



DEPARTMENT OF THE NAVY
COMMANDER
NAVAL EDUCATION AND TRAINING COMMAND
250 DALLAS STREET
PENSACOLA, FLORIDA 32508-5220

NETCINST 5370.2A
N00J/N00D
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NETC INSTRUCTION 5370.2A

From: Commander, Naval Education and Training Command

Subj: STANDARDS OF CONDUCT

Ref: (a) DoD Directive 5500.07 of 15 May 24
(b) 5 CFR 2635.101-2635.902
(c) 5 CFR 2634
(d) 5 CFR 2638
(e) VCNO Annual Standards of Conduct Guidance
(f) SECNAVINST 4001.2K

1. Purpose. To define the responsibilities and procedures for monitoring the understanding of, and enforcing compliance with, standards of conduct and related requirements within the Naval Education and Training Command (NETC) and force development enterprise.

2. Cancellation. NETCINST 5370.2.

3. Background. Conflicts of interest and standards of conduct of government personnel have been the subject of ever-increasing public, congressional, judicial, and executive attention and scrutiny. Standards of conduct are defined and discussed in detail in references (a) and (b). These standards apply to all Department of War civilian and military personnel regardless of grade or rank. Reference (c) provides guidance on financial disclosures. Reference (d) provides guidance for the federal government's ethics program, established to prevent conflicts of interest and enforce standards of conduct. Reference (e) provides annual ethics guidance for Navy flag officers and senior leadership. Reference (f) provides guidance for gift acceptance and outlines procedures for gift processing.

4. Policy. It is critical that NETC personnel understand and acknowledge by their actions that it is implicit in all orders and directives issued by, or on behalf of, Commander, NETC (CNETC) that efforts to execute such orders and directives must adhere to both the letter and the spirit of applicable laws,

regulations, and guidance of the standards of conduct and ethical behavior. All NETC personnel will adhere strictly to the standards of conduct and related requirements prescribed in this instruction and contained in reference (a) and, when applicable, references (b) through (f). Some standards require the exercise of prudent judgment. Personnel must consider each instance carefully and be prepared to account for the manner in which the judgment is exercised. This is particularly true in situations which involve acceptance of hospitality, favors, or other gifts from persons or entities that do, or seek to do, business with or secure action from, with or by the Department of the Navy (DON), as these persons or entities are, by definition, prohibited sources. In carrying out the spirit and intent of references (a) and (b), and other applicable ethical considerations, it is essential that NETC personnel be constantly aware of the constraints imposed and maintain the highest standards of personal conduct in their relations with all facets of the military environment, as well as business and commercial sector, making sure that these relations are above reproach in every respect. Even if a proposed action is initially assessed as being permitted, an initial determination of permissibility under applicable rules does not always make executing the proposed action the proper decision. Thus, one must consider and weigh appearance concerns. Commanders' intent regarding standards of conduct from the secretariat level are clear that our actions and decisions must remain in the ethical midfield (e.g., between the hash marks in the middle of the playing surface away from the areas of the field that border the boundaries). Accordingly, a course of action that is assessed as initially permissible under applicable rules may well violate applicable standards if it would likely cause a reasonable person with knowledge of the relevant facts to question the employee's integrity and impartiality.

5. Responsibilities

a. Individual NETC personnel. The basic responsibility for complying with the requirements of this instruction and references (a) through (f) rests with the individual NETC personnel concerned. However, failure to comply with these requirements may result in punitive, disciplinary, and administrative action. The duties and responsibilities of NETC Personnel include, but are not limited to the following:

(1) All newly reporting personnel must check in with either the NETC Force Judge Advocate (FJA) (active duty service members) or the NETC Office of the General Counsel (OGC) (civilian employees). The NETC FJA or OGC will provide necessary filing advice, forms, and instructions.

(2) Personnel, in coordination with their respective supervisor, will determine whether or not they are required to file a Confidential Financial Disclosure Report (OGE Form 450). If a supervisor determines that an employee is required to file an OGE Form 450, per reference (c), the employee must file a new entrant report in the online financial disclosure management (FDM) system at <https://www.fdm.army.mil>, within 30 days of assuming the new position. Each year thereafter that they hold the position which requires the filing of the OGE Form 450, the employee must file the report by the required due date, usually 15 February.

(3) Every calendar year all NETC domain staff, military and civilian, are required to complete ethics training by 30 November. Training can be completed by receiving in-person training from a certified ethics official or by completing computer-based training. Computer based training is available in Waypoints for civilian employees and Total Workforce Management System for military members. In-person training cannot be conducted unless there is a NETC ethics official presenting the training or available to respond to questions from the audience. For personnel required to file an OGE Form 450, the ethics training certificate must be uploaded into FDM by the filer.

(4) All personnel who are departing federal service must check out with either the FJA (active-duty Service Members) or the OGC (civilian employees) to obtain required information related to post-government employment. There are restrictions and requirements involving engaging in post-government employment discussions with non-federal entities, so departing employees must contact the FJA or OGC as soon as they know they will be departing service.

(5) Personnel should consult with an ethics official prior to accepting personal gifts, or gifts on behalf of the Navy, from outside sources.

b. Division directors (DD), special assistants (SA), and supervisors. DDs, SAs, and supervisors are responsible for upholding high standards of integrity and ethical behavior for themselves and for exercising supervisory oversight authority and ensuring assigned NETC personnel compliance.

c. Supervisors

(1) Annually review position description (PD) of each civilian employee, utilizing the worksheet found at [https://www.oge.gov/web/OGE.nsf/0/3A3A75454693D79C852585B6005A17B8/\\$FILE/New%20Form%20450%20Job%20Aid.pdf](https://www.oge.gov/web/OGE.nsf/0/3A3A75454693D79C852585B6005A17B8/$FILE/New%20Form%20450%20Job%20Aid.pdf), to determine if the incumbent should be required to file an OGE Form 450 and ensure that the PD properly documents whether the incumbent is required to file an OGE Form 450.

(2) Ensure new employees who are assigned to a PD that requires an OGE Form 450 to be filed, do so within 30 days of being assigned to the position, per reference (c).

(3) Once notified that an employee will be departing Federal service, ensure that NETC OGC or FJA is made aware so that required post-government employment advice can be provided to the employee before they detach.

(4) Review financial disclosure reports prior to the ethics official's review to determine if the report is deficient or if any of the reported financial interests create a conflict of interest or impartiality issue with the filer's current and foreseeable official duties. This review must be completed within 14 calendar days of filer's submission, unless an extension is granted by the responsible ethics official.

d. NETC FJA and Deputy FJA

(1) Share command ethics official responsibilities with the NETC OGC command counsel. The duties and responsibilities of NETC FJA ethics officials include, but are not limited to:

(a) Be designated and certified as an ethics official and maintain annual certification.

(b) Advise and assist on matters related to references (a) through (f).

(c) Review OGE Form 450 for active duty military members and civilian employees, as assigned.

(d) For OGE Form 450s reviewed, identify conflicts or apparent conflicts of interest and recommend corrective action.

(2) Ensure information concerning standards of conduct issues is disseminated to all personnel.

(3) Ensure all new NETC active duty Service Members receive an initial ethics orientation within 30 days of reporting to NETC, unless an extension for good cause is granted, in which case the orientation must be completed within three months of appointment.

(4) Ensure newly reporting NETC active duty Service Members are provided a copy of this instruction as part of their check-in procedures.

(5) Ensure, in coordination with the NETC OGC, annual ethics training reminders are promulgated, including reminders regarding required training for personnel required to file financial disclosure reports (OGE Form 278e or OGE Form 450).

(6) In conjunction with NETC OGC, prepare and deliver in-person annual ethics training for the CNETC and front office staff. Ensure similar training is provided by ethics officials at reporting echelon commands headed by a flag officer.

e. NETC OGC

(1) Share command ethics official responsibilities with the NETC FJA.

(2) Ensure information concerning standards of conduct issues is disseminated to all personnel.

(3) Ensure all new NETC civilian employees are provided a copy of this instruction as part of their check-in procedures and receive an initial ethics orientation within 30 days of entering on duty at NETC, unless an extension for good cause is granted, in which case the orientation must be completed within three months of appointment.

(4) Ensure, in coordination with the NETC FJA, annual ethics training reminders are promulgated, including reminders regarding required training personnel required to file financial disclosure reports (OGE Form 278e or OGE Form 450).

(5) Be designated and certified as an ethics official and maintain annual certification.

(6) Advise and assist on matters related to references (a) through (f).

(7) Review OGE Form 450 for active duty Service Members and civilian employees, as assigned.

(8) For OGE Forms 450 reviewed, identify conflicts or apparent conflicts of interest and recommend corrective action.

(9) Ensure NETC assistant counsels and counsels at lower echelon commands, who are assigned to designated ethics official positions, complete initial ethics official certification and then maintain the certification annually.

(10) Direct efforts of assistant counsels and counsels at lower echelon commands to support NETC OGC and NETC FJA in fulfilling their responsibilities as described herein.

(11) In conjunction with the NETC FJA, prepare and deliver in-person annual ethics training for the CNETC and front office staff. Ensure similar training is provided by ethics officials at reporting echelon commands headed by a flag officer.

(12) Coordinate and conduct required reviews of flag officer travel. OGC primarily conducts travel reviews, which ensures continuity and consistency of review, however NETC FJA is not precluded from doing so if the necessity arises.

(13) Coordinate and conduct reviews of flag officer OGE 278e (Public Financial Disclosure Report) reports and OGE 278-T (Periodic Transaction Report) in the Integrity system.

(14) Provide post-government employment advice and guidance to employees departing federal service. Upon request of a departing employee, issue a written opinion on the applicability of post-government employment restrictions to that employee.

f. Inspector General. Area visit program evaluations of subordinate commands should include a formal or, at a minimum, informal inquiry into the effectiveness of the command's compliance with the provisions of references (a) and (b).

6. Records Management

a. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned per the records disposition schedules located on the DON Assistant for Administration, Directives and Records Management Division portal page at <https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/Records-and-Information-Management/Approved%20Record%20Schedules/Forms/AllItems.aspx>.

b. For questions concerning the management of records related to this instruction or the records disposition schedules, please contact the local records manager.

7. Review and Effective Date. Per OPNAVINST 5215.17A, NETC will review this instruction annually around the anniversary of its issuance date to ensure applicability, currency, and consistency with Federal, Department of Defense, Secretary of the Navy, and Navy policy and statutory authority using OPNAV 5215/40 (Review of Instruction). This instruction will be in effect for 10 years, unless revised or cancelled in the interim, and will be reissued by the 10-year anniversary date if it is still required, unless it meets one of the exceptions in OPNAVINST 5215.17A, paragraph 9. Otherwise, if the instruction is no longer required, it will be processed for cancellation as soon as the need for cancellation is known following the guidance in OPNAV Manual 5215.1 of May 2016.

8. Forms. The following forms are available for download from www.oge.gov:

a. OGE Form 450 (Confidential Financial Disclosure Report)

- b. OGE Form 278e (Public Financial Disclosure Report)
- c. OGE Form 278-T (Periodic Transaction Report)



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Releasability and distribution:

This instruction is cleared for public release and is available electronically on the NETC public web site (www.netc.navy.mil) or by e-mail at netc-directives@us.navy.mil.