



UNITED STATES MARINE CORPS
MARINE AIR GROUND TASK FORCE TRAINING COMMAND
MARINE CORPS AIR GROUND COMBAT CENTER
BOX 788100
TWENTYNINE PALMS, CALIFORNIA 92278-8100

CCO 5354.3B

EOA

AUG 26 2021

COMBAT CENTER ORDER 5354.3B

From: Commanding General
To: Distribution List

Subj: MARINE AIR GROUND TASK FORCE TRAINING COMMAND, MARINE CORPS
AIR GROUND COMBAT CENTER PROHIBITED ACTIVITIES AND CONDUCT
PREVENTION AND RESPONSE POLICY

Ref: (a) MCO 5354.1F

Encl: (1) Command Climate Survey Procedures
(2) Formal Complaint Procedures
(3) Informal Complaint Procedures
(4) Command Equal Opportunity Representative Selection Criteria

1. Situation. The Marine Air Ground Task Force Training Command (MAGTFTC), Marine Corps Air Ground Combat Center (MCAGCC) ability to perform its mission is directly related to the fair and equitable treatment of its uniformed Service members. Reference (a) outlines the Marine Corps policy on prohibited activity and conduct (PAC) prevention and response involving bullying, dissident and protest activity, harassment, hazing, prohibited discrimination, sexual harassment, and wrongful distribution or broadcasting of an intimate image. This Combat Center Order and reference (a) establishes administrative controls for preventing and responding to PAC allegations by uniformed Service members assigned within MAGTFTC, MCAGCC.

2. Cancellation. CCO 5354.3A.

3. Mission. To publish procedures for responding to allegations of PAC and promulgate policies clearly outlining every member's role and responsibility in establishing and maintaining positive command climate.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent

(a) Promote an environment free from personal, social, and institutional barriers that prevent Marines and Sailors from rising to the highest level of achievement possible. Members of this Command shall be evaluated on individual merit, fitness, capability, and performance.

(b) Every echelon of leadership must establish a culture that values the unique contribution of every Marine, and Sailor in the command, optimizing our capabilities to accomplish assigned missions.

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(2) Concept of Operations. This command will make every effort to prevent unprofessional and unacceptable behavior within the ranks through the comprehensive training and command evaluation programs detailed in reference (a). All PAC complaints will be treated seriously and thoroughly assessed for appropriate resolution. Any conduct that is fundamentally inconsistent with our core values and ethos will not be tolerated. Engaged and concerned leadership will remain key to effective PAC prevention and response efforts.

b. Subordinate Element Missions

(1) Commanding Officers (COs)

(a) Comply with the reference and this Order.

(b) Publish and prominently post written command policy that implements reference (a) and this Order. Command policy will be recertified within 90 days of assumption of command. An example template can be provided by the Equal Opportunity Advisor (EOA)/Military Equal Opportunity (MEO) office.

(c) Oversee the Defense Equal Opportunity Management Institute (DEOMI) Equal Opportunity Climate Survey (DEOCS) and provide a Corrective Action Plan (CAP) to the Commanding General (CG) for review, as outlined in enclosure (1). CAPs will consist of, at a minimum, the following elements: commander's intent for conducting the DEOCS, commander's analysis of the DEOCS, and at a minimum, the top three risk factors to be addressed along with the action taken for each, the status, and the responsible party.

(d) To the furthest extent possible, review the results of each DEOCS and CAP with all members of the command as required per reference (a).

(e) Facilitate appropriate and responsive care and services for those Marines and Sailors adversely impacted by prohibited activities and conduct.

(f) Seek legal advice and guidance from the Staff Judge Advocate (SJA) upon the initial receipt of a PAC complaint.

(g) Report and investigate all PAC allegations and suspected violations in accordance with reference (a).

(h) Protect both complainants and subjects of complaints from reprisal and/or retaliation.

(i) Ensure adherence to processing timeline requirements for all complaints alleging PAC violations, as well as appropriate documentation and accountability consistent with the processes outlined in enclosures (2) and (3). A commander's PAC complaint assessment tool is provided in chapter 3 of reference (a).

(j) Ensure substantiated incidents of prohibited activities and conduct under this Order are appropriately documented in the Discrimination and Sexual Harassment (DASH) portal when administrative adjudication of the investigation is complete per reference (a).

(k) Ensure regular updates on all open DASH cases are provided to the EOA/MEO office before the 20th of each month.

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(1) Appoint a Staff Non-Commissioned Officer or Officer as Equal Opportunity Representative (EOR) to manage the command's PAC program requirements. EORs will be screened using the criteria outlined in enclosure (4). It is highly encouraged that commands assign (at a minimum) a primary/lead and alternate/secondary EOR.

(2) Command Inspector General (CIG). Notify the MAGTF/TC, MCA/CC EOA of all PAC cases received that fall within the guidelines of this Order and reference (a).

(3) EOA/MEO

(a) Ensure complaints are processed and the appropriate DASH entries are made in accordance with reference (a), and provide guidance and support to commanders with the intent to completely resolve issues in a timely manner and with full regard for complainant's and subject's rights.

(b) Provide monthly updates to the CG in accordance with reference (a).

(c) Track compliance with command climate assessments and conduct CG's inspections as required.

(d) Promote a proactive training program to ensure an adequately trained EOR capability at all O5/O6 levels of command. Coordinate with commands and provide support to local-level leadership Professional Military Education (PME), Lance Corporal's seminars, Corporal's courses, and as requested.

(4) Command EORs

(a) Attend all required equal opportunity training to include the local EOR course and any sustainment training hosted by the EOA.

(b) Assist the commander in: establishing local PAC response procedures; assessing command climate; coordinating and conducting required local PAC training; and facilitating submission of required reports /notifications/acknowledgements as required by reference (a).

(c) Serve as unit Survey Administrator for DEOCS assessments.

(d) Serve as command Functional Area Manager for PAC program, ensuring Inspector General checklist compliance.

(e) Serve as command liaison for all command climate and complaint processing matters, to include providing required information and update material on all open PAC cases to the EOA/MEO office for inclusion in the DASH case file.

(5) SJA

(a) Provide accurate and timely legal advice to commanders and their staffs, to include the EOA and EORs, regarding interpretations of reference (a).

(b) Advise commanders on the appropriate investigative authority for PAC complaints.

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(c) Review all received PAC complaint investigations for legal sufficiency.

(6) Assistant Chiefs of Staff, Division Directors, Special Staff Officers, Supervisors and Leaders

(a) Set the example: Leaders at all levels shall conduct themselves beyond reproach, and are directed to cultivate and maintain a climate of dignity and respect.

(b) Set the tone: Marine Corps values and standards must be upheld through engagement and clear communication of expectations, as well as transparency within the bounds of privacy.

(c) Foster trust and confidence: Encourage the reporting of allegations of PAC violations and respond to complaints of alleged PAC violations with impartiality, fairness, and urgency.

c. Coordinating Instructions

(1) Training and Prevention. All MAGTF/TC, MCAGCC military personnel will receive training promulgating the intent and implementation of reference (a). Topics covered include: recognizing indicators of PAC and defining actions constituting violation; the effects of PAC on the individual Marine, Sailor and the unit; avenues to reporting prohibited activities and conduct.

(a) Training will be conducted annually.

(b) EOAs, trained EORs or unit leadership will facilitate training, and will only use approved training materials provided by the EOA/MEO office.

(c) The EOA/MEO office will maintain a Training Information Resources (TIR) Library. The TIR Library includes videos, PowerPoints, lesson plans and other materials. Unit EORs will request resources (as required) via the EOA/MEO office when conducting training at their units.

(d) Commands will coordinate with EOA/MEO office for support to local level leadership PME (e.g. Lance Corporal Seminars and Corporals Courses).

5. Administration and Logistics

a. Directives issued by this Headquarters are published and distributed electronically. Electronic versions of Combat Center Orders can be found at <https://www.29palms.marines.mil/Staff-Offices/Resource-Management-Directorate/Adjutant-Office/Orders/>.


b. Assistance, clarification, and guidance concerning this Order should be directed to the MAGTF/TC, MCAGCC EOA.

c. The EOA can be contacted by telephone at (760) 830-4567 or visit the EOA office located in Building 1447, Sturgis Road.

6. Command and Signal

a. Command. This Order is applicable to all commands under the administrative and operational control of MAGTFTC, MCAGCC.

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


D. A. SUGGS
Chief of Staff

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Command Climate Survey Procedures

1. Command Climate Assessments (CCA). Per chapter 2 of reference (a), the following requirements and timelines apply:

a. Commanders will assess their commands using the DEOMI Organizational DEOCS within 120 calendar days of assumption of command (AOC). Annual assessment compliance will be assessed as (1) Annual survey completed by the anniversary date of the AOC. Extensions are not permitted.

b. Commanders must ensure all military members administratively attached to their command have the opportunity to participate in the assessment process, and must establish and provide commander's intent to the members of command prior to the conduct of the assessment.

c. Commands or organizational leaders with fewer than 50 survey participants, will conduct the survey portion of their CCA with another unit or organization, such that at least 50 people are surveyed, to ensure that survey respondents are not individually identifiable in the results. Commanders should appoint their EOR to serve as the DEOCS) administrator.

2. Corrective Action Plan (CAP). Within 30 days of receiving the DEOCS report results, commanders will identify trends and take appropriate steps to further characterize issues and strengths, opportunities for improvement, and to determine validity of perceptions. Commanders are responsible for developing a CAP as part of their comprehensive command climate assessment. In order to correct identified conditions that diminish organizational climate commanders will:

a. At a minimum, develop a corrective action plan to address the top three DEOCS risk factors identified in the report. Use other assessment tools to better understand the perceptions surrounding the identified risk factors.

b. Prioritize the organization's more compelling concerns. Explicitly identify the individuals responsible for each step in the published action plan. Commanders must also actively track each step to ensure progress realizing specific milestones. Include a listing of each issue to be addressed along with the action to be taken for each issue, the action's status, and the responsible party. Example templates can be provided by the EOA.

c. Within 60 days of receiving the DEOCS report results, the CAP will be debriefed to the next level higher commander and the members of the command. Total time for survey execution, CAP development and debrief will not exceed 180 days. The commander or organizational leader will ensure the following information is submitted to the EOA for inclusion into the command climate assessment tracking system: the completed DEOCS report and written corrective action plan.

Formal Complaint Procedures

1. Commander-Directed Complaint Resolution. Per chapter 5 of reference (a), Complaint Resolution is the commander-directed, formal PAC complaint resolution process. Commanders may direct Complaint Resolution if, based upon their initial assessment, they determine a formal resolution is appropriate, or more information is needed in order to determine the appropriate commander-directed complaint resolution process. Within three duty days of receiving the NAVMC Form 11512, Prohibited Activities and Conduct Complaint Form, commanders shall:

- a. Ensure the safety and wellbeing of the complainant.
- b. Make a determination to either accept, dismiss, or refer the complaint. Consult the SJA and EOA as needed.
- c. Submit all reportable information to the EOA/MEO office.
- d. Ensure the complainant receives appropriate counseling utilizing block 9a on NAVMC Form 11512. Commanders should consider referring complainants to their servicing EOA to complete this requirement.
- e. Within three duty days, convene a Command Investigation (CI) to determine whether a violation occurred and the appropriate resolution of the complaint
- f. Within three duty days of accepting a PAC complaint for further inquiry or investigation and resolution, the commander will generate and submit the initial DASH report to the first Marine General Court-Martial Convening Authority (GCMCA) in the chain of command with administrative control of the commander. This DASH report serves as official notification to the GCMCA.
- g. In cases alleging sexual harassment, commanders will make every effort to investigate a PAC complaint involving sexual harassment via an administrative inquiry, or CI, within 14 calendar days after the date on which the command accepts the signed NAVMC Form 11512.
- h. In all other cases alleging PAC violations, commanders will make every effort to investigate accepted PAC complaints not involving sexual harassment via an administrative inquiry or CI within 30 calendar days after the date on which the commander accepts the signed NAVMC Form 11512.
- i. If the investigation cannot be completed within the timeline, the CA may grant extensions of a reasonable amount of time as the CA deems appropriate. If the CA grants an extension beyond the 30 duty day timeline (14 day timeline for complaints involving sexual harassment), the commander will update the DASH report to the first Marine GCMCA in the chain of command with administrative control of the commander on the progress made in completing the investigation that day and every 14 calendar days thereafter until the investigation is completed in accordance with reference (a).
- j. Monitor the environment for potential reprisal and retaliation by checking on work area climates and ensuring performance assessments document job performance accurately.

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2. Required Reviews. All CIs require an EOA Advisory Opinion and SJA Legal Sufficiency Review prior to closeout by the CA. The appointed Investigating Officer (IO) will provide the investigation to the EOA and SJA for review. The final CI, Legal Sufficiency Review and EOA Advisory opinion will be returned to the CA for disposition decision.

3. Convening Authority (CA) Disposition. Upon receipt of the completed CI, the CA has six duty days to make a decision to either substantiate or not substantiate the complaint.

4. Notification of Disposition. The CA will notify both parties, in writing, utilizing NAVMC Form 11512 for the complainant and NAVMC Form 11513 for the subject of complaint, within three duty days of the CA's disposition decision, their rights to a supervised review of the CI, and to appeal the CA's administrative findings.

5. Appeals. Either party may appeal the CA's administrative findings on the following bases: any legal or equitable grounds based upon a good faith belief that existing DOD or DON regulations were 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. Such an appeal is not automatic, and must be submitted in writing.

a. Initial appeals must be submitted in writing within 30 calendar days of notification of the disposition decision for inclusion in the case file for GCMCA review. Initial appeals of the CA's decision regarding the CA's administrative findings will be submitted to the GCMCA, MAGTFTC, MCAGCC Commanding General via the SJA office and advisement from the supporting EOA/MEO office.

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

c. The complete Report of Investigation will be submitted to the GCMCA for review. In addition, documentation, statements of witnesses, personnel records entries, etc., which may be helpful in resolving an appeal, may be submitted to the appellate authority by the party requesting the appeal.

d. Should either party request to appeal the GCMCA, the final appeal should be requested within 30 calendar days of written notification of the GCMCA's decision on the initial appeal. The decision on the final appeal rests with the Secretary of the Navy. Appellants should consider advisement from the SJA office when submitting such appeal.

e. Appeals requested after 30 calendar days, may be returned as untimely, unless unusual circumstances contributed to the delay.

f. To avoid delaying or impeding the prompt and effective resolution of complaints, commanders are not required to withhold appropriate administrative action while an appeal is pending. After all appellate options have been exhausted, the case is considered closed.

6. Reports of Investigation. Per reference (a), the complainant or the subject may request a supervised review of the Report of Investigation or a certified copy. Requests for a supervised review of such reports will be

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made via the CA and SJA office. Either party can also submit a request online via Freedom of Information Act (FOIA) at: (<https://foiaonline.gov/foiaonline/action/public/home>). Such requests will not be a cause for delay in submitting an appeal.

7. GCMCA Review and Closeout. All accepted PAC investigations will be submitted through the chain of command to the first Marine GCMCA in the CA's administrative chain of command for review of the investigative findings. The GCMCA must review and appropriately endorse the investigation. The purpose of this review is to provide the GCMCA awareness of the complaint and its resolution. Endorsement is made utilizing the NAVMC Form 11512. The case is considered closed after completion of GCMCA review and approval.

8. DASH Updates. Per reference (a), within ten calendar days of the disposition or adjudication, the responsible CA will provide a DASH update to the first Marine GCMCA in the chain of command with administrative control of the CA. This update will contain all required information regarding the investigation, commanders' administrative findings and completed disposition of the complaint, all identified subjects, and any information not previously reported that is related to the conclusion of administrative or judicial actions taken.

9. Final DASH Submission to Headquarters Marine Corps (MPE), the Opportunity, Diversity, and Inclusion Branch at Manpower & Reserve Affairs. The first Marine GCMCA in the chain of command with administrative control over the CA will ensure a final DASH report with the required attachments is submitted to MPE within five calendar days of receiving the CA's notification that all final disposition or adjudication actions are complete. The supporting EOA will review all DASH input to ensure the information is complete in accordance with reference (a). MPE will conduct final review and closure of the DASH.

Informal Complaint Procedures

1. Commander-Directed Conflict Management. Per chapter 4 of reference (a), Conflict Management is a commander-directed informal resolution process. Commanders may determine Conflict Management is the appropriate resolution process for an accepted PAC complaint. The Conflict Management process gives the parties involved an opportunity to seek resolution at the lowest level outside the formal Complaint Resolution process. Within three duty days of receiving the NAVMC Form 11512, commanders shall:

a. Ensure the safety and wellbeing of the complainant.

b. Make a determination to either accept the complaint for Conflict Management, choose the Complaint Resolution process, refer or dismiss. Consult the SJA and EOA as needed.

c. Commanders shall not direct Conflict Management for complaints of alleged, severe, and pervasive behaviors that are contrary to good order and discipline. Examples of these behaviors are listed in chapter 4 of reference (a).

d. Within three duty days of commander accepting the complaint for Conflict Management, the commander or designee will initiate actions to resolve the issue(s) that led to the complaint. Issues addressed via Conflict Management should be resolved at the lowest level within 30 calendar days. If, after 30 days the complaint is still not resolved, the commander should consider initiating a formal resolution to resolve the issue.

e. The commander or designee who facilitated the Conflict Management is responsible for ensuring Part II of the NAVMC Form 11512 is sufficiently detailed, in order for the commander to have an accurate account of the actions taken to resolve the complaint. Commanders will brief the resolution to the complainant utilizing the NAVMC Form 11512. Complainant will sign indicating they have been briefed on the resolution.

2. Acknowledgement. The Commander will acknowledge the outcome of the Conflict Management process by:

a. Determining if all appropriate means to resolve the complaint have been taken. Commanders will acknowledge the outcome of the Conflict Management by signing the NAVMC Form 11512.

b. If the behaviors have not ceased, the commander may take appropriate actions as necessary. Commanders should consult their supporting EOA and CJA/SJA as needed.

3. Conflict Management Case Closure. All completed actions will be recorded on the NAVMC Form 11512.

4. Reporting Requirements. There is no DASH reporting required for complaints resolved using Conflict Management. An exception to this is in the case of an accepted complaint that is commander-directed to be resolved via Conflict Management following a preliminary inquiry (PI) or a command investigation (CI).

Command Equal Opportunity Representative Selection Criteria

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

- a. EORs rank shall be SSgt or above, any primary MOS.
- b. Uniform Victim Advocates cannot be assigned EOR duties.
- c. At least 12 months remaining prior to projected PCS.
- d. Works independently with minimal supervision.
- e. Basic computer skills.
- f. Able to conduct training for unit personnel.
- g. No adverse fitness reports in grade.
- h. No history of courts-martial.
- i. No recent history (within past three years) of Non-Judicial Punishment.
- j. No history of alcohol or drug related incidents.
- k. No history of referral to the command-directed Family Advocacy Program or any domestic violence allegations.
- l. No history of discrimination, sexual harassment or sexual assault allegations.
- m. Possess a calm demeanor and exercise good judgment during stressful situations.
- n. Approachable, listens to all persons regardless of race, sex, sexual orientation, national origin, religion, gender identity, or rank/position.
- o. Non-judgmental.
- p. Good communicator.
- q. Comfortable with sensitive topics.
- r. Epitomizes our Core Values of honor, courage, and commitment.