DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3000 MARINE CORPS PENTAGON
WASHINGTON DC 20350-3000

MCO 5354.1E
MPE
26 MAR 2018

MARINE CORPS ORDER 5354.1E

From: Commandant of the Marine Corps
To: Distribution List

Subj: MARINE CORPS PROHIBITED ACTIVITIES AND CONDUCT (PAC) PREVENTION AND RESPONSE POLICY

Ref: Additional Reference Lists provided at the beginning of each Volume

(a) DoD Instruction 1020.03, "Harassment Prevention and Response in the Armed Forces," 8 February 2018
(b) DoD Directive 1020.02E, "Diversity Management and Equal Opportunity in the DoD," 8 June 2015
(c) DoD Directive 1350.2, "DoD Military Equal Opportunity (MEO) Program," 18 August 1995
(d) SECNAVINST 5350.16A
(e) SECNAVINST 5300.26D
(f) 10 U.S.C. § 1034
(g) DoD Directive 7050.06, "Military Whistleblower Protection," 17 April 2015
(h) SECNAVINST 5370.7D
(i) DoD Directive 5505.06, "Investigations of Allegations Against Senior DoD Officials," 6 June 2013
(j) SECNAVINST 5800.12B
(k) SECNAV M-5210.1 CH-1
(l) 5 U.S.C § 552a
(m) SECNAVINST 5211.5E
(n) Manual for Courts-Martial (2016. Ed)
(o) Uniform Code of Military Justice (UCMJ)
(p) ALMAR 008/17
(q) U.S. Navy Regulations, 1990

Encl: (1) Table of Contents

1. Situation. This Order prescribes strategic policy, procedures, and responsibilities for preventing and responding to prohibited conduct involving harassment (to include sexual harassment); unlawful discrimination, and abuse (specifically, hazing, bullying, ostracism, retaliation (with the exception of restriction and reprisal)); wrongful distribution or broadcasting of intimate images; and, certain dissident and protest activity (to include supremacist activity)). These behaviors will be referred to collectively as prohibited activities and conduct throughout this Order. This Order also implements the Department of Defense (DoD) and Department of the Navy (DON) policies on Military Equal Opportunity (MEO) and Harassment Prevention and Response program and activities (references (a) through (e)). Conduct involving reprisal or restriction and allegations against Senior Officials are governed by references (f) through (h), and references (i) and (j), respectively.

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2. Cancellation. MCO P5354.1D, MCO 5354.3B, MCO 1700.28B, and MCO 1000.9A; MARADMINs 113/13, 291/13, 464/13, and 438/15.

3. Mission. To preserve dignity and promote respect for all Marines and other Armed Forces personnel, uniformed and civilian, that are assigned to, or serving with, Marine Corps units by ensuring a clear and common understanding of the prohibited activities and conduct addressed in this Order, their intolerable and corrosive effects on our institution, and proper prevention and response actions.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent

(a) To foster a professional fighting force, and in keeping with our core values, treat and view everyone with dignity and respect.

(b) To become a more cohesive and effective fighting force, by investing in and leveraging Marines' collective and individual skills, strengths, knowledge, abilities, education, aptitudes, and professional development.

(c) To optimize our capabilities across the force and foster the profession of arms, by establishing a culture that values the unique contributions of every Marine, both uniformed and civilian, in our Corps.

(2) Policy. The Marine Corps is committed to maintaining a culture of dignity, respect, and trust in which all members of the organization are afforded equal treatment and opportunity to achieve their full potential based solely upon individual merit, fitness, intellect, and ability. All Marines will ensure that we cultivate an environment free from prohibited activities and conduct. An environment free from prohibited activities and conduct is critical to mission accomplishment, unit cohesion, and military readiness. The activities and conduct identified in Volume 2 are unacceptable regardless of when or where they occur and are prohibited in the Marine Corps. Such activities and conduct undermine morale, reduce combat readiness, and prevent maximum utilization and development of the Marine Corps most vital asset: its people. They also undermine our Nation's trust and confidence in us as a fighting force.

(a) Volume 1 prescribes basic guidance and responsibilities for the prevention and response of prohibited activities and conduct.

(b) Volume 2 identifies specific activities and conduct that are prohibited in the Marine Corps to ensure a clear and common understanding.

(c) Volume 3 provides basic guidance and responsibilities for the oversight and reporting procedures in support of this policy.

(d) To ensure uniform understanding of the terms that have special significance and meaning to Marine Corps policies and procedures regarding the prohibited activities and conduct addressed in this Order, definitions are provided at the Glossary.

(3) Concept of Operations. The Marine Corps continues to take deliberate actions necessary to eradicate prohibited activities and conduct from our ranks. The prohibited activities and conduct defined in this Order are fundamentally inconsistent with our core values and ethos. Addressing the problem starts with ensuring that the Marine Corps will not tolerate harassment (to include sexual harassment), unlawful discrimination, or abuse (specifically, hazing; bullying; ostracism; retaliation); wrongful distribution or broadcasting of intimate images; and, certain dissident and protest activity (to include supremacist activity)). We will:

(a) Ensure Marines and Sailors at all levels foster a climate of dignity, respect, and trust for all.

(b) Promote the chain of command as the primary and preferred channel to ensure the organizational environment is free of prohibited activities and conduct. Ensure individuals are aware of all available reporting avenues to include but not limited to; the chain of command, Equal Opportunity Advisor/Military Equal Opportunity (EOA/MEO) Office, Inspector General of the Marine Corps (IGMC), or Department of Defense Inspector General (DODIG).

(c) Document substantiated incident(s) of prohibited activities and conduct under this Order in the subject member's Official Military Personnel File (OMPF).

(d) Facilitate appropriate and responsive care and services for those Marines and Sailors adversely impacted by prohibited activities and conduct.

(e) Ensure individuals who, in good faith, engage in protected communication are protected from reprisal or retaliation, while ensuring individuals who believe they have been the victim of reprisal or retaliation are aware that they can make a complaint of such reprisal or retaliation to the IGMC or the DODIG.

(f) Evaluate the perceptions and prevalence of these prohibited activities and conduct within the Marine Corps through various techniques to include, but not limited to, conducting specific qualitative and quantitative analysis of complaints and survey data collected via authorized command climate surveys (e.g., Defense Equal Opportunity Management Institute (DEOMI) Organizational Climate Survey and Marine Corps Climate Survey, among others).

(g) Ensure all Marine Corps personnel receive recurring standardized training that provides clear, easy-to-understand descriptions of prohibited activities and conduct covered by this Order. Training will be specific to rank, position, and responsibility.

(h) Reporting Prohibited Activities and Conduct. Prohibited activities and conduct erode the trust and cohesion essential to our team down to the smallest unit and is incompatible with our core values. All civilian and military personnel have a duty to report any actual, suspected, or alleged incident of prohibited activities and conduct, to the extent required by law. Reports may be made to any person in the chain of command; to any Inspector General (IG); any EOA/MEO Office; and to any law enforcement officer. Any person in the chain of command who receives a report of prohibited activities and conduct shall immediately forward that report to the commanding officer or, if the commanding officer is suspected or alleged

to have engaged in the conduct at issue, to any superior officer in the chain of command or the IG.

b. Subordinate Element Missions

(1) Deputy Commandant for Manpower and Reserve Affairs (DC M&RA)

(a) Administer and maintain this Order consistent with DoD policy.

1. Update individual volumes as required.

2. Each volume and chapter of this Order will be issued and updated independent of other volumes and chapters. Additional volumes may be added in support of this Order.

(b) Monitor compliance with this directive and grant exceptions if required.

(c) Maintain overall cognizance for execution of the policies identified within this Order.

(2) Commanding General, Marine Corps Combat Development Command (CG MCCDC)

(a) In coordination with M&RA, Equal Opportunity and Diversity Management Branch (MPE), ensure training on this Order occurs across the Force.

(b) Ensure timely review and coordination of changes proposed to this Order.

(3) Inspector General of the Marine Corps (IGMC)

(a) Pursuant to reference (e), the IGMC has overall responsibility for ensuring only qualified investigators with specialized training conduct reprisal and restriction investigations. It is the IGMC's responsibility to ensure full implementation of, and compliance with, references (f), (g), and (h). All complaints alleging reprisal or restriction will be governed by references (f), (g), and (h), and not this Order. Additionally, per reference (i) and (j), all allegations against a Senior Official (defined as O-7 (select) and above, current or former members of the Senior Executive Service (SES)/equivalent, current or former civilian Presidential appointee) will be forwarded to the IGMC for appropriate action.

(b) Support MEO program compliance and ensure MEO program compliance is a special-interest item during regular and no-notice inspections (reference (c)). Ensure only an MPE-identified subject matter expert (SME) is used for conducting IGMC inspections. If unable to provide support, MPE is responsible for identifying a SME to conduct inspections.

(c) Utilize the Functional Area Checklist prepared and maintained by MPE as the standard for ensuring compliance with this Order.

(d) Ensure timely review and coordination of changes proposed to this Order.

(4) General Officers in Command. Demonstrated commitment from leadership is an essential element for the success of the Marine Corps MEO program. General Officers in command are responsible for the appropriate oversight of their MEO programs. General Officers in command shall ensure compliance with the policy and procedures prescribed in this Order.

(5) All Commanding Officers. All commanding officers must cultivate a climate and culture of dignity, respect, and trust. Equal opportunity and command climate are leadership and readiness issues. All commanders shall ensure compliance with this Order.

(6) Supervisors and Leaders. Supervisors and leaders will cultivate a climate and culture of dignity, respect, and trust. They will establish the benchmark of appropriate behavior by modeling and incorporating such behaviors into their daily practices.

(a) All supervisors and leaders will engage in clear communication of expectations and provide transparency within the bounds of privacy to assure all subordinates that the Marine Corps values and standards will be upheld.

(b) In addition, supervisors and leaders will encourage reporting of alleged prohibited activities and conduct under this Order and inspire confidence by responding to complaints alleging prohibited activities and conduct with impartiality, fairness, and urgency.

c. Coordinating Instructions. Refer questions regarding the content of this Order and any requests for waivers or exceptions to policy to the Deputy Commandant for Manpower and Reserve Affairs: Attention Equal Opportunity and Diversity Management Branch (MPE).

5. Administration and Logistics

a. Records Management. Records created as a result of this Order shall be managed according to National Archives and Records Administration (NARA) approved dispositions per references (k) to ensure proper maintenance, use, accessibility, and preservation, regardless of format or medium.

b. Privacy Act. Any misuse or unauthorized disclosure of personally identifiable information (PII) may result in both civil and criminal penalties. The Department of the Navy (DON) recognizes that the privacy of an individual is a personal and fundamental right that shall be respected and protected. The DON's need to collect, use, maintain, or disseminate PII about individuals for purposes of discharging its statutory responsibilities will be balanced against the individuals' right to be protected against unwarranted invasion of privacy. All collection, use, maintenance, or dissemination of PII will be in accordance with the Privacy Act of 1974, as amended (reference (l) and implemented per reference (m)).

6. Command and Signal

a. Command

(1) This Order’s prohibition of the activities and conduct identified at Volume 2 is punitive and those who violate this Order may be subject to nonjudicial or judicial action under the Manual for Courts-Martial (MCM) (reference (n)) and the Uniform Code of Military Justice (UCMJ) (reference

(o)). Violations of these provisions may also subject the individual to adverse administrative action. Reservists not in a duty status, who violate this Order, may be subject to appropriate administrative action.

(2) The prohibitions under this Order extend to acts committed through electronic communications and social media, as well as in person and through other means (references (p) and (q)).

(3) The policies and procedures governing DoD civilian employees are provided in separate issuances and are not otherwise altered by this Order. While Armed Forces personnel, both uniformed Service members and civilian employees, and others may file a complaint alleging certain prohibited activities and conduct under this Order (i.e., a reporter), only an aggrieved Service member (i.e., a complainant) is able to seek administrative redress under this Order and its implementing process.

(4) This Order is applicable to the Active and Reserve Components, and to other Service members under the administrative control of the Marine Corps.

b. Signal. This order is effective the date signed.

Robert B. Neller

DISTRIBUTION: 10207973900

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VOLUME 1

"PROHIBITED ACTIVITIES AND CONDUCT PREVENTION AND RESPONSE"

SUMMARY OF VOLUME 1 CHANGES

Hyperlinks are denoted by ***bold, italic, blue and underlined font*.**

The original publication date of this Marine Corps Order (right header) will not change unless/until a full revision of the MCO has been conducted.

The date denoted by blue font (left header) will reflect the date this Volume was last updated.

All Volume changes denoted in blue font will reset to black font upon a full revision of this Volume.

VOLUME VERSION	SUMMARY OF CHANGE	ORIGINATION DATE	DATE OF CHANGES
ORIGINAL VOLUME	N/A	DD MMM YYYY	N/A

Submit recommended changes to this Volume, via the proper channels, to:

CMC (M&RA)
3000 Marine Corps Pentagon
Washington, DC 20350-3000

VOLUME 1: PROHIBITED ACTIVITIES AND CONDUCT PREVENTION AND RESPONSE

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(b) DoD Directive 1020.02E, "Diversity Management and Equal Opportunity in the DoD," June 8, 2015
(c) DoD Directive 1350.2, "DoD Military Equal Opportunity (MEO) Program," August 18, 1995
(d) SECNAVINST 5350.16A
(e) SECNAVINST 5300.26D
(f) 10 U.S.C. § 1034
(g) DoD Directive 7050.06, "Military Whistleblower Protection," 17 April 2015
(h) SECNAVINST 5370.7D
(i) DoD Directive 5505.06, "Investigations of Allegations Against Senior DoD Officials," 6 June 2013
(j) SECNAVINST 5800.12B
(k) Manual for Courts-Martial (2016. Ed)
(l) Uniform Code of Military Justice (UCMJ)
(m) ALMAR 008/17
(n) U.S. Navy Regulations, 1990
(o) MCO 1610.7
(p) MCO 3504.2A
(q) MCO P1070.12K CH-1
(r) SECDEF Memorandum, "Command Climate Assessments," 25 July 2013
(s) USD (P&R) Memorandum, "Defense Equal Opportunity Management Institute Organizational Climate Survey Usage and Data Sharing," 20 November 2014
(t) SECDEF Memorandum, "Sexual Assault Prevention and Response," 6 May 2013
(u) ALNAV 038/13

"REFERENCES"

As changes are made within this MCO, Volume References list will also be updated. Annotation of each update/change/addition to the References list is required.

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VOLUME 1: CHAPTER 1

"INTRODUCTION"

SUMMARY OF SUBSTANTIVE CHANGES

Hyperlinks are denoted by ***bold, italic, blue and underlined font*.**

The original publication date of this Marine Corps Order (MCO) Volume (right header) will not change unless/until a full revision of the MCO has been conducted.

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CHAPTER VERSION	PAGE PARAGRAPH	SUMMARY OF SUBSTANTIVE CHANGES	DATE OF CHANGE

CHAPTER 1

INTRODUCTION

0101 PURPOSE

010101. This Order updates and aligns Marine Corps policy on prohibited activity and conduct involving harassment (to include sexual harassment); unlawful discrimination and abuse (specifically, hazing, bullying, ostracism, retaliation); wrongful distribution or broadcasting of intimate images; and, certain dissident and protest activity (to include supremacist activity)). These behaviors will be referred to collectively as prohibited activities and conduct throughout this Order and are more fully defined in Volume 2. This Order also implements the Department of Defense (DoD) and Department of the Navy (DON) policies on Military Equal Opportunity (MEO) and Harassment Prevention and Response program and activities (references (a) through (e)). (Note: conduct involving reprisal or restriction and allegations against Senior Officials are governed by references (f) through (h) and references (i) and (j), respectively).

010102. This Order furthers the Marine Corps policy to preserve dignity and promote respect for all Marines and other Armed Forces personnel, uniformed and civilian, that are assigned to, or serving with, Marine Corps units by ensuring a clear and common understanding of the prohibited activities and conduct addressed in this Order, their intolerable and corrosive effects on our institution, and proper prevention and response actions.

0102 GENERAL

This Volume prescribes basic guidance and responsibilities for the prevention and response of prohibited activities and conduct within Marine Corps commands and units. This Order revises and consolidates multiple Marine Corps policies on prohibited activities and conduct as defined in Volume 2 of this Order.

0103 APPLICABILITY

This Order is applicable to the Active and Reserve Components, and to other Service Members under the administrative control of the Marine Corps. This Order is effective the date signed.

0104 PUNITIVE PROVISIONS

010401. This Order is a punitive lawful general order. This Order's prohibition of the conduct identified in Volume 2, is punitive and military personnel who violate this Order may be subject to non-judicial or judicial action under the Manual for Courts-Martial (MCM) (reference (k)) and the Uniform Code of Military Justice (UCMJ) (reference (l)).

010402. Additionally, this Order's prohibition of the conduct identified in Volume 2 may subject military personnel to adverse administrative action. Reservists not in a duty status, who violate this Order, may also be subject to appropriate administrative action.

010403. The prohibitions under this Order extend to conduct committed through electronic communications and social media, as well as in person and through other means (references (m) and (n)).

010404. The policies and procedures governing DoD civilian employees are provided in separate issuances and are not otherwise altered by this Order.

VOLUME 1: CHAPTER 2

"RESPONSIBILITIES"

SUMMARY OF SUBSTANTIVE CHANGES

Hyperlinks are denoted by ***bold, italic, blue and underlined font*.**

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CHAPTER VERSION	PAGE PARAGRAPH	SUMMARY OF SUBSTANTIVE CHANGES	DATE OF CHANGE

CHAPTER 2

RESPONSIBILITIES

0201 SCOPE

The effectiveness of the Marine Corps relies on the trust and teamwork shared between individual Marines, regardless of grade or position. Inherent in this trust is the understanding that fair and equitable treatment is the Marine Corps leadership standard. In keeping with this standard, the principles underlying this Order should be integrated into every command policy, action, and program.

0202 CONCEPT OF OPERATIONS

The prohibited activities and conduct defined in this Order are fundamentally inconsistent with our core values and ethos. The Marine Corps continues to take deliberate actions necessary to eradicate this prohibited activities and conduct from our ranks. Addressing the problem starts with ensuring that the Marine Corps does not tolerate harassment (to include sexual harassment), unlawful discrimination, or abuse (specifically, hazing; bullying; ostracism; retaliation); wrongful distribution or broadcasting of intimate images; and, certain dissident and protest activity (to include supremacist activity)). This Chapter provides the necessary and required actions in support of prohibited activities and conduct prevention and response.

0203 SUBORDINATE ELEMENT MISSIONS

020301. Deputy Commandant for Manpower and Reserve Affairs (DC M&RA)

A. Maintain overall cognizance of the programs, procedures, and guidance published in this Order.

B. Ensure compliance with this Order and grant exceptions, as required.

C. Maintain and provide oversight of the Marine Corps Discrimination and Sexual Harassment (DASH) case management system and forms, as necessary, for the collection and retention of all case- related information.

D. Provide oversight for the development and implementation of prevention and response efforts/strategies related to the prohibited activities and conduct identified in this Order.

E. Allocate sufficient resources to the Marine Corps MEO Program for the development and implementation of effective prevention and response strategies.

F. Ensure sufficient MEO Program personnel staffing across the Force to ensure program objectives are met.

G. Develop objective criteria for measuring program performance and efficacy.

H. Develop curricula for standardized MEO training throughout the Marine Corps.

I. In coordination with Marine Corps Combat Development Command (MCCDC), develop standardized courses of instruction related to the prohibited activities and conduct identified in this Order for use at PME schoolhouses, annual training requirements, and Equal Opportunity Representative (EOR) certification across the Force.

020302. Commanding General, Marine Corps Combat Development Command (CG MCCDC)

A. In coordination with M&RA, Equal Opportunity and Diversity Management Branch (MPE), ensure training on this Order occurs across the Force.

B. Ensure training is specific to rank, position, and responsibilities.

C. Develop a standardized course of instruction that will certify command Equal Opportunity Representatives (EORs) throughout the Marine Corps.

D. Develop training material based on core competencies and learning objectives established by DoD policy for use at PME schoolhouses and annual training.

E. Maintain oversight of the Marine Corps Service Specific Training at DEOMI for the Equal Opportunity Advisor (EOA) MOS 0147 occupational training requirements.

020303. Inspector General of the Marine Corps (IGMC)

A. Pursuant to reference (f), the IGMC has overall responsibility for ensuring only qualified investigators with specialized training conduct reprisal and restriction investigations. It is the IGMC's responsibility to ensure full implementation of, and compliance with, references (f), (g), and (h). All complaints alleging reprisal or restriction will be governed by references (f), (g), and (h), and not this Order. Additionally, per reference (i) and (j), all allegations against a Senior Official (defined as O-7 (select) and above, current or former members of the Senior Executive Service (SES)/equivalent, current or former civilian Presidential appointee) will be forwarded to the IGMC for appropriate action.

B. Support MEO program compliance and ensure MEO program compliance is a special-interest item during regular and no-notice inspections (reference (c)). Ensure only an MPE-identified subject matter expert (SME) is used for conducting IGMC inspections. If unable to provide support, MPE is responsible for identifying a SME to conduct inspections.

C. Utilize the Functional Area Checklist prepared and maintained by MPE as the standard for ensuring compliance with this Order.

020304. General Officers in Command

A. Implementation and compliance

General Officers in Command shall:

1. Oversee subordinate command compliance with this Order. Policies and procedures will identify local prevention efforts and response procedures, to include education and awareness efforts, and responsibilities in accordance with this Order.

2. Ensure subordinate commanders effectively implement this Order. Ensure a commander's negligent or willful failure to conduct any required command climate assessments is noted via a section I directed comment in the commander's performance evaluation. Additionally, ensure a commander's negligent or willful failure to maintain a command climate consistent with the mission and intent of this Order is documented in the commander's performance evaluation (reference (o)).

3. Ensure subordinate commanders appropriately document in official records when Marines are substantiated to have committed prohibited activities and conduct under this Order, found guilty at courts- martial for violation of the punitive provisions of this Order, or receive non-judicial punishment or other adverse administrative action based on conduct otherwise prohibited by this Order.

4. Ensure DASH reports are submitted and completed as prescribed by this Order. A copy of the completed DASH report will be maintained in the case file.

020305. All Commanding Officers

All commanding officers must cultivate a climate and culture of dignity, respect, and trust within their commands. Equal opportunity and command climate are leadership and readiness issues. All commanders shall:

A. Establish a positive command climate that discourages and deters prohibited activities and conduct.

B. Ensure Marines and Sailors are trained to prevent incidents of prohibited activities and conduct, and encouraged to report conduct that they believe constitutes prohibited activities and conduct under this Order.

C. Safeguard the due process rights of those suspected of violating this Order.

D. Be aware that complainants may experience trauma response; physical, mental, and emotional responses to prohibited activities and conduct. Ensure those adversely affected by this conduct have access to all available support services.

020306. Commanders at the O-5 level and above

Commanders at the O-5 level and above with authority to impose non-judicial punishment shall:

A. Publish and prominently post written command policy that implements this Order. Command policy will be recertified within 90 days of assumption of command.

B. Appoint an EOR to manage the command's EO program requirements, with the assistance of the designated EOA. Prior to appointment, EORs will be screened using the criteria outlined in this Order.

C. Report all allegations of prohibited activities and conduct in accordance with this Order. Upon receipt of an allegation of prohibited activities and conduct under this Order, within 30 minutes contact the Marine Corps Operations Center (MCOC) by phone and provide available information regarding the incident in accordance with reference (p). Volume 3 of this Order provides more detail on the commander's reporting requirements and timelines.

D. Protect complainants from reprisal or retaliation. Conduct follow-up assessments in accordance with this Order for substantiated and unsubstantiated dispositions to measure the effectiveness of actions taken, and to detect and deter any acts of reprisal or retaliation.

E. Ensure adherence to processing and timeline requirements for all complaints alleging prohibited activities and conduct in accordance with this Order.

F. Ensure appropriate documentation and accountability consistent with the provisions of this Order. (references (d), (e), and (o) through (q)).

G. Ensure substantiated incidents of prohibited activities and conduct under this Order are appropriately documented in the subject member's OMPF when administrative adjudication of the investigation is complete. Substantiated incidents shall be documented on the member's NAVMC 118 (11) "Administrative Remarks" page (Page 11), considered derogatory material for purposes of a member's performance evaluation, and, for those members who do not receive performance evaluations, the conduct will be considered in setting proficiency and conduct markings (references (o) and (q)). If a substantiated incident is pending non-judicial punishment, courts-martial, or civil/criminal action, then the substantiated determination will not be documented on a NAVMC 118 (11) or considered for performance evaluations and in setting proficiency and conduct until that action is complete. Commanders shall document the substantiated incident in the subject member's OMPF, as directed above, and consider the results in the reporting or observation period when adjudication of that action is complete.

H. Safeguard the integrity of the reporting process by ensuring accountability with respect to individuals who make a false complaint or lack good faith in filing a complaint under this Order.

020307. Supervisors and Leaders

Supervisors and leaders shall:

A. Cultivate a climate and culture of dignity, respect, and trust within their units. They will establish the benchmark of appropriate behavior by modeling and incorporating such behaviors into their daily practices.

B. Engage in clear communication of expectations and provide transparency within the bounds of privacy to assure all subordinates that the Marine Corps values and standards will be upheld.

C. Encourage reporting of alleged prohibited activities and conduct under this Order and inspire confidence by responding to complaints alleging prohibited activities and conduct with impartiality, fairness, and urgency.

VOLUME 1: CHAPTER 3

"REPORTING, PROCESSING, AND DOCUMENTING INCIDENTS"

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 3

REPORTING, PROCESSING, AND DOCUMENTING INCIDENTS

0301 REPORTING

All civilian and military personnel have a duty to report any actual, suspected, or alleged incident of prohibited activities and conduct as defined by this Order, to the extent required by law. Reports may be made to any person in the chain of command; to any Inspector General (IG); any EOA/MEO Office; and to any law enforcement officer. Any person in the chain of command who receives a report of prohibited activities and conduct shall immediately forward that report to the commanding officer or, if the commanding officer is suspected or alleged to have engaged in the conduct at issue, to any superior officer in the chain of command or the IG.

0302 COMMANDERS

For the purposes of this chapter, the terms commander and commanding officer, refer to commanders at the O-5 level and above with the authority to impose non-judicial punishment.

0303 REPORT PROCESSING AND INVESTIGATION

All actual, suspected, or alleged incidents of prohibited activities and conduct in violation of this Order shall be reported in accordance with the following requirements.

030301. Commanding Officers will:

A. Direct an appropriate inquiry into all credible complaints alleging prima facie incidents of prohibited activities and conduct. Commanders should consult with their EOA and Staff Judge Advocate (SJA) to determine the basis of the inquiry or investigation. Volume 3 provides amplification on command reporting requirements.

B. Immediately contact the Marine Corps Operations Center (MCOC) by phone and provide available information regarding the incident as an OPREP-3 SIR report to HQMC, in accordance with reference (p). Generally, phone notification to the MCOC should occur within 30 minutes of notification.

C. Within six hours of initial notification of an allegation, submit an OPREP-3 SIR to the MCOC.

0304 DOCUMENTATION

Commanders shall ensure appropriate documentation, reporting and accountability consistent with the provisions of this Order and references (d), (e), and (o) through (q). See paragraph 020306.G. of this Volume for documentation of substantiated violations of this Order. Volume 3 of this Order provides amplification on the reporting procedures via the DASH.

VOLUME 1: CHAPTER 4

"COMMAND CLIMATE AND VISUAL INSPECTIONS"

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 4

COMMAND CLIMATE AND VISUAL INSPECTIONS

0401 SCOPE

Reference (c) establishes the DoD command climate assessment program and directs periodic organizational assessments; reference (r) establishes additional requirements for the completion of command climate surveys; and reference (s) establishes DoD policy for using and sharing DEOCS results. References (t) and (u) direct comprehensive visual inspections of all Marine Corps workspaces.

0402 PURPOSE

To establish an organizational climate in which all personnel, within this warfighting organization, are treated with dignity and respect. To maintain a workplace that ensures professionalism, competence, and respect for all our warfighters. To ensure a workspace is free of contraband and degrading and offensive materials that contradict good order and discipline.

0403 ORGANIZATIONAL CLIMATE AND VISUAL INSPECTIONS

040301. Organizational Climate Surveys

This Order designates the Defense Equal Opportunity Management Institute (DEOMI) Organizational Climate Survey (DEOCS) as the survey tool the Marine Corps will use to meet the requirements of the DoD climate assessment program outlined in reference (c). The DEOCS measures perceptions of the organization's members on a variety of assessment factors, provides the commander the initial indicators on what may be going right, or wrong, within the organization as perceived by its members, and identifies key areas that can impact mission readiness and unit cohesion. Surveys will be completed in accordance with Appendix A.

040302. Visual Inspections

The purpose of visual inspections is to ensure a professional workplace for all personnel by eliminating contraband and degrading and offensive materials that create a degrading, hostile, or offensive work environment. Visual inspections of all workspaces will be conducted in accordance with Appendix B.

0404 SUBORDINATE ELEMENT MISSIONS

040401. Deputy Commandant, Manpower and Reserve Affairs (DC M&RA)

A. Establishes policy for organizational climate surveys and visual inspections.

B. Tracks and reports completion of required surveys.

C. Serves as the Marine Corps liaison to DEOMI for all DEOCS matters.

D. Establishes policy for sharing DEOCS results and data.

E. Establishes Data Use Agreements with DEOMI to support requests for DEOCS results and data from entities outside of DOD.

F. Create and maintain the Functional Area Checklist for use by The Inspector General of the Marine Corps (IGMC) personnel during inspections of this Order.

040402. Commanding General, Marine Corps Combat Development Command (CG MCCDC).

In coordination with HQMC (MPE), ensure training on the contents of this Order is conducted at the Commander's Course.

040403. Inspector General of the Marine Corps

A. Ensure this Order is an item of special interest during regular and no-notice inspections.

B. Utilize the Functional Area checklist prepared and maintained by HQMC (MPE) as the standard for ensuring compliance with this Order.

C. Implement a response time for findings and recommendations of no more than 30 calendar days from release of the IGMC report.

040404. MARFOR/MSC Commanders

A. Ensure a professional workplace for all personnel.

B. Track completion of required surveys of assigned units.

C. Ensure a commander's failure to conduct a DEOCS, in accordance with this Order, is noted in their performance evaluation.

040405. Commanding Generals without Subordinate Slated O-5/O-6 Commands

A. Ensure a professional workplace for all personnel.

B. Complete a DEOCS in accordance with Appendix A.

C. Direct regular, not less than annual, comprehensive visual inspections of all workspaces in accordance with Appendix B.

040406. Commanding Officers of All Slated O-6 Commands

A. Ensure a professional workplace for all personnel.

B. Track completion of required surveys.

C. Complete a DEOCS in accordance with Appendix A.

D. Direct regular, not less than annual, comprehensive visual inspections of all workspaces in accordance with Appendix B.

E. Ensure a commander's failure to conduct a DEOCS, is noted in their performance

evaluation.

040407. Commanding Officers of slated O-5 Commands

A. Ensure a professional workplace for all personnel.

B. Complete a DEOCS in accordance with Appendix A.

C. Direct regular, not less than annual, comprehensive visual inspections of all workspaces in accordance with appendix B.

040408. All Commanding Officers, Officers-in-Charge, and Civilian Supervisors

A. Ensure a professional workplace for all personnel.

B. Direct regular, not less than annual, comprehensive visual inspections of all workspaces in accordance with Appendix B.

0405 COORDINATING INSTRUCTIONS

040501. Organizational Climate Assessments

A. DEOCS Results and Data Sharing

1. In addition to presenting valuable organizational information to commands, DEOCS data are provided monthly in reports to the White House, the Congress, and the Office of the Secretary of Defense.

2. In accordance with reference (r), the decision to share DEOCS results and data in response to requests from within DoD, the White House, or the Congress is delegated to DC M&RA.

3. The decision to share DEOCS results and data in response to requests from outside of DoD, other than from the White House or the Congress, is the responsibility of the Office of Diversity Management and Equal Opportunity (ODMEO) in coordination with DC M&RA.

B. Classification.

All DEOCS results and data will be classified as "For Official Use Only."

040502. Administration and Logistics

A. Administration

This Order does not impact the requirements for the Commandant's Command Climate Survey.

B. Logistics

N/A

VOLUME 1: APPENDIX A

"ORGANIZATIONAL CLIMATE SURVEY PROCESS"

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX A
ORGANIZATIONAL CLIMATE SURVEY PROCESS

0101 PURPOSE

To establish a standardized process for conducting organizational climate assessments using the DEOCS.

0102 BACKGROUND

As we confront the leadership challenges of today, the matter of organizational climate remains a focal point and requires emphasis. Commanding officers, working with their command teams, set the tone and determine the direction in which a unit will head. There is no more visible aspect of leadership than the organizational climate a Commanding Officer establishes for the Marines in his or her charge. It is inextricably linked with mission accomplishment. Commanding officers have the greatest influence in determining whether the Marines in their unit are combat ready, whether they are honorable, whether they are forthright, whether they are focused, and how/whether they uphold our values and virtues. While there are many leadership styles, the result must be a unit of Marines and Sailors who have absolute trust in their leaders, and in their competence. While this leadership mandate applies at all levels, it is especially important that commanders and their command teams be personally and professionally engaged leaders who continually evaluate and reassess organizational climate. Trust and confidence goes beyond the basics of professional competence and unit readiness, it moves into the full range of decision-making by a commander in setting an organizational climate in which all Marines are treated with dignity and respect. Our Marines deserve our very best.

0103 WHO IS REQUIRED TO COMPLETE A DEOCS

010301. Commanding Generals without subordinate slated O-5/O-6 level commands.

010302. All slated O-5 and O-6 level commands with more than 50 assigned personnel.

010303. The requirements to complete a DEOCS also apply to those commands whose commanding officers are in an acting status.

0104 FREQUENCY

010401. Incoming Commanders

A DEOCS will be completed within 120 calendar days after assumption of command and every calendar year thereafter.

010402. Outbound Commanders

A DEOCS will be completed within 90 days prior to the change of command.

0105 EXTENSIONS

010501. To the extent practicable, assessments should be conducted prior to entering a deployed environment.

010502. Extensions may be granted to commands that are deployed for more than six

months or to commands that undergo a change of command while deployed.

010503. Extensions will not be granted to commands that are deployed for less than six months.

010504. Only the next higher level commander may approve extension requests.

010505. All commands granted an extension will complete a DEOCS within 120 calendar days upon return from deployment.

010506. Extension requests that are approved will be documented by the approving command in a memorandum for the record that identifies, at a minimum, the following information:

A. Date of extension request.

B. Date extension request approval.

C. Reason for extension (for example, deployed for greater than 6 months or change of command while deployed).

D. Name of the command that requested the extension.

E. Rank/full name of the Commanding General/Officer of the command that requested the extension.

F. Name of the command that granted the extension.

G. Rank/full name of the Commanding General/Officer that granted the extension.

0106 DEOCS PORTAL

DEOMI maintains an online DEOCS portal for completing the DEOCS and providing detailed information papers, briefs, sample surveys/questions, frequently asked questions, and training videos that should be used by commanders and survey administrators to assist in administering their DEOCS.

0107 MAXIMIZING PARTICIPATION IN A DEOCS

010701. Commanders will ensure that all personnel administratively attached or assigned to their command have the opportunity to participate in the DEOCS.

010702. Participation in a DEOCS is voluntary and encouraged.

010703. Obtaining an accurate snapshot of the organization's climate is best accomplished by having its members provide their frank and honest perceptions about the way the organization is run and how they are treated. Moreover, progressively higher participation rates provide a more accurate picture of the organization's climate.

010704. Leaders can realize a high survey return rate by publicly endorsing the assessment process, assuring their personnel of the surveys anonymity, following through with their pledge to accept the results of the survey; and creating, socializing, and tracking a plan of action to address concerns.

010705. Slated O-5/O-6 level commands of 50 or less assigned personnel are not required to complete their own DEOCS but will be surveyed with a larger superior unit in the command to ensure anonymity.

010706. To be considered complete, a DEOCS Report with a minimum of 16 responses must be generated. A DEOCS that receives less than 16 completed surveys will not generate a DEOCS report and therefore will not be considered to have met the requirements of this Order.

0108 SURVEY APPROVING OFFICIAL

010801. A survey approving official is the person responsible for ensuring the execution and administrative oversight of conducting a DEOCS. This includes the required briefs and roll-up reports.

010802. Commanding Generals without subordinate slated O-5/O-6 level commanders may delegate in writing the Deputy Commander or Chief of Staff to serve as the survey approving official. If delegated, the Deputy Commander or Chief of Staff will assume the responsibilities of the commander as prescribed by this Order. The Commanding General will act as the next higher level commander responsible for the requirements outlined in paragraph 0112.

010803. Commanding Officers of all slated O-5 and O-6 level commands with more than 50 personnel will serve as the survey approving official responsible for the requirements outlined in paragraph 0112. Delegation of this responsibility is not authorized.

0109 ESTABLISHING COMMANDER'S INTENT

The first step in completing a DEOCS is to establish the commander's intent. Commanders will, prior to administering a DEOCS, provide their commander's intent to the members of their command.

0110 SURVEY ADMINISTRATORS

The second step in completing a DEOCS is to appoint a survey administrator. Only personnel certified and actively serving as an Equal Opportunity Representative (EOR)/Equal Opportunity Advisor (EOA) may be appointed as survey administrators. EOR's/EOA's serve as subject matter experts for the organizational climate assessment process.

011001. Commanding Generals and Commanding Officers must appoint a survey administrator prior to commencing a DEOCS.

011002. The survey administrators are the requestor of the DEOCS assessment. The survey administrator is responsible for overseeing the assessment process to include requesting, receiving, and distributing bubble response sheets and/or online survey password letters. Upon approval of a DEOCS request, the survey administrator will receive an email with additional information. He/she will also be given access to an administrative management site developed specifically to assist with the assessment from beginning to end.

0111 REQUESTING AND ADMINISTERING A DEOCS

The third step in completing a DEOCS is to request and administer a DEOCS using the DEOCS portal. Survey administrators will ensure that their DEOCS is requested in accordance with the procedures established by DEOMI.

0112 REPORTING RESULTS AND DEVELOPING A CORRECTIVE ACTION PLAN (CAP)

The fourth and final step in completing a DEOCS is to report the results and develop a CAP.

011201. Upon completing a DEOCS, DEOMI will generate a DEOCS Report for the command that documents the results of the survey.

011202. Commanders, using the DEOCS Report, will take the following actions:

A. Interpret the DEOCS Report

Commanders will:

1. Review the DEOCS Report in its entirety.

2. Identify trends and determine whether written comments/responses support the numerical data.

3. If needed, ensure interviews are conducted to further characterize organizational issues and strengths, and opportunities for improvement.

4. If needed, review the organization's written records and reports to determine the validity of the perceptions revealed by the survey and interviews.

B. Making the DEOCS Results Work for Your Organization

Commanders will:

1. Share the results of the DEOCS with all members of their organization.

2. Involve key leaders and let members of their organization know that they are acting on their feedback.

C. Develop a Corrective Action Plan (CAP)

Conducting a climate assessment without creating and executing a plan to correct identified conditions that diminish climate will do nothing for the organization's climate. In fact, inaction itself can prove corrosive to morale, and will likely discourage members from completing the DEOCS in the future. In order to correct identified conditions that diminish organizational climate commanders will:

1. Develop and document in a memorandum for the record, a CAP that will consist of, at a minimum, the following elements:

a. A summary of the commander's intent for conducting the DEOCS.

b. A summary of the commander's analysis of the DEOCS Report.

c. A listing of each issue to be addressed along with the action to be taken for each issue, the action's status, and the responsible party.

2. Publicly review the CAP with all members of the organization.

3. Periodically review progress that has been made in realizing the plan's goals.

4. All slated O-5 and O-6 level commands will provide the DEOCS Report and the written CAP to the next higher level commander for review and approval within 30 calendar days of the DEOCS Report being made available.

VOLUME 1: APPENDIX B

"VISUAL INSPECTION PROCESS"

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX B
VISUAL INSPECTION PROCESS

0101 PURPOSE

To establish a standardized process for conducting visual inspections.

0102 BACKGROUND

Visual inspections are conducted for the purpose of maintaining a professional workplace for all personnel that is free from contraband and intimidating, degrading, and offensive materials.

0103 AUTHORITY TO DIRECT VISUAL INSPECTIONS

Commanding Officers, Officers-in-Charge, and Civilian Supervisors may direct visual inspections.

0104 FREQUENCY

All Commanding Officers, Officers-in-Charge, and Civilian Supervisors will direct regular, not less than annual, comprehensive visual inspections of all workplaces within their command, unit, or activity.

0105 APPOINTMENT OF QUALIFIED INSPECTORS

The first step in the visual inspection process is to appoint qualified inspectors.

010501. Commanding Officers, Officers-in-Charge, and Civilian Supervisors may personally conduct visual inspections or they may delegate the execution of visual inspections to an appropriate level within their command, unit, or activity, but no lower than the E-7 or civilian supervisory level.

010502. Commanding Officers, Officers-in-Charge, and Civilian Supervisors will ensure that individuals authorized to conduct visual inspections have the appropriate access and clearance for the workspaces they are to inspect. This is critical for the inspection of sensitive compartmented information facilities or other controlled access areas.

010503. Commanding Officers, Officers-in-Charge, and Civilian Supervisors will provide clear guidance and intent to those members delegated authority to conduct inspections.

0106 CONDUCT VISUAL INSPECTION OF AUTHORIZED INSPECTION LOCATIONS

The second step in the visual inspection process is to conduct visual inspections of authorized inspection locations.

010601. Authorized Inspection Locations

A. The government workspaces of all personnel are subject to comprehensive visual inspection.

B. Each area and person affected by the inspection will be subject to the same level of inspection.

C. Government workspaces include but are not limited to: office buildings, facilities, naval vessels, aircraft, government vehicles, hangars, ready rooms, conference rooms, individual offices, cubicles, storage rooms, tool and equipment rooms, workshops, break rooms, galleys, recreation areas, Navy and Marine Corps Exchanges and heads, sensitive compartmented information facilities, and other secure facilities, common areas of on-base military barracks and bachelor quarters, all Marine Corps school houses and training facilities including; but not limited to, the U.S. Naval Academy, Officer Candidate School, Naval Reserve Officers Training Corps units, The Basic School, Marine Corps University, Recruit Training Command, Inspector and Instructor facilities, and Marine Corps Recruit Depots.

010602. Unauthorized Inspection Locations

A. Assigned government laptop or desktop computers (with the exception of visible screensavers), assigned individual barracks rooms/living quarters, assigned desk drawers, assigned cabinet drawers, clothing (e.g., coats), assigned lockers, purses, brief cases, backpacks, private automobiles, and personal electronic devices.

B. While not the focus of this inspection, government computers remain subject to inspection pursuant to applicable laws and regulations.

0107 REMOVAL OF INTIMIDATING, DEGRADING, OR OFFENSIVE MATERIAL AND SEIZURE OF CONTRABAND

The third step in the visual inspection process is to remove intimidating, degrading, and offensive material and seize contraband.

010701. Removal of Intimidating, Degrading, or Offensive Materials

A. Intimidating, degrading, or offensive material includes, but is not limited to; documents, logs, books, pictures, photographs, calendars, posters, magazines, videos, props, displays, or other media, including electronic media, that contain inappropriate depictions and are detrimental to a professional working environment.

B. To the extent practicable, without disrupting any visual inspection, personnel should be present during visual inspections.

C. Any item removed by an inspector in the absence of its owner will be properly documented and confidentially maintained by that inspector in a secure location until the owner is able to retrieve the item.

D. For bargaining unit employees, inspectors will coordinate the removal of intimidating, degrading, or offensive material with the employee's immediate supervisor. Second level supervisors of bargaining unit employees will subsequently review and make the final determination to remove intimidating, degrading, or offensive material; this does not apply to contraband.

E. Intimidating, degrading, or offensive material will be immediately removed from the workplace by the Marine/Civilian Marine who owns the material or by the inspector if the owner is not present for the inspection or refuses to remove the material.

F. If there is doubt as to whether material is intimidating, degrading, or offensive the material will be immediately removed from the workplace. Removal will be conducted by the owner of the

material. If the owner refuses to remove the material, the inspector will remove the intimidating, degrading, or offensive material. Instances when the owner is not present for the inspection, the inspector will remove the intimidating, degrading, or offensive material.

010702. Seizure of Contraband

A. Contraband includes materials that are patently lewd, lascivious, obscene, or pornographic, as well as supremacist images, publications, or materials.

B. Inspectors will immediately seize and document any contraband discovered during the course of an inspection.

C. If evidence of a crime is discovered during an inspection (e.g., child pornography, illegal drugs or paraphernalia, unauthorized weapons, stolen property, etc.), individuals conducting the inspection are to immediately stop the inspection, contact the Naval Criminal Investigative Service, and comply with applicable standard procedures.

0108 DISCIPLINARY/ADMINISTRATIVE ACTION

The fourth step in the visual inspection process is for Commanding Officers, Officers-in-Charge, and Civilian Supervisors to take appropriate disciplinary or administrative action if an individual is found to have or fails to comply with an order to remove contraband or intimidating, degrading, or offensive material from the workplace.

0109 DOCUMENTATION OF RESULTS

The fifth step in the visual inspection process is the documentation of the results of the visual inspection. Commanding Officers, Officers-in-Charge, and Civilian Supervisors will record the results of visual inspections in a memorandum for the record with, at a minimum, the following information:

010901. Date and time of the visual inspection.

010902. Name of the command, unit, or activity whose workplaces were inspected.

010903. Rank or grade/full name of the individual who authorized the inspection.

010904. Rank or grade/full name of the authorized inspectors.

010905. For each item removed/seized the following information will be documented:

A. Finding type (contraband or intimidating, degrading, or offensive material),

B. Quantity,

C. Description of items discovered,

D. Location where discovered (individual workspace, common workspace, or electronic media), and

E. A description of the actions taken by the command/inspectors to remove the material.

0110 ADDITIONAL GUIDANCE

Commanding Officers, Officers-in-Charge, and Civilian Supervisors should consider the following guidance prior to conducting visual inspections.

011001. Commanding Officers, Officers-in-Charge, and Civilian Supervisors should ensure they have ready access to legal advice via the staff judge advocate.

011002. Commanding Officers, Officers-in-Charge, and Civilian Supervisors should work closely with their servicing human resources office for labor and employee relations guidance.

011003. Commanding Officers, Officers-in-Charge, and Civilian Supervisors should leverage their EOR's/EOA's and Equal Employment Opportunity staff. These personnel are considered subject matter experts regarding what material could create or does create an intimidating, degrading, or offensive work environment.

011004. Commanding Officers, Officers-in-Charge, and Civilian Supervisors should immediately consult with their SJA and command counsel on any questions when determining what material creates an intimidating, degrading, or offensive work environment, as well as any issue regarding contraband or suspected criminal activity revealed during the visual inspection.

VOLUME 2

"PROHIBITED ACTIVITIES AND CONDUCT"

SUMMARY OF VOLUME 2 CHANGES

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Washington, DC 20350-3000

VOLUME 2: PROHIBITED ACTIVITIES AND CONDUCT

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REFERENCES

(a) Uniform Code of Military Justice (UCMJ)
(b) MCO 1900.10 CH-1
(c) Manual for Courts-Martial (2016 Ed.)
(d) DoD Instruction 1020.03, "Harassment Prevention and Response in the Armed Forces," 8 February 2018
(e) DoD Directive 1020.02E, "Diversity Management and Equal Opportunity in the DoD," 8 June 2015
(f) DoD Directive 1350.2, "DoD Military Equal Opportunity (MEO) Program," 18 August 1995
(g) SECNAVINST 5350.16A
(h) SECNAVINST 5300.26D
(i) 10 U.S.C. § 1034
(j) DoD Directive 7050.06, "Military Whistleblower Protection," 17 April 2015
(k) SECNAVINST 5370.7D
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(m) SECNAVINST 5800.12B
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(p) ALMAR 008/17
(q) U.S. Navy Regulations, 1990
(r) CMC Leaders Handbook and Discussion Guide, 4 April 2017
(s) SECNAVINST 1000.10A
(t) DoD Instruction 1325.06, "Handling Dissident and Protest Activities Among Members of the Armed Forces," 22 February 2012

"REFERENCES"

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VOLUME 2: CHAPTER 1

"PUNITIVE PROVISIONS"

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER VERSION	PAGE PARAGRAPH	SUMMARY OF SUBSTANTIVE CHANGES	DATE OF CHANGE

CHAPTER 1

PUNITIVE PROVISIONS

0101 PUNITIVE PROVISIONS

This Order is a punitive lawful general order. Any violation, attempted violation, or solicitation of another to violate Volume 2 of this Order, pertaining to harassment (to include sexual harassment), unlawful discrimination, and abuse (specifically, hazing, bullying, ostracism, retaliation); wrongful distribution or broadcasting of intimate images; and, certain dissident and protest activity (to include supremacist activity)), may subject involved members to adverse administrative or disciplinary action under Article 92 of the UCMJ (reference (a)) or such other Articles of the UCMJ, as applicable.

0102 ADVERSE ADMINISTRATIVE ACTION

Substantiated misconduct involving prohibited activities and conduct, as defined in this Volume, may subject involved members to adverse administrative action to include but not limited to processing for administrative separation in accordance with reference (b).

0103 GENERAL

Consistent with the references, and supplemented, as necessary, this Order prohibits specific conduct as defined in this Volume. The definitions used in this Volume for specific conduct are not contingent on or connected to definitions of the specific conduct in any other Order, unless otherwise indicated.

0104 ABUSE

For purposes of this Order, abuse includes hazing, bullying, ostracism, and retaliation.

010401. Hazing

A. Any conduct whereby a Service member or DOD employee knowingly, recklessly, or intentionally and without proper authority but with a nexus to military service causes a Service member or members, regardless of Service or rank, to suffer physically or psychologically or be exposed to any activity which is cruel, abusive, humiliating, oppressive, demeaning, harmful, or creates a risk of physical or psychological injury. Hazing need not involve physical contact among or between military members; it can be verbal or psychological in nature, and may occur in person or through other forms of communication, including online and through social media. Because no person can consent to hazing, actual or implied consent to acts of hazing is not relevant, and may not be considered in determining whether hazing occurred. Hazing is evaluated by a reasonable person standard.

B. While hazing can occur during unauthorized initiations, “congratulatory acts,” or “rites of passage,” those types of events are not prerequisites for hazing. Hazing can include, but is not limited to: physically striking another to inflict pain; piercing another’s skin in any manner (such as “pinning” or “tacking on” of rank insignia or “blood winging”); verbally berating another; encouraging another to excessively consume alcohol or encouraging another to engage in illegal, harmful, demeaning, or dangerous acts; threatening or offering violence or bodily harm to another; branding; taping; tattooing; shaving; greasing; painting; requiring excessive physical exercise beyond what is required to meet standards; or, the forced consumption of food, alcohol, drugs, or any other substance.

C. Hazing does not include: properly directed command and organizational activities, or the training required to prepare for such activities (e.g., administrative corrective measures; Extra Military Instruction; command-authorized physical training); proper verbal and written counseling addressing performance or

D. conduct deficiencies; authorized incentive training permitted exclusively at the Marine Corps Recruit Depots; or similar activities properly authorized by the chain of command.

010402. Bullying

A. Any conduct whereby a Service member or DOD employee intentionally and without proper authority but with a nexus to military service excludes or rejects a Service member or members, regardless of Service or rank, through cruel, abusive, humiliating, oppressive, demeaning, or harmful behavior, which results in diminishing the member's dignity, position, or status. Bullying is evaluated by a reasonable person standard.

B. Bullying is typically a course of conduct which, without intervention, continues without a specific end point or event. Bullying may include an abuse of authority. Bullying tactics include, but are not limited to, making threats, spreading rumors, social isolation, and attacking someone physically, verbally, or through the use of electronic media. Bullying includes, but is not limited to, teasing; taunting; oral or written berating of another for the purpose of belittling or humiliating; and, degrading or damaging a person or his or her property or reputation. Bullying can be conducted through the use of electronic devices or communications, and by other means, as well as in person.

C. Bullying does not include: properly directed command and organizational activities, or the training required to prepare for such activities (e.g., administrative corrective measures; Extra Military Instruction; command-authorized physical training); proper verbal and written counseling addressing performance or conduct deficiencies; authorized incentive training permitted exclusively at the Marine Corps Recruit Depots; or similar activities properly authorized by the chain of command.

010403. Ostracism

Any conduct whereby a Service member or DOD employee intentionally and without proper authority but with a nexus to military service excludes a Service member or members, regardless of Service or rank, from social acceptance, privilege, or friendship with the intent to inflict emotional distress, discourage the reporting of a criminal offense, or otherwise discourage the due administration of justice.

010404. Retaliation

For purposes of this Order, any conduct whereby a Service member or DOD employee intentionally and without proper authority but with a nexus to military service takes or threatens to take any unfavorable action or withholds or threatens to withhold a favorable action against an individual because that individual: made or was preparing to make or was perceived as making or preparing to make a protected communication; reported or was planning to report a criminal offense; engaged or was preparing to engage in activity in furtherance of EEO or MEO laws and regulations; or, opposed direction to engage in an action that violates law, rule, or regulation or this Order. Retaliation is a category of prohibited behavior that involves animus and results in action being taken against an individual because of that individual's otherwise protected communication or activity or for the intent to discourage any

person from engaging in otherwise protected communication or activity. Anti-retaliation provisions protect individuals to ensure freedom to engage in protected communications and to participate in activity alleging prohibited activities and conduct and potential EO violations and to oppose activity prohibited by EEO or MEO laws and regulations without superiors taking unfavorable actions in response. Retaliation can manifest itself, though not exclusively, in the form of reprisal or restriction, as well as bullying, discrimination, hazing, or ostracism, among other ways.

0105 HARASSMENT (TO INCLUDE SEXUAL HARASSMENT)

010501. Harassment

Any conduct whereby a Service member or DOD employee knowingly, recklessly or intentionally and without proper authority but with a nexus to military service engage in conduct that is unwelcome or offensive to a reasonable person or that is unwelcome and based on race, color, religion, sex (to include gender identity), national origin, or sexual orientation, and where (1) enduring the unwelcome or offensive conduct becomes a condition of continued employment or service, or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, abusive or as otherwise having an adverse impact on the unit.

A. Offensive conduct may include, but is not limited to, offensive jokes; slurs; epithets or name calling; physical assaults or threats; intimidation; ridicule or mockery; insults or put-downs; display or transmission of derogatory, demeaning or offensive objects or pictures; and interference with work performance (to include unwillingness to train, evaluate, assist, or work with an individual).

B. Harassment can occur in a variety of circumstances, including, but not limited to, the following:

1. The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or a contractor.

2. The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.

C. Harassment does not include: properly directed command and organizational activities, or the training required to prepare for such activities (e.g., administrative corrective measures; Extra Military Instruction; command-authorized physical training); proper verbal and written counseling addressing performance or conduct deficiencies; authorized incentive training permitted exclusively at the Marine Corps Recruit Depots; or similar activities properly authorized by the chain of command.

010502. Sexual Harassment

A. Knowing, reckless, or intentional conduct with a nexus to military service that:

1. Involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when:

a. Submission to such conduct is made either explicitly or implicitly a term or condition of a person’s job, pay, or career;

b. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or

c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment; or,

2. Is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive.

B. Any knowing, reckless, or intentional use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a Service member or DOD employee.

C. Any conduct whereby a Service member or DOD employee knowingly, recklessly, or intentionally and without proper authority but with a nexus to military service makes deliberate or repeated unwelcome verbal comments or gestures of a sexual nature.

(There is no requirement for concrete psychological harm to the complainant for behavior to constitute sexual harassment.)

0106 WRONGFUL DISTRIBUTION OR BROADCASTING OF AN INTIMATE IMAGE

010601. The wrongful distribution or broadcasting of an intimate image. The distribution or broadcasting is wrongful if the person making the distribution or broadcast does so without legal justification or excuse, knows or reasonably should know that the depicted person did not consent to the disclosure, and the intimate image is distributed or broadcast:

A. With the intent to realize personal gain;

B. With the intent to humiliate, harm, harass, intimidate, threaten, or coerce the depicted person; or

C. With reckless disregard as to whether the depicted person would be humiliated, harmed, intimidated, threatened, or coerced.

010602. Distribution means the act of delivering to the actual or constructive possession of another, including transmission by electronic means. Broadcasting means the act of electronically transmitting a visual image with the intent that it be viewed by a person or persons. An intimate image is any visual depiction, including by electronic means, that:

A. Includes another person who is identifiable from the depiction itself or from information conveyed in connection with the depiction;

B. Depicts that person engaging in sexually explicit conduct or depicts the private area of that person; and

C. Taken under the circumstances in which the person depicted has a reasonable expectation of privacy.

010603. "Sexually explicit conduct" and "private area" have the meaning assigned to them in part IV of the Manual for Courts Martial (reference (c)).

0107. DISSIDENT AND PROTEST ACTIVITY (INCLUDING SUPREMACIST ACTIVITY)

010701. Knowing and wrongful conduct that involves actively advocating supremacist, extremist, or criminal gang doctrine, ideology, or causes, including those that advance, encourage, or advocate illegal discrimination based on race, creed, color, sex (including gender identity), religion, ethnicity, national origin, or sexual orientation or those that advance, encourage, or advocate the use of force, violence, or criminal activity, or otherwise advance efforts to deprive individuals of their civil rights.

010702. Knowing and wrongful conduct that involves actively participating in criminal gangs, or in other organizations that advocate supremacist, extremist, or criminal gang doctrine, ideology, or causes; including those that attempt to create illegal discrimination based on race, creed, color, sex (including gender identity), religion, ethnicity, national origin, or sexual orientation; advocate the use of force, violence, or criminal activity; or otherwise engage in efforts to unlawfully deprive individuals of their civil rights. Active participation in such gangs or organizations is prohibited. Active participation includes, but is not limited to, fundraising; demonstrating or rallying; recruiting, training, organizing, or leading members; distributing material (including posting on-line); knowingly wearing gang colors or clothing; having tattoos or body markings associated with such gangs or organizations; or otherwise engaging in activities in furtherance of the objective of such gangs or organizations that are detrimental to good order, discipline, or mission accomplishment or are incompatible with military service. The prohibition extends to acts committed through electronic communications and social media, as well as in-person and other means.

0108 UNLAWFUL DISCRIMINATION

Any conduct whereby a Service member or DOD employee knowingly and wrongfully and without proper authority but with a nexus to military service treats another Service member or DOD employee adversely or differently based on race, color, national origin, religion, sex (including sexual orientation) or gender identity. Unlawful discrimination includes actions or efforts that detract from equal opportunity, with respect to the terms, conditions, or privileges of military service including, but not limited to, acquiring, assigning, promoting, disciplining, scheduling, training, compensating, discharging, or separating. This definition excludes justifiable conduct that discriminates on the basis of characteristics (including, but not limited to, age, height, and weight) that serve a proper military or other governmental purpose as set forth in other military policies.

VOLUME 2

"PROHIBITED ACTIVITIES AND CONDUCT"

SUMMARY OF VOLUME 2 CHANGES

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3000 Marine Corps Pentagon
Washington, DC 20350-3000

VOLUME 2: PROHIBITED ACTIVITIES AND CONDUCT

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(b) MCO 1900.10 CH-1
(c) Manual for Courts-Martial (2016 Ed.)
(d) DoD Instruction 1020.03, "Harassment Prevention and Response in the Armed Forces," 8 February 2018
(e) DoD Directive 1020.02E, "Diversity Management and Equal Opportunity in the DoD," 8 June 2015
(f) DoD Directive 1350.2, "DoD Military Equal Opportunity (MEO) Program," 18 August 1995
(g) SECNAVINST 5350.16A
(h) SECNAVINST 5300.26D
(i) 10 U.S.C. § 1034
(j) DoD Directive 7050.06, "Military Whistleblower Protection," 17 April 2015
(k) SECNAVINST 5370.7D
(l) DoD Directive 5505.06, "Investigations of Allegations Against Senior DoD Officials," 6 June 2013
(m) SECNAVINST 5800.12B
(n) SECNAVINST 1000.11
(o) SECNAVINST 1610.2A
(p) ALMAR 008/17
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C. Hazing does not include: properly directed command and organizational activities, or the training required to prepare for such activities (e.g., administrative corrective measures; Extra Military Instruction; command-authorized physical training); proper verbal and written counseling addressing performance or

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010404. Retaliation

For purposes of this Order, any conduct whereby a Service member or DOD employee intentionally and without proper authority but with a nexus to military service takes or threatens to take any unfavorable action or withholds or threatens to withhold a favorable action against an individual because that individual: made or was preparing to make or was perceived as making or preparing to make a protected communication; reported or was planning to report a criminal offense; engaged or was preparing to engage in activity in furtherance of EEO or MEO laws and regulations; or, opposed direction to engage in an action that violates law, rule, or regulation or this Order. Retaliation is a category of prohibited behavior that involves animus and results in action being taken against an individual because of that individual's otherwise protected communication or activity or for the intent to discourage any

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0105 HARASSMENT (TO INCLUDE SEXUAL HARASSMENT)

010501. Harassment

Any conduct whereby a Service member or DOD employee knowingly, recklessly or intentionally and without proper authority but with a nexus to military service engage in conduct that is unwelcome or offensive to a reasonable person or that is unwelcome and based on race, color, religion, sex (to include gender identity), national origin, or sexual orientation, and where (1) enduring the unwelcome or offensive conduct becomes a condition of continued employment or service, or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, abusive or as otherwise having an adverse impact on the unit.

A. Offensive conduct may include, but is not limited to, offensive jokes; slurs; epithets or name calling; physical assaults or threats; intimidation; ridicule or mockery; insults or put-downs; display or transmission of derogatory, demeaning or offensive objects or pictures; and interference with work performance (to include unwillingness to train, evaluate, assist, or work with an individual).

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010502. Sexual Harassment

A. Knowing, reckless, or intentional conduct with a nexus to military service that:

1. Involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when:

a. Submission to such conduct is made either explicitly or implicitly a term or condition of a person’s job, pay, or career;

b. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or

c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment; or,

2. Is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive.

B. Any knowing, reckless, or intentional use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a Service member or DOD employee.

C. Any conduct whereby a Service member or DOD employee knowingly, recklessly, or intentionally and without proper authority but with a nexus to military service makes deliberate or repeated unwelcome verbal comments or gestures of a sexual nature.

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B. With the intent to humiliate, harm, harass, intimidate, threaten, or coerce the depicted person; or

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010702. Knowing and wrongful conduct that involves actively participating in criminal gangs, or in other organizations that advocate supremacist, extremist, or criminal gang doctrine, ideology, or causes; including those that attempt to create illegal discrimination based on race, creed, color, sex (including gender identity), religion, ethnicity, national origin, or sexual orientation; advocate the use of force, violence, or criminal activity; or otherwise engage in efforts to unlawfully deprive individuals of their civil rights. Active participation in such gangs or organizations is prohibited. Active participation includes, but is not limited to, fundraising; demonstrating or rallying; recruiting, training, organizing, or leading members; distributing material (including posting on-line); knowingly wearing gang colors or clothing; having tattoos or body markings associated with such gangs or organizations; or otherwise engaging in activities in furtherance of the objective of such gangs or organizations that are detrimental to good order, discipline, or mission accomplishment or are incompatible with military service. The prohibition extends to acts committed through electronic communications and social media, as well as in-person and other means.

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Any conduct whereby a Service member or DOD employee knowingly and wrongfully and without proper authority but with a nexus to military service treats another Service member or DOD employee adversely or differently based on race, color, national origin, religion, sex (including sexual orientation) or gender identity. Unlawful discrimination includes actions or efforts that detract from equal opportunity, with respect to the terms, conditions, or privileges of military service including, but not limited to, acquiring, assigning, promoting, disciplining, scheduling, training, compensating, discharging, or separating. This definition excludes justifiable conduct that discriminates on the basis of characteristics (including, but not limited to, age, height, and weight) that serve a proper military or other governmental purpose as set forth in other military policies.

VOLUME 3

"POLICY OVERSIGHT AND REPORTING PROCEDURES"

SUMMARY OF VOLUME 3 CHANGES

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3000 Marine Corps Pentagon
Washington, DC 20350-3000

VOLUME 3: POLICY OVERSIGHT AND REPORTING PROCEDURES

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REFERENCES

(a) DoD Instruction 1020.03, "Harassment Prevention and Response in the Armed Forces," 8 February 2018
(b) DoD Directive 1020.02E, "Diversity Management and Equal Opportunity in the DoD," 8 June 2015
(c) DoD Directive 1350.2, "DoD Military Equal Opportunity (MEO) Program," 18 August 1995
(d) SECNAVINST 5350.16A
(e) SECNAVINST 5300.26D
(f) 10 U.S.C. § 1034
(g) DoD Directive 7050.06, "Military Whistleblower Protection," 17 April 2015
(h) SECNAVINST 5370.7D
(i) DoD Directive 5505.06, "Investigations of Allegations Against Senior DoD Officials," 6 June 2013
(j) SECNAVINST 5800.12B
(k) MCO 3504.2A (OPREP-3)
(l) JAGINST 5800.7F
(m) MCO P1070.12K CH-1 (IRAM)
(n) MCO 1610.7 (PES)
(o) 5 USC 552a
(p) SECNAV M-5210.1 CH-1
(q) SECNAVINST 5211.5E

"REFERENCES"

As changes are made within this MCO, each Volume References list will also be updated. Annotation of each update/change/addition to the References list is required.

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VOLUME 3: CHAPTER 1

"INTRODUCTION"

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 1

INTRODUCTION

0101 PURPOSE

This Volume publishes procedures and instructions for reporting, responding, and processing incidents in support of the Marine Corps Prohibited Activities and Conduct Prevention and Response Policy. This Volume prescribes basic guidance and responsibilities for the Marine Corps Military Equal Opportunity (MEO) Program, in support of the Department of Defense (DoD) and Department of the Navy (DON) policies on MEO and Workplace Harassment Prevention and Response program and activities (references (a) through (e)). This Order revises and consolidates multiple Marine Corps policies on prohibited activities and conduct as defined in Volume 2 of this Order.

0102 POLICY

The Marine Corps is committed to maintaining a culture of dignity, respect, and trust in which all members of the organization are afforded equal treatment and opportunity to achieve their full potential based solely upon individual merit, fitness, intellect, and ability. All Marines will ensure that we cultivate an environment free from prohibited activities and conduct. An environment free from prohibited activities and conduct is critical to mission accomplishment, unit cohesion, and military readiness. The activities and conduct identified in Volume 2 of this Order are unacceptable regardless of when or where it occurs and are prohibited in the Marine Corps. Such activities and conduct undermine morale, reduce combat readiness, and prevent maximum utilization and development of the Marine Corps most vital asset: its people. They also undermine our Nation's trust and confidence in us as a fighting force.

010201. Complaints of prohibited activities and conduct will be treated seriously and handled promptly, fairly, and with respect for the individuals involved in accordance with the complaint process defined in this Order.

010202. Marines, commanders, and those responsible for processing complaints alleging prohibited activities and conduct will strictly adhere to the requirements identified in this Order for processing, investigating, documenting, and resolving complaints alleging prohibited activities and conduct.

0103 APPLICABILITY

010301. The policies and procedures governing DoD civilian employees are provided in separate issuances and are not otherwise altered by this Order. While Armed Forces personnel, both uniformed Service members and civilian employees, and others may file a complaint alleging certain prohibited activities and conduct under this Order (i.e., a reporter), only an aggrieved service member (i.e., a complainant) is able to seek administrative redress under this Order and its implementing process.

010302. This Order is applicable to the Active and Reserve Components, and to other Service members under the administrative control of the Marine Corps.

VOLUME 3: CHAPTER 2

"MILITARY EQUAL OPPORTUNITY"

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 2

MILITARY EQUAL OPPORTUNITY

0201 MEO OFFICE

MEO offices, and the Equal Opportunity Advisors (EOAs) assigned to them, are responsible for the initial intake, prima facie assessment, review and advice to the commander, processing, and tracking of all reports alleging prohibited activities and conduct in accordance with this Order. EOAs will enter and manage all complaints appropriately in the discrimination and sexual harassment (DASH) reporting system in accordance with Chapter 7. EOAs will work closely with commands to ensure complainants are provided a fair and effective complaint resolution system.

0202 EOAS

EOAs are assigned at the Major Subordinate Command (MSC) level and above. EOAs serve as the Marine Corps MEO Program Manager (PM) and provide oversight for all requirements outlined in this Order. EOAs are the commander's and Marine Corps primary personnel for advice, guidance, and complaint management regarding prohibited activities and conduct. They are the Marine Corps subject matter experts (SMEs) on command climate and prohibited activities and conduct. EOAs have received extensive Defense Equal Opportunity Management Institute (DEOMI) training on the dynamics of human relations, mediation, and command climate; and have been assigned the additional MOS 0147.

020201. An EOA's primary duty is to provide subject matter advice and guidance on all matters related to command climate and prohibited activities and conduct. EOAs do not serve as victim advocates for those who file equal opportunity (EO) complaints, or for those who believe that they have been subjected to prohibited activities and conduct. EOAs will act as a referral source to connect complainants to available support services.

020202. All official communications with EOAs are considered protected communications. Protected communications are not the same as privileged, or confidential, communications.

020203. EOAs will conduct compliance inspections of supported commanders' prohibited activities and conduct programs, as requested.

020204. EOAs are assigned to commands with a General Officer in Command. EOAs are also assigned to some O-6 level commands with General Court Martial Convening Authority (GCMCA). These commands are referred to throughout this Volume as the GCMCA. EOAs will provide monthly updates to their supported GCMCAs to include: unit prohibited activities and conduct training conducted by the EOA/MEO Office; total number of all prohibited activities and conduct reports received; total number of prohibited activities and conduct reports accepted, referred, or dismissed; total number of accepted complaints that were substantiated, not substantiated, and the means of disposition for all substantiated incidents (i.e. informal mediation, administrative, or disciplinary).

0203 ADVISOR TO SUPPORTED COMMANDS

As the SMEs on command climate and prohibited activities and conduct, EOAs will:

020301. Advise supported commanders and military personnel on the use of the prohibited activities and conduct complaint process to report, resolve, and dispose of complaints alleging prohibited activities and conduct.

020302. Perform mediation services to assist in resolving issues at the lowest level, as requested.

020303. Execute the EOA/MEO Office complaint processing actions in accordance with this Order.

020304. Provide analysis of command-specific data which will enable commanders to monitor command climate within their organization, as requested. Identify trends and areas of concern, and recommend methods for improving the command climate.

020305. Provide briefings or training on command climate issues and prohibited activities and conduct for supported commands, as requested.

020306. Conduct the required Equal Opportunity Representative (EOR) training for supported command EORs.

020307. Track compliance with command climate assessment requirements on behalf of the GCMCA.

0204 COMMAND EORS

Command EORs are a vital part of creating and cultivating an environment of dignity, respect, and trust at the command level. Marines assigned as EORs are the commander's primary asset to monitor command climate and receive reports of prohibited activity and conduct. They serve at the discretion of the commander. EOR billet responsibilities are assigned as collateral duties. EORs are not considered SMEs. Rather, they serve as the command liaison with the servicing EOA/MEO office and a source of information for the commander and complainants. EORs do not serve as advocates for a complainant or subject, nor will they conduct inquiries or command investigations. All official communications with EORs are considered protected communications. Protected communications are not the same as privileged, or confidential, communications. Command EORs are screened and selected by the commander based upon the EOR Selection Criteria for Commanders provided in Appendix J. A sample EOR appointment letter is provided at Appendix K. Upon designation by the commander, command EORs shall:

020401. Assist commanders in establishing local prohibited activity and conduct complaint response procedures; assessing the command climate; and identifying, coordinating, and conducting necessary command training.

020402. Complete the local Equal Opportunity Representative Course.

020403. Serve as a liaison with the servicing EOA/MEO Office for all command climate and complaint related matters.

020404. Assist commanders in the submission of required reports.

020405. Provide all necessary and required information on behalf of the commanding officer, to the EOA/MEO office to initiate and update DASH reports through to final disposition and administrative closure.

020406. Serve as the unit Survey Administrator for conducting all DEOMI Organizational Climate Survey (DEOCS) assessments.

020407. Serve as the responsible agent for the command's compliance with Inspector General Checklists for the MEO program.

020408. Submit quarterly reports to the supporting EOA/MEO Office as requested.

VOLUME 3: CHAPTER 3

"PROHIBITED ACTIVITIES AND CONDUCT COMPLAINTS"

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 3

PROHIBITED ACTIVITIES AND CONDUCT COMPLAINTS

0301 CONTEXT

The organizational climate of a unit is the responsibility of the commander. Commanders, supervisors and leaders at all echelons must cultivate a climate and culture of dignity, respect, and trust; modeling professional behavior and upholding Marine Corps values. Clear communication of expectations, transparency in upholding standards, and investigating and resolving alleged violations of prohibited activities and conduct will inspire confidence in the process and reduce the occurrence of unacceptable conduct.

0302 CHAIN OF COMMAND

The chain of command is the primary and preferred channel for resolving alleged violations of prohibited activities and conduct at the lowest appropriate level. Avenues individuals may use to report alleged violations of prohibited activities and conduct include but are not limited to; the chain of command, Equal Opportunity Advisor/Military Equal Opportunity (EOA/MEO) Office, Inspector General of the Marine Corps (IGMC), or Department of Defense Inspector General (DODIG).

0303 MEO OFFICE

MEO offices, and the EOAs assigned to them, will execute the processing requirements in accordance with this Order and report all actions in the DASH system in accordance with Chapter 7. EOAs will work closely with commands to ensure all complaints are processed in accordance with this Order.

0304 COMPLAINT

Complaints may include a claim or assertion alleging prohibited activities and conduct as defined in this Order. A complaint may be submitted orally or in writing to the commanding officer or other person in charge of the organization (e.g., commander or head of the vessel, agency or organization), or to the person the commanding officer has designated to receive such complaints. The complainant's identity may not be apparent. Complaints may also include allegations reported to lower-level supervisors and leaders, who may immediately address the complaint, but must subsequently inform an O-5 or more senior commander of the complaint for reporting in accordance with this Manual.

0305 WHO MAY FILE A COMPLAINT

All Service Members, DoD civilian employees, and any other individual who observes, or has personal knowledge of, prohibited activities and conduct occurring in or with a nexus to the Marine Corps workspace, are encouraged to identify and report such under this Order, to the extent required by law. However, these individuals will not be deemed an aggrieved party (i.e., a complainant) able to seek redress under this Order. A complainant is an aggrieved Sailor or Marine who makes a claim, assertion, or report alleging prohibited activities and conduct in or with a nexus to the Marine Corps workplace.

0306 INITIATING A REPORT OF PROHIBITED ACTIVITIES AND CONDUCT

There are several avenues to report or initiate a complaint alleging prohibited activities and conduct. The most effective avenue of initiating a report will depend upon the circumstances surrounding the situation and personnel involved. The individual making the report, or reporter, shall determine which avenue to use. Reports may be initiated in writing or verbally. All such communications are protected communications. Protected communications are not the same as privileged communications.

0307 AVENUES TO REPORT

030701. Chain of Command

Supervisors and leaders receiving a complaint of prohibited activities and conduct within the chain of command shall submit the complaint immediately to the commander. Commanders will ensure all complaints alleging prohibited activities and conduct are provided to their supporting EOA/MEO Office for appropriate Intake Interviews and required DASH reporting in accordance with this Order.

030702. Prohibited Activities and Conduct Complaint Application (PAC APP)

The PAC APP is web-based application that allows an individual complainant to initiate a report alleging prohibited activities and conduct online via a computer or mobile device. The application will ensure automatic routing of an allegation to the reporter's chain of command and the supporting EOA.

030703. Communications with the EOA or MEO Office

Reporters may initiate complaints with their command EOA or servicing MEO Office: in person, via phone, email, or written correspondence.

030704. Communication with Command EOR

Command EORs are Marines assigned at the battalion and squadron level and can assist in the reporting process. They are screened and selected by the commander for this collateral duty. EORs serve as the command liaison with the supporting EOA/MEO Office.

030705. Inspector General of the Marine Corps (IGMC) HOTLINE

Pursuant to reference (f), the IGMC has overall responsibility for ensuring only qualified investigators with specialized training conduct reprisal and restriction investigations. It is the IGMC's responsibility to ensure full implementation of, and compliance with, references (g), (h), and (i). All complaints alleging reprisal or restriction will be governed by references (f), (g), and (h), and not this Order. Additionally, per reference (i) and (j), all allegations against a Senior Official (defined as O-7 (select) and above, current or former members of the Senior Executive Service (SES)/equivalent, current or former civilian Presidential appointee) will be forwarded to the IGMC for appropriate action. The IGMC Hotline ensures individuals who, in good faith, engage in protected communication and activity are protected from reprisal or retaliation. Individuals who believe they have been the victim of reprisal or retaliation can make a complaint of such reprisal or retaliation to the Inspector General of the Marine Corps or the Department of Defense Inspector General.
http://www.hqmc.marines.mil/igmc/Resources/Submit-a-Complaint-/

030706. Anonymous Reports

Marine Corps personnel can file an anonymous report alleging prohibited activities and conduct. Anonymous reports may be communicated by several means, including but not limited to organizational hotlines or advice lines, electronic mail, or official telephone lines. The individual reporting the information is not required to divulge any personally identifiable information. Information alleging prohibited activities and conduct received by the commanding officer or other persons in charge of an organization, regardless of the means of transmission, from an unknown/unidentified source will be processed in accordance with this Order.

030707. National Criminal Investigative Service (NCIS) WEB & APP TIP LINE

The NCIS WEB & APP Tip Line is a partnership between NCIS and the military community and provides Service members and civilians a safe, discreet, and anonymous option to report criminal and force protection threats within the USN and USMC without concerns of retaliation. http://www.ncis.navy.mil/ContactUs/Pages/ReportaCrime.aspx

030708. EO Advice Line

Marine Corps personnel can call the EO Advice Line (844) 818-1674 or contact their servicing EOA for more information on how and where to file a report and what kinds of behaviors violate this policy.

0308 COMPLAINTS INVOLVING PERSONNEL IN MULTIPLE COMMANDS

Commanders without administrative control of the subject, or person who allegedly committed prohibited activities and conduct will forward a detailed description of any report received to the subject's commander via the supporting MEO office. If unsure, commanders should consult with their EOA and SJA to determine the appropriate command with the responsibility to process, report, and potentially investigate a complaint alleging prohibited activities and conduct. The commander with administrative control of the subject is responsible for the DASH reporting in accordance with this Order.

0309 COMPLAINTS AGAINST COMMANDERS

If a commander is the subject of an alleged complaint of prohibited activities and conduct, the complaint will be processed by the first GCMCA in the chain of command. A complaint against a commander will be immediately forwarded to the first GCMCA in the chain of command.

0310 COMPLAINTS AGAINST SENIOR OFFICIALS

For the purposes of this Manual, senior officials are those officials holding the rank of O-7 and above or the equivalent. All complaints against senior officials will be handled through IGMC channels and reported through IG channels. Complaints alleging prohibited activities and conduct against senior officials will be forwarded to IGMC via the receiving command's supporting IG within 72 hours of receipt. (references (i) and (j))

0311 TIME LIMITS FOR FILING A COMPLAINT

Complaints of prohibited activities and conduct should be filed within 60 calendar days of the offending incident; or, in the case of a series of incidents, within 60 calendar days from the most recent incident. In the case of complaints filed by an inactive Reservist or in which an inactive Reservist is the subject of the complaint (i.e. a "Reserve complaint"), complaints should be filed within 120 calendar days of the offending incident. Late reporting may impact the command's ability to gather evidence, and may affect the investigation. However, commanders will ensure all complaints alleging prohibited activities and conduct are provided to their supporting EOA/MEO Office and documented in the DASH reporting system via a DASH report. If a commander determines that an investigation cannot be undertaken due to the lateness of the report, a written statement with justification for the commander's decision will be provided to the supporting EOA/MEO Office for inclusion in the DASH report.

0312 UPDATES TO THE COMPLAINANT

Once a complaint is received, the MEO Office and command will follow the processes defined in Chapters 4 and 5, respectively (Appendixes A and B). Throughout the complaint investigation and resolution process a complainant will be informed of the status of their complaint via the PAC APP or by contacting their servicing MEO office.

VOLUME 3: CHAPTER 4

"COMMAND ACTIONS"

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CHAPTER 4

COMMAND ACTIONS

0401 RESPONSIBILITY

Commanders will ensure prompt, impartial, and thorough investigation of all credible complaints alleging prima facie prohibited activities and conduct as defined in Volume 2 of this Order. Commanders are responsible for ensuring all command actions and complaint processing requirements are accomplished in accordance with this Order. Commanders will take immediate and appropriate corrective actions when a report of prohibited activities and conduct is received and ensure the servicing EOA/MEO office (central point) be notified of the initiation of all inquiries/investigations into complaints alleging prohibited activities. All complaints shall be forwarded to the servicing EOA/MEO office for appropriate actions in accordance with this Volume. Commanders are responsible for the following command actions. Complaints involving reprisal, restriction or a Senior Official will be addressed in accordance with Volume 3, paragraphs 030705 and 0309 of this Order (references (i) and (j)).

0402 IMMEDIATE REPORTING ACTIONS

Upon receipt of an allegation of prohibited activities and conduct under this Order, immediately contact the Marine Corps Operations Center (MCOC) by phone and provide available information regarding the incident. Generally, phone notification to the MCOC should occur within 30 minutes of notification. Within six hours, submit an OPREP-3 SIR as outlined in reference (k) and forward all complaints, to include anonymous reports, to the servicing EOA/MEO Office. Commanders should consult with their EOA and SJA to determine the basis of the inquiry or investigation.

040201. Within 72 hours of initial receipt of the allegation of prohibited activities and conduct, commanders shall:

A. Submit all reportable information to the EOA/MEO office and ensure their supporting EOAs open and submit an initial discrimination and sexual harassment (DASH) report to CMC (MPE), and conduct the intake interview.

B. Submit a written, detailed description of the allegation(s) of prohibited activities and conduct, including the name of the assigned investigating officer (IO), via the chain of command to the first officer with GCMCA in the chain of command.

0403 ACCEPTANCE, DISMISSAL, OR REFERRAL OF COMPLAINTS

EOAs will conduct intake interviews to determine if a complaint alleging prohibited activities and conduct meets the prima facie elements of prohibited activities and conduct under this Order. EOAs will advise the commander on the appropriate resolution of the allegation(s). A complainant may request a means of resolution during their intake interview. However, the commander shall determine an appropriate course of action for complaint investigation and resolution. Dismissal or referral does not mean the individual's issue will not get addressed or resolved, but rather it will not be processed under the requirements of this Order. Irrespective of whether a complaint is accepted, dismissed, or referred under this Order, commanders have the authority to employ the full range of administrative and disciplinary actions, including administrative separation or appropriate criminal action, against military personnel who

engage in activity prohibited by this Order. No action taken under this Order otherwise affects the statute of limitations of any specific offense under the UCMJ.

040301. Acceptance

Commanders will accept a prima facie complaint alleging prohibited activities and conduct for investigation and processing in accordance with this Order unless the complaint is dismissed or referred for any of the reasons described below. The Notification of Acceptance format is provided at Appendix D.

040302. Referral

Claims of conduct not under the purview of this Order will be referred to the complainant's chain of command or appropriate agency for redress or further assistance. This includes, but is not limited to, claims of sexual assault; offenses governed by other orders or UCMJ, etc. The preferred method of referral will be a positive turnover of the complainant to their chain of command or the appropriate agency. Commanders are reminded that complaints involving reprisal, restriction, or a Senior Official shall be addressed in accordance with Chapter 3, paragraphs 030705 and 0309 of this Volume.

0404 BASIS FOR DISMISSAL

If a commander determines that an investigation cannot be undertaken due to any of the following reasons, a justification for the commander's decision to dismiss the complaint will be documented in the DASH system (Appendix G). Any allegation in a complaint, or the complaint in its entirety, may be dismissed for any of the following reasons:

040401. Frivolous

A claim that fails to allege facts that, if true, would constitute a violation of a standard, whether defined by statute, regulation, order, or custom of the service may be dismissed.

040402. Duplicative

If the complainant's claims are identical to claims that were previously filed, or resolved, the complaint may be dismissed.

040403. Not Under the Purview

Complaints submitted by persons not covered by this Order, will be dismissed. Complaints that do not meet the prima facie elements of an offense under this Order may be dismissed. Also included are situations over which neither the command nor the Marine Corps has jurisdiction or the authority to remedy.

040404. Statutory or Regulatory Restrictions

Complaints based on DoD, DON, or Marine Corps policy or practice will be dismissed and not processed under this Order. For example, restrictions on age for enlistment and retirement may not be accepted as a complaint of age discrimination. Contact MPE for guidance regarding how to process claims of institutional discrimination.

040405. Complaint is Moot

Even if prohibited activities and conduct was substantiated, no actions beyond those already taken would be required. A moot complaint is defined as one without legal significance, through having been previously decided or settled.

040406. Failure to Cooperate

A complaint that has been accepted for investigation may be dismissed at any stage of processing if the complainant fails to cooperate with the investigation or with requests for information.

040407. Lateness

Late reporting may impact a commander's ability to gather evidence and interview witnesses. A commander may determine that an investigation cannot be undertaken due to the lateness of the report (see Chapter 3 of this Volume).

0405 REQUESTS FOR RECONSIDERATION OF DISMISSAL

Complainants may request reconsideration of a dismissed complaint to the first GCMCA over the commander. If a complainant's request for reconsideration is approved, that GCMCA will accept the complaint for investigation and resolution in accordance with this Order. The matter shall not be returned to the original commander.

0406 INVESTIGATION CONVENING AUTHORITY (CA)

Commanders shall direct an appropriate inquiry into all credible complaints alleging prima facie incidents of prohibited activities and conduct. As the investigation CA, the subject's commander is responsible for ensuring a prompt, impartial, and thorough investigation of all credible complaints alleging prima facie prohibited activities and conduct identified in Volume 2, in accordance with this Order. CA's will convene an investigation within 72 hours of receipt of a credible complaint meeting the prima facie elements of an offense (reference (d)).

0407 PROHIBITED ACTIVITIES AND CONDUCT INVESTIGATION

Commanders will convene investigations and appoint IOs in accordance with Chapter 2 of reference (l) to determine facts and circumstances surrounding complaints alleging prohibited activities and conduct. Timelines for completion of all prohibited activities and conduct investigations will be in accordance with this Order. All prohibited activities and conduct investigations will be documented in the DASH system in accordance with this Order.

040701. Purpose and Nature of Investigations

Investigations are meant to collect and present basic facts to the commander to facilitate resolution of the matter at the lowest appropriate level. Only a commander may determine, or substantiate, whether or not prohibited activities and conduct occurred. The prohibited activities and conduct investigation is an administrative fact-finding process to help determine, to the maximum extent possible, in the time allotted: what actually occurred; who was involved; assess the validity of the complaint; identify any leadership or management concerns that might have contributed to the incident; or

to perceptions of prohibited activities and conduct and poor command climate; and to recommend any appropriate corrective actions.

040702. Investigation and Resolution Timeline

A. As the CA, a commander will make every effort to investigate and resolve accepted complaints of prohibited activities and conduct, with the exception of sexual harassment complaints, within 30 calendar days after the date on which the investigation commences. Any extensions on investigations must be requested in writing to and approved by the first GCMCA in the chain of command. The request for extension must include a progress report on the investigation and justification for the extension. If the investigation cannot be completed within 30 days, a report on the progress made in completing the investigation will be submitted to the first GCMCA in the chain of command after the date on which the investigation is commenced and every 14 days thereafter until the investigation is completed. Upon completion of the investigation, a final report on the results of the investigation must be submitted, including any action taken, to the first GCMCA in the chain of command.

B. Sexual Harassment Complaints. As the CA, a commander will make every effort, to the extent practicable, to investigate and resolve accepted sexual harassment complaints within 14 days after the date on which the investigation commences. In addition:

1. A final report on the results of the investigation, including any action taken, will be submitted to the first GCMCA in the chain of command within 20 days after the date on which the investigation is commenced; or

2. If the investigation cannot be completed within the timeline stated in Paragraph 040702.B, a report on the progress made in completing the investigation will be submitted to the first GCMCA in the chain of command after the date on which the investigation is commenced and every 14 days thereafter until the investigation is completed. Upon completion of the investigation, a final report of the investigation must be submitted, including any action taken, to the first GCMCA in the chain of command.

C. All reports of investigation of prohibited activities and conduct, to include complaints alleging sexual harassment, must be reviewed for EO compliance and legal sufficiency in accordance with this Order. See paragraphs 0409 and 0410.

040703. Separate Commands

If the complainant and alleged offender are in separate commands, the subject of the complaint's command shall provide the complainant's commander with a copy of the completed final investigation to include actions taken to resolve the complaint. The complainant's commander will use this information to notify the complainant on the outcome of the investigation.

040704. Cases Involving Reserve Marines

In the case of a complaint involving Reserve Marines, the command investigation and any directed resolution must be completed within 120 calendar days of the commanding officer's initial receipt of the report or complaint.

040705. Substantiated Cases Involving a Civilian Subject

A substantiated case of prohibited activities and conduct in which the complainant is a Service member and the subject is a DoD civilian employee requires significant coordination. The complainant's command, the subject's supervisory personnel, EOA/MEO Office, and subject's Civilian HRO will coordinate to ensure the appropriate release, subject to governing law and regulation, of documentation related to the complaint to the cognizant MEO Office in order to properly notify the complainant in accordance with paragraph 4.2.c. of reference (a) and to complete a DASH report. Chapter 7 of this Volume provides DASH reporting requirements. All reported personnel actions will be handled in accordance with applicable Privacy Act requirements.

0408 COMMAND NOTIFICATIONS AND TIMELINES

Written proof of receipt (either by the individual's signature acknowledging notification or by a certified mail receipt) of the following notices to a complainant and/or subject are required as source documents to update the DASH case file. Appendixes A through G are provided as templates.

040801. Subject of Complaint

When an investigation is convened, commanders will cause individuals who are named by a complainant as engaging in prohibited activities and conduct to be notified of the basis and matter identified in the complaint. This notification will be made in writing within 72 hours of receiving the prima facie determination utilizing Appendix D. Ensure a copy is provided to the EOA/MEO Office for inclusion in the DASH case file.

040802. CA Determination

Commanders will notify complainants and subjects of complaints in writing of the CA determination following an investigation into a complaint alleging prohibited activities and conduct. The CA determination notification will be made in writing within 72 hours of CA determination utilizing Appendixes D and E. Ensure a copy is provided to the EOA/MEO Office for inclusion in the DASH case file.

040803. Notice of Dismissal of Complaint

The complainant will be notified by the commander in writing as to the basis for dismissal utilizing Appendix G. The notice of dismissal to the complainant, with proof of receipt, will be forwarded to the EOA for inclusion in the DASH case file prior to administrative closure of the DASH report.

0409 EOA/MEO OFFICE COMPLIANCE REVIEW

Upon completion of the prohibited activity and conduct complaint investigation, and prior to the legal sufficiency review, the IO will submit the investigation for an EOA compliance review. EOAs will note any discrepancies and return to the IO. The EOA compliance review will ensure the following:

040901. Were all accepted allegations of prohibited activity and conduct thoroughly addressed in the investigation?

040902. Does the investigation include a thorough review of the circumstances under which the alleged prohibited activity and conduct occurred?

040903. Did the investigation include an analysis of how the victim was treated compared to others within the complainant's demographic group and with those of other demographic groups?

040904. Is there any evidence of bias (a highly personal and unreasoned distortion of judgment) by the IO?

040905. Is there any evidence the complainant rather than the alleged prohibited activity and conduct was investigated?

0410 LEGAL SUFFICIENCY REVIEW

Upon completion of the EOA compliance review, the IO will submit the investigation for a legal sufficiency review.

041001. The investigation CA will ensure a legal sufficiency review is conducted prior to endorsing an investigation of a complaint alleging prohibited activity and conduct.

041002. The legal sufficiency review is a review by the SJA (or Counsel if the subject of the investigation is a civilian employee or contractor) of an investigation into a complaint alleging prohibited activities and conduct under this Order to determine whether any errors or irregularities exist, and, if so, their legal effect, if any. The review will determine whether:

A. The investigation complies with all applicable legal and administrative requirements;

B. The investigation adequately addresses the matters complained of;

C. The evidence supports the finding of the IO or board; and

D. The conclusions and recommendations of the IO or board are consistent with the findings.

0411 CA ENDORSEMENT

The commander who convened the investigation is the decision authority for substantiating any prohibited activity and conduct. The commander must make a decision to either substantiate or not substantiate all accepted complaints alleging prohibited activity and conduct in the CA endorsement of the investigation. The CA will submit the final report to the first GCMCA in the chain of command for review utilizing the format in Appendix H. The CA will retain a copy of the final report, with completed Complainant Acknowledgment Record (Appendix C), and ensure the complaint resolution is documented in the DASH system in accordance with this Order.

0412 COMMAND ACTIONS FOLLOWING COMPLAINT SUBSTANTIATION

Upon completion of all administrative adjudication of the investigation, commanders will appropriately document all substantiated incidents of prohibited activities and conduct under this Order in the subject member's Official Military Personnel File (OMPF). Substantiated incidents shall be documented on the

member's NAVMC 118 (11) "Administrative Remarks" page (Page 11), via a 6105 or page 11 counseling statement in accordance with reference (m), considered derogatory material for purposes of a member's performance evaluation, and, for those members who do not receive performance evaluations, the conduct will be considered in setting proficiency and conduct markings (references (m) and (n)). If a substantiated incident is pending non-judicial punishment (NJP), courts-martial, or civil/criminal action, then the substantiated determination will not be documented on a NAVMC 118 (11) or considered for performance evaluations and in setting proficiency and conduct until that action is complete. Commanders shall document the substantiated incident in the subject member's OMPF, as directed above, and consider the results in the reporting or observation period when adjudication of that action (NJP, courts-martial, or civil/criminal) is complete.

041201. Temporary Reassignment of Duties

If a senior-subordinate relationship exists between the complainant and the subject(s) of a complaint, or when it is otherwise appropriate, commanders will, when possible, reassign one or both parties within the unit and without prejudice, during the course of the investigation. If the subject of the complaint is the commander, and their motivation in a particular situation could be legitimately called into question (as in the case of writing the complainant's performance evaluation), a commander should consider recusing themselves and requesting an appropriate reporting official to fulfill their responsibilities.

041202. Prevent Reprisal

Commanders will continuously monitor for any potential reprisal/retaliation against a complainant by checking on work area climate and ensuring performance assessments document job performance accurately.

0413 COMPLAINT RESOLUTION

The complainant may indicate a desired outcome or means of resolution. However, the CA will determine the appropriate resolution and any corrective action for all incidents of substantiated prohibited activity and conduct. Commanders have a wide range of options available to them to resolve substantiated incidents. The commander will consider the circumstances of the case as presented in the prohibited activity and conduct complaint investigation to determine the appropriate corrective and/or disciplinary action, if any. The commander's actions to resolve all claims will be documented and made part of the case file via the DASH system.

0414 APPEAL OF COMMANDER DECISION

Each party to a complaint (the complainant, to the extent one exists, and subject of the complaint, to the extent that they are a uniformed Service member) has the right to appeal the commander's final decision to substantiate or not substantiate an accepted complaint of prohibited activities and conduct (reference (d)) as set forth in Chapter 6 of this Volume.

0415 RECORD OF COMPLAINT FILE

The complete record of the complaint, investigation, and final decision (including any appeal of the commander's decision to substantiate or not substantiated an allegation of prohibited activities and conduct) will be retained in the command's correspondence files, in accordance with this Order and applicable record retention requirements.

0416 ADMINISTRATIVE CLOSURE

A complaint is administratively closed when a final decision has been issued by the commander and, when applicable, acknowledged by the complainant, or, if appealed, all avenues of appeal have been exhausted. The EOA will document all final actions and close the case file in the DASH system. No further processing is required following the administrative closure of the DASH case file. Commanders will ensure all final corrective actions or terms agreed upon in a resolution are met or directed. The commander will request administrative closure of the case file, when appropriate, utilizing Appendix I. A complaint will be administratively closed when:

041601. A complainant voluntarily and unconditionally withdraws a complaint;

041602. The commander dismisses a complaint and that decision is not otherwise modified as a result of any request for reconsideration;

041603. The commander issues a final decision and the complainant fails to appeal the matter within the time prescribed;

041605. The complainant fails to appeal any GCMCA initial appeal decision within the time prescribed; or

041606. The complainant exhausts the appellate process to the Secretary of the Navy (SECNAV) or designee, and a final resolution is determined.

VOLUME 3: CHAPTER 5

"EOA/MEO OFFICE ACTIONS"

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER VERSION	PAGE PARAGRAPH	SUMMARY OF SUBSTANTIVE CHANGES	DATE OF CHANGE

CHAPTER 5

EOA/MEO OFFICE ACTIONS

0501 COMPLAINT PROCESSING ACTIONS

EOAs will support commanders and execute the complaint processing actions for all allegations of prohibited activities and conduct in accordance with this Order.

0502 INTAKE INTERVIEWS

EOAs will conduct intake interviews for all allegations of prohibited activities and conduct, regardless of how a complaint is submitted. In-take interviews enable complainants to clarify their concerns one-on-one with the EOA. EOAs will utilize the Complainant's Notice of Rights and Responsibilities at Appendix A to document their intake interview with a complainant.

050201. EOAs will monitor the PAC APP to ensure complaints are responded to promptly.

050202. In any situation in which a complaint is received from a reporter who is neither the recipient of the prohibited activities and conduct, nor a Service member (e.g., a non-Service member, a DoD civilian employee, or any other individual); the EOA will acknowledge receipt and process the complaint in accordance with this Order. However, the EOA will not treat the reporter as an aggrieved party (i.e., a complainant) able to seek redress under this Order.

050203. All DoD civilian employees will be referred to the servicing Equal Employment Opportunity (EEO) Office for information and advice on the laws, rules, and regulations governing the EEO complaint process.

0503 PRIMA FACIE DETERMINATION, COMMAND NOTIFICATION, AND DASH REPORTING

EOAs will determine if a complaint alleging prohibited activities and conduct meets the prima facie elements of an offense during the intake interview with the complainant or reporter; and advise the commander on the appropriate resolution of the allegation(s). A complainant may request a means of resolution during their intake interview. However, the commander will determine the appropriate course of action for complaint resolution. All command actions will be documented in writing in accordance with this Order. Copies will be provided as source documentation for EOAs to update the DASH case files. EOAs will enter all command actions in the DASH in accordance with Chapter 7 of this Volume.

050301. If, as a result of complaint analysis, the complaint does meet prima facie, the EOA will enter it in the DASH system, and assign a DASH number to the case. The EOA will frame the complaint for the commander to determine whether to accept the complaint for investigation and resolution, refer it to an appropriate office for redress, or dismiss in accordance with Chapter 4 of this Volume. The EOA will provide a written complaint analysis with appropriate recommendations to the commander to convene an investigation into the complaint of prohibited activities and conduct utilizing the format in Appendix B. If accepted, the Commander will determine the appropriate mechanism for investigation and resolution of the complaint.

050302. If, as a result of complaint analysis, the complaint does not meet the prima facie elements of an offense, the EOA will advise the commander on referring the complainant to their chain of command and/or appropriate agency for redress or further assistance, or dismissal based upon criteria in Chapter 4 of this Volume. The standard method of referral will be a positive turnover, or "warm hand-off", of the complainant to the appropriate agency.

0504 REQUESTS FOR RECONSIDERATION OF DISMISSAL

Complainants may request reconsideration of a commander's decision to dismiss their complaint to the first GCMCA in that commander's chain of command. Requests for reconsideration of dismissal must be made in writing within seven calendar days of notification of dismissal. (Appendix G)

0505 INVESTIGATION COORDINATION AND SUPPORT TO COMMANDERS

EOAs will coordinate investigation requirements with the affected commands.

050501. If an EOA/MEO Office receives a complaint in which the subject of the complaint is not a member of the EOA's supported command, the MEO office will notify the appropriate commanders; and forward the actual complaint via the servicing MEO office for the responsible commander to investigate and resolve. The subject's command and servicing MEO office will assume responsibility for investigating and processing the complaint. Upon resolution, the results of any investigation, final disposition, and resolution will be reported back to the complainant via their chain of command and supporting MEO Office.

050502. If the subject of the complaint and the complainant are no longer members of the unit(s) where the conduct is alleged to have occurred, the MEO office, in consultation with the SJA, will forward the complaint to the most appropriate command to address the complaint. This may be the subject's current command, or the command at which the incident allegedly occurred.

050503. EOAs will provide SME assistance to commanders and investigators throughout the investigation process.

050504. EOAs will conduct an EOA/MEO Office compliance review upon completion of the prohibited activity and conduct complaint investigation, in accordance with Chapter 4 of this Volume.

0506 CONVENING AUTHORITY (CA) FINAL DECISION AND COMPLAINT RESOLUTION

Following the CA's final decision and resolution of a complaint, EOAs shall:

050601. Update the DASH case file with the CA's disposition (substantiated or not substantiated) of the complaint and command-directed resolution, and

050602. Meet with a complainant to obtain a Complaint Resolution Statement (CRS).

0507 COMPLAINANT RESOLUTION STATEMENT (CRS)

The supporting EOA will meet with the complainant to obtain a CRS utilizing Appendix C after the complainant and subject have been notified by their commander of the disposition of complaint. EOAs will upload this statement into the DASH case file. The complainant will acknowledge the notification of

the commander's final decision and make a statement indicating their satisfaction or dissatisfaction with the resolution.

0508 APPEALS

Dissatisfaction with the disposition of a complaint does not constitute a valid basis of an appeal. An appeal must be affirmatively requested in writing within seven calendar days of notification of the CA's final decision. Each party to a complaint (the complainant, to the extent one exists, and subject of the complaint, to the extent that they are a uniformed Service member) has the right to appeal the commander's final decision to substantiate or not substantiate an accepted complaint of prohibited activities and conduct (reference (d)) as set forth in Chapter 6, Volume 3 of this Order.

0509 ADMINISTRATIVE CLOSURE OF DASH CASE FILE

EOAs will administratively close a DASH case file upon completion of the following:

050901. Commanders will ensure all corrective actions or terms agreed upon in a resolution are met or directed (see Chapter 4 of this Volume). Commanders will document all final command actions and forward necessary documentation to the EOA/MEO Office. EOAs will ensure all the required documentation is included in the DASH case file prior to administratively closing the file.

050902. EOAs will conduct a follow-up assessment with complainants and subjects within 45 days of final command actions to ensure there have been no incidents of reprisal or retaliation. Reports involving reprisal or restriction and allegations against Senior Officials are governed by references (f) through (h) and references (i) and (j), respectively.

VOLUME 3: CHAPTER 6

"APPEALS"

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 6

APPEALS

0601 GENERAL

Each party to a complaint (the complainant, to the extent one exists, and subject of the complaint, to the extent that they are a uniformed Service member) has the right to appeal the commander's final decision on an accepted complaint of prohibited activities and conduct (reference (d)). The appeal process is an administrative procedure designed to ensure all relevant information was considered, and if not, determine if additional information would have changed the outcome.

0602 ELIGIBILITY

Either the complainant or the subject of the complaint, to the extent that they are a uniformed Service member, may appeal the commander's final decision (substantiation or non-substantiation) on a complaint. There are two levels of appeal; neither are automatic. An appeal must be requested by either the complainant or the subject of the complaint in writing within seven calendar days of notification of the commander's decision. In addition to the written appeal, the entire investigation will be submitted to the appellate authority for review.

0603 LEVELS OF APPEAL

060301. Initial Appeal

The first level appeal of a decision on a complaint will be to the first GCMCA over the commander who issued the final decision (substantiation or non-substantiation). This appeal should be requested within seven calendar days of the notice of the decision on the complaint. The command will provide the individual appealing the commander's decision with a copy of the commander's final decision, which will articulate the basis for the decision and any corrective action taken. Upon receipt of the written decision, the complainant and subject of the complaint will have seven calendar days to submit an appeal of the commander's decision to the first GCMCA in the chain of command.

060302. Final Appeal

The final appellate authority on a complaint of prohibited activities and conduct is the SECNAV, or designee, in accordance with reference (d). Upon request, the GCMCA will forward the complaint and all documents pertinent to the complaint to the SECNAV, via the Office of the Judge Advocate to CMC, for final review. In processing this final appeal, the procedures applicable to the SECNAV review of UCMJ, Article 138 complaints, as detailed in Chapter III of the reference (l), shall be used in so far as practicable. The request for final appeal to the SECNAV, or designee, must be forwarded via the appellant's commanding officer and the GCMCA who conducted the initial appeal. This final appeal should be requested within 30 calendar days of receipt of the GCMCA's decision on the initial appeal. An appeal requested after 30 days may be returned as untimely, unless unusual circumstances justify the delay.

0604 BASIS OF APPEAL CRITERIA

An appeal may be submitted on any legal or equitable ground based upon a perception that existing DoD, DON, or Marine Corps issuance was incorrectly applied in the particular case; that facts were ignored or weighed incorrectly; that remedial action ordered by a commander was insufficient under the circumstances; or on any other good-faith basis.

0605 APPELLATE AUTHORITY ACTIONS

060501. If the complainant or subject appeal the CA's decision, the first GCMCA superior to the CA must conduct an appellate review to ensure all DoD, DON, and Marine Corps issuances were considered appropriately. If the GCMCA determines that the policies were not considered appropriately, the GCMCA has the following options:

A. Order a new investigation by a different CA,

B. Take additional appropriate actions/sanctions,

C. Overturn the subordinate commander's decision, or

D. Concur with the subordinate commander's decision.

060502. In the event that the CA's decision is overturned, the GCMCA will use the "Clear and Convincing" evidence standard as the basis for decision. In the endorsement, the GCMCA will articulate what evidence was considered to overturn the CA's decision.

060503. Both the initial and the final appellate authority may determine whether the initial complaint and/or the appeal were made in good faith, and if not, may take appropriate corrective measures, including punitive action.

0606 REVIEW BY THE SECRETARY OF THE NAVY (SECNAV)

060601. Scope and Standard of Review

The SECNAV, or designee, as the final appellate authority, will review the action of the GCMCA when a written appeal is submitted in the time prescribed. The standard for a SECNAV review is whether the GCMCA demonstrated an abuse of discretion in the appellate decision (references (d) and (l)).

060602. Action Where Redress was Granted

The SECNAV, or designee, may set aside actions favorable to the complainant only if such redress was beyond the statutory or regulatory authority of the officer granting the redress.

060603. Action Where Redress was Denied

The SECNAV, or designee, may order further proceedings in the matter, or direct that all or a portion of the requested redress, or other appropriate redress, be granted.

060604. Notification and Finality

Upon review of an appeal of a decision on a complaint, the SECNAV, or designee, shall notify the complainant of the final action taken. Upon SECNAV action on the complaint, the complainant will have exhausted the appellate process in accordance with references (d) and (l). No further review or appeal of the matter is permitted.

060605. Other Remedies

Exhaustion of remedies under Article 138, UCMJ, and Article 1150, U.S. Navy Regulations, does not affect remedies that may be available under other statutes or regulations, including petitions to the Board for Correction of Naval Records.

VOLUME 3: CHAPTER 7

"DISCRIMINATION AND SEXUAL HARASSMENT (DASH) SYSTEM REPORTS"

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 7

DISCRIMINATION AND SEXUAL HARASSMENT (DASH) SYSTEM REPORTS

0701 GENERAL

CMC (MPE) implemented the DASH system to track all complaints alleging prohibited activities and conduct from initial reporting until final command action is taken on the matter. The DASH system ensures oversight of the prohibited activities and conduct reporting across the Service. It is not a report card for units, commanders, or installations. DASH reporting does not usurp or otherwise supersede Serious Incident Reporting requirements under reference (k) that are required as a result of prohibited activities and conduct reports.

0702 WHEN REQUIRED

A DASH report is required when a complaint alleging prohibited activities and conduct is received.

0703 USE OF DASH INFORMATION

The information reported in a DASH report is used primarily to provide oversight of the prohibited activities and conduct complaint process. It is also used to provide statistical data for reports and to assist in identifying trends that may exist in the organizational climate of the Marine Corps. The information shall be used for official use only and will be handled consistent with references (o) through (q), and implementing DoD and DON issuances.

0704 COLLECTION AND SECURITY OF PERSONALLY IDENTIFIABLE INFORMATION (PII)

A number of PII entries are required in order to report, investigate, and track complaints alleging prohibited activities and conduct. Therefore, appropriate measures must be taken to restrict access to the DASH system to only those with a need to know. EOAs are the authorized users of the DASH system.

0705 DASH REPORTING PROCEDURES AND TIMELINES

070501. It is the responsibility of the command which receives the initial complaint to ensure a DASH report is initiated and submitted to the CMC (MPE) via the supporting EOA/MEO Office within 72 hours of receiving the report. In cases involving multiple commands, the commander with administrative control of the subject is responsible for the DASH reporting in accordance with this Order.

A. Initial DASH Report

The initial DASH report should include a description of the alleged incident, to include date, location, alleged subject(s), date of initial report, individual who received the initial report and the complainant's contact information. When submitting information for a DASH report, commands will provide only the information and action taken that is relevant to the alleged prohibited activities and conduct.

B. DASH Update Reports

The commander, with assistance from the supporting EOA/MEO Office, is responsible for ensuring the update report is submitted to CMC (MPE) via a DASH entry. Updates are required upon receiving an extension, upon determination for disposition or resolution, or upon conclusion of NJP, court-martial or other administrative action not previously reported.

C. Extensions

If an extension is granted, commanders will provide the EOA/MEO Office with the narrative section of the DASH report which includes the reason(s) for the extension, length of the extension, and the name of the commanding general authorizing the extension.

D. Final DASH Reports

Final DASH reports will be appended to the "closed" incident case files and maintained by the command that originated the DASH report. The final DASH report will include a copy of the Report of Investigation (minus enclosures), a written commander's decision (determination of substantiation or non-substantiation by the CA); Complainant Resolution Statement, all appellate action, if applicable; and all command action taken as a result of the complaint. Commanders are responsible for ensuring all source documents are submitted to the supporting EOA/MEO Office for the required DASH reporting prior the administrative closure of the DASH report.

070502. Complainant and Subject of Complaint in Separate Commands

The subject's commander shall ensure resolution information is provided to the complainant's commander for a final DASH input or update.

0706 SYSTEM OF RECORD NOTICE (SORN) ID NUMBER

DASH is a system of records with a registered SORN number MMN00044. The system is authorized to collect PII for complaints related to prohibited activities and conduct.

0707 DASH DATA

070701. Requests for DASH Information

Forward all requests for information collected and retained in DASH to MPE. MPE is the release authority for all DASH data.

070702. DASH Access

All DASH users must be approved by MPE. Submit the appropriate DD Form 2875, System Authorization Access Request (SAAR) Form to MPE at mpe_eo@usmc.mil.

VOLUME 3: APPENDIX A

"COMPLAINANT'S NOTICE OF RIGHTS AND RESPONSIBILITIES"

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX A

COMPLAINANT'S NOTICE OF RIGHTS AND RESPONSIBILITIES

PURPOSE: This is to notify complainants of their rights and responsibilities regarding the processing of a complaint of prohibited activities and conduct. It is important that you read this document carefully to ensure you have an appropriate understanding of the complaint process. A copy will be retained by the EOA/MEO Office in the official complaint case file.

1. GENERAL

The Marine Corps continues to take deliberate actions necessary to eradicate prohibited activities and conduct from our ranks. Addressing the problem starts with ensuring that the Marine Corps does not tolerate harassment (to include sexual harassment), unlawful discrimination, or abuse (specifically, hazing; bullying; ostracism; retaliation); wrongful distribution or broadcasting of intimate images; and, certain dissident and protest activity (to include supremacist activity)). These behaviors will be referred to collectively as prohibited activities and conduct.

a. When communicating with Marine Corps Equal Opportunity (MEO) personnel, it is important to understand that they **DO NOT** have privilege or confidentiality. However, all information is "For Official Use Only," and the privacy of individuals will be protected as much as possible. This means any report of suspected wrongdoing or criminal activity must be reported to the appropriate authorities. Further, information regarding your case may be disclosed to your chain-of-command or others who have an official need for this information in executing their official duties (e.g., SJA, IG, or those conducting investigations).

b. If your concern falls outside the purview of this process we will ensure referral via a "positive hand-off" of your issue to the appropriate office via your chain of command for redress.

2. CLAIMS INVOLVING PHYSICAL CONTACT

Complaints involving physical contact require additional safeguards in order to preserve the rights of the victim. If your complaint involves allegations of hazing, bullying, or sexual harassment that involve physical contact you will be referred to the installation Sexual Assault Response Coordinator (SARC) for screening. This is done to preserve your right to file a restricted report. If it is determined that your issue is not related to sexual assault, you will be referred back to this office for further processing of your complaint.

3. COMPLAINANT'S RIGHTS

a. To present any legitimate complaint without fear of intimidation, reprisal, retaliation, or harassment. The issues discussed with the MEO Office, and the matter giving rise to a complaint of prohibited activities and conduct, must be sufficiently precise to describe the action(s) or practice(s) that form the basis of the complaint.

b. To be counseled on the complaint process. You may contact the regional MEO Office for more information regarding the complaint process.

c. All official contact with the MEO office is considered protected communications.

d. To receive military legal assistance, as appropriate, in submitting your complaint. You may contact your servicing Legal Services Support Section (LSSS) for assistance.

e. To receive support services throughout the complaint process. Victim services are available to complainants throughout the complaint process. If you would like to be referred to support services please notify your MEO representative, or EOA.

f. To decline to participate in the investigation process at any time. You may voluntarily and unconditionally withdraw your complaint at any time during the process. However, the commander may continue to take action on your claim.

g. To be informed of the outcome of your complaint in writing. At the conclusion of the process your commanding officer or designee will notify you in writing of the decision made with respect to your report.

h. To appeal the commander's disposition of the complaint in writing within seven calendar days of notification of the commander's final decision on the filed complaint of prohibited activities and conduct.

4. COMPLAINANT'S RESPONSIBILITIES

a. To advise the command within 60 days of the alleged incident.

b. To fully participate in the investigation process into complaints alleging prohibited activities and conduct, to the extent required by law.

c. To submit only legitimate complaints and to exercise caution against frivolous or false allegations.

I. M. COMPLAINANT

Copy to:
EOA/MEO Office Case File

VOLUME 3: APPENDIX B

"EQUAL OPPORTUNITY ADVISOR (EOA) COMPLAINT ANALYSIS"

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX B

EQUAL OPPORTUNITY ADVISOR (EOA) COMPLAINT ANALYSIS

EOA
Date

From: Command Equal Opportunity Advisor Office
To: Commanding Officer

Subj: COMPLAINT ANALYSIS C/O DASH CASE NUMBER 0001320150001

Ref: (a) MCO 5354.1E

Encl: (1) ***EOA will provide a copy of complaint to the Commander***

1. Per reference (a) the Military Equal Opportunity Office has reviewed the allegations contained in enclosure (1). Based upon our review, the allegations (meet/do not meet) the prima facie requirements for acceptance and processing under reference (a). The following allegations are forwarded for appropriate action (*EOA will provide a summary of the complaint's allegation of prohibited activities and conduct to assist the commander in determining appropriate investigation and resolution*):

a. *Did MSgt I. B. Angry, sexually harass by using explicit and sexually offensive language towards Sgt I. W. Standup, in violation of the reference?*

b. *Did Capt I. M. America, fail to create a workplace free from unlawful discrimination by condoning and failing to correct the behavior of MSgt I. B. Angry, in violation of the reference*?

2. Duration of Investigation

a. *(Complaints of Prohibited Activities and Conduct, with the Exception of Sexual Harassment Complaints).* To the extent practicable, ensure the investigation and resolution of the issue is completed on or before **30 days from investigation commencement**. In accordance with the reference, commanders will make every effort to investigate and resolve accepted complaints of prohibited activities and conduct, with the exception of sexual harassment complaints, within 30 calendar days after the date on which the investigation commences. If the investigation cannot be completed within 30 days, a report on the progress made in completing the investigation will be submitted to the first GCMCA in the chain of command after the date on which the investigation is commenced and every 14 days thereafter until the investigation is completed. Upon completion of the investigation, a final report on the results of the investigation must be submitted, including any action taken, to the first GCMCA in the chain of command.

b. *Sexual Harassment Complaints*. To the extent practicable, ensure the investigation and resolution of the issue is completed on or before **14 days from investigation commencement**. In accordance with the reference, commanders will make every effort, to the extent practicable, to investigate and resolve accepted sexual harassment complaints within 14 days after the date on which the investigation commences. In addition:

(1) A final report on the results of the investigation, including any action taken, will be submitted to the first GCMCA in the chain of command within 20 days after the date on which the investigation is commenced; or

(2) If the investigation cannot be completed within the timeline stated in Paragraph 040702.B of reference (a), a report on the progress made in completing the investigation will be submitted to the first GCMCA in the chain of command after the date on which the investigation is commenced and every 14 days thereafter until the investigation is completed. Upon completion of the investigation, a final report of the investigation must be submitted, including any action taken, to the first GCMCA in the chain of command.

3. Report of Disposition. Within 72 hours of command decision, submit the report of disposition and a copy of the completed report of investigation, minus enclosures, to the MEO Office. Upon completion of all command actions, forward copies of final command action/resolution of complaint to the MEO Office. These documents will be used to update the Discrimination and Sexual Harassment (DASH) reporting system.

4. Privacy Act. All complaints will be handled in accordance with the Privacy Act. Individual privacy, to the maximum extent possible, must be protected throughout all stages of the investigation and resolution of the complaint. When making updates or inquiries concerning this case please use DASH number: ***0001320150001*.**

5. Reprisal Prevention. Commanders are reminded to protect complainants, and others providing information in support of investigating and resolving this allegation, from reprisal or retaliation.

6. Your point of contact is (***EOA's Name***) at DSN (***EOA's phone #***) or CML (***EOA's phone #***) and email ***EOA.Marine@usmc.mil*** .

/S/
EOA SIGNATURE BLOCK

Date

FIRST ENDORSEMENT

From: (Complainant)
To: (Commander)

1. I concur with the description of my complaint on __ (date) _____as listed in paragraph 1 above.

COMPLAINANT'S SIGNATURE / DATE

Copy to:
DASH Case File

VOLUME 3: APPENDIX C

"COMPLAINANT ACKNOWLEDGMENT RECORD"

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER VERSION	PAGE PARAGRAPH	SUMMARY OF SUBSTANTIVE CHANGES	DATE OF CHANGE

APPENDIX C

COMPLAINANT ACKNOWLEDGMENT RECORD

Authority: MCO P5354.1E
Purpose: To document acknowledgement of notifications and counseling for those submitting a prohibited activities and conduct complaint
Disclosure: Voluntary. This information may be disclosed to agencies on a need to know basis.

1. Convening Authority (CA) Decision. I have been informed of the commander's decision regarding my complaint.

_____ _____
COMPLAINANT'S SIGNATURE / DATE EOA'S SIGNATURE / DATE

2. Right to Appeal CA Decision. Per MCO 5354.1E, I have been informed of my right to appeal the commander's decision regarding my complaint within seven calendar days of the notice of the final decision on the outcome of the complaint.

APPEAL CRITERIA. An appeal may be submitted on any legal or equitable grounds based upon a perception:

- that existing DoD or DON regulations were incorrectly applied in my particular case; or
- that the facts were weighed incorrectly or ignored; or
- That remedial action ordered by a commander was insufficient under the circumstances; or
- Any other good faith basis.

LEVELS OF APPEAL. There are two levels of appeal, neither automatic. Each appeal must be affirmatively requested by the subject. The first appeal of a decision on a complaint will be to the first commander in the chain of command with general courts martial convening authority (GCMCA). This appeal should be requested within ***seven calendar days*** of the notice of the decision on the complaint. If a further appeal is requested, the final resolution of an appeal on a complaint will rest with the Secretary of the Navy (SECNAV), or his designee. This final appeal should be requested ***within 30 days*** of receipt of the GCMCA's decision on the initial appeal. An appeal requested after 30 days, may be returned as untimely, unless unusual circumstances justify the delay.

_____ _____
COMPLAINANT'S SIGNATURE / DATE EOA'S SIGNATURE / DATE

3. Appeal Election. (to be submitted within 7 days of notice of commander's final decision).

_____ I elect to appeal the commander's decision in this case.

_____ I do not elect to appeal the commander's decision in this case.

_____ _____
COMPLAINANT'S SIGNATURE / DATE EOA'S SIGNATURE / DATE

4. Copy of Final Report. I have been advised that I have the right to request a copy of the investigating officer's final report with convening authority decision, consistent with the Privacy Act.

_____ I request a copy of the investigator's report.

_____ I do not request a copy of the investigator's report.

_____ _____
COMPLAINANT'S SIGNATURE / DATE EOA'S SIGNATURE / DATE

5. Complainant Resolution Statement (CRS)

_____ I am satisfied with the resolution to my complaint.

_____ I am dissatisfied with the resolution to my complaint. (Please provide reason for dissatisfaction in the space below. Attach additional sheets as required).

_____

_____

_____

_____

_____ _____
COMPLAINANT'S SIGNATURE / DATE COMMAND REPRESENTATIVE SIGNATURE / DATE

6. Command Follow Up. I acknowledge that a command representative has followed-up with me 30-45 days from completed of remedial action on the complaint.

_____ _____
COMPLAINANT'S SIGNATURE / DATE COMMAND REPRESENTATIVE SIGNATURE / DATE

VOLUME 3: APPENDIX D

"NOTIFICATION OF ACCEPTANCE"

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER VERSION	PAGE PARAGRAPH	SUMMARY OF SUBSTANTIVE CHANGES	DATE OF CHANGE

APPENDIX D

NOTIFICATION OF ACCEPTANCE

From: Commanding Officer
To: Complainant

Subj: NOTIFICATION OF ACCEPTANCE DASH CASE NUMBER 0001320150001

Ref: (a) MCO 5354.1E

1. Per reference (a) this letter notifies you that your complaint of sexual harassment has been accepted. I have assigned Capt I. B. Marine as the investigating officer. The following allegations will be investigated:

a. *Did MSgt I. B. Angry, sexually harass by using explicit and sexually offensive language towards Sgt I. W. Standup, in violation of reference (c), on 14 April 2018?.*

b. *Did Capt I. M. America, fail to create a workplace free from unlawful discrimination by condoning and failing to correct the behavior of MSgt I. B. Angry, in violation of reference (c), on 14 April 2018?.*

2. The investigation and resolution is scheduled to be completed on or before _____. If additional time is needed to completely resolve the issue you will be notified by this office.

3. At the conclusion of the investigation and required reviews, I will make an initial disposition decision. You will be advised of my decision in writing.

4. After being notified of the initial disposition decision, you have the right to appeal my decision within seven calendar days from the date notified. Criteria for appeals can be found in the reference.

5. All complaints are handled in accordance with the Privacy Act of 1974. Individual privacy, to the maximum extent possible, will be protected through all stages of the investigation and resolution of the complaint. When making inquiries about your case please use DASH number: **0001320150001**.

6. By filing this complaint you are protected against reprisal. If you feel you are the subject of reprisal based on your participation in this complaint process, please contact the command EOR SSgt I. B. Helpful immediately at (703) XXX-XXXX.

7. Your point of contact is (EOA's Name) at DSN (EOA's phone #) or CML (EOA's phone #) and email: EOA.Marine@usmc.mil.

M. A. COMMANDER

Copy to: EOA/MEO Office

VOLUME 3: APPENDIX E

"OFFENDER ACKNOWLEDGEMENT RECORD"

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER VERSION	PAGE PARAGRAPH	SUMMARY OF SUBSTANTIVE CHANGES	DATE OF CHANGE

APPENDIX E

OFFENDER ACKNOWLEDGEMENT RECORD

Authority: MCO 5354.1E
Purpose: To record the acknowledgement of notifications for those accused of alleged prohibited activities and conduct.

1. Complaint Notification. I have been notified by my commanding officer that I am the subject of a prohibited activities and conduct (PAC) complaint. I have also been informed not make any contact or communication with the complainant until the investigation has been completed.

_____ _____
SUBJECT'S SIGNATURE / DATE COMMANDING OFFICER / DATE

2. Convening Authority (CA) Determination. I have been notified by my commanding officer that the prohibited activities and conduct complaint filed against me has been (*substantiated/not substantiated*).

_____
SUBJECT'S SIGNATURE / DATE

3. Right to Appeal CA Decision. Per MCO 5354.1E, there are two levels of appeal, neither automatic. Each appeal must be affirmatively requested by the subject. The first appeal of a decision on a complaint will be to the first commander in the chain of command with general courts martial convening authority (GCMCA). This appeal should be requested within ***seven calendar days*** of the notice of the decision on the complaint. If a further appeal is requested, the final resolution of an appeal on a complaint will rest with the Secretary of the Navy (SECNAV), or his designee. This final appeal should be requested ***within 30 days*** of receipt of the GCMCA's decision on the initial appeal. An appeal requested after 30 days, may be returned as untimely, unless unusual circumstances justify the delay.

APPEAL CRITERIA. An appeal may be submitted on any legal or equitable grounds based upon a perception:

- that existing DoD or DON regulations were incorrectly applied in my particular case; or
- that the facts were weighed incorrectly or ignored; or
- That remedial action ordered by a commander was insufficient under the circumstances; or
- Any other good faith basis.

3. Appeal Election. I have been informed of my right to appeal the commander's decision regarding my complaint within seven calendar days of the notice of the final decision on the outcome of the complaint.

_____ I elect to appeal the commander's decision in this case.

_____ I elect not to appeal the commander's decision in this case.

_____ _____
SUBJECT'S SIGNATURE / DATE EOR SIGNATURE / DATE

VOLUME 3: APPENDIX F

"SAMPLE REPORT OF DISPOSITION"

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER VERSION	PAGE PARAGRAPH	SUMMARY OF SUBSTANTIVE CHANGES	DATE OF CHANGE

APPENDIX F

SAMPLE REPORT OF DISPOSITION

From: Commanding Officer
To: Complainant

Subj: NOTIFICATION OF DISPOSITION DASH CASE NUMBER XXXXXXXXX

Ref: (a) MCO 5354.1E

1. Per the reference, based on a command investigation your allegation of *hazing* has been *substantiated*. (*List all allegations and CA's determination of substantiated or not substantiated*). I have directed/taken the following corrective actions to resolve your complaint of prohibited activities and conduct. (*Corrective action to resolve the complaint will be listed below. Commanders have full discretion to resolve substantiated incidents of prohibited activities and conduct in accordance with the reference. Below is only an example of a potential corrective action).*

2. On 3 April 2018, Non-Judicial Punishment (NJP) was imposed by the undersigned on **Cpl I. B. Offender**. In regards to the PAC allegations the charges and disposition thereof are as follows:

Allegation	Charge	Plea	Finding	Appealed
Allegation #1	Viol. Art 92	Guilty	Guilty	No
Allegation #2	Viol. Art 92	Not Guilty	Guilty	No

3. **Cpl Offender** voluntarily accepted NJP and the following punishment was imposed: ***Reduction in grade, forfeiture of 1 month pay per month for 2 months, and 45 days restriction.***

4. All judicial actions associated with this case have been completed.

I. M. COMMANDING

Copy to:
EOA/MEO Office

VOLUME 3: APPENDIX G

"NOTIFICATION OF DISMISSAL OF COMPLAINT"

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER VERSION	PAGE PARAGRAPH	SUMMARY OF SUBSTANTIVE CHANGES	DATE OF CHANGE

APPENDIX G

NOTIFICATION OF DISMISSAL OF COMPLAINT

From: (Commander)
To: (Complainant)

Subj: NOTIFICATION OF DISMISSAL OF COMPLAINT C/O (Complainant's Name/EDIPI/MOS) DASH CASE NUMBER XXXXXXXXX

Ref: (a) MCO 5354.1E

1. After careful consideration and in accordance with references, I am dismissing the following allegation(s) in your complaint dated _____.

(List allegation(s) being dismissed)

2. Following investigation, I have determined to dismiss the allegation on the following basis: (*Any allegation in a complaint or the complaint in its entirety may be dismissed for the any of the following reasons. This notification should only include the basis for dismissal. All bases are provided below as an example)*.

a. Frivolous. Your claim failed to allege facts that, if true, would constitute a violation of a standard, whether defined by statue, regulation, order, or custom of the Marine Corps.

b. Duplicative. Your claims are identical to claims that have already been filed or resolved. (*Provide the original claim date and status*).

c. Not in Purview. Your claim failed to satisfy the elements of a violation under reference (a). (*Clarify what elements were not satisfied*).

d. Statutory or Regulatory Restrictions. Your claim is based upon DoD, DON, or Marine Corps policy or practice and cannot be processed under this Manual. Contact MEO Office for guidance regarding how to process claims of institutional discrimination.

e. Complaint is Moot. I have determined that, even if prohibited activities and conduct were substantiated, no actions beyond those already taken would be required. A moot complaint is defined as one without legal significance, through having been previously decided or settled. (*Clarify how the complaint is moot*).

f. Failure to cooperate. Based upon your failure to cooperate, and/or to provide necessary information, I am dismissing your complaint of prohibited activities and l conduct.

g. Lateness. Based upon the time between the alleged incident and when you reported it, I have determined that an investigation into your complaint of prohibited activities and conduct cannot be conducted.

3. *Provide a short justification for the basis. For example, if the CA determines the issue is duplicative (i.e. the complainant's allegations are identical to allegations that have already been filed or decided). On (date), the same incident of alleged discrimination was resolved by this command by…*

4. You are directed to endorse and return the following to this command.

5. Requests for waivers of dismissal can be forwarded to *(the first GCMCA in the chain of command- provide name of commander and mailing address here).*

6. For further assistance, point of contact at this command is __ (NAME) ___ commercial (555)123-4567 or email.address@usmc.mil.

C. O. COMMANDER

Copy to: EOA/MEO Office

EOR
Date

FIRST ENDORSEMENT

From: (Complainant)
To: (Commander)

1. I received notification of dismissal of my complaint on __(date)_____.

2. I understand I may request a reconsideration of this dismissal to *(the first GCMCA in chain of command)* within seven calendar days.

3. I do/do not request a waiver of dismissal of my complaint.

_____
COMPLAINANT'S SIGNATURE / DATE

Copy to:
EOA/MEO Office

VOLUME 3: APPENDIX H

"ENDORSEMENT OF FINAL COMMAND INVESTIGATION"

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX H

ENDORSEMENT OF FINAL COMMAND INVESTIGATION

From: Commanding Officer, Headquarters Support Battalion
To: (GCMCA)

Subj: FINAL REPORT OF INVESTIGATION INTO COMPLAINT OF PROHIBITED ACTIVITIES AND CONDUCT DASH CASE NUMBER XXXXXXXXX

Ref: (a) MCO P5354.1E

Encl: (1) *H&S Bn Command Investigation into Complaint of Prohibited Activities and Conduct DASH Case Number XXXXXXXXXX*

1. Per the reference, the enclosed investigation is submitted for review.

2. I concur/nonconcur with the following opinions and findings of facts:

a. *(The CA will concur/nonconcur with any findings of fact in the investigation. List them here.)*

3. The allegation(s) of (*prohibited activities and conduct*) was/were substantiated/not substantiated as a result of the enclosed investigation. I have taken the following corrective measures to resolve the subject complaint (list all administrative/disciplinary corrective actions to date). If there are multiple allegations of prohibited activities and conduct, commanders must make a substantiation determination on each individual claim. For example:

- sexual harassment on or about ddmmyyyy, substantiated
- bullying on or about ddmmyyyy, not substantiated

4. Point of contact at this command is C. O. Jones at 703-784-0000.

C. O. JONES

Copy to:
EOA/MEO Office

VOLUME 3: APPENDIX I

"ADMINISTRATIVE CLOSURE OF DASH CASE FILE"

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER VERSION	PAGE PARAGRAPH	SUMMARY OF SUBSTANTIVE CHANGES	DATE OF CHANGE

APPENDIX I

ADMINISTRATIVE CLOSURE OF DASH CASE FILE

EOR
Date

From: Commanding Officer
To: (*MEO Office*)

Subj: ADMINISTRATIVE CLOSURE OF DASH CASE #XXXXXXXXXXXX

Ref: (a) MCO 5354.1E

1. Per the reference, request administrative closure of the subject DASH case file based upon the following: *(Provide justification for file closure in accordance with the reference).*

2. Point of contact at this command is *(EOR Name and contact information).*

I. M. COMMANDER

Copy to:
File
EOA/MEO Office

VOLUME 3: APPENDIX J

"COMMAND EQUAL OPPORTUNITY REPRESENTATIVE (EOR) SELECTION CRITERIA"

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX J

COMMAND EQUAL OPPORTUNITY REPRESENTATIVE (EOR) SELECTION CRITERIA

EOR Selection guidelines for Commanders: (note: It is not recommended to assign EOR duties to the XO, SgtMaj, First Sergeant, or Command Legal Officer)

__ EORs rank shall be SSgt or above, any primary MOS

__ UVAs cannot be assigned EOR duties

__ At least 12 months remaining prior to projected PCS

__ Works independently with minimal supervision

__ Basic computer skills

__ Able to conduct training for unit personnel

__ No adverse fitness reports in grade

__ No history of courts-martial

__ No recent history (within past 3 years) of NJP

__ No history of alcohol or drug related incidents

__ No history of referral to the command-directed Family Advocacy Program or any domestic violence allegations

__ No history of discrimination, sexual harassment or sexual assault allegations

__ Possesses a calm demeanor and exercises good judgment during stressful situations.

__ Approachable, listens to all persons regardless of race, sex, sexual orientation, national origin, religion, gender identity, or rank/position.

__ Non-judgmental

__ Good communicator

__ Comfortable with sensitive topics

__ Epitomizes our Core Values of honor, courage, and commitment

VOLUME 3: APPENDIX K

"SAMPLE EOR APPOINTMENT LETTER"

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER VERSION	PAGE PARAGRAPH	SUMMARY OF SUBSTANTIVE CHANGES	DATE OF CHANGE

APPENDIX K

SAMPLE EOR APPOINTMENT LETTER

EOR
Date

From: Commanding Officer
To: Rank FName MI LName EDIPI/MOS USMC

Subj: APPOINTMENT AS THE COMMAND EQUAL OPPORTUNITY REPRESENTATIVE

Ref: (a) MCO 5354.1E

1. Per the reference, you are hereby appointed as the Equal Opportunity Representative (EOR) for (*Command*). You will attend the next available required Equal Opportunity Representative Course (EORC) and familiarize yourself with the references.

2. As my EOR, you play a vital role in the maintenance of our organizational readiness and command climate. You will:

a. Assist in establishing local prohibited activities and conduct complaint response procedures, assessing the command climate; and identifying, coordinating and conducting necessary training.

b. Serve as a liaison with the servicing EOA/MEO office for all command climate and complaint related matters.

c. Assist in the submission of required reports.

d. Provide all necessary and required information on behalf of the commanding officer, to the EOA/MEO office to initiate and update DASH reports through to final disposition and administrative closure.

e. Serve as the unit POC for conducting all Defense Equal Opportunity Management Institute (DEOMI) Organizational Climate Survey (DEOCS) assessments.

f. Serve as the responsible agent for the command's compliance with Inspector General Equal Opportunity and Prohibited Activities and Conduct functional area checklist. Immediately inform the chain of command of areas that are not in compliance.

g. Submit reports to the EOA/MEO Office, as required.

h. Attend the local EOR Course (EORC) and sustainment training events sponsored by the servicing EOA/MEO Office.

i. Ensure your photo and contact information is prominently posted throughout the unit's AOR.

j. Ensure the servicing EOA/MEO Office is provided timely notifications and updates on all prohibited activities and conduct cases as required by reference (b).

k. This appointment will remain in effect until canceled.

I. M. COMMANDER

_____

EOR
Date

FIRST ENDORSEMENT

From: Rank FName MI LName EDIPI/MOS USMC
To: Commanding Officer

1. I completed the required EORC on _____.

2. I certify that I have familiarized myself with the references, and am prepared to carry out the EOR duties as assigned.

I. M. EOR

Copy to:
Command File
EOA/MEO Office
EOR

VOLUME 3: APPENDIX L

"SAMPLE COMMANDER'S CHECKLIST FOR PROHIBITED ACTIVITIES AND CONDUCT COMPLAINTS"

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER VERSION	PAGE PARAGRAPH	SUMMARY OF SUBSTANTIVE CHANGES	DATE OF CHANGE

APPENDIX L

SAMPLE COMMANDER'S CHECKLIST FOR PROHIBITED ACTIVITIES AND CONDUCT COMPLAINTS

__ Immediately (generally within 30 minutes) contact the Marine Corps Operations Center (MCOC) by phone and provide available information regarding the incident.

__ Within six hours submit an OPREP-3 SIR as outlined in MCO 3504.2A (OPREP-3). MCO 5354.1E

__ Within 72 hours appoint an investigating officer and commence investigation of the complaint being lodged. MCO 5354.1E

__ Within 72 hours of the start of the investigation, forward a written report containing a detailed description of the allegations to the officer who has general court martial convening authority (GCMCA). MCO 5354.1E

__ Forward copy of complaint, to include anonymous reports, to the servicing EOA/MEO Office for intake interview. MCO 5354.1E

__ Ensure a DASH report is initiated and submitted to the CMC (MPE) via the supporting EOA/MEO Office within 72 hours of receiving the report. In cases involving multiple commands, the commander with administrative control of the subject is responsible for the DASH reporting in accordance with this Order. MCO 5354.1E

__ Update DASH reporting via the EOA/MEO Office with the following (MCO 5354.1E):

__ Investigating officer's name
__ Date assigned
__ Commander's determination of complaint (i.e. substantiated or not substantiated)
__ Complainant resolution statement that indicates their satisfaction or dissatisfaction with the resolution
__ Administrative or disciplinary action taken, if any

__ Notify the complainant of the start of the investigation. MCO 5354.1E

Investigation / Decision Timelines (MCO 5354.1E):
__ **Accepted PAC Complaint**, with the exception of sexual harassment complaints: Within **30 days** of the commencement of the investigation

__ Investigation and required reviews lasting beyond 30 days, require a written request for extension from the commander to the first GCMCA in chain of command. The request for extension must include a report on the progress of the investigation and justification for the extension. GCMCA's may grant 14-day extensions until the investigation is complete. MCO 5354.1E

__ Upon completion of the investigation, a final report on the results of the investigation must be submitted, including any action taken, to the first GCMCA in the chain of command. MCO 5354.1E

__ **Accepted Sexual Harassment Complaints**: Within **14 days** of the commencement of the investigation. In addition:

__ A final report on the results of the investigation, including any action taken, will be submitted to the first GCMCA in the chain of command within 20 days after the date on which the investigation is commenced; **or**

__ If the investigation cannot be completed within the timeline stated in Paragraph 040702.B of MCO 5354.1E, a report on the progress made in completing the investigation will be submitted to the first GCMCA in the chain of command after the date on which the investigation is commenced and every 14 days thereafter until the investigation is completed. Upon completion of the investigation, a final report of the investigation must be submitted, including any action taken, to the first GCMCA in the chain of command.

__ Updates to CMC (MPE), via DASH reports, are required upon receiving an extension, upon determination for disposition or resolution, upon conclusion of NJP, court-martial or other administrative action not previously reported. MCO 5354.1E

__ Notify EOA if an extension has been granted. The narrative section of the DASH report must include the reason(s) for the extension, length of the extension and the name of the GCMCA authorizing the extension. MCO 5354.1E

__ Upon completion of the investigation, and prior to the legal sufficiency review, the investigating officer must submit the investigation to the EOA/MEO Office for a Compliance Review. MCO 5354.1E

__ Upon completion of the EOA/MEO Compliance Review, the investigating officer must submit the investigation to the SJA to conduct a legal sufficiency review prior to forwarding to the commander. MCO 5354.1E

__ Within 7 days of the completion of the investigation, submit a final written report including the results of the investigation, any action taken, and a complainant statement of satisfaction/dissatisfaction with the case resolution to the GCMCA. MCO 5354. 1E

__ If the case is referred to NJP, court martial or administrative separation procedures, submit an updated DASH report including the investigating officer's name and date assigned to CMC (MPE) via the EOA/MEO Office within 20 days of such action being completed. MCO 5354.1E

__ Provide verbal or written advice to the complainant to report any reprisal taken against them for filing EO complaint. MCO 5354.1E

__ 30 to 45 days following the completed investigation, ensure follow-ups are conducted with personnel involved in investigations to ensure consistent enforcement, timeline compliance and that reprisal or retaliation has not occurred. MCO 5354. 1E

__ Submit a final DASH report via the EOA to CMC (MPE). MCO 5354.1E

__ All complaints of prohibited activities and conduct shall be maintained in a secure location that restricts and limits access. Commands shall maintain copies of completed cases for a minimum of two years with restricted access. MCO 5354.1E

GLOSSARY

The Glossary list is evolving and serves as a consolidated source for this MCO, the Glossary list will be consistently updated. Annotation of each update/change/addition to the References list is not required.

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The date denoted by blue font (left header) will reflect the date these References were last updated as changes/revisions are made within this MCO.

GLOSSARY

To ensure uniform understanding of the terms that have special significance and meaning relative to this Order, the following definitions are provided.

A

ACTIVE PARTICIPATION. Active participation includes, but is not limited to, fundraising; demonstrating or rallying; recruiting, training, organizing, or leading members; distributing material (including posting online); knowingly wearing gang or organization-specific colors or clothing; having tattoos or body markings or gestures associated with such gangs or organizations; or otherwise engaging in activities in furtherance of the objective of such gangs or organizations that are detrimental to good order, discipline, or mission accomplishment or are incompatible with military service. The term includes acts or conduct performed alone or in concert with another. (U.S. Navy Regulations, 1990; and DoD Instruction 1325.06, 22 February 2012).

ALLEGATION. A claim or assertion that someone has committed an offense.

ANONYMOUS REPORT. Information received by the commanding officer or other persons in charge of the organization, regardless of the means of transmission, from an unknown/unidentified source. The command may receive an anonymous report alleging certain prohibited activities and conduct. The individual reporting the information is not required to divulge any personally identifiable information. Anonymous reports may be communicated by several means, including but not limited to organizational hotlines or advice lines, electronic mail, or official telephone lines.

B

BELIEFS. Judgments or expectations one may hold.

BIAS. A mental leaning or inclination; partiality.

BULLYING. See Volume 2.

C

CATEGORY. A legally defined protected classification from discrimination.

CHAIN OF COMMAND. The succession of commanding officers from a superior to a subordinate through which command is exercised.

CIVILIAN EMPLOYEE. As defined in Section 2105 of Title 5, U.S.C.

CLIMATE ASSESSMENT. An assessment based on information obtained about the positive and negative factors that may have an impact on unit effectiveness and readiness by measuring matters relating to human relations, such as prevention and response to equal opportunity related issues. This is accomplished through some or all of group or individual interviews, observations, surveys or questionnaires, and reviews of records and reports.

CONSENT. A freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue shall not constitute consent.

COMMAND EQUAL OPPORTUNITY MANAGER (CEOM). A Marine assigned to a Commander at the Regimental and Group level as the EO program manager. CEOMs do not function as the command EOA.

COMPLAINT OF PROHIBITED ACTIVITIES AND CONDUCT. Complaints under this Order may include a claim or assertion alleging prohibited activities and conduct submitted orally or in writing to the commanding officer or other person in charge of the organization (e.g., commander or head of the vessel, agency or organization), or to the person the commanding officer has designated to receive such complaints. The reporter or complainant's identity may not be apparent. Complaints also include allegations reported to lower-level supervisors and leaders, who may have immediately address the complaint.

COMPLAINANT. An aggrieved service member who makes a claim or assertion alleging prohibited activities and conduct under this Order. A complainant would be a recipient but not all recipients would be a complainant if they are not an aggrieved service member.

CONDITION. To make some aspect of another's employment, career, pay, duty assignment, benefits, or privileges contingent upon fulfillment of some requirement the maker thereof has no right to impose.

CULTURE. The learned and shared behaviors, attitudes, beliefs, and perceptions of a group which have been transmitted from generation to generation through a shared symbol system.

CULTURAL DIVERSITY. A condition in a group of people or organization brought about by the gender, religion, racial, cultural, and social differences that the individuals naturally bring to the group or organization.

D

DISPARAGING TERMS. Terms used to degrade or imply negative connotations based on an individual's or group's color, national origin, race/ethnic group, religion, sex (including gender identity), or sexual orientation. Such terms include insults, and may be expressed by means including, but not limited to, printed material, visual material, signs, symbols, posters, or insignia.

E

EQUAL EMPLOYMENT OPPORTUNITY PROGRAM. The comprehensive program through which the Marine Corps implements its policy to provide equal opportunity in employment for all qualified civilian personnel. (MCO 12713.6)

EQUAL OPPORTUNITY (EO). The right of all persons to participate in, and benefit from, programs and activities for which they are qualified. These programs and activities will be free from social,

personal, or institutional barriers that prevent people from rising to the highest level of responsibility possible. Persons will be evaluated on individual merit, fitness, and capability; regardless of age, color, national origin, race/ethnic group, religion, sex (including gender identity), or sexual orientation.

EQUAL OPPORTUNITY ADVISOR (EOA). Marines assigned to major Marine Corps installations whose duty is to provide information, assistance, and advice on all EO matters to installation and tenant commanders. EOAs are the Marine Corps' primary personnel for advice, guidance, and complaint management regarding prohibited activities and conduct under this Order. EOAs are the Marine Corps' SMEs on all command climate and prohibited activities and conduct matters. They have received extensive training on the dynamics of human relations and command climate. An EOA's primary duty is to provide subject-matter advice and guidance on all matters related to command climate and unprofessional conduct under this Order.

EQUAL OPPORTUNITY ADVISOR (EOA) COMPLIANCE REVIEW. Upon completion of the prohibited activity and conduct complaint investigation, and prior to the legal sufficiency review, the IO will submit the investigation for an EOA compliance review. EOAs will note any discrepancies and return to the IO. The EOA compliance review will ensure the following:

- Were all accepted allegations of prohibited activity and conduct thoroughly addressed in the investigation?
- Does the investigation include a thorough review of the circumstances under which the alleged prohibited activity and conduct occurred?
- Did the investigation include an analysis of how the victim was treated compared to others within the complainant's demographic group and with those of other demographic groups?
- Is there any evidence of bias (a highly personal and unreasoned distortion of judgment) by the IO?
- Is there any evidence the complainant rather than the alleged prohibited activity and conduct was investigated?

EQUAL OPPORTUNITY CLIMATE. An atmosphere in which all individuals are treated fairly and equitably without regard to color, national origin, race/ethnic group, religion, sex (including gender identity), or sexual orientation.

EQUAL OPPORTUNITY REPRESENTATIVE (EOR). Marines assigned at the battalion and squadron level. They are screened and selected by the commander. EORs are their command's primary asset to monitor command climate. They serve as the command liaison with the EOA.

ETHNICITY. That which sets off a group by race (defined as genetic), religion (preferred denomination), national origin (country of one's ancestors), or some combination of these categories.

ETHNIC GROUP. A segment of the population that possesses common characteristics and cultural heritage.

ETHNIC AND RACIAL CATEGORIES. Basic ethnic and racial categories for DoD reporting are defined as follows:

- American Indian or Alaska Native. A person having origins in the original peoples of North and South America (including Central America), and who maintains tribal affiliation and/or community attachment.

- Asian. A person having origins in any of the original peoples of the Far East, Southeast Asia, and/or Indian subcontinent.

- Black or African American. A person having origins in any of the original peoples of Africa.

- Hispanic or Latino. A person having origins in any of the original peoples of Mexico, Puerto Rico, Cuba, or Central or South America, or of other Spanish culture or origin, regardless of race.

- Pacific Islander. Native Hawaiian or Other Pacific Islander. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

- White. A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

F

FRIVILOUS COMPLAINT. A complaint that fails to allege facts that, if true, would constitute a violation of a law, rule or regulation or even of a standard, whether defined by statute, regulation, order, or custom of the service.

G

GENDER. Concerns the social differences between males and females. Gender refers to the attitudes, feelings, and behaviors that a given culture associates with a person's biological sex. Behavior that is compatible with cultural expectations is referred to as gender-normative; behaviors that are viewed as incompatible with these expectations constitute gender non-conformity.

GENDER IDENTITY. Gender identity is the individual's internal sense of being male or female. The way an individual expresses his or her gender identity is frequently called "gender expression," and may or may not conform to social stereotypes associated with a particular gender.

H

HARASSMENT. See Volume 2.

HAZING. See Volume 2.

HOSTILE WORK ENVIRONMENT. An intimidating or offensive duty environment that has the purpose or effect of unreasonably interfering with the work performance of Service members, or civilian employees, or both.

I

INSTITUTIONAL DISCRIMINATION. Policies, procedures, and practices that, intentionally or unintentionally, lead to differential treatment of selected identifiable groups and which, through usage and custom, have attained official or semiofficial acceptance in the routine functioning of an organization and institution.

INVESTIGATION. An examination into allegations of wrongdoing or misconduct.

J

JOINT SERVICE ENVIRONMENT. A locality from which operations of two or more of the Military Departments are projected or supported and which is manned by significant elements of two or more Military Departments or in which significant elements of two or more Military Departments are located. Includes joint commands, joint bases, Defense Agencies, and joint field activities that involve more than one branch of Military Service.

K

L

LEGAL SUFFICIENCY REVIEW. A review by the SJA (or Counsel if the subject of the investigation is a civilian employee or contractor) of an investigation into a complaint alleging prohibited activities and conduct under this Order to determine whether any errors or irregularities exist, and, if so, their legal effect, if any (10 U.S.C. § 801 et seq). The review will determine whether:

- The investigation complies with all applicable legal and administrative requirements;
- The investigation adequately addresses the matters complained of;
- The evidence supports the finding of the investigating officer or board; and
- The conclusions and recommendations of the investigating officer or board are consistent with the findings.

M

MILITARY CRIMINAL INVESTIGATIVE ORGANIZATION. The U.S. Army Criminal Investigation Command, Naval Criminal Investigative Service, and Air Force Office of Special Investigations.

MINORITY. A group which differs from the predominant section of a larger group in one or more characteristics- e.g., ethnic background, language, culture, or religion- and, as a result, is often subjected to differential treatment. Race and ethnic codes of minorities are published in MCO P1080.20M CH-2 (MCTFSCODESMAN).

N

NATIONAL ORIGIN DISCRIMINATION. Involves treating people unfavorably because they are from a particular country or part of the world, because of ethnicity or accent, or because they appear to be of a certain ethnic background (even if they are not). National origin discrimination also can involve treating people unfavorably because they are married to (or associated with) a person of a certain national origin. Discrimination can occur when the victim and the subject of a complaint are the same national origin.

O

OFFENSE. A breach of law, rule or regulation; an illegal act. A violation of the punitive provisions of this Order or the commission of any prohibited activities and conduct identified in this Order-would constitute an offense.

OSTRACISM. See Volume 2.

P

PREJUDICE. An attitude, judgment, or opinion, without regard to pertinent fact, that is typically expressed in suspicion, fear, hostility, or intolerance of certain people, customs, and ideas.

PRIMA FACIE (EOA) ANALYSIS. A first-impression analysis of a complaint by the EOA, that accepts as correct and true the claimed, asserted, or reported conduct until proved otherwise. The EOA utilizes this analysis to match the alleged unprofessional conduct under this Order against the elements of an offense. The prima facie analysis and determination is not investigatory. The EOA reviews the complaint on its face value to determine if the complaint is of an Equal Opportunity nature or otherwise involves unprofessional conduct under this Order-that is,-relates to alleged conduct that is based on the complainant's race, religion, color, sex (includes gender identity), sexual orientation, or national origin, or that implicates hazing, bullying, ostracism, or retaliation, or that indicates active participation in supremacist or extremist organizations or criminal gangs.

PROPOSED CORRECTIVE ACTION. Plan of action developed to resolve identified areas of concern after the commander's careful review and consideration of the facts and circumstances involved.

PROTECTED COMMUNICATION. Any lawful communication in which a member of the armed forces complains of, or discloses information that the member reasonably believes constitutes evidence of, any of the following:

- A violation of law or regulation, including a law or regulation prohibiting rape, sexual assault, or other sexual misconduct in violation of sections 920 through 920c of Title 10 U.S.C. (articles 120 through 120c of the UCMJ), sexual harassment, or discrimination (2014-2016 DoD Sexual Assault Prevention Strategy).

- Gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

- A threat by another member of the armed forces or employee of the Federal Government that indicates a determination or intent to kill or cause serious bodily injury to members of the armed forces or civilians or damage to military, Federal, or civilian property. Protected communication is not the same as confidential communication (DoD Directive 7050.06, 17 April 2015).

Q

"QUID PRO QUO" OR "THIS FOR THAT." A type of sexual harassment that occurs when submitting to or rejecting such behavior is used as a basis for decisions affecting any person's job, pay, or career. This could be a promise of employment, a promotion, a threat of or an actual demotion, a duty assignment, or a positive or negative performance evaluation. It includes implicit or explicit threats of adverse action if the person does not submit to such conditions and promises of favorable actions if the person does submit to them.

R

RACE. A division of human beings identified by the possession of traits that are transmissible by descent and that are sufficient to characterize persons possessing these traits as a distinctive human genotype.

RACE/COLOR DISCRIMINATION. Involves treating people unfavorably because they are of a certain race or because of personal characteristics associated with race (such as hair texture, skin color, or certain facial features). Color discrimination involves treating someone unfavorably because of skin color complexion. Race and color are not synonymous. Color discrimination can occur between persons of different races or ethnicities, or between persons of the same race or ethnicity.

RACE/ETHNIC GROUPS. The race/ethnic groups for Marine Corps reporting are the same as listed under Ethnic and Racial Categories.

RACIAL/ETHNIC INCIDENTS. An incident that involves members of two or more racial/ethnic groups, and racial/ethnic factors were the precipitating cause, or became a motivating factor. If an incident involves members of only one racial/ethnic origin but is directed at another racial/ethnic group, it should be considered a racial/ethnic incident.

RACISM. A belief or attitude that race determines an individual's traits and capabilities and that racial difference produce a natural superiority of a particular race. Behavior or conditions that foster stereotypes of social roles based on race.

REASONABLE PERSON STANDARD. A reasonable person is society's objective representation of care. An objective test used to determine if behavior constitutes prohibited activities and conduct. This standard is used in evaluating prohibited activities and conduct under this Order and considers what a reasonable person's reaction would have been under similar circumstances and in a similar environment. The reasonable person standard considers the recipient's perspective and not stereotyped notions of acceptable behavior. For example, a work environment in which sexual slurs, the display of sexually suggestive calendars, or other offensive sexual behavior abound can constitute sexual harassment even if other people might deem it to be harmless or insignificant.

RECIPIENT. Any person subjected to the prohibited activities and conduct identified in Volume 2 of this Order (may also be referred to as complainant if they are an aggrieved service member).

RELIGION. A personal set or institutionalized system of attitudes, moral or ethical beliefs, and practices that are held with the strength of traditional religious views, characterized by ardor and faith, and generally evidenced through specific religious observances.

RELIGIOUS DISCRIMINATION. Involves treating a person unfavorably because of his or her religious beliefs, or the lack of any religious belief. The policy protects not only people who belong to traditional, organized religions, such as Buddhism, Christianity, Hinduism, Islam, and Judaism, but also others who have sincerely held religious, ethical, or moral beliefs. Religious discrimination can also involve treating someone differently because that person is married to (or associated with) an individual of a particular religion.

REPORTER. A person who submits an allegation alleging prohibited activities and conduct under this Order. A reporter may be a mere witness or third party who has knowledge of alleged prohibited activities and conduct under this Order (i.e., not aggrieved) and thereby not be deemed a recipient. A reporter may also be a non-service member and thereby not be deemed a complainant

RETALITION. See Volume 2.

S

SERVICE MEMBER. A Regular or Reserve Component officer (commissioned or warrant) or enlisted member of the Army, Navy, Air Force, Marine Corps, and the Coast Guard (when it is operating as a Service in the Navy) on active duty.

SEX. Refers to the biological distinction between males and females.

SEX DISCRIMINATION. Involves treating someone unfavorably because of that person's sex. Discrimination against an individual because of gender identity or because of sexual orientation is a form of sex discrimination in violation of DoD policy.

SEXISM. Behavior, conditions, or attitudes that foster stereotypes of roles, prejudice, or discrimination based on the sex of an individual.

SEXUAL HARASSMENT. See Volume 2.

SEXUAL ORIENTATION. Defined as homosexuality, bisexuality, or heterosexuality, whether such orientation is actual or perceived.

SPECIAL INTEREST ITEM (INSEPCTION CHECKLISTS). An item deemed to be of special interest to the Commandant of the Marine Corps on readiness and inspection checklists.

SOCIAL MEDIA. Web-based tools, websites, applications, social networks and media that connect users and allow them to engage in dialogue, share information, collaborate, and interact.

SUBSTANTIATE/SUBSTANTIATION. A determination by a commander O-5 and above, as that term is used in this Order, that a preponderance of the evidence supports the truth of a complainant's allegation.

SUPERVISOR. A commissioned officer, non-commissioned officer or DoD civilian employee in a supervisory or command position.

T

TRAUMA RESPONSE. Individuals who have experienced trauma vary widely in how they experience and express traumatic stress reactions. Traumatic stress reactions vary in severity and even the most acute responses are natural responses to manage trauma. The characteristics of the trauma and the subsequent traumatic stress reactions can dramatically influence how individuals respond to the environment, relationships, and interventions. Most survivors exhibit immediate reactions, yet these typically resolve without severe long-term consequences. Common reactions across domains associated with singular, multiple, and enduring traumatic events include: emotional, physical, cognitive, behavioral, social, and developmental.

U

UNLAWFUL DISCRIMINATION. See Volume 2.

UNWELCOME. Conduct that is not solicited and which is considered objectionable by the person to whom it is directed and which is found to be undesirable or offensive using a reasonable person standard.

V

W

WORKPLACE/WORK ENVIRONMENT. The workplace or any other place that is work-connected, as well as the conditions or atmosphere under which people are required to work. An expansive term for military members that includes conduct on or off duty (e.g., while in a liberty status), 24 hours a day.

WRONGFUL DISTRIBUTION OR BROADCASTING OF AN INTIMATE IMAGE. See Volume 2.

X

Y

Z