

DEPARTMENT OF THE NAVY

MARINE CORPS COMBAT DEVELOPMENT COMMAND
3300 RUSSELL ROAD
QUANTICO, VA 22134-5103

MARINE CORPS RECRUITING COMMAND
3280 RUSSELL ROAD
QUANTICO, VA 22134-5103

NAVAL SERVICE TRAINING COMMAND
2601A PAUL JONES STREET
GREAT LAKES, IL 60088-2845

IN REPLY REFER TO:
5800
MCCDC

IN REPLY REFER TO:
5800
MCRC

IN REPLY REFER TO:
5800
NSTC

MEMORANDUM OF UNDERSTANDING
BETWEEN
COMMANDING GENERAL, MARINE CORPS COMBAT DEVELOPMENT COMMAND,
COMMANDING GENERAL, MARINE CORPS RECRUITING COMMAND,
AND
COMMANDER, NAVAL SERVICE TRAINING COMMAND

Subj: MEMORANDUM OF UNDERSTANDING (MOU) CONCERNING MARINE CORPS PERMANENT PERSONNEL, PROFESSORS OF NAVAL SCIENCE, EXECUTIVE OFFICERS, MARINE OFFICER INSTRUCTORS AND ASSISTANT MARINE OFFICER INSTRUCTORS

Ref: (a) CNSTCINST 1533.2
(b) CNETCINST 1533.15D
(c) MCRCO 1100.2
(d) MCO 1040.43A
(e) MCO 1130.56C
(f) MCO 1560.15L
(g) MCO P1900.16
(h) MCO 5800.16A
(i) MCO P1326.6D w/ Ch 2
(j) MCO P1300.8R w/ Ch 1-8
(k) JAGINST 5800.7F
(l) U.S. Navy Regulations
(m) Manual for Courts-Martial (2012)
(n) SECNAVINST 1920.6C w/ Ch-4
(o) DODI 1304.33

1. **Purpose.** To delineate the responsibilities of Marine Corps Combat Development Command (MCCDC), Marine Corps Recruiting Command (MCRC), and Naval Service Training Command (NSTC), concerning the processing and reporting of misconduct, as well as other legal/disciplinary matters, involving Marine Corps permanent personnel, Commanding Officers/Professors of Naval Science (COs/PNSs), Executive Officers (XOs), Marine Officer Instructors (MOIs), and Assistant Marine Officer Instructors (AMOIs), assigned to Naval Reserve Officers Training Corps (NROTC) Units.

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2. Scope. This MOU is limited to certain legal, disciplinary, and administrative matters regarding COs/PNSs, XOs, MOIs, and AMOIs assigned to NROTC Units.

3. Background. NROTC Units are an essential component in the training of prospective Naval and Marine Officers. Duty at NROTC Units offers the opportunity to mentor, lead, and shape future officers. Specific requirements for application procedures for billet vacancies for PNSs, XOs, MOIs, and AMOIs are published via Marine Administrative Message (MARADMIN) on an annual or as needed basis. The COs/PNSs, XOs, MOIs, and AMOIs are Marine Corps personnel permanently assigned as members of the staff of NROTCUs which come under the direct control of the Chief of Naval Education and Training. Certain CO/PNS and XO NROTC Unit billets are allocated to be filled with Marine Corps personnel while others are filled with U.S. Navy personnel. MOI and AMOI billets are always filled with Marine Corps personnel. The MOIs have the responsibility for the training of midshipmen in the NROTC Units. The AMOIs act as the primary assistants to the MOIs in the professional development of future Marine Officers. The AMOIs further act as Staff Noncommissioned Officers in Charge (SNCOICs) for all Marine Enlisted Commissioning Education Program (MECEP) Marine students.

4. Responsibilities.

a. Command and Control.

(1) NSTC is the administrative agent for the NROTC Unit programs, and further exercises military command and control of all NROTC Units and the respective Department of Naval Science.

(2) The Commander, NSTC (CNSTC), is the immediate superior in command overseeing NROTC Units and is the first General/Flag Officer in the chain of command for COs/PNSs, XOs, MOIs, and AMOIs.

(3) NSTC Officer Development (OD) is the program manager and the point of contact for OD Programs, Policies, and Procedures.

(4) The PNS is the CO of a NROTC Unit and exercises daily control over the activities of all MOIs and AMOIs within the unit. CO/PNS, NROTC Unit, serves as the reviewing officer for both MOIs and AMOIs.

(5) Marine Forces Reserve (MFR) units provide required Marine Corps administrative support to all Marine Corps permanent personnel assigned to NROTC Units. Therefore, unless otherwise directed or agreed upon, a MFR unit located closest to the NROTC Unit will provide all necessary Marine Corps related administrative support to COs/PNSs, XOs, MOIs, and AMOIs assigned to NROTC Units.

b. Legal and Disciplinary Matters.

(1) CNSTC is the General Court-Martial Convening Authority (GCMCA) and General/Flag Officer non-judicial punishment (NJP) authority for all Marine Corps permanent personnel assigned to NROTC Units.

(2) The CO/PNS, NROTC Unit, is the Special Court-Martial Convening Authority (SPCMCA) and NJP authority for subordinate Marine Corps permanent personnel assigned to NROTC Units.

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(a) The CO/PNS, NROTC Unit, shall report all NJP proceedings of Marine Corps permanent personnel to the MFR unit responsible for maintaining the XO, MOI, and AMOI's Officer Qualification Record/Service Record Book.

(b) The CO/PNS, NROTC Unit, shall further report the NJP proceedings, along with recommendations concerning that Marines' status to continue as a XO, MOI, or AMOI, to the NSTC (OD); CMC (M&RA); and SJAs for NSTC, MCRC, and MCCDC.

(c) NJP appeals should be addressed to a superior authority in the chain of command. For NJPs of Marine Corps permanent personnel conducted by the CO/PNS, NROTC Unit; CNSTC is the superior authority in the chain of command for NJP appeals. For NJPs of Marine Corps permanent personnel conducted by CNSTC; CG, MCCDC is the superior authority for NJP appeals.

(3) The CO/PNS, NROTC Unit, may conduct an NJP or refer charges to trial by summary or special court-martial, if there is a proper basis to do so, against XOs, MOIs, and AMOIs. However, CO/PNS, NROTCU, must first coordinate with NSTC (OD), and SJAs for NSTC and MCRC, prior to conducting an NJP or referring charges to trial by court-martial. CNSTC, as the GCMCA over Marine Corps permanent personnel assigned to a NROTC Unit, may conduct NJP or trial by summary, special, or general court-martial over all Marine Corps permanent personnel assigned to NROTC Units.

(4) The CO/PNS, NROTC Unit, shall normally initiate any preliminary inquiries or command investigations involving XOs, MOIs, or AMOIs.

(5) Commander, NSTC is the first GCMCA in the chain of command responsible for closing all forwarded command investigations initiated by the CO/PNS, NROTC Unit which involve (USMC) XOs, MOIs, or AMOIs. For command investigations, including those requiring a Line of Duty/Misconduct determination, a copy of the investigation together with the close-out endorsement shall be forwarded to the CG, MCCDC, via NSTC (OD) and MCRC.

(6) Upon receipt of any credible information regarding alleged, suspected, or reported misconduct by a (USMC) XO or MOI; CO/PNS, NROTC Unit, with the assistance of SJA, NSTC, shall report the alleged misconduct to CMC (JPL) via the Commander, NSTC; CG, MCRC; and CG, MCCDC. Commanding General, MCCDC, is the alternate show cause authority for all Marine Corps personnel permanently assigned to NROTC Units.

(7) SJA, MCRC, shall assist SJA, NSTC, with all Marine Corps reporting requirements concerning COs/PNSs, XOs, and MOIs, to CMC (JPL).

(8) The CO/PNS, NROTC Unit, shall consult with the SJA, NSTC, on all other legal and disciplinary matters involving (USMC) XOs, MOIs and AMOIs assigned to NROTC Units. SJA, NSTC, shall consult with SJA, MCRC, on all legal and disciplinary matters involving Marine Corps permanent personnel assigned to NROTC Units.

(9) The MFR unit that is administratively responsible for MOIs and AMOIs shall coordinate with and assist NSTC in ensuring legal and other disciplinary actions involving MOIs and AMOIs are properly processed for entry into the Marines' Officer Qualification Record or Service Record Book.

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c. Administrative Processing and Separation Matters involving AMOIs.

(1) Jurisdiction.

(a) While CNSTC is the GCMCA for AMOIs assigned to NROTC Units, AMOIs assigned to NROTC Units can only be approved for administrative separation by a Marine Corps GCMCA separation authority.

(b) AMOIs being processed for administrative separation are still assigned to the NROTC Unit and will continue to be under the general jurisdiction of CNSTC and CO/PNS of the NROTC Unit, until properly reassigned and/or transferred to a Marine Corps command by official orders.

(2) Consultation, Decision, and Coordination.

(a) The CO/PNS, NROTC Unit, shall consult with both SJAs for NSTC and MCRC on all potential administrative separation issues involving AMOIs assigned to NROTC Units.

(b) The CO/PNS, NROTC Unit, as the SPCMCA, will make the initial decision on whether to involuntarily process an AMOI for administrative separation.

(c) When an AMOI is being processed for administrative separation, and if any specific Marine Corps administrative or logistical support is needed, CO/PNS, NROTC Unit, will normally coordinate with the MFR unit that is administratively responsible for the AMOI. CO/PNS, NROTC Unit, will further coordinate with the SJAs for MCRC and NSTC, as warranted. However, SJA, NSTC, will serve as the first line SJA contact for CO/PNS, NROTC Unit.

(3) Convening the Administrative Separation Board.

(a) Upon consulting with the cognizant SJA(s), CO/PNS, NROTC Unit, as the SPCMCA, may convene an administrative separation board for an AMOI assigned to the NROTC Unit, assuming that there are adequate, qualified, and eligible personnel available to serve as a recorder, and as members of the administrative separation panel. The separation procedures contained in MCO P1900.16_ will be used to conduct the administrative separation board. Alternatively, CO/PNS, NROTC Unit, via CNSTC and MCRC, may request that the administrative separation board be convened by CG, MCCDC. If the CG, MCCDC, convenes the administrative separation board, MCRC and MFR subordinate units, normally the MFR unit that is administratively responsible for the AMOI, will provide the necessary administrative or logistical support for the administrative separation board.

(b) The CO/PNS, NROTC Unit, is responsible for ensuring that all official documentation relating to any misconduct, basis for administrative processing for separation, to include any investigations, are provided to all relevant parties, such as the recorder and respondent's counsel.

(4) Defense Counsel. The CO/PNS, NROTC Unit, shall coordinate with SJA, NSTC, for assignment of either Navy or Marine Corps military defense counsel for any AMOI facing administrative separation proceedings. As a general rule, AMOIs will be assigned a Marine Corps Defense Counsel.

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(5) Completion of the Administrative Separation Board. Upon completion of the administrative separation board, CO/PNS, NROTC Unit, will properly endorse the report of the administrative separation board, and forward it to the CG, MCCDC, via CNSTC and MCRC, for final decision. CG, MCCDC, will be the Marine Corps GCMCA for final action involving administrative separation of AMOIs, unless otherwise limited by Marine Corps or Navy Regulations, or by other agreement between the parties.

d. Transfer or Reassignment of a CO/PNS, XO, MOI or AMOI. Upon receiving credible information which causes CO/PNS, NROTC Unit, or CNSTC, to lose trust and confidence in a CO/PNS, XO, MOI, or AMOI, the CO/PNS, XO, MOI, or AMOI may be relieved of his or her duties. The relieved Officer or Staff Non-commissioned Officer will not normally be officially transferred to a different Marine unit until the misconduct case is completed and closed.

5. Resolution. Any disagreement concerning this MOU will be resolved by negotiation between the parties.

6. Other Provisions.

a. If a term of this MOU is inconsistent with current law or policy, that term shall be invalid, but the remaining terms and conditions shall remain in full force and effect.

b. Permanent personnel assigned to NROTC Units (CO/PNSs, XOs, MOIs, and AMOIs) are considered trainers for purposes of reference (o).

c. Student personnel assigned to NROTC Units (MECEPs, Midshipmen, and 2ndLts awaiting orders to TBS) are considered trainees for purposes of reference (o).

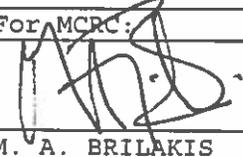
7. Annual Review. This MOU is subject to annual review. It will remain effective until cancelled or modified by superior authority or by agreement between the parties, or until replaced by a new MOU.

8. Modification. This MOU may only be modified upon the mutual written consent of the parties or authorized representatives.

9. Termination. This MOU may be terminated unilaterally at any time by any of the parties after written notification of termination to the other parties. Such termination shall take effect 30 days from the date of notification of termination. The parties agree to consult with each other prior to any notification of termination of this MOU.

10. Effective Date. This MOU is effective upon the last date of the signatories below.

Subj: MEMORANDUM OF UNDERSTANDING (MOU) CONCERNING MARINE CORPS PERMANENT PERSONNEL, PROFESSORS OF NAVAL SCIENCE, EXECUTIVE OFFICERS, MARINE OFFICER INSTRUCTORS AND ASSISTANT MARINE OFFICER INSTRUCTORS

For MCCDC:	For MCRC:	For NSTC:
 K. J. GLUECK, JR. LtGen, USMC Commanding General, Marine Corps Combat Development Command	 M. A. BRILAKIS LtGen, USMC Commanding General, Marine Corps Recruiting Command	R. A. BROWN RDML, USN Commander, Naval Service Training Command
Date: <i>2 June 15</i>	Date: <i>2015 05 17</i>	Date:

Appendices: None

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MEMORANDUM OF UNDERSTANDING
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COMMANDING GENERAL, MARINE CORPS RECRUITING COMMAND,
AND
COMMANDER, NAVAL SERVICE TRAINING COMMAND

Subj: MEMORANDUM OF UNDERSTANDING (MOU) CONCERNING NAVAL SERVICE TRAINING
COMMAND (NSTC) STUDENT PERSONNEL IN THE U. S. MARINE CORPS OFFICER
ACCESSION PIPELINE

Ref: (a) CNSTCINST 1533.2
(b) CNETCINST 1533.15D
(c) MCRCO 1100.2
(d) MCO 1040.43A
(e) MCO 1130.56C
(f) MCO 1560.15L
(g) MCO P1900.16
(h) MCO 5800.16A
(i) JAGINST 5800.7F
(j) U.S. Navy Regulations
(k) Manual for Courts-Martial (2012)
(l) DODI 1304.33

1. Purpose. To delineate the responsibilities of Marine Corps Combat Development Command (MCCDC), Marine Corps Recruiting Command (MCRC), and Naval Service Training Command (NSTC), concerning the processing and reporting of misconduct, as well as other legal/disciplinary matters, involving Marine Corps Enlisted Commissioning Education Program (MECEP) students and Naval Reserve Officers Training Corps (NROTC) Marine Option Midshipmen (MIDN).

2. Scope. This MOU is limited to certain legal, disciplinary, and administrative matters regarding MECEP students and Marine Option MIDN.

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COMMAND (NSTC) STUDENT PERSONNEL IN THE U. S. MARINE CORPS OFFICER
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3. Background.

a. The Marine Enlisted Commissioning Education Program (MECEP) is a Marine Corps Officer Program, coordinated by and board-selected under the cognizance of MCRC, which allows enlisted Marines, whether in the Regular Marine Corps or the Marine Corps Active Reserve, to earn a commission as a Marine Corps Officer. Upon successful completion of Officer Candidates School (OCS), MECEP Marines are assigned by Manpower Management Enlisted Assignments (MMEA), Headquarters, U.S. Marine Corps, to NROTC affiliated colleges and universities to pursue baccalaureate degrees. MECEP Marines receive full pay and allowances, retain and continue to accrue the privileges and benefits due to active duty Marine Corps members, and are subject to the Uniform Code of Military Justice (UCMJ).

b. The Marine Option for NROTC students enables Marine Option MIDN to receive a commission as a Marine Officer upon successful completion of academic degree requirements and OCS.

4. Responsibilities.

a. Command and Control.

(1) The Commandant of the Marine Corps has delegated to the Commanding General (CG), MCRC, the final programmatic control and commissioning authority over all Marine Corps Officer Programs, including MECEP Marines and Marine Option MIDN.

(2) Commander, NSTC (CNSTC), is the immediate superior in command overseeing NROTC Units, and is the first flag officer in the chain of command for MECEP students.

(3) The Commanding Officer (CO) of an NROTC Unit exercises daily control over the activities of all student personnel within that unit. Additionally, the CO, NROTC Unit, provides programmatic and commissioning recommendations to CG, MCRC, via CNSTC.

(4) Marine Forces Reserve (MFR) generally provides required Marine Corps administrative support to MECEP Marines assigned to NROTC Units. Therefore, unless otherwise directed, a MFR unit located closest to the NROTC Unit will normally provide all necessary Marine Corps administrative support to MECEP Marines assigned to NROTC Units.

b. MECEP Legal and Disciplinary Matters.

(1) CNSTC is the General Court-Martial Convening Authority (GCMCA) and General/Flag Officer non-judicial punishment authority for MECEP Marines assigned to NROTC Units.

(2) The CO, NROTC Unit, is the Special Court-Martial Convening Authority (SPCMCA) and field grade officer non-judicial punishment (NJP) authority for MECEP Marines assigned to NROTC Units.

(a) The CO, NROTC Unit, shall report all NJP proceedings to the MFR unit responsible for maintaining the MECEP Marines' service record book.

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(b) The CO, NROTC Unit, shall further report the NJP proceedings, along with recommendations concerning that Marine's status to continue in the Marine Corps Officer Program, to NSTC (OD), MCRC (ON/E); and Staff Judge Advocates (SJA) for NSTC and MCRC.

c. MECEP Administrative Processing and Separation Matters.

(1) Jurisdiction.

(a) While CNSTC is the GCMCA for MECEP Marines assigned to NROTC Units, MECEP Marines assigned to NROTC Units can only be approved for administrative separation by a Marine Corps GCMCA.

(b) MECEP Marines administratively disenrolled from a Marine Corps Officer Program are still assigned to the NROTC Unit and will continue to be under the general jurisdiction of CNSTC, and CO of the NROTC Unit, until properly reassigned, and/or transferred to a Marine Corps command.

(2) Consultation, Decision, and Coordination.

(a) The CO, NROTC Unit, shall consult with the both SJAs for NSTC and MCRC on all potential administrative separation issues involving MECEP Marines assigned to NROTC Units.

(b) The CO, NROTC Unit, as the SPCMCA, and usually following a Performance Review Board (PRB), will make the initial decision on whether a MECEP Marine should be involuntarily processed for administrative separation.

(c) When a MECEP Marine is being processed for administrative separation, if any specific Marine Corps administrative or logistical support is needed, CO, NROTC Unit, will coordinate with the MFR unit administratively responsible for the MECEP Marine. CO, NROTC Unit, will further coordinate with the SJAs for MFR, MCRC and NSTC, as warranted. However, SJA, NSTC, will serve as the first line SJA contact for CO, NROTC Unit.

(3) Convening the Administrative Separation Board.

(a) Upon consulting with the cognizant SJA(s), CO, NROTC Unit, may convene an administrative separation board for a MECEP Marine assigned to the NROTC Unit, assuming that there are adequate, qualified, and eligible personnel available to serve as a recorder, and as members of the administrative separation panel. Alternatively, CO, NROTC Unit, via CNSTC, may request that the administrative separation board be convened by CG, MCRC. Upon request, MFR and its subordinate units, normally the MFR unit administratively responsible for the MECEP Marine, will provide necessary administrative or logistical support for the administrative separation board.

(b) The CO, NROTCU, is responsible for ensuring that all official documentation relating to any misconduct, or basis for administrative processing for separation, to include any investigations and/or results of Performance Review Boards, is provided to relevant parties, such as the recorder and respondent's counsel.

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(4) Defense Counsel. The CO, NROTC Unit, shall coordinate with SJA, NSTC, for assignment of either Navy or Marine Corps military defense counsel for MECEP Marines facing administrative separation proceedings. As a general rule, MECEP Marines will be assigned a Marine Corps Defense Counsel.

(5) Completion of the Administrative Separation Board. Upon completion of the administrative separation board, CO, NROTC Unit, will endorse the report of the administrative separation board and forward it to CG, MCRC, via CNSTC, for final decision. CG, MCRC, will be the Marine Corps GCMCA for final action involving administrative separation of MECEP Marines, unless otherwise limited by Marine Corps or Navy Regulations, or by other agreement between the parties.

d. **Post-Commission Misconduct of former MECEPs and Marine Option MIDN.**

(1) Jurisdiction. Commanding General, MCRC is the GCMCA for newly commissioned Marine Officers awaiting orders to The Basic School.

(2) Coordination. In processing officer misconduct committed by those who received their commissions via the MECEP or NROTC Marine Option program, NSTC will provide MCRC with the subject officer's tuition incentive totals and Student Performance Review Boards.

5. **Resolution.** Any disagreement concerning this MOU will be resolved by negotiation between the parties.

6. **Other Provisions.**

a. If a term of this MOU is inconsistent with current law or policy, that term shall be invalid, but the remaining terms and conditions shall remain in full force and effect.

b. Permanent personnel assigned to NROTC Units (PNS, XO, MOI, and AMOI) are considered trainers for purposes of reference (1).

c. Student personnel assigned to NROTC Units (MECEPs, Midshipmen, and 2ndLts awaiting orders to TBS) are considered trainees for purposes of reference (1).

7. **Annual Review.** This MOU is subject to annual review. It will remain effective until canceled or modified by superior authority or by agreement between the parties, or until replaced by a new MOU.

8. **Modification.** This MOU may only be modified upon the mutual written consent of the parties or authorized representatives.

9. **Termination.** This MOU may be terminated unilaterally at any time by any of the Parties after written notification of termination to the other Parties. Such termination shall take effect 30 days from the date of notification of termination. The Parties agree to consult with each other prior to any notification of termination of this MOU.

10. **Effective Date.** This MOU is effective upon the last date of the signatories below.

Subj: MEMORANDUM OF UNDERSTANDING (MOU) CONCERNING NAVAL SERVICE TRAINING
 COMMAND (NSTC) STUDENT PERSONNEL IN THE U. S. MARINE CORPS OFFICER
 ACCESSION PIPELINE

For MCCDC:	For MCRG:	For NSTC:
 K. J. GLUECK, JR. LtGen, USMC Commanding General, Marine Corps Combat Development Command	 M. V. A. BRILAKIS LtGen, USMC Commanding General, Marine Corps Recruiting Command	 R. A. BROWN RDML, USN Commander, Naval Service Training Command
Date: 2 June 15	Date: 20150517	Date:

Appendices: None