

Sexual Behavior and Your Security Clearance

By Nicole Smith You probably expect that issues involving your credit, foreign influence or drug use will have a negative impact on your ability to be granted a security clearance. One issue that is not specifically referenced in the SF86 Questionnaire is your sexual conduct. However, there are a couple of questions on the questionnaire that can elicit potential issues surrounding your sexual conduct. For example, there are several questions in the criminal conduct section of the questionnaire that can possibly elicit past sexual conduct issues. One such question is whether you have ever been charged with or convicted of any felony offenses. Another question requires you to list any offenses you have been charged with or convicted of in the last seven years. If you have been charged with or convicted of offenses of a sexual nature that fall within the requirements of these questions (e.g., sexual assault, child pornography, engaging in sexual acts in a public place, or indecent exposure), that information must be disclosed. Additionally, the questionnaire has several questions in a section titled "Misuse of Information Technology," which could possibly elicit disclosure of downloading child pornography or downloading pornography at work. Finally, the questionnaire requires you to list any prior divorces. If it's disclosed during the course of an interview with an investigator that the divorce is due to infidelity by you, this can impact your ability to be favorably adjudicated. For those of you applying for jobs that will require a polygraph exam, less obvious sexual behavior concerns may be elicited during this exam, depending on the nature of the questions. Several examples include the use of dating Web sites to specifically engage in frequent sexual activity, the use of webcams to engage in sexual acts, or uploading sexually explicit material on the Internet. Although none of this is criminal in nature, it can be viewed as engaging in a pattern of compulsive or high-risk sexual behavior that a person is unable to stop or may be symptomatic of a personality disorder. The concerns about certain sexual behaviors

There are several concerns that adjudicators have when you have engaged in questionable sexual behavior. First, they are concerned that you may be susceptible to blackmail or coercion if the sexual behavior is not widely known; meaning that you can be blackmailed into disclosing classified information if under the threat of exposure. Another concern is that if you have engaged in questionable sexual behavior that reflects a lack of judgment or discretion, you may lack these qualities in other aspects of your life, to include safeguarding classified information. Finally, if you have engaged in compulsive, self-destructive, or high-risk sexual behavior, adjudicators may be concerned that you are unable to stop or that your acts may be symptomatic of a personality disorder. How to mitigate

The good news is that any questions or issues surrounding your sexual behavior can potentially be mitigated in a number of ways. First, an adjudicator will look at how old you were when you engaged in the sexual behavior. If you engaged in sexual misconduct as an adolescent rather than adult, this consideration will help to mitigate the issue. An adjudicator will also look at how long ago you engaged in the sexual behavior not only to determine the likelihood of continued conduct, but to also determine whether the behavior serves as a basis for coercion, exploitation, or duress. The adjudicator will evaluate the frequency that you engaged in the questionable sexual behavior. Conduct that occurred a couple of times rather

than multiple times will certainly be viewed more favorably. With respect to engaging in sexual behavior that may, on the surface, seem questionable, the adjudicators will look at whether the sexual behavior was strictly private, consensual, and discreet. Contact a security clearance representation attorney if you are concerned that your sexual behavior may affect your ability to secure a secure clearance, or it has prompted a denial or revocation notice.

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