Section F. Auxiliary Administrative Discipline

Introduction

Auxiliary administrative discipline is meant to:

1. Correct inappropriate behavior.
2. Maintain good order throughout the organization.
3. Be conducted at the lowest Auxiliary organizational level that circumstances allow.
4. Be carried out by the Auxiliary organization itself to the maximum extent possible.

All Auxiliarists should consider that in many situations, particularly those of a first-time and minor nature which might otherwise result in informal disciplinary action pursuant to section G of this chapter, inappropriate or incorrect conduct is most appropriately and effectively dealt with on-the-spot and in non-confrontational fashion. Frank, mature, and respectful discussion of inappropriate or incorrect conduct, coupled with informal instruction on expected behavior and/or correct performance, often prevents any need to expend significant time and effort associated with administrative disciplinary processes. However, this type of action clearly provides cause for further action as described in sections G and H of this chapter if there is recurrence of inappropriate or incorrect conduct.

Normally, only when all other reasonable attempts to correct inappropriate behavior have failed shall disenrollment be considered. Certain offenses are so unacceptable that they may cause serious discredit to the organization's core values and warrant disenrollment as a disciplinary action. The Director (or Chief Director for National Auxiliary leaders/Staff) shall make these determinations following the procedures in sections G and H of this chapter. As members of the Coast Guard's uniformed volunteer organization, Auxiliarists are not subject to the Uniform Code of Military Justice (UCMJ). Auxiliarists may be subject to various administrative actions, however, including disenrollment from the Auxiliary. Such administrative actions may be initiated when Auxiliarists fail to abide by the governing policies established by the Commandant.

Provisions of this chapter address the administration of disciplinary action principally from the perspective of an Auxiliary unit elected leader or appropriate appointed leader (hereinafter referred to as "the leader") in keeping with the authority conveyed to the Auxiliary to effectively administer and manage the conduct of its missions and programs. They do not preclude the Director, Chief Director, Coast Guard officers in their respective chains of command, or a Coast Guard command that exercises order issuing authority over an Auxiliarist from similarly administering Auxiliary disciplinary action if circumstances warrant.

Notwithstanding the above, an Auxiliarist for whom it is subsequently determined had attempted to employ Auxiliary administrative disciplinary policies in a frivolous, disruptive, or deliberately malicious manner may, as a consequence, subject themselves to administrative disciplinary action.

F.1. Right of Membership

Membership in the Coast Guard Auxiliary is not a constitutionally protected liberty or property interest. Nor is it an entitlement due to the meeting of basic membership eligibility criteria, namely citizenship, age, skill, and desire. Further, the scope of membership depends upon the determination of suitability for service stemming from requisite Personnel Security Investigations (PSI).

Auxiliary membership may reasonably be expected to be granted and sustained only as long as an individual meets basic eligibility and suitability for service criteria in addition to demonstrated and consistent adherence to the principles encapsulated in the New Member Pledge (see Figure 3-1). Moreover, membership hinges upon the demonstrated commitment to and practice of the Coast Guard's core values: Honor, Respect, and Devotion to Duty. These considerations are significant in the context and application of administrative discipline.

Membership shall be provided the minimal due process protections as set forth in this chapter, including consideration of an individual's length and quality of Auxiliary service in the event administrative discipline is applied. However, such consideration shall in no way be regarded as an assurance of mitigation given the circumstances concerning the frequency and/or gravity of any inappropriate action or behavior.

F.2. Request for Investigation

Any member of Coast Guard Forces (active duty, Reserve, Auxiliary or civilian employee), who believes an Auxiliarist has violated the governing policies established by the Commandant, may make a request for a preliminary investigation. A request must be clear in its intent and substance in order to be actionable (i.e., a report of just circumstances or opinions without the clear desire of the reporting source for investigation may not warrant action by the individual to whom it is reported). Moreover, a request for investigation does not in and of itself guarantee the conduct of an investigation. If the leader receiving the request needs additional information and/or documentation to determine whether a valid request for an investigation has been made, the leader receiving the request may ask in writing, or orally, for further information from the complainant in order to make the determination.

F.2.a. Guidelines for Investigations

Prior to instituting any Coast Guard or Auxiliary disciplinary action towards an Auxiliarist, the pertinent facts surrounding the circumstances must be determined, including what offenses (if any) occurred, and any matters in defense or explanation. This request may be oral or in writing and shall be made to the leader at the lowest level of the organization capable of handling the complaint. The following guidelines apply to facilitate such determinations:

(1) Matters that involve Flotillas Staff Officers (FSOs) and flotilla members should be directed to the Flotilla Commander (FC).
(2) Matters that involve Division Staff Officers (SOs), committee members, or flotilla elected leaders should be directed to the Division Commander (DCDR).
(3) Matters that involve division elected leaders should be directed to the appropriate District Captain (DCAPT).
(4) Matters that involve district staff officers (including corresponding aides and committee members), Auxiliary Sector Coordinators (ASCs) and Auxiliary Unit Coordinators (AUCs), DCAPTs, the President of the Past Commanders Association, and Immediate Past District Commodores (IPDCOs) should be directed to the DCO.
(5) Matters that involve the District Chief of Staff (DCOS) or the DCO should be directed to the appropriate Deputy National Commodore (DNACO).
(6) Matters that involve National Staff should be directed to the appropriate Directorate Chief (DIR).
(7) Matters that involve Directorate Chiefs should be directed to the appropriate Assistant National Commodore (ANACO).
(8) Matters that involve ANACOs should be directed to the appropriate DNACO or the VNACO.
(9) Matters that involve National aides, NACO staff members, DNACOs, the VNACO, the President of the National Association of Commodores (NAC), or the Immediate Past National Commodore (IPNACO) should be directed to the NACO.

The Director shall assist, as requested, in determining the appropriate level of organization to address complaints against members of their region. The Chief Director shall assist, as requested, in determining the appropriate level of organization to address complaints submitted to DIRs, ANACOs, and National Executive Committee (NEXCOM) members.

F.2.b. Investigation Notification Requirements

It is of utmost importance that the subject of any request for investigation be kept apprised of all aspects of associated proceedings in timely fashion. Accordingly, the leader shall immediately notify, in writing, any Auxiliarist who is subject of a request for investigation of the following:

(1) The basic grounds for the request.
(2) The source of the request.
(3) The right to address, in writing, an investigator or investigating committee prior to any report to the elected leader.
(4) The elected leader's initial plan of action.

The leader shall provide the Auxiliarist with similar timely notifications at appropriate waypoints throughout the process.

F.3. Investigative Options

The leader receiving a request for investigation shall make a determination as to the propriety of an investigation and take action as described in the following provisions. This determination shall be made within seven (7) days of receipt of the request.

Nothing shall preclude any leader, Director, Chief Director, Coast Guard officers in their respective chains of command, or a Coast Guard command that exercises order issuing authority over an Auxiliarist from initiating an investigation of any Auxiliarist's behavior, actions, or inactions based upon first-hand observation.

F.3.a. Investigation Not Warranted

If the determination is that no investigation is warranted, then the leader shall notify the Director of such, including justification for the determination, via the chain of leadership and management. If the leader is a DIR, ANACO, or National Executive Committee (NEXCOM) member for matters as described in paragraph F.2 above, then the leader will notify the Chief Director, including justification for the determination, via the chain of leadership and management.

The Director, or Chief Director as appropriate, shall review the request and the justification for this determination, and shall confer directly with the leader about them to ensure awareness and understanding. If in concurrence, then the Director, or Chief Director as appropriate, shall notify the leader in writing (e-mail is acceptable), and the leader shall include mention of this concurrence in written replies to the Auxiliarist who submitted the request and the Auxiliarist who is the subject of the request. If not in concurrence, then the Director, or Chief Director as appropriate, shall notify the leader in writing (e-mail is acceptable), and the leader shall pursue investigation in accordance with the following section.

F.3.b. Investigation Warranted	If the determination is that investigation is warranted, then the leader shall promptly notify the chain of leadership and management, in writing (e-mail is acceptable), including the Director, or Chief Director as appropriate, and the source of the request for investigation. The leader shall concurrently appoint, in writing, an Auxiliarist or committee to conduct the investigation. The leader may specify a period of time up to 60 days for a report of investigation to be completed and submitted. Appointees may belong to the same Auxiliary unit as the Auxiliarist who is the subject of the investigation. However, the leader shall ensure that any appointee is clearly detached from any issues around which the investigation centers as well as clearly impartial in terms of the Auxiliarist who is the subject of the investigation. If the leader appoints a committee, it will consist of two to three people who may be any members of Coast Guard Forces. The leader shall work with the Director, or Chief Director as appropriate, to facilitate the identification and appointment of non-Auxiliary committee members as well as to employ appropriate reference to the Coast Guard Administrative Investigations Manual, COMDTINST M5830.1 (series), for general guidance about investigation elements and format (e.g., findings of fact, opinions, recommended action). The leader shall also concurrently notify the Auxiliarist who is subject of the investigation that investigative action is being pursued and that the Auxiliarist has the right to address, in writing, the investigator or investigating committee prior to any report to the leader.
F.4. 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 by the Auxiliarist who is subject of the investigation. 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, if the leader serves at or below district level, or with the ANACO-CC, if the leader serves at the ANACO level or above.
F.5. Non-Violation Determination	If the leader determines that no violation of Coast Guard or Auxiliary policy occurred, then the leader shall notify in writing (e-mail is acceptable) all those who were initially notified of the investigation of such determination. This notification shall be made within five (5) days of its determination.

F.6. Violation	If the leader determines that a violation of Coast Guard or Auxiliary policy occurred, then the leader shall notify in writing (e-mail is acceptable) all those who were initially notified of the investigation of such determination and shall proceed in accordance with sections G and H of this chapter, as appropriate. This notification shall be made within five (5) days of its determination.