



INSTRUCTION

Number	Date	Organization
NETC 1100.1	August 21, 2007	FA

CONDUCT ON THE NETC CAMPUS

1. Purpose. This instruction supplements the Government-wide Standards of Conduct and applies GSA's rules and regulations related to conduct on Federal property of the National Emergency Training Center (NETC). This instruction identifies actions to be taken for violation of these supplemental standards.
2. Applicability and Scope. This instruction is applicable to anyone who enters or is on the facilities of NETC at Emmitsburg, Maryland. This includes Federal employees, contractors, employees of contractors, students, and visitors.
3. Supersession. NETC Instruction 1100.1, Conduct on the NETC Campus, dated October 6, 2004.
4. Authority.
 - a. 44 CFR, §2.32, FEMA Delegation of Authority and any successor rule or delegation.
 - b. DHS Management Directive (MD) 0405.1, Issuing Delegations of Authority, Homeland Security Act of 2002, Pub. L. No. 107-296.
 - c. 44 CFR, §15, Conduct at the Mount Weather Emergency Assistance Center and the National Emergency Training Center.
 - d. 41 CFR, §102 -74, Facilities Management
 - e. FEMA Instruction 1100.1, Standards of Conduct.
 - f. DHS MD 0480.1, Ethics/Standards of Conduct.
 - g. 5 CFR, §735, Employee Responsibilities and Conduct.
 - h. Charter of the NETC Recreation Association.
 - i. 40 USC, §3112
 - j. FEMA Instruction 6200.3, Facility and Expenses at the NETC.
 - k. Title VII of the Civil Rights Act of 1964, as amended.

- l. 6 CFR, §17, Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from the Federal Financial Assistance.
- m. 6 CFR, §21, Nondiscrimination on the Basis of Race, Color, or National Origin in Programs or Activities Receiving Federal Financial Assistance from the Department of Homeland Security.
- n. Exec. Order No. 13160, June 23, 2000, Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Status as a Parent in Federally Conducted Education and Training Programs.
- o. 6 CFR, §5, Disclosure of Records and Information.

5. References.

- a. FEMA Form 75-3, Student Stipend Agreement.
- b. 5 USC, §552a., Privacy Act of 1974.
- c. FEMA Instruction 1350.1, Disclosure of Information (Freedom of Information Act.)
- d. DHS MD 0460.1, Freedom of Information Act Compliance.
- e. 41 CFR, §102-74.555, Conduct on Federal Property.
- f. 5 CFR, Part 2635, U.S. Office of Government Ethics, Standards of Ethical Conduct for Employees of the Executive Branch.
- g. FEMA Manual 3310.1, Disciplinary/Adverse Action Procedures.
- h. DHS MD 3110, Administrative Grievance System.
- i. The Negotiated Agreement for NETC and AFGE Local 1983.
- j. FEMA Instruction 6900.3, Occupational Safety and Health Program.
- k. DHS MD 5200.1, Occupational Safety and Health Program.
- l. DHS MD 3090, Equal Employment Opportunity and Sexual Harassment.
- m. Administrator's Policy, No. 1-07, Sexual Harassment, dated April 4, 2007.
- n. Director's Policy, No. 07-05, Civil Rights Program, dated November 8, 2005.

6. Definitions.

a. **Academic Misconduct** - Failure to attend classes without excused absence due to student's own choice; plagiarism, cheating, falsification of credentials; inappropriate or offensive behavior that significantly disrupts classroom activities and the learning process.

b. **Contractor** - An individual or business entity operating under a contract or grant with FEMA to provide goods or services.

c. **Criminal Misconduct** - Actions which involve violation of State or Federal criminal law.

d. **Dress Code** - Institutional requirements that attire project a professional image, and be appropriate for classroom activities.

e. **Faculty** - A Federal employee, contract instructor, or an individual on loan to FEMA through the Intergovernmental Personnel Act and serving as an instructor, course developer, or supervisor of those activities.

f. **Guest** - An individual or group invited to the campus.

g. **Misconduct** - Behavior not conforming to laws or prevailing standards; any conduct that disturbs or disrupts the process or operations at NETC.

h. **Sexual Harassment** - Unwelcome sexual advances, requests for sexual favors, and other written, graphic, verbal and physical contact or communication of a sexual nature constitute harassment when:

(1) submission to such conduct is made a term or condition of an individual's employment or academic status;

(2) submission to or rejection of such conduct forms the basis of an employment or academic decision affecting such an individual; or,

(3) such conduct has the purpose or effect of interfering with work performance or academic status or creates an intimidating, hostile, or offensive work environment.

i. **Special Group** - A group authorized to use the facilities for a specific purpose and period of time.

j. **Staff** - A Federal employee or someone on loan to FEMA through the Intergovernmental Personnel Act and serving in a program management or support capacity.

k. **Student** - Anyone enrolled in any class/classes conducted on the campus at NETC.

1. **Visitor** - A member of the public who is not a faculty or staff member, an employee of a contractor, a student, guest, or member of a special group.

7. Policy.

a. Rules applicable to conduct on Federal property are designed to protect the rights of the individual and the property of the Federal Government. Rules and regulations are instituted to preserve a safe and pleasant environment. Individuals entering or present on the NETC campus in any capacity are expected to conduct themselves in a manner that reflects respect for order, personal honor, the rights of others, and the functions of Government.

b. It is FEMA's policy to maintain a work and learning environment, which is free from gender-based harassment, sexual harassment, and ethnic-based harassment.

c. The use, sale, possession or distribution of alcoholic beverages is prohibited except that beer and wine (and liquor when specifically approved in writing by the Director, NETC Management, Operations, and Support Services (MOSS)) may be served and sold at designated locations on the NETC site by the NETC Recreation Association and the food service contractor. Employees at NETC may not allow students or other individuals to bring alcoholic beverages on the campus. Alcoholic beverages obtained on this campus may not be removed from the campus.

(1) The NETC Recreation Association is authorized to possess, sell, and distribute beer and wine at the following locations: Pub and recreation area located in Building B during normal operating hours of the pub, as established by the Recreation Association Board of Directors and approved by the Director, NETC MOSS; at the log cabin; in Building K, and Buildings L and M at wine and cheese activities; and with meals provided on campus. Hard liquor may be sold or distributed only by the Recreation Association only when specifically authorized in writing by the Director, NETC MOSS.

(2) The food service contractor is authorized to possess, sell, and distribute wine only with meals and at wine and cheese activities held in conjunction with a meal.

(3) The NETC Recreation Association is a private activity chartered to serve only members of the Association and invited guests. The pub manager has the responsibility to refuse service to anyone who is not eligible to patronize the establishment or who demonstrates improper conduct.

(4) The pub at NETC will operate within guidelines permitted by Maryland law for Frederick County. Proper proof of age will be requested from any patron who appears to be under legal age.

8. Rules and Regulations Regarding Acceptable Conduct.

a. Each individual entering the NETC campus shall observe the following rules and regulations:

(1) Packages, briefcases, and other containers brought onto NETC property, in possession during stay at NETC, or being removed from the property, may be subject to inspection.

(2) The improper disposal of rubbish, the willful destruction of or damage to property, the theft of property, the creation of any hazard to persons or things, the throwing of articles of any kind from or at a building or the climbing upon any part of a building are prohibited.

(3) Persons at NETC shall at all times comply with official signs of a prohibitory, regulatory, or directory nature and with the direction of authorized individuals.

(4) Prohibited conduct includes, but is not limited to the following: loitering, disorderly conduct, sexual harassment, or other conduct at NETC which creates loud or unusual noise constituting a nuisance; which obstructs the usual use of classrooms, dormitory rooms, entrances, foyers, lobbies, corridors, offices, elevators, stairways, or parking lots; which otherwise impedes or disrupts the performance of official duties by government employees or government contractors; which interferes with the delivery of the program; or which prevents the general public from obtaining the services provided on the property in a timely manner.

(5) Participating in games for money or other personal property or the operating of gambling devices, the conduct of a lottery or pool at NETC are prohibited.

(6) Presence on the NETC campus while under the influence of alcohol, narcotics, hallucinogens, marijuana, barbiturates, or amphetamines is prohibited. This prohibition shall not apply in cases where the drug is being used as prescribed for a patient by a licensed physician. The possession and use of alcoholic beverages on the property is prohibited except in designated locations as described herein or as authorized in writing for specific occasions by the Director, NETC MOSS.

(7) Soliciting gifts or money, commercial or political solicitation, or collecting private debts are prohibited. This prohibition does not apply to (a) approved national or local fund drives for health, welfare, or other purposes; (b) personal notices posted on authorized bulletin boards; and (c) solicitation of labor organization membership or dues during non-duty hours.

(8) Posting or affixing materials, such as pamphlets, handbills, or flyers, on other than designated areas (bulletin boards) is prohibited.

(9) Photographs may be taken inside classroom or office areas only with the consent of the occupants. In addition --

(a) Except where prohibited by security regulations or Federal court order, photographs for news purposes may be taken in entrances, lobbies, foyers, corridors, or auditoriums when used for public meetings and only those authorized by the Office of Public Affairs.

(b) Subject to the foregoing prohibitions, photographs for advertising and commercial purposes may be taken in authorized areas and only with written permission of the Director, NETC MOSS.

(c) Public officials on campus may be photographed and remain “photographical” in their public personas, and do not require a release to be photographed.

(10) Dogs and other domestic animals, except for personal service animals or on-duty police or law enforcement dogs, may not be brought on to the Campus at the NETC.

(a) The only animals permitted on Campus without specific approval of the Director, NETC MOSS, are animals that are trained to be, and are providing, personal services such as seeing-eye dogs, epileptic service dogs, etc.

(b) Search and rescue dogs, arson detection dogs, bomb and drug detection dogs, police dogs, security dogs, etc., are outside of the category of “personal service dogs” and can NOT be permitted on Campus without the specific approval of the Director, NETC MOSS.

(11) The following apply to vehicular and pedestrian traffic:

(a) Drivers of all vehicles entering the NETC campus shall drive in a careful and safe manner at all times and shall comply with the parking and vehicle registration requirements, signals and directions of security personnel and all posted traffic signs;

(b) The blocking of entrances, driveways, walks, loading platforms, designated fire lanes or fire hydrants at NETC is prohibited; and

(c) Parking without authority, parking in unauthorized locations or parking contrary to the direction of posted signs is prohibited. Vehicles parked in violation, where warning signs are posted, shall be subject to removal at the owners' risk and expense.

(d) Proof that a motor vehicle was parked in violation of these regulations or directives, establishes the registered operator's responsibility for the violation.

(12) Except for official purposes (i.e., Federal, State or local law enforcement or contract security forces when authorized by the contract project officer) and in accordance with FEMA policy governing the possession of firearms, no person entering onto or at the NETC campus shall carry or possess firearms, other dangerous or deadly weapons, explosives, or items intended to be used to fabricate an explosive or incendiary device, either openly or concealed.

(13) Falsification, alteration, or misuse of DHS documents, records or identification cards is prohibited and may constitute criminal conduct.

(14) Any threat or act of physical violence against anyone on the NETC campus is prohibited and may constitute criminal conduct.

(15) The unauthorized duplication of video material, audio material, or printed material is prohibited and may constitute criminal conduct.

(16) Cheating, plagiarism or falsification of any type, including misrepresentation, is prohibited and may subject the offender to sanctions.

(17) Commission of acts harmful or potentially dangerous to others is prohibited and may constitute criminal conduct.

(18) Willful misconduct, abusive or obscene language, harassment, or violent or excessively noisy behavior on the campus is prohibited.

(19) Violation of rules governing the use of housing at NETC is prohibited. Infringement on the privacy and rights of other visitors housed at NETC constitutes such a violation and subjects the violator to sanctions.

(20) The smoking or burning of any tobacco product, candles or incense in any building at NETC, or in NETC vehicles is prohibited at all times, except in the Pub portion of NETC Building B or other exceptions as granted in writing by the Director, NETC MOSS.

(21) Use of electronic mail is for official government purposes only and shall not be used for receipt or transmission of any written, graphic, or photographic communication and/or cartoons of a sexual nature.

(22) Use of Internet access is provided by the government for official purposes only.

(a) It is unacceptable and prohibited to enter any web site containing material of a sexual nature.

(b) It is also unacceptable and prohibited to download or upload any material of a sexual nature from or to such a web site.

(23) It is prohibited to store and/or reproduce any material of a sexual nature on a memory storage device or copy machine provided by the government (includes personal computers and lap tops.)

(24) In addition to the obvious forms of sexual harassment, a wide range of more unwelcome subtle behaviors have been found to constitute sexual harassment because these behaviors could create a hostile or offensive work environment which is not acceptable at NETC. These include but are not limited to:

- (a) Sexual-oriented teasing, jokes, remarks, questions or discussions;
- (b) Making propositions;
- (c) Jokes of a sexual nature;
- (d) Indecent or vulgar remarks/winking/whistling;
- (e) Staring/ogling that causes humiliation;
- (f) Posting sexually oriented pictures, cartoons or other visual materials that

may be viewed as offensive;

- (g) Making sexual gestures with hands or body movements;
- (h) Deliberate touching, leaning, cornering, pinching or caressing;
- (i) Referring to an adult as honey, babe, sweetie, hunk, dear; and
- (j) Letters, telephone calls, printed materials or objects of a sexual nature which are objectionable or unwelcome.

(25) No contractor employee or staff member shall display or wear any non-historical political campaign items while representing DHS in a group, instructional or office setting. Displaying of such items may create a false impression of governmental association and/or endorsement and could mislead and confuse the public.

(26) It is prohibited to accept incoming collect telephone calls.

b. Requesting the use, sale, or possession of liquor. The authority to permit the use, sale, or possession of liquor for special official occasions has been delegated to the Director, NETC MOSS, by the agency Administrator.

(1) All requests for the use, sale, or possession of liquor must be forwarded at least two (2) weeks in advance to the Director, NETC MOSS, for approval and coordination with the NETC Recreation Association.

(2) The Recreation Association may not provide liquor unless the Director, NETC MOSS, has approved the request.

(3) The Recreation Association may provide such support when approved by the Director, NETC MOSS, for activities/functions attended by members of the Recreation Association. Limited number of guests as determined by the Recreation Association may be invited.

c. Dress Code. It is each student's responsibility to use good judgment in selecting attire that projects a professional image, and is appropriate for both climate differences and classroom activities. EMI and NFA Superintendents have authority to make a determination that a student's attire is inappropriate. Students wearing attire which is determined to be inappropriate will be required to change into more appropriate clothing before being allowed to continue class.

(1) In routine classroom settings:

(a) MALES: Shirts with collars, slacks, including departmental uniforms (no T-shirts), shoes and socks. Optional items include sweaters, sport coats, ties, etc.

(b) FEMALES: Dresses, blouses with slacks or skirts, including departmental uniforms (no T-shirts), and shoes. Optional items include sweaters, blazers, etc.

(2) Principles of Fire Protection students will need work clothes (no turnout gear) for the Fire Protection Lab activities during the course.

(3) Fire/Arson Investigation students will need work clothes (no turnout gear) for the last week of the course.

(4) Recommended graduation attire (NFA students only):

(a) MALES: Suits, sport coats, dress shirts and ties, dress slacks, or departmental dress uniforms.

(b) FEMALES: Suits or dresses, blouses with dress slacks or skirts, or departmental dress uniforms.

d. Civil and Criminal Misconduct. Any violation of State or Federal civil or criminal laws will be referred to the appropriate law enforcement agency for disposition.

e. Disciplinary Action.

(1) Misconduct Involving Students or Contract Instructors. The following references of misconduct include academic misconduct and sexual harassment.

(a) All accusations of misconduct involving students or contract instructors must be made in writing (and signed by the complainant) to the Deputy Superintendent or Division Chief in the school with which the charged individual is associated (or, in their absence, the senior FEMA official on campus designated to represent the school.)

(b) Arrangements will be made by the appropriate Deputy Superintendent or Division Chief (or in the case of weekend activities, the senior FEMA official representing the school) to have the charges reviewed by the Superintendent (or, on weekends, the senior FEMA official) of the school with which the individual is associated.

(c) All persons involved in or witnessing the misconduct will be notified of the time and place of the review by the Superintendent (or senior FEMA official, as appropriate) and will have the right to appear in person to provide comments.

(d) The Superintendent (or the respective senior FEMA official) may consult the Director, NETC MOSS, for advice and assistance with respect to school policy and practice.

(e) The individual charged with misconduct will be notified in writing of the decision of the Superintendent (or the respective senior FEMA official).

(f) An appeal from any action taken may be made to the FEMA Deputy Assistant Administrator for the U.S. Fire Administration (USFA), whose decision in the matter will be final.

(2) Misconduct Involving Persons Other Than Students or Contract Instructors. The following references of misconduct include academic misconduct and sexual harassment.

(a) All allegations of misconduct involving persons other than a student or instructor will be initially reviewed and a decision made as to the validity of the allegation by the Director, NETC MOSS. If the allegation is substantiated, Director, NETC MOSS, will recommend the appropriate penalty in accordance with paragraph 8g.

(b) The allegations must be made in writing and signed by the individual making the complaint.

(c) The parties (i.e., the complainant, the individual charged with misconduct, and any witnesses) have the right to appear in person and will be notified of the time and location of review by the Director, NETC MOSS.

(d) An appeal from any action may be made to the FEMA Deputy Assistant Administrator for USFA, whose decision in the matter will be final.

(3) Allegations of discrimination or harassment. The following referenced allegations or discrimination or harassment based on race, color, religion, national origin, sex, age, disability and reprisal (EEO activity) or sexual orientation (OHRM activity), and status as a parent in federally conducted education and training programs (EEO office).

(a) **Any individual** who believes she/he has been discriminated against on the basis of race, color, national origin, sex, age, disability, religion, status as a parent in federally conducted education and training programs, or marital status occurring at or relating to the operations of NETC, may contact the FEMA Office of Equal Rights at (202) 646-3535, Room 617A, 500 C Street, SW, Washington, DC 20472.

(b) Similarly, any individual who believes she/he has been retaliated against for exercising statutory rights may report the alleged reprisal to the FEMA Office of Equal Rights. The Office of Equal Rights will conduct appropriate fact-finding and make attempts at informal resolution where applicable.

(c) Individuals do have the option and are encouraged to address the concerns with the School Superintendent or Division Chief, as appropriate, or designated senior FEMA official of the organization with which the charged party is affiliated. If dissatisfied with any informal resolution attempted by the management official, issues are to be reported to the Office of Equal Rights within 45 days of the incident.

(d) **Any government employee** who believes she/he has been subjected to discrimination or harassment based on sexual orientation may contact the FEMA Office of Equal Rights. The FEMA Office of Equal Rights will conduct appropriate fact-finding and make attempts at informal resolution where applicable. Individuals do have the option and are encouraged to address the concerns with the School Superintendent or Division Chief, as appropriate, or designated senior FEMA official of the organization with which the charged party is affiliated. If dissatisfied with any informal resolution attempted by the management official, issues are to be reported to the FEMA Office of Equal Rights within fifteen (15) days.

(e) **Any student or guest** who believes she/he has been subjected to discrimination or harassment based on sexual orientation is encouraged to address the concerns with the School Superintendent or Division Chief, as appropriate, or designated senior FEMA official of the organization with which the charged party is affiliated.

(4) Off-Campus Students. The sponsoring organization is responsible for maintaining discipline for off-campus activities unless the off-campus activity is conducted at a federally controlled facility. In this case, the standards of conduct for that facility would apply.

(5) FEMA Employees. In the case of a FEMA employee, any disciplinary action and penalty referenced in this instruction is in addition to, and not in lieu of, any disciplinary action pursuant to FEMA Manual 3310.1, "Disciplinary/Adverse Action Procedures."

f. Appeals. Any student, guest, or contract employee involved in misconduct resulting in disciplinary action may appeal the decision to the FEMA Deputy Assistant Administrator for USFA.

(1) Appeals must be made in writing within fifteen (15) calendar days of the initial decision.

(2) The respondent will be notified of the time and place of the appeal review. The respondent has the right to appear in person or submit a written statement, have representation, and present any witnesses in his/her defense.

(3) The decision of the FEMA Deputy Assistant Administrator for USFA is final.

g. Penalty.

(1) If a student, guest, or contract employee is found to have engaged in misconduct and the charges are upheld on appeal, the penalty may include--but is not limited to--expulsion; withholding of stipend or forfeiture of stipend paid; exclusion from future classes for a specified period; forfeiture of certificate for course/courses enrolled in at NETC; referral to the cognizant FEMA contracting officer for appropriate contractual action if a contractor employee; or some or all of the above.

(a) A letter notifying the student, guest, or contract employee's sponsor of the individual's misconduct is sent by the appropriate official at NETC.

(b) Upon written request by the individual's sponsor, information from and/or copies of the statements from the individual and witnesses, police reports, and NETC security reports may be made available to the individual's sponsor with prior authorization from the Director, NETC MOSS, for the purpose of determining if disciplinary action is appropriate by the sponsoring organization.

(2) Records of student and guest misconduct at NETC will be maintained by the NETC MOSS Division. Official records must be retained two (2) years after final disposition of the matter and expiration of penalty, if any penalty was imposed, whichever is later.

9. Responsibilities.

- a. Supervisors at all levels are responsible for implementation of these policies and procedures.
- b. All employees are responsible for notifying their supervisors of any violations of these regulations.
- c. Appropriate FEMA staff is responsible for following up on complaints and filing necessary reports.
- d. The appropriate school is responsible for obtaining complete documentation for any incident of misconduct involving a student and providing a copy of this documentation to the Director, NETC MOSS, as appropriate. Documentation should include as a minimum:
 - (1) A signed copy of the complaint.
 - (2) Statements of witnesses and security personnel.
 - (3) Notice to the student regarding review of the allegation and explanation and the disciplinary process.
 - (4) Review and disposition of the complaint.
 - (5) Any correspondence.
- e. NETC MOSS maintains a record of student misconduct. All applications for admission are to be checked against this misconduct or disciplinary record. Upon receipt of this prior record review and an initial adverse determination denying the application, the applicant may submit a written response to the Director, NETC MOSS, within five (5) calendar days after receipt of the notice. The response will be considered by the Director, NETC MOSS. A decision by the Director, NETC MOSS, thereafter based on the record will be final.

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