

Student Guide

Guideline D: Sexual Behavior

Objective	To help the learner identify Sexual Behavior security concerns as outlined in the Security Executive Agent Directive 4 National Security Adjudicative Guidelines, effective June 08, 2017.
Estimated Completion Time	20 Minutes

Screen 1

Meet John Doe. He is a 26-year old procurement officer. John recently received a conditional offer of employment as a procurement officer with a U.S. Government contractor. The position is critical-sensitive and requires Top Secret eligibility and access.

John submitted the required paperwork to initiate his security background investigation through his security office.

Now, your task is to review John's completed background investigation files and make an eligibility determination. Please note that other Adjudicative Guidelines may apply. In this case you will focus only on Guideline D: Sexual Behavior.

Screen 2

The most important part of an adjudicator's job is to examine a sufficient period of a person's life to determine whether or not the person is an acceptable security risk.

This task should never be taken lightly as cleared personnel may eventually have access to classified information.

Adjudicators take into consideration all relevant information, both favorable and unfavorable from a person's past and present to form the "whole-person" concept, when making an eligibility determination.

Screen 3

In evaluating the relevance of an individual's conduct, the adjudicator should consider the following factors:

- The nature, extent, and seriousness of the conduct;
- The circumstances surrounding the conduct to include knowledgeable participation;
- The frequency and recency of the conduct;
- The individual's age and maturity at the time of the conduct;

- The extent to which participation is voluntary;
- The presence or absence of rehabilitation and other permanent behavior changes;
- The motivation for the conduct;
- The potential for pressure, coercion, exploitation, or duress; and
- The likelihood of continuation or recurrence.

Screen 4

Guideline D: Sexual Behavior, states that sexual behavior that involves a criminal offense reflects a lack of judgment or discretion; or may subject the individual to undue influence of coercion, exploitation, or duress. These issues, together or individually, may raise questions about an individual's judgment, reliability, trustworthiness, and ability to protect classified or sensitive information. Sexual behavior includes conduct occurring in person or via audio, visual, electronic, or written transmission. No adverse inference concerning the standards in this Guideline may be raised solely on the basis of the sexual orientation of the individual.

While reviewing John's investigative file, you read that approximately six years ago, he was convicted of statutory rape.

Click on the folder to review the details in John's file.

(File folder information.)

- Criminal files and the SF-86 revealed that John was arrested and charged with statutory rape when he was 20 years old. The arrest record revealed that he was convicted and received a six month jail sentence (suspended), six months of community service and paid a fine of \$2500. This charge is a class 1 misdemeanor. The criminal file stated that the victim was 17 years old and in a relationship with John at the time of the offense. Her parents pressed charges, and John pled guilty to the charge.
- During the Subject Interview John confirmed the details listed in the criminal records and on his SF-86.
- John told the investigator that when he was 20 years old he met Linda at a local party. They started a relationship that evolved into an intimate sexual relationship. When he met her parents, they became aware of their relationship and his age, which made them very upset. A week or two later he was arrested.
- John told the investigator he did not think it was an issue, as Linda was only a few years younger than him and it was a consensual relationship. Once the law was explained to him he realized that legally he was guilty and pled guilty. John stated he did not mean to break the law and has completed all required community service and paid all fines. He and Linda remained friends, but he ended the relationship as soon as he became aware that it was illegal. John also explained he wished that her parents had talked to him before pressing

charges because he would have respected their position. John stated he is now 26 and would never date anyone under the age of 18.

Screen 5

Does the information in John's file raise a valid security concern under Guideline D: Sexual Behavior?

Click on the file folder to review the file and select the disqualifier(s) that apply to John's case.

Then click on the Submit button.

Screen 6

John's sexual behavior with a minor under the age of 18 years old is a security concern, but each National Adjudicative Guideline has specific mitigating conditions that sometimes allow an applicant to be cleared in spite of the concern.

Do any mitigating conditions apply to John's case?

Click on the file folder to review the file and select the mitigator(s) that apply to John's case.

Then click on the Submit button.

Screen 7

The information from John's background investigation raised a concern under Guideline D: Sexual Behavior. However, this security concern is mitigated as the sexual behavior happened approximately six years ago, and was so infrequent, or under such unusual circumstances, that it is unlikely to recur and does not cast doubt on John's current reliability, trustworthiness, or good judgment.

But this does not mean he will automatically receive Top Secret eligibility. His case needs to be adjudicated against all the Adjudicative Guidelines before a final eligibility decision can be made.

This training Short focused on Adjudicative Guideline D: Sexual Behavior. For more information on the other Adjudicative Guidelines, please see the other Shorts developed by CDSE. To review Guideline D: Sexual Behavior, click the Job Aid button.