



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 5354.2B
CIG
OCT 05 2010

COMBAT CENTER ORDER 5354.2B

From: Commanding General
To: Distribution List

Subj: COMMAND MILITARY EQUAL OPPORTUNITY PROGRAM (EOP)

Ref: (a) MCO 1700.23F
(b) MCO P5354.1D
(c) DoD Directive 1350.2 of 7 May 1997
(d) MCO 5354.3B
(e) CCO 12713.2D
(f) MCO 3504.2
(g) CCO 5354.1B
(h) SECNAVINST 5300.26D
(i) MCO 1000.9A

Encl: (1) Discrimination and Sexual Harassment Complaint Checklist and Timelines
(2) Annual Equal Opportunity Data Summary Report
(3) DoD Definition of Sexual Harassment

1. Situation. The command's military EOP refers to military personnel and how each member is expected to interact with others, to include civilians. The EOP, through use of the chain of command, is the primary and preferred channel for military members to communicate EO matters and for correcting discriminatory practices.

2. Cancellation. CCO 5354.2A.

3. Mission. Provide for establishment and guidance of the EOP for all units aboard Marine Corps Air Ground Combat Center (MCAGCC) in accordance with the references.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent

(a) Commanders are responsible for the military EOP. The appropriate chain of command will be continuously emphasized as the primary channel for correcting discriminatory practices and for communicating equal opportunity and human relations matters.

(b) Commanders will provide equal opportunity for all military members aboard MCAGCC without regard to race, color, religion, gender, age, or national origin, consistent with the laws and regulations, and the requirements for physical and mental abilities.

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(2) Concept of Operations

(a) The EOP impacts every individual, command program, procedure, and action. Rather than functioning as a separate program, and in keeping with the Marine Corps leadership philosophy, the EOP will function through existing programs, such as request mast as outlined in reference (a), within the command. The responsibility for accomplishing equal opportunity goals is not specific to any special staff officer. All Marines, Sailors, and civilian personnel are expected to harmoniously interact with other individuals regardless of race, gender, age, religion, color, or national origin. To ensure uniformity of understanding, terms used in the Marine Corps EOP are defined in Appendix F of reference (b).

(b) Discriminatory practices and inequities within the Marine Corps, whether expressed individually or institutionally, are counterproductive and unacceptable. The elimination of all vestiges of discrimination, to include sexual harassment, and the integration of fair treatment into every aspect of Marine Corps life are decisive goals of the EOP. Specific EOP objectives are:

1. Understand the effects of past discriminatory practices in order to formulate specific equal opportunity objectives and to initiate affirmative actions to eliminate existing deficiencies.

2. Identify, eliminate, correct, or prevent adverse or illegal institutional and individual discriminatory practices.

3. Promote harmonious relationships among Marines through the elimination of prejudice and harassment.

4. Ensure the opportunity and encouragement of personal and professional advancement of individual Marines without regard to age, race, color, religion, gender, or national origin.

(c) Processing Complaints. There are two methods for resolving EO complaints: informal and formal. The method used rests with the recipients of inappropriate, or perceived inappropriate, discriminatory behavior, not with command personnel. Command personnel may make recommendations to the recipient but in no way will they order a recipient to use a specific method to resolve complaints. Reference (b) establishes the process by which any person may report suspected cases of discrimination, including sexual harassment, to supervisors in the chain of command.

1. Informal Resolution System (IRS). Depending upon the severity of the behavior, the commanding officer (CO) may recommend the individuals involved attempt to use the IRS to resolve their conflict. The IRS may be used if the complainant agrees to it. This is the complainant's decision, not the commander's. When using the IRS, no formal action is required by the command. If, after adequate inquiry or investigation, the CO determines the behavior or conduct is clearly not criminal in nature, and the complaint has been resolved under the IRS, the CO may forego taking further formal action. It is crucial for the CO to monitor the individuals involved to ensure the conflict has been permanently resolved under the IRS. The commanding officer will continue to provide support and resource materials as appropriate such as granting a request to provide training through the training information resources (TIR) library. The CO will document the case in local records in order to respond to subsequent inquiries, should they occur. If the recipient of the offensive behavior is not satisfied, the CO should take the appropriate steps to resolve the conflict.

2. Formal Complaint to Command. Any individual may report suspected cases or allegations of discrimination on the basis of race, color, religion, gender, age, national origin, or any other form of discrimination, to include sexual harassment to supervisors in the chain of command. An EO complaint may be made orally, in writing, or both, and may be received as a request mast, charge sheet, congressional inquiry, Department of Navy or Inspector General Marine Corps (IGMC) Hotline, Article 138 of Uniform Code of Military Justice (UCMJ) or Article 1150 of the Navy Regulations, of initiation of administrative or criminal investigation. When a complaint is received a thorough inquiry or investigation into the complaint will be conducted. Regardless of who initially receives the complaint, it must be forwarded immediately to the proper authority, normally the immediate CO of the offending person. Enclosure (1) provides a checklist and mandatory timelines for processing a complaint.

3. Initiating a complaint is not the same as preferring charges. In preparation for courts-martial or non-judicial punishment (NJP), preferring charges is the separate function of signing and swearing to charges.

(d) Training Philosophy

1. One of the primary means for implementing the command EO objectives is through leadership training. Reference (c) mandates that all military personnel receive training in EO, human relations, and prevention of sexual harassment. Approaches to training will address both the subtle and the most blatant forms of discrimination and sexual harassment. During training sessions, individuals must be informed of what is considered inappropriate behavior so that they can effect personal change and function in a professional manner in an environment free from all forms of inappropriate or discriminatory behavior.

2. All Marine Corps personnel will receive at a minimum one hour annually of training that details the Marine Corps EO policy; the effects of discrimination and sexual harassment on the individual Marine, the unit, and how discrimination undermines morale and mission accomplishment; and the proper use of the IRS.

b. Subordinate Element Missions

(1) Command Inspector Program. Is designated as having staff cognizance over the command military EOP and shall:

(a) Assist commanders in the investigation of complaints against the chain of command or a CO.

(b) Ensure the Equal Opportunity Advisor (EOA) is available to assist COs of resident units.

(c) Ensure the Discrimination and Sexual Harassment (DASH) reports are submitted to Commandant of the Marine Corps (CMC) (MPE) via the Marine Corps Central Registry System and DASH database.

(d) Ensure the TIR library is maintained.

(e) Ensure that equal opportunity and sexual harassment are included in the Commanding General's Inspection Program (CGIP).

(f) Conduct a CGIP inspection of the equal opportunity programs, bi-annually, for Headquarters Battalion (HqBn) and Marine Corps Communication Electronics School.

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(g) Submit the annual equal opportunity data summary report to CMC (MPE) by 15 November, using the report format found in Appendix C of reference (b).

(h) Assist staff officers and commanding officers in developing reports from racial and ethnic statistical data by identifying negative or positive trends utilizing the categories in reference (b).

(i) Coordinate the congressional interest (CONGRINTS) command response with the Marine Air Ground Task Force Training Command (MAGTFTC) adjutant when it is determined the CONGRINT may raise a potential EO complaint. Ensure the command has adequately addressed the EO concerns.

(2) Equal Opportunity Advisor. The EOA is assigned to the command inspector division and will perform his or her duties as directed by the Commanding General (CG), under the staff cognizance of the command inspector division per reference (d). The EOA will:

(a) Advise and assist the CO, HqBn and resident units as required.

(b) Submit DASH reports to CMC (MPE) via the Marine Corps Central Registry System and DASH database.

(c) Manage and maintain the TIR library.

(3) Human Resources Officer (HRO). Is designated as having staff cognizance over the commands' civilian (Appropriated fund) equal employment opportunity (EEO) program and shall assist staff officers and commanding officers in EEO matters involving federally employed civilians throughout the command. Reference (e) applies.

(4) Director, Marine Corps Community Services (MCCS). Is designated as having staff cognizance over the commands' civilian (Non-appropriated fund (NAF) EEO program and shall:

(a) Assist staff officers and COs in EEO matters involving NAF civilian employees.

(b) Ensure MCCS programs, services, and facilities are responsive to the ethnic and cultural needs of all members of the combat center.

(5) Commissary Officer. Ensure that actions are taken to provide services that are responsive to the ethnic and cultural needs of all members of the combat center.

(6) Assistant Chief of Staff (AC/S) Religious Ministries (RM). Ensure that actions are taken per Department of Defense (DoD) Directive 1300.17 that shall provide for religious services and observances that are equally responsive to all members of the combat center.

(7) AC/S G-4, Installations and Logistics. Ensure that the housing referral program complies with chapter 3 of reference (b).

(8) AC/S G-5, Community Plans Liaison. Ensure that the combat center's public affairs effort is conducted per chapter 3 of reference (b).

(9) Staff Judge Advocate (SJA). Ensure that the combat center's military justice and administrative separation functions are conducted per chapter 3 of reference (b).

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(a) Assist commanders by providing a legal sufficiency review of formal investigations into EO complaints.

(b) Ensure courts-martial, charge sheets, and other legal correspondence are adequately screened for issues that may raise potential EO complaints and that the responsible command has adequate time to address EO concerns.

(10) Commanding Officer, HqBn

(a) Designate, in writing, a unit equal opportunity representative (EOR). Assignment as the unit's EOR should be for a minimum of one year. Provide a copy of the appointment letter to the EOA.

(b) Ensure all the requirements of the Marine Corps EOP are being met by current programs and directives within your organization in accordance with chapter 3 and Appendix H of reference (b).

(c) Submit a DASH report, Appendix D of reference (b), to the CG (EOA) for any formal complaint or allegation of discrimination involving a HqBn Marine on the basis of race, national origin, color, gender, religion, age, sexual harassment, or other types of discrimination received as a result of request mast, charge sheet, congressional inquiry, DoD or IGMC Hotline call, Article 138 of the UCMJ, Article 1150 of the U.S. Navy Regulations, or initiation of administrative or criminal investigation. DASH report information collected shall be transmitted to CMC (MPE) by the EOA for statistical data tracking using the Central Registry System and DASH database. DASH reports shall be prepared and submitted by the battalion commander for request masts handled at the company level.

(d) Ensure complaints are handled expeditiously per the procedures and timelines directed by chapter 4 of reference (b). Request mast procedures should be encouraged, to document formal complaints, regardless of how the command initially received the complaint. A completed EO case file should include a copy of complaint (i.e., Request mast or CONGRINTS), documentation of investigation or inquiry, action taken, records of feedback, and the DASH report.

(e) Ensure adequate feedback and follow-up is provided to the individual(s) filing the complaint while maintaining, at all levels within your command, confidentiality and sensitivity to the individual(s) involved. Documentation of the degree of satisfaction should be afforded to the complainant and annotated on the request mast form.

(f) Ensure that complaints of discrimination, including sexual harassment can be made in a command climate that does not tolerate acts of reprisal, intimidation, or further acts of harassment.

(g) Ensure that all formal complaint investigations are reviewed for legal sufficiency by the MCAGCC SJA. A suggested review checklist is provided in Appendix I of reference (b).

(h) Ensure a thorough review of all formal investigations prior to SJA review. Commanders are highly encouraged to utilize the MCAGCC EOA during this process of review.

(i) Submit the annual equal opportunity data summary report to the EOA using the format provided in enclosure (2).

(j) Submit a serious incident report (OPREP-3 SIR), upon occurrence, involving any MCAGCC unit member, to CMC (POC), with an info-copy to CMC//MPE// and CG MAGTF/TC//MPR// per references (b) and (f).

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(k) Develop and implement annual equal opportunity training and prevention of sexual harassment periods of instruction. Small unit leadership training shall emphasize the importance of individual dignity and worth, stressing that the affirmative application of Marine Corps Equal Opportunity and Core Value principles is an inherent function of Marine Corps leadership principles. Annually, blocks of instructions will be prepared for the following subjects and should be discussed in small groups:

1. Team Marine. All hands.
2. Prevention of sexual harassment. All hands.
3. Informal resolution system. All hands.

Note: MAGTFTC Directorates are required to comply with the leadership-training mission of HqBn by conducting and reporting to the CO, HqBn, all small unit leadership training to include equal opportunity and prevention of sexual harassment training held within their directorate. When including civilians in your EO training, submit a record of attendance to the appropriate NRO office.

(l) Develop and use quality assurance procedures that validate the effectiveness of the unit's EOP and measure the perceptions and attitudes of your command's members in regard to equal opportunity and sexual harassment. Per reference (b), commanders may request the Defense Equal Opportunity Management Institute (DEOMI) Military Equal Opportunity Climate Survey administered by the DEOMI.

(m) Actively promote, within the unit, all special emphasis observances as recognized and highlighted by the Marine Corps EOP. Assist with the goals of the MCAGCC cultural awareness council in accordance with reference (g).

(11) Commanding Officer (COs), Resident Commands. COs shall comply with applicable Navy and Marine Corps orders and route required EO reports to their respective major command EOA. The MCAGCC EO advisor is available to assist and advise COs on EO matters. COs will:

- (a) Designate, in writing, a unit EOR (CMEO for Navy), and provide a copy of the appointment letter to the MCAGCC EO Advisor.
- (b) Utilize as necessary the MCAGCC EOA when submitting DASH reports [see reference (b)].
- (c) Ensure complaints are handled expeditiously, per chapter 4 of reference (b), and with confidentiality and sensitivity to the individual(s) involved at all levels within your command.
- (d) Forward a copy of the DASH report to MCAGCC EO Advisor if a party to the EEO complaint belongs to MAGTFTC, MCAGCC.

(12) Equal Opportunity Representative. The EOR shall manage his or her unit's EOP operating procedures per the references, and will:

- (a) Function as a source of information for both the complainant and the commander.
- (b) Receive all complaints within the command, prior to the CO commencing an investigation.

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(c) Initiate, track, maintain, and ensure all unit DASH reports are in compliance with the timeline reporting requirements found in reference (b).

(d) Serve as the primary command representative on existing EO/EEO councils and committees and those that shall be considered necessary by the CG, MAGTFCTC, MCAGCC.

c. Coordinating Instructions

(1) Sexual Harassment. The DoD definition and additional information regarding sexual harassment is provided in enclosure (3). Further definitions and terms with regard to sexual harassment can be found in references (b), (h), and (i).

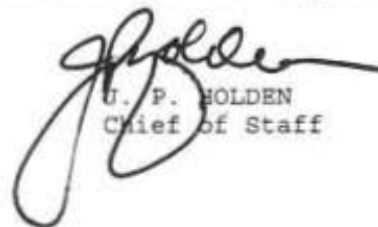
(2) Training Information Resources Library. The purpose of this library is to provide resources for commands or individuals to use in strengthening the cohesion and trust within units. The TIR library includes videos, books, lesson plans, posters, and other materials. The TIR library is located in the EOA office.

4. Administration and Logistics. Distribution statement A directives issued by the CG are distributed via e-mail upon request and can be viewed at <http://www.29palms.usmc.mil/dirs/manpower/adj/ccotoc.asp>.

5. Commands and Signal

a. Command. This Order is applicable to active-duty, reserve, civilian personnel, and residents aboard MCAGCC.

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



U. P. HOLDEN
Chief of Staff

Discrimination and Sexual Harassment Complaint Checklist and Timelines

Modes of Formal Complaint:

Request Mast

Article 138, Wrongs Committed by Commanding Officer

Article 1150, Redress of Wrongs Committed by a Superior

Communication with Inspectors General

Individual Communications with Congress

NOTES:

__ Within 72 hours (3 working days), appoint an investigating officer and commence investigation of the complaint being lodged. (MCO P5354.1D, 5006.2)

__ Within 72 hours (3 working days), of the start of the investigation, forward a written report containing a detailed description of the allegations to the officer who has general court martial convening authority. (MCO P5354.1D, 5006.3)

__ Notify the complainant of the start of the investigation. (MCO P5354.1D 5006.4)

__ Every 14 days, throughout the investigation, provide updates and feedback to the complainant. (MCO P5354.1D, 5006.9)

__ For investigations and required reviews lasting beyond 14 days, submit a written request for extension from the commander to the officer who has general court martial convening authority. The request for extension must include a report on the progress of the investigation and a purpose for the extension. (MCO P5354.1D, 5006.6)

__ Updates to CMC (MPE) are required upon: receiving an extension, determining disposition or resolution, concluding of NJP, court-martial or other administrative action not previously reported. (MCO P5354.1D, 5007.4b.3)

__ If an extension has been granted, the narrative section of the DASH report must include the reason(s) for the extension, length of the extension and the name of the commanding general authorizing the extension. (MCO P5354.1D, 5007.4b.4)

__ Upon completion of the investigation, the investigating officer submits the investigation to the SJA to conduct a legal sufficiency review prior to forwarding to the commander. (MCO P5354.1D, 5006.5)

__ The commander provides the investigation to the EOA enabling the EOA to advise the commander on the EO sufficiency of the investigation. (MCO P5354.1D, 5006.5)

__ Within 6 days of the completion of the investigation, submit a final written report including the results of the investigation, any action taken and a complainant statement of satisfaction/dissatisfaction with the case resolution to the officer who has general court martial convening authority. (MCO P5354.1D, 5006.7)

___ Within 20 days of the commencement of the investigation, submit a DASH report to CMC (MPE) that includes: (MCO P5354.1D 5007.4.b)

- ___ Investigating Officer's name
- ___ Date assigned
- ___ Commander's determination of validity (i.e. substantiated or unsubstantiated)
- ___ Complainant resolution statement that indicates their satisfaction or dissatisfaction with the resolution
- ___ Administrative action taken, if any.

___ If the case is referred to NJP, court martial or administrative separation procedures, submit an updated DASH report including the investigating officer's name and date assigned to CMC (MPE) within 20 days of such action being completed. (MCO P5354.1D, 5006.10)

___ Provide verbal or written advice to the complainant to report any reprisal taken against him/her for filing the EO complaint. (MCO P5354.1D, 2000.2)

___ Within 30 to 45 days following the completed investigation, ensure follow-ups are conducted with personnel involved in investigations to ensure consistent enforcement, timeline compliance, and that reprisal or retaliation has not occurred. (MCO P5354.1D, 3002.2d)

___ All EO complaints shall be maintained in a secure location that restricts and limits access. Commands shall maintain copies of completed cases for a minimum of 2 years with restricted access. (MCO P5354.1Dc, 5001.2)

USMC Equal Opportunity Program (MCO P5354.1D)

Sample Annual Equal Opportunity Data Summary Report



UNITED STATES MARINE CORPS
Required Letter Head
Address...

IN REPLY REFER TO:
5300
Date

From: Commanding Officer, (Applicable Unit)
To: Commanding General, (I MEF, 1stMARDIV, 3d MAW)

Subj: ANNUAL EQUAL OPPORTUNITY DATA SUMMARY REPORT

1. Assignments. Marines filling command (CO/XO) billets (Regimental/Group level down to Company level). This report covers the period 1 October 2009 through 30 September 2010.

	CO		XO	
	Male	Female	Male	Female
American Indian / Alaskan Native	0	0	0	0
Asian	0	0	0	0
Native Hawaiian / Other Pacific Islander	0	0	0	0
Black / African American	0	0	0	0
Hispanic / Latino	0	0	0	0
White	0	0	0	0

2. The point of contact at this command is Equal Opportunity Representative at DSN 230-9999 or BeltbuckleS@usmc.mil.

CO SIGNATURE

DoD Definition Of Sexual Harassment

1. Sexual harassment is a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

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

b. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or,

c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment. Workplace conduct, to be actionable as "abusive work environment" harassment, need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or abusive. Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature in the workplace is also engaging in sexual harassment.

2. Workplace. An expansive term for military members which may include conduct on or off duty, 24 hours a day. Examples of the workplace include, but are not limited to: an office; an entire office building; a DoD base or installation; DoD ships; aircraft or vehicles; and anywhere when engaged in official military business or command sponsored social, recreational, or sporting events.

3. Work environment. The workplace and the conditions or atmosphere under which people are required to work.

a. Sexual harassment is not only illegal; it violates the fundamental concepts of human dignity. Sexual harassment, as a form of discrimination, is behavior (actions, speech, and general demeanor) that will not be tolerated. Each Marine, Sailor, and civilian employee aboard Marine Corps Air Ground Combat Center is capable of controlling their actions and will be held accountable.

4. Per references (h) and (i), officers and enlisted personnel of the Marine Corps shall be processed for administrative separation following the first substantiated incident of sexual harassment involving any of the following circumstances:

a. Threats or attempts to influence another's career or job in exchange for sexual favors;

b. Rewards in exchange for sexual favors; or

c. Physical contact of a sexual nature which, if charged as a violation of the Uniform Code of Military Justice, could result in a punitive discharge.

d. An incident is substantiated when an inquiry or investigation results in an administrative or legal disciplinary action or the commanding officer determines, based upon a preponderance of evidence, that sexual harassment has occurred. An incident is unsubstantiated when the results of an inquiry or investigation do not support the allegation.