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MARINE CORPS ORDER 5354.1G

From: Commandant of the Marine Corps
To: Distribution List

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

Ref: See enclosure (1)

Encl: (1) References
(2) Prohibited Activities and Conduct (PAC) Prevention and Response

Reports Required: I. Informal and Formal Complaint Data, para 4.b.(2)(k)
II. Legal and Administrative (i.e., Court-Martial, Non-Judicial Punishment (NJP), and Administrative Action), para 5.a.(4)

1. Situation. We are an elite institution of warriors. It is our shared responsibility to ensure the continued health of each other. All Marines and Sailors treat one another with dignity, care, and respect. Each leader must have a clear and common understanding of Prohibited Activities and Conduct (PAC) and their negative effects on our institution. The intent is to prevent and respond to PAC appropriately. We will take care of Marines and Sailors to ensure all are mentally and physically prepared for the rigors of combat, as well to uphold our high professional standards of performance, conduct, and discipline. This Order provides leaders the tools to effectively respond to destructive behaviors and serves as the primary reference to assist commanders and leaders to proactively develop behaviors and conduct conducive to enhancing this elite organization.

a. This Order is in accordance with references (a) through (bk).

b. It also acknowledges updates to higher echelon direction, such as the National Defense Authorization Act (NDAA) and Department of Defense (DoD) / Secretary of Defense (SecDef) directions.

2. Cancellation. MCO 5354.1F.

3. Mission. This Order establishes Marine Corps policy, procedures, and responsibilities for preventing and responding to PAC behaviors that involve harassment, hazing, bullying, prohibited discrimination, and sexual harassment (SH). It implements and aligns with DoD and Department of the Navy (DON) policies on Military Equal Opportunity (MEO) Prevention and Response Programs and, includes alignment with references (a) through (bk), and recent updates to the Uniform Code of Military Justice [(UCMJ) (reference (d))].

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4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. Uniformed and civilian leadership at every level must ensure their people are well-led and cared for physically, emotionally, and spiritually, to operate inside actively contested maritime spaces in support of fleet operations. "Taking care of Marines" means enforcing our high professional standards of performance, conduct and discipline. We will hold each other accountable, recognize superior performance and address violations.

(a) The responsibility of a successful MEO Program rests with the commander. Commanders have earned special trust and confidence and are accountable for all their decisions, actions, and inactions. The PAC prevention and response measures in enclosure (2) of this Order provides commanders the tools to assess, investigate, and take corrective action to ensure unit cohesions and warfighting effectiveness.

(b) Unit leaders, company-grade officers, and staff non-commissioned officers (SNCOs) have experience, maturity, and close daily connection to junior Marines and Sailors. These leaders are in the best position to instill core values, train, supervise, mentor, and lead by their example.

(2) Concept of Operations. Prohibited discriminatory and harassment behaviors within the Marine Corps are counter-productive to mission readiness, unacceptable, and are not tolerated. The Marine Corps maintains a culture of dignity, care, and respect in which all members of the organization are afforded equal treatment and opportunity to achieve their full potential based upon individual merit, fitness, intellect, and ability. All commanders will cultivate an environment free from PAC. The behaviors identified in this Order undermines morale, reduces combat readiness, and prevent maximum utilization and development of the Marine Corps' most vital asset- its Marines and Sailors. Terms that have special significance and meaning to this Order are defined in the glossary.

(a) We, as leaders, take deliberate actions necessary to prevent and respond to PAC. To ensure standards are clearly understood and upheld, two lines of effort (LOEs) are established: prevention and response.

(b) Prevention. This Order prescribes basic guidance and responsibilities for Prevention LOE. Through the prevention LOE, commanders shall:

1. Designate the Equal Opportunity Advisor (EOA) as the Marine Corps subject matter expert (SME) who accepts all reports of PAC. The EOA shall advise and assist the command team on all PAC concerns.

2. Ensure all service members understand this Order and uphold our standards to foster a climate of dignity, care, and respect for all.

3. Uphold our high standards and maintain good order and discipline.

4. Ensure all service members receive annual standardized training to promote protective factors, reduce risks associated with all harmful behaviors linked to PAC, implement prevention methods, and provide clear understanding of the PAC Order.

5. Recognize risk and protective factors through various integrated techniques to include, but not limited to, conducting specific qualitative and quantitative analysis of complaints.

6. Focus prevention efforts on evidence-based programs and practices in collaboration with Marine Corps Integrated Primary Prevention Workforce (IPP).

7. Collaborate with IPP to foster healthy behaviors, life skills, and stress management early on, and reinforce these behaviors and skills using appropriate educational strategies to maintain proficiency throughout a Marine's military career in accordance with reference (ao).

(c) Response. This Order provides basic guidance and responsibilities for appropriate PAC complaint process from initiation to final resolution. Through the Response LOE, commanders shall:

1. Facilitate appropriate responsive care and services for all who are adversely impacted by PAC.

2. Use the conflict management process to help Marines and Sailors develop inter-personal communication and awareness of issues that, if not appropriately addressed, may negatively impact command climate and unit cohesion. Conflict Management is handled at the lowest appropriate level and facilitated by an EOA. In circumstances that an EOA cannot facilitate conflict management, the commander or supervisor may designate an appropriate Marine (e.g., SNCO or Officer). Conflict Management is not a prerequisite for the complaint resolution process of this Order.

3. Provide an easily accessible and effective complaint system that welcomes questions, concerns, and complaints; encourages Marines and Sailors to report potentially problematic conduct early; treats complainants, witnesses, alleged subjects, and others with respect; operates promptly, thoroughly, and impartially; and imposes appropriate consequences for prohibited discrimination, harassment, or related misconduct.

4. Ensure complainants who engage in protected or confidential communications are protected from retaliatory actions.

5. Ensure individuals who believe they have been the victim of retaliatory action as defined by reference (f) are referred to their chain of command, Command Inspector General (CIG), the Inspector General of the Marine Corps (IGMC), or the DoD Office of Inspector General (IG).

6. Commanders should consult with their supporting Staff Judge Advocate (SJA) to determine the appropriate investigative authority for retaliation complaints.

b. Subordinate Element Missions

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

(a) Administer and maintain this Order consistent with DoD MEO Policy. Maintain overall cognizance for execution of the policies identified within this Order. Review and publish updates as required.

(b) Ensure the MEO Program is funded and resourced.

(c) Serve as the first appeal authority for formal complaints of SH and prohibited discrimination when the Alternate Show Cause Authority (ASCA) is the investigation convening authority (CA).

(d) Designate the Marine Corps' electronic case management system Central Registry System / Discrimination and Sexual Harassment Database (CRS/DASH) (present - 01JUN2024) and Misconduct Reporting Incident Tracker (M-RIT) (01JUN2024 - TBD) for all data collection and reporting requirements regarding PAC.

(e) Provide a cadre of uniformed and civilian full-time qualified EOA professionals to execute the Marine Corps' MEO mission.

(2) Director, Manpower Plans and Policy Division (DIR, MP)

(a) Serve as the Marine Corps' Principal member to the Defense Equal Opportunity Reform Group.

(b) Collaborate with other Headquarters Marine Corps (HQMC) agencies to assist with aggregated data sharing agreement and tools that will assist commanders in identifying information/trends regarding positive and risk factors.

(c) Adjudicate ETPs to this Order; forward ETPs to appropriate approval authority when the ETP requests an exception requiring approval by a higher authority.

(d) Serve as the Occupational Field Sponsor for Additional Military Occupational Specialty (AMOS) 0147. Coordinate with Training and Education Command (TECOM) to review and validate training and readiness requirements.

(e) In collaboration with TECOM Slated Enlisted Leaders Orientation Course, plan, develop, and execute the annual Senior Executive Equal Opportunity Seminar (SEEOS) as required by reference (b).

(f) In collaboration with TECOM, plan, develop, and deliver training to officers in the grade of major general and above, and DoD civilians serving in Senior Executive Service (SES) positions as required by reference (b).

(g) Serve as the Marine Corps liaison to Defense Equal Opportunity Management Institute (DEOMI).

(h) Serve as HQMC Functional Area Sponsor in accordance with reference (bd) Inspector General of the Marine Corps Inspections Program (IGMCIP). Maintain an annually updated Functional Area Checklist by ensuring

questions are in compliance with the IGMCIIP's checklist standards. Coordinate with IGMC on all inspections related matters. If requested by IGMC, provide an inspector for IGMC Inspections.

(i) Prepare and publish a MEO Program Self-Assessment annually that evaluates the model MEO Program outlined in reference (b).

(j) Maintain a local advice line that provides information on PAC policies and procedures covered by this Order, including how and where to file complaints.

(k) Prepare and submit required annual reports to the Office for Opportunity, Diversity, and Inclusion as required by references (a) and (b).

(l) Develop standardized program of instruction for the Marine Corps service specific portion of the EOA Course at DEOMI.

(m) Maintain PAC annual training material.

(n) Validate training and education requirements, with TECOM, to ensure they accurately reflect direction set forth by DoD, DON, and Marine Corps Orders in accordance with applicable references.

(o) Conduct a monthly quality assurance (QA) check of closed cases for accuracy and compliance. Any discrepancies or missing information will be returned to the Marine Expeditionary Force (MEF) / Marine Forces (MARFOR).

(3) Commanding General of Training and Education Command (CG TECOM)

(a) Publish common military skills training annually that supports PAC prevention and response by strengthening individual knowledge, skills, and capacity to prevent and respond to PAC.

(b) Ensure commanders and senior enlisted advisors (SEAs) receive training on Command Climate Assessment (CCA) requirements and methodologies before assuming senior leadership or command positions in accordance with reference (b).

(c) Ensure training requirements outlined in reference (aq) are included in officer and enlisted PME courses.

(d) Approve entry-level training for all Marines, officer and enlisted.

(e) Develop a standardized training and evaluation measurement tool to assess trainings covered by this Order in collaboration with Culture and Inclusion Branch (MPE) and DEOMI.

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

(a) All complaints alleging reprisal or retaliation as they relate to all harmful behavior covered by this policy will be governed by references (f), (g), (i), and (j) not governed by this Order.

(b) Per references (j) and (k), IGMC will investigate all allegations against a Senior Official (defined as O-7 (select) and above,

current or former members of the SES/equivalent, and current or former civilian Presidential appointees).

(c) Support MEO program compliance during short-notice inspections and reinspection (reference (r)). Ensure only an MPE-identified SME inspects the MEO program during IGMC inspections.

(d) Evaluate compliance with this Order during all IGMCIIP inspections (Comprehensive Command Inspections, Independent Command Inspections, and the Commanding General's Inspection Program (CGIP) Inspections).

(5) Commanding Officers and Officers in Charge

(a) Ensure compliance with the policy and procedures prescribed in this Order.

(b) Provide appropriate oversight of local MEO Programs and ensure a professional work environment for all personnel.

(c) Complete a CCA as prescribed in reference (am) and Chapter 9 of this Order.

(d) Ensure formal complaints received by the chain of command are promptly forwarded to the servicing EOA for intake processing and case management. Commanders will ensure all reports are addressed in a fair, impartial, and timely manner, and are appropriately resolved without fear of reprisal, intimidation, or retaliation. Procedures for processing complaints are in Chapters 4 through 7 of this Order.

(e) Ensure the first Marine General Court-Martial Convening Authority (GCMCA) in the chain of command with administrative control over the CA tracks and monitors the timeliness and life cycle of complaints.

(f) Conduct an annual compliance self-assessment of all MEO Programs under their area of responsibility for adherence to this policy. Compliance self-assessments are not required for the year when a command receives an official inspection conducted by either the local CIG or the IGMC. To the extent practicable, assessments should be conducted by the servicing EOA. Self-assessments will be retained on file for a period of two years.

(g) Ensure all personnel receive annual training as outlined in reference (aq) and Chapter 2 of this Order. All unit training will have command team participation and recommended facilitation by the EOA or Equal Opportunity Coordinator (EOC).

NOTE 1: For inspection purposes, to be considered compliant, Marine Corps Training Information Management System (MCTIMS) must demonstrate the command achieved at least 85% of on-hand personnel were trained in the preceding year.

(h) Foster a climate of inclusion within their organization that is free from all harmful behaviors and does not tolerate retaliation for reporting PAC.

(i) Ensure PAC policies, guidance and resources are prominently posted on command public facing websites, including information about complaint procedures. All information posted must be current and accurate. Compliance with this requirement will be evaluated during inspections.

(j) Receive a command team brief from the servicing EOA within 30 days of the commander assuming command. When feasible, the EOA and Sexual Assault Response Coordinator (SARC) should brief the command team as a joint brief to demonstrate a more integrated approach.

(k) Provide support and oversight of all hiring actions for civilian EOAs, in coordination with the supporting Human Resource Office (HRO) for General Schedule (GS) personnel.

(l) Use the appropriate standardized position descriptions (SPDs) provided by HQMC HRO. The SPDs cannot be changed or altered without prior Director, Manpower Plans and Policy Division (DIR, MP), approval.

(m) Make every attempt to provide the EOA with an adequate office to ensure privacy and confidentiality, equipment, supplies, building access, government computer and any other materials needed to execute the duties of an EOA. If an adequate office is not feasible, command shall create a contingency plan to allow for service members to meet with the EOA that will ensure privacy and confidentiality.

(n) Ensure that the full time civilian and military EOAs are not delegated collateral duties (CDs) that could create a conflict of interest or impede the fulfillment of their full-time duty assignment.

1. The following CDs are examples that would create a conflict of interest or impeded upon their full-time duties: Sexual Assault Prevention and Response (SAPR) Victim Advocate, Substance Abuse Control Officer, Suicide Prevention Program Officer, etc.

2. Commanders must have an alternate plan for confidential reports of SH when the servicing EOA is appointed duty (e.g., Officer of the Deck / Staff Duty Officer / Command Duty Officer).

(o) Use a Memorandum of Agreement (MOA) when a servicing EOA from one command is tasked with covering another command outside their Parent Command. This MOA will establish clear guidance regarding the responsibilities and coordination of the EOA and aims to ensure clarity, accountability, and effective coverage for all commands involved.

(p) MEF/MARFOR EOAs shall create a standard operating procedure (SOP) that outlines specific guidance and procedures addressing any unique circumstances or structures not prescribed in this Order. The SOP shall be reviewed by DIR, MP prior to publishing and is evaluated for compliancy during inspections.

(6) Leaders. Our uniform and civilian leadership is entrusted to uphold and model our Core Values. Although the responsibility for an effective MEO Program rests with the commander, leaders at all levels provides support to the commander ensuring these values are upheld. All leaders shall:

(a) Develop effective communication skills. Clearly communicate expectations to assure subordinates that Marine Corps Core Values and standards will be upheld.

(b) Enable reporting of PAC behaviors and develop trust by responding to PAC complaints with impartiality, fairness, and urgency. Ensure the chain of command is aware of requests for complaint resolution in accordance with this Order.

(c) Leaders are responsible for fostering a climate of inclusion within their organizations that is free from harmful behaviors and does not tolerate retaliation for reporting allegations.

(d) Leaders must not delay referring the complainant(s) to the servicing EOA to provide reporting options and intake process.

c. Coordinating Instructions. Refer questions regarding the content of this Order and any requests for waivers or exceptions to policy (ETPs) to the Deputy Commandant for Manpower and Reserve Affairs (DC M&RA), Attention: Culture and Inclusion Branch (MPE) (https://www.manpower.usmc.mil/wordpress/?active_marine=active-marines-home/manpower-plans-and-policy-mp/opportunity-diversity-inclusion-branch-mpe) or the MPE Advice Line (844) 818-1674.

4. 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 in reference (l), SECNAV M-5210.1 w/CH-1, to ensure proper maintenance, use, accessibility, and preservation, regardless of format or medium. Records disposition schedules are located on the Department of the Navy/Assistant for Administration (DON/AA), Directives and Records Management Division (DRMD) portal page at: <https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/Records-and-Information-Management/Approved%20Record%20Schedules/Forms/AllItems.aspx>. Refer to reference (aj), MCO 5210.11F, for Marine Corps records management policy and procedures.

b. Privacy Act. Any misuse or unauthorized disclosure of Personally Identifiable Information (PII) may result in both civil and criminal penalties. The 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 shall be balanced against the individuals' right to be protected against unwarranted invasion of privacy. All collection, use, maintenance, or dissemination of PII shall be in accordance with the Privacy Act of 1974, as amended [reference (m)] and implemented per reference (n).

c. Forms. The forms used in this Order are:

(1) NAVMC 11512, "Prohibited Activities and Conduct Complaint and Resolution".

(2) NAVMC 11513, "Offender Acknowledgement Record".

d. Updates. Updates made to this Order shall be done in accordance with the current iteration of reference (ay).

e. Recommendations. Recommendations concerning the contents of this Order may be forwarded to M&RA (MPE) via [MPE EO@USMC.MIL](mailto:MPE_EO@USMC.MIL).

f. Equal Opportunity Advisor (EOA). The EOA is the Marine Corps' advisor on matters related to this policy. As such, EOAs must maintain proficiency with the provisions of this Order and associated policy and directives. EOAs shall be considered special staff officers responsible to the commander for PAC matters. EOAs must complete the required training facilitated by DEOMI. Civilian EOAs will serve in the grade of GS-11 through GS-13 and military EOAs will serve in the rank of Staff Sergeant (SSgt) through Master Gunnery Sergeant (MGySgt). For more information about the EOA Program please refer to the PAC toolkit located at https://www.manpower.usmc.mil/wordpress/?active_marine=active-marines-home/manpower-plans-and-policy-mp/opportunity-diversity-inclusion-branch-mpe/military-equal-opportunity-mpe-01. The PAC Toolkit is an extension of this policy that provides additional resources in support of this Order.

5. Command and Signal

a. Command. This Order is applicable to the Marine Corps Total Force.

(1) Prohibitions in Chapter 3 of this Order constitute lawful general orders within the meaning of Article 92 of reference (d), are punitive, and apply without further implementation. In addition to prosecution by court-martial under reference (d), violations of these provisions may also subject the individual to adverse administrative action. Reserve Component (RC) service members who violate these prohibitions while not in an active-duty or inactive-duty training status may be subject to appropriate administrative action.

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

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

(4) Extremist and criminal gang activities are defined and prohibited by references (y) and (ax) and no longer governed by this Order. The following entities are tasked with prevention, response, and reporting of extremist activity:

(a) Commanders have the responsibility to respond to, address, and report active participation in extremist activities.

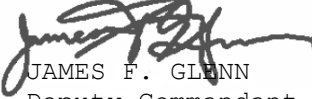
(b) Allegations involving extremist or criminal gang activity shall be reported through watch centers to the Marine Corps Operations Center (MCOC). Per reference (ax), MCOC shall send reports to Judge Advocate Division for consolidation and forwarding to IGMC.

(c) TECOM will publish standardized training requirements aimed at bolstering capabilities to prevent, respond to, and combat extremism and other prohibited activities to support initial entry and annual training requirements.

(d) Extremist and criminal gang activity reporting is distinct from EOA roles and responsibilities. Commanders shall not use EOAs for extremism reporting or tracking. EOAs will only be involved in extremism cases with a specific nexus to EOA responsibilities (e.g., prohibited discrimination cases with an extremism component).

(5) Wrongful broadcast or distribution of intimate visual images is under the sole purview of the Office of Special Trial Counsel (OSTC) as a covered offense under Article 117a of reference (d) and no longer governed by this Order. Commanders must immediately forward all allegations of Article 117a to the OSTC for appropriate action.

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



JAMES F. GLENN
Deputy Commandant for
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References

- (a) DoDI 1020.03 w/CH-2, "Harassment Prevention and Response in the Armed Forces," December 20, 2022
- (b) DoDI 1350.02 w/CH-1, "DoD Military Equal Opportunity Program," December 20, 2022
- (c) SECNAVINST 5300.26E
- (d) Uniform Code of Military Justice (UCMJ)
- (e) SECNAVINST 5370.7E
- (f) 10 U.S.C. § 1034
- (g) DoDD 7050.06 w/CH-1, "Military Whistleblower Protection," October 12, 2021
- (h) ALNAV 024/22
- (i) DoDD 5505.06 w/CH-1, "Investigations of Allegations Against Senior DoD Officials," April 28, 2020
- (j) SECNAVINST 5800.12C
- (k) Manual for Courts-Martial (MCM)
- (l) SECNAV M-5210.1 w/CH-1
- (m) 5 U.S.C. § 552a
- (n) SECNAVINST 5211.5F
- (o) MCO 1900.16 w/CH-2
- (p) NAVMC 1200.1J
- (q) 10 U.S.C. § 552, 1561-1563
- (r) MCO 5430.1A w/Admin CH-1
- (s) DoDI 5400.11 w/CH-1, "DoD Privacy and Civil Liberties Programs," December 8, 2020
- (t) NAVMC 1700.41
- (u) JAGINST 5800.7G w/CH-2
- (v) MCO 1500.63 w/CH-1
- (w) DoDM 5400.07, "DoD Freedom of Information Act (FOIA) Program," January 25, 2017
- (x) SECNAVINST 12713.14
- (y) DoDI 1325.06 w/CH-2, "Handling Protest, Extremist, and Criminal Gang Activities Among Members of the Armed Forces," December 20, 2021
- (z) MCO 1326.6 w/CH-1
- (aa) SECNAVINST 1610.3
- (ab) NAVMC 3500.3E
- (ac) SECNAVINST 5354.2
- (ad) DoDI 6495.02, Volume 1
- (ae) DoDI 6400.07 w/CH-2, "Standards for Victim Assistance Services in the Military Community," July 6, 2018
- (af) SECNAV Memorandum, "Department of the Navy Policy Regarding Support Services for Victims of Sexual Harassment," June 9, 2023
- (ag) USD (P&R) Memorandum, "Interim Processes for Confidential Reporting of Sexual Harassment," June 14, 2023
- (ah) USD (P&R) Memorandum, "Commencing DoD Actions and Implementation to Address Sexual Assault and Sexual Harassment in the Military," September 22, 2021
- (ai) DoDI 1030.02, "Victim and Witness Assistance," July 27, 2023
- (aj) MCO 5210.11F
- (ak) MCO 5800.16 w/CH-7, Volume 16
- (al) DoDI 1400.25, Volume 431 w/CH-3, "DoD Civilian Personnel Management System: Performance Management and Appraisal Program,"

January 10, 2022

- (am) DoDI 6400.11 w/CH-1, "DoD Integrated Primary Prevention Policy for Prevention Workforce and Leaders," April 4, 2023
- (an) SECNAV Memorandum, "Department of the Navy No Wrong Door Policy," June 24, 2022
- (ao) DoDI 6400.09, "DoD Policy on Integrated Primary Prevention of Self-Directed Harm and Prohibited Abuse or Harm," September 11, 2020
- (ap) SECNAVINST 5350.16A
- (aq) DoDI 1322.31 w/CH-1, "Common Military Training," May 16, 2023
- (ar) DoDI 5015.02 w/CH-1, "DoD Records Management Program," August 17, 2017
- (as) DoDI 1400.25, Volume 731 w/CH-1, "DoD Civilian Personnel Management System: Suitability and Fitness Adjudication for Civilian Employees," February 1, 2024
- (at) Title 10, Section 481(a)(1)
- (au) Article 1137, U.S. Navy Regulations 1990
- (av) MCO 1610.7B
- (aw) MCO P1070.12K w/CH-1
- (ax) SECNAVINST 1610.4
- (ay) MCO 5215.1K w/Admin CH-1
- (az) SECNAVINST 12752.1A w/CH-1
- (ba) FY 2022 National Defense Authorization Act, Section 596
- (bb) FY 2013 National Defense Authorization Act, Section 579(b)(2)
- (bc) FY 2018 National Defense Authorization Act, Section 537(a)
- (bd) MCO 5040.6J
- (be) 5 U.S.C. § 2105
- (bf) U.S. Navy Regulation Chapter 7
- (bg) U.S. Navy Regulation 0722
- (bh) U.S. Navy Regulation 0723
- (bi) MCO 12713.6A
- (bj) 10 U.S.C. § 801 et seq
- (bk) MCO P1080.20M w/CH-2

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Prohibited Activities and Conduct (PAC) Prevention and Response

Chapter 1

Equal Opportunity Advisor (EOA) Roles and Responsibilities

1. General. The primary mission of the EOA is to provide advice to the commanders and case oversight of all PAC reports. As the Program Manager, the EOA serves as the SME responsible for managing command compliance with program requirements in accordance with references listed in this Order.

a. Reference (ab) establishes training standards and requirements for Marines in the 0147 occupational field.

b. Personnel who perform EOA duties are required to undergo the appropriate screening, in accordance with reference (as) for civilians and reference (z) for uniformed personnel. Upon a favorable determination of civilian personnel or selection of uniformed the selectees must graduate from the required DEOMI Equal Opportunity (EO) Course.

c. The MPE Senior EOA is responsible for registering uniformed and civilian selectees. TECOM funds the military participants, while civilian EOAs will be funded by the Independent Review Commission (IRC) non-labor dollars. Upon hiring, M&RA will request funding be transferred to the employees' line of accounting.

2. Basic Duties Description. EOAs advise commanders and military personnel on complaint procedures; case management oversight, provide input into policies and programs for supported commands; and as directed by cognizant authority inspect command level MEO Programs and assist with unit Defense Organizational Climate Survey (DEOCS) survey administration. EOAs serve as the command point of contact for MEO training resources and materials. EOAs may also conduct training and senior leader workshops on varied human relations topics that are approved by MPE. EOAs will support the Marine Corps IPP personnel and may:

a. Collaborate with IPP support personnel to fulfill IPP requirements.

b. Engage educate different program specialists and leaders about primary prevention of harmful behaviors under the MEO umbrella and their roles in prevention.

c. Collaborate with IPP to identify prevention activities per reference (am) that may positively impact the command climate or reduce the prevalence of harmful behaviors, and advocate for implementation of such activities with leaders and other prevention stakeholders.

d. Support IPP in conducting regular community needs assessments in accordance with Prevention Plan of Action 2.0.

e. Collaborate with established IPPs to identify, adapt, implement, and evaluate research-based prevention activities and collaborate as appropriate with other entities responsible for prevention programming and oversight.

f. Support the IPP with the collection, analyzing, and interpreting research and evaluation findings to prioritize primary prevention efforts and gauge resource needs.

3. Uniformed Equal Opportunity Advisor (EOA) Tour Length. Uniformed EOAs are assigned for 36 months and earn an AMOS upon successfully completing the formal school. Generally, Headquarters will not assign back-to-back EOA tours. Marines may submit an extension request on EOA duty to M&RA, Manpower Management Enlisted Assignments-25 (MMEA-25). Extensions require both DIR, MP and Director, Manpower Management approval. EOAs requesting retirement or transfers prior to completing their tour will not receive favorable consideration.

4. Assignments. EOAs will be assigned to HQMC approved billets. M&RA Manpower Plans and Policy Division (MP) is the EOA occupational field sponsor, responsible for coordinating and recommending scheduled replacements for EOAs to M&RA, MMEA-25.

5. Eligibility and Application Requirements. Per reference (z) annually M&RA, MMEA will announce all EOA vacancies, provide additional instructions, and solicit applications for EOA selection board's consideration.

6. Training and Education. Chapter 2 of this Order lists initial training and ongoing professional development requirements for EOAs.

7. Equal Opportunity Advisor (EOA) Professional Standards. EOAs must maintain professional standards per reference (ae). An EOA or selectee is automatically disqualified for the position if an adverse action, administrative inquiry, or an initiated investigative procedure exists where that person:

a. Is the subject of any open sexual assault investigation (e.g., criminal, IG, command) or has an EO / Equal Employment Opportunity (EEO) substantiated offense;

b. Violates any code of ethics from the PAC Commander's Toolkit;

c. Has presented themselves as an immediate or serious harm/danger to program activities or to the public;

d. Intentionally made a false statement in the EOA application process;

e. Used a controlled substance or an alcoholic beverage while executing their duties as an EOA;

f. Has been charged, arrested, or convicted for any violation of law;

g. Has been convicted at a court-martial for an offense carrying a maximum sentence of confinement for greater than one year or a punitive discharge from the military or for a felony criminal offense in State or Federal court;

h. Engaged in or solicited sexual relations with a complainant under the EOA's care;

i. Failed to maintain a complainant's privacy before, during, and after the professional relationship in accordance with applicable privacy laws and regulations;

j. Intentionally provided false or misleading guidance or advice to a complainant;

k. Lacks competency or ability that jeopardized their professional duties;

l. Lost the commander's faith and confidence to perform their duties (must include the specific reason for loss of faith and confidence); or,

m. Failed to comply with the mission established by rule, order, regulation, or policy.

8. Equal Opportunity Coordinator (EOC). Commanders who do not have a servicing EOA must appoint an Officer or SNCO in writing, to be an EOC to assist with designated administrative as the program manager who will execute the following duties:

a. The designated EOC is assigned to the billet for at least one year to manage the MEO Program, and command must forward a copy of the appointment letter to the servicing EOA within 30 days.

b. The EOC **does not** function as the command EOA.

(1) EOCs are authorized to support the command MEO Program by standing an inspection, assisting with MOAs, be designated as the command Survey Administrator for CCA, facilitate training, and provide MEO Program updates to the command.

(2) EOCs are not authorized to conduct intakes or manage cases. If a service member seeks out an EOC for official reporting, with complainant's consent, the EOA shall provide a warm handoff to the servicing EOA.

c. EOCs are required to complete the approved MPE training. Previously trained Equal Opportunity Representatives (EORs) from 2019-2023 will be grandfathered in and only require a brief from the servicing EOA on policy updates. Any EORs trained prior to 2019 shall obtain the EOC training.

d. Servicing EOAs will provide PAC quarterly updates to all EOCs within their area of operation.

e. Upon unit request, EOAs shall provide training to EOC candidates prior to assignment as an EOC to establish familiarity with the PAC and to enable EOC candidates to successfully carry out EOC duties. Upon successful completion of such training and appointing in writing authorizes the EOCs to serve in the EOC billet.

9. Collateral Duty (CD) Equal Opportunity Advisors (EOAs). Commanders who are not co-located with their parent command may request a CD EOA that shall attend DEOMI EOA course. CD EOAs must meet the SSgt through MGySgt rank requirement; have no adverse fitness reports in grade; cannot have a history of substantiated sexual assault and/or PAC violations; and must have at least 18 months left on station. A commander must provide MPE with a signed request that includes the desired location for the CD EOA and the reason, via

e-mail at MPE_EO@usmc.mil. Upon receipt of request, MPE will acknowledge the request was received, review the request, and provide a decision within ten calendar days. Upon graduation from DEOMI and approval of MPE, the CD EOA shall execute the duties of an EOA outlined within this Order.

Chapter 2

Training

1. General. Training and education are the primary tools used to prevent and respond to PAC. PAC training supports both the Prevention and Response LOEs by building awareness and understanding of PAC and its corrosive effect on unit cohesion and readiness. The purpose of training is to promote Marine Corps values, ethics, leadership, integrity, and combat readiness.

2. Command-Level Training Requirements. All commanders shall ensure assigned Marines and Sailors are trained to identify, prevent, and refer to the EOA to respond accordingly. All unit training will have command team participation by the commanding officer (CO), executive officer (XO), or SEA providing command presence and/or endorsement of the training period. The best method to conduct effective training is through small group discussions facilitated by the servicing EOA or EOC. Required training occasions are:

a. Assumption of Command. Within 30-days of assumption of command, commanders at the O-5 level and above and their command teams are required to receive a Command Team PAC Brief from the servicing EOA. The EOA and SARC should brief the command team as a joint brief to demonstrate an integrated approach.

b. The Command Team PAC in-brief will include the CO, XO, Deputy, Chief of Staff and SEA. At a minimum, the brief will include PAC trends, commanders' local implementation order or SOP (as applicable) in support of this policy, CRS/DASH (present - 01JUN2024) and M-RIT (01JUN2024 - TBD), PAC complaint procedures, required documents, a detailed review of all open PAC complaints, and any additional information necessary to implement a successful prevention program.

(1) The supporting EOA will conduct the Command Team Brief.

(2) When the command team is not geographically co-located with the supporting EOA, the brief may take place via conference call or video teleconference.

(3) The MEO approved certificate of completion shall be provided to the participants and a copy maintained by the servicing EOA for inspection purposes.

3. Annual Prohibited Activities and Conduct (PAC) Training. All Marine Corps personnel will receive annual (calendar year) training per reference (v) and will use the training support package located in MCTIMS. PAC training will be conducted through small group discussions (no more than 100 participants).

a. EOAs and/or EOCs are to conduct PAC training whenever possible. When the command does not have a designated EOA/EOC the facilitation of annual training is at the commander's discretion, to establish leader led training.

b. The facilitator may conduct the training via Microsoft Teams, Skype, or similar platforms approved by the Service. Commanders will ensure the training is not pre-recorded.

4. Training Record. PAC annual training will be reported in the MCTIMS using training event code "PC". MCTIMS is the official source for training statistics. For inspection requirements reference Note 1 of this policy.

5. Senior Executive Equal Opportunity Seminar (SEEOS). SEEOS is a mandatory training event for all newly selected brigadier generals and SES members (reference (b)). SEEOS is held annually and focuses on gaining a greater awareness of Diversity, Equity, and Inclusion issues impacting military readiness. The seminar is facilitated by academic and business leaders who are SMEs in the field. The training includes interactive presentations on Diversity, Equity, and Inclusion to effectively establish these integral components of mission effectiveness and accomplishment.

6. Equal Opportunity Advisors (EOAs)

a. Initial Equal Opportunity Advisor (EOA) Training. Marines selected for assignment and civilian EOAs shall attend the DEOMI EOAC. Military EOAs earn the secondary MOS 0147 upon successful completion of the course and are assigned authorized billets throughout the Marine Corps. Details of the course can be found at <https://www.defenseculture.mil/Education-and-Training/Course-Information/EO-Courses/#equal-opportunity-advisor-course-eoac>.

b. Sustainment Training. EOAs should attend or complete sustainment training annually to maintain proficiency and knowledge. The following sustainment training opportunities are recommended for all EOAs:

(1) Marine Corps Annual EOA Symposium.

(2) Biennial Summit.

(3) DEOMI E-learning courses.

(4) Other sustaining training in the areas of victim services, prevention, or Diversity, Equity, and Inclusion.

Chapter 3

Punitive Provisions

1. General. This Order prohibits specific conduct as defined in this Chapter as PAC.
2. Punitive Provisions. This Chapter is a lawful general order or regulation within the meaning of Article 92 of reference (d), is punitive, and applies without further implementation.
3. Harassment. Any conduct, whereby a service member knowingly, recklessly, or intentionally and with a nexus to military service, engages in behavior that is unwelcome or offensive to a reasonable person, whether oral, written, or physical, that creates an intimidating, hostile, or offensive environment per reference (a).
 - a. Harassment may include, but is not limited to, offensive jokes; epithets or name calling; ridicule or mockery; insults or putdowns; displays of offensive objects or imagery; offensive non-verbal gestures; stereotyping; intimidating acts; veiled threats of violence; threatening or provoking remarks; racial or other slurs; derogatory remarks about a person's accent or disability; displays of racially offensive symbols; 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 leader, a leader in another area, a coworker, or a service member that is not part of the unit.
 - (2) The victim does not have to be the person harassed but can be anyone affected by the offensive conduct.
 - c. Harassment can be oral, visual, written, or physical. Harassment can occur in person, through electronic communications (including social media), and through wrongful broadcast or distribution of intimate visual images (refer to the appropriate Military Criminal Investigative Organization (MCIO)) and other forms of communication.
 - d. Harassment does not include activities or actions undertaken for a proper military or governmental purpose, such as combat survival training, work assignment related to the service member's duties and responsibilities, and performance counseling. For example, adversarial litigation by a judge advocate, even when particularly zealous and contentious, does not constitute harassment (see Appendix F of this Order for further discussion). Moreover, this policy prohibiting harassment is not a "general civility code." Behavior that is rude, ignorant, abrasive, or unkind, but does not adversely affect the work environment, is not harassment.
4. Bullying. A form of harassment that includes acts of aggression by a service member or DoD civilian employees, with a nexus to military service, with the intent of harming a service member or DoD civilian employee either physically or psychologically, without a proper military or other governmental purpose. Bullying may involve the singling out of an individual

from their coworkers or unit for ridicule because they are considered different or weak. It often involves a power imbalance between the aggressor and the victim.

a. Bullying can be conducted using electronic devices or communications, and by other means including social media, as well as in person. Bullying is evaluated by a reasonable person standard and includes, but is not limited to, the following when performed without a proper military or other governmental purpose:

(1) Physically striking another person in any manner or threatening to do the same;

(2) Intimidating, teasing, or taunting another person;

(3) Oral or written berating of another person with the purpose of belittling or humiliating;

(4) Encouraging another person to engage in illegal, harmful, demeaning, or dangerous acts;

(5) Playing abusive or malicious tricks;

(6) Branding, handcuffing, duct taping, tattooing, shaving, greasing, or painting another person;

(7) Subjecting another person to excessive or abusive water use;

(8) Forcing another person to consume food, alcohol, drugs, or any other substance;

(9) Degrading or damaging another's property or reputation;
or,

(10) Soliciting, coercing, or knowingly permitting another person to solicit or coerce, acts of bullying.

b. Bullying does not include properly directed command or organizational activities that serve a proper military or other governmental purpose, or the requisite training required to prepare for such activities (e.g., command-authorized physical training).

c. Service members may be responsible for an act of bullying even if there was actual or implied consent from the victim and regardless of the victim's grade or rank, status, or Service.

d. Bullying is prohibited in all circumstances and environments, including off-duty or "unofficial" unit functions and settings.

5. Hazing. A form of harassment that includes conduct through which service members or DoD employees, without a proper military or other governmental purpose, but with a nexus to Military Service, physically or psychologically injure or create a risk of physical or psychological injury to service members for the purpose of initiation into, admission into, affiliation with, change in status or position within, or continued membership in any military or DoD civilian organization. Hazing can be conducted using electronic

devices or communications, and by other means including social media, as well as in person.

a. Hazing is evaluated by a reasonable person standard and includes, but is not limited to, the following when performed without a proper military or other governmental purpose:

(1) Any form of initiation or congratulatory act that involves physically striking another person (such as blood striping) in any manner or threatening to do the same;

(2) Pressing any object into another person's skin, regardless of whether it pierces the skin, such as "pinning" or "tacking on" of rank insignia, aviator wings, jump wings, diver insignia, badges, medals, or any other object;

(3) Oral or written berating of another person with the purpose of belittling or humiliating;

(4) Encouraging another person to engage in illegal, harmful, demeaning, or dangerous acts;

(5) Playing abusive or malicious tricks;

(6) Branding, handcuffing, duct taping, tattooing, shaving, greasing, or painting another person;

(7) Subjecting another person to excessive or abusive water use;

(8) Forcing another person to consume food, alcohol, drugs, or any other substance; or,

(9) Soliciting, coercing, or knowingly permitting another person to solicit or coerce acts of hazing.

b. Hazing does not include properly directed command or organizational activities that serve a proper military or other governmental purpose, or the requisite training required to prepare for such activities (e.g., administrative corrective measures, extra military instruction, or command-authorized physical training).

c. Service members may be responsible for an act of hazing even if there was actual or implied consent from the victim and regardless of the victim's grade or rank, status, or Service.

d. Hazing is prohibited in all circumstances and environments including off-duty or "unofficial" unit functions and settings.

6. Prohibited Discrimination. Prohibited discrimination is defined in reference (b) and may include any conduct whereby a service member knowingly, recklessly, or intentionally and with a nexus to military service discriminates, including disparate treatment of an individual or group on the basis of race, color, national origin, religion, sex (including pregnancy), gender identity, or sexual orientation that is not otherwise authorized by law or regulation and detracts from military readiness. Prohibited

discrimination includes actions or efforts that detract from EO, with respect to the terms, conditions, or privileges of military service. This includes, but not limited to, acquiring, assigning, promoting, disciplining, scheduling, training, evaluating, compensating, discharging, or separating. This definition excludes justifiable conduct that discriminates based on 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. Prohibited discrimination is evaluated by a reasonable person standard.

7. Sexual Harassment (SH). SH is defined and prohibited by paragraph 107a of Part IV of the reference (k) as a standalone offense under Article 134 of reference (d). Pursuant to reference (a), the following are also prohibited and may be addressed as violation of a lawful general order: any 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 member of the armed forces or a civilian employee of the DoD; or any deliberate or repeated unwelcome verbal comment or gesture of a sexual nature by any member of the armed forces or civilian employee of the DoD.

Chapter 4

Prohibited Activities and Conduct (PAC) Complaints

1. General. The PAC complaint process supports the Response LOE and is not intended to replace small unit leadership roles and responsibilities. Service members who want to request resolution of their PAC complaint shall submit a NAVMC 11512, "Prohibited Activities and Conduct Complaint and Resolution" Form using the avenues provided in this Order.

a. A service member who discloses a sexual assault, domestic abuse, or other harmful behavior outside of the PAC, with their consent, will be referred and provided a warm handoff to the appropriate office in accordance with reference (a).

b. A warm handoff consists of a direct connection and introducing the service member to the appropriate program office representative. When disclosed to the EOA, the EOA will follow-up with the service member within 72-hours to ensure no further assistance is needed in connecting to the appropriate service program.

2. Command Action. Due to the various ways a violation of PAC may be identified, commanders shall ensure the safety of the complainant and refer the complainant to the servicing EOA for official intake and reporting. Commanders must make every effort to adhere to the timelines identified throughout references (a) and (b) and document any delays.

a. Commanders may take appropriate actions within their authorities necessary to maintain good order and discipline in the command. The commander will process and report the violation and subsequent outcomes in accordance with this Order.

b. Commanders will use NAVMC 11512 to document the issue and actions taken. If there is no complainant listed, then no signature is required in the complainant's signature block (Anonymous complaint).

c. Upon receiving a signed NAVMC 11512, the commander with jurisdiction over the subject of the complaint shall ensure the safety of the complainant, make notifications and appointing an Investigating Officer (IO) per references (a) and (b).

3. Case Management. Servicing EOAs will execute the case management requirements per this Order and report all actions in the CRS/DASH (present - 01JUN2024) and M-RIT (01JUN2024 - TBD) in accordance with Chapter 8 of this Order.

4. Complaints in a Joint Service Environment. Complaints will be processed through the command or Service that has administrative control, or disciplinary authority, or a combination thereof over the subject of a complaint. The process and timelines will be per references (a) and (b). All notifications, to include updates and final disposition of the complaint, will be entered into the CRS/DASH (present - 01JUN2024) and M-RIT (01JUN2024 - TBD) by the servicing EOA of the subject. All notifications, to include updates and final disposition of the complaint, will be provided to both the

complainant's and subject's commander for proper tracking, documentation, and records management.

5. Cross-Over Complaints. Commanders may receive reports of PAC incidents involving both service members and non-service members. Commanders shall take appropriate actions to investigate and resolve allegations within their command according to Service policy regardless of whether the complainant is a service member or civilian to maintain good order and discipline.

a. Allegations in which a service member is the complainant shall be treated as a military complaint, and commanders shall make all reports and notifications required by this Order. However, the investigation of such a complaint and any disciplinary action shall be in accordance with the investigative and procedural requirements pertaining to the subject of the complaint. Consult with the servicing SJA and the local HRO to determine required investigative steps with regards to civilians.

b. Allegations in which a DoD civilian is the complainant shall be treated as a civilian complaint, and commander shall make all reports or notifications required by Departmental and Service policy. However, the investigation of such a complaint and any disciplinary action shall be in accordance with the investigative and procedural requirements pertaining to the subject of the complaint.

c. In incidents involving a contractor, either as the complainant or the subject, coordinate with the contracting officer representative (COR) for the relevant contract.

d. This paragraph shall not be construed as denying any benefit of victim care or abrogating the responsibilities of leadership. Regardless of the reporting process, investigative process, or administrative procedures used, Marine Corps leaders have an obligation to know their people and look out for their welfare, as well as to keep their personnel informed about the status of any pending investigation or disciplinary action.

6. Refer Complaints. Commanders may consult with their SJA to determine if the allegation meets the elements of an enumerated offense under reference (d). In appropriate cases, the allegation should be referred to the cognizant MCIO for investigation. However, the processing and tracking requirements of this Order will still apply.

7. Naval Criminal Investigative Service (NCIS) WEB and APP Tip Line. The Naval Criminal Investigative Service (NCIS) WEB and APP Tip Line is a partnership between NCIS and the Marine Corps that provides a safe, discreet, and anonymous option to report PAC allegations. Reporters can file anonymous PAC allegations at <https://www.ncis.navy.mil/Resources/NCIS-Tips/>.

8. Commander's Legal Advisor. Often complaints require deconflicting a multitude of orders to determine which organization has primary jurisdiction to resolve the subject complaint. Involving the SJA immediately upon receiving a PAC complaint is critical for a successful and efficient complaint resolution. SJAs are the primary source for legal advice to commanders and EOAs in reference to this Order. Commanders and EOAs should seek command SJA advice and guidance for any legal interpretations regarding this Order.

9. Privacy. Commanders must ensure all PAC complaints are handled in accordance with the reference (m). Any complaint that has not been resolved shall be restricted to personnel with a need-to-know. Individual privacy, to the maximum extent possible, must be protected through all investigation stages and complaint resolution. Not only do references (l), (m), and (n) require this, but it is also necessary to ensure personnel maintain trust in their command's handling of PAC issues. Once commander's resolve a complaint, they may release depersonalized information, in accordance with reference (m) to publicize the potential consequences for violating this Order.

10. Security of Information. The EOA shall maintain PAC complaint records (NAVMC 11512, NAVMC 11513, "Offender Acknowledgement Record," and all related case documents) within their office ensuring limited access by having the case file under double lock and key. Agencies or individuals seeking copies of a case resolution shall submit a formal request to the conveying authority. When requested the CA may provide information or copies to those agencies or individuals who have a lawful requirement for access. All other requests must be submitted in accordance with reference (w).

11. Protected Communications. Complainants who engage in protected and confidential communications are protected from retaliatory actions. Complainants who, in good faith, request the Conflict Management or Complaint Resolution processes in this Order may be engaged in a protected communication. Communications with EOAs, provided they cover the appropriate subject matter, may qualify as protected communications as defined reference (g).

a. Protected communications are not the same as privileged, or confidential, communications. Communications received from third parties (e.g., spouse, relative, co-worker, IG, a Member of Congress, or any designated official) may also be considered protected communications under certain circumstances. For example, participation of a witness during an official investigation may qualify as protected communication.

b. EOAs are not mandatory reporters except in instances covered under reference (au).

12. Confidentiality. The act of protecting a complainant's or witness's identity, and any information that may lead to the identification of the complainant or witness, to the extent possible under applicable law and regulation. Confidential communications can be oral, written, or electronic and contain PII concerning a SH complainant and the incident details in a confidential report of SH to the EOA.

a. Confidentiality is only for complaints of SH. Confidentiality will be maintained to the greatest extent possible unless an exception to confidentiality applies.

b. Applicable exceptions to confidentiality are when the victim is deceased; when Federal or State Law or Service regulation mandates disclosure; when the communication clearly contemplated future commission of fraud or crime; safety to self or others, and when constitutionally required.

c. When a complainant discloses to an EOA collateral misconduct that is related to the SH it shall be considered a confidential communication and shall not be disclosed unless one of the listed exclusions apply. This does not include offenses committed at an earlier or later time unrelated to the SH incident.

d. The EOA shall consult with the SJA, using non-PII, to make the appropriate determination before applying an exception, unless immediate danger is assessed. The EOA will only disclose the required information needed to the appropriate authority to resolve the immediate danger.

e. Complainants may, without losing the protection of confidentiality, disclose to another person such as a roommate, friend, or family member if that person is not a part of the chain of command and does not have a legal obligation to report to the command.

13. Support Services. Commanders must ensure service members have access to support services. Support services include, but are not limited to, trauma informed referrals and resources, mental health counseling, medical, Victim and Witness Assistance personnel (VWAP), safety assessment, explanation of complainant rights and Victim's Legal Counsel in limited circumstances. In cases where command is notified by the reporter, commanders will ensure the reporter, has access to support services, as applicable. VWAP is an available resource to any victim or witness of a crime per reference (ai).

14. Safety. EOAs will complete the MEO Safety Assessment and Planning Tool with all complainants who initiate contact to report a violation or who obtain information about reporting. This tool will help the EOAs to determine the safety level and assist in implementing appropriate interventions to help mitigate risk. The Safety Assessment Tool shall be completed by an EOA during the following complaint lifecycle events: initial contact with the complainant, when the safety concern escalates, when a new safety concern is identified, when the complainant claims retaliation for reporting SH, and when the complainant requests a military or civilian protective order. If a safety concern is identified the EOA will notify command to take appropriate action.

15. Reporting Options

a. Anonymous Complaints. An individual is not required to divulge any PII in a PAC complaint or report. Commanders generally receive such anonymous information through electronic means, such as organizational hotlines or advice lines, CIG websites, the HQMC IG Hotline/Website, or other means of transmission, from an unknown or unidentified source.

(1) If an anonymous complaint does not contain sufficient information to initiate an investigation, the reported information will be documented on a memorandum for the record (MFR) annotating the date and time information was received, a detailed description of the facts and circumstances included in the complaint; date the complaint was closed and by whom; and any other pertinent information. The MFR will be maintained by the EOA for a period of two years (reference (ar)). Anonymous complaints will be investigated when the commander has sufficient details to initiate an investigation.

(2) If the anonymous complaint identifies additional complainants, the EOA will explain the investigation process and provide complainants information regarding support resources available and reporting options to submit their complaint(s).

(3) Any complaint containing a PAC allegation that are anonymous or reported directly to the IG/MCIO shall immediately be forwarded to the servicing EOA and processed in accordance with this Order as a formal complaint.

b. An informal complaint is officially made in writing, requesting the complaint to be handled at the lowest appropriate level (through conflict resolution) to the servicing EOA. Seeking advice from command staff/supervisor does not constitute as an official PAC complaint. The PAC complaint does not eliminate small unit leadership responsibilities. The command staff/supervisor shall provide the option to speak with the servicing EOA for official PAC reporting.

c. A formal complaint is an allegation submitted in writing to the EOA requesting the commander or other person in charge of the organization to investigate the complaint.

d. Confidential reporting of SH is not investigated. Commanders will not be notified of any confidential report or of any PII pertaining to confidential reports. Servicing EOA may share only the quarterly number of confidential reports of SH with the commander upon request.

e. Commanders shall process the complaint per the requested resolution process annotated on the NAVMC 11512 by the complainant and commanders shall consider the complainant's requested remedy/outcome to the extent possible.

NOTE 2: If the complainant reports to the commander first, the commander will refer the complainant to the servicing EOA for official.

16. Who Can Use the Prohibited Activities and Conduct (PAC) Complaint Process. Any service member under the administrative jurisdiction of the Marine Corps can use this complaint process. When an individual is officially sworn into the Marine Corps on their ship date, they become an eligible service member under the PAC Order. An eligible complainant who seeks a resolution for a PAC complaint, must submit a signed NAVMC 11512 to the EOA for official processing.

a. If an eligible service member makes allegations but does not want to file a complaint, a signature is not required on the NAVMC 11512. The EOA will ensure the complainant summarizes their intentions in the description section of the NAVMC 11512. No further processing or notifications to the command are required until and unless the NAVMC 11512 is signed and submitted as an official PAC complaint, or the commander determines to initiate an investigation.

b. A service member may report to any EOA, however, the receiving EOA shall coordinate with the servicing EOA for processing of the complaint. If

a conflict of interest occurs with the servicing EOA, the receiving EOA will reach out to the supervisory EOA of the servicing EOA for processing.

c. Any service member may consult with an EOA before submitting a complaint. Only the recipient of the harmful behaviors (known as the complainant throughout this policy) listed within this Order are eligible to make an official PAC complaint. Reporters (e.g., witnesses, bystanders, or third-party reporter) who have a direct knowledge of any PAC violation may report the incident to the command to maintain good order and discipline, however, it does not constitute as an official PAC complaint.

17. Complaint Process. The commander or Service that has administrative control, disciplinary authority, or a combination thereof, over the subject will process the complaint. When there are complaints involving multiple subjects from different commands, the most senior commander shall process the complaint or appoint one commander to process the complaint. The other commanders will cooperate with the lead commander to ensure the process is completed in accordance with this Order.

a. Upon receipt of a completed NAVMC 11512, the EOA shall submit the form to the subject's commander. After receiving the completed NAVMC 11512, the subject's commander shall ensure the safety of the Marine or Sailor, complete the required notifications and appoint an IO outside of the complainants and subject command, as applicable. The subject's commander shall submit a final report on the results of the investigation, including any action taken, to the next superior officer. For a command to be in compliance, all timelines for EOA intake/referral to command, commanders' notification, completion of investigation, extensions, and final report shall comply with references (a) and (b).

b. Service members shall file their complaint within 90 calendar days (120 calendar days for Reserve Complaints) of the incident or, in the case of a series of incidents, within 90 calendar days (120 calendar days for Reserve Complaints) from the most recent incident. Service members are highly encouraged to consult with an EOA prior to submitting a complaint. Late reporting may impact the subject commander's ability to effectively investigate the allegation. In the case of a complaint filed by a RC service member not in an active-duty status, or in which a RC service member not in an active-duty status is the subject of the complaint, the complaint should be filed within 120 calendar days of the offending incident; such a complaint is also referred to as a "Reserve complaint". Regardless of whether a complainant submits a PAC complaint within the above time limits, a commander has the discretion to take appropriate actions necessary to maintain good order and discipline. Commanders may also take appropriate follow-on actions within the scope of their authorities.

18. Commander's Prohibited Activities and Conduct (PAC) Complaint Assessment Tool. Commanders should use their education and experience, along with consultation from their EOA and SJA, to determine if an alleged PAC violation has occurred and whether verbal counseling, training, or other informal corrective measures would adequately address the PAC violation(s). Commanders will analyze each complaint on a case-by-case basis and consider the totality of the circumstances and the evidence available to them in making this determination. Commanders shall consider the legal sufficiency

review into their decision. Commanders in determining the appropriate resolution process shall employ the objective "reasonable person" standpoint. For example:

- a. Whether there is credible evidence of the alleged prohibited conduct;
- b. Whether the conduct was verbal, physical, or both;
- c. Whether it was an isolated incident or a pattern of behavior;
- d. The time period the conduct occurred;
- e. Whether the subject targeted the recipient;
- f. Whether the recipient participated in the conduct;
- g. Whether the recipient themselves committed prohibited conduct;
- h. Whether the conduct was hostile and patently offensive;
- i. Whether other personnel joined in perpetrating the prohibited activity; and whether the subject was a co-worker or a leader;
- j. Whether the conduct was directed at more than one individual.

NOTE 3: The IO shall address questions 1-11 within their report of investigation to help ensure the commander has the information necessary to make an informed complaint resolution decision.

Chapter 5

Commander-Directed Conflict Management

1. General. Conflict Management is the Marine Corps' informal compliant resolution process. The Conflict Management process gives the parties involved an opportunity to seek resolution at the most appropriate lowest level without an investigation occurring. Conflict Management is not a prerequisite for the Complaint Resolution (Formal Compliant) process. These processes will not replace small unit leadership.

2. Complainant's Choice. Commanders shall process the complaint according to the requested resolution process annotated on the NAVMC 11512. In the incident multiple harmful behaviors are uncovered during the investigation process, commander shall expand the scope of the investigation or refer to the appropriate authority for investigation and processing.

3. Timeline for Conflict Management Process. Upon receipt of a completed NAVMC 11512, the EOA shall submit the form to the subject's commander. After receiving the completed NAVMC 11512, the subject's commander shall ensure the safety of the Marine or Sailor and complete the required notifications as applicable. The command will utilize the servicing EOA to initiate conflict management within three days. Complaints addressed via Conflict Management should be resolved at the most appropriate lowest level within 30 days. If, after 30 days the complaint is still not resolved, the complainant may consider initiating a formal resolution to address the complaint. For a command to be in compliance, all timelines for processing complaint shall comply with references (a) and (b).

NOTE 4: The purpose is to resolve interpersonal conflict between the aggrieved parties through constructive dialogue at the lowest level. Conflict Management should be facilitated by the servicing EOA. Conflict management cannot and shall not be used as a punitive measure for a substantiated PAC violation.

4. Record Outcome of Conflict Management. The servicing EOA shall provide sufficient detail in Part II of the NAVMC 11512 to enable the commander to have an accurate account of the actions taken to resolve the complaint. By signing the NAVMC 11512 the complainant acknowledges they have been briefed on their complaint's rights, reporting options, and referrals and resources available.

5. Commander Acknowledgement. The commander will provide resolution details in the appropriate block on the NAVMC 11512 and:

a. Determine if all appropriate means to resolve the complaint have been taken; or

b. If the behaviors have not ceased or based on all the circumstances, the commander may formally investigate the allegation if necessary to further the readiness of the unit. Commanders are encouraged to consult their supporting EOA and SJA as needed.

6. Conflict Management Case Closure. All completed actions will be recorded on the NAVMC 11512. The commander will sign in the appropriate block of the NAVMC 11512. The commander will sign in the appropriate block of the NAVMC 11512 to close out.

7. Records Retention. The EOA will ensure all NAVMCs, and case associated documents are retained within their office under double lock and key and in accordance with Record Schedule 1000-34.

8. Reporting Requirements. Conflict Management and all data requirements will be entered into the CRS/DASH (present - 01JUN2024) and M-RIT (01JUN2024 - TBD) by the servicing EOA and will be in accordance with Chapter 8 of this Order.

Chapter 6

Complaint Resolution for All Prohibited Activities and Conduct (PAC)
Complaints Outside of Sexual Harassment (SH)

1. General. Complaint Resolution is the Marine Corps formal PAC complaint resolution process. All complaint resolution must be processed in accordance with any applicable privacy requirements in references (l), (m), (n) and (aj). Formal PAC complaints will be processed in accordance with this Chapter.

2. Equal Opportunity Advisor (EOA) Responsibilities. EOAs are the designated personnel for all PAC complaint intakes. Formal PAC complaints not reported to the EOA (e.g., via the chain of command, local IG's office, SARC) will be forwarded expeditiously to the servicing EOA for official intake and processing.

a. The EOA will review the NAVMC 11512 for completeness and accuracy prior to forwarding to the commander. To the extent practicable, ensure the complainant provides as much detail as possible, including the complainants desired outcome/requested remedy. This will assist the commander in processing the complaint in accordance with this Order and the complainants desired outcome/request, when feasible.

b. Ensure the complainant is informed on reporting options, the investigation process, provided information regarding available support services, procedures for filing a complaint of reprisal, monitor the progress of the investigation and information on appeal rights. The complainant will initial the appropriate blocks on the NAVMC 11512 acknowledging they have been provided information on all reporting options, complainant's rights and referrals/resources afforded to them.

c. Upon the complainant completing the required sections on the NAVMC 11512, the servicing EOA will acknowledge the receipt of the complaint, create a case number and forward to the subject's commander.

d. The initial case report will contain as much detail as possible to include date(s) the incident occurred; the complainant and subject's name (to the extent known); type(s) of PAC behavior being investigated; commander's name responsible for the subject of the complaint; and a brief description of the alleged incident.

e. The EOA will forward the completed NAVMC 11512 to the appropriate commander.

f. All timelines for EOA shall comply with references (a) and (b). The EOA will retain the form(s) in their case files for two years.

g. The servicing EOA will annotate reason for the dismissal in the CRS/DASH (present - 01JUN2024) and M-RIT (01JUN2024 - TBD), as applicable.

3. Commander Responsibilities. The subject's commander will annotate the determination within the NAVMC 11512. The commander shall:

- a. Ensure the safety and wellbeing of the complainant and subject.
- b. Forward the MEO prohibited discrimination complaint, with a detailed description of the facts and circumstances, to a level in the organization which has a legal office (e.g., a GCMCA or agency headquarters) and initiate an investigation of the complaint.
- c. After completing all required command actions, the CA will review the NAVMC 11512 for completeness prior to submitting it to the EOA to upload into the CRS/DASH (present - 01JUN2024) and M-RIT (01JUN2024 - TBD).
- d. Notify complainant(s) and alleged offender(s) when an investigation begins and provide them information about the investigation process. Commanders may delegate this responsibility to the VWAP per reference (ai).
- e. Closely monitor and ensure timely completion of any investigation and, to the extent practicable, direct the investigation to be completed not later than 30 days after the date of which the investigation is commenced.
- f. Submit a final report on the results of the investigation, including any action taken, to the next superior officer as referenced in paragraph 3.b. of this Chapter.
- g. The command shall provide the complainant and subject with a copy of the completed NAVMC 11512 and/or NAVMC 11513 as applicable.
- h. For a command to be in compliance, all timelines for EOA intake/referral to command, commanders' notification, completion of investigation, extensions, and final report shall comply with references (a) and (b).
- i. After the completion of the investigation, the commander with jurisdiction over the subject of the complaint, in consultation with the supporting EOA and SJA, may determine that dismissing a complaint is appropriate. Commanders shall annotate the justification for dismissal in the appropriate block of the NAVMC 11512 and/or NAVMC 11513. The bases for dismissal are:

(1) Not Under the Purview. Complaints submitted by persons not covered by this Order, or those that neither the command nor the Marine Corps has jurisdiction over or the authority to remedy, will be referred to the relevant agency/agencies with jurisdiction to adjudicate the case in accordance with reference (an).

(2) Complaint without Merit. A complaint that fails to allege facts that, if true, would constitute a violation of a law, rule, or regulation listed under this Order.

(3) Duplicative. If the complainant's claims are identical to claims that were previously filed or resolved, to include complaints previously resolved through other avenues (e.g., IG complaint, Congressional Inquiry), the complaint may be dismissed. This does not apply to previous complaints that the command attempted to resolve through Conflict Management but were not satisfactorily resolved. The commander must instead assess whether the

Conflict Management process expended all appropriate means to resolve the complaint, and whether the subject behaviors have ceased prior to determining the appropriate action.

(4) Claims of Institutional Discriminatory Practices/Policies. Complaints of institutional discriminatory practices/policies must be reported to MPE. Upon receiving the claim(s) MPE will determine the appropriate channel to address the claim(s) regarding institutional discriminatory practices.

(5) Failure to Cooperate. A commander may dismiss a complaint that they previously accepted for investigation at any stage during processing if the complainant fails to cooperate with the investigation or ignores repeated requests for information. Commanders shall ensure there is no retaliatory action influencing a complainant's decision not to participate in the complaint.

(6) Lateness. No command action is required, and case may be dismissed for lateness. An active component report received after 90 days is considered late. A Reserve complaint received after 120 days is considered late.

(7) Voluntary Withdrawal. A complainant may voluntarily withdraw their complaint at any time prior to the commander determining whether an accepted complaint is substantiated or not. In such cases, the commander may continue to take actions necessary to maintain good order and discipline within the command. The complainant will submit in writing their decision to voluntarily withdraw on the NAVMC 11512. Commanders shall ensure there is no retaliatory action influencing a complainant's decision to withdraw a complaint.

(8) Insufficient Information. Complaint does not contain sufficient information to permit the commander to initiate an investigation (e.g., missing the subject(s) or offense(s) details (Who, What, When, Where, and Why (5W's))).

j. If, due to extenuating circumstances, it becomes impossible to conduct a complete investigation within the timeline stated in references (a) and (b), the commander may obtain an extension in writing from the next higher commander for usually not more than 30 days. The commander must provide progress reports every 14 calendar days thereafter until the investigation is completed. Upon receipt of an approved extension, the commander must inform the complainant and the alleged offender of the extension, its duration, and the reasons for which it was requested. Upon completion of the investigation, a final report on the results of the investigation must be submitted, including any action taken, to the next superior officer as described in paragraph 3.b. of this Chapter.

4. Investigating Officer (IO) Responsibilities. Per reference (u), IOs conducting command investigations will:

a. Upon appointment, consult with the supporting EOA regarding the alleged PAC and with the SJA for investigative assistance.

b. Advise the EOA when an investigation begins.

c. Submit a final investigative report to the commander within required timelines outlined in references (a) and (b).

d. If the IO cannot complete the investigation within 30 days, the IO will request an extension in writing to the CA. If approved, the IO shall submit a report on the investigation's progress every 14 calendar days to the commander and the servicing EOA until the investigation is completed.

e. Ensure the completed investigation is submitted to the command SJA for legal sufficiency review respectively. The IO will notify the servicing EOA upon the completion of the investigation and include any necessary information needed for CRS/DASH (present - 01JUN2024) and M-RIT (01JUN2024 - TBD) updates.

f. Once the required review is completed, the SJA will provide the commander with the completed investigation. The SJA shall notify the servicing EOA upon the completion of the legal review and include any necessary information needed for CRS/DASH (present - 01JUN2024) and M-RIT (01JUN2024 - TBD) updates.

5. Notification of Disposition. Within three calendar days after the CA's administrative findings, to include dismissal, the CA will notify the complainant and the subject in writing about their rights to review the CI while supervised and to appeal the CA's administrative findings. After receiving these notifications, both the complainant and subject will sign acknowledging they received the information. The complainant will sign the NAVMC 11512, and the subject will sign the NAVMC 11513.

6. Required Reviews. All formal complaints are required to include a SJA legal sufficiency review prior to closeout by the CA. The servicing EOA shall coordinate with the SJA's office to obtain updates as required per this Order.

7. Criminal Investigations Into Prohibited Activities and Counsel (PAC) Violations. A commander may notify a MCIO such as NCIS or Criminal Investigation Division (CID) after consultation with their SJA's in certain circumstances. Notifying an MCIO does not constitute complaint dismissal. MCIO investigations will likely exceed the administrative investigation timelines of this Chapter. In such cases, the commander would accept the complaint as a formal complaint, have the MCIO investigate and provide periodic updates to the EOA to annotate within the CRS/DASH (present - 01JUN2024) and M-RIT (01JUN2024 - TBD). After receiving the completed MCIO investigation, the commander will continue the complaint resolution process. A summary of the MCIO investigation will be included in the PAC case file. The commander is responsible for adjudicating any findings resulting from a criminal investigation and reporting the final disposition to the MCIO.

8. Final Report. The subject's commander shall submit a final report on the results of the investigation, including any action taken, to the next superior officer per reference (b). The CA will record their administrative findings in the investigation's endorsement and on the NAVMC 11512 and then take disposition, as appropriate. The CA will record the disposition in and sign the NAVMC 11512.

9. Commander's Actions Upon Substantiation. If the commander substantiates a PAC complaint, they may take any authorized adjudicative action they deem appropriate as described below. Commanders must carefully consider all the facts and circumstances in reaching a disposition that is warranted and appropriate and shall consult with their supporting SJA to determine actions upon substantiation. Command actions include administrative and/or punitive adjudication. Punitive adjudication means referring charges to a court-martial while administrative action includes formal and informal actions such as adverse evaluation report(s), 6105/MARCORSEPMAN counseling entries, non-judicial punishment, administrative separation, non-recommendation for reenlistment, promotion denial, relief for cause, verbal counseling, non-punitive letter of caution, order to cease, re-assignment, command directed Conflict Management, and training. The commander with authority over the offender will determine appropriate means of disposition for substantiated PAC violations. All formal complaint resolution and actions that have been taken shall be included in the PAC investigation case files and will be submitted to the first Marine GCMCA for review. If not appealed, the case may be closed after completion of GCMCA review and approval.

10. Supervised Review. A supervised review procedure is at the discretion of the CA. The CA may consult with the SJA, as needed. Commanders are not the release authority for MCIO investigations; therefore, the requestor must make a request for a copy directly from the MCIO. Such request is not a cause for delay in submitting an appeal. However, a summary of the MCIO investigation is required to be included in the CA's final report of the CI, which will be made available for a supervised review. If desired, appellants may request a hard copy per reference (m).

11. General Court-Martial Convening Authority (GCMCA) Review and Closeout. Commands will submit all accepted PAC investigations for review by the first Marine GCMCA superior to the investigation CA in the administrative chain of command, in accordance with paragraph 0209.f.(3) of reference (u). This GCMCA shall be the Reviewing GCMCA. For purposes of this provision, the administrative chain of command is defined as the routing chain to the cognizant ASCA, as defined in paragraph 010603.A of reference (ak). A GCMCA serving as the investigation CA will be the Reviewing GCMCA for purposes of reference (u) if and only if that GCMCA is an ASCA.

12. Appeal of Administrative Findings. Either party may appeal the CA's administrative findings to the Appeal Authority. The Appeal Authority shall be the Reviewing GCMCA, except in cases where the Reviewing GCMCA is an ASCA who also served as the investigation CA; in such cases, the Appeal Authority is the DC M&RA. An appeal of administrative findings may be made on the following bases: any legal or equitable grounds based upon a good faith belief that existing DoD or DON regulations were incorrectly applied, that remedial action ordered by a commander was insufficient under the circumstances; or on any other good faith basis. Such an appeal is not automatic and must be submitted in writing. Written appeals of the administrative findings must be submitted within 30 days of notification of the findings, in order to facilitate routing of the appeal along with the case files for review by the Reviewing GCMCA.

a. The individual making the appeal bears the burden of providing evidence that establishes the basis for the appeal as to findings of fact.

b. Dissatisfaction with the complaint disposition does not constitute a valid basis for appeal.

c. Collateral misconduct not contained in Chapter 3 of this Order, discovered, and substantiated during the course of the investigation will not be part of the PAC appeal process.

13. Review of an Appealed Investigation. The Reviewing GCMCA must review and appropriately endorse the investigation, specifically addressing a complainant's or subject's appeal of the administrative findings and recording their decision per reference (u). When the Appeal Authority is not also the Reviewing GCMCA, the result of the appeal shall be forwarded back to the Reviewing GCMCA for mandatory final inclusion in the administrative close-out of the investigation. Commanders will notify the subject and complainant of all Reviewing GCMCA, Appeal Authority, and/or Final Appeal Authority decisions in writing.

a. The Appeal Authority's decision is the final appellate decision on PAC complaints that do not involve SH or prohibited discrimination. For complaints that do involve SH or prohibited discrimination, a further appeal to the Final Appeal Authority, designated by Secretary of the Navy (SECNAV), is authorized, pursuant to reference (ap). See Appendix E of this Order for further discussion. In such cases, the Final Appeal Authority's decision shall be forwarded back to the Reviewing GCMCA for mandatory final inclusion in the administrative close-out of the investigation.

b. The Appellate Authority may approve the CA's administrative findings. However, if the Appellate Authority determines the administrative findings appeal is valid, they have the following options:

(1) Return the investigation to the CA for further factfinding;

(2) Disapprove the subordinate commander's substantiation or non-substantiation of a complaint; or

(3) Order a new investigation by a different CA.

14. Other Appropriate Remedies. The PAC appeals process does not preclude eligible individuals' pursuit of other appropriate remedies that may be available under other statutes or regulations (e.g., petition to the Board for Corrections of Naval Records (BCNR)).

15. Other Appellate Processes. The PAC appeal process is not applicable to, nor appropriate for, appeals of corrective command actions taken because of a substantiated complaint such as court martial, NJP, administrative separation processing, adverse fitness report, non-recommendation for reenlistment, promotion denial, relief for cause etc. which have their own inherent appeal or rebuttal processes. See section 304c. of reference (u) for amplifying details on improper subjects for complaints of wrongs to SECNAV.

a. When a commander initiates or has previously initiated action under reference (d) or an administrative process, that action takes precedence over any ongoing or contemplated PAC appeal in accordance with the appropriate process or policy.

b. To avoid delaying or impeding the prompt and effective resolution of complaints, commanders are not required to withhold appropriate administrative action while an appeal is pending.

16. Complaint Closure. After the PAC appeal process as covered under paragraphs 11 and 12 in this Chapter is complete, the case is considered closed. Other appellate processes pursued under paragraphs 13 and 14 of this Chapter for collateral misconduct will not delay closure of the case.

a. For reporting and tracking purposes the case is not closed until all appeals have been exhausted.

b. MEO refers to the lifecycle of the case from when the complainant signs the NAVMC 11512 and ends upon CA determination.

17. Case Management Updates. Within ten calendar days after the disposition, the servicing EOA will provide an update in the CRS/DASH (present - 01JUN2024) and M-RIT (01JUN2024 - TBD). This update will contain all required information regarding the final report of investigation, the commanders' administrative findings and completed disposition of the complaint, all identified subjects, and any information not previously reported that is related to the conclusion of administrative or judicial actions taken (i.e., NJP, court-martial, or other administrative actions). The supporting EOA will update all case information to ensure the accuracy and compliance with this Order. If incomplete, the report will be returned to the CA for correction and resubmission.

a. The servicing EOA will send the case to their Supervisory EOA for QA and closing of the case within the CRS/DASH (present - 01JUN2024) and M-RIT (01JUN2024 - TBD).

b. The Supervisory EOA will conduct a thorough review and return the case to the servicing EOA to either make necessary corrections prior to case closure. The MEF/MARFOR EOAs that do not have a Supervisory EOA will forward the case to the MEO Complaints Manager for case closure.

18. Prohibited Activities and Conduct (PAC) Investigation Case File. All case files are considered final when the last reviewing authority determines that no further endorsement is necessary. In the endorsement, the CA and intermediate reviewing authorities shall state whether the complaint is substantiated and if they concur with the IO based on the investigation, and legal sufficiency review. A completed PAC investigation case file includes: the completed NAVMC 11512 and 11513, the complete investigation with all endorsements and enclosures, legal sufficiency review, and any applicable statements or requests for appeal. If not appealed, the case is considered closed after completion of the GCMCA review and approval.

Chapter 7

Sexual Harassment (SH) Complaints

1. General. SH exists on a continuum of harm, which can escalate into sexual assault. Left unchecked, SH contributes to a negative command climate that could lead to other harmful behaviors. The experience of SH complainants should not be discounted or seen as "less serious". Service members who experience SH may also experience post-traumatic stress disorder, depression, anxiety, and other health impacts, including suicide.

2. Reporting Options for Sexual Harassment (SH). DoD civilian complainant of SH shall report to their EEO Office. A service member is eligible to report a SH allegation via four reporting options: Informal, Formal, Anonymous, or Confidential.

a. Informal complaints allow for the complainant to address their concerns or objections regarding the incident directly with the person demonstrating the sexually harassing behaviors via informal resolution procedures. The EOA should facilitate the informal resolution process by using conflict management (mediation). Behaviors that can be identified as SH that are not eligible for an informal complaint are:

(1) Complaints alleging Quid Pro Quo, unwanted sexual contact, or wrongful broadcast or distribution of intimate visual images, shall be investigated according to the appropriate authority.

(2) Commanders will, to the fullest extent possible, respect victims' right to make their own decisions about the services received, unless one of the behaviors listed in paragraph 2.a.(1) of this Chapter are included. If the formal SH complaint has multiple PAC incidents and/or behaviors commanders will process the entire complaint as one report following SH timeline and processes.

b. Formal complaints involving SH allegations, to include those that are reported or referred to an MCIO for investigation, will be processed using the procedures in this paragraph. In all cases, formal complaints will be forwarded to the commander of the subject for appropriate action. If the complainant and the alleged offender are in two separate chains of command, the CO of the alleged offender will work with the CO of the complainant to ensure the complainant receives required information and appropriate support services.

(1) Upon receipt of a formal complaint involving SH the CO of the alleged offender will:

(a) Forward the complaint within 72 hours, to the extent practicable, to the next higher-level commander (NHLC) in the administrative chain of command of the alleged offender in the grade of O-6 or above, to appoint an independent investigator that is outside the complainant's and subject's chain of command, in accordance with reference (h). To the extent practicable, the NHLC shall ensure that the investigation is completed not later than 14 days after the date on which the investigation is commenced.

(b) Pursuant to section 1561(b)(1) of reference (q), notify the next superior GCMCA in the administrative chain of command of the complaint, including a detailed description of the allegation.

(c) Advise the complainant of the commencement of the investigation.

(d) Provide information about the investigation process and available victim support resources. Upon completion of the investigation, the complainant must be notified of the outcome.

(e) Per reference (a) submit a progress report to the GCMCA within 20 days after the date on which an investigation is commenced and every 14 calendar days thereafter until the investigation is completed.

(f) Per reference (a) submit a report on the findings of the investigation and any action taken because of the investigation to the GCMCA. All reports of investigation of SH complaints must be reviewed by the servicing SJA for legal sufficiency.

(g) Inform the complainant whether the complaint was substantiated, unsubstantiated, or dismissed. As appropriate, inform the complainant of any actions that have been taken in response to the complaint.

(h) Inform the subject whether the complaint was substantiated or unsubstantiated via NAVMC 11513.

(i) Within 45 calendar days after adjudication, ensure a follow-up is conducted with the complainant to identify if there has been any retaliation associated with the complainant's SH complaint.

(2) A specially trained independent investigator receiving a formal complaint of SH will, to the extent practicable, complete the investigation within 14 calendar days after the date on which the investigation is commenced and forward the investigation findings to the CO of the alleged offender for appropriate action.

c. An anonymous Complaint of SH occurs when the commander or other person receives anonymous information, regardless of means of transmission, from an unknown or unidentified source, that includes allegations of SH. The individual is not required to divulge any PII. Anonymous SH complaints will be documented with a MFR or if sufficient information is contained within the complaint that permits the initiation of an investigation per reference (a).

d. Confidential Reporting of SH is for service member that are victim of SH that submits a signed NAVMC 11512 to the EOA. A Confidential Report of SH can only be disclosed to an EOA or to another victim service program per reference (an). Witnesses and third-party reporters are not eligible for a confidential report of SH. A confidential report will allow the service member to obtain a safety assessment, counseling, referrals, and other eligible services but will not be investigated.

(1) If the commander becomes aware of a confidential report of SH, the confidential report itself may not be used as the basis to begin an investigation or disciplinary action.

(2) When a service member approaches an EOA to discuss a confidential report of SH the EOA must:

(a) Maintain the confidentiality of the service member even in the event the service member does not file an official report.

(b) Explain confidentiality as it relates to the confidential report of SH.

(c) Explain all avenues of redress, the difference between them, including how a complaint may be investigated (if applicable), and how to file a complaint explained in accordance with reference (a).

(d) Complete the approved safety assessment and plan with the complainant. Confidentiality cannot be maintained when there is a clear and present risk to the health or safety of self or others per reference (q) section 1561b. If a safety concern is identified, the EOA will track the safety concern per reference (af) and the concern will be forwarded to command for action.

(e) Identify available counseling support or referral services available to the service member.

(3) If the alleged SH also involves an allegation of sexual assault, including sexual contact per reference (ag):

(a) The EOA must, with the service member's permission, ensure a warm hand-off as outlined in reference (an). EOAs are not authorized to make a notification to law enforcement or the command.

(b) SAPR Program personnel, if approached by the service member or via a warm hand-off, will explain sexual assault reporting options available and participation in the Catch a Serial Offender Program per reference (ad).

(c) If the service member did not consult with an EOA prior to reporting to SAPR personnel in connection with a complaint of SH, SAPR personnel may refer the service member, with their permission, to the EOA for submission of a confidential SH report.

(d) If a service member discloses a sexual assault to the EOA, the EOA is authorized to maintain confidentiality and the service member is still eligible for a Restricted Report of sexual assault.

(4) Equal Opportunity Advisor (EOA) Documentation. The EOA will ensure to conduct the required intake procedures using the NAVMC 11512 for documentation.

(a) NAVMC 11512 required fields are Name, Rank, Unit, EDIPI, Phone, Email, Nature of Complaint, Requested Remedy/Outcome, Complainant Acknowledgement and Complainant Signature.

(b) EOAs will provide a copy of the NAVMC 11512 to the complainant and forward the original to the DC M&RA, MP, Opportunity,

Diversity, and Inclusion Branch, MPE-01 through a secured method such as encrypted email or through DoD SAFE. Once MPE acknowledges receipt of the NAVMC 11512, the EOA will properly discard all copies.

(5) Conversion. The complainant has the option to convert their confidential report of SH to either an Informal or Formal Complaint within the 90 days of the last incident (120 days for Reserve Complaints).

(a) Prior to the end of the 90 days (120 days for Reserve Complaints) from the last incident reported, a notification will be sent by MPE to the complainant informing them that the 90-day window (120 days for Reserve Complaints) is closing, and they have the option to convert their confidential report by speaking to the EOA. The notification will be annotated within the CRS/DASH (present - 01JUN2024) and M-RIT (01JUN2024 - TBD) as well as the decision to convert.

(b) Following the next working day after the 90-day window (121st days for RC) from the last incident occurrence, the case will be closed.

3. Supervised Review. A supervised review procedures is at the discretion of the CA. The CA may consult with the SJA, as needed. Commanders are not the release authority for MCIO investigations; therefore, the requestor must make a request for a copy directly from the MCIO. Such request is not a cause for delay in submitting an appeal. However, a summary of the MCIO investigation is required to be included in the CA's final report of the CI, which will be made available for a supervised review. If desired, appellants may request a hard copy per reference (m).

4. Review and Appeal of Complaints of Sexual Harassment (SH). Command investigations of complaints of SH will be forwarded for review by the first Marine GCMCA superior to the investigation CA in the administrative chain of command, in accordance with paragraph 0209.f.(3) of reference (u). This GCMCA shall be the Reviewing GCMCA. For purposes of this provision, the administrative chain of command is defined as the routing chain to the cognizant ASCA. A GCMCA serving as the investigation CA will be the Reviewing GCMCA for purposes of reference (u) if and only if that GCMCA is an ASCA.

a. Initial Appeals. Either party may appeal the CA's administrative findings to the Appeal Authority. The Appeal Authority shall be the Reviewing GCMCA, except in cases where the Reviewing GCMCA is an ASCA who also served as the investigation CA; in such cases, the Appeal Authority is the DC M&RA. An appeal of administrative findings may be made on the following bases: any legal or equitable grounds based upon a good faith belief that the law or existing DoD or DON regulations were incorrectly applied, that remedial action ordered by a commander was insufficient under the circumstances, or on any other good faith basis. Dissatisfaction with the complaint disposition does not constitute a valid basis for appeal. Such an appeal is not automatic and must be submitted in writing. Written appeals of the administrative findings must be submitted within 30 days of notification of the findings, in order to facilitate routing of the appeal along with the case files for review by the Reviewing GCMCA. The individual making the appeal bears the burden of providing evidence that establishes the basis for the appeal as it applies to findings of fact.

b. Further Appeal. For complaints of SH, a further appeal to the Final Appeal Authority, designated by SECNAV, is authorized, pursuant to reference (ap). See Appendix E of this Order for further discussion. In such cases, the Final Appeal Authority's decision shall be forwarded back to the Reviewing GCMCA for mandatory final inclusion in the administrative close-out of the investigation.

c. Final Action. The Reviewing GCMCA must review and appropriately endorse the investigation, specifically addressing a complainant's or subject's appeal of the administrative findings and recording their decision per reference (u). When the Appeal Authority is not also the Reviewing GCMCA, or when there has been a further appeal to the Final Appeal Authority, the result of the appeal(s) shall be forwarded back to the Reviewing GCMCA for mandatory final inclusion in the administrative close-out of the investigation. Commanders will notify the subject and complainant of all Reviewing GCMCA, Appeal Authority, and/or Final Appeal Authority decisions in writing.

d. Other Appropriate Remedies. The PAC appeals process does not preclude eligible individuals' pursuit of other appropriate remedies that may be available under other statutes or regulations (e.g., petition to the BCNR).

5. Other Appellate Processes. The PAC appeal process is not applicable to, nor appropriate for, appeals of corrective command actions taken because of a substantiated complaint such as court martial, NJP, administrative separation processing, adverse fitness report, etc. which have their own inherent appeal or rebuttal processes. See section 304c. of reference (u) for amplifying details on improper subjects for complaints of wrongs to SECNAV.

a. When a commander initiates or has previously initiated action under reference (d) or an administrative process, that action takes precedence over any ongoing or contemplated PAC appeal in accordance with the appropriate process or policy.

b. To avoid delaying or impeding the prompt and effective resolution of complaints, commanders are not required to withhold appropriate administrative action while an appeal is pending.

6. Complaint Closure. After the PAC appeal process as covered under paragraphs 11 and 12 of Chapter 6 is complete, the case is considered closed. Other appellate processes pursued under paragraphs 13 and 14 of Chapter 6 for conduct will not delay closure of the case.

7. Case Management Updates. Within ten calendar days after the disposition, the servicing EOA will provide an update in the CRS/DASH (present - 01JUN2024) and M-RIT (01JUN2024 - TBD). This update will contain all required information regarding the final report of investigation, the commanders' administrative findings and completed disposition of the complaint, all identified subjects, and any information not previously reported that is related to the conclusion of administrative or judicial actions taken (i.e., NJP, court-martial, or other administrative actions). The supporting EOA will update all case information to ensure the accuracy

and compliance with this Order. If incomplete, the report will be returned to the CA for correction and resubmission.

8. Quality Assurance (QA). The servicing EOA will send the case to their Supervisory EOA for QA and closing of the case within the CRS/DASH (present - 01JUN2024) and M-RIT (01JUN2024 - TBD). The Supervisory EOA will conduct a thorough review and return the case to the servicing EOA to either make necessary corrections prior to case closure. The MEF/MARFOR EOAs that do not have a Supervisory EOA will forward the case to the MEO Complaints Manager for case closure.

Chapter 8

Data Collection and Reporting

1. General. MPE maintains the CRS/DASH (present - 01JUN2024) and M-RIT (01JUN2024 - TBD) to track all accepted complaints of PAC from initial reporting until final command action is taken. For data reporting a case is considered open once the complainant signs the NAVMC 11512 and is closed upon CA disposition.

2. Service-Level Reporting and Tracking System. CRS/DASH (present - 01JUN2024) and M-RIT (01JUN2024 - TBD) supports reporting requirements per references (a) and (b). All information submitted to MPE pursuant to the following paragraphs will be placed in the CRS/DASH (present - 01JUN2024) and M-RIT (01JUN2024 - TBD) by the servicing EOA.

a. The CRS/DASH (present - 01JUN2024) and M-RIT (01JUN2024 - TBD) is not intended to be a repository for military justice records collection and reporting.

b. PII entries are collected and maintained within the CRS/DASH (present - 01JUN2024) and M-RIT (01JUN2024 - TBD) to meet the required data collection and reporting requirements from ODEI and congressional reports. In the event the anonymous complainant and/or the subject cannot be identified the demographic information will be annotated as "unavailable".

3. Data Entry. Reports are required to be entered into the CRS/DASH (present - 01JUN2024) and M-RIT (01JUN2024 - TBD) when a service member signs the NAVMC 11512. The servicing EOA is responsible for opening the report and annotating the report number in the appropriate block on the NAVMC 11512, prior to sending to the appropriate commander for determination if the complaint will be accepted, dismissed, or referred. The servicing EOA shall provide all required updates into the CRS/DASH (present - 01JUN2024) and M-RIT (01JUN2024 - TBD).

4. Quality Assurance (QA). The servicing EOA will send the case to their civilian Supervisory EOA for QA and closing of the case within the CRS/DASH (present - 01JUN2024) and M-RIT (01JUN2024 - TBD). The civilian Supervisory EOA will conduct a thorough review and return the case to the servicing EOA to either make necessary corrections prior to case closure. The MEF/MARFOR or any EOAs that do not have a civilian Supervisory EOA will forward the case to the MPE within the required timelines listed in this Order.

5. Commands Record Review. Commanders are authorized to conduct record searches of the CRS/DASH (present - 01JUN2024) and M-RIT (01JUN2024 - TBD) for assigned members of their command via a secured email utilizing the appropriate security markings (e.g., Controlled Unclassified Information (CUI)). Screenings are recommended for the following reasons: upon submitting for reenlistment; special duty assignment; CD assignment as a SAPR VA; or upon being named as a subject in a complaint. These screening results will only reflect assigned service members listed as subjects with substantiated PAC incidents.

6. Release Authority for Reports. DIR, MP (M&RA) is the release authority for all annual reports. All data will be released consistent with Freedom of Information Act (FOIA) / Privacy Act (PA) requirements. Requests for data will be submitted via the FOIA process. The release authority for the command investigation is the GCMCA to whom the report is forwarded. The investigation report must be final prior to release of the requested information.

Chapter 9

Command Climate Assessments (CCAs)

1. General. The CCA process is a planned, systematic, data-driven endeavor that helps to detect, identify, and understand risks and strengths that a unit can leverage to continue improving the organization's health and performance. The CCA Lifecycle consist of two parts: part one is the annual DEOCS and the change of command CCA. Part two is the Comprehensive Integrated Primary Prevention (CIPP) Plan. Additional guidance for the CIPP development can be found in reference (an).
2. Objective. The benefit of conducting a comprehensive organizational assessment provides leadership with a keen awareness of organizational issues from multiple sources. Moreover, understanding the sources of those concerns helps leaders craft an action plan to directly address them. Executing the plan, and modifying it as needed throughout its execution helps leaders sustain or improve their organization's climate. The objective of the CCA is to provide commanders with insight into protective and risk factors that may impact unit/organizational effectiveness and readiness.
3. Criteria for Command Climate Assessments (CCAs). Deputy Commandants (DCs) and Civilian Leaders / SES, Commanding Generals (CGs) and O-6 and O-5 commanders, are required to complete the annual and change of command in accordance with reference (am).
 - a. Failure to conduct the required CCAs must be annotated in the commander's annual fitness report in accordance with NDAA FY13.
 - b. If a unit/command is deployed and does not have the connectivity to complete the CCA, a MFR will be created and signed by the commander.
4. Collaboration. Collaboration of all program specialists allows the commander to have a better understanding of the risk and protective factors that are impacting their command. As a best practice, the commander or organizational leader should collaborate and share their climate assessment information with another program specialist. These offices include, but are not limited to, Marine Corps' IPP, SJA, EEO, IG, Civilian Human Resources, Suicide Prevention, Substance Abuse, Marine Corps Community Services, chaplain, SARC, and so forth. These offices offer a wealth of information and knowledge to help commanders and organizational leaders assess and improve their command climate.
5. Change of Command. A change of command CCA must be conducted within 90 days after assumption of command and in accordance with reference (am).
6. Annual Command Climate Assessment (CCA). Shall be conducted annually between 1 August and 30 November in accordance with reference (am).
7. Survey Administrator. The survey administrator is responsible for executing DEOCS registration, adding additional locally developed or short answer questions to address command specific concerns not already addressed in the DEOCS. Survey results are the only hard facts collected during the command climate assessment. The survey, observations, focus groups and

interviews are perception-based data points. The administration of the DEOCS and survey results should be conducted concurrently. The survey administrator participates throughout the CCA life cycle per reference (am).

NOTE 5: Per reference (am), the administrator can be IPP support personnel (level 1 and 2) or any program specialist (i.e., EOA, SARC, etc.). All administrators are required to complete the CCA module of the Prevention Collaboration Forum (PCF) approved training.

8. Extensions. Extensions are not permitted.

9. Other Assessment Tools. The survey is only one component of a complete CCA. Commanders or organizational leaders should consider other tools to provide depth and clarification on concerns raised in the survey results. Other tools include interviews, focus groups, records reviews, and analysis. Commanders or organizational leaders should consult their servicing EOA to determine the best methods for their unit/organization.

10. Release of Defense Organizational Climate Survey (DEOCS). Information to Internal DoD organizations will be requested in accordance with reference (am). Requests for copies of DEOCS reports should be submitted to the Headquarters FOIA and PA Section online at www.securerelease.us, by email to hqmcfoia@usmc.mil, or by writing to Headquarters, United States Marine Corps, Freedom of Information Act and Privacy Act Section (ARSF), 3000 Marine Corps Pentagon, Room 2B289, Washington DC, 20350.

11. Compliance and Tracking. The DEOCS report will be evaluated during all IGMCIIP Inspections (Comprehensive Command Inspections, Independent Command Inspections, and the Commanding General's Inspection Program Inspections). DCs, Civilian Leaders / SES, CGs, O-6 and O-5 commanders are required to report completion of the annual DEOCS and if non-compliant the reason per reference (am). An annual Marine Administrative (MARADMIN) Message will be released to provide the administrative process of reporting the required information to MP.

APPENDIX A

Glossary of Acronyms and Abbreviations

5Ws	Five W's (i.e., Who, What, When, Where, and Why)
AMOS	Additional Military Occupational Specialty
ARSF	Freedom of Information Act and Privacy Act Section
ASCA	Alternate Show Cause Authority
BCNR	Board for Corrections of Naval Records
CA	Convening Authority
CCA	Command Climate Assessment
CD	Collateral Duty
CG	Commanding General
CG TECOM	Commanding General of Training and Education Command
CID	Criminal Investigation Division
CIG	Command Inspector General
CIPP	Comprehensive Integrated Primary Prevention
CMC	Commandant of the Marine Corps
CO	Commanding Officer
COR	Contracting Officer Representative
CRS	Central Registry System
CUI	Controlled Unclassified Information
DASH	Discrimination and Sexual Harassment
DC	Deputy Commandant
DC M&RA	Deputy Commandant for Manpower and Reserve Affairs
DEOCS	Defense Organizational Climate Survey
DEOMI	Defense Equal Opportunity Management Institute
DIR, MP	Director, Manpower Plans and Policy Division
DoD	Department of Defense
DON	Department of the Navy
DON/AA	Department of the Navy/Assistant for Administration
DRMD	Directives and Records Management Division
EEO	Equal Employment Opportunity
ELOWC	Executive Leadership Orientation and Warfighting Course
EO	Equal Opportunity
EOA	Equal Opportunity Advisor
EOC	Equal Opportunity Coordinator
EOR	Equal Opportunity Representative
ETP	Exception to Policy
FOIA	Freedom of Information Act
GCMCA	General Court-Martial Convening Authority
GS	General Schedule
HQMC	Headquarters Marine Corps
HRO	Human Resource Office
IG	Inspector General
IGMC	Inspector General of the Marine Corps
IGMCIP	Inspector General of the Marine Corps Inspections Program
IO	Investigating Officer
IPP	Integrated Primary Prevention Workforce
IRC	Independent Review Commission
JCA	Civil and Administrative Law Branch
LOE	Line of Effort
M&RA	Manpower and Reserve Affairs
MARADMIN	Marine Administrative

MARFOR	Marine Forces
MCIO	Military Criminal Investigative Organization
MCM	Manual for Courts-Martial
MCOC	Marine Corps Operations Center
MCTIMS	Marine Corps Training Information Management System
MEF	Marine Expeditionary Force
MEO	Military Equal Opportunity
MFR	Memorandum for the Record
MGySgt	Master Gunner Sergeant
MMEA-25	Manpower Management Enlisted Assignments-25
MOA	Memorandum of Agreement
MP	Manpower Plans and Policy Division
MPE	Culture and Inclusion Branch
M-RIT	Misconduct Reporting Incident Tracker
NARA	National Archives and Records Administration
NAVMC	Navy Marine Corps
NCIS	Naval Criminal Investigative Service
NDAA	National Defense Authorization Act
NHLC	Next Higher-Level Commander
NWD	No Wrong Door
OSTC	Office of Special Trial Counsel
PA	Privacy Act
PAC	Prohibited Activities and Conduct
PCF	Prevention Collaboration Forum
PII	Personally Identifiable Information
QA	Quality Assurance
RC	Reserve Component
SAPR	Sexual Assault Prevention and Response
SARC	Sexual Assault Response Coordinator
SEA	Senior Enlisted Advisor
SecDef	Secretary of Defense
SECNAV	Secretary of the Navy
SEEOS	Senior Executive Equal Opportunity Seminar
SES	Senior Executive Service
SH	Sexual Harassment
SJA	Staff Judge Advocate
SME	Subject Matter Expert
SNCO	Staff Non-Commissioned Officer
SOP	Standard Operating Procedure
SPD	Standardized Position Description
SSgt	Staff Sergeant
TECOM	Training and Education Command
UCMJ	Uniform Code of Military Justice
VWAP	Victim and Witness Assistance Personnel
XO	Executive Officer

APPENDIX B

Glossary of Terms and Definitions

1. General. Consistent with references (a) and (b), and supplemented, as necessary, this Order prohibits specific conduct as defined in Chapter 3 of this Order. The definitions used in this Order for specific conduct are not contingent on or connected to definitions of the specific conduct in any other order, unless otherwise indicated. To ensure uniform understanding of the terms that have special significance and meaning relative to this Order, the following definitions are provided.
2. Adverse Administrative Action. Adverse administrative action may include, but is not limited to, processing for administrative separation, NJP, 6105/MARCORSEPMAN counseling entry, adverse fitness report, etc.
3. Allegation. A claim or assertion that someone has committed an offense.
4. Anonymous Complaint. Information received by the CO 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 PAC. The individual reporting the information is not required to divulge any PII. Anonymous reports may be communicated by several means, including, but not limited to, organizational hotlines or advice lines, electronic mail, or official telephone lines.
5. Appropriate Authority. The following are appropriate authority to receive a protected communication in accordance with references (f), (g), (h), and (s):
 - a. A member of Congress;
 - b. An Inspector General;
 - c. A member of a DoD audit, inspection, investigation, or law enforcement organization;
 - d. Any person or organization in the chain of command;
 - e. A court-martial proceeding;
 - f. Any other person or organization designated pursuant to regulations or other established administrative procedures for such communications; or
 - g. Any person conducting an investigation or proceeding related to a protected communication.
6. Beliefs. Judgments or expectations one may hold.
7. Bias. A mental leaning or inclination; a preconceived opinion.
8. Bullying. Defined in reference (a).
9. Calendar Days. Calendar days are inclusive of leave or liberty periods. For example, a week, Monday through Sunday, consists of seven calendar days.

10. Category. A legally defined protected classification from discrimination.
11. Chain of Command. For the MEO Program chain of command refers to their section, company, battalion/squadron/O5-O6 command equivalent leadership.
12. Civilian Employee. As defined in reference (be).
13. Commander. The terms "commander" and "commanding officer," as used in this Order, refer to the same position. The term "commander" is defined in reference (k), Part V, paragraph 2, and reference (bf). A commander includes the following officers: an officer empowered to convene general or special courts-martial; a commander of a joint command; an officer designated pursuant to reference (bg); an officer designated as a commander of a separate and detached command pursuant to reference (bh); and a commissioned or warrant officer exercising command. Marine Corps COs are titled as commandant, commander, CG, CO, director, and inspector-instructor. The approval of the Commandant of the Marine Corps (CMC) is required to designate other Marine Corps commanders.
14. Complainant. An aggrieved service member, witness or third party who submits an allegation or report of PAC.
15. Complaint Without Merit. A complaint that fails to allege facts that, if true, would constitute a violation of a law, rule, or regulation.
16. 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.
17. Conflict Management. Conflict Management is the command-directed informal resolution process available to service members to resolve interpersonal conflicts at the lowest appropriate level. EOAs can provide the necessary information and skills to encourage and facilitate resolving interpersonal conflicts in the workplace at the lowest appropriate level. Conflict Management is not a prerequisite for the complaint resolution process of this Order.
18. Confidentiality. The act of protecting a complainant's or witness's identity, and any information that may lead to the identification of the complainant or witness, to the extent possible under applicable law and regulation. Confidential communications can be oral, written, or electronic communication of PII concerning a complainant of SH and the incident details in a confidential report of SH to the EOA. Confidentiality cannot be maintained when there is a risk of harm to self and/or others. When a victim discloses to an EOA collateral misconduct that is related to the SH it shall be considered a confidential communication and shall not be disclosed unless one of the listed exclusions apply. This does not include offenses committed at an earlier or later time unrelated to the SH incident.
19. 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.

20. Continuum of Harm. The continuum of harm that frequently results in sexual assault includes hazing, SH, and related behaviors (including language choices, off-hand statements, jokes, and unconscious attitudes or biases) that create a permissive climate for sexual assault as defined in Section 540D of P.L. 116-92.

21. Cross-Over Complaints. Commanders may receive reports of alleged PAC involving both service members and non-service members, for example DoD civilian employees. Commanders may determine the appropriate actions to investigate complaints of alleged PAC committed by assigned service members against a non-service member in consultation with their SJA in accordance with their appropriate authorities. DoD civilian employees and all other non-service members shall pursue any complaints in accordance with separate issuances regarding EEO regulations for appropriate redress.

22. 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.

23. Database. CRS/DASH (present - 01JUN2024) and M-RIT (01JUN2024 - TBD) is used to report PAC complaints and produce annual report. (i.e., Discrimination and Sexual Harassment (DASH), Misconduct Incident Reporting (M-RIT)).

24. Defense Organizational Climate Survey (DEOCS). The DEOCS is a confidential, command-requested organization development survey focusing on issues of organizational effectiveness, EO, and sexual assault response and prevention.

25. Duty Day. A duty day is a day in which a service member is expected to be at their place of work for some portion of the day and includes partial days on which periods of leave or liberty begin or end. For example, when a holiday period begins at noon on Friday and ends at noon on Tuesday, both Friday and Tuesday are duty days; Monday is not.

26. Electronic Communication. Refers to any communication done via electronic device or apparatus and includes, but is not limited to, the transfer of signs, signals, writing, images, sounds, and data of any nature, transmitted in whole or in part by a wire, radio, or mobile service provider.

27. Equal Employment Opportunity (EEO) Program. The comprehensive program through which the Marine Corps implements its policy to provide EO in employment for all qualified civilian personnel (reference (bi)).

28. 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, intellect, and ability; regardless of race, color, national origin, religion, sex (including pregnancy), gender identity or sexual orientation.

29. Equal Opportunity Advisor (EOA). Civilian and Marines assigned to who are the Marine Corps' SMEs for all PAC listed within this Order. EOAs

provide advice, guidance, and complaint management regarding PAC under this Order.

30. 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. Classifications of ethnicity include Hispanic or Latino, defined as an individual of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race, and not Hispanic or Latino.

31. Five W's (5Ws). Who, What, When, Where, and Why.

32. Formal Complaint. Defined in reference (a).

33. Gender Identity. Defined in reference (b).

34. General Court-Martial Convening Authority (GCMCA). With respect to the appropriate processing and reporting of PAC throughout this Order, the GCMCA is the first Marine GCMCA in the CA's administrative chain of command.

35. Harassment. Defined in reference (a) and Chapter 3 of this Order.

36. Hazing. Defined in reference (a) and Chapter 3 of this Order.

37. 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, civilian employees, or both.

38. Independent Investigator. Defined in reference (a).

39. Informal Complaint. Defined in reference (a).

40. 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.

41. Interpersonal Conflict. A disagreement between two or more people that raises serious concerns and needs to be resolved.

42. Investigation. An examination into allegations of wrongdoing or misconduct.

43. 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.

44. Knowing, Reckless, or Intentional Conduct. With respect to this Order and the PAC:

a. "Knowing" means that the service member engaged in PAC with the knowledge that the harm the PAC was designed to prevent was practically certain to occur.

b. "Reckless" means the service member acted with a degree of carelessness greater than simple negligence. It means that the service member knew that there was a substantial and justifiable risk that the harm the PAC was designed to prevent would occur and the service member ignored this risk when engaging in the PAC.

c. "Intentional" means that the conduct was done voluntarily, not because of a mistake or accident or other innocent reasons, and with the specific intent to cause the harm the PAC was designed to prevent.

d. A service member's intent, knowledge, or recklessness, like any other mental state, may be shown through circumstantial evidence. For example, if a service member engaged in behavior that a reasonable person would consider PAC, it could be inferred from all the facts and circumstances that the service member either intended to cause the harm this Order was designed to prevent or knew there was a substantial and unjustifiable risk that such harm would occur.

45. Legal Sufficiency Review. A review by the SJA of an investigation into a formal complaint alleging PAC under this Order to determine whether any errors or irregularities exist, and, if so, their legal effect, if any (reference (bj)). 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 investigating officer or board; and

d. The conclusions and recommendations of the investigating officer or board are consistent with the findings.

e. If an MCIO investigation was used to support the IO's findings, a summary of the MCIO investigation is included in the final report.

NOTE 6: In cross-over complaints, if the subject of the investigation is a civilian employee or contractor, a civilian Counsel may conduct the Legal Sufficiency Review in accordance with the appropriate separate regulation (see EEO Program).

46. May. Highly recommend but not mandatory.

47. Military Criminal Investigative Organization (MCIO). The United States Army Criminal Investigation Command, NCIS, and Air Force Office of Special Investigations.

48. 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 reference (bk) (MCTFSCODESMAN).

49. 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.
50. Offender. A service member who has been a substantiated PAC complaint.
51. 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 PAC identified in this Order would constitute an offense.
52. Professional Development. Engagement in progressively advanced levels of learning that prepare individuals to fulfill their next level of leadership or that focus on earning or maintaining professional or subject matter expertise. Includes usage of training, tools, and/or technical assistance to advance subject matter expertise.
53. 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.
54. Prevention Activities. Defined in reference (ao).
55. Prevention Personnel. Defined in reference (ao).
56. Prevention Stakeholders. Defined in reference (ao).
57. Prohibited Discrimination. Defined in reference (b).
58. Problematic/Harmful Behaviors. Behaviors that are counterproductive to Marine, family, and attached service member readiness and may cause harm.
59. Protected Communication. Any communication protected in accordance with reference (f) that relates to prohibited discrimination and harassment.
60. Protective Factors. Defined in reference (ao).
61. Race. Defined in reference (b).
62. Racism. A belief or attitude that race determines an individual's traits and capabilities, and that racial difference produces a natural superiority of a particular race. Behavior or conditions that foster stereotypes of social roles based on race.
63. Recipient. Any person subjected to the PAC identified in this Order.
64. Religion. Defined in reference (b).
65. Reporter. A person who submits an allegation alleging PAC under this Order. A reporter may be a witness or third party who has knowledge of alleged PAC 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.

66. Risk Factors. Defined in reference (ao).
67. Senior Executive Equal Opportunity Seminar (SEEOS). SEEOS is a mandatory training event for all newly selected brigadier generals and SES members (reference (b)). SEEOS is held annually in conjunction with the Executive Leadership Orientation and Warfighting Course (ELOWC). SEEOS training is organized by MPE. SEEOS focuses on gaining a greater awareness of Diversity, Equity, and Inclusion issues impacting military readiness. The seminar is facilitated by academic and business leaders who are SMEs in the field. The training includes interactive presentations on Diversity, Equity, and Inclusion to effectively establish these integral components of mission effectiveness and accomplishment.
68. Service Member. An Active or RC officer (commissioned or warrant) or enlisted member of the Army, Navy, Air Force, Marine Corps, Space Force, or the Coast Guard (when it is operating as a Service in the Navy) on active duty or inactive duty status.
69. Sex. Refers to the biological distinction between males and females.
70. Sex Discrimination. Involves treating someone unfavorably because of that person's sex. Discrimination against an individual because of gender identity, pregnancy, or because of sexual orientation is a form of sex discrimination in violation of DoD policy.
71. Sexual Assault. Defined in reference (ad).
72. Sexual Harassment (SH). Defined in reference (a) and in paragraph 107a of Part IV of reference (k).
73. Sexual Orientation. Defined in reference (b).
74. Shall. Must, will; or use the applicable active verb only (e.g., "The DoD Component heads approve nominations").
75. Should. Action is required unless justifiable reason exists for not doing so.
76. Social Media. Defined in reference (b).
77. Subject. With respect to a PAC complaint, the subject is the individual service member alleged to have committed the prohibited activity or conduct.
78. 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.
79. Supervisor. A commissioned officer, warrant officer, non-commissioned officer, higher headquarter's EOA or DoD civilian employee in a supervisory or command position. Except for MCICOM, GS-13 will supervise GS-12 civilian EOAs / GS-12 civilian EOAs will supervise GS-11 and/or military EOAs. Please see EOA Workforce Structure within the PAC Toolkit.

80. Unwelcome. Conduct that is not solicited and which is found to be undesirable or offensive.

81. 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 service members that includes conduct on or off duty (e.g., while in a liberty status), 24 hours a day.

APPENDIX C

Summary of Changes

1. Introduction.
 - a. Removed DEOCS.
 - b. Removed retaliation.
 - c. Revised MP Division responsibilities.
 - d. Revised MPE responsibilities.
 - e. Revised IGMC responsibilities.
 - f. Removed Equal Opportunity Representatives (EORs).
 - g. Revised TECOM and commander's responsibilities.
 - h. Provided guidance for extremist and criminal gang activity per reference (ax).
2. Chapter 1. Equal Opportunity Advisor (EOA) Roles and Responsibilities (New Chapter).
 - a. Screening requirements.
 - b. Basic duties.
 - c. Tour length.
 - d. Locations.
 - e. Eligibility.
 - f. EOA Professionals.
 - g. EOCs.
 - h. CD EOAs.
3. Chapter 2. Training (New Chapter).
 - a. Command level training to be completed within 120-days.
 - b. Annual PAC training.
4. Chapter 3. Punitive Provisions.
 - a. Moved harassment as the first behavior discussed.
 - b. Removed stalking. Stalking will be reported to the MCIO.

c. Updated SH definition to align with Article 134 of reference (d), and reference (a).

d. wrongful broadcast or distribution of intimate visual images is under the sole purview of the OSTC as a covered offense under Article 117a of reference (d). All allegations of Art 117a shall be immediately forwarded to the OSTC for appropriate action.

5. Chapter 4. Prohibited Activities and Conduct (PAC) Complaints.

a. Provided clarification on anonymous, informal, and formal complaints.

b. Removed the requirement for NAVMC 11512 to be completed for anonymous.

c. Revised NAVMC 11512 with new blocks.

d. All intakes to be conducted by the EOA.

e. Added the requirement for safety assessment.

f. Added confidentiality for SH.

g. Listed exceptions to confidentiality.

h. Added clarifying language to eligible service member (ship date) for MEO.

i. Added requirement for commander to process the complaint per the requested resolution process annotated on the NAVMC 11512 by the complainant.

6. Chapter 5. Commander-Directed Conflict Management.

a. Removed all SH language.

b. Added example for Conflict Management.

c. Updated reporting requirements for Conflict Management.

7. Chapter 6. Complaint Resolution for All Prohibited Activities and Conduct (PAC) Complaints Outside of Sexual Harassment (SH).

a. Update all NAVMC 11512 blocks.

b. Added the requirement to enter all cases (except for confidential reporting of SH) into the approved CRS/DASH (present - 01JUN2024) and M-RIT (01JUN2024 - TBD).

c. Added language that all Complaint Resolution (formal complaints) must have a legal review.

d. Updated Supervised Review.

- e. Updated GCMCA Review and Close Out.
 - f. Updated Appeals section.
 - g. Added requirement for servicing EOA to have Supervisory EOA QA case prior to sending to MPE for final case closure.
 - h. Added the requirement for an investigation to occur prior to dismissing a formal complaint.
8. Chapter 7. Sexual Harassment (SH) Complaints (New Chapter).
- a. Reporting options (informal, formal, anonymous, and confidential reporting).
 - b. New complaint process for SH (forward to NHLIC and IO requirement).
 - c. Confidential Reporting Process.
 - (1) Who to report to.
 - (2) Timeframe to report.
 - (3) Avenues of redress and services.
 - (4) Reference (an).
 - (5) Conversion.
 - d. Supervised Review.
 - e. Appeals.
 - f. Requirement for servicing EOA to have Supervisory EOA QA case prior to sending to MPE for final case closure.
9. Chapter 8. Data Collection and Reporting.
- a. Service level reporting and tracking system.
 - b. Commanders conducting records search via Servicing EOA.
 - c. Updated Release Authority.
10. Chapter 9. Command Climate Assessments (CCAs).
- a. Updated objective to realign with reference (am) requirements.
 - b. Updated collaboration.
 - c. Updated release of DEOCS.
 - d. Updated annual and Change of Command (CCA).

- e. Updated compliance and tracking.
11. Appendix A. Glossary of Acronyms and Abbreviations.
 - a. Aligned all definitions to related DoDI.
 - b. Added confidentiality definition approved by Department of the Navy Assistant General Counsel, Tom Miller.
 - c. Removed dissident and protest activities.
 - d. Removed EORs.
 12. Appendix B. Glossary of Terms and Definitions.
 13. Appendix C. Summary of Changes.
 14. Appendix D. Conduct of Counsel.
 15. Appendix E. Secretarial Appellate Procedure in Cases of Sexual Harassment (SH) or Prohibited Discrimination.

APPENDIX D

Conduct of Counsel

The court-martial process and certain adverse administrative processes are adversarial by design, and counsel for the government, accused, and victims must zealously represent their respective clients within the bounds of the law and standards of professional conduct. In some instances, such zealous advocacy may be perceived negatively by those with adverse interests in these processes. However, conduct of judge advocates in their capacity as counsel does not constitute harassment, bullying, or any other prohibited conduct under this Order as detailed below. Such conduct is generally governed by and redressable under other authorities. Conduct of counsel in relation to specific court-martial proceedings may be addressed by raising the issue to the detailed military judge. Further, judge advocates are bound by the Rules of Professional Conduct within JAGINST 5803.1 (series), the violation of which may constitute professional misconduct. Complaints of professional misconduct by a judge advocate shall be submitted and processed in accordance with JAGINST 5803.1 (series). This Order does not apply to the actions of a judge advocate if (1) such action is consistent with the judge advocate's duties as trial counsel, counsel for the government, recorder, defense counsel, victim's legal counsel, or supervisory counsel; and (2) there is a prescribed avenue of relief or redress for such action through petition to the court-martial or through JAGINST 5803.1 (series). Rule for Court-Martial 502(d), SECNAVINST 1920.6 (series), MCO 5800.16 (series), and MCO 1900.16 (series) contain descriptions and non-exclusive lists of the required duties of trial counsel, counsel for the government, recorders, defense counsel, victims' legal counsel, and supervisory counsel.

APPENDIX E

Secretarial Appellate Procedure in Cases of Sexual Harassment (SH) or
Prohibited Discrimination

In cases of SH or prohibited discrimination, further appeal past the GCMCA review level is authorized. In cases of further appeal, the initial appellate authority will forward the complete case file to Civil and Administrative Law Branch, Judge Advocate Division, Headquarters, United States Marine Corps (CMC(JCA)), who shall serve as the Secretarial designee and make the final determination in such cases.

Appeals may be forwarded via encrypted e-mail, JCA@usmc.mil or DoD Safe Access File Exchange, or by mail to the Commandant of the Marine Corps, Headquarters, United States Marine Corps, 3000 Marine Corps Pentagon, Washington, DC 20350-3000.