



**1ST MARINE DIVISION**  
ARMA 3 MILSIM

**UNIFORM CODE OF UNIT JUSTICE**

**DEPARTMENT OF THE NAVY**  
**UNITED STATES MARINE CORPS**  
1st Marine Division  
CAMP PENDLETON, CALIFORNIA 92055

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**Article I. Mutual Civility**

**Section 1.01 Mutual Civility**

- (a) Mutual civility means that both parties involved in a conversation will not intentionally insult or harm one another.
- (b) The use of profanity, racism, or sexism with the intention to harm or illicit a negative response (trolling) is prohibited.
  - (i) *Profanity, racism or sexism will be defined as terms that any reasonable person would consider such. Ultimately the decision resides with the moderating officer.*

**Section 1.02 Punishment**

- (a) First offenders of this article will be subject to Article XIV.

**Article II. Defamation of members is specifically prohibited**

**Section 2.01 Slander**

- (a) Oral defamatory statements the intention of which is to damage or harm the targets reputation or standing. To be considered slander the following must be met:
  - (i) *The statements are being presented as fact and not an opinion.*
  - (ii) *The speaker knew or reasonably should have known that the statements being presented were false.*
  - (iii) *The statements provided are provably false and not truthful.*

**Section 2.02 Libel**

- (a) Written defamatory statements the intention of which is to damage or harm the targets reputation or standing. To be considered slander the following must be met:
  - (i) *The statements are being presented as fact and not an opinion*
  - (ii) *The speaker knew or reasonably should have known that the statements being presented were false.*
  - (iii) *The statements provided are provably false and not truthful.*

**Section 2.03 Punishment**

- (a) First offenders of this article will be subject to Article XV

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**Article III. Harassment**

**Section 3.01 Harassment**

- (a) Harassment is a verbal or written threat where the intention is to scare the target. For there to be harassment the following criteria must be met:
  - (i) *The harasser must reasonably understand that what they are saying, or writing is harassment.*
  - (ii) *The person being harassed feels that they are being harassed.*
  - (iii) *The harassment would scare a reasonable person.*
  - (iv) *The person being harassed has made clear that the actions of the harasser is making them feel uncomfortable through a verbal or written warning.*
    - 1) This warning must be consistent with what a reasonable person would consider a warning.
  - (v) *If the harassment stops following this warning, then the harasser is not committing harassment.*
    - 1) If the harassed fails to provide a reasonable warning, then the charge of harassment CANNOT be pursued.

**Section 3.02 Punishment**

- (a) First offenders of this article will be subject to Article XV

**Article IV. Sexual Harassment**

**Section 4.01 Sexual Harassment**

- (a) Sexual harassment is verbal, written or photographic threat or sexual advance that is unwelcomed by a reasonable person and is being presented in a manner that does not convey facetiousness. For there to be sexual harassment the following criteria must be met:
  - (i) *The harasser must reasonably understand that what they are saying, writing, or photographing could be construed as sexual harassment.*
  - (ii) *The intention of which is to threaten or make sexual advances towards another person.* 2) *The person being sexually harassed feels that they are being sexually harassed.*
  - (iii) *The sexual harassment would scare or be construed as a legitimate sexual advance by a reasonable person.*
  - (iv) *The person being harassed has made clear that the actions of the harasser is making them feel uncomfortable through a verbal or written warning.*
    - 1) This warning must be consistent with what a reasonable person would consider a warning.
  - (v) *If the harassment stops following this warning, then the harasser is not committing harassment.*
    - 1) If the harassed fails to provide a reasonable warning, then the charge of harassment CANNOT be pursued.
- (b) Sexual Harassment is subject to an immediate Section 2.03 proceeding. The burden of harassment will fall squarely on the prosecution.

**Section 4.02 Punishment**

- (a) First offenders of this article will be subject to Article XVI

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**Article V. Reasonably annoying actions**

**Section 5.01 Annoying Actions**

- (a) Repetition of words or phrases the intent of which is to illicit a negative response (trolling) or annoy fellow members is prohibited.
  - (i) *Repetition will be defined as repeating the same words or phrases in immediate succession more than three times.*
- (b) For this to be a punishable offense the following criteria must be met:
  - (i) *At least one person must convey verbally or in writing that the repetition is annoying.*
    - 1) The warning must be consistent with what a reasonable person would consider a warning.
  - (ii) *If the repetition stops immediately following the verbal warning, then no violation of policy has been committed.*
- (c) Examples of reasonably annoying actions include but is not limited to:
  - (i) *Screaming into the mic, playing music, making obstructing sounds.*

**Section 5.02 Punishment**

- (a) First offenders of this article will be subject to Article XIV

**Article VI. Pedophilia**

**Section 6.01 General Pedophilia**

- (a) General Pedophilia will be defined as advertising or attempting to solicit a sexual relationship with someone under the age of 18 (when the individual is at or above the age of 18).
- (b) The following criteria must be met before charges can be brought against an individual:
  - (i) *The relationship being solicited or advertised is legitimate and not fictitious*

**Section 6.02 Child Pornography**

- (a) Child Pornography will be defined as posting imagery of real individuals below the age of 18 regardless of local or government regulations in the geographical area.

**Section 6.03 Punishment**

- (a) First offenders of this article will be subject to Article XVI

**Article VII. Treason**

**Section 7.01 Treason**

- (a) Treason will be defined as any member of the unit who is attempting to subvert the rules of the unit, command structure, or the unit with the intention to assist another unit.

**Section 7.02 Sedition**

- (a) Sedition will be defined as any member of the unit who through verbal or written communication or action attempts to subvert the rules of the unit, command structure, or the unit with the intention to incite panic or otherwise harm the unit.

**Section 7.03 Punishment**

- (a) First offenders of this article will be subject to Article XVI

**Article VIII. Soliciting commission of offenses**

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**Section 8.01 Soliciting commission of offenses generally**

- (a) Members who solicits or advises another to commit an offense.

**Section 8.02 Punishment**

- (a) First offenders of this article will be subject to Article XIV Section 14.02

**Article IX. Failure to comply with orders**

**Section 9.01 Failure to comply with orders**

- (a) Failing to obey any lawful general order or regulation or any other lawful order issued by any member of the unit he had a duty to obey.
- (b) For there to be a failure to comply with orders the following criteria must be met:
- (i) *The order is provided in a manner that a reasonable person would consider an instruction or order.*
- (ii) *The order is lawful in that it can be faithfully executed by a reasonable person and that it is consistent with all regulations and precedents.*

**Section 9.02 Punishment**

- (a) First offenders of this article will be subject to either Article XIV or XV depending on the determination made by the Company level Commanding Officer.

**Article X. Absent without leave**

**Section 10.01 Absent without leave**

- (a) Absent will be defined as failing to go to an appointed place of duty at the time prescribed without a leave of absent request being filed.
- (b) An individual who is late is not considered absent without leave.

**Section 10.02 Punishment**

- (a) First offenders of this article will be subject to Article XIV

**Article XI. Bribery and Graft**

**Section 11.01**

- (a) 'Bribery' refers to the intent to get influenced or influence another in an official matter. 'Graft' is receiving or giving compensation for services performed when the individual was in an official position, when no compensation was to be given.

**Section 11.02 Asking, accepting, or receiving**

- (a) That the accused wrongfully asked, accepted, or received a thing of value from a certain person or organization;
- (b) That the accused then occupied a certain official position or had certain official duties;
- (c) That the accused asked, accepted, or received this thing of value (with the intent to have the accused's decision or action influenced with respect to a certain matter)\* (as compensation for or in recognition of services rendered, to be rendered, or both, by the accused in relation to a certain matter;
- (d) That this certain matter was an official matter in which the unit was and is interested; and

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- (e) That, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the unit or was of a nature to bring discredit upon the unit.

**Section 11.03 Promising, offering, or giving**

- (a) That the accused wrongfully promised, offered, or gave a thing of value to a certain person or organization;
- (b) That the accused then occupied a certain official position or had certain official duties;
- (c) That this thing of value was promised, offered, or given (with the intent to have the accused's decision or action influenced with respect to a certain matter)(as compensation for or in recognition of services rendered, to be rendered, or both, by the accused in relation to a certain matter;
- (d) That this certain matter was an official matter in which the unit was and is interested; and
- (e) That, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the unit or was of a nature to bring discredit upon the unit.

**Section 11.04 Punishment**

- (a) First offenders of this article will be subject to Article XVI

**Article XII. General Article**

**Section 12.01 General Article**

- (a) Though not specifically mentioned in this chapter, all disorders and neglects to the prejudice of good order and discipline in the unit, all conduct of a nature to bring discredit upon the unit, and crimes and offenses not capital, of which persons subject to this chapter may be guilty, shall be taken cognizance of by a general, special, or summary punishment, according to the nature and degree of the offense, and shall be punished at the discretion of unit leadership.
  - (i) *Disorders and neglects to the prejudice of good order and discipline in the unit*
  - (ii) *Conduct of nature bringing discredit upon the unit*
  - (iii) *Noncapital crimes*

**Section 12.02 Punishment**

- (a) First offenders of this article will be subject to a special inquiry where punishment will be determined based on the clause and severity of action.

**Article XIII. Pardon Power**

**Section 13.01 The power of pardons**

- (a) The unit leader shall have the power to grant reprieves and pardons for any and all offenses.

**Section 13.02 Procedure**

- (a) The unit leader will provide written record of the pardon included the scope and limitations of the pardon.

**Article XIV. Counseling**

**Section 14.01 Procedure**

- (a) Recommendation for Counseling will be identified by an NCO or Officer and recommended to the Commanding Officer of the offending party.

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- (b) Unless directed by this document an Article 14 is the first Article of punishment to be brought against a member.
- (c) The Commanding Officer of the offending party will authorize the Article 14 and either conduct the Article himself or delegate the Counseling to his subordinates.
- (d) The person whom is conducting the Counseling will speak with the offending party and explain their actions and the correction actions that need to be taken;
- (e) While the offending party is present the presiding member will fill out a Page 11

**Section 14.02 Form 6105**

- (a) This document establishes the use of Form 6105
- (b) Once a member of the unit has collected one Page 11s of the same conduct Platoon will be notified to issue a form 6105. Unless directed by this document to provide a final warning immediately.
- (c) Form 6105 provides a final warning prior to NJP and follows the same procedure outlined in Section 14.01.

**Article XV. Non-Judicial Punishment (NJP)**

**Section 15.01 Procedure**

- (a) Submitted by NCO, SNCO, or Officer recommending the NJP
  - (i) *Submitted through form 6110 and approved by Company*
- (b) Unless directed by the Article an NJP cannot be brought against a member immediately without first being subject to Article XIV
- (c) All Non-Judicial Punishments will be following the following procedure:
  - (i) *The member submitting the NJP will submit the NJP as a form 5000 to the Company level Commander*
  - (ii) *The platoon or company level commander will hear testimony and evidence that is relevant to the infraction prior to determining punishment.*
  - (iii) *Once a determination has been made the presiding officer will fill out an Article 15 form and present it verbally to the offending party.*

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**Section 15.02 Non-Judicial Applicable Punishments**

- (a) Duty
  - (i) *Duty is an assigned task or set of instructions that personnel must carry out in lieu of operations or official trainings.*
  - (ii) *Limits*
    - 1) Minimum = 1 Operation
    - 2) Maximum = 4 Operations
- (b) Temporary Removal from Operation
  - (i) *Temporary removal from operation is where the member cannot show up and partake in unit operations for a set period.*
  - (ii) *Limits*
    - 1) Minimum = 1 Operation
    - 2) Maximum = 4 Operations
- (c) Temporary Removal from TeamSpeak
  - (i) *The officer can temporarily ban a member from the TeamSpeak.*
  - (ii) *Limits*
    - 1) Minimum: 1 Hour
    - 2) Maximum: 48 hours.
- (d) Demotion
  - (i) *The member will be demoted*
  - (ii) *Limit*
    - 1) 1 Rank
- (e) Forfeiture of Awards
  - (i) *The member will have awards afforded to them removed without ability to regain for the act for which they were awarded.*
- (f) Forfeiture of Promotion
  - (i) *The member will be unable to receive any awards regardless of conduct for a period.*
  - (ii) *Limits*
    - 1) Minimum of 1 Day
    - 2) Maximum of 14 Days



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**Article XVI. Court Martial**

**Section 16.01 Procedure**

- (a) A Platoon level position or higher will provide recommendation to Company to begin court martial proceedings.
  - (i) *In order to rise to the level of a court martial either the Article must call for an immediate court martial or the member has received at least one NJP relating to the offense for which the member is being court martialed.*
- (b) Company will issue subpoenas and investigate the issue
- (c) Company will determine the point at which they have received enough information after carefully reviewing necessary information subsequently conduct their deliberation.
- (d) Company will conduct a vote in which the majority will decide the fate of the trial. In the event of a tie the Company CO will break the tie.

**Section 16.02 Punishment**

- (a) A member who receives a court martial will be removed from the unit for a period.
- (b) Limits
  - (i) *Minimum: 3 Months*
  - (ii) *Maximum: Indefinite*

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**Amendments**

**Article XVII. Non-punitive separation**

**Section 17.01 Non-punitive separation**

- (a) Non-punitive separation is removal from the unit for performance or behavioral reasons.
  - (i) *Performance is a member's aptitude to adequately fulfil their role within the unit. The measure of aptitude will be determined by that members commanding officer(s).*
  - (ii) *Behavior includes but is not limited to a member's ability to adequately socialize, communicate, and follow instructions. For a behavioral separation the behavior must be disrupting unit operations this will be determined by that members commanding officer(s).*

**Section 17.02 Procedure**

- (a) A Platoon level position or higher has identified or been notified about a performance or behavioral related issue.
- (b) A Platoon level position or higher will first issue a Page 11 (Article 14: Counseling) to the member for the failure to meet performance or behavioral standards.
- (c) If the member fails to improve in accordance with the commanding officers' directives this individual will be subjected to NJP or removal from the unit without Court Martial as determined by the commanding officer.

**Section 17.03 Punishment**

- (a) First offense: Subjected to Article 14: Counseling and issued a Page 11.
- (b) Second offense: Subjected to Article 15: Non-judicial punishment or removed from the unit without being subjected to Article 16: Court Martial.

**Article XVIII. Appeals**

**Section 18.01 Procedure**

- (a) Unit members may appeal decisions which result in their separation from the unit.
- (b) For an appeal to be considered the following must be completed:
  - (i) *The appeal will be written by the defendant on a Google Document and submitted to the Company Commander.*
    - i) *The letter must respectfully dispute the reasons or circumstance surrounding the separation.*
- (c) The company commander will provide a letter in response outlining the appeal determination.