



UNITED STATES MARINE CORPS
MARINE CORPS INSTALLATIONS PACIFIC-MCB CAMP BUTLER
UNIT 35001
FPO AP 96373-5001

IN REPLY REFER TO:
5354
EO
18 NOV 2015

MARINE CORPS INSTALLATIONS PACIFIC-MCB CAMP BUTLER POLICY LETTER 9-15

From: Commanding General
To: Distribution List

Subj: MARINE CORPS INSTALLATIONS PACIFIC-MCB CAMP BUTLER MILITARY EQUAL OPPORTUNITY PROGRAM MANAGEMENT

Ref: (a) Title 10 U.S.C. Section 1561
(b) DoDD 1350.2
(c) Under Secretary of Defense Policy Memo - Prevention and Response to Sexual Harassment dated September 19, 2014
(d) MCO P5354.1D W CH/1
(e) MARADMIN 438/15
(f) SECNAVINST 5350.16A
(g) JAGINST 5800.7F Page 2-23(i) (3)
(h) MARADMIN 464/13
(i) MARADMIN 291/13

Encl: (1) Equal Opportunity Formal Complaint Referral Letter
(2) Rights to Appeal Formal EO Complaints Notification Letter
(3) GCMCA Notification Disposition of a Formal EO Complaint

1. Purpose. To ensure all Marine Corps Installations Pacific-MCB Camp Butler (MCIPAC-MCBB) commands are in compliance with established procedures and requirements outlined in the references.

2. Background. Due to numerous recent changes affecting the Military Equal Opportunity (MEO) process, it is necessary to establish a policy that clearly identifies the commander's responsibilities in order to establish appropriate oversight and efficiency that will ensure optimal service to all MCIPAC-MCBB personnel.

3. Action. Provide indoctrination and annual training as part of your command's leadership training to ensure that Marines and Sailors are aware of the contents in the references and this policy letter.

4. Informal/Formal Complaints. Per references (a) through (g), the following applies to informal/formal complaint process:

a. Prior to any military service member within MCIPAC deciding whether to resolve an issue via the informal or formal MEO process, they must consult with the MCIPAC-MCBB Equal Opportunity Advisor (EOA). This applies to Service Members assigned to MCIPAC-MCBB in Okinawa, Combined Arms Training Center (CATC) Camp Fuji, and Camp Mujuk. Members assigned to MCIPAC-MCBB in Hawaii will consult with the Marine Corps Base (MCB) Hawaii EOA; members assigned to MCIPAC-MCBB on Marine Corps Air Station (MCAS) Iwakuni will consult with the MCAS Iwakuni EOA. If the Service Member decides to choose the informal resolution system, it will be tailored to the complainant's wishes, (i.e. choice of whom to act as third party mediator and any other

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additional information/guidance provided by the servicing EOA). All other requests (i.e. removal from a section, or any other special requests to informally resolve the situation) are at the discretion of the chain of command. Each EOA within MCIPAC-MCBB will provide a quarterly informal complaint report to their servicing regional commander detailing each informal complaint resolved and actions taken. Per references (a) and (c), any sexual harassment complaint informally resolved, which the commander determines still warrants an investigation will then become a formal complaint.

b. By contrast, the formal complaint process must follow guidelines outlined in reference (d). The EOA will provide the complainant's commander with as much information as possible after an individual files a formal complaint (enclosure 1). The EOA will input all initial information within the Discrimination and Sexual Harassment (DASH) database and update the system every 14 days. Within 72 hours or three working days of a commander receiving a formal complaint, the command must initiate an investigation into the allegation(s). Also within 72 hours or three working days, a detailed description of the allegation(s) shall be forwarded in writing to the Commanding General (CG) via the MCIPAC EOA. This report must include the name of the investigating officer. For installations with commanders that have General Courts-Martial Convening Authority (GCMCA), a phone call notification to the MCIPAC-MCBB EOA is appropriate.

c. The commander shall inform the complainant when the investigation has commenced and will provide a status update every 14 days if the investigation is ongoing. Commanders should make every effort to complete an investigation within 14 business days. If the investigation is not completed within 14 business days, a written request for extension shall be submitted to the CG via the MCIPAC-MCBB EOA's office. The CG can authorize up to a 30-day extension. Only General Officers with GCMCA can authorize an extension to a formal equal opportunity complaint.

d. Upon completion of the investigation, the investigating officer shall ensure a legal sufficiency review and EO sufficiency review is conducted on the findings and recommendations before forwarding to the commander for review and final disposition.

e. The commander has six days upon completion of the investigation and review to forward a final written disposition report to the CG via the MCIPAC-MCBB EOA. This report will indicate what actions, if any, the commander intends to take. The report shall include a statement from the complainant (given to the EOA by the complainant) indicating their satisfaction or dissatisfaction with the resolution. At this time, the EOA will separately advise both the complainant and subject of the complaint of their rights to appeal decisions for formal EO complaints (reference f, enclosure 2). When actually filing an appeal, both the complainant and alleged offender should consult with their local Staff Judge Advocate (SJA) office for additional information and guidance. A copy of the completed equal EO investigation will be forwarded to the SJA and the EOA within six days upon completion of the commander's final written report. The commander will submit a separate letter to the commander with GCMCA via the EOA when any punitive action is awarded (enclosure 3). The local servicing EOA will ensure the case receives a final endorsement from the CG or commander with

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GCMCA prior to closing out the case in the DASH database in accordance with reference (d).

f. Complainants and subjects of the complainant may request reports of investigation in accordance with procedures outlined in reference (g). For formal EO complaints that do not compromise classified security, the GCMCA to whom the report is forwarded is ultimately the release authority. For formal EO complaints that compromises classified material, the Chief of Naval Operations is the releasing authority.

5. EO Command Climate Assessments. Per references (d) and (h), the following timelines apply:

a. Commanders are required to assess their command's EO climate within 90 days of assumption of command using the Defense Equal Opportunity Management Institute Organizational Climate Survey (DEOCS), and ensure proactive strategies are initiated to monitor unit progress if needed. Commands that have been assessed within 90 days of a new commander's arrival are not required to be reassessed.

b. Battalion/squadron level Equal Opportunity Representatives (EORs) will order and administer climate assessments with the exception of EORs in CATC Camp Fuji and Camp Mujuk. DEOCS for these commands will be ordered and administered by the MCIPAC-MCBB EOA, which satisfies requirements listed in reference (h).

c. Assessments will be administered within 90 days of assumption of command and annually thereafter. All DEOCS results shall be briefed to the CG within 30 days of receipt of survey results. The EOA shall analyze and provide an executive summary analysis of each DEOCS to the commander that conducted the survey (not more than 15 days after receiving results). The originating commander will then use the EOA's executive summary to build an action plan that addresses all issues outlined in the executive summary. This action plan must also identify periodic evaluations to assess its effectiveness. The commander will have an additional 15 days to submit an action plan to the CG via the MCIPAC-MCBB EOA. The commander will brief the executive summary and action plan to the CG and provide a letter to the EOA indicating the brief was conducted.

d. For those commands with unique circumstances, an extension may be granted by the CG via the MCIPAC-MCBB EOA's Office.

e. For commands outside Okinawa with local EOAs (MCB Hawaii and MCAS Iwakuni), the servicing EOA will provide the action plan and executive summary to the installation commander. Copies of the action plans and executive summaries from all MCIPAC-MCBB commands will be sent to the MCIPAC-MCBB EOA.

f. All Camp Mujuk personnel will be combined with the CATC Camp Fuji DEOCS. This is required to maintain anonymity of units with less than 50 personnel in accordance with reference (h). CATC Camp Fuji and Camp Mujuk DEOCS will be administered on an annual basis with the CATC Fuji Commanding Officer's assumption of command date as the initial starting point.

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This survey will be ordered and administered by the MCIPAC-MCBB EOA. The CATC Fuji Commander will receive the actual survey of his/her command in addition to the executive summary due to having more than 50 personnel. The MCIPAC-MCBB EOA will provide a detailed executive summary to the Camp Mujuk CO, while ensuring the anonymity of the surveyed personnel is not compromised.

g. On an annual basis, the MCIPAC EOA-MCBB will utilize the DEOMI MDRS rollup assessment report of all subordinate command's DEOCS from that fiscal year. The MCIPAC-MCBB EOA will use that report to build an action plan that addresses all issues from the MDRS assessment. This action plan will be endorsed by the CG and disseminated to all MCIPAC-MCBB Commanders.

6. Training. EO training within MCIPAC-MCBB should be given with the goals of reducing informal and formal complaints and educating members on behaviors, practices, and procedures that threaten command climate and violate the contents of references (a) through (d).

a. Under the direction of their Battalion/Squadron Commander, EOR will ensure each service member in their unit conducts EO training at a minimum of once annually.

b. EORs will provide their commander and local EOA with a report of their training statistics quarterly. The local EOA will publish these quarterly training stats and submit to the MCIPAC EOA-MCBB who will brief the CG of the results.

c. In addition to maintaining training rosters, the Battalion/Squadron S-3 will ensure the appropriate training codes are entered for EO and Sexual Harassment training.

7. Inspections. Periodic visual inspections of workspaces and more detailed inspections of commander's EO programs will be conducted to ensure compliance with all applicable EO orders and procedures.

a. Commanders will ensure visual inspections of workspaces are conducted at least once annually. A report of these visual inspections will be sent to the CG via the MCIPAC-MCBB EOA. The report should contain the number and type of materials removed from sections that create a degrading, hostile, or offensive work environment. The report should also include the date of the inspection and name of inspector(s). It is vitally important that all commanders understand all contents of reference (i). Commanders should leverage the counsel of the SJA, EOA, EEO, and Civilian Human Resources Office (CHRO) before conducting the visual inspections.

b. The MCIPAC-MCBB EOA, as directed by the MCIPAC-MCBB Inspector General (IG), will periodically inspect the readiness and effectiveness of all commander's EO programs as part of the CG's Readiness and Inspection Program (CGRIP). The recorded results will be submitted to the MCIPAC-MCBB IG Office.

c. Commanders can request a command assist visit from the MCIPAC-MCBB EOA at any time to help assist in strengthening their EO programs.

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OPPORTUNITY PROGRAM MANAGEMENT

8. Point of contact is the MCIPAC EOA who can be reached at 645-3555 or 080-
1385-7236.



R. J. MCFADDEN
By direction

DISTRIBUTION: CO, MCB HAWAII
CO, MCAS FUTENMA
CO, HQSPTBN, MCB CAMP BUTLER
CO, CATC CAMP FUJI
CO, MCAS IWAKUNI
CO, CAMP MUJUK



UNITED STATES MARINE CORPS
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5354
EOA
XX Oct XX

From: Equal Opportunity Advisor, Marine Corps Installations Pacific-MCB Camp Butler
To: Commanding Officer, Headquarters and Support Battalion
Subj: EQUAL OPPORTUNITY FORMAL COMPLAINT REFERRAL
Ref: (a) Title 10 U.S.C. 1561
(b) MCO P5354.1D
(c) MCO 1000.9A

1. The Command Equal Opportunity Advisor received a complaint alleging unlawful discrimination (sexual harassment) by a member of your command. In accordance with references (a) and (b), the matter is being referred to your command for investigation/inquiry.

2. **Commencement of investigation.** Within 72 hours, commence or cause to commencement of an investigation into the below allegation(s). Contact your local SJA office prior to beginning the investigation/inquire to exchange relevant information and discuss/clarify the allegations of concern.

3. **Duration of investigation.** To the extent practicable, ensure that the investigation of the complaint is completed no later than 14 business days after the date on which the investigation is commenced.

4. **Allegations to be investigated.** Request that your investigation/inquiry address, at a minimum, the following allegations and issues:

a. That MSgt I. B. Angry, created a hostile work environment by using explicit or sexually offensive language towards Sgt I. W. Standup, in violation of reference (c), on XX January, 20XX.

b. That Capt I. M. America, failed to create a workplace free of unlawful discrimination, in violation of MCO P5354.1D (Equal Opportunity Manual), on XX January, 20XX.

5. **Report of investigation.** To the extent practicable, you have 14 business days from the commencement date to complete the investigation.

a. Submit a final report on the results of the investigation, including any action taken as a result of the investigation, to the next superior officer within 20 days after the date on which the investigation is commenced; or

b. Upon completion of the investigation submit a final report on the results of the investigation, including any action taken as a result of the investigation to the next superior officer with GCMCA.

6. **Extension.** Per reference (b), if the investigation and required reviews are not completed within 14 business days, the command will submit a written request for extension to the Commanding General with GCMCA. The request must report on the progress made to complete the investigation and the purpose of

Enclosure (1)

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the extension. The Commanding General can authorize only 30 days of extension. Manpower Equal Opportunity (MPE) must be contacted for requests of more than 30 days.

7. **Report of Investigation submission.** Request that you provide a complete copy of your investigation/inquiry as well as the actions taken as a result of the investigation to the GCMCA and to this office within 20 days after the date on which the investigation is commenced. We will use the results of your actions to update the Discrimination and Sexual Harassment (DASH) system.

8. All equal opportunity complaints will be handled in accordance with the Privacy Act. Individual privacy, to the maximum extent possible, must be protected through all stages of the investigation and resolution of the complaint. Please restrict dissemination of the document to the absolute minimum consistent with your requirement to provide a reply, and return it to this office when your action is complete. When making inquiries concerning this case please use case number: **0001320150001.**

9. Your point of contact is (EOA's Name) at DSN (EOA's phone #) or CML (EOA's phone #).

EOA SIGNATURE BLOCK

RIGHTS TO APPEAL FOR FORMAL MEO COMPLAINTS

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.

CRITERIA

- An appeal may be submitted on any legal or equitable grounds based upon a perception:
 - 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,
 - Any other good faith basis.

LEVEL OF APPEAL

- The first appeal of a decision on a formal complaint will be to the first commander in the chain of command with general courts martial authority (GCMCA). This appeal should be requested within **seven days** of the notice of the decision on the formal complaint.
- If a further appeal is requested, the final resolution of an appeal on a formal complaint will rest with the Secretary of the Navy (SECNAV) or his designee. This final appeal should be requested **within 30 days** of receipts of the GCMCA's decision on the initial appeal. An appeal requested after 30 days, may be returned as untimely, unless unusual circumstances justify the delay.

I have read and understand my rights to appeal. Additional information regarding the appeals process may be obtained by contacting your servicing Staff Judge Advocate office.

Signature of Complainant or Subject

Date

Signature of EOA



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5000
Legal
XX Oct XX

From: Commanding Officer, Headquarters and Support Battalion
To: Commanding General, Marine Corps Installations Pacific-MCB Camp Butler
Via: Marine Corps Installations Pacific-MCB Camp Butler Equal Opportunity
Advisor

Subj: GENERAL COURTS-MARTIAL CONVENING AUTHORITY NOTIFICATION DISPOSITION OF
A FORMAL EQUAL OPPORTUNITY COMPLAINT IN CASE OF SERGEANT ANGRY B.
MARINE 1234567899 / 4321 USMC

Ref: (a) MCO P5354.1D
(b) DASH complaint number XXXXXXXXXXXX

1. Per the reference (a), the following action(s) were taken in the formal case of substantiated sexual harassment:

- a. Type of Action: Non-judicial Punishment
- b. Charge: Violation of Art. 92 of the UCMJ
- c. Date action(s) awarded: XX January, 20XX
- d. Award: Reduction in grade to E4, forfeiture of half-month's pay x 2 months and 45 days restriction.
- e. Appeals: None

2. Based on the above, all disciplinary actions associated with this case have been completed.

3. Point of contact is First Lieutenant Fidelis, Bn Legal Officer at 123-45-6789.

I. M. COMMANDING

Copy to:
ROI file

Enclosure (3)