consists solely of an admonishment without suspension or revocation of any privileges or qualifications, then the subject Auxiliarist shall be advised that the letter may not be appealed but that **a written reply may be made within thirty (30) days** of the date of the letter of reprimand. If the letter includes formal disciplinary action beyond admonishment, then the subject Auxiliarist shall be advised that the letter may be appealed in accordance with the provisions of Manual 3.J. (Manual 3.H.4.a.).
- Effective Period: Shall not exceed three (3) years without concurrence of both the DCO and the Director. After the effective period, the letter shall be removed from the Auxiliarist's service record.

#### 2. Disenrollment:

- Disenrollment is a form of formal disciplinary action. The authority for disenrolling an Auxiliarist rests with the Commandant, who has delegated this authority to the Director. No Auxiliarist (including a DCO) may disenroll another Auxiliarist. (Manual 3.H.5.).
- Bases for Disenrollment: The Director may disenroll a member for any of the following reasons: upon the member's request; for failure to pay dues or other financial obligations; upon the member's ceasing to possess the qualifications for

membership, including pursuant to formal disciplinary action; for cause; upon direction of the Commandant; upon death. (Manual 3.H.5.a.).

### **APPEALS**

Appeals may be made for both informal and formal disciplinary actions, except in cases where the actions were purely counseling in nature, or consist of an admonishment without suspension or revocation of any privileges or qualifications. All appeals must be made in writing **within thirty (30) days of the notice of action.** (Manual 3.J.).

For details of appeal procedures, see Manual 3.J.