

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

Glossary

MCO 5354.1E

26 MAR 2018

GLOSSARY

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

Glossary

MCO 5354.1E

26 MAR 2018

GLOSSARY

To ensure uniform understanding of the terms that have special significance and meaning relative to this Order, the following definitions are provided.

A

ACTIVE PARTICIPATION. Active participation includes, but is not limited to, fundraising; demonstrating or rallying; recruiting, training, organizing, or leading members; distributing material (including posting online); knowingly wearing gang or organization-specific colors or clothing; having tattoos or body markings or gestures associated with such gangs or organizations; or otherwise engaging in activities in furtherance of the objective of such gangs or organizations that are detrimental to good order, discipline, or mission accomplishment or are incompatible with military service. The term includes acts or conduct performed alone or in concert with another. (U.S. Navy Regulations, 1990; and DoD Instruction 1325.06, 22 February 2012).

ALLEGATION. A claim or assertion that someone has committed an offense.

ANONYMOUS REPORT. Information received by the commanding officer or other persons in charge of the organization, regardless of the means of transmission, from an unknown/unidentified source. The command may receive an anonymous report alleging certain prohibited activities and conduct. The individual reporting the information is not required to divulge any personally identifiable information. Anonymous reports may be communicated by several means, including but not limited to organizational hotlines or advice lines, electronic mail, or official telephone lines.

B

BELIEFS. Judgments or expectations one may hold.

BIAS. A mental leaning or inclination; partiality.

BULLYING. See Volume 2.

C

CALENDAR DAYS. Calendar days are counted inclusive of leave or liberty periods. For example, a week, Monday through Sunday, consists of seven calendar days.

CATEGORY. A legally defined protected classification from discrimination.

CHAIN OF COMMAND. The succession of commanding officers from a superior to a subordinate through which command is exercised.

CIVILIAN EMPLOYEE. As defined in Section 2105 of Title 5, U.S.C.

CLIMATE ASSESSMENT. An assessment based on information obtained about the positive and negative factors that may have an impact on unit effectiveness and readiness by measuring matters relating to human relations, such as prevention and response to equal opportunity related issues. This is

MARINE CORPS PROHIBITED ACTIVITIES AND CONDUCT PREVENTION AND RESPONSE

Glossary

MCO 5354.1E

26 MAR 2018

accomplished through some or all of group or individual interviews, observations, surveys or questionnaires, and reviews of records and reports.

CONSENT. A freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue shall not constitute consent.

COMMAND EQUAL OPPORTUNITY MANAGER (CEOM). A Marine assigned to a Commander at the Regimental and Group level as the EO program manager. CEOMs do not function as the command EOA.

COMPLAINT OF PROHIBITED ACTIVITIES AND CONDUCT. Complaints under this Order may include a claim or assertion alleging prohibited activities and conduct submitted orally or in writing to the commanding officer or other person in charge of the organization (e.g., commander or head of the vessel, agency or organization), or to the person the commanding officer has designated to receive such complaints. The reporter or complainant's identity may not be apparent. Complaints also include allegations reported to lower-level supervisors and leaders, who may have immediately address the complaint.

COMPLAINANT. An aggrieved service member who makes a claim or assertion alleging prohibited activities and conduct under this Order. A complainant would be a recipient but not all recipients would be a complainant if they are not an aggrieved service member.

CONDITION. To make some aspect of another's employment, career, pay, duty assignment, benefits, or privileges contingent upon fulfillment of some requirement the maker thereof has no right to impose.

CULTURE. The learned and shared behaviors, attitudes, beliefs, and perceptions of a group which have been transmitted from generation to generation through a shared symbol system.

CULTURAL DIVERSITY. A condition in a group of people or organization brought about by the gender, religion, racial, cultural, and social differences that the individuals naturally bring to the group or organization.

D

DISPARAGING TERMS. Terms used to degrade or imply negative connotations based on an individual's or group's color, national origin, race/ethnic group, religion, sex (including gender identity), or sexual orientation. Such terms include insults, and may be expressed by means including, but not limited to, printed material, visual material, signs, symbols, posters, or insignia.

DUTY DAY. A duty day is a day in which a Marine is expected to be at their place of work for some portion of the day, and includes partial days on which periods of leave or liberty begin or end. For example, when a holiday period begins at noon on Friday and ends at noon on Tuesday, both Friday and Tuesday are duty days; Monday is not.

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

Glossary

MCO 5354.1E

26 MAR 2018

E

EQUAL EMPLOYMENT OPPORTUNITY PROGRAM. The comprehensive program through which the Marine Corps implements its policy to provide equal opportunity in employment for all qualified civilian personnel. (MCO 12713.6)

EQUAL OPPORTUNITY (EO). The right of all persons to participate in, and benefit from, programs and activities for which they are qualified. These programs and activities will be free from social, personal, or institutional barriers that prevent people from rising to the highest level of responsibility possible. Persons will be evaluated on individual merit, fitness, and capability; regardless of age, color, national origin, race/ethnic group, religion, sex (including gender identity), or sexual orientation.

EQUAL OPPORTUNITY ADVISOR (EOA). Marines assigned to major Marine Corps installations whose duty is to provide information, assistance, and advice on all EO matters to installation and tenant commanders. EOAs are the Marine Corps' primary personnel for advice, guidance, and complaint management regarding prohibited activities and conduct under this Order. EOAs are the Marine Corps' SMEs on all command climate and prohibited activities and conduct matters. They have received extensive training on the dynamics of human relations and command climate. An EOA's primary duty is to provide subject-matter advice and guidance on all matters related to command climate and unprofessional conduct under this Order.

EQUAL OPPORTUNITY ADVISOR (EOA) COMPLIANCE REVIEW. Upon completion of the prohibited activity and conduct complaint investigation, and prior to the legal sufficiency review, the IO will submit the investigation for an EOA compliance review. EOAs will note any discrepancies and return to the IO. The EOA compliance review will ensure the following:

- Were all accepted allegations of prohibited activity and conduct thoroughly addressed in the investigation?
- Does the investigation include a thorough review of the circumstances under which the alleged prohibited activity and conduct occurred?
- Did the investigation include an analysis of how the victim was treated compared to others within the complainant's demographic group and with those of other demographic groups?
- Is there any evidence of bias (a highly personal and unreasoned distortion of judgment) by the IO?
- Is there any evidence the complainant rather than the alleged prohibited activity and conduct was investigated?

EQUAL OPPORTUNITY CLIMATE. An atmosphere in which all individuals are treated fairly and equitably without regard to color, national origin, race/ethnic group, religion, sex (including gender identity), or sexual orientation.

EQUAL OPPORTUNITY REPRESENTATIVE (EOR). Marines assigned at the battalion and squadron level. They are screened and selected by the commander. EORs are their command's primary asset to monitor command climate. They serve as the command liaison with the EOA.

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

Glossary

MCO 5354.1E

26 MAR 2018

ETHNICITY. That which sets off a group by race (defined as genetic), religion (preferred denomination), national origin (country of one's ancestors), or some combination of these categories.

ETHNIC GROUP. A segment of the population that possesses common characteristics and cultural heritage.

ETHNIC AND RACIAL CATEGORIES. Basic ethnic and racial categories for DoD reporting are defined as follows:

- American Indian or Alaska Native. A person having origins in the original peoples of North and South America (including Central America), and who maintains tribal affiliation and/or community attachment.
- Asian. A person having origins in any of the original peoples of the Far East, Southeast Asia, and/or Indian subcontinent.
- Black or African American. A person having origins in any of the original peoples of Africa.
- Hispanic or Latino. A person having origins in any of the original peoples of Mexico, Puerto Rico, Cuba, or Central or South America, or of other Spanish culture or origin, regardless of race.
- Pacific Islander. Native Hawaiian or Other Pacific Islander. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- White. A person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

F

FRIVOLOUS COMPLAINT. A complaint that fails to allege facts that, if true, would constitute a violation of a law, rule or regulation or even of a standard, whether defined by statute, regulation, order, or custom of the service.

G

GENDER. Concerns the social differences between males and females. Gender refers to the attitudes, feelings, and behaviors that a given culture associates with a person's biological sex. Behavior that is compatible with cultural expectations is referred to as gender-normative; behaviors that are viewed as incompatible with these expectations constitute gender non-conformity.

GENDER IDENTITY. Gender identity is the individual's internal sense of being male or female. The way an individual expresses his or her gender identity is frequently called "gender expression," and may or may not conform to social stereotypes associated with a particular gender.

H

HARASSMENT. See Volume 2.

HAZING. See Volume 2.

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

Glossary

MCO 5354.1E

26 MAR 2018

HOSTILE WORK ENVIRONMENT. An intimidating or offensive duty environment that has the purpose or effect of unreasonably interfering with the work performance of Service members, or civilian employees, or both.

I

INFORMAL RESOLUTION. Informal resolution (IR) enables the parties to any alleged unprofessional conduct to resolve interpersonal conflicts at the lowest appropriate level. IR provides the necessary information and skills to encourage and facilitate resolving interpersonal conflicts in the workplace at the lowest appropriate level. IR emphasizes each person's responsibility to be a role model of acceptable behavior and confront unacceptable behavior when observed or brought to his or her attention. Methods for IR are direct, informal third party, or training information resources. See Vol 3, paragraph 0313 for amplification.

INSTITUTIONAL DISCRIMINATION. Policies, procedures, and practices that, intentionally or unintentionally, lead to differential treatment of selected identifiable groups and which, through usage and custom, have attained official or semiofficial acceptance in the routine functioning of an organization and institution.

INTERPERSONAL CONFLICT. Interpersonal conflict can be defined as a disagreement between two or more people that raises serious concerns and needs to be resolved. Informal resolution (IR) enables the parties to any alleged unprofessional conduct to resolve interpersonal conflicts at the lowest appropriate level.

INVESTIGATION. An examination into allegations of wrongdoing or misconduct.

J

JOINT SERVICE ENVIRONMENT. A locality from which operations of two or more of the Military Departments are projected or supported and which is manned by significant elements of two or more Military Departments or in which significant elements of two or more Military Departments are located. Includes joint commands, joint bases, Defense Agencies, and joint field activities that involve more than one branch of Military Service.

K

L

LEGAL SUFFICIENCY REVIEW. A review by the SJA (or Counsel if the subject of the investigation is a civilian employee or contractor) of an investigation into a complaint alleging prohibited activities and conduct under this Order to determine whether any errors or irregularities exist, and, if so, their legal effect, if any (10 U.S.C. § 801 et seq). The review will determine whether:

- The investigation complies with all applicable legal and administrative requirements;
- The investigation adequately addresses the matters complained of;
- The evidence supports the finding of the investigating officer or board; and

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

Glossary

MCO 5354.1E

26 MAR 2018

- The conclusions and recommendations of the investigating officer or board are consistent with the findings.

M

MILITARY CRIMINAL INVESTIGATIVE ORGANIZATION. The U.S. Army Criminal Investigation Command, Naval Criminal Investigative Service, and Air Force Office of Special Investigations.

MINORITY. A group which differs from the predominant section of a larger group in one or more characteristics- e.g., ethnic background, language, culture, or religion- and, as a result, is often subjected to differential treatment. Race and ethnic codes of minorities are published in MCO P1080.20M CH-2 (MCTFSCODESMAN).

N

NATIONAL ORIGIN DISCRIMINATION. Involves treating people unfavorably because they are from a particular country or part of the world, because of ethnicity or accent, or because they appear to be of a certain ethnic background (even if they are not). National origin discrimination also can involve treating people unfavorably because they are married to (or associated with) a person of a certain national origin. Discrimination can occur when the victim and the subject of a complaint are the same national origin.

O

OFFENSE. A breach of law, rule or regulation; an illegal act. A violation of the punitive provisions of this Order or the commission of any prohibited activities and conduct identified in this Order-would constitute an offense.

OSTRACISM. See Volume 2.

P

PREJUDICE. An attitude, judgment, or opinion, without regard to pertinent fact, that is typically expressed in suspicion, fear, hostility, or intolerance of certain people, customs, and ideas.

PRIMA FACIE (EOA) ANALYSIS. A first-impression analysis of a complaint by the EOA, that accepts as correct and true the claimed, asserted, or reported conduct until proved otherwise. The EOA utilizes this analysis to match the alleged unprofessional conduct under this Order against the elements of an offense. The prima facie analysis and determination is not investigatory. The EOA reviews the complaint on its face value to determine if the complaint is of an Equal Opportunity nature or otherwise involves unprofessional conduct under this Order-that is,-relates to alleged conduct that is based on the complainant's race, religion, color, sex (includes gender identity), sexual orientation, or national origin, or that implicates hazing, bullying, ostracism, or retaliation, or that indicates active participation in supremacist or extremist organizations or criminal gangs.

PROPOSED CORRECTIVE ACTION. Plan of action developed to resolve identified areas of concern after the commander's careful review and consideration of the facts and circumstances involved.

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

Glossary

MCO 5354.1E

26 MAR 2018

PROTECTED COMMUNICATION. Any lawful communication in which a member of the armed forces complains of, or discloses information that the member reasonably believes constitutes evidence of, any of the following:

- A violation of law or regulation, including a law or regulation prohibiting rape, sexual assault, or other sexual misconduct in violation of sections 920 through 920c of Title 10 U.S.C. (articles 120 through 120c of the UCMJ), sexual harassment, or discrimination (2014-2016 DoD Sexual Assault Prevention Strategy).
- Gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.
- A threat by another member of the armed forces or employee of the Federal Government that indicates a determination or intent to kill or cause serious bodily injury to members of the armed forces or civilians or damage to military, Federal, or civilian property. Protected communication is not the same as confidential communication (DoD Directive 7050.06, 17 April 2015).

Q

“QUID PRO QUO” OR “THIS FOR THAT.” A type of sexual harassment that occurs when submitting to or rejecting such behavior is used as a basis for decisions affecting any person's job, pay, or career. This could be a promise of employment, a promotion, a threat of or an actual demotion, a duty assignment, or a positive or negative performance evaluation. It includes implicit or explicit threats of adverse action if the person does not submit to such conditions and promises of favorable actions if the person does submit to them.

R

RACE. A division of human beings identified by the possession of traits that are transmissible by descent and that are sufficient to characterize persons possessing these traits as a distinctive human genotype.

RACE/COLOR DISCRIMINATION. Involves treating people unfavorably because they are of a certain race or because of personal characteristics associated with race (such as hair texture, skin color, or certain facial features). Color discrimination involves treating someone unfavorably because of skin color complexion. Race and color are not synonymous. Color discrimination can occur between persons of different races or ethnicities, or between persons of the same race or ethnicity.

RACE/ETHNIC GROUPS. The race/ethnic groups for Marine Corps reporting are the same as listed under Ethnic and Racial Categories.

RACIAL/ETHNIC INCIDENTS. An incident that involves members of two or more racial/ethnic groups, and racial/ethnic factors were the precipitating cause, or became a motivating factor. If an incident involves members of only one racial/ethnic origin but is directed at another racial/ethnic group, it should be considered a racial/ethnic incident.

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

Glossary

MCO 5354.1E

26 MAR 2018

RACISM. A belief or attitude that race determines an individual's traits and capabilities and that racial difference produce a natural superiority of a particular race. Behavior or conditions that foster stereotypes of social roles based on race.

REASONABLE PERSON STANDARD. A reasonable person is society's objective representation of care. An objective test used to determine if behavior constitutes prohibited activities and conduct. This standard is used in evaluating prohibited activities and conduct under this Order and considers what a reasonable person's reaction would have been under similar circumstances and in a similar environment. The reasonable person standard considers the recipient's perspective and not stereotyped notions of acceptable behavior. For example, a work environment in which sexual slurs, the display of sexually suggestive calendars, or other offensive sexual behavior abound can constitute sexual harassment even if other people might deem it to be harmless or insignificant.

RECIPIENT. Any person subjected to the prohibited activities and conduct identified in Volume 2 of this Order (may also be referred to as complainant if they are an aggrieved service member).

RELIGION. A personal set or institutionalized system of attitudes, moral or ethical beliefs, and practices that are held with the strength of traditional religious views, characterized by ardor and faith, and generally evidenced through specific religious observances.

RELIGIOUS DISCRIMINATION. Involves treating a person unfavorably because of his or her religious beliefs, or the lack of any religious belief. The policy protects not only people who belong to traditional, organized religions, such as Buddhism, Christianity, Hinduism, Islam, and Judaism, but also others who have sincerely held religious, ethical, or moral beliefs. Religious discrimination can also involve treating someone differently because that person is married to (or associated with) an individual of a particular religion.

REPORTER. A person who submits an allegation alleging prohibited activities and conduct under this Order. A reporter may be a mere witness or third party who has knowledge of alleged prohibited activities and conduct under this Order (i.e., not aggrieved) and thereby not be deemed a recipient. A reporter may also be a non-service member and thereby not be deemed a complainant

RETALITION. See Volume 2.

S

SERVICE MEMBER. A Regular or Reserve Component officer (commissioned or warrant) or enlisted member of the Army, Navy, Air Force, Marine Corps, and the Coast Guard (when it is operating as a Service in the Navy) on active duty.

SEX. Refers to the biological distinction between males and females.

SEX DISCRIMINATION. Involves treating someone unfavorably because of that person's sex. Discrimination against an individual because of gender identity or because of sexual orientation is a form of sex discrimination in violation of DoD policy.

SEXISM. Behavior, conditions, or attitudes that foster stereotypes of roles, prejudice, or discrimination based on the sex of an individual.

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

Glossary

MCO 5354.1E

26 MAR 2018

SEXUAL HARASSMENT. See Volume 2.

SEXUAL ORIENTATION. Defined as homosexuality, bisexuality, or heterosexuality, whether such orientation is actual or perceived.

SPECIAL INTEREST ITEM (INSEPCION CHECKLISTS). An item deemed to be of special interest to the Commandant of the Marine Corps on readiness and inspection checklists.

SOCIAL MEDIA. Web-based tools, websites, applications, social networks and media that connect users and allow them to engage in dialogue, share information, collaborate, and interact.

SUBSTANTIATE/SUBSTANTIATION. A determination by a commander O-5 and above, as that term is used in this Order, that a preponderance of the evidence supports the truth of a complainant's allegation.

SUPERVISOR. A commissioned officer, non-commissioned officer or DoD civilian employee in a supervisory or command position.

T

TRAUMA RESPONSE. Individuals who have experienced trauma vary widely in how they experience and express traumatic stress reactions. Traumatic stress reactions vary in severity and even the most acute responses are natural responses to manage trauma. The characteristics of the trauma and the subsequent traumatic stress reactions can dramatically influence how individuals respond to the environment, relationships, and interventions. Most survivors exhibit immediate reactions, yet these typically resolve without severe long-term consequences. Common reactions across domains associated with singular, multiple, and enduring traumatic events include: emotional, physical, cognitive, behavioral, social, and developmental.

U

UNLAWFUL DISCRIMINATION. See Volume 2.

UNWELCOME. Conduct that is not solicited and which is considered objectionable by the person to whom it is directed and which is found to be undesirable or offensive using a reasonable person standard.

V

W

WORKPLACE/WORK ENVIRONMENT. The workplace or any other place that is work-connected, as well as the conditions or atmosphere under which people are required to work. An expansive term for military members that includes conduct on or off duty (e.g., while in a liberty status), 24 hours a day.

WRONGFUL DISTRIBUTION OR BROADCASTING OF AN INTIMATE IMAGE. See Volume 2.

X

Y

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

Glossary

MCO 5354.1E

26 MAR 2018

Z