

ROTC FUNDRAISING INFORMATION PAPER

1. **PURPOSE.** Provide USACC personnel and cadets with guidance concerning fundraisers. The purpose of this information paper is not to eliminate the need to consult with an ethics counselor prior to taking actions that implicate ethical regulations; rather its purpose is to provide an overview of the applicability of the Joint Ethics Regulation (JER) to common situations regarding cadet fundraisers.

2. **BLUF.** USACC personnel and cadets may voluntarily participate in fundraising as individuals in their personal capacities, provided they act exclusively outside the scope of their official positions.¹ ROTC cadets often engage in fundraising to support unit social activities (e.g., Dining-In or Military Ball), extracurricular events (e.g., Army Ten Miler or Bataan Memorial March travel), or for other unofficial events. Some Military Science departments or cadet organizations receive support from university funding or private donations. For those that fundraise directly, cadet fundraising efforts must be **private** activities that do not create the appearance of official Army endorsement and must conform to each campus's student organization fundraising policies. It is highly recommended that fundraisers be structured as a student organization activity subject to the host university's policies, regulations, and rules regarding fundraisers in order to ensure compliance with university policies and DoD requirements.

3. **APPLICABLE REGULATIONS.**

a. The DoD Joint Ethics Regulation (DoD 5500.07-R) provides a single source of standards of ethical conduct and ethics guidance to Department of Defense (DoD) employees.² The purpose of the JER is to ensure the public's confidence in the DoD by avoiding even the appearance of impropriety.

b. AR 600-29, Fund-Raising within the Department of the Army (7 June 2010), prescribes general policy for administering all fundraising activities within the Department of the Army.

c. AR 145-1, Senior Reserve Officers' Training Corps Program (22 July 1996), prescribes policies and general procedures for administering the Army's Senior Reserve Officers' Training Corps (SROTC) Program.

4. **APPLICABILITY.** The JER does not apply to ROTC cadets **unless** they are performing under the authority of title 10, United States Code.³ Violations by cadets that occur while they are performing under title 10 orders are punishable by criminal, civil, and administrative sanctions, including punishment under the Uniform Code of Military Justice (UCMJ). Although the JER does not apply to cadets when they are not on title 10 orders, violations by cadets may

¹ JER, 3-300(a)

² *Id.*, at 1-100

³ *Id.*, at 1-211

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be grounds for administrative action, including disenrollment under Army Regulation 145-1. The JER applies to all ROTC cadre and DoD civilians at all times.

5. **DEFINITION.** “Fundraising” is defined in AR 600-29 as “any activity conducted for the purpose of collecting money, goods, or a non-Federal fund support for the benefit of others.”

6. **ENDORSEMENTS.** The Army cannot fundraise, or appear to engage in fundraising, except when prescribed by regulation (e.g., CFC).

a. Cadets and cadre may not fundraise in uniform, to include ACUs, OCPs, APFUs, IPFUs, and any other apparel with Army or Cadet Command logos and branding. However, wearing apparel that states “University of _____ Department of Military Science” or a university logo in lieu of “Army ROTC” would be authorized.

b. The PMS may not provide a fundraising endorsement letter for cadet organizations using official position, letterhead, or e-mail.

c. Social media fundraising sites such as “Go Fund Me” are subject to the same endorsement prohibitions. Avoid uniforms, Army logos, ranks, banners, or other indicators of official sanction in social media fundraising. Ensure the page does not link to pictures of individuals and groups in uniform or other indicators of Army endorsement on the page. Such pages should not be “shared,” linked, or affiliated to Army, ROTC, or Cadet Command sites (e.g., official Facebook groups). The use of “Go Fund Me” and other similar social media fundraising sites are discouraged due to the risk of error, the ease of transmission of the images, and accidental misuses.

d. Cadre and other government employees should not use their .gov or .mil email accounts to send out any solicitations, nor should any emails be sent to their .gov or .mil email accounts.

7. **USE OF FEDERAL GOVERNMENT RESOURCES.** The brigade commander may provide, on a limited basis, the use of federal facilities and equipment (and the services of DoD employees necessary to make proper use of the equipment), as logistical support when the head of the command determines that:⁴

a. The support does not interfere with the performance of official duties;⁵

⁴ JER 3-211 (a)(1)-(6)

⁵ Encyclopedia of Ethical Failure: A Marine Corps Commanding Officer directed, or requested, that his subordinates use their official duty time to perform manual labor and other activities in support of a private organization – in an attempt to fundraise for an upcoming Marine Corps Ball. They worked in exchange for money and command endorsement from the organization. They ultimately received \$48,600 in compensation from the outside organization for performance of their official duties, in violation of 18 U.S.C. §209 and Paragraph 3-205 of DoD 5500.07-R (JER), which prohibits employees from receiving supplemental salary from a non-Federal source

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- b. DoD community relations are served by the support;
 - c. It is appropriate to associate DoD with the event;
 - d. The event is of interest and benefit to the local civilian community or any part of the DoD;
 - e. The DoD Component command or organization is able and willing to provide the same support to comparable events that meet this criteria and are sponsored by other similar non-Federal entities; and
 - f. The use is not restricted by other statutes.
 - g. Examples of authorized government resources to support fundraisers may include unit vans to move equipment and personnel, water coolers, tables, office supplies, etc.
8. **APPROPRIATED FUNDS**. Use of appropriated funds are **not** authorized to help pay for costs associated with fundraisers.
9. **IMPROPER AUGMENTATION**. Fundraisers **cannot** be used to raise money to augment events or equipment that is already budgeted for the ROTC department by the Army.
- a. E.g., ROTC cadets cannot start a fundraiser to raise funds for an additional FTX, since FTXs are funded and budgeted for by the Army.
 - b. E.g., ROTC cadets can start a fundraiser to raise funds for a post-commissioning dinner, because the dinner is a separate event from the commissioning ceremony.
10. **CADRE AND OTHER USACC PERSONNEL INVOLVEMENT**. Cadre and USACC personnel may be involved in the fundraising as individuals in their personal capacity; personnel cannot fundraise on official time or in an official capacity.⁶ Commanders may not coerce USACC personnel, cadre, or cadets into participating in fundraisers – fundraisers must be voluntarily joined and supported.⁷ University student organization policies and procedures should be followed at all times.

for the performance of DoD duties. The Commanding Officer was disciplined and directed to transfer all the money to the U.S. Treasury.

⁶ 5 C.F.R. 2635.202

⁷ 5 C.F.R. 950.108

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11. STUDENT ORGANIZATIONS/CADET FUNDS.

a. It is highly recommended that the fundraiser be structured as a student organization activity subject to the host university's policies, regulations, and rules regarding fundraisers. This will ensure the fundraiser is in compliance with both the university and the DoD policies requiring fundraising to be a purely personal venture.

b. The funds raised from any fundraisers should be managed, dispersed, and accounted for by following the university's guidelines for administration of student organization funds. If that includes a faculty oversight requirement, ROTC cadre may provide that oversight role.

c. Some universities or business organizations will pay a certain amount to a student organization in exchange for services, such as manual labor. Such an exchange is authorized as long as it does not interfere with official duties, there is no actual or perceived endorsement by the Army, and participation in the service is **completely voluntary**.

12. OTHER SITUATIONS. For situations not covered in this memorandum or for more detailed advice, please contact an ethics counselor within the Office of the Staff Judge Advocate. Your ethics counselor will conduct a fact-specific inquiry that will ensure compliance with applicable regulations; following the advice of your ethics counselor provides a safe harbor opinion that protects the command representative from legal repercussions.

a. Administrative Law Division Mailbox: 50 3rd Avenue
Building 1310, Room 215
Fort Knox, KY 40121

b. Phone Numbers: 502-624-7414
502-624-6122