

17. Accepted Complaints. Commanders may direct either informal Conflict Management or formal Complaint Resolution. The commander shall assess the complaint and direct the appropriate complaint resolution process in accordance with this Order. A Commander's PAC Complaint Assessment Tool is provided to assist commanders in determining the appropriate resolution process for accepted complaints. See Chapters 4 and 5, respectively, for each resolution process.

18. Commander's PAC Complaint Assessment Tool. Commanders should use their education and experience to determine if an alleged violation of this Order has occurred and whether verbal counseling, training, or other informal corrective measures would be adequate to appropriately address the PAC violation. Commanders will consider the totality of the circumstances and the evidence available to them in making this determination. The below assessment questions are provided to assist commanders in determining the appropriate resolution process from the objective standpoint of a "reasonable person". Complaints are analyzed on a case by case basis.

a. Commanders should consider the following factors when determining how to direct complaint resolution:

- (1) Whether there is credible evidence of the alleged prohibited conduct
- (2) Whether the conduct was verbal or physical or both;
- (3) Whether it was an isolated incident or a pattern of behavior;
- (4) The period of time the conduct occurred;
- (5) Whether the subject targeted the recipient;
- (6) Whether the recipient participate in the conduct;
- (7) Whether the recipient themselves committed prohibited conduct;
- (8) Whether the conduct was hostile and patently offensive;
- (9) Whether the subject was a co-worker or supervisor;
- (10) Whether other personnel joined in perpetrating the prohibited activity; and
- (11) Whether the conduct was directed at more than one individual.

**Note 7: As a best practice, commanders should ensure appointed IO address questions 1-11 within their report of investigation to help ensure the commander has the information necessary to make an informed complaint resolution decision.**

b. If a commander needs more information, the accepted complaint should be processed using the formal Complaint Resolution process in Chapter 5 of this Order.

19. Cross-Over Complaints. Commanders may receive reports of alleged PAC involving both Service members and non-Service members, for example DOD civilian employees. In such cases, this Order is applicable to those Service members over whom the commander exercises appropriate authority. Only an aggrieved Service member will be considered a complainant and able to seek administrative redress under this Order and its implementing process (See Appendix C). Commanders may determine the appropriate actions to investigate complaints of alleged PAC committed by assigned Service members against a non-Service member in consultation with their CJA/SJA in accordance with their appropriate authorities. DOD civilians, and all other non-Service members shall pursue any complaints in accordance with separate issuances regarding applicable Equal Employment Opportunity (EEO) regulations for appropriate redress. For example, if a civilian employee files a PAC complaint of sexual harassment against a Service member, the civilian complaint does not fall under the purview of this Order and will be referred to the EEO office. This Order does not provide for redress of the civilian employee. However, the commander shall take appropriate actions to investigate and resolve allegations with respect to the assigned Service member to maintain good order and discipline within their command.