



NETC Standard Operating Procedure (SOP)

NETC SOP	Date	Organization
#119-22	October 6, 2015	FA

Conduct on the NETC Campus

I. Purpose

This Standard Operating Procedure (SOP) identifies the policies, procedures and standards for conduct on Federal property at the National Emergency Training Center (NETC) in Emmitsburg, Maryland. It identifies the actions to be taken for violation of these standards, and is applicable to all persons entering, while on, or leaving NETC. Nothing in this document creates any rights enforceable at law and nothing in this document limits or preempts the application of law, regulations, Federal Emergency Management Agency (FEMA) or Department of Homeland Security (DHS) directives, manuals, policies or guidance which will control if this document is inconsistent in any way.

II. Supersession

NETC SOP 119-22, Conduct on the NETC Campus, dated September 24, 2013. This document will expire three years from the date of this issue.

III. Authority

- A. The Homeland Security Act of 2002, as amended (6 U.S.C § 314 (a) (15))
- B. 44 CFR 15, Conduct at the Mount Weather Emergency Assistance Center and the National Emergency Training Center
- C. 41 CFR 102-74, Facility Management
- D. FEMA Instruction 1100.1, Standards of Conduct – Change One
- E. DHS MD 0480.1, Ethics/Standards of Conduct
- F. 5 CFR 735, Employee Responsibilities and Conduct
- G. NETC SOP 119-3, Facility Utilization and Expenses at NETC
- H. Title VII of the Civil Rights Act of 1964, as amended

- I. 6 CFR 17, Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving Federal Financial Assistance
- J. 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
- K. Executive Order Number 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
- L. 6 CFR §5 Disclosure of Records and Information
- M. 5 CFR 2635, U.S. Office of Government Ethics, Standards of Ethical Conduct for Employees of the Executive Branch
- N. FEMA Directive 121-3 Revision 1 Facility Access and FEMA Manual 121-3-1, Credential and Access Reference
- O. FEMA Directive 109-2: Privacy Program Directive
- P. Privacy Act of 1974, as amended (5 U.S.C. §552a)
- Q. Freedom of Information Act, as amended (5 U.S.C. 552)
- R. Title 17 U.S.C, Copyright Act

IV. References

- A. FEMA Form 119-25-3, Student Stipend Agreement
- B. DHS MD 0460.1, Freedom of Information Act Compliance
- C. FEMA Manual 3310.1, Disciplinary/Adverse Action Procedures
- D. FEMA Manual 109-2-1 FEMA Privacy Program, June 4, 2014
- E. FEMA Directive 262-2, FEMA Email Policy and Guidance, November 29, 2010
- F. The Negotiated Agreement for NETC and AFGE Local 1983
- G. DHS MD 066-01, Safety and Health Programs
- H. FEMA Directive 256-4, Anti-Sexual Harassment, June 8, 2010
- I. FEMA Directive 256-5, Anti-Harassment and Retaliation, June 30, 2010
- J. FEMA Manual 123-19-1, FEMA Administrative Investigations Policy, April 5, 2012

- K. FEMA Directive 112-11, Title VI Civil Rights Program, July 10, 2015
- L. FEMA-Mission Support Customer Guide, April 23, 2012 (Dress Code, Page 218)

V. Definitions

- A. Academic Misconduct - Cheating, plagiarism, fabrication of information and other citations, failure to attend class without excused absence, facilitating acts of academic dishonesty by others, unauthorized prior possession of examinations, submitting the work of another person or work previously used without informing the instructor and securing written approval, tampering with the academic work of other students and any other deliberate falsification, and other unethical behaviors that affect performance and outcomes.
- B. Contractor - An individual or business entity authorized by a contractual agreement with FEMA to provide goods or services.
- D. Criminal Misconduct - Actions which involve violation of state or federal criminal law.
- E. Guest - An individual who is sponsored for physical access to FEMA facilities and has a valid Personal Identification Card (PIV Card) or PIV-I credential. Examples of guests include, but are not limited to, other government agency personnel who have a valid PIV Card and representatives from state and local government who have a valid PIV-I credential.
- F. Misconduct - Behavior not conforming to laws or prevailing standards; any conduct that disturbs or disrupts the process or operations, or involves the damage of government property at NETC. Personal hygiene concerns may be included.
- G. NETC Staff - An individual whose official duty station is NETC.
- H. Personally Identifiable Information (PII) - Any information that permits the identity of an individual to be directly or indirectly inferred, including other information that is linked or linkable to that individual, regardless of whether the individual is a U.S. citizen, legal permanent resident, visitor to the U.S., or employee or contractor to the Department. This includes name, social security number, date and place of birth, mother's maiden name, account number, license number, vehicle identifier number, license plate number, device identifier or serial number, internet protocol address, biometric identifier (e.g., photograph, fingerprint, iris scan, and voice print), educational information, financial information, medical information, criminal or employment information, and information created specifically to identify or authenticate an individual (e.g., a random generated number).
- I. Sexual Harassment - Unwelcome sexual advances, requests for sexual favors, and other written, graphic, verbal, non-verbal and physical contact or communication of a sexual nature constitute harassment when submission/rejection of such conduct

becomes a basis, term or condition of an individual's employment or academic status, or such conduct has the purpose or effect of interfering with work performance or academic status.

- J. Special Group – A pre-arranged group of DHS employees, federal employees, military personnel, contractors, guests, visitors, or any combination thereof.
- J. Student – Individual who is attending the National Fire Academy or Emergency Management Institute courses. (Stipulations regarding minors are noted under Policies.)
- K. Visitor - Individuals who are sponsored for physical access to a FEMA facility, but do not have a PIV Card or PIV-I credential. All visitors must be entered into the Security Access Request Application (SARA) and escorted while on campus.

VI. Responsibilities

- A. NETC Management Operations and Support Services (MOSS) Division maintains a record of student misconduct.
- B. Supervisors at all levels are responsible for implementation of these policies and procedures.
- C. All employees are responsible for notifying their supervisors of any violations of these regulations.

VII. Policies

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

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. Rules applicable to conduct on federal property are designed to protect the rights of the individual and the property of the Federal Government and are instituted to preserve a safe and pleasant environment. All employees, students, contractors, and visitors are responsible for compliance with this and other applicable directives regarding conduct while enrolled/at NETC.

- A. Prohibited Conduct includes, but is not limited to the following:
 - 1. Academic misconduct.
 - 2. Unacceptable behaviors that affect student performance; unwarranted loitering, disorderly conduct or other conduct at NETC that creates loud or unusual noise or a nuisance which:

- a. Unreasonably obstructs the usual use of any federal property;
 - b. Otherwise impedes or disrupts the performance of official duties by government employees or government contractors;
 - c. Interferes with the delivery of the program; or
 - d. Prevents the general public from obtaining the services provided on the property in a timely manner.
3. Violation of rules governing the use of housing at NETC, such as cohabitation, or infringement on the privacy and rights of other visitors housed at NETC.
 4. Willful misconduct, abusive or obscene language, harassment, or violent behavior on the campus.
 5. Improper disposal of rubbish, willful or negligent 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.
 6. Any threat or act of physical or psychological violence against anyone on the NETC campus.
 7. Commission of acts harmful or potentially dangerous to others.
 8. Possession of firearms: Except for official purposes (e.g., 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 that could reasonably be used to fabricate an explosive or incendiary device, either openly or concealed.
 9. Sexual Harassment: A wide range of subtle behaviors that could create an intimidating, hostile or offensive work environment, which is unacceptable at NETC. It includes but is not limited to:
 - a. Sexually oriented teasing, jokes, remarks, questions or discussions (i.e., honey, babe, sweetie, hunk, dear, etc.);
 - 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. Letters, telephone calls, text messages, emails, other electronic media, printed materials or objects of a sexual nature which are objectionable or unwelcome.
10. The possession, use, sale, or distribution of alcoholic beverages or illegal drugs by any individual on the property.
- a. Exceptions to the alcoholic beverages are in designated locations as described herein or as authorized in writing.
 - b. Alcoholic beverages obtained on this campus may not be removed from the campus.
11. Entering upon the property or being on the property under the excessive influence of alcohol, and/or illegal or non-prescription medications while present on the NETC campus.
12. Solicitation of gifts or money, commercial or political solicitation, or collection of private debts, soliciting, advertising, promoting commercial activities, or entities. This prohibition does not apply to:
- a. Approved national or local fund drives for health, welfare, or other purposes;
 - b. Authorized concessions;
 - c. Personal notices posted on authorized bulletin boards; and
 - d. Solicitation of labor organization membership or dues during non-duty hours.
13. Participation in games for money or other personal property; the operating of gambling devices; or the conduct of a lottery or pool at NETC.
14. Posting, affixing, or distributing materials, such as pamphlets, handbills, or flyers, on other than designated areas (bulletin boards); or using classroom area bulletin boards to sell books, clothing, equipment, software, and other goods,

etc., except when such distribution or display is conducted as part of authorized government activities.

15. Displaying or wearing of any political campaign items by a contractor or staff member while representing FEMA in a group, instructional or office setting.
 16. The smoking, burning or use of any tobacco product (to include smokeless tobacco), candles or incense in all buildings at NETC, or in NETC vehicles at all times, except as granted in writing by the Director, NETC MOSS. This includes the use of smokeless electronic vaporizers (e-cigarettes).
 17. Falsification, alteration, or misuse of DHS documents, records or identification cards.
 18. Accepting incoming collect telephone calls.
 19. Use of electronic devices during active class time that is disruptive to training activities (e.g., Blackberries, cell phones, and laptops).
 20. Any person, employee, student, contractor, special government employee, subject matter expert, guest speaker, guest or visitor coming into possession of PII as a student or instructor may not use or disclose PII for purposes not authorized by FEMA.
- B. Copyright Laws. NETC EMI, United States Fire Administration (USFA), and NFA adhere to and support the enforcement and application of all federal copyright laws. Students, staff, contractors and employees are required to promote and comply with copyright law including the proper identification of copyrights in educational and presentation materials. The copyright law of the United States (Title 17, U.S. Code) governs the making of photocopies or other reproductions of copyrighted material; persons using photocopy equipment on campus may be liable for any infringement. Students, staff, contractors, and employees may find more information about copyright laws, the rights of copyright owners, and the right of fair use to make limited copies for purposes such as personal study or research, by visiting the Library of Congress website Copyright.gov. You may also seek the assistance of the Office of Chief Counsel for specific applications.
- C. Use of electronic communications and internet access are provided by the government for official purposes only.
1. Only thumb drives scanned by the NETC Information Technology may be used.
 2. It is unacceptable and prohibited to:
 - a. Use electronic mail, communications, and postings, for receipt or transmission of any illegal behaviors – such as threats, violence, fraud, harassment, or of a sexual nature - to include any written, graphic, or

photographic communication and/or cartoons.

- b. Enter any web site containing material of a sexual nature.
 - i. Download or upload any material of a sexual nature from or to such a web site.
 - ii. Store and/or reproduce any material of a sexual nature on a memory storage device or copy machine provided by the government (including but not limited to personal computers, tablets, phones, and lap tops.)

D. Age Restrictions. Anyone accepted to a class who is below the age of 18 years must be accompanied by a parent or guardian when on the campus because they are not of legal age. The parent/guardian/chaperone must be a student registered in the same class as the student who is under 18 years of age.

E. Photographs and other depictions such as audio and video recordings may be taken inside classroom or office areas only with the consent of the occupants, with completion of FEMA photograph release agreements, and

1. Except where prohibited by security regulations or federal court order, photographs and other depictions 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 External Affairs.
2. Subject to the foregoing prohibitions, photographs and other depictions for advertising and commercial purposes may be taken in authorized areas and only with written permission of the Director, NETC MOSS, and FEMA External Affairs.
3. Any non-personal use of photographs and other depictions taken inside classrooms requires advance approval of the Director NETC MOSS, or the NFA or EMI Superintendent.

F. Dress Policy. It is each individual's responsibility to use good judgment in maintaining good hygiene, and in selecting attire that projects a professional image that is appropriate for both climate differences and classroom activities. Nothing in this dress policy will restrict or impede an individual's adherence to religious practices.

1. The superintendents of NFA or EMI, as applicable, or the MOSS Director 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.
2. In routine classroom settings and in the cafeteria:

- a. MALES: Shirts with collars, slacks, including departmental uniforms, and shoes (no shorts; no T-shirts or baseball caps in class or dining hall unless for legitimate medical reasons and with written exception from the Director, MOSS.) Optional items include sweaters, sport coats, ties, etc.
 - b. FEMALES: Dresses, blouses with slacks or skirts, including departmental uniforms and shoes (no shorts; no T-shirts or baseball caps in class or dining hall unless for legitimate medical reasons and with written exception from the Director, MOSS.) Optional items include sweaters, blazers, etc. Per FEMA guidance, skirts/dresses must be no shorter than three inches above the knee.
- 3. 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.
- G. Animals that are trained to be, and are providing personal services such as seeing-eye dogs, personal service dogs, etc., are the *only* domesticated animals permitted on campus without specific approval of the Director, NETC MOSS.
- H. Vehicular and Pedestrian Traffic. 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.
 - 1. The blocking of entrances, driveways, walkways, loading platforms, designated fire lanes or fire hydrants at NETC is prohibited; and
 - 2. Parking without authority, parking in unauthorized locations or parking contrary to the direction of posted signs is prohibited.
 - a. Vehicles parked in violation, where warning signs are posted, shall be subject to removal at the owners' risk and expense.
 - b. Proof that a motor vehicle was parked in violation of these regulations or directives, establishes the registered operator's responsibility for the violation.
- I. Persons at NETC shall at all times comply with official signs that prohibit, regulate, or direct, as well as with the directions of the security staff and other authorized individuals.

- J. 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.
- K. Requesting the use, sale, or possession of alcohol. The authority to permit the use, sale, or possession of alcohol for special official occasions, resides with the USFA Administrator or designee for NETC, but may be delegated through formal written delegation to other officials with or without sub-delegation authority. Approval for the use, sale, or possession of any alcoholic food or beverage may be suspended, restricted, limited, or revoked at any time by the USFA Administrator or another official with delegated authority. The suspension, restriction, limitation, or revocation will be effective immediately unless otherwise directed by the deciding authority.
1. All requests for the use, sale, or possession of alcohol must be forwarded in advance to the Director, NETC MOSS, for presentation to the deciding official. Requests submitted less than three weeks in advance of the event are subject to denial without consideration.
 2. The Recreation Association may provide such support when approved by the Director, NETC MOSS for activities/functions attended by members of the Recreation Association. The Recreation Association may request that a limited number of guests or visitors be invited, with the condition that all guests or visitors meet the established security guidelines of NETC, and that any group or individual may be denied access and that the total number of non-member guests or visitors is approved by the Director, NETC MOSS.
 3. The NETC Recreation Association is authorized to possess, sell, and distribute beer and wine (The Recreation Association may not provide spirituous liquor unless the Director, NETC MOSS, has approved the request) only at the following locations:
 - a. 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; and
 - b. The log cabin.
 4. The NETC Recreation Association is a private activity chartered to serve only members of the Association and invited guests and visitors.
 - a. The Pub manager and his/her designee have the responsibility to refuse service to anyone who is not eligible to patronize the establishment or who demonstrates improper conduct.
 - b. The Pub at NETC will operate within guidelines permitted by Maryland law for Frederick County. Legal proof of age shall be requested from any patron who appears to be under legal age, and may be requested of any patron.

VIII. Standard Operating Procedures

A. Students

1. Allegations of Misconduct Involving Students

- a. Must be made in writing (and signed by the complainant) to the EMI Deputy Superintendent or NFA Deputy Superintendent 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), who will review the documented complaint.
- b. Persons involved in or witnessing the misconduct may be notified and be required to appear in person or respond in writing to provide additional information.
- c. The individual alleged of misconduct shall be notified in writing of the initial decision of the Superintendent (or the respective senior FEMA official) and be provided response procedures.

2. Documentation of Misconduct Involving Students

- a. If a student is involved with a conduct violation, the hosting school (EMI or NFA) 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.
- b. 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 of the disciplinary process;
 - 4) Review and disposition of the complaint; and
 - 5) Any applicable correspondence.

3. Penalty

- a. If a student is found to have engaged in misconduct and the allegations are upheld, the penalties may include, but are not limited to, one or a combination of the following:

- 1) Expulsion;
 - 2) Withholding of stipend or forfeiture of stipend paid;
 - 3) Exclusion from future classes for a specified period;
 - 4) Forfeiture of certificate for course/courses enrolled in at NETC.
- b. Notification of the misconduct will be made to the student's sponsoring organization.
 - c. Upon written request by the student's sponsoring organization, information from or copies of the statements from the individual and witnesses, police reports, and NETC security reports may be made available to the individual's sponsoring organization with prior authorization from the Director, NETC MOSS, after appropriate coordination with the Privacy Office.
 - d. Records of student misconduct at NETC will be maintained by the NETC MOSS Division. Official records will be retained consistent with FEMA Records Management Manual 181-1-1.
 - 1) All applications for admissions are to be checked to determine if a prospective student has a record of misconduct as a student while in a prior class.
 - 2) 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 calendar days after receipt of the notice.
 - 3) The response will be considered by the Director, NETC MOSS. A decision by the Director, NETC MOSS, will be final.
4. Request for Reconsideration

Any student involved in misconduct resulting in disciplinary action may request reconsideration of the initial decision to the Deputy U.S. Fire Administrator for NFA students, or the Superintendent of EMI for EMI students.

- a. Request for reconsideration must be made in writing within 15 calendar days of the initial decision.
- b. The request will be reviewed and considered. The respondent has the right to appear in person, have representation, and present any witnesses, as outlined in the initial decision letter.

- c. The decision of the Deputy U.S. Fire Administrator for NFA students and the Superintendent, EMI, for EMI students is final.

B. Contract Staff

1. Allegations of Misconduct

All allegations of misconduct involving contract staff shall be referred to the individual's employing company after coordination with the appropriate federal Contracting Officer and the appropriate Project Manager of the contract.

2. Request for Reconsideration for Contract Staff

Any contract employee involved in misconduct resulting in disciplinary action may request reconsideration of the initial decision to the MOSS Director.

C. Federal Staff

Allegations of Misconduct

All allegations of misconduct involving federal staff shall be reported through the appropriate organizational chain of command and forwarded to the FEMA Office of Human Capital, Employee and Labor Relations (HC/ELR) prior to taking further action. All guidance and procedures to be followed for allegations of misconduct of federal staff will be provided by the HC/ELR staff. This will ensure conformance to bargaining unit agreements when applicable.

D. Subject to Discrimination, Harassment or Retaliation

Anyone who believes they have been subjected to discrimination, harassment or retaliation may contact the FEMA Office of Equal Rights at (202) 646-3535.

E. 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.

IX. Questions

Questions regarding the content of this NETC SOP may be addressed to the Director, NETC MOSS, at (301) 447-1223.

**ERNEST
MITCHELL**
Ernest Mitchell, Jr.
U.S. Fire Administrator
U.S. Fire Administration

Digitally signed by ERNEST MITCHELL
DN: c=US, o=U.S. Government,
ou=Department of Homeland Security,
ou=FEMA, ou=People, cn=ERNEST MITCHELL,
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