

**MARINE CORPS PROHIBITED ACTIVITIES AND CONDUCT
PREVENTION AND RESPONSE**

Volume 3

MCO 5354.1E-V3

26 MAR 2018

VOLUME 3

“POLICY OVERSIGHT AND REPORTING PROCEDURES”

SUMMARY OF VOLUME 3 CHANGES

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REFERENCES

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

"REFERENCES"

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

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“INTRODUCTION”

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CHAPTER 1

INTRODUCTION

0101 PURPOSE

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

0102 POLICY

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

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

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

010203. Incident reporting and processing timelines in this Volume are prescribed as either duty days or calendar days. A duty day is a day in which a Marine 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. Calendar days are inclusive of leave or liberty periods.

0103 APPLICABILITY

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

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010302. This Order is applicable to the Active and Reserve Components, and to other [uniformed](#) Service members under the administrative control of the Marine Corps.

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“MILITARY EQUAL OPPORTUNITY”

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CHAPTER 2

MILITARY EQUAL OPPORTUNITY

0201 MEO OFFICE

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

0202 EOAS

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

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

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

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

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

0203 ADVISOR TO SUPPORTED COMMANDS

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

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

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

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

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

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

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

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

0204 COMMAND EORS

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

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

020402. Complete the local Equal Opportunity Representative Course.

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

020404. Assist commanders in the submission of required reports.

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

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

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

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

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“PROHIBITED ACTIVITIES AND CONDUCT COMPLAINTS”

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CHAPTER 3

PROHIBITED ACTIVITIES AND CONDUCT COMPLAINTS

0301 CONTEXT

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

0302 CHAIN OF COMMAND

The chain of command is the primary and preferred channel for resolving alleged violations of prohibited activities and conduct at the lowest appropriate level. [The parties to any alleged unprofessional conduct or interpersonal conflict are encouraged to attempt to resolve the matter whenever possible through informal resolution and effective communication. Amplification on informal resolution is provided at paragraph 0313.](#) Avenues individuals may use to ~~report alleged~~ [file a complaint alleging](#) violations of prohibited activities and conduct include but are not limited to; the chain of command, Equal Opportunity Advisor/Military Equal Opportunity (EOA/MEO) Office, Inspector General of the Marine Corps (IGMC), or Department of Defense Inspector General (DODIG).

0303 MEO OFFICE

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

0304 COMPLAINT

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

0305 WHO MAY FILE A COMPLAINT

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

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0306 INITIATING A REPORT OF PROHIBITED ACTIVITIES AND CONDUCT

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

0307 AVENUES TO REPORT

030701. Chain of Command

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

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

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

030702. Electronic Prohibited Activities and Conduct (EPAC) Portal

The EPAC Portal is web-based reporting tool that allows uniformed Service members to initiate a report alleging prohibited activities and conduct online via a computer or mobile device. The EPAC Portal is enabled through entry of a complainant's Electronic Data Interchange Personal Identifier (EDIPI), and is therefore not anonymous. Using the EDIPI, the EPAC Portal automatically routes an allegation to the reporter's chain of command and the supporting EOA/MEO Office in order to ensure complaints are quickly received and processed by the proper commander.

030703. Communications with the EOA or MEO Office

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

030704. Communication with Command EOR

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

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

Pursuant to reference (f), the IGMC has overall responsibility for ensuring only qualified investigators with specialized training conduct reprisal and restriction investigations. It is the IGMC's responsibility to ensure full implementation of, and compliance with, references (g), (h), and (i). All complaints alleging reprisal or restriction will be governed by references (f), (g), and (h), and not this

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Order. Additionally, per reference (i) and (j), all allegations against a Senior Official (defined as O-7 (select) and above, current or former members of the Senior Executive Service (SES)/equivalent, current or former civilian Presidential appointee) will be forwarded to the IGMC for appropriate action. The IGMC Hotline ensures individuals who, in good faith, engage in protected communication and activity are protected from reprisal or retaliation. Individuals who believe they have been the victim of reprisal or retaliation can make a complaint of such reprisal or retaliation to the Inspector General of the Marine Corps or the Department of Defense Inspector General.

<http://www.hqmc.marines.mil/igmc/Resources/Submit-a-Complaint-/>

030706. Anonymous Reports

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

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

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

<http://www.ncis.navy.mil/ContactUs/Pages/ReportCrime.aspx>

030708. EO Advice Line

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

0308 COMPLAINTS INVOLVING PERSONNEL IN MULTIPLE COMMANDS

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

0309 COMPLAINTS AGAINST COMMANDERS

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

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0310 COMPLAINTS AGAINST SENIOR OFFICIALS

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

0311 TIME LIMITS FOR FILING A COMPLAINT

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

0312 UPDATES TO THE COMPLAINANT

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

0313 INFORMAL RESOLUTION

Informal resolution (IR) enables the parties to any alleged unprofessional conduct to resolve interpersonal conflicts at the lowest appropriate level. Conflict can be defined as a disagreement between two or more people that raises serious concerns and needs to be resolved. The aggrieved uniformed Service member may pursue informal resolution of their interpersonal conflict. Commanders will determine the appropriate means to handle a prima facie complaint. However, commanders shall not obstruct any individual from initiating a complaint through any avenue alleging prohibited activities and conduct.

031301. IR provides the necessary information and skills to encourage and facilitate resolving interpersonal conflicts in the workplace at the lowest appropriate level. IR emphasizes each person's responsibility to be a role model of acceptable behavior and confront unacceptable behavior when observed or brought to his or her attention.

031302. Methods for Informal Resolution

A. Direct. In person, by approaching the alleged offender(s) involved. Stay focused on the behavior and its impact. Use common courtesy and ensure the approach is not disrespectful. Consider writing down thoughts prior to approaching the alleged offender(s) involved.

B. Informal Third Party. Request assistance from another person, normally a friend,

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coworker, or the EOA. Ask another person; to talk with alleged offender(s) involved, to accompany while utilizing the direct approach, or to intervene to help resolve the conflict. This may include a person in the chain of command, EOA, or other appropriate individual.

C. Training Information Resources (TIR). Request training or resource materials for presentation to the work place of prohibited activities and conduct. TIR includes videos, books, lesson plans, posters, etc. Request TIR from the EOA/MEO Office.

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“COMMAND ACTIONS”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 4

COMMAND ACTIONS

0401 RESPONSIBILITY

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

~~**0402 IMMEDIATE REPORTING ACTIONS**~~

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

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

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

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

0402 INITIAL ASSESSMENT

All complaints of prohibited activities and conduct in violation of this Order shall be reported in accordance with the following requirements. Within three duty days of receipt of the complaint by the commander, commanders must make an initial assessment of a complaint of prohibited activities and conduct. Commanders shall consult with their EOA and SJA to determine the proper handling of a complaint.

040201. **COMMANDERS INITIAL REPORTING ACTIONS.** Within three duty days of receipt of the complaint by the commander, commanders will:

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A. Forward the complaint, with a detailed description of the facts and circumstances, to the next superior officer in the chain of command who is authorized to convene a general court-martial;

B. Submit all reportable information to the EOA/MEO office and direct the supporting EOA to open an initial discrimination and sexual harassment (DASH) report. EOAs will execute the EOA/MEO actions in accordance with Chapter 5 of this Volume.

C. Submit an OPREP-3 SIR Report to the Marine Corps Operations Center (MCOB) in accordance with reference (k) for all accepted complaints. If the commander determines within three duty days of receipt of the complaint by the commander, to accept in accordance with paragraph 040301 below, then an OPREP-3 SIR is required. The voice report to the MCOB is required upon the commander's determination to accept the complaint. In accordance with reference (k), the OPREP-3 SIR will include as much information as is available, but should at a minimum contain the date, time, location, unit, installation, personnel involved, and a general description of the alleged prohibited activity and conduct.

040202. WHEN AN OPREP-3 SIR IS NOT REQUIRED. No OPREP-3 SIR is required if, within three duty days of receiving a complaint, the commander dismisses the complaint in accordance with paragraph 0404, or refers the complaint in accordance with paragraph 040302.

0403 ACCEPTANCE, DISMISSAL, OR REFERRAL OF COMPLAINTS

EOAs will conduct intake interviews to determine if a complaint alleging prohibited activities and conduct meets the prima facie elements of prohibited activities and conduct under this Order. EOAs will advise the commander on the appropriate resolution of the allegation(s). A complainant may request a means of resolution during their intake interview. However, the commander shall determine an appropriate course of action for complaint investigation and resolution. Dismissal or referral does not mean the individual's issue will not get addressed or resolved, but rather it will not be processed under the requirements of this Order. Irrespective of whether a complaint is accepted, dismissed, or referred under this Order, commanders have the authority to employ the full range of administrative and disciplinary actions, including administrative separation or appropriate criminal action, against military personnel who engage in activity prohibited by this Order. No action taken under this Order otherwise affects the statute of limitations of any specific offense under the UCMJ.

040301. Acceptance

Commanders will accept a prima facie complaint alleging prohibited activities and conduct for investigation and processing in accordance with this Order unless the complaint is dismissed or referred for any of the reasons described below. The Notification of Acceptance format is provided at Appendix D. Within three duty days of receipt of the complaint by the commander, commence, or cause the commencement of, an investigation of a complaint meeting the prima facie elements of an offense unless the complaint is otherwise dismissed under paragraph 0404. Prima facie analysis is defined as a first-impression analysis of a complaint by the EOA, that accepts as correct and true the claimed, asserted, or reported conduct until proved otherwise. The EOA will advise the commander based upon the prima facie analysis and intake interview. See the glossary for further amplification on prima facie (EOA) analysis.

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040302. Referral

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

0404 **BASIS FOR DISMISSAL**

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

040401. Frivolous

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

040402. Duplicative

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

040403. Not Under the Purview

Complaints submitted by persons not covered by this Order, **or over which neither the command nor the Marine Corps has jurisdiction or the authority to remedy**, will be dismissed. Complaints that do not meet the prima facie elements of an offense under this Order may be dismissed. ~~Also included are situations over which neither the command nor the Marine Corps has jurisdiction or the authority to remedy.~~ Claims of conduct not under the purview of this Order will be referred to the complainant's chain of command or appropriate agency for redress or further assistance in accordance with subparagraph 040302 of this Chapter.

040404. Statutory or Regulatory Restrictions

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

040405. Complaint is Moot

Even if a **complaint alleging** prohibited activities and conduct was substantiated, no actions beyond those already taken would be required. A moot complaint is defined as one without legal significance, ~~through having~~ **because the matter has** been previously decided or settled. **A commander may choose to dismiss a complaint as moot when the matter is already resolved through informal resolution between the parties.**

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040406. Failure to Cooperate

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

040407. Lateness

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

0405 REQUESTS FOR RECONSIDERATION OF DISMISSAL

Complainants may request, [within five duty days of receipt of notice of dismissal](#), reconsideration of a dismissed complaint to the first GCMCA over the commander. If a complainant's request for reconsideration is approved, that GCMCA will accept the complaint for investigation and resolution in accordance with this Order. The matter shall not be returned to the original commander.

0406 INVESTIGATION CONVENING AUTHORITY (CA)

Commanders shall direct an appropriate inquiry into all **credible** complaints alleging prima facie incidents of prohibited activities and conduct, [unless the complaint is otherwise dismissed under paragraph 0404 of this Chapter](#). As the investigation CA, the subject's commander is responsible for ensuring a prompt, impartial, and thorough investigation of all **credible** complaints alleging prima facie prohibited activities and conduct identified in Volume 2, in accordance with this Order. CA's will convene an investigation within ~~72 hours~~ [three duty days](#) of receipt of a **credible** complaint ~~meeting the prima facie elements of an offense (reference (d))~~; by the commander, [unless the complaint is otherwise dismissed under paragraph 0404](#). A commander may direct, pursuant to R.C.M. 303, criminal investigation into a complaint of prohibited activities independent of any administrative investigation, and regardless of the dismissal of a complaint under paragraph 0404, or the reasons for dismissal of the complaint under this Order.

0407 PROHIBITED ACTIVITIES AND CONDUCT INVESTIGATION

Commanders will convene investigations and appoint IOs in accordance with Chapter 2 of reference (1) to determine facts and circumstances surrounding complaints alleging prohibited activities and conduct. Timelines for completion of all prohibited activities and conduct investigations will be in accordance with this Order. All prohibited activities and conduct investigations will be documented in the DASH system in accordance with this Order.

040701. Purpose and Nature of Investigations

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

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

040702. Investigation and Resolution Timeline

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

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

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

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

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

040703. Separate Commands

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

040704. Cases Involving Reserve Marines

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

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040705. Substantiated Cases Involving a Civilian Subject

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

0408 COMMAND NOTIFICATIONS AND TIMELINES

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

040801. Subject of Complaint

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

040802. CA Determination

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

040803. Notice of Dismissal of Complaint

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

0409 EOA/MEO OFFICE COMPLIANCE REVIEW

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

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

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

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

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

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

0410 LEGAL SUFFICIENCY REVIEW

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

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

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

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

0411 CA ENDORSEMENT

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

0412 COMMAND ACTIONS FOLLOWING COMPLAINT SUBSTANTIATION

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

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

041201. Temporary Reassignment of Duties

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

041202. Prevent Reprisal

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

0413 COMPLAINT RESOLUTION

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

0414 APPEAL OF COMMANDER DECISION

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

0415 RECORD OF COMPLAINT FILE

The complete record of the complaint, investigation, and final decision (including any appeal of the commander's decision to substantiate or not substantiated an allegation of prohibited activities and

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conduct) will be retained in the command's correspondence files, in accordance with this Order and applicable record retention requirements.

0416 ADMINISTRATIVE CLOSURE

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

- 041601. A complainant voluntarily and unconditionally withdraws a complaint;
- 041602. The commander dismisses a complaint and that decision is not otherwise modified as a result of any request for reconsideration;
- 041603. The commander issues a final decision and the complainant fails to appeal the matter within the time prescribed;
- 041605. The complainant fails to appeal any GCMCA initial appeal decision within the time prescribed; or
- 041606. The complainant exhausts the appellate process to the Secretary of the Navy (SECNAV) or designee, and a final resolution is determined.

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EOA/MEO OFFICE ACTIONS

0501 COMPLAINT PROCESSING ACTIONS

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

0502 INTAKE INTERVIEWS

EOAs will conduct intake interviews for all allegations of prohibited activities and conduct, regardless of how a complaint is submitted. In-take interviews enable complainants to clarify their concerns one-on-one with the EOA. EOAs will utilize the Complainant's Notice of Rights and Responsibilities at Appendix A to document their intake interview with a complainant. [Following the intake interview, the EOA will enter it in the DASH system, and assign a DASH number to the case.](#)

050201. EOAs will monitor the ~~PAC-APPE~~PAC Portal to ensure complaints are responded to promptly.

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

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

0503 PRIMA FACIE DETERMINATION, COMMAND NOTIFICATION, AND DASH REPORTING

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

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

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commander to convene an investigation into the complaint of prohibited activities and conduct utilizing the format in Appendix B. If accepted, the Commander will determine the appropriate mechanism for investigation and resolution of the complaint.

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

0504 REQUESTS FOR RECONSIDERATION OF DISMISSAL

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

0505 INVESTIGATION COORDINATION AND SUPPORT TO COMMANDERS

EOAs will coordinate investigation requirements with the affected commands.

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

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

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

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

0506 CONVENING AUTHORITY (CA) FINAL DECISION AND COMPLAINT RESOLUTION

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

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

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

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0507 COMPLAINANT RESOLUTION STATEMENT (CRS)

The supporting EOA will meet with the complainant to obtain a CRS utilizing Appendix C after the complainant and subject have been notified by their commander of the disposition of complaint. EOAs will upload this statement into the DASH case file. The complainant will acknowledge the notification of the commander's final decision and make a statement indicating their satisfaction or dissatisfaction with the resolution.

0508 APPEALS

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

0509 ADMINISTRATIVE CLOSURE OF DASH CASE FILE

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

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

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

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APPEALS

0601 GENERAL

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

0602 ELIGIBILITY

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

0603 LEVELS OF APPEAL

060301. Initial Appeal

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

060302. Final Appeal

The final appellate authority on a complaint of prohibited activities and conduct is the SECNAV, or designee, in accordance with reference (d). Upon request, the GCMCA will forward the complaint and all documents pertinent to the complaint to the SECNAV, via the Office of the Judge Advocate to CMC, for final review. In processing this final appeal, the procedures applicable to the SECNAV review of UCMJ, Article 138 complaints, as detailed in Chapter III of the reference (1), shall be used in so far as practicable. The request for final appeal to the SECNAV, or designee, must be forwarded via the appellant's commanding officer and the GCMCA who conducted the initial appeal. This final appeal should be requested within 30 calendar days of receipt of the GCMCA's decision on the initial appeal. An appeal requested after 30 **calendar** days may be returned as untimely, unless unusual circumstances justify the delay.

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0604 BASIS OF APPEAL CRITERIA

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

0605 APPELLATE AUTHORITY ACTIONS

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

- A. Order a new investigation by a different CA,
- B. Take additional appropriate actions/sanctions,
- C. Overturn the subordinate commander's decision, or
- D. Concur with the subordinate commander's decision.

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

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

0606 REVIEW BY THE SECRETARY OF THE NAVY (SECNAV)

060601. Scope and Standard of Review

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

060602. Action Where Redress was Granted

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

060603. Action Where Redress was Denied

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

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060604. Notification and Finality

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

060605. Other Remedies

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

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VOLUME 3: CHAPTER 7

“DISCRIMINATION AND SEXUAL HARASSMENT (DASH) SYSTEM REPORTS”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 7

DISCRIMINATION AND SEXUAL HARASSMENT (DASH) SYSTEM REPORTS

0701 GENERAL

CMC (MPE) implemented the DASH system to track all complaints alleging prohibited activities and conduct from initial reporting until final command action is taken on the matter. The DASH system ensures oversight of the prohibited activities and conduct reporting across the Service. It is not a report card for units, commanders, or installations. DASH reporting does not usurp or otherwise supersede Serious Incident Reporting requirements under reference (k) that are required as a result of prohibited activities and conduct reports. [See paragraph 040201.A of this Volume for OPREP-3 SIR requirements.](#)

0702 WHEN REQUIRED

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

0703 USE OF DASH INFORMATION

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

0704 COLLECTION AND SECURITY OF PERSONALLY IDENTIFIABLE INFORMATION (PII)

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

0705 DASH REPORTING PROCEDURES AND TIMELINES

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

A. Initial DASH Report

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

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B. DASH Update Reports

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

C. Extensions

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

D. Final DASH Reports

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

070502. Complainant and Subject of Complaint in Separate Commands

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

0706 SYSTEM OF RECORD NOTICE (SORN) ID NUMBER

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

0707 DASH DATA

070701. Requests for DASH Information

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

070702. DASH Access

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

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VOLUME 3: APPENDIX A

“COMPLAINANT’S NOTICE OF RIGHTS AND RESPONSIBILITIES”

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX A

COMPLAINANT'S NOTICE OF RIGHTS AND RESPONSIBILITIES

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

1. GENERAL

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

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

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

2. CLAIMS INVOLVING PHYSICAL CONTACT

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

3. COMPLAINANT'S RIGHTS

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

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

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

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

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

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

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

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

4. COMPLAINANT'S RESPONSIBILITIES

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

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

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

I. M. COMPLAINANT

Copy to:
EOA/MEO Office Case File

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“EQUAL OPPORTUNITY ADVISOR (EOA) COMPLAINT ANALYSIS”

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX B

EQUAL OPPORTUNITY ADVISOR (EOA) COMPLAINT ANALYSIS

EOA

Date

From: Command Equal Opportunity Advisor Office

To: Commanding Officer

Subj: COMPLAINT ANALYSIS C/O DASH CASE NUMBER 0001320150001

Ref: (a) MCO 5354.1E

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

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

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

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

2. Duration of Investigation

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

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

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

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

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

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

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

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

/S/
EOA SIGNATURE BLOCK

Date

FIRST ENDORSEMENT

From: (Complainant)
To: (Commander)

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

COMPLAINANT'S SIGNATURE / DATE

Copy to:
DASH Case File

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“COMPLAINANT ACKNOWLEDGMENT RECORD”

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX C

COMPLAINANT ACKNOWLEDGMENT RECORD

Authority: MCO 5354.1E

Purpose: To document acknowledgement of notifications and counseling for those submitting a prohibited activities and conduct complaint

Disclosure: Voluntary. This information may be disclosed to agencies on a need to know basis.

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

COMPLAINANT'S SIGNATURE / DATE

EOA'S SIGNATURE / DATE

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

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

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

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

COMPLAINANT'S SIGNATURE / DATE

EOA'S SIGNATURE / DATE

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

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

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

COMPLAINANT'S SIGNATURE / DATE

EOA'S SIGNATURE / DATE

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

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

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

COMPLAINANT'S SIGNATURE / DATE

EOA'S SIGNATURE / DATE

5. Complainant Resolution Statement (CRS)

_____ I am satisfied with the resolution to my complaint.

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

COMPLAINANT'S SIGNATURE / DATE

COMMAND REPRESENTATIVE
SIGNATURE / DATE

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

COMPLAINANT'S SIGNATURE / DATE

COMMAND REPRESENTATIVE
SIGNATURE / DATE

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“NOTIFICATION OF ACCEPTANCE”

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX D

NOTIFICATION OF ACCEPTANCE

From: Commanding Officer

To: Complainant

Subj: NOTIFICATION OF ACCEPTANCE DASH CASE NUMBER 0001320150001

Ref: (a) MCO 5354.1E

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

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

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

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

3. At the conclusion of the investigation and required reviews, I will make ~~an initial disposition~~ a decision to substantiate or not substantiate your complaint. You will be advised of my decision in writing.

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

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

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

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

M. A. COMMANDER

Copy to: EOA/MEO Office

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“OFFENDER ACKNOWLEDGEMENT RECORD”

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APPENDIX E

OFFENDER ACKNOWLEDGEMENT RECORD

Authority: MCO 5354.1E

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

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

SUBJECT'S SIGNATURE / DATE

COMMANDING OFFICER / DATE

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

SUBJECT'S SIGNATURE / DATE

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

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

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

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

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

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

SUBJECT'S SIGNATURE / DATE

EOR SIGNATURE / DATE

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“SAMPLE REPORT OF DISPOSITION”

SUMMARY OF SUBSTANTIVE CHANGES

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**MARINE CORPS PROHIBITED ACTIVITIES AND CONDUCT
PREVENTION AND RESPONSE**

Volume 3, Appendix F

MCO 5354.1E-V3

26 MAR 2018

APPENDIX F

SAMPLE REPORT OF DISPOSITION

From: Commanding Officer

To: Complainant

Subj: NOTIFICATION OF DISPOSITION DASH CASE NUMBER XXXXXXXXXX

Ref: (a) MCO 5354.1E

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

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

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

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

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

I. M. COMMANDING

Copy to:
EOA/MEO Office

**MARINE CORPS PROHIBITED ACTIVITIES AND CONDUCT
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VOLUME 3: APPENDIX G

“NOTIFICATION OF DISMISSAL OF COMPLAINT”

SUMMARY OF SUBSTANTIVE CHANGES

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MCO 5354.1E-V3

26 MAR 2018

APPENDIX G

NOTIFICATION OF DISMISSAL OF COMPLAINT

From: (Commander)

To: (Complainant)

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

Ref: (a) MCO 5354.1E

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

(List allegation(s) being dismissed)

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

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

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

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

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

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

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

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

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3. Provide a short justification for the basis. For example, if the CA determines the issue is duplicative (i.e. the complainant's allegations are identical to allegations that have already been filed or decided). On (date), the same incident of alleged discrimination was resolved by this command by...
4. You are directed to endorse and return the following to this command.
5. Requests for waivers of dismissal can be forwarded to *(the first GCMCA in the chain of command- provide name of commander and mailing address here)*.
6. For further assistance, point of contact at this command is __ (NAME) __ commercial (555)123-4567 or email.address@usmc.mil.

C. O. COMMANDER

Copy to: EOA/MEO Office

EOR
Date

FIRST ENDORSEMENT

From: (Complainant)
To: (Commander)

1. I received notification of dismissal of my complaint on _____ (date) _____.
2. I understand I may request a reconsideration of this dismissal to *(the first GCMCA in chain of command)* within ~~seven calendar~~ five duty days.
3. I do/do not request a waiver of dismissal of my complaint.

COMPLAINANT'S SIGNATURE / DATE

Copy to:
EOA/MEO Office

**MARINE CORPS PROHIBITED ACTIVITIES AND CONDUCT
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Volume 3, Appendix H

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VOLUME 3: APPENDIX H

“ENDORSEMENT OF FINAL COMMAND INVESTIGATION”

SUMMARY OF SUBSTANTIVE CHANGES

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MCO 5354.1E-V3

26 MAR 2018

APPENDIX H

ENDORSEMENT OF FINAL COMMAND INVESTIGATION

From: Commanding Officer, Headquarters Support Battalion

To: (GCMCA)

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

Ref: (a) MCO P5354.1E

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

1. Per the reference, the enclosed investigation is submitted for review.
2. I concur/nonconcur with the following opinions and findings of facts:
 - a. *(The CA will concur/nonconcur with any findings of fact in the investigation. List them here.)*
3. The allegation(s) of *(prohibited activities and conduct)* was/were substantiated/not substantiated as a result of the enclosed investigation. I have taken the following corrective measures to resolve the subject complaint (list all administrative/disciplinary corrective actions to date). If there are multiple allegations of prohibited activities and conduct, commanders must make a substantiation determination on each individual claim. For example:
 - sexual harassment on or about ddmmyyyy, substantiated
 - bullying on or about ddmmyyyy, not substantiated
4. Point of contact at this command is C. O. Jones at 703-784-0000.

C. O. JONES

Copy to:
EOA/MEO Office

**MARINE CORPS PROHIBITED ACTIVITIES AND CONDUCT
PREVENTION AND RESPONSE**

Volume 3, Appendix I

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VOLUME 3: APPENDIX I

“ADMINISTRATIVE CLOSURE OF DASH CASE FILE”

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APPENDIX I

ADMINISTRATIVE CLOSURE OF DASH CASE FILE

EOR
Date

From: Commanding Officer

To: (MEO Office)

Subj: ADMINISTRATIVE CLOSURE OF DASH CASE #XXXXXXXXXXXXX

Ref: (a) MCO 5354.1E

1. Per the reference, request administrative closure of the subject DASH case file based upon the following: *(Provide justification for file closure in accordance with the reference).*
2. Point of contact at this command is *(EOR Name and contact information).*

I. M. COMMANDER

Copy to:

File

EOA/MEO Office

**MARINE CORPS PROHIBITED ACTIVITIES AND CONDUCT
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**“COMMAND EQUAL OPPORTUNITY REPRESENTATIVE (EOR) SELECTION
CRITERIA”**

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APPENDIX J

COMMAND EQUAL OPPORTUNITY REPRESENTATIVE (EOR) SELECTION CRITERIA

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

- EORs rank shall be SSgt or above, any primary MOS
- UVAs cannot be assigned EOR duties
- At least 12 months remaining prior to projected PCS
- Works independently with minimal supervision
- Basic computer skills
- Able to conduct training for unit personnel
- No adverse fitness reports in grade
- No history of courts-martial
- No recent history (within past 3 years) of NJP
- No history of alcohol or drug related incidents
- No history of referral to the command-directed Family Advocacy Program or any domestic violence allegations
- No history of discrimination, sexual harassment or sexual assault allegations
- Possesses a calm demeanor and exercises good judgment during stressful situations.
- Approachable, listens to all persons regardless of race, sex, sexual orientation, national origin, religion, gender identity, or rank/position.
- Non-judgmental
- Good communicator
- Comfortable with sensitive topics
- Epitomizes our Core Values of honor, courage, and commitment

**MARINE CORPS PROHIBITED ACTIVITIES AND CONDUCT
PREVENTION AND RESPONSE**

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VOLUME 3: APPENDIX K

“SAMPLE EOR APPOINTMENT LETTER”

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX K

SAMPLE EOR APPOINTMENT LETTER

EOR

Date

From: Commanding Officer

To: Rank FName MI LName EDIPI/MOS USMC

Subj: APPOINTMENT AS THE COMMAND EQUAL OPPORTUNITY REPRESENTATIVE

Ref: (a) MCO 5354.1E

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

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

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

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

c. Assist in the submission of required reports.

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

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

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

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

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

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

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

k. This appointment will remain in effect until canceled.

I. M. COMMANDER

EOR
Date

FIRST ENDORSEMENT

From: Rank FName MI LName EDIPI/MOS USMC

To: Commanding Officer

1. I completed the required EORC on _____.

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

I. M. EOR

Copy to:
Command File
EOA/MEO Office
EOR

**MARINE CORPS PROHIBITED ACTIVITIES AND CONDUCT
PREVENTION AND RESPONSE**

Volume 3, Appendix L

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**“SAMPLE COMMANDER’S CHECKLIST FOR
PROHIBITED ACTIVITIES AND CONDUCT COMPLAINTS”**

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX L

SAMPLE COMMANDER'S CHECKLIST FOR PROHIBITED ACTIVITIES AND CONDUCT COMPLAINTS

- ~~___ Immediately (generally within 30 minutes) contact the Marine Corps Operations Center (MCOC) by phone and provide available information regarding the incident.~~
- ~~___ Within six hours submit an OPREP 3 SIR as outlined in MCO 3504.2A (OPREP 3). MCO 5354.1E~~
- ~~___ Within 72 hours appoint an investigating officer and commence investigation of the complaint being lodged. MCO 5354.1E~~
- ~~___ Within 72 hours of the start of the investigation, forward a written report containing a detailed description of the allegations to the officer who has general court martial convening authority (GCMCA). MCO 5354.1E~~
- ~~___ Forward copy of complaint, to include anonymous reports, to the servicing EOA/MEO Office for intake interview. MCO 5354.1E~~
- ~~___ Ensure a DASH report is initiated and submitted to the CMC (MPE) via the supporting EOA/MEO Office within 72 hours of receiving the report. In cases involving multiple commands, the commander with administrative control of the subject is responsible for the DASH reporting in accordance with this Order. MCO 5354.1E~~
- ~~___ Update DASH reporting via the EOA/MEO Office with the following (MCO 5354.1E):~~
 - ~~___ Investigating officer's name~~
 - ~~___ Date assigned~~
 - ~~___ Commander's determination of complaint (i.e. substantiated or not substantiated)~~
 - ~~___ Complainant resolution statement that indicates their satisfaction or dissatisfaction with the resolution~~
 - ~~___ Administrative or disciplinary action taken, if any~~
- ~~___ Notify the complainant of the start of the investigation. MCO 5354.1E~~
- ~~Investigation / Decision Timelines (MCO 5354.1E):~~
 - ~~___ **Accepted PAC Complaint**, with the exception of sexual harassment complaints: Within **30 days** of the commencement of the investigation~~
 - ~~___ Investigation and required reviews lasting beyond 30 days, require a written request for extension from the commander to the first GCMCA in chain of command. The request for extension must include a report on the progress of the investigation and justification for the extension. GCMCA's may grant 14 day extensions until the investigation is complete. MCO 5354.1E~~
 - ~~___ Upon completion of the investigation, a final report on the results of the investigation must be submitted, including any action taken, to the first GCMCA in the chain of command. MCO 5354.1E~~
 - ~~___ **Accepted Sexual Harassment Complaints**: Within **14 days** of the commencement of the investigation. In addition:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

__ Within three duty days of receipt of the complaint by the commander, forward the complaint, with a detailed description of the facts and circumstances, to the next superior officer in the chain of command who is authorized to convene a general court-martial. MCO 5354.1E

__ Within three duty days of receipt of the complaint by the commander, submit all reportable information to the EOA/MEO office and ensure their supporting EOAs open and submit an initial discrimination and sexual harassment (DASH) report to CMC (MPE), and conduct the intake interview. MCO 5354.1E

__ Commence, or cause the commencement of, an investigation of the complaint within three duty days of receipt of the complaint by the commander, unless the complaint is otherwise dismissed or referred. MCO 5354.1E

__ Within three duty days of receipt of the complaint by the commander, submit an OPREP-3 SIR Report to the Marine Corps Operations Center in accordance with MCO 1610.7. MCO 5354.1E

__ Forward copy of complaint, to include anonymous reports, to the servicing EOA/MEO Office for intake interview. Intake interviews will be conducted within three duty days of receipt of the complaint by the EOA/MEO office. MCO 5354.1E

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

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

- __ Investigating officer's name
- __ Date assigned
- __ Commander's decision on the complaint (i.e. substantiated or not substantiated)
- __ Complainant Resolution Statement that indicates satisfaction or dissatisfaction with the resolution
- __ Administrative or disciplinary action taken, if any
- __ Notify the complainant of the start of the investigation. MCO 5354.1E

Investigation / Decision Timelines (MCO 5354.1E):

__ **Accepted PAC Complaint**, not involving sexual harassment: Within **30 calendar days** of the commencement of the investigation

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

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

__ **Accepted PAC Complaints involving sexual harassment:** Within **14 calendar days** of the commencement of the investigation. In addition:

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

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

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

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

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

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

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

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

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

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

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

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

