Disciplinary Policy Document Version 1.0



Contents: Chapter 1 1-1 1-2 1-3	Overview Attempted Breaches Retroactive Punishment	page 2 page 2 page 2
Chapter 2 2-1 2-2 2-3	Articles of Content Infraction Types Disciplinary Procedure	page 2 page 6 page 6
Chapter 3 3-1 3-1	Article 15 Court Martial Procedure	page 7 page 7

Chapter 1

1-1. Overview

This document outlines the 3rd Infantry Division's policies on Disciplinary Procedures. This policy outlines the process, procedures and outcomes of various forms of separation with the unit.

1-2. Attempted Breaches

Any action that is carried out by a unit member which breaks an article, whether successful or not, is still considered to be in breach of that article.

1-3. Retroactive

Any member who has received a Retirement or Honorable Discharge may be retroactively disciplined and their discharge status updated accordingly if they breach Articles

Chapter 2

2-1. Articles of Conduct

Below are the articles of conduct within the 3rd Infantry Division.

Article 1: General Article

Soldiers are expected to strive to live up to the Army Values. Any breach of this expectation that is not covered by any listed Article here may be pursued at the discretion of command under the General Article.

Punishment Type: Severity to be determined upon initiation of the article.

Article 2: Attempts

An attempt to break a rule occurs if an individual has means and takes a substantial step toward completing the offense, but for reasons beyond the power of the individual, the final resulting offense does not occur.

Punishment Type: Non-Judicial Punishment

Article 3: Conspiracy

A conspiracy is an agreement between two or more persons to commit an offense at some time in the future.

Punishment Type: Severity to be determined by the nature of the offense .

Article 4: Disrespect towards a superior

Showing contempt or official disrespect to a superior in a unit environment, including but not limited to: Teamspeak channels, game channels, texting, Skype or phone calls, website, or other means.

Punishment Type: Non-Judicial/Judicial Punishments determined by the nature of the offense.

Article 5: Failure to obey an order

Failure to follow a reasonable order of a superior (due to lack of will rather than lack of execution).

Punishment Type: Non-Judicial/Judicial Punishments determined by the nature of the offense.

Article 6: Mutiny and Sedition

Mutiny is a criminal conspiracy among a group of people to openly oppose, change, or overthrow a lawful authority to which they are subject. Sedition is an overt conduct, such as speech and organization, that tends toward insurrection against the established order.

Punishment Type: Judicial Punishments

Article 7: Aiding the enemy

Rendering assistance, information, and aid to either a rival competitive unit or a unit we are in open conflict against.

Punishment Type: Judicial Punishments

Article 8: False statements

Lying on the record or at any instance. Also to lie, change, or obscure facts when giving a statement or an account of facts on the record.

Punishment Type: Non-Judicial Punishment

Article 9: Provoking speech

Speech designed to provoke a response, including to insult, injure or bait the target.

Punishment Type: Non-Judicial Punishment

Article 10: Conduct unbecoming an Officer

Conduct that reflects badly upon the reputation and standing of the 3rdID by an officer rank.

Punishment Type: Non-Judicial/Judicial Punishments determined by the nature of the offense.

Article 11: Abuse of Power

The action of taking one's position and violating the trust of such. To use a higher position or rank in an action against another that does not fall under the rules.

Punishment Type: Judicial Punishment

Article 12: Electronic warfare

Electronic Warfare including DDoS, SWATing, or any form of hacking or use of programs to simulate such attacks against a member or the unit's systems.

Punishment Type: Judicial Punishments

Article 13: Vilifying Speech

Demeaning or harassing speech based upon a member's race, gender, religion, sexual orientation, any mental and/or physical disabilities or illnesses.

Punishment Type: Judicial Punishments

Article 14: Intimidation

The use of threats of any form to compel a member to do the wishes of another.

Punishment Type: Non-Judicial/Judicial Punishments determined by the nature of the offense.

Article 15: Extortion/Blackmail

To ask or demand services under threat.

Punishment Type: Non-Judicial/Judicial Punishments determined by the nature of the offense.

Article 16: Fraudulent enlistment

To lie on the enlistment form by altering age, or other factors.

Punishment Type: Non-Judicial/Judicial Punishments determined by the nature of the offense.

Article 17: AWOL

To not muster (Report In) or contact one's superior for a period of two weeks.

Punishment Type: Non-Judicial/Judicial Punishments determined by the nature of the offense.

Article 18: Cruelty and maltreatment

To unrightly or maliciously abuse a member for one's personal satisfaction.

Punishment Type: Judicial Punishments

Article 19: Misbehavior before the enemy and/or allies

To act unbecoming or in a way that humiliates the 3rdID before a rival or enemy clan or unit.

Punishment Type: Non-Judicial/Judicial Punishments determined by the nature of the offense.

Article 20: Espionage

To join another unit or be in one and spy on the 3rdID on that unit's behalf.

Punishment Type: Dishonorable Discharge immediately with no eligibility for reenlistment.

Article 21: Wrongful Destruction of Property

Any intentional and wrongful destruction of vehicles, buildings, or assets in a supported game.

Punishment Type: Non-Judicial Punishments

Article 22: Certification of Use of Property

Any aerial vehicle in Arma or other games may only be piloted by those certified by the 3rdID to be qualified. Any member may be authorized by Officers or any Platoon Level Senior NCO.

Punishment Type: Non-Judicial Punishments

Article 23: Drunk on duty

To be heavily drunk and unable to control one's self while on Teamspeak, the games, or other official channels.

Punishment Type: Non-Judicial Punishments

Article 24: Wrongful use of controlled substances

To be under the effects of recreational substances and unable to control one's self while on Teamspeak, the games, or other official channels.

Punishment Type: Non-Judicial Punishments

Article 25: Mopery

Do not Intentionally AFK while in the DFACS channel on TS.

Punishment Type: Non-Judicial Punishments

Article 26: Sexual Harassment

To harass another member pertaining to gender, sexual preference, or the like.

Punishment Type: Immediate suspension from the unit pending an investigation by command. If found responsible, immediate removal from the unit with no eligibility for reenlistment.

Article 27: Ban-Evading/Stalking

To avoid bans, blocks, and further so continue to instigate contact with someone who has asked to not be contacted further.

Punishment Type: Judicial Punishments

Article 28: Larceny and wrongful appropriation

While we cannot stop people from pirating or the like, we will punish anyone who goes about on our forums or communication bragging or giving links to such.

Punishment Type: Judicial Punishments

Article 29: Forgery

Creating fake images, documents, and other official notices.

Punishment Type: Non-Judicial/Judicial Punishments determined by the nature of the offense.

Article 30: Military Impostor

To falsely claim military service without proof.

Punishment Type: Immediate suspension from the unit pending an investigation by command. If found responsible, immediate removal from the unit with no eligibility for reenlistment. Impostors will be reported to appropriate authorities and agencies as warranted.

Article 31: Out of Uniform

To not have the proper format of your name and rank on teamspeak. Also Fireteam leaders and above must have their steam name listed with rank and unit name. Reference the Display Names Policy.

Punishment Type: Non-Judicial/Judicial Punishments determined by the nature of the offense.

Article 32: Teamkilling

Members shall not, with intent, kill fellow members. This includes intentional non fatal wounds.

Punishment Type: Non-Judicial/Judicial Punishments determined by the nature of the offense.

2-2. Infraction Types

Judicial Punishments: Court Martial/Removal from the Unit

Non-Judicial Punishments: Verbal Counseling (VC), Written Reprimand (WR), Demotions,

Suspensions(TIS/TIG freeze), Bad Spot Report (BSR), Written Essay (Essay)

2-3. Disciplinary Procedure

We utilize a pre-outlined system which enables members of the unit to understand how our disciplinary process works.

Category 1: Warnings

First Offense

The first offense will incur "negative counseling". This is considered an official warning.

This will be conducted by the Team Leader, or an authority one grade above them. They will fill our first 3 sections, with their immediate superior signing off on the counseling.

Category 2: Punishments

Second Offense:

- A second offense will incur an Article 15.
- This will be conducted by the Platoon Headquarters.
- Platoon Headquarters will then contact the Executive Officer to sign off on Article 15.

Final Offense:

- A third offense will incur a Judicial Punishment.
- This will only ever be conducted by the Company Headquarters or most senior element in the unit.
- This process will take evidence from both the offending and defending parties and make a judgment.

Chapter 3

3-1. Article 15

An Article 15 is a Company Grade non-judicial punishment that incurs a punishment or series of punishments for breaking the unit's articles of conduct. Article 15's are held on the soldier's service record permanently and may impede promotions, courses and a variety of other unit related advancements.

3-2. Court Martial Procedure

Should a Court Martial be called for a serious offense, the following regulations shall apply.

Judge - A Company Commander (to include 3rdCAB Commander) or greater level officer shall serve as the Military Judge. This officer shall not be directly in the accused soldier's Chain of Command unless the selected judge is the Battalion Commander.

Prosecution - The prosecution team shall be led by a SFC (E7) or higher NCO or Officer, preferably not from that soldier's Chain of Command (if possible). The team may have up to 3 additional soldiers to support the leader with administrative and investigative duties. The support personnel may be of any junior rank to the team leader, and may be from the accused's Chain of Command.

Defense - The Defense team shall be led by any SFC (E7) or higher NCO or Officer from any company within the unit. The leader may be chosen by the accused, or assigned by the Judge should the accused decline to choose. The team may have up to 3 additional soldiers to support the leader with administrative and investigative duties. The support personnel may be of any junior rank to the team leader, and may be from the accused's Chain of Command.

Jury - 5 Soldiers not within the accused's soldiers Company shall be chosen to serve on the jury.

- The soldiers will be within +/- 1 rank/grade of the accused.
 Example Accused is a Specialist. Jury will consist of Private First Classes, Specialists, and/or Corporals.
- Should the accused be an Commissioned or Warrant Officer, Senior NCOs or Retired Officers may be called to serve for the Jury.
- Jury shall be selected by the Judge. Prosecution and Defense may request 2 replacements each.

Charges -

- The Commander of the accused soldier's parent unit (Squad/Platoon to Company, Company to Battalion) shall issue NJP or file charges within 72 hours of the incident.
- The Commander may choose to issue NJP or submit formal charges for Court Martial at their discretion.
- Should NJP be issued, the accused may request Court Martial within 72 hours of the issuance of NJP.
- Charges must cite specific Articles from the unit's Articles of Code of Conduct and Behavior. The Uniform
 Code of Military Justice may be cited for additional clarification if needed or for special circumstances that
 are not referenced within the unit's Articles of Code of Conduct and Behavior.
- Evidence does not need to be provided at time of presentation of charges. (Allowing formation of Prosecution team and their investigation.)

Plea - The accused may enter a plea of either Guilty or Not-Guilty.

- Guilty The Judge will determine sentencing and issue judgment within 72 hours of receipt of the plea.
- Not- Guilty Upon Judge's receipt of the plea, the Prosecution and Defense teams shall be established within 72 hours.

Investigation -

- The Prosecution team will have 7 days to conduct a full investigation. Should insufficient evidence be provided at this time, they may choose to dismiss the case or proceed to trial. All evidence to be used in Trial shall be presented to the Defense by or on the 7th day.
- The Defense team will have 72 hours after receipt of evidence to either seek a deal or announce proceeding to trial.

Trial -

- Preliminary Hearing Shall be held no later than 72 hours after the Defense team's announcement of proceeding to trial.
- Court Martial Shall be held no later than 7 days after Preliminary Hearing.
- **Judgment** Jury shall announce Judgment no later than 60 minutes after Court Martial. Announcement shall read, "Sir (or Ma'am), the Jury finds 'x' to 5 in favor of 'Defense/Prosecution'.
- Sentencing shall be provided by the Judge within 24 hours after the Court Martial.

Appeals -

- An appeal may be requested up to 72 hours after the Sentencing.
- The appeal may specifically be requesting regarding the Judgment, the sentence, or both.
- The Appeal shall be handled by the Battalion Commander, unless the Battalion Commander serves as the initial Judge. In this case:
 - The Battalion Commander shall recuse themselves from the appeal process.
 - A panel of 5 soldiers shall be chosen at random from all active duty soldiers holding the grades of E8, E9, W4, W5, O2, O3, O4.
 - Members of the Prosecution, Defense, Jury, and the accused's next two level leaders shall be omitted from the random list.
 - The panel will have 72 hours to reach judgment. For judgment in favor of the accused to be honored, all members of the panel must agree. Should any or all members of the panel find in opposition of the accused, the appeal will be denied.
- The Battalion Commander has 72 hours to reach judgment of the appeal, unless rescued as stated above.
- No additional appeals are authorized.