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MARINE CORPS ORDER 5354.1E

From: Commandant of the Marine Corps
To: Distribution List

Subj: MARINE CORPS PROHIBITED ACTIVITIES AND CONDUCT (PAC) PREVENTION AND RESPONSE POLICY

Ref: Additional Reference Lists provided at the beginning of each Volume

- (a) DoD Instruction 1020.03, "Harassment Prevention and Response in the Armed Forces," 8 February 2018
- (b) DoD Directive 1020.02E, "Diversity Management and Equal Opportunity in the DoD," 8 June 2015
- (c) DoD Directive 1350.2, "DoD Military Equal Opportunity (MEO) Program," 18 August 1995
- (d) SECNAVINST 5350.16A
- (e) SECNAVINST 5300.26D
- (f) 10 U.S.C. § 1034
- (g) DoD Directive 7050.06, "Military Whistleblower Protection," 17 April 2015
- (h) SECNAVINST 5370.7D
- (i) DoD Directive 5505.06, "Investigations of Allegations Against Senior DoD Officials," 6 June 2013
- (j) SECNAVINST 5800.12B
- (k) SECNAV M-5210.1 CH-1
- (l) 5 U.S.C § 552a
- (m) SECNAVINST 5211.5E
- (n) Manual for Courts-Martial (2016. Ed)
- (o) Uniform Code of Military Justice (UCMJ)
- (p) ALMAR 008/17
- (q) U.S. Navy Regulations, 1990

Encl: (1) Table of Contents

1. Situation. This Order prescribes strategic policy, procedures, and responsibilities for preventing and responding to prohibited conduct involving harassment (to include sexual harassment); unlawful discrimination, and abuse (specifically, hazing, bullying, ostracism, retaliation (with the exception of restriction and reprisal)); wrongful distribution or broadcasting of intimate images; and, certain dissident and protest activity (to include supremacist activity)). These behaviors will be referred to collectively as prohibited activities and conduct throughout this Order. This Order also implements the Department of Defense (DoD) and Department of the Navy (DON) policies on Military Equal Opportunity (MEO) and Harassment Prevention and Response program and activities (references (a) through (e)). Conduct involving reprisal or restriction and allegations against Senior Officials are governed by references (f) through (h), and references (i) and (j), respectively.

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2. Cancellation. MCO P5354.1D, MCO 5354.3B, MCO 1700.28B, and MCO 1000.9A; MARADMINs 113/13, 291/13, 464/13, and 438/15.

3. Mission. To preserve dignity and promote respect for all Marines and other Armed Forces personnel, uniformed and civilian, that are assigned to, or serving with, Marine Corps units by ensuring a clear and common understanding of the prohibited activities and conduct addressed in this Order, their intolerable and corrosive effects on our institution, and proper prevention and response actions.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent

(a) To foster a professional fighting force, and in keeping with our core values, treat and view everyone with dignity and respect.

(b) To become a more cohesive and effective fighting force, by investing in and leveraging Marines' collective and individual skills, strengths, knowledge, abilities, education, aptitudes, and professional development.

(c) To optimize our capabilities across the force and foster the profession of arms, by establishing a culture that values the unique contributions of every Marine, both uniformed and civilian, in our Corps.

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

(a) Volume 1 prescribes basic guidance and responsibilities for the prevention and response of prohibited activities and conduct.

(b) Volume 2 identifies specific activities and conduct that are prohibited in the Marine Corps to ensure a clear and common understanding.

(c) Volume 3 provides basic guidance and responsibilities for the oversight and reporting procedures in support of this policy.

(d) To ensure uniform understanding of the terms that have special significance and meaning to Marine Corps policies and procedures regarding the prohibited activities and conduct addressed in this Order, definitions are provided at the Glossary.

(3) Concept of Operations. The Marine Corps continues to take deliberate actions necessary to eradicate prohibited activities and conduct from our ranks. The prohibited activities and conduct defined in this Order are fundamentally inconsistent with our core values and ethos. Addressing the problem starts with ensuring that the Marine Corps will not tolerate harassment (to include sexual harassment), unlawful discrimination, or abuse (specifically, hazing; bullying; ostracism; retaliation); wrongful distribution or broadcasting of intimate images; and, certain dissident and protest activity (to include supremacist activity)). We will:

(a) Ensure Marines and Sailors at all levels foster a climate of dignity, respect, and trust for all.

(b) Promote the chain of command as the primary and preferred channel to ensure the organizational environment is free of prohibited activities and conduct. Ensure individuals are aware of all available reporting avenues to include but not limited to; the chain of command, Equal Opportunity Advisor/Military Equal Opportunity (EOA/MEO) Office, Inspector General of the Marine Corps (IGMC), or Department of Defense Inspector General (DODIG).

(c) Document substantiated incident(s) of prohibited activities and conduct under this Order in the subject member's Official Military Personnel File (OMPF).

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

(e) Ensure individuals who, in good faith, engage in protected communication are protected from reprisal or retaliation, while ensuring individuals who believe they have been the victim of reprisal or retaliation are aware that they can make a complaint of such reprisal or retaliation to the IGMC or the DODIG.

(f) Evaluate the perceptions and prevalence of these prohibited activities and conduct within the Marine Corps through various techniques to include, but not limited to, conducting specific qualitative and quantitative analysis of complaints and survey data collected via authorized command climate surveys (e.g., Defense Equal Opportunity Management Institute (DEOMI) Organizational Climate Survey and Marine Corps Climate Survey, among others).

(g) Ensure all Marine Corps personnel receive recurring standardized training that provides clear, easy-to-understand descriptions of prohibited activities and conduct covered by this Order. Training will be specific to rank, position, and responsibility.

(h) Reporting Prohibited Activities and Conduct. Prohibited activities and conduct erode the trust and cohesion essential to our team down to the smallest unit and is incompatible with our core values. All civilian and military personnel have a duty to report any actual, suspected, or alleged incident of prohibited activities and conduct, to the extent required by law. Reports may be made to any person in the chain of command; to any Inspector General (IG); any EOA/MEO Office; and to any law enforcement officer. Any person in the chain of command who receives a report of prohibited activities and conduct shall immediately forward that report to the commanding officer or, if the commanding officer is suspected or alleged

to have engaged in the conduct at issue, to any superior officer in the chain of command or the IG.

b. Subordinate Element Missions

(1) Deputy Commandant for Manpower and Reserve Affairs (DC M&RA)

(a) Administer and maintain this Order consistent with DoD policy.

1. Update individual volumes as required.

2. Each volume and chapter of this Order will be issued and updated independent of other volumes and chapters. Additional volumes may be added in support of this Order.

(b) Monitor compliance with this directive and grant exceptions if required.

(c) Maintain overall cognizance for execution of the policies identified within this Order.

(2) Commanding General, Marine Corps Combat Development Command (CG MCCDC)

(a) In coordination with M&RA, Equal Opportunity and Diversity Management Branch (MPE), ensure training on this Order occurs across the Force.

(b) Ensure timely review and coordination of changes proposed to this Order.

(3) Inspector General of the Marine Corps (IGMC)

(a) Pursuant to reference (e), the IGMC has overall responsibility for ensuring only qualified investigators with specialized training conduct reprisal and restriction investigations. It is the IGMC's responsibility to ensure full implementation of, and compliance with, references (f), (g), and (h). All complaints alleging reprisal or restriction will be governed by references (f), (g), and (h), and not this Order. Additionally, per reference (i) and (j), all allegations against a Senior Official (defined as O-7 (select) and above, current or former members of the Senior Executive Service (SES)/equivalent, current or former civilian Presidential appointee) will be forwarded to the IGMC for appropriate action.

(b) Support MEO program compliance and ensure MEO program compliance is a special-interest item during regular and no-notice inspections (reference (c)). Ensure only an MPE-identified subject matter expert (SME) is used for conducting IGMC inspections. If unable to provide support, MPE is responsible for identifying a SME to conduct inspections.

(c) Utilize the Functional Area Checklist prepared and maintained by MPE as the standard for ensuring compliance with this Order.

(d) Ensure timely review and coordination of changes proposed to this Order.

(4) General Officers in Command. Demonstrated commitment from leadership is an essential element for the success of the Marine Corps MEO program. General Officers in command are responsible for the appropriate oversight of their MEO programs. General Officers in command shall ensure compliance with the policy and procedures prescribed in this Order.

(5) All Commanding Officers. All commanding officers must cultivate a climate and culture of dignity, respect, and trust. Equal opportunity and command climate are leadership and readiness issues. All commanders shall ensure compliance with this Order.

(6) Supervisors and Leaders. Supervisors and leaders will cultivate a climate and culture of dignity, respect, and trust. They will establish the benchmark of appropriate behavior by modeling and incorporating such behaviors into their daily practices.

(a) All supervisors and leaders will engage in clear communication of expectations and provide transparency within the bounds of privacy to assure all subordinates that the Marine Corps values and standards will be upheld.

(b) In addition, supervisors and leaders will encourage reporting of alleged prohibited activities and conduct under this Order and inspire confidence by responding to complaints alleging prohibited activities and conduct with impartiality, fairness, and urgency.

c. Coordinating Instructions. Refer questions regarding the content of this Order and any requests for waivers or exceptions to policy to the Deputy Commandant for Manpower and Reserve Affairs: Attention Equal Opportunity and Diversity Management Branch (MPE).

5. Administration and Logistics

a. Records Management. Records created as a result of this Order shall be managed according to National Archives and Records Administration (NARA) approved dispositions per references (k) to ensure proper maintenance, use, accessibility, and preservation, regardless of format or medium.

b. Privacy Act. Any misuse or unauthorized disclosure of personally identifiable information (PII) may result in both civil and criminal penalties. The Department of the Navy (DON) recognizes that the privacy of an individual is a personal and fundamental right that shall be respected and protected. The DON's need to collect, use, maintain, or disseminate PII about individuals for purposes of discharging its statutory responsibilities will be balanced against the individuals' right to be protected against unwarranted invasion of privacy. All collection, use, maintenance, or dissemination of PII will be in accordance with the Privacy Act of 1974, as amended (reference (l) and implemented per reference (m)).

6. Command and Signal

a. Command

(1) This Order's prohibition of the activities and conduct identified at Volume 2 is punitive and those who violate this Order may be subject to nonjudicial or judicial action under the Manual for Courts-Martial (MCM) (reference (n)) and the Uniform Code of Military Justice (UCMJ) (reference

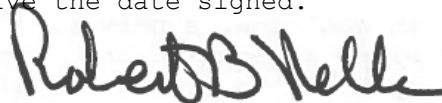
(o)). Violations of these provisions may also subject the individual to adverse administrative action. Reservists not in a duty status, who violate this Order, may be subject to appropriate administrative action.

(2) The prohibitions under this Order extend to acts committed through electronic communications and social media, as well as in person and through other means (references (p) and (q)).

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

(4) This Order is applicable to the Active and Reserve Components, and to other Service members under the administrative control of the Marine Corps.

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



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