

# Personal Conduct

Note: The falsification and failure to cooperate issues in the Personal Conduct adjudicative guideline are covered in a separate module, [Personal Conduct - Falsification](#).

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## *Relevance to Security*

The Personal Conduct adjudicative guideline covers unreliable or untrustworthy behavior not considered under other guidelines, or which falls below the threshold for action under any other single guideline. It provides a means for adjudicators to consider a *pattern of unreliable and untrustworthy behavior* that may encompass multiple guidelines. Importantly, the Personal Conduct guideline also covers vulnerability to coercion, exploitation, or duress. The [falsification and failure to cooperate](#) issues that are part of the Personal Conduct guideline are discussed in a separate module.

Protection of classified information requires compliance with a complex set of rules and regulations. Willingness and ability to comply with rules and regulations is, therefore, an important qualification for access to classified information. Any conduct that indicates disrespect for rules and regulations can be a security concern under Personal Conduct as well as several other guidelines.

Honesty and integrity are other important qualifications. Many people during the course of their lives are beset by problems or stressors that tempt them to engage in improper or illegal behavior. The ability to weather these situations without engaging in improper or illegal activity depends, in large part, upon a person's basic character and integrity. Conduct that indicates dishonesty or lack of integrity is also relevant under Personal Conduct.

These and other types of conduct may raise questions about a subject's judgment, trustworthiness, or reliability, but may not be disqualifying by themselves. They may, however, contribute to an adverse adjudicative decision if they are part of a *pattern* of undesirable behavior that casts doubt on the subject's willingness or ability to safeguard classified information.

## ***Potentially Disqualifying Conditions***

### *Extract from the Guideline*

*(c) credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the person may not properly safeguard protected information;*

*(d) credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the person may not properly safeguard protected information. This includes but is not limited to consideration of:*

*(1) untrustworthy or unreliable behavior to include breach of client confidentiality, release of proprietary information, unauthorized release of sensitive corporate or other government protected information;*

*(2) disruptive, violent, or other inappropriate behavior in the workplace;*

*(3) a pattern of dishonesty or rule violations;*

*(4) evidence of significant misuse of Government or other employer's time or resources;*

*(e) personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress, such as (1) engaging in activities which, if known, may affect the person's personal, professional, or community standing, or (2) while in another country, engaging in any activity that is illegal in that country or that is legal in that country but illegal in the United States and may serve as a basis for exploitation or pressure by the foreign security or intelligence service or other group;*

(f) violation of a written or recorded commitment made by the individual to the employer as a condition of employment;

(g) association with persons involved in criminal activity.

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This section discusses five types of potentially disqualifying conditions.

- [Pattern of Dishonest, Unreliable, or Rule-Breaking Behavior](#)
- [Other Unfavorable Information](#)
- [Vulnerability to Coercion](#)
- [Violation of Any Condition for Approving Access](#)
- [Association with Persons Involved in Criminal Activity](#)

### **Pattern of Dishonest, Unreliable, or Rule-Breaking Behavior**

Unreliable and untrustworthy behavior appears in many forms, not all of which fall into specific adjudicative issue categories such as alcohol abuse, drug use, crime, or financial irresponsibility. Under Personal Conduct, the adjudicator considers broad questions about character, reputation, judgment, honesty, integrity, respect for rules and regulations, ability to make and stand by commitments, ethics, and morality.

Any single item of adverse information may fall below the threshold for denying or revoking a clearance, but it may help establish a *pattern* of unreliable or untrustworthy behavior. A *pattern* of unreliable or untrustworthy behavior increases the security concern associated with any single behavior. The combination of unfavorable information over multiple issue areas usually adds up to more than the sum of the individual parts. See [Example 1](#).

Behaviors that should be considered when evaluating a pattern of undesirable behavior include, but are not limited to, the following:

- Misdemeanor criminal offenses or alcohol incidents that are not serious enough for disqualification under the Criminal Conduct or Alcohol Consumption guidelines but that do provide information relevant to evaluating a person's reliability, trustworthiness, or judgment.
- Financial irresponsibility (e.g., skipping from an apartment without paying the rent, writing bad checks, deliberately stiffing a creditor) that is not sufficient for disqualification under Financial Considerations but which does convey significant information about the individual's reliability, trustworthiness, or judgment.

- Behaviors discussed below under [Other Unfavorable Information](#), which includes certain types of problems in work performance, indicators relating to employment history or conditions of military discharge, multiple traffic offenses, uncontrolled anger, involvement in multiple lawsuits, and weapons issues that are not explicitly covered by other guidelines.
- Deliberate dishonesty during the security clearance process, even if it is not material and, therefore, not immediately disqualifying under *Omission, Concealment, Falsification of Information* as described in the [Personal Conduct - Falsification](#) module.
- Undesirable personality characteristics as discussed in *Behavior Patterns and Personality Characteristics Associated with Espionage* under [Psychological Conditions](#). These include antisocial behavior, narcissism, paranoia, impulsiveness, inability to form a commitment, vindictiveness, and high-risk behaviors that show bad judgment.

The seriousness of a pattern of undesirable behavior may be judged in two ways:

- By the seriousness of the individual behaviors that make up the pattern; or
- By the number of different types of undesirable conduct or facets of a subject's life that are included in the pattern. The broader the variety of undesirable behavior, the greater the likelihood that reliability and trustworthiness in protecting classified information will also be affected.

The individual's age and personal circumstances should be taken into account when evaluating behaviors that may indicate unreliability, untrustworthiness, or poor judgment. It is common for many young persons, especially males, to engage in some high-risk, immature or impulsive behavior that gets them into trouble.

Some tolerance is appropriate if the behavior is not too frequent or too serious and the person is relatively young. Many such persons mature and become more responsible as they grow older, enter the work force and take on added responsibilities such as marriage and family. Much less tolerance is appropriate if the behavior occurs after the individual has started a career or formed a family. By that time, the behavior pattern is well established and likely to continue.

### **Other Unfavorable Information**

Many behaviors can be warning signals that a person may not possess the "strength of character, trustworthiness, honesty, reliability, discretion, and sound judgment" required by Section 1.3.(b) of Executive Order 12968. Most fall within the scope of the other adjudicative guidelines, but some do not.

Some additional warning signs are listed below. When combined with other adverse information, these indicators may contribute to an adverse action. See [Example](#).

- **Problems in Work Performance:** An individual may exhibit behavioral or psychological problems in the work place. These problems include: rebellious attitude toward supervisors, habitual cutting of corners or failure to comply with regulations or procedures, lying to cover up mistakes, overreaction to real or imagined criticism, lack of commitment to the organization, pattern of attendance or tardiness problems, careless operation of equipment.
- **Employment History:** Depending upon an individual's age and circumstances, frequent changes of employment without advancement raise the possibility of unsatisfactory work performance due to dishonesty, irresponsibility, drug use, emotional/mental problems, or other issues of security concern. It is often difficult for investigators to determine the true circumstances under which an individual terminates employment. Fearing lawsuits, many employers refuse to provide derogatory information about a former employee. A key judgment recorded in the personnel records at many organizations is whether a former employee is eligible for rehire.
- **Conditions of Military Discharge:** Applicants often claim "honorable discharge" from military service when, in fact, they were given a "general discharge under honorable conditions." The latter means the individual was discharged for cause. The cause is often inability to adapt to military life or some other form of unsuitability, such as a drug, alcohol, criminal, or emotional/mental problem. The personnel security questionnaire does not distinguish between these two types of "honorable" discharge, but it does contain one easily recognized clue that the subject was discharged for cause. If the applicant served less than the minimum time of service (e.g., only 18 months of a four-year enlistment), or was discharged on a date other than the anniversary date of his or her enlistment, it may be a general discharge under honorable conditions. In this case, adjudicators may wish to evaluate the cause for the subject's early discharge.
- **Multiple Traffic Offenses:** Multiple traffic citations for reckless or high-speed driving, including driving with a suspended license, are examples of high-risk, antisocial behavior that may be a security concern. Many such offenses are actually arrests for driving while intoxicated that have been plea-bargained down to a lesser offense. A person with a large number of unpaid parking tickets may be considered a scofflaw. Multiple minor offenses raise concerns about a person's attitude toward authority and responsibility. A person who feels above the law in this respect may also feel that some security regulations are unnecessary and do not merit his or her compliance.
- **Arguing/Fighting/Uncontrolled Anger:** There are questions of judgment and reliability if an individual has offenses for disorderly

conduct, shows anger or argues at inappropriate times, or has fits of temper. A pattern of violent or aggressive reactions during adolescence is a rather stable personality trait that is unlikely to be outgrown with age. [1](#)

- **Civil Litigation:** As discussed under [Criminal Conduct](#), a number of crimes are now pursued through civil actions rather than criminal proceedings. Spouse abuse and child abuse are often pursued as civil litigation requesting damages, because pressing criminal charges could cause the offender to lose his job and jeopardize his ability to pay spousal or child support. New laws make it easier and faster for merchants to pursue shoplifting charges in civil rather than criminal court. Some people who file numerous lawsuits have problems in interpersonal relations.
- **Weapons Issues:** Carrying a concealed handgun without a permit or any other weapons violation is a concern. The belief that one has specific enemies against whom one must be armed is also a concern regardless of whether the fear is paranoid or justified.
- **Gang Membership:** Gang membership, by itself, is not a security concern. In some cases, the goals and objectives of the gang, or illegal activities in which the gang engages, do make membership a concern. Gang efforts to recruit military personnel raise questions about gang objectives. In questionable cases, local criminal investigative agencies may be able to provide relevant information.

### ***Example - Other Unfavorable Information***

Subject is a 33-year-old computer operator assigned to an intelligence organization. He has a Secret clearance and is being investigated for TS/SCI access as required for his future duties.

Subject has experienced financial problems for the past seven years. The problems began shortly before entering military service when the subject married and had a child with no medical insurance. He is now earning more money and budgeting more carefully with the advice of friends. He is paying off \$300 per month on remaining debts of \$4,000.

A neighbor reported her belief that subject has not demonstrated the basic responsibility required of a person authorized access to classified material. The neighbor provided the following, much of which was confirmed by a second neighbor:

"Subject has neglected his property ever since the family moved in five years ago. The grass is rarely cut, there is trash and toys in the yard, and their garbage piles up for weeks at a time without being taken out for pickup. The family is reported frequently to the health department because their garbage causes problems with rats.

"On one occasion the subject and his family went to Florida for three weeks, leaving their clothes hanging on the line outside for the entire period. Subject once borrowed a shovel from me but failed to return it. I eventually discovered the shovel left outside in the weather in the subject's back yard and retrieved it.

"I believe subject's children are neglected. They are allowed to go outside on the coldest winter days wearing summer clothes. They are dirty and not monitored while playing outside. Subject's wife locks the children out of the house for hours at a time. On one occasion the children asked to use our bathroom, as their mother had locked them out of the house. I have seen the children drinking water out of a mud hole in subject's back yard. Subject's oldest child was kept out of school for a year because her mother didn't like something being taught at school. I saw no evidence that the mother was teaching the child at home.

"The inside of subject's home is filthy, with food and clothes everywhere. The home is infested with roaches.

"I was warned by a friend who knows subject through church membership that subject and his family are "users." They take advantage of people if given an opportunity. My friend said that subject had car problems and wanted members of the church to buy him a new car. He became upset with the congregation when that did not happen.

"I believe subject is irresponsible at home and cannot take care of himself, his property, or his children. He does not have his priorities in order, as he puts himself ahead of caring for his children. He seems to have money for frivolous purchases, such as a motorcycle and a canoe, while his children are dirty and not well clothed. I would not want to give a security clearance to such an irresponsible person."

Subject's behavior does not fit neatly under any specific disqualifying criteria in the Adjudicative Guidelines. The behavior is noteworthy, however, and raises questions about the subject's ability to be responsible and to exercise good judgment. The neighbor's derogatory comments appear to be confirmed by a second source. The neighbor is not knowledgeable about appropriate grounds for denial of clearance, but her common sense judgment that such a person should not have access to classified information merits attention.

This type of unfavorable information may be adjudicated under the Personal Conduct guideline. Irresponsible behavior may be grounds for adverse action, especially for a computer operator with access to TS/SCI in an intelligence organization. In this case, the subject's wife also shows clear evidence of irresponsibility and poor judgment. There may also be a significant problem with subject, although the magnitude of this problem and extent to which it may affect work performance and protection of classified information is not clear from the investigative report. This is a case where the adjudicator may

wish to request further investigation before making a decision. Additional investigation might focus on personal interviews of coworkers and current and past supervisors to explore potential irresponsible behavior or poor judgment on the job.

### **Vulnerability to Coercion or Duress**

Vulnerability to pressure or blackmail exists whenever a person engages in conduct which, if exposed, could cause the person to have severe problems with spouse, family, or employer or adversely affect the person's personal, professional, or community standing. Examples of behaviors that might make a person vulnerable are listed below.

- Misrepresentation or falsification of educational or professional credentials that, if discovered, might cause loss of job.
- Concealment of drug use when applying for a security clearance.
- Participation in any undiscovered crime that others are aware of and might try to exploit.
- Large financial losses (from stock market or compulsive gambling) that have been concealed from one's spouse or family.
- Sexual behavior which could cause the subject severe problems with spouse or family if exposed, or about which the subject has intense feelings of shame. See [Example 2](#).
- Any activity in a foreign country that makes the individual vulnerable to arrest in that country. For example: black market currency exchange, illegal export of antiquities, even distribution of religious literature in some countries.

Vulnerability to coercion is difficult to assess, as the vulnerability exists only in the mind of the individual concerned. Different individuals may react differently to the same circumstance. Moreover, most individuals who want to obtain or retain a security clearance will automatically answer no if asked whether a certain circumstance makes them vulnerable to coercion or pressure.

To make an informed decision about vulnerability to coercion or duress, the adjudicator needs a great deal of information, including the following:

- What is the magnitude of the subject's potential loss if the behavior were exposed -- for example, loss of job, financial loss, marital strain, or other serious personal problem?
- Are any of the subject's friends or relatives, or the subject's spouse, aware of this situation?
- How much time and effort has the subject invested in keeping the behavior secret?

- Is the subject ashamed of the behavior? If so, how ashamed? (Shame is one of the more powerful human emotions.)
- What is the likelihood that anyone else might learn the truth and seek to exploit it?
- Is the subject likely to continue the same type of behavior?

The risk is very small that an individual's vulnerability to coercion or duress will be exploited by an American in the United States in a way that threatens national security. The risk is substantial, however, when the behavior occurs in a foreign country or becomes known to foreign nationals. This is the kind of weakness or vulnerability that aggressive foreign intelligence and security services try to identify and exploit. The adjudicator needs to know the following:

- Has the behavior occurred in a foreign country?
- Is any foreign national aware of the behavior?
- If the answer is "Yes" to either of these questions, the adjudicator needs to have some sense of how the subject would react if a representative of the foreign government or any other foreign entity threatens either to expose the behavior or to cause a relative or friend to lose their job or apartment if the subject refuses to cooperate.

### ***Example 2 - Vulnerability to Pressure***

Consider the case of a 31-year-old employee of a defense contractor being processed for Top Secret clearance. The only derogatory information is that two years ago he resisted arrest by a police officer who observed him committing a homosexual act in a public place, and he failed to list this arrest on his personnel security questionnaire. The arrest for resisting a police officer was reported in the newspaper, but the homosexual circumstance was not. The applicant told his wife that he was arrested for having intercourse with a female prostitute, and he told his coworkers that he was arrested for urinating in public.

This single incident, by itself, is probably not disqualifying under either Sexual Behavior or Criminal Conduct, or on the basis of falsification. The employee's sexual orientation cannot be the basis, by itself, of any inference concerning his eligibility for a clearance. Executive Order 12968 and the adjudicative guidelines prohibit any such inference. The applicant's vulnerability to coercion may be the most significant issue. The applicant is obviously ashamed of his behavior, as he concealed it from both spouse and coworkers. If exposure of this homosexual incident would cause the applicant to have severe problems with his spouse or at work, he may be vulnerable to pressure or coercion by someone who learns the true story.

## **Violation of Any Condition for Approving Access**

Access to classified information may be approved with conditions. For example, there may be a written or other recorded agreement between the individual and the organization in which, as a condition for approval, the individual agrees to abstain from drug use, pay off debts within a specific time, or cease an outside activity that conflicts with the individual's classified duties.

Violation of any written or other recorded condition for clearance approval may be a basis for revocation of clearance.

## **Association with Persons Involved in Criminal Activity**

Ongoing voluntary association with a person or persons who one has reason to believe are involved in illegal activity is potentially disqualifying. Any such association needs to be explained. What is the reason for the association and what, if anything, does it say about the subject's own values? Is one's loyalty to criminal friend(s) greater than loyalty to employer or loyalty to country? If the subject of investigation has anything to hide, and this is known to a relative or friend with a criminal background, subject may be vulnerable to pressure or coercion to engage in illegal activity.

A close relative involved in criminal activity may not be a voluntary association, as one cannot choose one's relatives. Under some special circumstances, such as a father or brother who is a Mafia leader, there could be an issue of undesirable influence.

## ***Mitigating Conditions***

### *Extract from the Guideline*

*(c) the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;*

*(d) the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that caused untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur;*

*(e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress;*

*(f) the information was unsubstantiated or from a source of questionable reliability;*

*(g) association with persons involved in criminal activity has ceased or occurs under circumstances that do not cast doubt upon the individual's reliability, trustworthiness, judgment, or willingness to comply with rules and regulations.*

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The mitigating conditions are clear, but a few points of explanation may be useful:

- Regarding vulnerability to exploitation, manipulation, or duress, the most positive step one can take to mitigate this risk is to inform spouse, family, friends, or employer of the behavior that was previously concealed. Alternatively, when the risk is low, it might also be mitigated by open discussion of the behavior with the investigator or adjudicative office, and a commitment that any attempted coercion will be promptly reported.
- Before discounting any credible report of adverse information because it is unsubstantiated, the adjudicator should ask this question: If this report is true, what are the chances that I could learn about this from any other source? Many of the deepest and most important secrets are known to only a few people. There will be times when a credible report of derogatory information from one well-placed source should outweigh reports from many acquaintances who report never having seen evidence of such behavior.
- Regarding association with persons involved in criminal activity, special circumstances may apply if the criminal is a family member such as a brother, father, or son. Some association at family events may be unavoidable. This may not apply if the criminal is a spouse, as marriage is a voluntary association. For example, a woman who is so enamored with or intimidated that she stays with a husband with an extensive criminal record may not be a reliable custodian of classified information.

## ***Footnote***

1. COMSIS Corp. (1995). *Understanding youthful risk taking and driving* (p. 32) (DOT HS 808 318). Washington, DC: National Highway Traffic Safety Administration.