



# UNITED STATES MARINE CORPS

3D MARINE DIVISION (-) (REIN)

UNIT 35801

FPO AP 96602-5801

In reply refer to

DivO 5354.2A

INSP/EOA

29 JUN 1998

## DIVISION ORDER 5354.2A

From: Commanding General  
To: Distribution List

Subj: 3D MARINE DIVISION EQUAL OPPORTUNITY PROGRAM (EOP)

Ref: (a) MCO P5354.1C  
(b) MCO 5354.3A  
(c) MCO 5300.10A  
(d) MCO 1700.23E  
(e) MCO 1700.28  
(f) DivO 5354.1

Encl (1) Commanding General's Equal Opportunity Statement  
(2) 3d Marine Division Equal Opportunity Program Informal Resolution System Statement  
(3) Equal Opportunity (EO) Complaint Resolution Chart

Reports Required: Discrimination and Sexual Harassment (DASH) Report (Report Control Symbol EXEMPT)  
Annual Equal Opportunity Unit Data Summary Report (Report Control Symbol EXEMPT)  
Command Military Personnel Race/Ethnic Statistics Report (Report Control Symbol EXEMPT)

1. Purpose. To implement the provisions as set forth in references (a) through (e) by publishing the Division Equal Opportunity Program (EOP). To further clarify commanders' and Equal Opportunity Representatives' (EOR) responsibilities in establishing and maintaining an aggressive and effective EOP throughout the Division. To provide instructions for reporting discrimination and sexual harassment incidents.

2. Cancellation DivO 5354.2

3. Summary of Revision. This revision contains a substantial number of changes and should be reviewed in its entirety.

29 JUN 1998

4. Background. The objective of the 3d Marine Division's EOP is to provide equal opportunity for all military members without regard to race, color, religion, gender, age, or national origin, consistent with the law and regulations and the requirements for physical and mental abilities. The listed references provide additional guidance towards the accomplishment of this goal in the following areas:

a. Reference (a) is the definitive directive covering equal opportunity in the Marine Corps. It provides the overall concepts, principles, and objectives concerning equal opportunity matters. It also requires gathering and maintenance of statistical data, imposes various reporting requirements, specifies necessary training, and requires the assignment of command EOP representatives in writing.

b. Reference (b) delineates the duties, responsibilities, and authority of the command Equal Opportunity Advisor (EOA).

c. Reference (c) provides additional guidance for the handling, disposing or dispersing, and reporting of sexual harassment incidents

d. Reference (d) outlines the chain of command responsibilities for processing equal opportunity (EO) complaints filed through request mast procedures.

e. References (e) and (f) provide additional guidance for prohibiting hazing and establishing regulations to enforce the policy

5. Policy. Adverse discriminatory practices and biases within the Division, whether expressed individually or institutionally, are counterproductive and unacceptable. Discrimination undermines morale, reduces combat readiness and prevents maximum utilization and development of the Marine Corps' most vital asset, its people. Equality of treatment and the opportunity for all Marines to achieve their full potential based solely upon individual merit, fitness, and ability is the policy of the Marine Corps and this Division.

6. Action

a. Division EOA. Assume staff cognizance over the command EOP, to include monitoring and reviewing of all formal sexual harassment and discrimination complaints. Execute the following responsibilities:

29 JUN 1998

(1) Maintain close liaison with commanding officers and equal opportunity representatives (EORs) as a source of advice on all EO matters within this Division.

(2) Compile and submit the annual Equal Opportunity Data Summary Report to Headquarters, U.S. Marine Corps.

(3) Submit reports of formal complaints to the Commandant of the Marine Corps (MPE) via the Discrimination and Sexual Harassment (DASH) reporting system.

(4) Maintain case files for each formal complaint received, to include all background notes and other relevant information.

b. Division Inspector. Notify the Division EOA of all EO cases received which fall within the guidelines of this Order or references (a) through (c).

c. Division Staff Judge Advocate. Ensure that all formal EO complaint investigations are reviewed for legal sufficiency.

d. Commanding Officers. Implement the EOP as delineated in references (a) through (f) and this Order by taking specific actions that include the following:

(1) Post enclosure (1) in prominent locations throughout your organizations and make certain all members of the organization are familiar with its contents and provisions.

(2) Publish a written statement and directive which supports the organization's EOP intent and addresses those activities, resources, and facilities within the organization that are accessible to personnel.

(3) Complete, review, and submit a copy of the Command Military Personnel Race/Ethnic Statistics Report outlined in Appendix A of reference (a) to the Commanding General (Division Inspector/Equal Opportunity Advisor (EOA)) no later than 15 January annually. This report will be maintained on file for two years.

(4) Appoint an organization EOR in writing. The EOR is preferably a volunteer who is a staff noncommissioned or commissioned officer. Give careful consideration to the following areas when assigning the EOR:

29 JUN 1998

(a) Ensure that the primary duty assignment does present a conflict of interest with duties as the EOR.

(b) Ensure the EOR has sufficient time to aggressively represent the EOP.

(5) Any allegation of sexual harassment or discrimination will be acted upon promptly and appropriately in accordance with reference (a) and enclosure (3) of this Order, to include the instructions set forth below:

(a) In every instance where sexual harassment or discrimination is alleged, a statement will be taken from the victim of the alleged sexual harassment or discrimination situation. The officer or staff noncommissioned officer first apprised of the allegations will ensure the allegations are put in writing. This will be done immediately and in all cases.

(b) Where the complaint can be resolved via the Informal Resolution System (IRS), it will be promptly sent to informal resolution. After the IRS, enclosure (2) will be completed and submitted by the victim's supervisor to the CO via the EOR. Enclosure (2) will be maintained on file for two years by the EOR.

(c) In cases where the IRS was unsuccessful or the complaint is considered formal and not appropriate for IRS, the allegation(s) will be brought directly to the CO via a request mast.

(6) All formal complaints of sexual harassment and discrimination, as defined in references (a) and (c), filed by military service members will be processed according to the following procedures. Within 72 hours of receipt of a complaint, commanders will:

(a) Forward the complaint or a detailed description of the allegation in writing to the Commanding General (Division Inspector/Equal Opportunity Advisor (EOA)).

(b) Make every effort to commence or cause commencement of an investigation of the complaint.

(c) Inform the complainant of the commencement of investigation.

29 JUN 1998

(7) Commanders will make every effort to ensure that investigations are completed within 14 days of commencement.

(8) Within 20 days after the date on which the investigation was commenced, commanders will submit a final report in writing on the results of the investigation including any action taken as a result of the investigation to the Commanding General (Division Inspector/Equal Opportunity Advisor (EOA)).

(9) If the investigation is not completed within 20 days of commencement, commanders will submit a written report on the progress made in completing the investigation within 20 days and every 14 days thereafter until the investigation is completed. Upon completion of the investigation, commanders will comply with the final reporting requirements prescribed in paragraph 6.d.(8) of this Order.

(10) Completion of the investigation includes determination of the validity of the charges, holding nonjudicial punishment hearings, preferring charges if a court-martial is contemplated, notification to the complainant and offender of key decisions, and a DASH report submitted to this command.

(11) In addition, the following are changes to DASH reporting:

(a) The DASH report will clearly state the date the complaint was received, the date the investigation was commenced, and the date the investigation was completed.

(b) If the timeline for commencing or completing the investigation was exceeded, the report will clearly state why it was not practicable to meet the timeline.

(c) An initial DASH report will be submitted to this command within 20 days of the investigation being commenced and, if the investigation is not completed, updated every 14 days thereafter until the investigation is completed and a final DASH report is submitted.

(d) For the purpose of a final DASH report a complaint is considered final when the investigation is complete and the commander makes the determination of the validity (substantiated/unsubstantiated) of the complaint. If the case is

29 JUN 1998

referred to nonjudicial punishment, courts-martial and/or administrative separation proceedings, the final outcome of those actions will be provided to this command via a DASH update when they occur.

(e) In no case, either formal or informal, will the matter be considered closed unless the recipient indicates in writing that the allegation has been resolved. This can be documented with enclosure (2) for informal resolution or with a NAVMC 11296 (Marine Corps Request Mast Application) for formal resolutions.

(12) In addition to assisting in the aforementioned areas, the EOR is responsible for:

(a) Being familiar with the duties of the EOR in maintaining the EOP as outlined in references (a) through (d).

(b) Ensuring the commander is familiar with the responsibilities under the EOP.

(c) Compiling statistical data on an annual basis and maintaining the Military Personnel Race/Ethnic Statistics Report on file for two years in accordance with reference (a).

(d) Submitting by 1 October each year, the Unit Data Summary Report information to the Commanding General (Division Inspector/Equal Opportunity Advisor (EOA)).

(e) Ensuring ethnic observances are publicized and encouraging maximum participation in accordance with reference

(f) Conducting annual training requirements in accordance with reference (a).

(g) Requesting assistance as needed from the local

(h) Maintaining a standard of uniformity with subordinate EO programs when designated as a regimental EOR.

(13) EORs do not function as advocates for complainants, but rather as a source of information to both the complainant and the commander.

29 JUN 1998

(14) Assessing the command equal opportunity climate within 90 days of assumption of command.



L. M. SUPKO  
Chief of Staff

DISTRIBUTION: A/D

**COMMANDING GENERAL'S STATEMENT  
EQUAL OPPORTUNITY**



AS THE COMMANDING GENERAL, 3D MARINE DIVISION, I AM TOTALLY COMMITTED TO THE FAIR TREATMENT AND EQUAL OPPORTUNITY OF ALL MARINES AND SAILORS IN MY CHARGE. NO FORM OF DISCRIMINATION OR SEXUAL HARASSMENT WILL BE TOLERATED AND THOSE FOUND GUILTY OF SUCH VIOLATIONS WILL BE HELD ACCOUNTABLE.

INCIDENTS OF DISCRIMINATION OR SEXUAL HARASSMENT CAN SOMETIMES BE HANDLED USING THE INFORMAL RESOLUTION SYSTEM (IRS). HOWEVER, IF NO RESOLUTION IS MADE, THE INCIDENT MUST THEN BE REPORTED, WITHOUT FEAR OF REPRISAL, VIA THE CHAIN OF COMMAND UTILIZING THE REQUEST MAST SYSTEM. I DIRECT ALL COMMANDERS TO CONDUCT A PROMPT AND THOROUGH INVESTIGATION OF ALL COMPLAINTS OF DISCRIMINATION OR SEXUAL HARASSMENT.

DISCRIMINATION OR SEXUAL HARASSMENT HAS NO PLACE IN OUR MARINE CORPS. WE, AS MARINES AND SAILORS, ARE ALL CHARGED WITH ENSURING THAT EVERYONE IN OUR RANKS IS TREATED EQUALLY, FAIRLY, AND JUSTLY. THIS CAN ONLY BE ACCOMPLISHED THROUGH EFFECTIVE LEADERSHIP, AWARENESS, AND INDIVIDUAL RESPONSIBILITY.

ALL LEADERS AND SUPERVISORS ARE TO ENSURE THAT THIS POLICY STATEMENT IS UNDERSTOOD BY ALL PERSONS UNDER THEIR SUPERVISION. I PERSONALLY SOLICIT YOUR ACTIVE COMMITMENT TO DEAL WITH AND ELIMINATE ALL FORMS OF SEXUAL HARASSMENT AND DISCRIMINATION THROUGHOUT THIS DIVISION.

YOUR DEDICATION AND COMMITMENT TO EQUAL OPPORTUNITY FOR ALL IS REQUIRED SO THAT THE 3D MARINE DIVISION CAN BE A COMBAT READY TEAM.

**J. D. HUMBLE**  
COMMANDING GENERAL  
3D MARINE DIVISION

29 JUN 1998

**3D MARINE DIVISION EQUAL OPPORTUNITY PROGRAM**  
**INFORMAL RESOLUTION SYSTEM (IRS) STATEMENT**  
(Reference: MCO P5354.1C)

**Recipient:**  
(one who feels offended/harassed) \_\_\_\_\_  
Rank/First Name/MI/Last Name/Unit

**Offending Person:**  
(one who may have offended/harassed) \_\_\_\_\_  
Rank/First Name/MI/Last Name/Unit

**Third Party:**  
(one who gives informal assistance) \_\_\_\_\_  
Rank/First Name/MI/Last Name/Unit

- Reasonable Person Behavior Zones:**  
Green = Always acceptable  
Yellow = Could be perceived as unacceptable  
Red = (1) Clearly criminal unacceptable behavior:  
(2) Non-criminal unacceptable behavior

On \_\_\_\_\_ at about \_\_\_\_\_ at \_\_\_\_\_ I \_\_\_\_\_  
(Day/Month/Year) (time) (place) (Rank/First Name/MI/Last Name)

the **Alleged Offender/Recipient** voluntarily participated in an informal resolution (IRS) process with \_\_\_\_\_ as the Third Party.  
(Rank/First Name/MI/Last Name)

I am familiar with the terms in the USMC Equal Opportunity Manual. This incident occurred on \_\_\_\_\_ at about \_\_\_\_\_ at \_\_\_\_\_  
(Day/Month/Year) (Time) (Place)

I consider this incident to involve behavior  
**Red-1/Red-2/Yellow/Green.**

I believe the resolve of this incident was handled  
**Appropriate/Inappropriate**

I am: **Partially Satisfied/Fully Satisfied.**

I consider this incident to be: **Resolved/Unresolved.**

**Recipient/Alleged Offender**  
X \_\_\_\_\_  
(Sign) (Date)

**Third Party**  
X \_\_\_\_\_  
(Sign) (Date)

**Notes//Attachments (Include Statement(s)):**  
**Note:** A separate IRS form will be completed by the recipient and the alleged offender and maintained on file for two years.