



UNITED STATES MARINE CORPS
COMMAND ELEMENT
II MARINE EXPEDITIONARY FORCE
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POLICY LETTER 9-19

From: Commanding General, II Marine Expeditionary Force
To: Distribution List

Subj: II MARINE EXPEDITIONARY FORCE PROHIBITED ACTIVITY AND
CONDUCT (PAC) POLICY LETTER

Ref: (a) MCO 5354.1E
(b) JAGINST 5800.7F
(c) SECNAVINST 5350.16A
(d) PAC IG Checklist

1. Situation. II Marine Expeditionary Force's (II MEF) ability to perform its mission at home and abroad is directly related to the fair and equitable treatment of its members. Reference (a), Marine Corps Prohibited Activities and Conduct (PAC) Order, emphasizes dignity and respect for all Marines and other Armed Forces Personnel, uniformed and civilian, assigned to, or serving with, the Marine Corps by ensuring a clear and common understanding of PAC, and proper prevention and response actions. This II MEF Policy Letter implements command specific program guidance and reinforces PAC and Equal Opportunity.

2. Cancellation. II MEF Policy Letter 4-16.

3. Mission. When directed, II MEF deploys and is employed as a Marine Air Ground Task Force (MAGTF) in support of Combatant Commander (CCDR) requirements for contingency response or Major Theater War. With appropriate augmentation, II MEF serves as the core element of a Joint Task Force (JTF); prepares and deploys combat ready MAGTFs to support CCDR presence and crisis response; and supports service and CCDR initiatives as required.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. People are our most precious asset. Our combat readiness and operational excellence rely on teamwork and unit cohesion. Teamwork is built on a foundation

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of mutual trust and respect. Every member of II MEF will know their individual worth to this organization and be afforded equal opportunity for professional development and personal growth. Equal opportunity and command climate are leadership and readiness issues. Each member of the chain of command will ensure a sense of fairness is constant and genuine-it is crucial to building a ready and lethal warfighting team. All Marines and Sailors will have the opportunity to achieve their full potential based solely upon individual merit, performance, and ability. I hold everyone in II MEF accountable to the spirit and intent of this Policy Letter.

(2) Concept of Operations

(a) All members of II MEF Major Subordinate Commands (MSC) and Major Subordinate Elements (MSE) will be intolerant of harassment (to include sexual harassment), unlawful discrimination, or abuse (specifically, hazing, bullying, ostracism, and retaliation), wrongful distribution or broadcasting of intimate images, and certain dissident and protest activity (to include supremacist activity). II MEF MSCs and MSEs will make every reasonable effort to eradicate these unprofessional and unacceptable behaviors from our ranks. These PAC behaviors, are in direct contrast with our core values and ethos, will be reported, processed, and appropriately documented according to reference (a).

b. Subordinate Element Tasks

(1) CGs of 2d Marine Aircraft Wing, 2d Marine Division, and 2d Marine Logistics Group:

(a) Oversee subordinate command compliance and effective implementation of reference (a).

(b) Ensure a commander's negligent or willful failure to conduct any required command climate assessments is noted, via a directed comment, in section I in the commander's performance evaluation. Additionally, ensure a commander's negligent or willful failure to maintain a command climate consistent with the mission and intent of reference (a) is documented in the commander's performance evaluation.

(c) Ensure subordinate commanders are appropriately documenting substantiated incidents of PAC in the subject member's Official Military Personnel File (OMPF) after

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administrative adjudication of the investigation is complete, per reference (a).

(d) Ensure Discrimination and Sexual Harassment (DASH) reports are initiated, updated, and appropriately closed for all PAC violations in accordance with (IAW) reference (a), and that a copy of the completed DASH report is maintained in the case file as directed.

(e) Establish procedures for reconsideration of dismissal of PAC complaints IAW reference (a).

(f) Establish internal procedures for appeals to dispositions IAW references (a), (b), and (c).

(2) CG, 2d Marine Expeditionary Brigade; CGs and Commanding Officers (CO) of Ad Hoc units (Task Force-Southwest, Special Purpose-Marine Air Ground Task Forces, etc.); COs of the 22, 24, and 26 Marine Expeditionary Units; II MEF Information Group, and subordinate 0-5 commanders:

(a) Publish, and prominently post, written command policy letters implementing reference (a) and this policy. Command policy will be recertified within 90 days of assumption of command. The Equal Opportunity Advisor (EOA) will provide an example.

(b) Appoint an Equal Opportunity Representative (EOR) to manage the command's PAC program requirements (and compliance with those in reference (d)) with the assistance of the designated EOA IAW reference (a). It is highly recommended that a primary and an alternate EOR be assigned to the unit.

(c) Direct regular, no less than annual, comprehensive visual inspections of all workspaces IAW reference (a).

(d) Conduct a Defense Equal Opportunity Management Institute (DEOMI) Organizational Climate Survey (DEOCS) (as required by reference (a) and within 30 days of DEOCS completion), provide a Corrective Action Plan (CAP) to the next higher level commander. CAPs will consist of, at a minimum, the following elements: commander's intent for conducting the DEOCS; commander's analysis of the DEOCS; and a listing of each issue to be addressed (along with the corrective action taken for each issue, the status of the issues, and the responsible party).

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(e) Ensure subordinate commanders conduct the DEOCS and provide a CAP, as well as, share the results of the DEOCS with all members of the command, as required per reference (a). Additionally, ensure subordinate commander's failure to conduct a DEOCS is noted in their performance evaluation IAW reference (a).

(f) Ensure all allegations of PAC are forwarded to the servicing EOA and Staff Judge Advocate (SJA) in accordance with references (a) and (b).

(g) Protect complainants from reprisal and retaliation IAW reference (a).

(h) Ensure strict adherence to processing and timeline requirements for all complaints alleging PAC violations IAW reference (a). A sample commander's checklist has been provided in reference (a), Appendix L.

(i) Ensure substantiated incidents of PAC are appropriately documented in the subject member's OMPF after administrative adjudication of the investigation is complete, per reference (a).

(j) Safeguard the integrity of the reporting process IAW reference (a).

(3) Supervisors and Leaders

(a) Cultivate a climate and culture of dignity, respect, and trust within their units. Establish the benchmark of appropriate behavior by modeling and incorporating such behavior into their daily practices.

(b) Engage in clear communication of expectations and provide transparency, within the bounds of privacy, to assure all subordinates that Marine Corps values and standards are upheld.

(c) Encourage reporting of alleged PAC under this order and inspire confidence by responding to complaints alleging PAC with impartiality, fairness, and urgency.

(4) II MEF Inspector General. Notify the MEF EOA of all PAC cases received that fall within the guidelines of this order and the references.

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(5) II MEF Staff Judge Advocate

(a) Consult with II MEF EOA to determine if a PAC allegation meets the prima facie elements of an offense. Subsequently, advise the EOA on recommended courses of action to present to the commander.

(b) Ensure all PAC complaint investigations have a legal sufficiency review.

(c) Advise and process reconsideration and appeal requests.

(6) EOA

(a) EOAs will, within three duty days of receipt of a PAC complaint:

1. Conduct an intake interview for all PAC complaints, regardless of how the complaint is submitted, and provide the complainant's notice of rights and responsibilities (reference (a), Appendix A).

2. Enter the PAC complaint into the DASH system and monitor the Electronic Prohibited Activities and Conduct (EPAC) Portal to ensure complaints are responded to promptly.

3. In consultation with the respective command's SJA, determine if a PAC allegation meets the prima facie elements of an offense. Subsequently, advise the commander of appropriate, recommended resolutions to the allegations.

4. Provide command EORs access to the approved templates for documenting all command and EOA actions.

5. Continuously maintain updated DASH case files.

6. Provide monthly updates to the General Court Martial Convening Authority (GCMCA) to include: training conducted by the EOA, total number of PAC reports received, and total number of PAC reports accepted/dismiss/referred.

7. Conduct compliance inspections, as requested and directed by reference (a).

8. Track compliance for DEOCS.

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9. Provide subject matter expertise, command support, and guidance to the commander and their chain of command for any PAC violation.

10. Obtain Complainant Resolution Statements (CRS) following commander disposition of a complaint (Appendix C of reference (a)). If unable to meet with the complainant due to geographical location, EOA will request assistance from the servicing EOR or the command to complete required documents.

11. Conduct complainant follow-up assessments within 30-45 days following final resolution of complaint. If unable to meet with the complainant due to geographical location, EOA will request assistance from the servicing EOR or the command to complete required documents.

c. Coordinating Instructions

(1) Training and Prevention. EORs, with support from EOAs, provide all required training and prevention instruction per reference (a).

(a) EOAs will conduct required EOR training for supported command EORs and provide professional military education to locally sponsored Lance Corporal Seminars, Corporals Courses, command workshops, and prevention and awareness training as requested.

(b) The EOR will only use the approved training the EOA provides.

(2) Required Notifications and Timelines. During the formal complaint process, it is the responsibility of the commander, using the templates provided in reference (a) (Appendices A through G), to ensure all personnel involved receive the required notifications.

(a) Within three duty days of acceptance or dismissal, notify the complainant(s) using Appendix D or G; if accepted, notify the subject(s) of complaint of the basis and matter identified in the complaint using Appendix D.

(b) Provide all documentation to the EOA for input into the DASH case file, per reference (a).

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(c) Upon determination to accept a formal complaint, submit a voice report and Operations Event/Incident report-3 Serious Incident Report to the Marine Corps operations Center (MCOC). There is no requirement to submit a report to the MCOC if the formal complaint is dismissed or referred.

(d) In cases alleging sexual harassment, the investigation and reviews by the EOA and SJA offices must be complete no later than (NLT) 14 calendar days from commencement of the investigation. The commander must reach a disposition NLT 20 calendar days from commencement of the investigation.

(e) If the investigation cannot be completed within the timeline, extensions must be requested in writing and approved by the first GCMCA in the chain of command, via EOA, with additional progress reports every 14 calendar days thereafter until completion.

(f) Upon completion of the investigation (and appeal, if any), a final report of the investigation must be submitted, including any actions taken, to the first GCMCA in the chain of command utilizing the format outlined in Appendix H.

(g) Within three duty days of convening authority (CA) determination, notify complainant(s) and subject(s) of complaints, in writing, using Appendices E and F.

(h) All cases will remain open in DASH until the unit requests administrative closure of the DASH report using template provided in Appendix I of reference (a).

(3) Requests of Reconsideration of Dismissal. IAW reference (a), upon dismissal of a PAC allegation, the complainant may request reconsideration of dismissal to the first GCMCA in the chain of command. If the complainant elects to request reconsideration of dismissal using the complainant endorsement section of Volume 3, Appendix G, the command will forward the package to the GCMCA via the SJA office with advisement from the supporting EOA.

(4) Appeals. IAW reference (c), either the complainant or the subject of the complaint may appeal the decision of a PAC investigation resulting from a formal complaint. There are two levels of appeal, neither of which is automatic. Each appeal must be affirmatively requested by either the complainant or the subject of the complaint. In addition to the request,

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supporting 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. The first appeal of a decision on a formal PAC complaint will be to the first commander with GCMCA in the chain of command, via the respective SJA office and in coordination with the EOA. An appeal must be requested, in writing, within five duty days of the commander's notice of decision on the formal complaint. If a further appeal is requested, the final resolution will rest with the Secretary of the Navy.

(5) PAC violations without a PAC complaint. For situations where a Marine is held accountable administratively and/or punitively for a PAC violation not resulting from a filed complaint, the commander will notify the EOA via endorsed memorandum, detailing the circumstances of the violation and means of resolution. The supporting EOA will provide a DASH case number to the command for administrative purposes. Once all administrative actions have been resolved, the commanders will request for DASH closure in accordance with reference (a).

(6) Reports of Investigations. IAW reference (c), the complainant or the subject of the complaint may request a copy of the Reports of Investigation (ROI) for the PAC investigation. All requests for such reports will be made to their respective MSC G-1, or submitted online IAW the Freedom of Information Act (FOIA): <https://www.uscis.gov/about-us/freedom-information-and-privacy-act-foia/how-file-foia-privacy-act-request/how-file-foiapa-request>.

(7) Visual Inspections. Per Volume 1, Appendix B of reference (a), commanders or their representative (E-7 or above) will perform an annual, comprehensive, visual inspection of all workspaces to ensure they are free from materials that create a degrading, hostile, or offensive environment. The results of the inspection shall be documented according to the requirements set forth in Volume 1, Appendix B.

5. Administration and Logistics. Distribution will be made via electronic copy to MSCs and II MEF Staff Principles.

6. Command and Signal

a. Command. This order is applicable to Active and Reserve Component Marines, Sailors, and other Service Members under the administrative control of II MEF and its subordinate commands.

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b. Signal. This order is effective upon the date signed and supersedes previous policies.



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