Answers are based on the Coast Guard Auxiliary Manual (AUXMAN) and O-Directorate best practices. They have been reviewed and approved by Commodore Bruce Kelton, ANACO-CC

I. Investigation Process & Procedures

- Timeline & Validity:
 - "Have you (or can you) developed a chart with the timeline for investigations and disciplinary action?" The O-Directorate's "Investigations 101 for Flotilla Commanders" document, published March 1, 2025, provides a clear timeline. Key points include:
 - Determine if a complaint warrants an investigation within seven (7) days.
 - Immediately notify the subject in writing of the investigation.
 - The investigation has up to 60 days to be completed from the date on the Notice of Investigation (NOI).
 - o "If the subject of the investigation is NOT notified in writing within the 7 day period, then is it a valid investigation?" Failure to follow the procedures set forth in the AUXMAN, Chapter 3, may give the subject of the investigation an opportunity to appeal the findings. While it doesn't automatically invalidate the investigation, it creates a significant procedural weakness and potential grounds for appeal. The 7-day period is for determining if an investigation is warranted, and the NOI should be provided immediately if an investigation is initiated.
 - o "If the subject of an investigation claims to be unavailable for a period of time, does the 60 day time frame get extended for the period of time that the subject claims to be unavailable?" The AUXMAN Chapter 3 generally states "up to 60 days" for completion. While not explicitly stated as an extension for unavailability, extenuating circumstances that genuinely prevent the subject from participating in the investigation would likely need to be considered by the Chain of Leadership and Management (COLM) and the investigator. Consult with your District Legal Officer (DLO) in such cases. If an interviewee consistently makes themselves unavailable after several documented attempts, that can be noted and the investigation will proceed without their comments.

- "So why do we not follow these timelines if they are so important?" These timelines are mandatory. Adherence to timelines is crucial for fairness, efficiency, and to minimize grounds for appeal. Deviations can arise from various factors, including lack of awareness, competing priorities, or complex investigations. Emphasizing training and clear communication of procedures is vital to improve compliance.
- "Is there a statute of limitation from the time the infraction occurred. For example, something happened 3 years ago vs last week?" The "Investigations 101 for Flotilla Commanders" indicates that "the time clock starts at the date on the NOI, not the date of the alleged misconduct." While there isn't a strict "statute of limitations" in the sense of a legal bar to initiate an investigation based on time elapsed since the infraction, the further in the past an incident occurred, the more challenging it can be to gather evidence and ensure fairness to all parties.
- "What is the timeline for this?" See the response above regarding the 7-day determination and 60-day completion for investigations. Specific disciplinary actions may have their own timelines for appeals.

Initiating & Conducting Investigations:

- "Can a preliminary investigation (ask basic questions) of potential witnesses be asked to determine if an investigation is needed? Such as 'I heard you saw a member doing X, is this true?" Yes, a preliminary inquiry is part of determining if a complaint warrants a full investigation. The Flotilla Commander (FC) should first determine if the complaint violates the AUXMAN. Seeking advice from legal counsel (DLO) through the COLM is recommended.
- "Should the complaint be put in writing?" While not always explicitly required to begin an inquiry, formal complaints that lead to an investigation should ideally be in writing. This provides clarity, documents the allegations, and creates a clear record.
- "Should the notice of investigation be provided at the flotilla level or only when the matter reached the Division Commander or higher in the COLM?" The FC, upon determining a basis for an administrative investigation, is responsible for immediately notifying the subject in writing. The FC then immediately notifies/forwards (upon request) to their COLM, and the Division Commander then forwards/notifies the District Chief of

- Staff (DCOS). So, the initial notification to the subject originates at the FC level.
- "How do we send the NOI? Email, mail, mail with acknowledgment of receipt, physically?" The AUXMAN doesn't specify a single method, but it must ensure the subject receives timely notification. Email is acceptable. Mail with acknowledgment of receipt or physical delivery with a signed receipt are often preferred for documentation and proof of delivery. The key is to ensure the subject is immediately notified in writing.
- "Can a leader just say you are being cautioned without process?"
 Informal counseling or a "caution" can occur without a formal investigation process. However, if it's related to a potential infraction that could lead to disciplinary action, it should be documented, and the member should be made aware of the concerns and expectations for corrective action. A formal "caution" as a disciplinary step would typically follow a process outlined in the AUXMAN for informal disciplinary action.
- "Hypothetical: Member "A" commits an infraction at the June meeting. Member "B" files a complaint. The Flotilla Commander speaks to Member A and chooses not to start an investigation. Then Member "A" repeats the same infraction at the July meeting. Can the FC make their own complaint and start an investigation?" Yes, the FC can initiate a new complaint if the behavior recurs and warrants it. The previous inaction on a complaint does not preclude addressing new instances of similar behavior.
- Starting point to address a complaint: The initial point is typically the FC or Division Commander. If unresolved, it may be escalated up the COLM and DIRAUX.
- Timeline for DIRAUX investigations: There is no fixed deadline, but investigations should be conducted promptly. Findings and decisions should be communicated to the member as soon as practicable.
- o Can a VFC lead an investigation if the FC declines?: No. Investigations must be coordinated through the chain of leadership and management. If the FC is unwilling, the matter should be elevated to the Division Commander or DIRAUX.
- Are all complaints considered investigation requests?: No. Some complaints
 may be resolved informally through counseling or clarification. Only those
 involving serious misconduct or policy violations typically warrant formal
 investigation.
- Can verbal counseling be used instead of an investigation?: Yes, especially if the issue was directly observed and is minor. The goal is voluntary compliance and education.

- Occumenting verbal counseling: Verbal counseling should be documented in the member's informal record by the Flotilla Commander (FC) or appropriate leader. This ensures a record of the issue and the guidance provided. Sending a follow-up email to the member documenting what was discussed is a form of documentation.
- o **Is voluntary compliance and education the goal?**: Absolutely. The Auxiliary emphasizes education and mentoring over punitive measures whenever possible.
- Access to previous investigation documents: Access is limited and controlled.
 DIRAUX may authorize a review if there's a valid need, but privacy protections apply.
- If a Division Commander or DCAPT dismisses an issue: If a leader dismisses a complaint, the dismissal must be reviewed by the Director, who must concur in the dismissal of the complaint.
- o **If not initiated within 7 days**: Timeliness is important, but failure to act within 7 days doesn't invalidate a complaint. However, failure to do so in that time period can result in dismissal or a successful appeal.
- Are HR officers looped in?: Only if they are directly involved in the investigation

Scope & Jurisdiction:

- "What is the relationship between Administrative Investigations,
 AUXMAN Chapter 3, under the O-Directorate, and the processing of Civil Rights Complaints, AUXMAN Chapter 7, under the T-Directorate?"
 - AUXMAN Chapter 3 (O-Directorate): Focuses on administrative investigations related to violations of Auxiliary rules of conduct and behavior. These typically involve internal Auxiliary policies, procedures, and ethical standards.
 - AUXMAN Chapter 7 (T-Directorate Civil Rights): Addresses
 complaints of discrimination or discriminatory treatment based on
 protected statuses (e.g., race, color, religion, sex, age, national origin,
 disability). These complaints follow specific civil rights procedures.
 - Relationship: While distinct, there can be overlap. For example, a
 complaint of harassment might fall under both if it involves
 discriminatory elements. The "Investigations 101 for Flotilla
 Commanders" advises seeking DLO advice when determining if an
 allegation is "egregious enough" or should be escalated.
- "Are some instances of alleged behavior more appropriately handled in one administrative system or the other, or actually must be handled

ONLY in one of them, either in Chapter 3 or Chapter 7?" Yes, some behaviors are clearly delineated. Discrimination complaints *must* follow Chapter 7 procedures. Other conduct issues typically fall under Chapter 3. If there's any ambiguity, consult with your DLO and your COLM to determine the appropriate chapter and process.

- "Do district aviation officers follow different chain for investigations?" The general investigation procedures outlined in AUXMAN Chapter 3 apply across the Auxiliary. While aviation officers have specific operational chains of command, administrative investigations related to their conduct would generally follow the established AUXMAN procedures, likely involving their COLM and the DLO.
- "Is the same investigative procedure followed if the alleged offense is actually a crime?" If an alleged offense is also a crime, the Auxiliary investigation proceeds as an administrative matter. However, evidence of criminal conduct must be referred to appropriate authorities for prosecution (e.g., Coast Guard Investigative Service (CGIS) or civilian law enforcement). The Auxiliary investigation is for administrative purposes (e.g., membership action), not to fix civil or criminal responsibility.
- "If an investigation is requested by active duty, what notification to the subject is required?" Regardless of who requests the investigation, the subject must be notified in writing of the investigation, its basic allegations, the investigator's name, the source, and their right to respond.
- "What about things that happen outside of the auxiliary?" If the off duty conduct impacts on the member's suitability for Auxiliary service, damages the Auxiliary's reputation, or violates the Auxiliary's standards of conduct, an administrative investigation may be warranted.
- "How are non-auxiliary infractions handled? DUI, Bench warrants, etc."

 These are serious matters. While they occur outside of Auxiliary duties, they can directly impact a member's suitability for service and the Auxiliary's image. These should be reported up the COLM to the DIRAUX, as they may lead to disenrollment or other administrative action, possibly without a full Chapter 3 investigation if the facts are clear (e.g., a conviction).
- "Does the arrest of immediate family members cause concern regarding the auxiliarist? (Son or daughter)?" Generally, the actions of a family member do not directly impact an Auxiliarist's membership unless the

Auxiliarist was directly involved in the infraction or the family member's actions somehow create a conflict of interest or compromise the Auxiliarist's ability to perform their duties. This would be a case-by-case determination by the COLM and DIRAUX.

Closing & Resolution:

- "What resource is available to a Flotilla Commander when the Division Commander lets a complaint die?" The FC should continue to engage their COLM. If the DCDR is not acting, the FC should escalate the issue to the DCAPT or District Chief of Staff (DCOS) or the DIRAUX. The DLO can also be a resource for guidance on proper procedures.
- "Is Division Commander required to notify District? Diraux?" Yes, once the Notice of Investigation (NOI) has been provided to the subject, the FC immediately notifies/forwards to their COLM. The Division Commander (DCDR) then forwards/notifies the DCAPT and District Chief of Staff (DCOS) and DIRAUX.
- "Can a complaint be withdrawn after it has been filed?" While a complainant may express a desire to withdraw a complaint, the decision to continue or cease an investigation rest with the Auxiliary leadership (FC, DCDR, DCOS, DIRAUX). If the NOI has been sent out, the investigation should continue. If the alleged conduct is serious or impacts the integrity of the Auxiliary, the investigation may proceed even if the complainant wishes to withdraw.
- "If the word Investigation was used to check on a complaint and the member that made the complaint was never advised of the status of the investigation how do we advise them to request what the resolution was?" While the subject of an investigation has specific notification rights, the complainant generally does not have a right to detailed updates on the investigation's progress or outcome. Per Chapter 3 Section F.6., all those who were initially notified of the investigation must be notified if the leader determines that a violation occurred". That would include the complainant. To maintain the subject's privacy, the subject and their COLM are the only members notified of any disciplinary decisions.
- "We have a member that has not received any final decision on an investigation which was forwarded from a mishap on a MOM Patrol July
 27, 2023. Does he have any grounds for appeal?" Yes. The "Investigations"

101 for Flotilla Commanders" states that failure to follow procedures (including timelines) may give the subject an opportunity to appeal. If a final decision has not been rendered within the prescribed 60-day timeline (or a reasonable extension if applicable and communicated), the member likely has grounds to appeal based on procedural grounds. Appeals typically have a time limit (e.g., 30 days) from the date of the decision.

"Can someone in the COLM shut an investigation down?" Yes, the COLM (up to the DIRAUX) has the authority to determine if an investigation is warranted, if it should continue, or if the matter can be resolved at a lower level or through other means. This determination should be made in consultation with the DLO and in accordance with AUXMAN Chapter 3. However, if the investigation was initially approved, the investigation should continue and a final report submitted

Investigations should be immediately discontinued and the COLM notified if criminal activity has been suggested.

II. Investigator Qualifications & Conflict of Interest

- "What constitutes a 'conflict of interest' to serve as an investigator?" A conflict of interest arises when the investigator has a personal or professional relationship with the subject or complainant that could impair their objectivity, or if they have a vested interest in the outcome. Examples include being a close friend, family member, direct supervisor or subordinate, or having been previously involved in the alleged incident. The "Investigations 101" document advises asking if the inquiry/investigation "can be handled locally without a conflict of interest."
- "Who in a flotilla is considered qualified to conduct the investigation? Is there and 'investigator' Competency?" The FC can appoint a member of the Flotilla, a committee (3 members), or appoint himself/herself as the investigator. There isn't a formal "investigator" competency or rating in the same way as, for example, a coxswain qualification. However, an effective investigator should possess good interviewing skills, attention to detail, impartiality, and a thorough understanding of the AUXMAN and relevant procedures. Some districts have designated investigating officers with experience in the conduct of Auxiliary discipline investigations.
- "If there is an Investigator Competency (Rating) where would one go to achieve that competency?" As noted, there is no formal rating. However, training related to investigations, interviewing, and administrative processes (often provided at the district or national level, or through legal officer training) would be beneficial.

III. Types of Infractions & Disciplinary Actions

- "What are some examples of infractions that would prompt an inquiry or investigation?" The AUXMAN Chapter 3 outlines "Auxiliary Administrative Discipline" and "Auxiliary Rules of Conduct and Behavior." Examples that could prompt an investigation include:
 - Unauthorized use of Coast Guard or Auxiliary property/resources.
 - o Misconduct that reflects poorly on the Auxiliary or Coast Guard.
 - o Failure to follow established policies or directives.
 - o Harassment or discrimination (which would also fall under Chapter 7).
 - Misuse of funds or fraud.
 - Repeated uniform violations despite counseling.
- "(Apart from being individually addressed in the Aux Man, is there a list of conduct issues that need to be escalated?)" The AUXMAN itself serves as the primary reference. Issues that are "egregious enough" or cannot be handled at the "lowest level" (e.g., Flotilla Commander) should be escalated through the COLM to the Division, District, or National level.
- "What are some of the more typical actions that are considered serious, and so require disciplinary written action, and elevation to suspension of privileges?"
 Serious issues generally involve:
 - Actions that compromise safety or security.
 - Repeated or severe violations of the AUXMAN.
 - Harassment, discrimination, or abusive behavior.
 - Misuse of authority.
 - Actions that bring significant discredit to the Auxiliary or Coast Guard.
 - Criminal activity (even if off-duty, if it impacts suitability for service).
 - Suspension of privileges (or higher disciplinary action) typically follows a formal process outlined in AUXMAN Chapter 3, including written notification and an opportunity for the subject to respond.
- "What are the most common 'infractions' that lead to investigations?" While specific data isn't provided, common infractions might include:

- Unauthorized wear of uniform or insignia.
- Failure to follow operational procedures.
- Minor interpersonal conflicts that escalate.
- Misuse of Auxiliary resources.
- "Uniform issues are important, but are there more serious issues we should be concerned about?" Yes, absolutely. While uniform issues are important for professionalism, far more serious issues include:
 - Harassment, discrimination, or sexual harassment.
 - Failure to follow policies and procedures
 - o Theft, fraud, or misuse of funds.
 - Actions that compromise safety and security.
 - Failure to uphold Coast Guard Core Values of Honor, Respect and Devotion to Duty
- "Sexual Harassment is a possible issue" Yes, sexual harassment is a serious issue. It falls under Civil Rights complaints (AUXMAN Chapter 7) and must be handled with sensitivity and in accordance with those specific procedures. It can also lead to administrative disciplinary action under Chapter 3.

IV. Documentation & Record Keeping

- "Does a simple counseling session need to be documented?" Yes. Even simple counseling sessions should be documented. A counseling memorandum is beneficial for all parties. File copies should be kept by the counselor and one sent to the Director's Office to be retained for three years in a separate file for future reference. This documentation provides a record of the interaction, the issue addressed, and any agreed-upon corrective actions.
- "Who keeps the records/investigation report for records management? Legal?
 DIRAUX? Person File?" Investigation reports and associated records are typically maintained by the DIRAUX office. The Director's office serves as a record repository for continuity. They are not generally placed in a member's publicly accessible file. Investigations performed by the O-Directorate are maintained in a secure Document Management System

- "Could the record be uploaded in the files section of AUXDATA?" "Auxdata would make it public visible." "In AuxData, there is the ability to upload documents. Such as PPE .." "wouldn't upload of the document into Auxdata constitute invasion of privacy" "This privacy auxdat is really important please discuss" "There would have to be a permission set, for designated personnel, for it not to be open to the world.."
 - Uploading sensitive investigation records directly into a publicly visible section of AUXDATA would indeed constitute a severe invasion of privacy and is not permitted.
 - The AUXMAN strongly emphasizes the protection of Personally Identifiable Information (PII). Records containing PII should be protected from unauthorized or improper disclosure.
 - While AUXDATA may have a feature to upload certain documents, sensitive investigation reports are not suitable for general AUXDATA upload. If there were a highly secure, restricted access module within AUXDATA specifically designed for sensitive records with strict permission sets, that would be different, but general file sections are not appropriate.
- "Is there a counseling form or a discipline form that we need to use?"
 - While a universal form isn't mandated for every counseling, using a consistent format helps ensure thoroughness and proper documentation.
 - For formal disciplinary actions, the AUXMAN Chapter 3 outlines the required content for written notifications (e.g., Notice of Investigation, letters of reprimand, suspension, or disenrollment recommendations).
- "If there is no form, how can we ensure we are doing it right and on the same page? It's too vague across the board." The absence of a universal form can indeed lead to inconsistency. This highlights the importance of:
 - Training: Providing consistent training to leadership on proper documentation.
 - Templates: Developing and disseminating standardized templates for counseling memos and disciplinary letters at the District or National level.
 - DLO Consultation: Encouraging leaders to consult with their DLO for guidance on specific cases.

 Best Practices: Emphasizing and sharing best practices for clear, concise, and objective documentation.

V. Subject & Complainant Rights/Notification

- "Does a subject of an investigation have access to Aux Legal for support?" The Coast Guard Auxiliary Office of Chief Counsel provides legal advice on matters related to various functions and responsibilities of the U.S. Coast Guard Auxiliary. While DLOs advise the DCO and other Auxiliary leadership, they do not provide direct legal representation to individual Auxiliarists in disciplinary matters. However, an Auxiliarist may seek their own independent legal counsel As a reminder, these are Administrative Investigations, not criminal. Though an Auxiliarist can retain legal counsel at their own expense, this person is not permitted to participate in interviews or directly contact any person involved in the investigation
- "Notifying subject of the investigation of the source of the investigation: What if the reporter/complainant is or wishes to remain anonymous?" The Notice of Investigation (NOI) *must* include "the source of the investigation." This means if the complaint was initiated by an identifiable person, that person's identity should be disclosed to the subject. The complainant's identity should be disclosed unless it is determined that doing so would create an unreasonable risk to the complaining party. If the complaint genuinely originated from an anonymous source, or if the nature of the complaint allows for anonymity (e.g., a general observation by leadership), the "source" would be stated as such (e.g., "Observation by Flotilla Commander" or "Anonymous complaint received".
- "What about the right to face your accuser- can't if they are anonymous" In an administrative investigation, the focus is on determining facts and whether Auxiliary policy was violated, not necessarily a direct confrontation between parties. While due process requires the subject to be informed of the allegations and have an opportunity to respond, the AUXMAN doesn't explicitly guarantee a "right to face your accuser" in the sense of a cross-examination. If anonymity is maintained, it's typically for the protection of the complainant, especially in sensitive cases like harassment. This needs to be balanced with the subject's right to understand the allegations.
- "What are the obligations to report back to the person that reported the issue?"

 There is no explicit requirement to provide detailed updates or outcomes to the complainant due to privacy concerns regarding the subject of the investigation.

 However, it's good practice to acknowledge receipt of the complaint and, if

appropriate and without violating privacy, to inform the complainant that the matter has been addressed. Indicating the matter has been addressed does not entitle the complainant to know the outcome of the investigation

VI. Resources & Training

- "Is there a manual available to leadership for step by step procedures for these processes? If not, could we ask legal/investigation to create one?" Yes, the AUXMAN Chapter 3 is the primary manual for administrative investigations. The District Legal Officer is a source that should be consulted in addition to the Auxiliary Manual. The Administrative Investigations (O Directorate) website also has helpful resources.
- "What other trainings would be available for FC/VFC who would like to be more involved with investigations?"
 - o District-level training sessions on AUXMAN Chapter 3 procedures.
 - Legal Officer (LO) training, even if not pursuing the LO position, as it covers relevant legal and administrative topics.
 - Reviewing the "Investigations 101 for Flotilla Commanders" and AUXMAN Chapter 3 thoroughly.
 - Seeking mentorship from experienced DCDRs, DLOs, or DCOS.
- "Is there a specific person in the O directorate a person can reach out to for specific questions or just of to a DSO-LO?" For general Auxiliary program questions, it's advised to seek resolution within your Chain of Leadership and Management (COLM) including your servicing District Director of Auxiliary (DIRAUX) office and the District Legal Officer (DLO)
- VII. Membership Status
- "Once disenrolled can you ever rejoin?" "Can you ever reinstated after a time disenrolled?" The AUXMAN has provisions for reinstatement after disenrollment, but it is not automatic and is subject to review and approval by the DIRAUX and higher authority. The reasons for disenrollment play a significant role in the possibility of reinstatement. Generally, a considerable period must pass, and the individual must demonstrate that the issues leading to disenrollment have been resolved.

• **Duration of suspensions/loss of privileges**: These are determined on a case-by-case basis by the Director of Auxiliary (DIRAUX) or appropriate authority. The duration depends on the severity of the infraction and the corrective action plan.

VIII. Legal & Liability

- "Are elected officers covered by any E/O insurance?" "Errors and Omissions Yes, or if an FN embezzles" Auxiliarists, including elected officers, generally have certain protections under the Federal Tort Claims Act (FTCA) when acting within the scope of their official duties. This provides some immunity from personal liability for torts committed in the line of duty. Additionally, the Coast Guard Auxiliary provides an Auxiliary Claims Information and Adjudication Guide. Embezzlement by an FN (Finance Officer) would be a criminal matter and likely fall outside of standard Errors and Omissions (E&O) insurance for the individual but could potentially trigger other forms of liability for the Auxiliary if policies and oversight were lacking. Specific E&O insurance for Auxiliary officers is not a standard provision; rather, the FTCA provides a framework for addressing claims against federal employees (including Auxiliarists in their official capacity).
- "What legal protection does the Flotilla leadership have if the subject of an investigation decides to sue an FC?" As mentioned, Auxiliarists acting within the scope of their official duties typically have protection under the Federal Tort Claims Act (FTCA). This means that if an Auxiliarist is sued for actions taken in their official capacity, the United States government will typically defend them and assume liability if the actions were within the scope of their duties. It's crucial for FCs and other leaders to adhere strictly to the AUXMAN and established procedures to ensure they are operating within the scope of their official duties.
- "is there any legal ramifications that a person initiating a investigation?"
 Initiating an investigation in good faith and in accordance with the AUXMAN and established procedures generally does not carry legal ramifications for the person initiating it. However, initiating an investigation with malice, without basis, or with intent to harm could potentially have legal consequences, though such cases are rare and would involve proving malicious intent. Adherence to procedure is the best protection.

IX. Miscellaneous

• "is the use of the Homeland security Logo as walled badge?" The use of Coast Guard and Department of Homeland Security logos and seals is strictly regulated. Federal law prohibits the unauthorized use of such emblems. Auxiliarists should

- only use approved Auxiliary and Coast Guard insignia and branding in accordance with the AUXMAN and other directives.
- "Issues should be resolved before an 'investigation' process is needed." This is a key best practice. The AUXMAN encourages resolution at the lowest level possible. Informal counseling and intervention are often the first steps before a formal investigation is initiated. An investigation is typically reserved for more serious matters or when informal attempts at resolution have failed.
- "Can you give us some examples of investigations?" Uniform issues are important, but are there more serious issues we should be concerned about?" (Partially answered in Section III. Types of Infractions)

Examples:

- Minor: Repeated uniform violations after counseling, minor insubordination, failure to complete required training.
- Moderate: Misuse of Auxiliary property, unauthorized representation of the Auxiliary, conduct unbecoming a member (e.g., public intoxication at an Auxiliary event).
- **Serious:** Harassment, discrimination, sexual harassment, theft, fraud, assault, egregious safety violations, actions that could lead to criminal charges, or repeated instances of moderate infractions.
- More serious issues: Issues related to harassment, discrimination, sexual harassment, criminal conduct, severe safety violations, and misuse of funds or authority are far more serious than uniform issues and require immediate and thorough investigation.