

Reports of noncompliance with this regulation and the corrective action taken will be submitted individually through command channels to HQDA, (DAPE-MPO).

Chapter 3 Student Administration

Section I Enrollment

3-1. Enrollment obligation

a. Enrollment in ROTC is voluntary for students attending civilian colleges and universities. The school may require qualified students to complete a portion or all of the basic course.

b. Students attending military colleges or military junior colleges, except as cited in paragraph 2-1b(2)(a) through(d), are required to enroll in the ROTC Program in addition to their academic program.

3-2. Responsibilities

a. The CG, USAROTCCC will establish enrollment objectives and quotas for planning purposes based on production mission set by HQDA.

b. The PMS will verify each applicant's eligibility for the SROTC Program before enrolling the applicant using the criteria stated in this chapter and current directives.

3-3. Ineligibles

a. All categories of ineligibles who meet the requirements set by the school authorities may take Army ROTC classes for all 4 years for academic credit only. Participation in other ROTC programs is further limited by their status as auditing students as specified in paragraph 3-27. Specific grades and grade point averages (GPA) awarded to these students are according to the policies set by the school authorities.

b. The following students are ineligible for enrollment in the basic or advanced course:

(1) Conscientious objectors, as defined in AR 600-43. Cadets who formalize their conviction in such beliefs after enrollment in the advanced course or the ROTC Scholarship Program will apply for disenrollment from ROTC and will be considered for discharge from USAR under AR 600-43. The CG, TRADOC, is the approving authority 1-A-O and 1-O status for ROTC cadets applying objector status. Those applications not considered appropriate for approval will be forwarded to the Department of the Army Conscientious Objector Review Board (CORB) for a final determination. A copy of all approved cases will be forwarded to CORB as well for centralized filing of all cases, approved or disapproved. Scholarship students may be required to repay all or part of their scholarship financial assistance. The only conscientious objectors permitted to enroll in SROTC are—

(a) Alien students enrolled in the basic course.

(b) Students required by the school to take military training who are enrolled in the basic course. Students who have previously been conscientious objectors must, before enrollment, furnish a letter stating that they no longer have convictions that preclude them from bearing arms and participating in full military service with the U.S. Army.

(2) A person's sexual orientation is considered a personal and private matter, and is not a bar to SROTC Program enrollment or continued service unless manifested by homosexual conduct as described in paragraph 3-3f. Students also will not be asked or required to reveal whether they have engaged in homosexual conduct, unless independent evidence is received indicating that a student engaged in such conduct or unless the student volunteers a statement that he or she is a homosexual or bisexual, or words to that effect. Homosexual conduct is grounds for barring entry or continued enrollment in the SROTC Program, except as otherwise provided in paragraph 3-3f. Applicants to the SROTC Program will be informed of the separation policy concerning homosexual conduct. Failure to receive such information shall not constitute a defense in any administrative or disciplinary proceeding.

(3) A student who has a pre-trial diversion for a felony, any civil conviction, an adverse adjudication, or any type of court-martial conviction even though the record may have been sealed or expunged, unless a waiver is granted. These students (excluding scholarship students) may be permitted to participate in the basic course without a waiver, but must have obtained a waiver prior to attending basic camp or enrolling in the advanced course. No waiver will be required for minor traffic offenses resulting in a fine of \$250 or less, except when the applicant has accumulated six or more such offenses during any 12 month period. Waivers are not required for disciplinary actions in connection with the provisions of the Uniform Code of Military Justice (UCMJ), Article 15. Such disciplinary actions will be considered when evaluating the applicant's character. In requesting a waiver, the student must list all the above proceedings, whether by military or civilian courts.

(4) A student who has been discharged from any branch of the armed forces with a waivable or nonwaivable disqualifying reenlistment code or with one of the following types of discharge:

- (a) Dishonorable.
- (b) Bad conduct.
- (c) Undesirable.
- (d) Under other than honorable conditions.
- (e) General or honorable if the reason and authority for separation preclude reentry into military service under AR 601–210 without a waiver.

(5) A student who is a commissioned officer, a former officer or who has a certificate of eligibility for appointment as a commissioned officer.

(6) A student who will have 10 years or more of active Federal service at the time of commissioning.

(7) A student who does not meet the enrollment requirements as defined in paragraphs 3–5 through 3–11.

(8) A student who has demonstrated a pattern of misconduct consisting of discreditable involvement with civil or military authorities or who has committed a serious military or civilian offense, whether it resulted in trial or conviction or not if a punitive discharge would be authorized for the same or a closely related offense under the Manual for Courts Martial (1984). Waivers may be granted by CG, USAROTCCC.

(9) Any applicant for entrance into the SROTC Program (to include former cadets, prior servicemembers, and current servicemembers) who has previously tested positive for tetrahydrocannabinol or cocaine use by a DOD certified drug testing laboratory using procedures established by the Assistant Secretary of Defense for Health Affairs, is permanently ineligible for the SROTC commissioning program. Those who have tested positive for alcohol under DOD criteria to include prior service and current servicemembers who have undergone or undergoing rehabilitation are also permanently ineligible for the SROTC commissioning program.

c. The region commanders may approve waivers of applicants previously separated for hardship or compassionate reasons when the hardship, for which the discharge or release from active duty as granted, no longer exists provided the student does not have a nonwaivable disqualifying reenlistment code. All other applications for waiver of a disqualifying reenlistment code will be submitted through channels to the CG, PERSCOM (TAPC–OPP–P), for determination.

d. Except as provided in e and f below.

(1) Applicant’s record does not indicate the offense has recurred or is likely to recur.

(2) Applicant has good potential as an officer.

(3) Current personal conduct and character of the applicant are above reproach moreover. Since the offense, the applicant must have shown that he or she can meet the requirements of good citizenship.

e. Request for waiver of a conviction for offenses listed below, that are supported by intermediate commanders, will be sent through channels to CG, USAROTCCC, for determination. Waiver approval authority will not be delegated; however, disapproval authority may be exercised at each command level. A waiver request disapproved by any intermediate commander need not be sent to higher authority. The supporting recommendations at each command level and appropriate comments as shown below will be included.

(1) Felony under local or Federal law or an offense punishable under the UCMJ by dishonorable discharge or confinement for more than 1 year. For the purpose of this regulation, offenses involving possession, manufacture, use, sale, distribution, or the intent to sell or distribute and controlled substance as listed or defined in 21 USC 812 are treated as felonies, regardless of the classification by local authorities.

(2) A conviction that resulted in a sentence of confinement in a prison, stockade, or detention area, or in a sentence to hard labor. Later proceedings that delete or alter an initial determination of guilt (for example, pardon, expungement, amnesty, commutation, set aside and suspension) do not eradicate the conviction for the purpose of this paragraph. However, convictions overturned or successfully appealed are not convictions for the purpose of this paragraph if the appropriate officials state in writing that no further proceedings (such as retrial) are pending or being considered.

(3) A conviction involving bigamy, contributing to the delinquency of a minor or moral turpitude (which includes any sexually related offense or dishonesty, such as larceny or perjury).

f. Homosexual conduct.

(1) Homosexual conduct is grounds for barring entry or continued enrollment in the SROTC Program (see para 3–43 for disenrollment procedures), except as otherwise provided in this paragraph.

(a) Homosexual conduct is a homosexual act, a statement by the student that demonstrated a propensity or intent to engage in homosexual acts or a homosexual marriage or attempted marriage.

(b) Propensity to engage in homosexual acts means more than abstract preference or desire to engage in homosexual acts; it indicates a likelihood that a person engages in or will engage in homosexual acts.

(2) A student shall be rejected for entry into or continued enrollment in the SROTC Program if any time:

(a) Evidence is received demonstrating that the student engaged in, attempted to engage in, or solicited another to engage in a homosexual acts or acts, unless there is a further determination that:

1. Such acts are a departure from the student’s usual and customary behavior;

2. Such acts, under all the circumstances, are unlikely to recur;

3. Such acts were not accomplished by use of force, coercion, or intimidation, and;

4. The student does not have a propensity or intent to engage in homosexual acts.

(b) He or she makes a statement that he or she is a homosexual or bisexual, or words to that effect, unless there is a further determination that the student has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

(c) Evidence is received demonstrating that a student has married or attempted marry a person known to be of the same biological sex (as evidenced by the external anatomy of the persons involved.)

(3) If the student is the source of the evidence of homosexual conduct, the student will be notified that he or she is disqualified from SROTC Program enrollment according to the disenrollment procedures at paragraph 3-43b and will be given the opportunity to present written evidence (such as statements or any other documentation) through the PMS to the approval authority to demonstrate what he or she should not be disqualified.

(4) If the evidence of homosexual conduct is received from a source other than the student, the approval authority must assess the credibility of the evidence. If the evidence (from another source) is determined credible, the approval authority will notify the student that he or she could be disqualified from SROTC Program enrollment according to the disenrollment procedures at paragraph 3-43b and the reason for the disqualification (e.g., evidence of homosexual acts). The student will be given the opportunity to present written evidence to counter the credibility of the evidence received and/or to demonstrate what he or she should not be disqualified.

(5) If the student presents written evidence, it will be forwarded through normal channels to the approval authority who will review the written evidence according to the disenrollment procedures at paragraph 3-43b, determine the student's eligibility for SROTC Program enrollment, and notify student of the final decision.

(6) The approval authority in all cases is the CG, USACC (United States Army Cadet Command), and may not be further delegated. In reviewing the evidence in a case involving a student's statement that he or she is a homosexual or bisexual, or words to that effect, the CG, USACC may be guided by some or all the following considerations: whether the student has engaged in homosexual acts; the student's credibility; testimony from others about the student's statement; and/or other evidence relevant to whether the student is likely to engage in homosexual acts.

(7) Nothing in these procedures requires rejection for SROTC Program enrollment or disenrollment when the approval authority determines:

(a) That a student made a statement, engaged in acts, or married or attempted to marry a person of the same sex for the purpose of avoiding military service, and

(b) Rejection or disenrollment of the student would not be in the best interest of the Army.

(8) Since this is considered an administrative action, students who submitted evidence that results in a favorable determination will have only the following information placed on Cdt Cmd Form 139: SROTC PROGRAM ELIGIBILITY REVIEWED BY CG CADET COMMAND, AUTHORIZED TO PARTICIPATE (DATE OF APPROVAL).

(9) The student does not have the right to any recourse or rights of appeal other than those described in paragraph 1 through 8 above for this paragraph.

3-4. Enrollment requirements

To qualify for enrollment in the SROTC Program, applicants must meet the requirements in paragraphs 3-5 through 3-11.

3-5. Academic status

a. Students must be enrolled in and attending full time at a regular course of instruction at a school participating in the SROTC Program. At military colleges and civilian schools, the course of instruction must lead to a baccalaureate or advanced degree in a recognized field that is compatible with the student's participation in the ROTC Program. Nursing and other medical specialty students must be enrolled in a program accredited by an agency recognized by the U.S. Secretary of Education. There are no restrictions on the student's major (except for scholarship cadets).

b. Request for exceptions to the 'enrolled in and attending full-time' requirements may be submitted by graduate students only. Requests will be sent to the CG, USAROTCCC, for determination on a case-by-case basis. Recommendations at each command level and proper comments regarding justification for exception will be included.

3-6. Age

Requirements for scholarship applicants are contained in paragraph 3-34. Requirements for nonscholarship applicants are listed below.

a. *Minimum.* Applicants must be at least 17 years old to enroll in the advanced course. Applicants under 18 years old and those who are minors for the purpose of executing contracts under the laws of the State which has jurisdiction where the school is located (even if older than 18) require parental consent for enrolling in the advanced course.

b. *Maximum.* Applicants must be young enough that they will not be 30 years old or older at the projected time of commissioning.

c. *Waiver.* CG, USAROTCCC, is the waiver authority for age at the projected time of commissioning. Applicants must have demonstrated exceptional ability and be recommended by the region commander. Region commanders are authorized to approve waivers for applicants who will be between 30 and 32 years old at the projected time of