



UNITED STATES MARINE CORPS
MARINE CORPS AIR STATION
POSTAL SERVICE CENTER BOX 8003
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CO

31 JAN 2019

From: Commanding Officer, Marine Corps Air Station, Cherry Point
To: Distribution List

Subj: MARINE CORPS AIR STATION CHERRY POINT PROHIBITED ACTIVITIES AND
CONDUCT PREVENTION AND RESPONSE POLICY AND PROCEDURES

Ref: (a) MCO 5354.1E W/ Admin Change

Encl: (1) Memo for Visual Inspections
(2) Resource List
(3) Equal Opportunity Representative Selection Criteria Checklist
(4) Complaint Flow Chart

1. Situation. The Equal Opportunity (EO) Program and Equal Opportunity Representative (EOR) are vital parts at ensuring a welcoming and prosperous command climate. Marines and Sailors are the central focus to ensuring the command's Military Equal Opportunity (MEO) objectives are successful. Upon designation, EOR(s) will:

- a. Be a SNCO or Officer appointed in writing by the Commanding Officer.
- b. Assist the Commanding Officer in establishing local prohibited activity and conduct complaint response procedures.
- c. Be added to the check in sheet to account for EO indoctrination training for all new joins.
- d. Complete a local Equal Opportunity Representative Course.

2. Mission. EOR(s) assist their unit in establishing complaint procedures, reviewing complaints, conduct climate survey assessments, and conducting equal opportunity training along with visual inspections of government work spaces. EOR(s) may assist the Commanding Officer in the maintenance and submission of required reports, in addition to conducting a review of command policy and action using the functional area checklist. EOR(s) may also be designated to conduct periodic reviews of the command's complaint process. EOR(s) do not function as advocates for complainants and will not conduct inquiries or investigations. EOR(s) serve as the command liaison with the servicing Equal Opportunity Advisor (EOA) and a source of information for the commander and the complainants.

3. Execution. EOA(s) have received specialized training that qualifies them to serve as subject matter experts (SME) on all MEO matters. They are designated as the Marine Corps' central point of contact for all MEO guidance. The EOA will conduct required MEO intake interviews with complainants to clarify concerns, frame complaint(s), coordinate investigations, and make referrals to the appropriate service-specific support agencies, including victim assistance programs. The EOR(s) are not authorized to provide MEO advice or process discrimination or harassment complaints. Commanders will refer all Marines and Sailors seeking

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advice/guidance or those seeking to file a complaint of discrimination or harassment (includes sexual harassment) based on race, color, national origin, religion, sex (including gender identity), or sexual orientation to the servicing EOA prior to the initiation of any inquiry or investigation. It is critical that Marines and Sailors have a clear understanding of the process and their responsibilities when filing a MEO complaint. Enclosure 4 provides a visual representation of the procedures in place for processing EO complaints. The EOA is the primary source to provide advice and guidance to Marines and Sailors seeking assistance. The Chain of Command is the primary and preferred channel to identify, process, and resolve complaints.

a. Types of Reports. There are two methods to achieve resolution of a complaint; informal and formal. The complainant's request may determine the appropriate method to address complaints, however, commander's discretion may supersede that request depending on circumstances involved.

(1) Informal Resolution (IR). This method enables the parties of any alleged unprofessional conduct to resolve interpersonal conflicts at the lowest appropriate level. The informal method is comprised of the roles of those involved (Recipient, Offending Person, and a third party), and resolutions (Direct, Informal Third Party, and Training Information Resources). It emphasizes each person's responsibility to be a role model of appropriate conduct and to confront any prohibited activities and conduct when it is observed or brought to their attention. When inappropriate conduct occurs due to differing views, different personalities, lack of understanding, miscommunication, or stereotypes, the IR is one of the most effective methods to resolve the conflict. The IR may be used if the complainant requests it, but is not a requirement if the complainant prefers to file a formal complaint instead. When using the IR, commands must still execute reporting actions, as required by the reference. Personnel should always consider using the informal method whenever possible, as this is the most expeditious means to attempt resolution and restore the trust necessary for unit cohesion.

(2) Formal Resolution. This method is used to seek a formal resolution to a complaint of prohibited activities and conduct. Formal allegations can only be resolved by the commander. Anyone within the chain of command who receives a complaint will forward the complaint immediately to the commander. EOA(s) will determine if a complaint meets prima facie elements of an offense as stipulated in the reference. All formal complaints will be reported to the CMC, via the Discrimination and Sexual Harassment (DASH). The IR may not be utilized after the initial formal complaint is received and accepted for processing by the commander. Installation EOA(s) will assist commanders in submitting DASH reports and ensuring administrative closure of DASH case files.

b. Timelines for complaint process. All EO complaints will be processed in accordance with the reference. Commanders shall determine whether a complaint will be accepted, dismissed, or referred for resolution. Commanders must make every effort to investigate and resolve accepted formal complaints within 30 calendar days after the date on which the investigation commences. Every effort should be made, to the extent practicable, to investigate and resolve accepted sexual harassment complaints within 14 days after the date on which the investigation commences. If it is determined that the issues identified do not fall under the purview of MEO, the EOA will refer the complainant to the appropriate agency. When required, the EOA will coordinate all investigation requirements to ensure required timelines are met in accordance with the reference.

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(1) Per the reference, Marines and Sailors are encouraged to, and should, file complaints within 60 calendar days after the incident or within 60 calendar days of the most recent incident. Commanders may accept complaints beyond this timeframe if, in their judgment, circumstances warrant.

(2) Within three duty days of receipt of a formal complaint alleging incident(s) of prohibited activities and conduct the Commanding Officer must make a determination as to accept, dismiss, or refer the complaint to an appropriate agency. If the formal complaint is against a commander, the complaint must be referred to the Commanding Officer, MCAS Cherry Point for resolution. If the formal complaint is against Flag/General Officers or Senior Executive Service personnel, the complaint will be forwarded to the Inspector General for Marine Corps Matters/Inspector General of the Marine Corps (IGMC) for resolution. The EOA will also submit the initial DASH and will inform the complainant of the start of the investigation.

(3) Per the reference, commands must execute reporting actions upon acceptance of a complaint. Upon acceptance of an allegation of prohibited activities and conduct, immediately contact the Marine Corps Operations Center (MCOC) by phone and provide available information within 30 minutes of notification. Within six (6) hours of notification submit an OPREP-3 SIR to the MCOC with as much information as available.

(4) Dismissals of complaints may be requested to be reconsidered to the GCMCA. Upon receipt of a dismissal, complainants have five (5) duty days to request reconsideration of their complaint. Reconsideration must be made known to the commander and EOR prior to forwarding to the EOA for proper processing to the General Court Martial Convening Authority (GCMCA). Per the reference, if reconsideration is approved and accepted by the GCMCA the matter will not be returned to original commander.

(5) Upon completion of the investigation, the Investigating Officer (IO) will submit the investigation for an EOA compliance review prior to the legal sufficiency review. Upon completion of the EOA compliance review, the (IO) will submit the investigation for a legal sufficiency review. The investigating Convening Authority (CA) will ensure both sufficiency reviews are conducted prior to endorsing an investigation.

(6) If the investigation cannot be completed within 30 days, a report on the progress made in completing the investigation will be submitted to the (GCMCA) after the date on which the investigation is commenced and every 14 days thereafter until the investigation is completed.

(7) The commander must decide whether to substantiate or not substantiate all accepted complaints alleging prohibited activity and conduct in the CA's final written report. The CA will submit the final report to the GCMCA for review. The CA will retain a copy of the final report with completed appendices A - F, H, and I of volume 3 of the reference and ensure the complaint resolution is documented in the DASH system. The report will include any actions taken or dispositions as part of the resolution. The complainant resolution statement will be taken by the EOA or EOR after notification of resolution.

(8) Upon completion of all administrative adjudication commanders will appropriately document all substantiated incidents of prohibited activities and conduct, per ref (a), in the member's Official Military

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Personnel File (OMPF). Substantiated incidents shall be documented on the member's NAVMC 118(11) via a 6105 or PG11 counseling.

(9) Throughout the investigation process, and at a minimum of every 14 days, contact will be made with the complainant to provide updates and feedback. Commanders will continuously monitor for any potential reprisal/retaliation against a complainant.

c. Rights to Appeal. Either the complainant or the subject of the complaint may appeal the decision on a formal complaint. There are two levels of appeal, neither automatic. Each appeal must be affirmatively requested by either the complainant or the subject of the complaint. The first level appeal of a decision on a complaint will be to the first GCMCA over the commander who issued the final decision (substation or non-substantiation). This appeal should be requested within five duty days of the notice of the decision on the formal complaint. The final appellate authority on a complaint is the Secretary of the Navy (SECNAV) or designee. The request for final appeal to the SECNAV, or designee, must be forwarded via the appellant's Commanding Officer and the GCMCA who conducted the initial appeal. This final appeal should be requested within 30 calendar days of receipt of the GCMCA's decision on the initial appeal. Appeals will be initiated through the EOA in order to ensure proper acceptance for processing and review by the GCMCA.

d. Command Training Requirements. The Commanding Officer will determine how best to accomplish EO training and must ensure it meets the requirements of the reference. Prohibited activities and conduct prevention and response training must be conducted by the EOR or the EOA. The training should be implanted in leadership development, and there should be personal involvement by the Commander. Required training consists of the following:

(1) Annual Training. All Marines and Sailors will receive annual training per the reference. This training details prohibited activities and conduct prevention and response; the effects of prohibited activities on the individual Marine and Sailor, the unit and how this conduct undermines morale and mission accomplishment. Training should include the proper use of reporting channels. Commanders are encouraged to tailor the training to meet specific command needs and to use as much time as is required to ensure personnel are thoroughly familiar with the Marine Corps' Prohibited Activities and Conduct Prevention and Response Policy. Training should be specific to rank, position, responsibility, or cohorts of leaders. Annual training will be included in annual training plans and documented in the Marine's and Sailor's official record via the Marine Corps Training Information Management System (MCTIMS).

e. Visual Inspections. In accordance with the reference, government work spaces of all Marines and Sailors are subject to visual inspections. Visual inspections are conducted for the purpose of maintaining a professional workplace for all personnel that is free from contraband and intimidating, degrading, and offensive materials that creates a hostile work environment. Per the reference, only Commanding Officers, Officers-in-Charge, and civilian supervisors may direct visual inspections. Inspections may personally be conducted by Commanding Officers, Officers-in-Charge, and civilian supervisors or may be delegated to an appropriate level, but no lower than the E-7 or civilian supervisory level. Visual inspections will occur, at a minimum, annually and documented via memorandum by the authorized inspector.

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(1) Documentation of Degrading or Offensive Materials. Commanding Officers, Officers-in-Charge, and civilian supervisors will record the results of visual inspections in a memorandum for the record and will include (at a minimum): date/time, unit, rank/full name of the individual who authorized the inspection, rank/full name of the authorized inspector, and items removed (type, quantity, description, location, actions taken).

(2) Removal of Degrading or Offensive Materials. During the course of the visual inspection removal of materials that a reasonable person would consider degrading or offensive may occur. The reference details removal of intimidating, degrading, or offensive materials found during visual inspections. As far as is practicable and without disrupting any visual inspection, Marines and Sailors should be present during visual inspections. Any item removed by the inspector in the absence of a Marine or Sailor will be properly recorded and confidentially maintained by that inspector in a secure location until the owner is able to retrieve the item. If there is doubt as to whether material is degrading or offensive, the Marine, Sailor, or inspector may remove the material from the workplace to ensure a professional work environment.

f. Organizational Climate Survey. The Defense Equal Opportunity Climate Survey (DEOCS) was designed by the Defense Equal Opportunity Management Institute (DEOMI) to assess the EO climate of a unit. The Commanding Officer will ensure all members administratively attached to their command have the opportunity to participate in the assessment process. The EOR(s) is designated as the survey administrator and will assist the Commanding Officer in ensuring every member of the command has the opportunity to participate in the assessment by disseminating assessment websites and passwords to members of the unit. Instructions on how to order a DEOCS can be found on the DEOMI website, www.deomi.org. After completion of the assessment, the EOR(s) may provide the Commanding Officer with an Executive Summary to assist the Commanding Officer in developing an action plan. Per the reference, all commanders shall develop a corrective action plan to address concerns identified in the DEOCS report. This corrective action plan must also identify periodic evaluations to assess its effectiveness. The Commanding Officer will brief the results, analysis, and corrective action plan to the Commanding Officer, MCAS Cherry Point within 30 calendar days of the DEOCS report being made available. A command climate assessment will be conducted:

- (1) Within 120 calendar days of assumption of command.
- (2) Every calendar year thereafter.
- (3) Within 90 days prior to a change of command.

g. Special Observances. Observances are held annually in support of Joint Congressional Resolutions, Presidential Proclamations, and achievements of all groups that comprise American society. Since 1968, the DoD has proudly supported observances through the development of local recognition programs and diverse activities. EOR(s) can check the Defense Equal Opportunity Management Institute (DEOMI) website, www.deomi.org, for the latest observance themes, information, and timeframes. EOR(s) should ensure widest dissemination of observances to all members of the command.

h. Resource List. Available resources included are provided in enclosure (3). The following are additional resources: Chaplain, Substance

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Abuse Control Officer (SACO), Community Counseling Center, Military and Family Life Counselor, Victims Legal Counsel Organization, and the MCAS Cherry Point EOA.

4. Administration and Logistics. For any questions or concerns regarding this Air Station Order please contact the Station Equal Opportunity Advisor at 252-466-2326.

5. Command and Signal.

a. Command. This policy applies to all active duty and reserve Marines and Sailors assigned to MCAS Cherry Point.

b. Signal. This Order is effective the date signed and will remain in effect until revised or cancelled.



T. W. FERRI

ASO 5354

5300

EO

DAY MON YR

MEMORANDUM for the Record

From: Inspecting Individual
To: Commanding Officer, Respective Squadron Commander
Sub: RESULTS OF VISUAL INSPECTION
Ref: (a) MCO 5354.1E

1. Per the ref, a visual inspection of workplaces and common areas under your responsibility was conducted on Day, Mon, Year.
2. All workspaces were in compliance with the reference and were commensurate with an environment that promotes dignity and respect of all personnel.
3. A total of xxx items were removed as a result of the inspection. Sexually suggestive magazines, poster/calendars and individual artwork represented the majority of inappropriate items found. These items were immediately removed from the workplace under the authority of the supervisor/commander.
4. Point of contact is MSgt I. B. Marine at 703.784.XXXX.

I. B. MARINE

ENCLOSURE (1)



MCAS CHERRY POINT RESOURCE LIST



Helplines			
Cherry Point 24/7 Sexual Assault Helpline		252-665-4713	
Cherry Point Domestic Violence Victim Advocate		252-671-0377	
Cherry Point Equal Opportunity Advisor		252-466-2326	
DOD Safe Helpline	877-995-5247	RAINN	800-656-4673
Cherry Point Domestic Violence 24/7 Helpline	252-671-0377	Military One Source Español	800-342-9647 877-888-0727
Carteret County Rape Crisis Program 3722 Bridges Street Suite 201	252-725-4040 Morehead City	Promise Place (Craven County Rape Crisis) 1401 Park Ave	252-636-3381 New Bern
Healthcare			
Naval Health Clinic Cherry Point Sexual Assault Forensic Examiner	Info: 252-466-0266 252-626-5218	Carolina East Medical Center Emergency 2000 Neuse Blvd.	252-633-8104 New Bern
Naval Hospital Emergency Department (Camp Lejeune) 100 Brewster Blvd.	910-450-4840 Info: 910-451-3079	Carteret General Hospital Emergency 3500 Arendell Street	252-808-6133 Morehead City
Law Enforcement			
Provost Marshall Office (PMO) C Street Bldg. 294	252-466-5123/911	Havelock Police Department 2 Governmental Ave. Havelock	252-447-3212
NCIS 6 th Ave. Bldg. 1699 2 nd Deck	252-466-2641	Craven County Sheriff 1100 Clarks Road New Bern	252-636-6620
Law Enforcement CID C Street Bldg. 294	252-466-2688	Carteret County Sheriff 304 Craven Street Beaufort	252-504-4800
Legal			
Regional Victims Legal Counsel	910-451-5165	Craven County District Attorney 310 Broad Street New Bern	252-639-3010
MCAS Cherry Point	252-466-5649		
Cherry Point Base Legal 2 nd Ave Bldg. 219	252-466-2311/2361	Craven County Clerk of Courts Carteret County Clerk of Courts	252-639-3000 252-504-4400
Victim and Witness Assistance Program Installation	252-466-7118	Carteret County District Attorney 300 Courthouse Square Beaufort	252-504-4500
Counseling/Mental Health			
Community Counseling Program	252-466-3264	East Carolina Behavioral Health	252-636-1510
MCAS Cherry Point Chaplain	252-466-4000	DSTRESS Line	877-476-7734
Naval Health Clinic Mental Health	252-466-0500	Craven County Social Services	252-636-4900
DSTRESS	877-476-7734	Carteret County Social Services	252-728-3181
Cherry Point Installation SARCs & VAs			
Della Brooks Installation SARC		Office: 252-466-2609 Cell: 252-665-4714	
Wendy Maddox 2 nd MAW SARC		Office: 252-466-3549 Cell: 252-876-6352	
Naval Health Clinic Duty VA		252-626-8816	

**MARINE CORPS PROHIBITED ACTIVITIES AND CONDUCT
PREVENTION AND RESPONSE**

Volume 3, Appendix J

MCO 5354.1E-V3

26 MAR 2018

APPENDIX J

COMMAND EQUAL OPPORTUNITY REPRESENTATIVE (EOR) SELECTION CRITERIA

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

- EORs rank shall be SSgt or above, any primary MOS
- UVAs cannot be assigned EOR duties
- At least 12 months remaining prior to projected PCS
- Works independently with minimal supervision
- Basic computer skills
- Able to conduct training for unit personnel
- No adverse fitness reports in grade
- No history of courts-martial
- No recent history (within past 3 years) of NJP
- No history of alcohol or drug related incidents
- No history of referral to the command-directed Family Advocacy Program or any domestic violence allegations
- No history of discrimination, sexual harassment or sexual assault allegations
- Possesses a calm demeanor and exercises good judgment during stressful situations.
- Approachable, listens to all persons regardless of race, sex, sexual orientation, national origin, religion, gender identity, or rank/position.
- Non-judgmental
- Good communicator
- Comfortable with sensitive topics
- Epitomizes our Core Values of honor, courage, and commitment

Prohibited Activities and Conduct Prevention and Response Flow Chart

