



## BRIEFING CARD

# Prohibited Activities and Conduct (PAC)

**MARCH 2025**

### BACKGROUND

Marine Corps Order 5354.1F (dated 20 Apr 2021) realigned the Prohibited Activities and Conduct (PAC) with established policies and procedures. Two months after its publication, the Independent Review Commission on Sexual Assault within the Military (IRC-SAM) presented 82 recommendations on improving prevention and response to the services; the Marine Corps implemented 80 of them. This update to MCO 5354.1G reflects IRC-SAM recommendations in addition to relevant U.S. Marine Corps policy and program changes.

### UPDATES

- Formalizes (via the Military Equal Opportunity Program) the implementation of safety assessments and standardized resource referrals for both complainant and subject as the safety of our Marines and Sailors is paramount.
- Affords complainants the opportunity to select either the informal or formal reporting process with no third-party ability to change the reporting process.
- Requires the appointment of an investigative officer that is outside of the complainant's and subject's chain(s) of command, thereby ensuring investigations are free from bias and command influence.
- Requires all formal complaints be investigated prior to dismissal.
  - After an investigation is completed, the commander retains the option to dismiss, substantiate, or substantiate the complaint. Specific requirements for dismissal are still listed within MCO 5354.1G.
- Implements (as directed by IRC-SAM, MCO 5354.1G) confidential reporting of sexual harassment.
  - Similar to restricted reports in sexual assault incidents, this allows individuals to receive resources and care without command notification or triggering an investigation.
  - Similar to the Sexual Assault Prevention and Response program, Equal Opportunity Advisors (EOA) now have confidentiality for sexual harassments, ensuring compliance with Title 10 Section 1561b, "Confidential reporting of sexual harassment."
  - Clarifies that EOAs are not mandatory reporters and authorizes confidentiality as it applies to sexual harassment. Defines the exceptions to confidentiality specific to sexual harassment.
- Implements the Department of the Navy's No Wrong Door policy, ensuring that a service member can report to any victim service program (Sexual Assault Prevention and Response (SAPR), Military Equal Opportunity (MEO)), Family Advocacy Program, Victim and Witness Assistance Program) and not be turned away or have their reporting options impacted.
- Mandates the timeline for Annual Defense Organizational Climate Survey (DEOC) and establishes the Pulse (aka Defense Organizational Climate Pulse survey) and comprehensive integrated primary prevention (CIPP) plan. The DEOCs and Pulse inform the CIPP, which is a mandate that requires data sharing with integrated prevention specialists and all stakeholders.
- Implements the Misconduct Report Incident Tracker (MRIT), which is a new data system that serves as the repository for all anonymous, informal, and formal reports.
  - This system allows EOA to pull AOR specific data.
  - This system replaces the Discrimination and Sexual Harassment (DASH) database, effective 1 June 2024, and enhances the secure handling of sensitive information for authorized personnel. Authorized personnel are only the EOA.
- Provides Commanders an option to consult with the Staff Judge Advocate (SJA) to determine if allegation(s) meets the elements of an enumerated offense under the Uniform Code of Military Justice.
  - In this change, commanding officers have (3) working days to consult with the SJA for determination. In appropriate cases of an enumerated offense, the allegation should be referred to the cognizant Military

Criminal Investigative Organization (MCIO) for action. Regardless of the investigative path, the processing and tracking requirements of MCO 5354.1G will still apply.

- Removes stalking (UCMJ Art 130) and the wrongful distribution or broadcasting of intimate images (UCMJ Art 117a) to align with MARADMIN 655/23, "Office of Special Trial Counsel full operational capability and notification requirements for covered offenses."
- Removes dissident and protest language from the PAC, in accordance with SECNAVINST 1610.4, "DON Policy on Handling Protest, Extremist, and Criminal Gang Activities." These activities are addressed through adjacent prevention, response, and education initiatives or efforts.

## **TALKING POINTS**

**TP1.** All Marines and Sailors are expected to treat one another with dignity, care, and respect.

**TP2.** Each leader must have a clear and common understanding of Prohibited Activities and Conduct (PAC) and their negative effects on our institution.

**TP3.** PAC violations undermine morale, reduce combat readiness, and prevent maximum utilization and development of the Marine Corps' most vital asset: its Marines and Sailors.

**TP4.** MCO 5354.1G provides leaders guidance to effectively respond to reports of harmful behaviors associated with PAC, and serves as the primary reference to proactively develop climates conducive to enhancing readiness and lethality.

**TP5.** The Marine Corps' strategic focus to preventing harmful behaviors, such as sexual assault and sexual harassment, is through Marine Corps Total Fitness (MCTF). MCTF strengthens holistically across four domains: mental, spiritual, social, and physical fitness. Strengthening Marines and enhancing resilience across all domains will prevent and reduce harmful behaviors.

**TP6.** Prohibited discriminatory and harassment behaviors within the Marine Corps are counter-productive to mission readiness, unacceptable, and are not tolerated.

**TP7.** Beginning in January 2025, all substantiated sexual harassment cases will be forwarded the Office of Special Trial Counsel for adjudication in accordance with IRC-SAM recommendations.

**TP8.** Commanders will have resources such as SJAs and professionally trained Military EOAs to assist them in processing reports of PAC order violations and facilitating victim care.

**TP9.** The DON No Wrong Door policy ensures that a service member can report to any victim service program (SAPR, MEO, FAP, VWAP) and not be turned away or have their reporting options impacted.

**TP10.** PAC has a direct correlation to mission readiness and leadership traits.

**TP11.** Per the NDAA FY21 Section 554 and SECNAVINST 1610.4, it is the commander's inherent authority and responsibility to prohibit service members from active participation in extremist activities, and other activities that adversely affect good order and discipline within the command. The Marine Corps continues to address extremism through prevention, response, and education. Command teams, the Judge Advocate Division, the Office of the Inspector General of the Marine Corps, and Training and Education Command are crucial in this effort.

**TP12.** The Marine Corps is changing how sexual harassment, prohibited discrimination and harassment are handled. The PAC Order is being revised to align punitive provisions with recent updates to the Uniform Code of Military Justice (UCMJ) and already existing punitive orders, and to streamline overly burdensome administrative requirements.

**TP13.** A major change directed by IRC-SAM is the implementation of confidential reporting of sexual harassment which like restricted reports in sexual assault incidents will allow individuals to receive resources and care without command notification or triggering an investigation.

**TP14.** Stalking and dissident and protest activities were removed from the PAC to be in compliance with Secretary of the Navy Instruction (SECNAVINST) 1610.3, "Department of the Navy Policy on Harassment Prevention and Response," and DoD Instruction 1325.06, "Handling Protest, Extremis, and Criminal Gang Activities Among Members of the Armed Force," respectively. Both require immediate reporting of those alleged incidents to the appropriate Military Criminal Investigative Office.

## **POINTS OF CONTACT**

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