

## INFORMATION PAPER

DAJA-AL  
21 April 2016

SUBJECT: Investigating an Alleged Leadership Failure

1. Purpose: To provide guidance for SJAs and IGs on investigating allegations that an Army leader failed in his or her leadership responsibilities.
2. Standard: Paragraph 2-1 of Army Regulation (AR) 600-100 (Army Leadership), 8 March 2007, requires every Army leader to:
  - a. Set and exemplify the highest ethical and professional standards as embodied in the Army Values.
  - b. Accomplish the unit mission.
  - c. Ensure the physical, moral, personal, and professional wellbeing of subordinates.
  - d. Effectively communicate vision, purpose, and direction.
  - e. Build cohesive teams and empower subordinates.
  - f. Teach, coach, and counsel subordinates.
  - g. Build discipline while inspiring motivation, confidence, enthusiasm, and trust in subordinates.
  - h. Develop their own and their subordinates' skills, knowledge, and attitudes.
  - i. Anticipate and manage change and be able to act quickly and decisively under pressure.
  - j. Use initiative to assess risk and exploit opportunities.
  - k. Treat subordinates with dignity, respect, fairness, and consistency.
  - l. Foster a healthy command climate.

### 3. A Commander's Response to Allegations of Leadership Failures:

a. A commander may receive a variety of complaints about leaders failing in the leadership responsibilities designated in AR 600-100, para. 2-1. Upon receipt of such a complaint the commander must inquire into the matter. AR 600-20 (Army Command Policy), 6 November 2014, para. 5-8*b*. A commander may initiate a preliminary inquiry or an administrative investigation under the provisions of AR 15-6, or a commander's inquiry under the provisions of Rule for Courts-Martial 303. A commander who is a directing authority may also have his command Inspector General (IG) initiate an investigative inquiry, under the provisions of chapter 7 of AR 20-1 (Inspector General Activities and Procedures), 29 November 2010 (RAR 3 July 2012). Commanders should keep in mind that IG records, with limited exceptions, may not be used as the basis for adverse action unless specifically authorized by the Secretary of the Army, the Chief of Staff of the Army, the Vice Chief of Staff of the Army, or The Inspector General. AR 20-1, para. 3-3. Thus, in order to preserve the commander's full range of options, it may generally be advisable to appoint a preliminary inquiry, administrative investigation, or commander's inquiry rather than an IG investigation. In general, most IGs are

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involved in command climate investigations when complaints are brought to the IG using the IG process. In those cases, the IG will refer the complaint to the command who will then appoint a command-directed investigation into the complaint.

b. If the directing authority chooses to have the command IG investigate leadership failures, both the directing authority and the Staff Judge Advocate play important roles in the appointment, review, and approval of the IG's findings. Command IGs may conduct an investigation using an investigative inquiry. AR 20-1, para. 7-1a(2). If the command IG makes a substantiated finding, the command IG must obtain a written legal review IAW AR 20-1, para. 7-1b(4)(j). Upon completion of the investigation, regardless of the results, the command IG must obtain the directing authority's approval of the investigation IAW AR 20-1, para. 7-1b(4)(k).

#### 4. Guidelines for the Investigating Officer (IO):

a. When investigating an alleged leadership failure, it is important to identify the standard. Determining whether a leader failed to comply with a particular standard under AR 600-100, para. 2-1 depends on objective evidence of specific actions the leader took or failed to take. For example, AR 600-100 requires leaders to “[f]oster a healthy command climate[,]” not to *have* a healthy command climate. AR 600-100, para. 2-1/ (emphasis added). Generally, most complaints will fall under the headings of failing to set and exemplify ethical and professional standards; failure to treat subordinates with dignity, respect, fairness, and consistency; or failure to foster a healthy command climate. AR 600-100, paras. 2-1a, k, and l. The remainder of the leadership attributes in AR 600-100, para. 2-1, can be difficult to measure objectively and are, therefore, not typically used as standards, although they may prove fruitful areas of inquiry for IOs investigating alleged violations of subparagraphs a, k, and l. Thus, the focus of an investigation should be on the leader's words or deeds measured against an objective standard of leadership, not merely the state of morale in the unit or subjective opinions about a particular leadership style.

b. The investigating officer must actively seek out testimony and other evidence about specific things the leader said or did as well as the effect of such words or actions on the individual or unit. The investigating officer should ask questions designed to elicit objective responses. Questions that call for subjective answers (e.g., “Describe your commander's leadership style,” or “Do you think that your commander is a toxic leader?”) should be followed up with questions that will elicit objective answers (e.g., “What did you see or hear your commander do that makes you think he or she is a toxic leader?” and “What effect did the leader's statement have on you?”). The investigating officer also should not rely solely on temporary conditions outside the commander's control, such as low morale or poor retention, unless those conditions can be linked to

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specific actions by the leader. There is a difference, for example, between a unit that has low morale because of an extended deployment and a unit that has low morale because the commander routinely ridicules subordinates as “stupid” and berates them with profanity. The context of the leader’s words and actions is critically important in understanding their meaning, intent, and effect. For example, the phrase (“Get the [expletive] out of here!”) may not necessarily be a violation of a standard under the conditions of a combat environment, but it can have an entirely different meaning when spoken in a calm office setting to an employee who has just stated an opinion the leader did not want to hear.

c. Opinions about the state of the command climate in the unit or the quality of an individual’s leadership style are inherently subjective and do not answer the critical question of *how* or *whether* the leader failed to comply with the standard. Command climate surveys are tools, but should never be the sole, or even primary, evidence on which to base an investigative finding. Surveys may provide the IO with an overview of the breadth and seriousness of the problem and possible areas of investigative inquiry. Soldier morale and satisfaction, however, are affected by numerous factors, many of which are beyond the leader’s control: mission, deployment, operational tempo, family separation, personal and financial problems, etc. The key question is, “What did the leader do or fail to do corresponding with the standard?”

d. The investigating officer should also look for evidence of any positive efforts by the leader to fulfill his or her leadership obligations. It is the duty of the investigating officer “to ascertain and consider the evidence on all sides of each issue, thoroughly and impartially[.]” AR 15-6 (Procedures for Investigating Officers and Boards of Officers), 1 April 2016, para. 1-8; see also AR 20-1, para. 7-2. The investigating officer should consider whether the leader treats subordinates with dignity, respect, fairness, and consistency; builds cohesive teams and empowers subordinates; and builds discipline while inspiring motivation, confidence, enthusiasm, and trust in subordinates. See AR 600-100, para. 2-1. As with all other evidence, the investigating officer should look for specific, objective examples of the leader’s words or actions. For example, what programs does the leader have to develop subordinates; what steps has the leader taken to empower subordinates; what has the leader done to build trust with subordinates?

5. Leadership and Command Climate in Doctrine and Policy (References/Background for the Investigating Officer):

a. Leaders foster a healthy command climate primarily through their treatment of others: “Commanders and other leaders committed to the professional Army ethic promote a positive environment. If leaders show loyalty to their Soldiers, the Army, and

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the nation, they earn the loyalty of their Soldiers. If leaders consider their Soldiers' needs and care for their well-being, and if they demonstrate genuine concern, these leaders build a positive command climate." AR 600-20, para. 1-5c(1).

b. DoD employees must follow The Joint Ethics Regulation (JER), which states that DoD employees should consider ethical values, including fairness, caring, and respect, when making decisions as part of their official duties. DoD 5500.07-R, JER, August 30, 1993, including changes 1-7 (November 17, 2011), Ch. 12. "Fairness" involves open-mindedness and impartiality. "Decisions must not be arbitrary, capricious or biased. Individuals must be treated equally and with tolerance." JER 12-401e. "Caring" involves compassion, courtesy, and kindness to ensure that individuals are not treated solely as a means to an end. JER 12-401f. "Respect" requires that employees treat people with dignity. "Lack of respect leads to a breakdown of loyalty and honesty[.]" JER 12-401g. AR 600-100 mandates these ethical values for all Army leaders: "Every leader will ... [t]reat subordinates with dignity, respect, fairness, and consistency." AR 600-100, para. 2-1k.

c. Absence of these ethical values can lead to one of the worst manifestations of an unhealthy command climate - the toxic leader. "[S]ome leaders use inappropriate strategies to obtain immediate results and mindless adherence to orders without concern for others. They may bully others, berate subordinates mercilessly, or make unlawful choices to get their way. Selfish leaders ignore ideas from others, micromanage events, hoard information, undermine peers, and work to look good to superiors. Extreme and consistent forms of these undesirable behaviors indicate a toxic or abusive leader." ADRP 6-22 (Army Leadership), 1 August 2012 (including change 1, 10 September 2012), para. 7-12.

d. By disregarding the ethical values of fairness, caring, and respect, the toxic leader abandons loyalty to Soldiers, the Army, and the nation and replaces it with loyalty to self. "Toxic leadership is a combination of self-centered attitudes, motivations, and behaviors that have adverse effects on subordinates, the organization, and mission performance. This leader lacks concern for others and the climate of the organization, which leads to short- and long-term negative effects. The toxic leader operates with an inflated sense of self-worth and from acute self-interest. Toxic leaders consistently use dysfunctional behaviors to deceive, intimidate, coerce, or unfairly punish others to get what they want for themselves. The negative leader completes short-term requirements by operating at the bottom of the continuum of commitment, where followers respond to the positional power of their leader to fulfill requests. This may achieve results in the short term, but ignores the other leader competency categories of leads and develops. Prolonged use of negative leadership to influence followers undermines the followers' will, initiative, and potential and destroys unit morale." ADP 6-22, para. 11.

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e. Fostering a healthy command climate is not incompatible with firm, principled leadership. Leaders must, after all, accomplish the unit mission, build discipline, and act quickly and decisively under pressure. AR 600-100, para. 2-1. Commanding officers and others in authority must also be vigilant in inspecting the conduct of all persons who are placed under their command, to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Army, all persons who are guilty of them. AR 600-20, para 1-5c(4)(d). Accordingly, leaders may be direct in their approach with subordinates. Ideally, “[l]eaders with a positive approach can be firm in exacting discipline and can do so with care and respect for those they lead and in the interest of the organization’s future.” ADRP 6-22, para. 7-12.

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