

UNITED STATES MARINE CORPS
HEADQUARTERS MARINE CORPS

LESSON PLAN

**PROHIBITED ACTIVITIES AND CONDUCT (PAC) PREVENTION AND
RESPONSE**

MCO 5354.1E

16/4/2018

APPROVED BY _____ DATE _____

INTRODUCTION

(5MIN)

(ON SLIDE 1)

1. GAIN ATTENTION.

(A gain attention is provided along with other possible ideas. Lines are provided so that the instructor can personalize the gain attention to fit his/her personality.)

(ON SLIDE 2)

2. OBJECTIVES. Good morning/afternoon class, my name is _____. The purpose of this period of instruction is to educate you on Marine Corps Order 5354.1E Prohibited Activities and Conduct Prevention and Response Policy. I will do this by covering the Commandants Intent, Punitive Provisions, Effects on Individual and Unit, Reporting Options, Roles and Responsibilities and Climate Assessments. This directly implements the Department of Defense and Department of the Navy policies on Military Equal Opportunity and Harassment Prevention and Response program and activities.

(ON SLIDE 3)

3. By the end of this training, personnel should understand; (1) the Commandant's intent regarding the Marine Corps order on Prohibited Activities and Conduct order, (2) understand the Marine Corps definitions regarding the same order, (3) the consequences for violating this order, (4) the resources available to complainant, victims and witness, (5) effects of PAC on both the individual and units and (6) who should report and how to report allegation or complaints.

(ON SLIDE 4, 5 & 6)

INSTRUCTOR NOTE

Read CMC Intent Slides Verbatim; draw emphasis to words in bold.

3. COMMANDANTS INTENT.

a. **CMC INTENT.**

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

b. **CMC INTENT CONT.**

(1) **(SLIDE 5)** To become a more **cohesive and effective fighting force by investing in and leveraging** Marines' collective and individual skills, strengths, knowledge, abilities, education, aptitudes, and professional development.

c. **CMC INTENT CONT.**

(1) **(SLIDE 6)** To **optimize our capabilities** across the force and **foster** the profession of arms, by establishing a culture that **values the unique contributions of every Marine**, both uniformed and civilian, in our Corps.

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

INSTRUCTOR NOTE

Emphasize the importance and value of diversity and inclusion as related to Marine Corps mission. (Slides 4-6)

(ON SLIDE 7)

KNOWLEDGE CHECK

TRANSITION: Throughout society, the population is becoming more and more diverse daily. With the generational differences in the work force between Generation X and Generation Y (Millennial), it adds to the challenge of adapting to this diversity. With the Marine Corps mission as America's expeditionary force in readiness charged with winning our nations battles swiftly and aggressively in times of crisis, there is no room for behavior

that is anything less than exemplary towards those whom once earn the Eagle, Globe and Anchor join the ranks and become family. Personal values, beliefs and morals of each Marine are different and are challenged on a daily basis and it is the responsibility of every Marine to understand what is acceptable and what is not acceptable.

INSTRUCTOR NOTE

Ask the audience to provide some example of punitive measures or what the term punitive in nature means.

(ON SLIDE 8)

4. **PUNITIVE PROVISIONS**. The information that will be covered during this brief is a lawful general order and any violation, attempted violation or solicitation of another to violate this order is punishable through adverse administrative or disciplinary action under Article 92 of the UCMJ or such other Articles of the UCMJ, as applicable. If this statement isn't enough to say it, it is listed in the very first paragraph of Volume 2 of this order. The prohibitions under this policy extend to acts committed through electronic communications and social media, as well as in person and through other means.

- a. Abuse
- b. Harassment
- c. Wrongful Distribution of an Intimate Image
- d. Dissident and Protest Activity
- e. Unlawful Discrimination

(ON SLIDE 9)

5. **ABUSE**. Abuse includes the following terms of hazing, bullying, ostracism, and retaliation. In the next few slides we will go over these definitions and also talk about examples of each behavior.

(ON SLIDE 10)

a. **Hazing**. Hazing is defined as any conduct whereby a Service member or DOD employee knowingly, recklessly, or intentionally and without proper authority but with a nexus to military service causes a Service member or members, regardless of

Service or rank, to suffer physically or psychologically or be exposed to any activity which is cruel, abusive, humiliating, oppressive, demeaning, harmful, or creates a risk of physical or psychological injury

(ON SLIDE 11)

6. Examples of Hazing include, but are not limited to;

a. **Rites of Passage**. "Congratulatory acts," or unauthorized initiations, those types of events are not prerequisites for hazing. Hazing can include, but is not limited to: physically striking another to inflict pain; piercing another's skin in any manner (such as "pinning" or "tacking on" of rank insignia or "blood winging"). These acts are sometimes viewed as forms of inclusion or acceptance into a group.

b. **Coercion**. Encouraging another to excessively consume alcohol or the forced consumption of food, alcohol; threatening or offering violence or bodily harm to another; branding; taping; tattooing; shaving; greasing; painting.

c. **Excessive physical exercise**. Requiring excessive physical exercise beyond what is required to meet standards.

d. **Illegal, harmful or demeaning acts**. The forced consumption of drugs, or any other substance.

(ON SLIDE 12)

7. **Bullying**. Bullying is defined as any conduct whereby a Service member or DOD employee intentionally and without proper authority but with a nexus to military service excludes or rejects a Service member or members, regardless of Service or rank, through cruel, abuse, humiliating, oppressive, demeaning, or harmful behavior, which results in diminishing the member's dignity , position or status.

a. Bullying is evaluated by a reasonable person standard.

INSTRUCTOR NOTE

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

(ON SLIDE 13)

8. **Examples of Bullying.** Bullying is typically a course of conduct which, without intervention, continues without a specific end point or event.

- a. Making threats; Spreading Rumors
- b. Attacking someone physically, verbally
- c. Teasing; Taunting
- d. Degrading/Damaging property/reputation

(ON SLIDE 14)

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

- a. Definition emphasizes Ostracism as an act of retaliation in response to a perception of possible or actual submission of protected communication. Coordination for instances of

retaliation will be addressed by the convening authority for referral to the Inspector General.

(ON SLIDE 15)

10. **Example of Ostracism.** Examples of ostracism may include excluding a Service Member or DoD employee intentionally from social acceptance, privilege or friendship with an intent to inflict emotional distress, discourage the reporting of a criminal offense or otherwise discourage the due administration of justice.

INSTRUCTOR NOTE

Explain Protected Communication and how it applies to the PAC order. Protected communication is FOUO and to be discussed only with those who have a need to know. It is not privileged or confidential. **Protected Communication is defined as any lawful communication in which a member complains of, or discloses information that constitutes evidence of violation of law or regulation, gross mismanagement, a gross waste of funds, an abuse of authority, danger to public health or safety, a threat by another member or employee of the Federal Government to kill or cause serious bodily injury to another. Protected communication is not the same as confidential communication (DoD Directive 7050.06, 17 April 2015).**

(ON SLIDE 16)

11. **Retaliation.** Retaliation is defined as any conduct whereby a Service member of DoD employee intentionally and without proper authority takes or threatens to take any unfavorable action or withholds or threatens to withhold a favorable action against an individual because that individual:

(1) Made or was preparing to make or was perceived as making or preparing to make a protected communication.

(2) Reported or was planning to report a criminal offense.

(3) Engaged or was preparing to engage in activity in furtherance of EEO or MEO laws and regulations.

(4) Or opposed direction to engage in an action that violates law, rule, or regulation or this Order.

(ON SLIDE 17)

12. **Retaliation**. Retaliation is a category of prohibited behavior that involves animus, hostility or ill feeling, and results in action being taken against an individual because of that individual's otherwise protected communication or activity or for the intent to discourage any person from engaging in otherwise protected communication or activity.

- a. Reprisal or restriction
- b. Bullying
- c. Discrimination
- d. Hazing
- e. Ostracism
- f. Other ways

TRANSITION: Now that I have gone over what constitutes abuse and the definitions, someone provide an example of a situation where you have seen or heard one of subcategories of abuse.

(Time hack)

INSTRUCTOR NOTE

Ask the audience if there are any additional examples that could provide clarification to any of the referenced areas of hazing, bullying, ostracism and/or retaliation.

(ON SLIDE 18)

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

(ON SLIDE 19)

15. Again conduct that is **unwelcome or offensive** to a reasonable person and/or that is **unwelcome and based on race, color, religion, sex (to include gender identity), national origin, or sexual orientation** could be seen as harassment.

INSTRUCTOR NOTE

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

1. The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or a contractor.
2. The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
3. Harassment **does not** include: properly directed command and organizational activities, or the training required to prepare for such activities (e.g., administrative corrective measures; Extra Military Instruction; command-authorized physical training); proper verbal and written counseling addressing performance or conduct deficiencies; authorized incentive training permitted exclusively at the Marine Corps Recruit Depots; or similar activities properly authorized by the chain of command.

(ON SLIDE 20)

16. **Harassment Examples**. Here are some examples of what harassment may look like.

- a. Offensive jokes
- b. Slurs
- c. Name calling
- d. Display/transmit derogatory or demeaning objects/pictures.

(ON SLIDE 21)

16. **Sexual Harassment**. Sexual Harassment is defined as knowing, reckless, or intentional conduct with a nexus to military service that:

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

1) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career; b. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or

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

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

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

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

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

(ON SLIDE 22)

17. **Sexual Harassment**. Here are some examples of what sexual harassment may look like.

- a. Gestures
- b. Comments
- c. Advances
- d. Requests for favors

e. Creates Hostile/Offensive Environment. A hostile work environment is defined as an intimidating or offensive duty environment that has the purpose or effect of unreasonably interfering with the work performance of Service members, or civilian employees, or both

(ON SLIDE 23)

18. **Examples of Sexual Harassment.** Here is the definition of "Quid Pro Quo" and some additional examples of sexual harassment.

- a. Quid Pro Quo is defined as a type of sexual harassment that occurs when submitting to or rejecting such behavior is used as a basis for decisions affecting any person's job, pay, or career. This could be a promise of employment, a promotion, a threat of or an actual demotion, a duty assignment, or a positive or negative performance evaluation. It includes implicit or explicit threats of adverse action if the person does not submit to such conditions and promises of favorable actions if the person does submit to them.
- b. Sexual innuendoes
- c. Lies/rumors about a person's sex life
- d. Sexist jokes/stories
- e. Inappropriate comments about clothing, body, or activities

(ON SLIDE 24)

14. **Wrongful Distribution or Broadcasting of an Intimate Image.** Wrongful Distribution or Broadcasting of an Intimate Image is defined as:

- a. Distribution - The act of delivering to the actual or constructive possession of another including transmission by electronic means.
- b. Broadcasting - The act of electronically transmitting the image with the intent that it be viewed by a person or persons
- c. Intimate Image - Any visual depiction that:

(1) Includes another person who is identifiable from the depiction itself or from information conveyed in connection with the depiction

(2) Depicts that person engaging in sexually explicit conduct or depicts the private areas of that person

(3) Taken under the circumstances in which the person depicted has a reasonable expectation of privacy

(ON SLIDE 25)

14. **Wrongful Distribution or Broadcasting of an Intimate Image.**

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

A. With the intent to realize personal gain;

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

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

INSTRUCTOR NOTE

Marines United case study to illustrate.

(ON SLIDE 26)

15. **Dissident and Protest Activity (Including Supremacist Activity) (Slide 18).** Knowing and wrongful conduct that involves actively advocating supremacist, extremist, or criminal gang doctrine, ideology, or causes, including those that advance, encourage, or advocate illegal discrimination based on race, creed, color, sex (including gender identity), religion, ethnicity, national origin, or sexual orientation or those that advance encourage, or advocate the use of force, violence, or criminal activity, or otherwise advance efforts to deprive individuals of their civil rights.

(ON SLIDE 27)

16. Examples of supremacist groups would be the Ku Klux Klan (KKK) or the Black Panthers. Examples of extremists groups are the Taliban and/or ISIS. An example of a criminal gang would be MS-13.

INSTRUCTOR NOTE

Ask the question to the audience for examples or other supremacist groups, extremist groups or criminal gangs.

(ON SLIDE 28)

17. **Unlawful Discrimination**. Any conduct whereby a Service member or DoD employee knowingly and wrongfully and without proper authority but with a nexus to military service treats another Service member or DoD employee adversely or differently based on race, color, national origin, religion, sex (including gender identity) or sexual orientation.

INSTRUCTOR NOTE

Explain how unlawful discrimination excludes justifiable conduct that discriminates on the basis of characteristics (including, but not limited to, age, height, and weight) that serve a proper military or other governmental purpose as set forth in other military policies.

(ON SLIDE 29)

18. Again the six basis for discrimination are race, color, religion, sex (including sexual orientation), national origin or gender identity.

(ON SLIDE 30)

19. PAC does not include **Properly Directed** command and organizational activities, or the training to prepare for such activities (i.e. administrative corrective measures; EMI; command authorized PT). PAC also does not include **Proper Verbal and Written Counseling** addressing performance or conduct deficiencies and/or **Authorized Incentive Training** permitted exclusively at the Recruit Depots; or similar activities **properly authorized** by the chain of command.

(ON SLIDE 31)

KNOWLEDGE CHECK

(ON SLIDE 32)

20. **Effects on PAC on the individual.** Some of the negative effects that the violation of this order may have on any organization are:

- a. Emotional/Physical/Psychological harm
- b. Decreased job satisfaction
- c. Negative coping behaviors
- d. Absenteeism
- e. Impairment of fundamental rights

(ON SLIDE 33)

21. **Effects on PAC on the unit.** Some additional negative effects that the violation of this order may have on any organization are:

- a. Loss of Esprit de Corps and trust
- b. Hostile environment
- c. Diminished organizational effectiveness
- d. Low retention rates
- e. Decreased mission readiness

INSTRUCTOR NOTE

Ask the question to the audience for examples or other negative effects that the violation of this order may have on a unit.

(ON SLIDE 34)

22. **Who should report.** Leaders must carefully monitor unit members' actions and strongly encourage them to report potential

PAC violations. Bystanders also have responsibility to report possible PAC violations. Service members might be afraid to report hazing out of fear of retaliation, so several reporting avenues are available.

(ON SLIDE 35)

20. **Reporting Options**. Supervisors and leaders receiving a complaint of prohibited activities and conduct within the chain of command shall submit the complaint immediately to the commander. The chain of command is the preferred method to reporting PAC complaints. Other available reporting options are:

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

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

c. The IGMC Hotline ensures individuals who, in good faith, engage in protected communication and activity are protected from reprisal or retaliation. Individuals who believe they have been the victim of reprisal or retaliation can make a complaint of such reprisal or retaliation to the Inspector General of the Marine Corps or the Department of Defense Inspector General. The link is shown on the slide.

d. The NCIS WEB & APP Tip Line is a partnership between NCIS and the military community and provides Service members and civilians a safe, discreet, and anonymous option to report criminal and force protection threats within the USN and USMC without concerns of retaliation.

(ON SLIDE 36)

21. **Additional Reporting Options**. Additional reporting options are:

a. The Electronic Prohibited Activities and Conduct (EPAC) Portal is web-based application that allows an individual complainant to initiate a report alleging prohibited activities and conduct online via a computer or mobile device. The

application will ensure automatic routing of an allegation to the reporter's chain of command and the supporting EOA.

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

c. Communication with Congress

d. Marine Corps personnel can file an anonymous report alleging prohibited activities and conduct.

1) Anonymous reports may be communicated by several means, including but not limited to organizational hotlines or advice lines, electronic mail, or official telephone lines.

2) The individual reporting the information is not required to divulge any personally identifiable information.

3) Information alleging prohibited activities and conduct received by the commanding officer or other persons in charge of an organization, regardless of the means of transmission, from an unknown/unidentified source will be processed in accordance with this Order.

(ON SLIDE 37)

21. Roles and Responsibilities.

a. Commanders will ensure prompt, impartial, and thorough investigation of all credible complaints alleging prima facie prohibited activities and conduct.

b. EOA Subject matter expert, advocates and monitors the process.

c. EOR Primary asset in monitoring Command climate / Serve as Command liaison with EOA/MEO office. Facilitates the complaint process.

d. Individual Marine Take a stand, see something, say something, do something. Report inappropriate conduct, offensive images displayed, etc.

(ON SLIDE 38)

22. Climate Assessment (Slide 27). There is no more visible aspect of leadership than the organizational climate a Commanding Officer establishes for the Marines in his or her charge. It is inextricably linked with mission accomplishment.

a. DEOCS- A part of the climate assessment, the DEOCS measures perceptions of the organization's members on a variety of assessment factors, provides the commander the initial indicators on what may be going right, or wrong, within the organization as perceived by its members, and identifies key areas that can impact mission readiness and unit cohesion.

(1) Required within 120 days of assumption of command of a new Commanding Officer

(2) Every 12 months thereafter

(3) Completed 90 days prior to relinquishing command.

INSTRUCTOR NOTE

*Additional assessments at the discretion of Commander. Explain why this can lead to taking multiple surveys within a short period of time. New version is shorter.

Different from HQMC Command Climate Survey run by Safety. Originally generated when DEOCS was unavailable, and still remains active.

b. Importance of participation: Determining the health and effectiveness of an organization by examining such factors such as morale, teamwork, and communication.

(1) Anonymity: Answers remain anonymous unless information is self-reported.

(2) Demographic groups with less than 5 participants do not populate as a group, but populate in general in order to not single out individuals.

INSTRUCTOR NOTE

*-i.e. 4 female Senior Enlisted (E7-E9) would not register as a demographic

(3) Demographics data is not a requirement with the exception of sex.

(4) Survey can be taken from any device that has an internet connection (cell phone, home computer, work computer, etc).

(5) Responsibility to inform your commander of your concerns. Commanders are provided this report and are required to develop an action plan to correct areas of concern. **Without your honest, professional, and qualitative feedback, this is not possible and any concerns will never be addressed.**

(ON SLIDE 39)

Knowledge Check

(ON SLIDE 40)

23. **This Order is a punitive lawful general order.**

a. PAC violations may subject involved members to adverse administrative actions, nonjudicial punishment, administrative discharge, court-martial, or disciplinary action under Article 92 (Failure to obey an order or regulation) of the UCMJ or such other Articles of the UCMJ, as applicable.

b. Substantiated claims can result in violator being processed for separation from service.

c. Substantiated PAC violations will be documented via pg 11 or 6105 counseling, and Section I FitRep comment (considered derogatory material).

d. Leaders who fail to address hazing can be held accountable for the actions of their subordinates.

(ON SLIDE 41)

24. **Resources for Victims.** There are many resources available to victims. The initial point of contact for these resources and other services is the unit VWAC. Those who wish to maintain privacy may reach out to the:

a. Chaplain

b. Victims' Legal Counsel (VLC).

c. The Marine Corps DSTRESS line now provides 24 hours a day, seven days a week, anonymous phone and chat and referral service using a 'Marine-to-Marine' approach via 1-877-476-7734 and/or through www.marines.mil.

d. Behavioral Health Counselors (Community Counseling Program)

e. Sexual Assault Prevention and Response Victim Advocates

(ON SLIDE 42)

25. **Protect What You Earn.** Protect What You Earn through the lens of PAC Prevention and Response comes down to a personal choice to behave ethically and treat others with dignity and respect.

(ON SLIDE 43)

26. **Summary.**

(ON SLIDE 44)

27. **Points of Contact.**

(ON SLIDE 45)

28. **References.**

(END OF LESSON)