

**UNITED STATES MARINE CORPS**  
HEADQUARTERS MARINE CORPS

**LESSON PLAN**

**Prohibited Activities and Conduct**

**Annual Training**

**MCO 5354.1F**

**10/20/2021**

**LP.01.01**

**REVIEWED BY: \_ DEOMI \_**

**DATE \_Oct 13 2021\_**

**APPROVED BY: \_TECOM, and M&RA\_**

**DATE \_Oct 20 2021\_**

**INTRODUCTION****(5 MIN)****(ON SLIDE # 1)**

1. **GAIN ATTENTION.** Let's say that you work in a section with three other Marines. One Marine is senior to you (your boss), and the rest are junior to you. One morning, the most junior Marine comes up to you and tells you that they heard that one of the junior Marines and your boss, who are both single, have been sending nude photos back and forth between one another. The person tells you that they haven't seen them, but they are confident that they exist.

After receiving the news, you decide to ask the junior Marine. You ask the junior Marines to speak in private, and you ask if they have been sending nude photos back and forth with the boss. The Marine admits that they had been sending nude photos because the two were in a romantic relationship. Before you can get a word in, the Marine tells you they have since stopped because the two are no longer romantically involved. Based on the information given, have either Marine violated the Marine Corps Prohibited Activities and Conduct order?

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**(ON SLIDE # 2)**

2. **OVERVIEW.** Good morning, my name is \_\_\_\_\_. Today, we are here to discuss MCO 5354.1F, also known as the Prohibited Activities and Conduct (PAC) order. There are a few components to today's training. The first part of the training is the lesson. Within the lesson, we will be covering some of the specifics included within the PAC order. This will cover topics of the Commandant's intent behind publishing this Order, behaviors that are punishable under PAC, how violations of this Order affect a unit, and available reporting options.

The second portion of today's training will be much more interactive. During the second portion, we will show a video. After the video, we will discuss what you saw in the video, how that relates to you, and how we can deal with issues when they arise.

**INSTRUCTOR NOTE**

The gain attention is unpacked in the summary (in part 2) at the end of the class, inform the student to keep this scenario in mind. Introduce the learning objectives. They can be shown quickly or read. Don't spend that much time unless required by command.

**Inform students that we will discuss topics that could invoke strong emotions.**

(ON SLIDE # 3)

3. LEARNING OBJECTIVES

a. TERMINAL LEARNING OBJECTIVE.

(1) Provided ..., and (with/without) references, be able to define key terms pertaining to prohibited activities and conduct associated with the MCO 5354.1F. (2021-PAC-1000)

(2) Provided ..., and (with/without) references, be able to describe the MEO program and policies, per the references. (2021-PAC-1001)

(3) Provided ..., and (with/without) references, be able to describe the MEO prohibited discrimination complaint reporting process, and per the references. (2021-PAC-1002)

(4) Provided ..., and (with/without) references, be able to demonstrate an understanding of the DoD and Marine Corps MEO policy and their impacts on readiness, and per the references. (2021-PAC-1003)

(5) Provided ..., and (with/without) references, be able to describe behaviors that violate MEO policies associated with the MCO 5354.1F, and per the references. (2021-PAC-1004)

(6) Provided ..., and (with/without) references, be able to identify cultural and social issues that affect individual and group behavior, per the references. (2021-PAC-1005)

(7) Provided ..., and (with/without) references, be able to describe how perceptions influence behavior. (2021-PAC-1006)

(8) Provided ..., and (with/without) references, be able to recognize problematic behaviors and misconduct associated with printed materials, electronic materials, and social media. (2021-PAC-1007)

(9) Provided ..., and (with/without) references, Be able to identify hate group attributes, in accordance with DoDI 1325.06 and Department of Justice and Federal Bureau of Investigations resources. (2021-PAC-1008)

(10) Provided ..., and (with/without) references, be able to describe prevention strategies and behaviors that may reduce problematic behavior associated with the MCO 5354.1F. (2021-PAC-1009)

b. ENABLING LEARNING OBJECTIVES.

(1) With/out the aid of references, Define Harassment (2021-PAC-1000a)

(2) Without the aid of references, Define Sexual Harassment, per the MCO 5354.1F, and per the references. (0147-EOR-1000b)

(3) With/out the aid of references, Define Bullying (2021-PAC-1000c)

- (4) With/out the aid of references, Define Prohibited Discrimination (2021-PAC-1000d)
- (5) With/out the aid of references, Define Dissident and Protest Activity (2021-PAC-1000e)
- (6) With/out the aid of references, Define Hazing (2021-PAC-1000f)
- (7) With/out the aid of references, Define Wrongful Distribution & Broadcast of Intimate Image (2021-PAC-1000g)
- (8) With/out the aid of references, Define Retaliation (2021-PAC-1000h)
- (9) With/out the aid of references, Define Reprisal (2021-PAC-1000i)
- (10) With/out the aid of references, identify key terms within the glossary of MCO 5354.1F (2021-PAC-1000j)
- (11) With/out the aid of references, Identify the Commandant of the Marine Corps intent in the development of MCO 5354.1F (2021-PAC-1000a)
- (12) With/out the aid of references, Describe the formal reporting process identified within MCO 5354.1F (2021-PAC-1000a)
- (13) With/out the aid of references, Describe the informal reporting process identified within MCO 5354.1F (2021-PAC-1000a)-
- (14) With/out the aid of references, Describe the anonymous reporting process identified within MCO 5354.1F (2021-PAC-1000a)
- (15) With/out the aid of references, specify the impacts of Harassment on readiness (2021-PAC-1000a)
- (16) With/out the aid of references, specify the impacts of Prohibited Discrimination on readiness (2021-PAC-1000a)
- (17) With/out the aid of references, describe Harassment (2021-PAC-1000a)
- (18) With/out the aid of references, describe Sexual Harassment (2021-PAC-1000a)
- (19) With/out the aid of references, describe Bullying (2021-PAC-1000a)
- (20) With/out the aid of references, describe Prohibited Discrimination (2021-PAC-1000a)
- (21) With/out the aid of references, describe Dissident and Protest activity (2021-PAC-1000a)
- (22) With/out the aid of references, describe Hazing (2021-PAC-1000a)
- (23) With/out the aid of references, describe Wrongful Distribution & Broadcast of Intimate Image (2021-PAC-1000a)
- (24) With/out the aid of references, provide examples of current social and cultural issues (2021-PAC-1000a)
- (25) With/out the aid of references, describe social issues that can affect the individual or group behavior (2021-PAC-1000a)
- (26) With/out the aid of references, describe cultural issues that can affect the individual or group behavior (2021-PAC-1000a)
- (27) With/out the aid of references, define perceptions (2021-PAC-1000a)
- (28) With/out the aid of references, identify the difference between overt or covert behavior (2021-PAC-1000a)
- (29) With/out the aid of references, identify the effect of

overt and covert perceptions on group members' behavior (2021-PAC-1000a)

(30) With/out the aid of references, identify inappropriate behavior in social media (2021-PAC-1000a)

(31) With/out the aid of references, identify inappropriate behavior in electronic materials (2021-PAC-1000a)

(32) With/out the aid of references, identify inappropriate behavior in printed materials (2021-PAC-1000a)

(33) With/out the aid of references, Define Prohibited Activities (2021-PAC-1000a)

(34) With/out the aid of references, describe possible benefits of receiving prohibited activities and conduct training (2021-PAC-1000a)

(35) With/out the aid of references, identify topics related to prevention efforts of problematic behavior (2021-PAC-1000a)

4. **METHOD/MEDIA.** Teach this lesson utilizing the informal lecture, demonstration, and practical application methods. The computer, the multimedia projection the dry erase board, your student handouts, and your motivated participation will aid me.

5. **SAFETY/CEASE TRAINING (CT) BRIEF.** If at any time during today's training you feel you need to speak with someone regarding a possible PAC violation, please feel free to pull a facilitator to the side.

**TRANSITION:** Are there any questions over how or what we will be covering? If not, let's discuss MCO 5354.1F.

**BODY (PART 1)**

**(40 MIN)**

**(ON SLIDE # 4)**

1. **The MEO Program**

a. Commanders **Intent**

(1) In the opening of MCO 5354.1F, the Commanders intent states how "Military Equal Opportunity (MEO) is a function of command. As such, Marine Corps leaders must ensure their people are well-led and cared for physically, emotionally, and spiritually, in and out of combat." The section goes on to say that "Taking care of Marines" means vigorously enforcing our high standards of performance and conduct." The Commandant tasks us to "hold each other accountable and address violations expeditiously, at the lowest appropriate level."

(2) Policy. The Marine Corps policy on Prohibited Discriminatory and Harassment practices is straightforward. Prohibited Activities in MCO 5354.1F are counterproductive, unacceptable, and intolerable. It is up to every leader to maintain

the Marine Corps culture of dignity, care, and concern. A culture in which all members of the organization are afforded equal treatment and opportunity to achieve their full potential based upon individual merit, fitness, intellect, and ability. The only way this culture exists is if all Service members cultivate an environment free from PAC. Those who engage in PAC as described in this [MCO 5254.1F] order undermine morale, reduce combat readiness, and prevent maximum utilization and development of the Marine Corps' most vital asset: its people. Therefore, as stated, it is up to each of us to maintain our culture.

**(ON SLIDE # 5)**

2. **Prohibited Activities Definitions.** To be successful at eliminating PAC from our ranks, we must clearly understand PAC. This will aid in a Marine's or Sailor's ability to prevent and respond to prohibited behaviors.

In the next couple of slides, we will cover Harassment and other forms of harassment to include sexual harassment, bullying, hazing, stalking, prohibited discrimination, dissident and protest activities, wrongful distribution or broadcasting of intimate images, and we will briefly discuss retaliatory actions of which to be aware.

**(ON SLIDE # 6)**

Throughout this lesson, we will also cover what PAC does not include such as **properly directed** command or organizational activities that serve a proper military or other governmental purpose, or the requisite training activities required to prepare for such activities like command-authorized physical training. **Proper** verbal and written counseling addressing performance or conduct deficiencies Authorized incentive training permitted exclusively at the Recruit Depots; or similar activities **properly authorized** by the chain of command.

**(ON SLIDE # 7)**

a. Define **Harassment**. Let's begin our discussion of PAC definitions with the definition of Harassment. MCO 5354.1F defines Harassment as "Any conduct, whereby a Service member knowingly, recklessly, or intentionally and with a nexus to military service engages in behavior that is unwelcome or offensive to a reasonable person that creates an intimidating, hostile, or offensive environment." "Harassment may include, but is not limited to, unwanted physical contact; offensive jokes; epithets or name calling; ridicule or mockery; insults or putdowns; displays of offensive objects or imagery; offensive non-verbal gestures; stereotyping; intimidating acts; veiled threats of violence; threatening or provoking remarks; racial or other slurs; derogatory remarks about a person's accent or disability; displays of racially offensive symbols; and interference with work performance (to include unwillingness to train, evaluate,

assist, or work with an individual)." For many this definition may sound to technical, so what does this mean to you? Let's break this down.

(1) Some behaviors that we may believe to be Harassment are not always Harassment. Those activities undertaken for a proper military reason are not Harassment. For example, performance counseling or being told to perform your duties are not Harassment.

(2) As previously mentioned The Marine Corps definition of Harassment requires the conduct to be unwelcome or offensive and creates an intimidating, hostile, or offensive environment. That conduct has to be either knowingly, recklessly, or intentional. This means that the Service member engaging in Harassment must either have an appreciation, an understanding, a knowledge of what they are doing, or disregard what they are doing, meaning they are reckless in their conduct.

**(ON SLIDE # 8)**

(3) Envision the work area of an IPAC or standing in a line of a mass PFT. If someone makes inappropriate jokes in any of those areas, most may find those comments reckless. Well, what is an inappropriate joke? **(Instructor:** Ask students to provide examples and discuss what makes sense.) So, we understand inappropriate. What about reckless? Reckless means the person acted with a degree of carelessness greater than simple negligence.

(4) Using the PFT start line example, inappropriate comments there would likely be reckless. When we say "intentional," it means voluntary inappropriate conduct, not because of a mistake or accident or other innocent reasons and with the intent to harm the person. An example of intentional would be berating someone because of their MOS, i.e., "all cooks are dumb." Alternatively "if you're not infantry, you're not a real Marine"). **(Instructor:** Using the example above ask students, where those inappropriate jokes and could they be perceived as intentional?).

(5) This conduct has to be with a nexus to military service, meaning there has to be a connection between the inappropriate activity and the military.

(6) Behaviors like unwanted physical contact, offensive jokes, name or calling or epithets, slurs, mocking and ridiculing others, insults or put-downs, displaying offensive images or objects, such as inappropriate posters, unauthorized flags, or sexual screen backgrounds are all examples of prohibited activities or behaviors. Additionally, offensive non-verbal gestures, stereotyping, threats of violence, threatening or provoking remarks, derogatory comments about accents or other physical characteristics, such as disability or appearance, displaying racially offensive symbols, and interfering with work would also be considered PAC. Any of these can occur orally

in writing, in physical contact, or via electronic mediums like social media (i.e., text, TikTok, Facebook, Twitter).

(7) There is a line between PAC and leadership issues. Behavior that is rude, ignorant, abrasive, or unkind, but does not adversely affect the work environment, is not Harassment. That being said, we must still confront these behaviors. However, leadership issues like a rude person are less rule-governed, which means Commanders have more options for resolution.

(8) We just spoke about some behaviors considered Harassment. Harassment can also occur in a variety of circumstances, including, but not limited to:

(a) The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or a Service member not part of the unit.

(b) It is essential to keep in mind that the victim does not have to be the person harassed. Instead, the victim can be anyone affected by the offensive conduct. For example, if racial slurs are directed at one Service member but a passerby overhears the slurs, that passerby may be the victim of Harassment.

(9) Before we move on, remember that Harassment does not include activities or actions undertaken for a proper military or governmental purpose. Like Extra Military Instruction assignment.

**(ON SLIDE # 9)**

b. Define **Sexual Harassment**.

(1) The definition of Sexual Harassment is knowing, reckless, or intentional conduct with a nexus to military service that:

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

(i) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career;

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

(iii) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating or offensive working environment.

**(ON SLIDE # 10)**



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

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

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

(5) There is no requirement for concrete psychological harm to the complainant for a behavior to be constituted as sexual Harassment. A behavior is sufficient to constitute sexual Harassment if it is so severe or pervasive that a reasonable person would perceive, and the complainant does perceive, the environment as intimidating or offensive.

(6) Sexual Harassment can occur through electronic communications, including social media, other forms of communication, and in person.

(7) It is not necessary that all three conditions must be present to constitute sexual Harassment.

**(ON SLIDE # 11)**

(8) For clarification, let's break this definition down. First, we've already talked about the standards of "knowing," "reckless," or "intentional," and what it means to have a nexus to military service. However, whereas Harassment is offensive or unwelcome conduct creating an intimidating, hostile, or offensive environment, Sexual Harassment involves things such as unwelcome sexual advances, requests for sexual favors, and or deliberate or repeated offensives comments or gestures of a sexual nature. The focus is on the sexual element. When you are required to submit to the conduct, it becomes an explicit or implicit part of the person's job, pays, or career. So you make the decisions being made affecting that person based upon whether they submit or reject the unwanted sexual advances. If the conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creates an intimidating, offensive, or hostile environment, that is Sexual Harassment. Condoning this type of behavior is a violation of the order and could potentially increase the risks of further sexual misconduct in the workplace. You also need to know that supervisors or leaders, who condone such behavior or use any sexual behavior to control influence, or affect the career, pay, or job of a service member or DOD civilian employee have committed Sexual Harassment.

Like Harassment, Sexual Harassment can also occur via electronic medium means, in person, or via other forms of communication.

**(ON SLIDE # 12)**

(9) Continuum of Harm. Condoning the warning signs can lead sexual harassment and go as far as sexual assault. The continuum of harm (shown here) that frequently results in sexual assault includes hazing, sexual harassment, and related behaviors (including language choices, off-hand statements, jokes, and unconscious attitudes or biases) that create a permissive climate for sexual assault.

When in doubt, report any behavior that may potentially be sexual assault related to a UVA/SAPR/SARC or to a confidential resource.

**(ON SLIDE # 13)**

c. Define **Bullying**. Bullying is one of the prohibited behaviors that many service members mistake for leadership issues. The Marine Corps defines Bullying as a form of Harassment that includes knowing, reckless, or intentional conduct that includes acts of aggression by a Service member, with a nexus to military service, with the intent of harming a Service member or DOD civilian employee either physically or psychologically, without a proper military or other governmental purposes.

(1) Bullying may involve the singling out of an individual from his or her co-workers or unit for ridicule because he or she is considered different or weak. It often involves an imbalance of power between the aggressor and the victim. Bullying can be conducted through electronic devices or communications and by other means, including social media, as well as in person.

(2) We have already discussed how certain conduct and activities are permissible because they serve a legitimate government or military function. Remember we talked about conduct that crosses the boundary from appropriate to inappropriate. Bullying is in this realm of behavior. It is a form of Harassment when there is an intent to harm a service member or DOD civilian employee, either physically or psychologically, without a proper military or government purpose. Bullying can occur outside the workplace, at off-duty or unofficial unit functions, or other events.

**(ON SLIDE # 14)**

(3) (**Instructor ask:** What is not bullying?) A Drill Instructor yelling at a person to move faster repeatedly during recruit training has a legitimate purpose. Command authorized and directed physical training is not bullying. It is the responsibility of individuals and leadership to ensure the activity is carried out properly and does not cross the line.

(4) Bullying can involve things like singling out people from their co-workers or units, ridiculing people, physically striking another or threatening to do so, intimidating, taunting, or teasing somebody, berating another to belittle or humiliate them, engaging in abusive or malicious tricks, degrading somebody's property or reputation, or soliciting, coercing, or knowingly permitting another person to solicit or coerce acts of Bullying. Bullying can also include branding, handcuffing, duct taping, tattooing, shaving, greasing, painting. Forced consumption of excessive water, consumption of food, alcohol, drugs, or any other substance falls into this category. In addition, like we'll talk about during Hazing, actual or implied consent is not a defense. It is still bullying, regardless of rank, status, or service of the victim.

(5) There are many similarities between Bullying, Hazing, and Harassment. These similarities can make it difficult to differentiate between the behaviors. For behaviors to be considered Bullying, the acts of aggression displayed were done for exclusion, e.g., intimidating or rejecting the recipient from acceptance into the group or unit because he or she is considered different or weak.

**(ON SLIDE # 15)**

d. **Define Hazing.** So far, we have talked about Harassment, Sexual Harassment, and Bullying. Hazing is another form of Harassment that includes knowing, reckless, or intentional conduct through which Service members, without a proper military or other governmental purpose but with a nexus to military service, physically or psychologically injures or creates a risk of physical or psychological injury to a Service member or DOD civilian employee for the **purpose of** initiation into, admission into, affiliation with, change in status or position within, or a condition for continued membership in any military or DOD civilian organization. Hazing can be conducted through electronic devices or communications and by other means, including social media, as well as in person.

(1) Hazing is evaluated by a reasonable person (specifically the Commander) standard. It includes, but is not limited to, the following when performed without proper military or other governmental purposes:

(2) Hazing behaviors aim to physically or psychologically injure a service member or DOD civilian employee or create the risk of physical or psychological injury, with a specific purpose, such as initiation, admission, affiliation, or change of status or position within a military or DOD civilian organization. It can be knowing, reckless, or intentional, as we already talked about, and is conduct that does not have a proper military or other governmental purposes but does have a nexus to military service. Hazing is always prohibited, on or off duty, and again, actual or implied consent is not a defense. Service members cannot consent to be hazed. Therefore,

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

**(ON SLIDE # 16)**

(3) What are some examples of Hazing? Any form of initiation or congratulation that involves physically striking another or threatening to do so is a good example. Other examples are pressing any object into another's skin, such as pinning or tacking, or forced consumption of food, alcohol, water, drugs, or any other substance, branding, handcuffing, duct taping, tattooing, shaving, greasing, or painting.

(4) Hazing is prohibited in all circumstances and environments, including off-duty or "unofficial" unit functions and settings.

(5) There are many similarities between Hazing, Bullying, and Harassment. For an allegation to be considered Hazing, it **must show** that the behavior was conducted for the purpose of inclusion, e.g., initiation, admission, affiliation, change in status or position within, or continued membership in any military or DOD civilian organization. EMI may at times be misunderstood or misidentified as Hazing or Bullying. Properly executed EMI is not Hazing, Bullying, or Harassment. It is an authorized means to correct military deficiencies. However, improperly executed EMI can cross the line into Bullying, Hazing, or Harassment.

**(ON SLIDE # 17-18)**

e. Define **Prohibited Discrimination**. Prohibited discrimination involves any conduct whereby a Service member knowingly, recklessly, or intentionally and with a nexus to military service discriminates, including disparate treatment, of an individual or group based on race, color, national origin, religion, sex (including pregnancy), gender identity, or sexual orientation that is not otherwise authorized by law or regulation and detracts from military readiness. Prohibited discrimination includes actions or efforts that detract from equal opportunity, with respect to the terms, conditions, or privileges of military Service, including, but not limited to, acquiring, assigning, promoting, disciplining, scheduling, training, evaluating, compensating, discharging, or separating. This definition excludes justifiable conduct that discriminates based on characteristics (including, but not limited to, age, height, and weight) that serve proper military or other governmental purposes as set forth in other military policies. Prohibited discrimination is evaluated by a reasonable person standard.

(1) Examples of prohibited Discrimination include segregating all females regardless of rank or MOS to live in one wing of barracks.

Another one could involve restricting billet opportunities for career progression, like not allowing a Marine to be an Equal Opportunity Representative because they are white and male.

**(ON SLIDE # 19)**

f. Define **Stalking**. Includes, but it is not limited to, a person:

Who wrongfully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear death or bodily harm, including sexual assault, to himself or herself, to a member of his or her immediate family, or to his or her intimate partner.

Who has knowledge, or should have knowledge, that the specific person will be placed in reasonable fear of death or bodily harm, including sexual assault, to himself or herself, to a member of his or her immediate family, or to his or her intimate partner.

When the conduct induces reasonable fear of death or bodily harm in the specific person, including sexual assault, to himself or herself, to a member of his or her immediate family, or to his or her intimate partner.

**INSTRUCTOR NOTE**

Stalking must be reported to the appropriate Military Criminal Investigative Organization. It does not follow the standard PAC complaint process and cases are reported in DASH.

**(ON SLIDE # 20)**

g. Define **Dissident and Protest Activity**. Let's discuss the Dissident and Protest Activity.

(1) Under this Order [MCO 5354.1F], service members are prohibited from the following:

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

(b) Knowing and wrongful conduct that involves actively participating in criminal gangs or in other organizations that advocate supremacist, extremist, or criminal gang doctrine, ideology, or causes; including those that attempt to create illegal

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

(2) Commanders should remain alert for signs of potential dissident activities. Examples of such signs, which, in the absence of the active advocacy or active participation addressed in the definition above, are not prohibited, could include mere membership in criminal gangs and other organizations. Signs could also include possession of literature associated with such gangs or organizations or with related ideology, doctrine, or causes. While mere membership or possession of literature normally is not prohibited, it may merit further investigation.

**(ON SLIDE # 21)**

h. Define **Wrongful Distribution or Broadcasting of an Intimate Image**. Per the PAC Order, the Wrongful Distribution or Broadcasting of an Intimate Image conduct is prohibited. Here are the reasons why:

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

(a) With the intent to realize personal gain;

(b) With the intent to humiliate, harm, harass, intimidate, threaten, or coerce the depicted person; or

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

**(ON SLIDE # 22)**

(2) Distribution means the act of delivering to the actual or constructive possession of another, including transmission by

electronic means. Broadcasting means the act of electronically transmitting a visual image with the intent that it be viewed by a person or persons. An intimate image is any visual depiction, including by electronic means, that:

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

(b) Depicts that person engaging in sexually explicit conduct or depicts the private area of that person; and

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

(3) "Sexually explicit conduct" and "private area" have the meaning assigned to them in part IV of the Manual for Courts-Martial and covered by the UCMJ under Article 117a.

**INSTRUCTOR NOTE**

Do not skip the next activity in (4)

(4) Now, everybody, take out your phones. Point it at yourself. Take a picture. That data file, the thing you just created, that's an image. It is an identifiable image because your face is in it. Other things can make an image identifiable, such as tattoos, right? Information conveyed with an image can make you identifiable. So maybe your picture captured the edge of somebody else behind you. If you text your selfie to somebody and say, "that cropped-off head is LCpl Schmuckutelly," that's identifiable. Now, if that image were to depict you or another identifiable person engaging in sexually explicit conduct or show a private area, that's an intimate image. Distributing or broadcasting an intimate image is prohibited. An example of broadcasting is showing an intimate image to others like friends or co-workers, where a person knowingly transmits the visual image with the intent that it's viewed by other people. Distribution occurs when a person sends the intimate image through electronically through text or social media means. So what makes the distribution wrongful? If the person distributing, sharing, sending, showing off, in any way displaying the image does it without a legal basis, if that person knows the depicted person did not consent to the disclosure of the image, that's wrongful.

**(ON SLIDE # 23)**

i. **Define Retaliation.** Retaliatory action is an umbrella term used to encompass retaliatory behaviors that include reprisal, ostracism, and maltreatment. These actions are not punitive provisions under the PAC order and is reported to the IG office.

**INSTRUCTOR NOTE**

Retaliation is not PAC, do not spend too much time on the definitions, main take away is that retaliation is reported to the IG.

(1) **Retaliation.** Retaliation encompasses any illegal, impermissible or hostile actions taken by a Service Member's chain of command, peers, or co-workers **with the intent** to retaliate against that person for reporting or planning to report a criminal offense or for making or planning to make a protected communication. Retaliatory behaviors include:

(a) **Reprisal.** Reprisal is the most severe form of retaliation. Taking or threatening to take an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, for reporting or planning to report a criminal offense, or for making or planning to make a protected communication can be considered Reprisal.

(b) **Ostracism.** Ostracism is the exclusion of a military member from social acceptance, or membership in, or association with a group of which such military member was a part of a reasonable person would conclude wanted to be a part, with the intent to inflict emotional distress on the military member, discourage reporting of a criminal offense, or otherwise discourage the due administration of justice. Ostracism requires a nexus to military service.

(c) **Maltreatment.** Maltreatment is treatment by peers or by other persons, that, when viewed objectively under all the circumstances, is abusive or otherwise unwarranted, unjustified, and unnecessary for any lawful purpose, that is done with intent to discourage reporting of a criminal offense or otherwise discourage the due administration of justice, and that results in physical or mental harm or suffering, or reasonably could have caused, physical or mental harm or suffering.

**TRANSITION:** Now that we understand retaliation and that, it is reported to the IG office let's talk about reporting PAC complaints.

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(ON SLIDE # 24)

3. **Prohibited Activities and Conduct (PAC) Complaint Reporting Process.** Now that we have a better understanding of PAC and what prohibited behaviors look like, let's talk about what a Marine or Sailor can do if they want to report a situation involving PAC misconduct.

a. Let's start by clarifying that the PAC complaint process is not intended to replace small unit leadership roles and responsibilities. Those who want to request commander-directed resolution of their complaint or allegation of PAC are required to submit a NAVMC Form 11512 using the avenues provided in the Order [MCO 5354.1F]. There are several avenues to initiate a PAC complaint. The most effective avenue depends upon the particular circumstance and the personnel involved. The individual service member, or complainant, may select the avenue to initiate their complaint through the immediate chain of command or a designated representative like the Equal Opportunity Representative or an Equal Opportunity Advisor. Don't forget that EORs and EOAs are not confidential resources and might have to report the situation to the chain of command in order to resolve it. Those who want to file a complaint should do it within 90 calendar days of the recent incident. Reserve Component Service members have 120 calendar days from the date of the last incident.

b. There are a couple of ways a complainant can request resolution. First, Conflict Management is the command-directed informal resolution process available to Service members to resolve interpersonal conflicts at the lowest appropriate level. Conflict Management is not a prerequisite for the Complaint Resolution process, nor is it intended to replace small unit leadership.

c. **Conflict Management shall not direct for complaints of alleged severe and pervasive behaviors that are contrary to good order and discipline.** Examples are: seeking sexual favors in return for favorable evaluation, making supervisory decisions based on race, color, national origin, religion, sex (including pregnancy), gender identity, or sexual orientation; unwanted sexual contact, unlawful distribution or broadcasting of an intimate image, hazing, or those behaviors deemed by the commander as detrimental to good order and discipline.

d. Suppose conflict management is not effective or a situation involves severe and pervasive behaviors like sexual Harassment, prohibited discrimination, or wrongful distribution or broadcasting of an intimate image. In that case, the Commander can seek formal resolution, also known as Complaint Resolution. This process would be started by submitting a completed NAVMC 11512 and forwarded to the Subject's Commander. The Subjects Commander then has **three duty** days

to evaluate the complaint and determine to either dismiss or accept the complaint about appropriate action. Suppose the complaint is accepted for Complaint Resolution. In that case, the Commander has **three duty days** to convene a CI to determine whether a violation occurred and the appropriate resolution of the complaint.

e. Following the investigation (**30 calendar days, 14 calendar days** for sexual Harassment), the CA has **six duty days** to substantiate or not substantiate an accepted PAC complaint. After three duty days of making a disposition, the Commander will sign the NAVMC 11512 as part of the notification to the complainant.

**(ON SLIDE # 25)**

**INSTRUCTOR NOTE**

Inform students: The primary channel to prevent and respond to violations of PAC is the chain of command. If the commanding officer is suspected or alleged to have violated the PAC order, report the offence via NAVMC 11512 to any superior officer in the chain of command or the IG.

**(ON SLIDE # 26)**

f. In cases where the subject/s is found substantiated. The commanders administrative action may consist of formal and informal actions such as, but not limited to adverse evaluation report(s), 6105/MARCORSEPMAN counseling entries, non-judicial punishment, administrative separation, non-recommendation for reenlistment, promotion denial, relief for cause, verbal counseling, non-punitive letter of caution, order to cease, re-assignment, command directed Conflict Management, and training.

g. If a complainant or subject is dissatisfied with the resolution of the complaint after a formal investigation, an appeal can be requested and must be submitted in writing within **30 calendar days** of notification of the disposition. However, keep in mind that dissatisfaction with the disposition of a complaint does not constitute a valid basis for an appeal. For more information on this, contact the chain of command and EOR or EOA.

**(ON SLIDE # 27)**

h. What if someone wants to report a situation anonymously? Anonymous reports may be communicated by several means, including, but not limited to, organizational hotlines or advice lines like the MPE Advice Line, IGMC, or NCIS or even your command's anymouse box. For more information on reporting avenues, members can go to the DoD Tool Kit published on the Manpower and Reserve Affairs site.

i. Keep in mind that if an anonymous complaint does not contain sufficient information to initiate an investigation, the reported

information will be documented on NAVMC Form 11512 and maintained in the command's correspondence files for two years.

j. Lastly, service members who file a complaint in person or identify themselves cannot choose to remain anonymous. A Commander will need to have information about who is involved in supporting an investigation is conducted. We have to remember that many PAC cases can have a negative impact on unit readiness.

**TRANSITION:** At this time, are there any questions on the reporting process of a PAC complaint? Now that we understand the complaint process, lets discuss the levels of impact of a PAC violation.

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**(ON SLIDE # 28)**

4. The levels of impacts of PAC on readiness. Since we are on the subject of impacts on unit readiness, lets discuss how the unit might be affected by PAC misconduct. In order to have a better understanding, we will begin by covering perceptions and behaviors that can affect the unit.

a. Perception. It is natural to take perceptual shortcuts (stereotyping) to make sense of the tremendous amount of data we are bombarded with in our daily lives. As we take these shortcuts, we develop our own perception of "reality," which can be either accurate and reliable or inaccurate and unreliable. We act on and are influenced by what we believe to be true or real.

b. Overt Behaviors: Blatant, obvious, and usually meant to harm; can lead to mental and physical injury, violent destruction, or even death.

c. Covert Behaviors: Hidden; usually subtle; difficult to document, treatment intended to be harmful to members of specific demographic groups. Originates within established and respected forces in society, therefore, receive far less public condemnation. Intentional behavior often includes sabotage and tokenism.

**TRANSITION:** At this time, are there any questions on levels of impact? If there are none, we will move into discussing the impact of prohibited behaviors and conduct on individuals and their units.

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5. **Impacts of PAC**. A mosaic is an image made up of many smaller parts - tiles or small pictures combine to form a larger whole. This is a useful analogy to help understand people. Individuals are formed from many factors, including genetics, demographics, environmental influences, and group associations. Genetic makeup affects the way a person looks, behaves, and grows. Demographic influences include gender, age, and ethnicity. Coming from an urban or rural environment, financially poor or wealthy family, the Deep South or Pacific Northwest - environmental influences help shape the person. Group associations such as membership in a religious group, political affiliation, and a chosen profession can also affect one's worldview and behaviors. Why talk about mosaics, genetics, and religious affiliation? Every individual is a complex mix of biology, beliefs, and lived experience. These different aspects of identity combine to form a whole that is greater than the sum of its parts. People will flourish when they have respect, dignity, and fair treatment. This is the ultimate goal of the PAC order: to make a more resilient, efficient, and lethal Marine Corps by addressing and preventing these negative behaviors. While preventing PAC is an ethical imperative unto itself, it is important to note the ways in which these behaviors can lead to negative outcomes at every level.

**(ON SLIDE # 29)**

a. PAC **and the individual**. (**Instructors:** What effects do you think PAC has on individual?) PAC can have tangible impacts on individuals. Some examples of these negative outcomes include:

- (1) Decreased job satisfaction
- (2) Decreased organizational commitment
- (3) Increased psychological distress and reported health problems.
- (4) Unhealthy and counterproductive coping behaviors
- (5) Decreased resilience
- (6) Increased absenteeism

**(ON SLIDE # 30)**

b. Effects **on PAC on the unit**. (**Instructors:** What effects do you think PAC has on the unit?) Negative impacts on the group or unit that can result from PAC include:

- (1) Loss of Esprit de Corps and trust
- (2) Decreased resilience
- (3) Diminished organizational effectiveness
- (4) Decreased retention
- (5) Increased turnover
- (6) Decreased readiness
- (7) Diversion of leaders' time and effort

**(ON SLIDE # 31)**

c. Effects on PAC on the Service. (**Instructors:** What effects do you think PAC has on the service?) Additional negative effects that the violation of this order may have on the Marine Corps are:

- (1) Loss of public trust
- (2) Retention and recruitment challenges
- (3) Potential loss of service autonomy
- (4) Decreased resilience and lethality

**DISCUSSION (PART 2)****(45 MIN)****(ON SLIDE # 32)**

**PRACTICAL APPLICATION.** This PA is designed to guide students to understand the prohibited behaviors, discuss cultural and social issues that affect individual and group behavior, identify inappropriate printed and online materials and discuss prevention strategies and behaviors. By utilizing the guided discussion, students will experience by watching a video, publish, process, generalize, and apply what they have learned. This PA should take about 15 minutes to complete.

**PRACTICE:** From the video list, provided students will watch one or two videos and discuss their thoughts through guided discussion.

**Video list:** 1. Bullying Behaviors, 2. Can We Date Sexual Harassment, 3. Hallway Chatter, 4. School Selection Discrimination, 5. One Of Us Hazing, 6. Too Close Harassment, 7. Bullying, 8. Retaliation, 9. Sexual Harassment, 10. Discrimination.

**PROVIDE HELP:**

- 1. Supervision and Guidance:** Have the students follow along.. Ask questions from section 1 below. The instructor will let the students share their opinions. The instructor will not share his or her **own thoughts** during this portion of the discussion.
- 2. Debrief:** After the demonstration, ask the students if there are any questions (etc.).

**INSTRUCTOR NOTE**

Cover questions from all sections (1-10), ask as many questions possible, each question does not need to be asked. Subsequent questions maybe be spontaneously generated because of the participants' responses.

**(ON SLIDE # 33)**

1. Questions for 1 are based on the assumption that the students viewed a video related to perceptions and are following the

guided discussion method of Publishing, Processing, Generalizing, and Applying ask all 5 question in section 1.

- a. Question 1: What were some of your sentiments while watching the video? (Publish)
- b. Question 2: Who stood out to you in the video? (Process)
- c. Question 3: What stood out to you in the video?
- d. Question 4: What will you do with this information now that you have it? (Applying)
- e. Describe how perceptions influence behavior

2. Understand the DoD and Marine Corps MEO policy and its impacts on readiness.

- a. Question 1: What does MCO 5354.1F state about the Marine Corps policy on Prohibited Activities and Conduct?
- b. Question 2: What are the impacts on readiness if the Marine Corps policy on Prohibited Activities and conduct is violated?

3. Describe Harassment; Describe Sexual Harassment; Describe Bullying; describe Prohibited Discrimination; Describe Dissident and Protest Activity; Describe Hazing; Describe Wrongful Distribution & Broadcast of Intimate Image.

- a. Question 1: What is Harassment?
- b. Question 2: What is the difference between Harassment and prohibited discrimination?
- c. Question 3: Describe Sexual Harassment.
- d. Question 4: In your own words, define Hazing and Bullying and describe what their differences are?
- e. Question 5: Describe a scenario where someone could wrongfully distribute or Broadcast an Intimate Image.
- f. Question 6: Describe Dissident and Protest Activities that are prohibited per the order?
- g. Question 7: What are some current issues associated with sexual harassment?

4. Be able to describe and identify cultural and social issues that affect individual and group behavior.

a. Question 1: Describe a social or cultural issue that has shaped Marines' behaviors.

Ex: Marines united; Gender integration at recruit training

b. Question 2: Describe how a cultural or social issue has affected the behavior of Marines around you?

Ex: Divisive language about beliefs.

5. Provide examples of current social and cultural issues that may affect group behavior

a. Question 1: What are some of the cultural issues that you believe Marines are faced with today?

Ex: Lack of clarity on the issues; forced into taking a position

b. Question 2: Describe a recent cultural issue that was discussed within your unit?

Ex: Continued Service of transgender Marines; anecdotal usage of the "N" word by senior officials

6. Identify PAC inappropriate behavior on social media  
Now that we have a better understanding of prohibited activities and inappropriate behaviors let's talk about how they can happen on social media.

a. Question 1: What are some inappropriate behaviors that occur on social media?

EX: Bullying, Harassment, Sexual Harassment, etc.

b. Question 2: Describe a situation where you saw an inappropriate behavior transpire on a social media platform like Facebook, Twitter, or TikTok?

Ex: individuals are harassed because of the color of their skin on Facebook, Marines united, where female service members were marginalized, sexually harassed, etc.

c. Question 3: What types of risk can inappropriate behaviors on social media pose to an individual Marine and to members of the unit or organization?

EX: It can break unit cohesion, Create mistrust within peers or senior leadership, Can create a stressful environment

d. Question 4: How can those inappropriate behaviors be stopped on social media where it could be difficult to intervene across an online environment?

EX: If the individual works in the command, have someone speak to them about inappropriate behaviors on social media.

7. Identify PAC inappropriate behavior in electronic materials

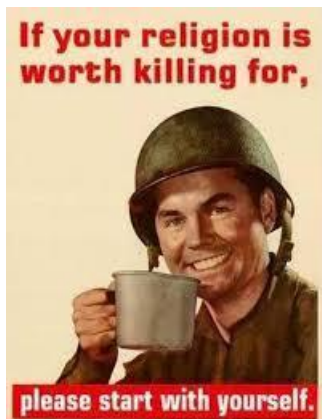
a. Question 1: Describe inappropriate behaviors that can happen by electronic means?

EX: Inappropriate messages, Bullying, Harassment, Sexual Harassment, etc.

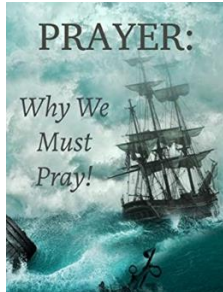
(ON SLIDE # 34-41)

8. Identify inappropriate PAC behavior in printed materials

a. Question 1: Select from the following images ask students if they are appropriate or inappropriate for the workplace? Why /why not (it's not required to show every slide select a few).







9. Describe prevention strategies and behaviors that may reduce problematic behavior. According to the Department of Defense, Prevention is the most critical line of effort that defines the success of the program. Prevention Strategies can be anything from developing a new policy, or any activity or group of activities, or even bystander intervention. These strategies are intended to reduce the occurrence of Harassment.

a. Question 1: What are some prevention strategies that command leadership can implement to reduce problematic behaviors?

EX: Education, training like Annual Training, etc., Policies, regulations, procedures, Open Door policies

b. Question 2: What are some prevention strategies that you as a leader can implement to reduce problematic behaviors?

EX: Recognize inappropriate behaviors like sexist language, sexually harassing behaviors, hazing, etc., Utilize tools and resources available to prevent inappropriate behaviors from escalating, for example, your EOR/EOA, Bystander intervention

c. Question 3: What are some risks that can evolve if prevention strategies are not applied within the workplace?

EX: Hostile working environment, distrust of leadership, poor work performance

D. Question 4: What makes it important to apply prevention strategies across the unit workplace?

Ex: Creates unit cohesion avoids inappropriate behaviors,

10. Describe possible benefits of receiving Prohibited Activities and Conduct training.

a. Question 1: What are the benefits of the training you received today?

b. Question 2: What are strategies you can use in your section to reduce PAC behavior?

c. Question 3: If you see a Marine or Sailor being a victim of one of the prohibited behaviors, what can/should you do?

**(ON SLIDE # 42)**

**INSTRUCTOR NOTE**

During the conclusion, the instructor can share a personal situation pertaining to PAC that has affected them. Ensure this is only shared if the issue has been resolved.

**Summary:** Today, we have discussed many topics. We have discussed the MEO program, prohibited activities, reporting options, the impacts of PAC on readiness, and how, when, and where we choose to stand on issues of prohibited activities and conduct.

After receiving this training, hopefully you now understand that the scenario provided in the introduction to this class, regarding the senior-subordinate relationship was not a PAC violation. The scenario provided, is clearly inappropriate and likely would lead to administrative or legal actions. However, being that the individuals admitted to being in a relationship, the scenario as written would be outside of the scope of a PAC violation. I want to thank you all again for your participation, and have a good day.

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**(END OF LESSON)**

