



OFFICE OF THE COMMANDANT
UNITED STATES MILITARY ACADEMY
WEST POINT, NEW YORK 10996

MACC

USCC POLICY MEMORANDUM (CC-19-01)

SUBJECT: Commandant's guidance regarding timely submission of derogatory information to West Point Installation Security Office

1. REFERENCES:

- a. Army Regulation (AR) 600-20, Army Command Policy, dated 6 November 2014
- b. Army Regulation (AR) 380-67, Personnel Security Program, dated 24 January 2014

2. PURPOSE: To establish responsibility and expectations on the submission of derogatory information through appropriate channels for Cadets and Soldiers within USCC.

3. BACKGROUND: AR 380-67 requires a commander to report to Department of Defense Consolidated Adjudications Facility (DoD CAF), when credible derogatory information has been identified. The United States Corps of Cadets is responsible for providing derogatory information for all Cadets, staff, and faculty within the organization.

4. SCOPE: Provisions of this memorandum apply to personnel assigned, attached, or under Operational Control (OPCON) of the United States Corps of Cadets.

5. DEFINITIONS:

- a. Derogatory information – Information that is derogatory in nature as outlined in Chapter 2-4 and Appendix I of AR 380-67.
- b. USCC Security Assistant – Person in the position of security assistant that is responsible for cadet security clearance processes. (Ms Anne-Marie Cockren)
- c. Installation Security – Centralized Security office aligned with West Point to act as a liaison between the DoD CAF and U.S. Military Academy, West Point and tenants; subject matter expert to organizations on West Point.

MACC

Commandant's guidance regarding timely submission of derogatory information to West Point Installation Security Office

d. DoD CAF – Organization that is responsible for adjudication actions involving all reports of derogatory information and authority in changes to security clearance status. The DoD CAF also acts as the single central adjudication facility for the Army.

6. THRESHOLD FOR ADVERSE ACTION:

a. In accordance with Department of Army Incident Reporting Requirements and Procedures, whenever credible derogatory information relating to the criteria and policy set forth in AR 380-67, paragraph 2-4 and appendix I is developed or otherwise becomes available, it shall be referred by the most expeditious means to the commander or the security officer of the organization to which the individual is assigned for duty. When the Commander learns of credible derogatory information on a member of their command that falls within these criteria, the Commander will immediately direct their supporting security manager to submit an incident report in the Joint Personnel Adjudication System (JPAS), or its successor system.

b. Derogatory information eligible for reporting:

(1) Commission of any act of sabotage, espionage, treason, terrorism, anarchy, sedition, or attempts thereof or preparation therefore, or conspiring with or aiding or abetting another to commit or attempt to commit any such act.

(2) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, terrorist, revolutionist, or with an espionage or other secret agent or similar representative of a foreign nation whose interests may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the Government of the United States or to alter the form of Government of the United States by unconstitutional means.

(3) Advocacy or use of force or violence to overthrow the Government of the United States or to alter the form of Government of the United States by unconstitutional means.

(4) Knowing membership with the specific intent of furthering the aims of, or adherence to and active participation in any foreign or domestic organization, association, movement, group or combination of persons (hereafter referred to as organizations) which unlawfully advocates or practices the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States or of any State or which seeks to overthrow the Government of the United States, or any State or subdivision thereof by unlawful means.

(5) Unauthorized disclosure to any person of classified information, or of other information, disclosure of which is prohibited by statute, Executive order, or regulation.

MACC

Commandant's guidance regarding timely submission of derogatory information to West Point Installation Security Office

(6) Performing or attempting to perform one's duties, acceptance and active maintenance of dual citizenship, or other acts conducted in a manner which serves or which could be expected to serve the interests of another government in preference to the interests of the United States.

(7) Disregard of public law, statutes, EOs, or regulations, including violation of security regulations or practices.

(8) Criminal or dishonest conduct.

(9) Acts of omission or commission that indicate poor judgment, unreliability, or untrustworthiness.

(10) Any behavior or illness, including any mental condition, which, in the opinion of competent medical authority, may cause a defect in judgment or reliability with due regard to the transient or continuing effect of the illness and the medical findings in such case.

(11) Vulnerability to coercion, influence, or pressure that may cause conduct contrary to the national interest. This may be (1) the presence of immediate family members or other persons to whom the applicant is bonded by affection or obligation in a nation (or areas under its domination) whose interests may be inimical to those of the United States, or (2) any other circumstances that could cause the applicant to be vulnerable.

(12) Excessive indebtedness, recurring financial difficulties, or unexplained affluence.

(13) Habitual or episodic use of intoxicants to excess.

(14) Illegal or improper use, possession, transfer, or sale of or addiction to any controlled or psychoactive substance, narcotic, cannabis, or other dangerous drug.

(15) Any knowing and willful falsification, cover up, concealment, misrepresentation, or omission of a material fact from any written or oral statement, document, form or other representation or device used by DOD or any other Federal agency.

(16) Failing or refusing to answer or to authorize others to answer questions or provide information required by a congressional committee, court, or agency in the course of an official inquiry whenever such answers or information concern relevant and

MACC

Commandant's guidance regarding timely submission of derogatory information to West Point Installation Security Office

material matters pertinent to an evaluation of the individual's trustworthiness, reliability, and judgment. Refusing or intentionally failing to provide a current personal security questionnaire (PSQ) or omitting material facts in a PSQ or other security form. Refusing to submit to a medical or psychological evaluation when information indicates the individual may have a mental or nervous disorder or be addicted to alcohol or any controlled substance.

(17) Sexual behavior that involves a criminal offense, indicates a personality or emotional disorder, reflects lack of judgment or discretion, or which may subject the individual to undue influence or coercion, exploitation, or duress can raise questions about an individual's reliability, trustworthiness and ability to protect classified information. No adverse inference may be made solely on the basis of the sexual orientation of the individual.

7. FORMS: DA Form 5248-R – Report of Unfavorable Information for Security Determination. This form used to report derogatory information to the DoD CAF.

8. PROCEDURES:

a. For Initial Report of Unfavorable Information Concerning Cadets:

(1) Once derogatory information is reported, including adverse action, a DA Form 5248-R will be filled out and signed by the Cadet's tactical officer.

(2) After the 5248-R is complete, the form will be submitted to the USCC Security Assistant for review and processing.

(3) The USCC Security Assistant will submit the 5248-R to the Installation Security Office for review, processing, and submission to DoD CA.

(4) If the Tactical Officer has made a recommendation of suspending the Cadet's clearance, the USCC Security Assistant will provide a Memo of Suspension Notification to the Cadet's tactical officer.

(5) Tactical Officers will notify the Cadet of any changes to their security clearance and have the Cadet sign the acknowledgement of their change of status.

(6) Tactical Officers will provide a copy of the memo to the Cadet and forward the signed memo to the USCC Security Assistant.

b. For Reinstating a Suspended Clearance for Cadets:

(1) A final report will be submitted to the USCC Security Assistant using the DA Form 4248-R, with a recommendation from the Commander to unsuspend the

MACC

Commandant's guidance regarding timely submission of derogatory information to West Point Installation Security Office

clearance. Enclosed with the report should be any supporting documentation which shows that an investigation into the situation has been closed, punishment has been completed, ASAP certification has been completed, etc.

(2) The USCC Security Assistant will review packet and forward it to the Installation Security Office for uploading into the DISS Portal for processing by the DoD CAF.

(3) Reinstatement of a suspended clearance by the DoD CAF can take between 30-60 days, depending on the completeness of the packet.

c. For Initial Report of Unfavorable Information concerning Soldiers:

(1) Once derogatory information is reported, including adverse action, a DA Form 5248-R will be filled out by the Soldiers first line leader.

(2) The first line leader will submit the 5248-R, through the chain of command, to the Commandant for signature.

(3) After the Commandant signs the DA Form 5248-R, the form is submitted to Installation Security Office for review and submission to DoD CAF.

(4) If the Commandant recommends suspending the Soldier's clearance, the Installation Security Office will provide a Memo of Suspension Notification to the Soldier's first line leader.

(5) First Line Leader will notify the Soldier of any changes to their security clearance and have the Soldier sign the acknowledgement of their change of status.

(6) First Line Leader will provide a copy of the memo to the Soldier and forward the signed memorandum to the Installation Security Office.

d. For Reinstating a Suspended Clearance for Soldiers:

(1) A final report will be submitted to the Installation Security Office using the DA Form 4248-R, with a recommendation from the Commander to unsuspend the clearance. Enclosed with the report should be any supporting documentation which shows that an investigation into the situation has been closed, punishment has been completed, ASAP certification has been completed, etc.

(2) The Installation Security Office will upload the packet into the DISS Portal for processing by the DoD CAF.

MACC

Commandant's guidance regarding timely submission of derogatory information to West Point Installation Security Office

(3) Reinstatement of a suspended clearance by the DoD CAF can take between 30-60 days, depending on the completeness of the packet.

9. RESPONSIBILITIES:

a. Any member of USCC that witnesses or becomes aware of any derogatory information should inform the Chain of Command immediately.

b. Tactical Officers are the legal commanders for Cadet Companies. Tactical Officers will ensure all derogatory information is reported in a timely manner. The USCC Security Assistant and Installation Security Office will provide guidance on derogatory matters involving Cadets.

c. The Commandant is responsible for the submission of derogatory information for all staff and faculty.

d. Due to the sensitivity in nature, the USCC Security Assistant will be the only individual to handle Cadet actions.

10. **EXPIRATION:** This policy memorandum remains in effect until superseded or rescinded.

11. **POINT OF CONTACT:** The proponent for this policy memorandum is USCC Security Assistant @ 845-398-3931 or x3931.



CURTIS A. BUZZARD
Brigadier General, USA
Commandant of Cadets