

HARASSING BEHAVIOR PREVENTION, RESPONSE, AND ACCOUNTABILITY



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COMMANDANT INSTRUCTION 5350.6A

Subj: HARASSING BEHAVIOR PREVENTION, RESPONSE, AND ACCOUNTABILITY

- Ref:**
- (a) U.S. Coast Guard Civil Rights Manual, COMDTINST 5350.4 (series)
 - (b) Uniform Code of Military Justice, 10 U.S.C. § 801-946a (as amended)
 - (c) Civilian Personnel Actions: Disciplinary, Adverse, and Performance Based Actions, COMDTINST 12750.4 (series)
 - (d) Coast Guard Investigative Service Roles and Responsibilities, COMDTINST 5520.5 (series)
 - (e) Manual for Courts-Martial, United States (current edition)
 - (f) Military Justice Manual, COMDTINST 5810.1 (series)
 - (g) Military Separations, COMDTINST 1000.4 (series)
 - (h) Administrative Investigations Manual, COMDTINST 5830.1 (series)
 - (i) Equal Employment Opportunity Commission, Management Directive 715
 - (j) Equal Employment Opportunity Commission, "Enforcement Guidance on Harassment in the Workplace," No. 915.064 (April 29, 2024)
 - (k) Enlistments, Evaluations, and Advancements, COMDTINST 1000.2 (series)
 - (l) Discipline and Conduct, COMDTINST 1600.2 (series)

1. **PURPOSE.** This Instruction establishes policy, assigns responsibilities, and provides procedures governing harassing behavior prevention, response, and accountability, to ensure reports of harassing behavior are resolved in a timely and appropriate manner.
 - a. This Instruction is separate and distinct from Reference (a) and the procedures for filing an Equal Employment Opportunity (EEO) or Equal Opportunity (EO) complaint of discriminatory harassment through the Civil Rights Directorate (CG-00H). Conduct may be considered a violation of both civil rights law and Coast Guard civil rights policy outside of this Instruction.
 - b. This Instruction is a lawful regulation and creates the basis for a military duty.
 - c. The procedures in this Instruction are intended to facilitate, not be a substitute for, established authorities and processes for adjudicating offenses and imposing administrative and disciplinary actions including but not limited to those in References (b) through (g). These procedures are designed to supplement those in Reference (h) for the limited purpose of implementing this policy but shall take precedence to the extent any requirements or guidance conflicts.

- d. For the policy language used in this Instruction, the words “shall” and “must” mean the action described is mandatory or required. The word “should” means the action described is highly encouraged, but not mandatory or required. The word “may” means the action is authorized but discretionary. The word “will” is descriptive, meaning it does not prescribe an action.
2. **ACTION.** All Coast Guard unit commanders, commanding officers, officers-in-charge, deputy/assistant commandants, and chiefs of headquarter directorates must comply with the policies contained.
3. **AUTHORIZED RELEASE.** Internet release is authorized.
4. **DIRECTIVES AFFECTED.** Harassing Behavior Prevention, Response, and Accountability, COMDTINST 5350.6, is cancelled and implementation of this Instruction is effective 15 December 2025. Until that time, reporting and processing requirements remain the same.
5. **DISCUSSION.** All Coast Guard personnel are entitled to be treated with dignity and respect and to work in an environment free of harassing behavior. Harassing behavior is harmful to the workforce, detrimental to readiness and mission performance, and contrary to the Coast Guard’s core values of honor, respect, and devotion to duty.
6. **DISCLAIMER.** This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is intended to provide administrative guidance for Coast Guard personnel and is not intended nor does it impose legally-binding requirements on any party outside the Coast Guard.
7. **MAJOR CHANGES.** This Instruction is a comprehensive update to policy and procedures relating to the response, processing, and resolution of reports of harassing behavior, including but not limited to the following significant changes:
 - a. Low-level resolution is available to resolve matters outside of the formal processing system except for reports of sexual harassment. Formal processing will continue to be used where low-level resolution fails, the situation escalates, or the convening authority determines an investigation is necessary or otherwise appropriate.
 - b. To constitute harassment, conduct must be based on a protected characteristic (race, color, religion, sex (including sexual orientation and pregnancy), national origin, age (40 or older), disability (physical or mental), parental status, marital status, or genetic information (including family medical history)).
 - c. Except in cases involving allegations of sexual harassment, reports must be made within forty-five (45) calendar days of an incident or in the case of a series of incidents, the most recent incident, with discretion for reports to be accepted beyond this time frame.

Per Acting Commandant memo 20 Nov 2025, USCG effective and controlling policy on actual or potential hate incidents, including the prohibition on divisive or hate symbols and flags, and policy for processing and responding to reports, is contained in the USCG Civil Rights Manual, COMDTINST M5350.4E (21 Oct 2020)(updated 5 Mar 2025), Chapter 3F (Hate Incidents and CO/OIC Responsibilities) and 3G (Notification and Processing for Potential and Actual Hate Incidents).

- e. District and area chiefs of staff are designated as convening authorities. District and area division chiefs and sector deputy commanders are designated as convening authorities, limited to reports involving subordinate unit command cadre.
 - f. An investigating officer may be from the same unit where allegations arose except for cases involving allegations of sexual harassment when the investigating officer must be from a separate unit. Lieutenants (Junior Grade) may now serve as investigating officers.
8. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. The Office of Environmental Management, Commandant (CG-SHORE-V) reviewed this Commandant Instruction and the general policies contained within and determined that this policy falls under DHS categorical exclusion A3. This CI will not result in any substantial change to existing environmental conditions or violation of any applicable federal, state, or local laws relating to the protection of the environment. It is the responsibility of the action proponent to evaluate all future specific actions resulting from this policy for compliance with the National Environmental Policy Act (NEPA), other applicable environmental requirements, and the U.S. Coast Guard Environmental Planning Policy, COMDTINST 5090.1 (series).
 9. DISTRIBUTION. Electronic distribution in the Directives System Library. Intranet/Pixel Dashboard: Directives Pubs, and Forms - PowerApps (appsplatform.us). If Internet released: Commandant Instructions (uscg.mil), Coast Guard Forms (uscg.mil).
 10. RECORDS MANAGEMENT CONSIDERATIONS. Records created as a result of this Instruction, regardless of format or media, must be managed in accordance with Records & Information Management Program Roles and Responsibilities, COMDTINST 5212.12 (series) and the records retention schedule located on the Records Resource Center Microsoft SharePoint site.
 11. FORMS. Report of Harassing Behavior, Form CG-5354A. User-suggested changes and/or corrections for immediate action may be submitted to USCG.Forms@uscg.mil.
 12. REPORTS. None.
 13. SECTION 508. This policy is created to adhere to accessibility guidelines and standards as promulgated by the U.S. Access Board with consideration of Information and Communications Technology (ICT) requirements. The customer experience (CX), plain language, and service delivery improvements were considered. If modifications are needed for this artifact, please communicate with the Section 508 Program Management Office (PMO) at Section.508@uscg.mil. Concerns or complaints for non-compliance of policy and/or artifacts may be directed to the Section 508 PMO, the Civil Rights Directorate (<https://www.uscg.mil/Resources/Civil-Rights/>) for the Coast Guard, or to the U.S. Department of Homeland Security at accessibility@hq.dhs.gov.

14. REQUEST FOR CHANGES. Proposed changes may be sent directly to the Anti-Harassment Program Office (AHPO) at SMB-COMDT-AHPO@uscg.mil.

/CHARLES E. FOSSE/
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Deputy Commandant for Personnel

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CHAPTER 1. ROLES AND RESPONSIBILITIES

A. Anti-Harassment Program Office (AHPO).

1. The AHPO manages the Coast Guard's Anti-Harassment Program and this Instruction consistent with References (i) and (j) and applicable DHS policies.
2. The AHPO shall:
 - a. Develop policy and provide guidance, direction, and coordination for the execution of the Anti-Harassment Program and harassing behavior prevention, response, and accountability efforts.
 - b. Receive and refer harassing behavior reports to an appropriate convening authority.
 - c. Oversee anti-harassment training and coordinate with Force Readiness Command (FORCECOM) on updates.
 - d. Maintain a designated anti-harassment investigating officer (IO) roster (see AHPO SharePoint).
 - e. Collect data and maintain a database with a Final Action Memoranda (FAM) repository.
 - f. Respond to data calls and inquiries related to the Anti-Harassment Program.

B. Civil Rights Directorate (CG-00H).

1. Manages the Coast Guard's civil rights policies including the separate and distinct procedures in Reference (a) for filing an Equal Employment Opportunity (EEO) or Equal Opportunity (EO) complaint of discriminatory harassment.
2. Partners with the AHPO in support of a workplace environment free from discrimination and harassment and coordinates on the development and implementation of anti-harassment training and resources.

C. Workforce.

1. Coast Guard personnel are prohibited from engaging in conduct that constitutes sexual harassment, harassment, retaliation, bullying, or hazing, as defined in Chapter 3 of this Instruction. This prohibition is punitive in nature and constitutes a lawful general order under Article 92 of Reference (b) for military members, and an order for civilian employees under Reference (c), effective without further implementation.
2. Maintaining a work environment free of harassing behavior is an all-hands responsibility. Every military member and civilian employee shall:
 - a. Always model professional behavior and treat others with dignity and respect.

- b. Be vigilant and vocal when others act in a manner that can do harm and communicate that such conduct is not tolerated in the Coast Guard.
- c. Appropriately intervene when witnessing unacceptable conduct and notify leadership early to prevent escalation to more damaging behavior. While isolated actions such as an inappropriate joke, comment, or story, generally do not rise to the level of harassing behavior, if unchecked, they can contribute to a permissive work environment which emboldens offenders.
- d. If comfortable doing so and reasonable under the circumstances, directly inform individuals who violate personal boundaries that conduct is unwelcome and must stop.
- e. Promptly report harassing behavior in accordance with this Instruction based on a reasonable, good faith belief that a violation has occurred. Timely reporting is encouraged to ensure access to witnesses and preservation of other pertinent information regarding an incident. Individuals who knowingly make a false allegation of misconduct may be subject to disciplinary action under Reference (b) for military members and Reference (c) for civilian employees.

D. Leaders.

- 1. Those entrusted with positions of leadership (e.g., commanders, commanding officers, officers-in-charge, and supervisors) are expected to cultivate a climate of dignity, respect, trust, and zero tolerance for harassing behavior in which every member of their team feels free to raise concerns and is confident those concerns will be addressed.
- 2. Commanders, commanding officers, officers-in-charge, and supervisors shall:
 - a. Implement and enforce the provisions of this Instruction.
 - b. Ensure personnel are familiar with the procedures for submitting reports of harassing behavior.
 - c. Promote the chain of command as the primary and preferred channel to initiate and resolve reports of harassing behavior.
 - d. Act promptly to stop harassing behavior and take appropriate steps to prevent further incidents. This may include separating involved parties while the matter is being resolved if warranted by the circumstances though an aggrieved generally should not be moved unless expressly requested.
 - e. Take immediate action to ensure the safety of involved parties, including contacting local law enforcement, base security forces, or emergency medical care, as necessary.
 - f. Facilitate access to available resources for those affected by harassing behavior.
 - g. Hold accountable offenders and any subordinate leader who fails to respond in accordance with requirements under this Instruction.

- h. Ensure personnel understand that retaliation against those who report or assist others in reporting harassing behavior or other misconduct, including professional or social ostracism, is not tolerated in the Coast Guard.
- i. Promptly address conduct not rising to the level of harassing behavior, but that is nonetheless inappropriate in a work environment, as proactive leadership is vital to interrupting unacceptable conduct before it becomes severe or pervasive.

E. Convening Authorities.

1. For the purposes of this Instruction, convening authorities are commanding officers and officers-in-charge of any Coast Guard unit, flag officers and senior executive service (SES) members, district and area chiefs of staff, Coast Guard Investigative Service (CGIS) regional office special agents-in-charge, district and area division chiefs (limited to reports involving subordinate unit command cadre), sector deputy commanders (limited to reports involving subordinate unit command cadre), and district directors of auxiliary (limited to reports involving auxiliarists as alleged offenders).
2. Convening authorities must not delegate their responsibilities and shall:
 - a. Serve as the designated authority for receiving reports of harassing behavior and ensure matters are resolved in a timely and impartial manner in accordance with this Instruction (see AHPO SharePoint for Course of Action Guide and Resolution Flow Chart).
 - b. Designate and maintain IOs pursuant to Section 7.B.2. of this Instruction.
 - c. Make IOs available to other convening authorities upon request. The unit requesting support should normally be responsible for any necessary funding.
 - d. Notify CGIS immediately of any allegations of sexual harassment and associated retaliation or as otherwise required by Reference (d).
 - e. Notify their chain of command and the AHPO within 48 hours, if not sooner, if there is the potential for Congressional or media interest related to a report of harassing behavior.
 - f. Recuse themselves from serving as convening authority and forward reports to the next superior convening authority if a conflict of interest or bias exists (e.g., named in report as alleged offender or witness or substantive professional or personal associations with involved parties to such an extent that a reasonable person with knowledge of the facts and circumstances would question their ability to act impartiality).
 - g. Provide timely information, as appropriate, to the reporting party from receipt of report through resolution (e.g., status updates and notification of delays) including through their chain of command if assigned to another unit.
 - h. Upon notification of representation, include Special Victims' Counsel (SVC) in communications regarding the matter or other circumstances related to the SVC's

representation of their client, as appropriate.

- i. Notify Coast Guard Personnel Service Center (CG PSC-OPM/RPM) upon the convening of an investigation involving an officer as an alleged offender and again following the determination on whether the officer engaged in harassing behavior.
- j. Ensure requests for access to case related documentation, except for releases pursuant to Sections 7.C.2.a.(4) and (5) of this Instruction, are addressed through the Freedom of Information Act (FOIA) request process unless the requester is otherwise entitled to access under law or policy.
- k. Ensure case-related documentation is maintained in accordance with records retention policy.
- l. Take appropriate action to resolve workplace conflicts and address unacceptable conduct in the workplace even if not subject to this policy.

F. Coast Guard Investigative Service (CGIS).

1. CGIS shall receive notifications as required by Reference (d) and this Instruction (e.g., allegations of sexual harassment and associated retaliation), and in coordination with the servicing legal office and the referring command, determine whether to initiate a criminal investigation. Matters declined for criminal investigation must be promptly returned to the convening authority for appropriate action.
2. CGIS may assist with standard investigations under Reference (h) upon request by a convening authority pursuant to paragraph 10.c. of Reference (d). Assistance may include, but is not limited to, aiding with the collection and analysis of digital evidence and guidance on investigative strategies. The regional office special agent-in-charge (SAC), in coordination with the servicing legal office and convening authority, decides the nature and extent of CGIS support based on availability of CGIS resources.

G. Force Readiness Command (FORCECOM) and Accession Points.

1. In coordination with the AHPO, FORCECOM shall develop and maintain anti-harassment training.
2. FORCECOM and accession points shall issue any necessary supplemental policies and procedures for cadets, new officer accessions, and enlisted recruits, with any deviations from this policy approved by the AHPO.

CHAPTER 2. APPLICABILITY

A. Active Duty Members.

1. Active duty members who engage in conduct prohibited by this policy are subject to administrative and disciplinary action, including non-judicial punishment (NJP) and court-martial.

B. Reservists.

1. Reservists who engage in conduct prohibited by this policy while performing inactive or active duty are subject to disciplinary action, including non-judicial punishment (NJP) and court-martial, and administrative action, regardless of reserve status.

C. Civilian Employees.

1. Civilian employees who engage in conduct prohibited by this policy are subject to disciplinary and adverse actions in accordance with Reference (c).

D. Coast Guard Auxiliarists.

1. Coast Guard auxiliarists who engage in conduct prohibited by this policy, are subject to administrative action, including disenrollment.

E. Leaders.

1. Leaders who fail to carry out responsibilities under this policy are subject to administrative and disciplinary action.

F. Separated or Retired Personnel.

1. Separated or retired members and employees are not covered under this policy.
2. Those in receipt of reports involving such individuals should consult with their servicing legal office regarding appropriate action.

CHAPTER 3. SCOPE OF HARASSING BEHAVIOR

A. General.

1. Harassing behavior must have a nexus to a member's or employee's position or responsibilities. Harassing behavior can occur on duty, off duty, face-to-face, or remotely via written or electronic/digital means, including, but not limited to telephone, email, social media, websites, and chat applications. Such conduct is prohibited regardless of whether it occurs during working hours or within Coast Guard installations, assets, or other workspaces. Harassing behavior under this policy can be verbal, nonverbal, or physical.
2. Harassing behavior under this policy is limited to the incident types in Section 3.B. of this Instruction.
3. Activities or actions undertaken for a proper military or governmental purpose, including assignment of work related to the duties and responsibilities of the member or employee and performance counseling, are not harassing behavior.
4. Behavior that is rude, ignorant, abrasive, or unkind, but does not rise to the level of being severe or pervasive, is not harassing behavior, but is contrary to core values and should otherwise be addressed as unacceptable conduct in the workplace.

B. Incident Types.

1. Sexual Harassment. Sexual harassment occurs where an offender knowingly makes sexual advances, demands or requests for sexual favors, or knowingly engages in other conduct of a sexual nature; such conduct is unwelcome; and under the circumstances, such conduct:
 - a. Would cause a reasonable person to believe, and the person at whom the behavior was directed did believe, that submission to such conduct would be made, either explicitly or implicitly, a term or condition of that person's job, pay, career, benefits, or entitlements;
 - b. Would cause a reasonable person to believe, and the person at whom the behavior was directed did believe, that submission to, or rejection of, such conduct would be used as a basis for decisions affecting that person's job, pay, career, benefits, or entitlements; or
 - c. Was so severe, repetitive, or pervasive that it (1) unreasonably interfered with an individual's work performance, or (2) a reasonable person would perceive, and the person at whom the behavior is directed did perceive, an intimidating, hostile, or offensive working environment.
2. Harassment. Unwelcome conduct based on race, color, religion, sex (including sexual orientation and pregnancy), national origin, age (40 or older), disability, parental status, marital status, or genetic information (including family medical history), that (1) unreasonably interferes with an individual's work performance, or (2) creates an

intimidating, hostile, or offensive working environment. The conduct must be severe or pervasive to constitute harassment. Harassment may include, but is not limited to, offensive jokes, epithets, ridicule or mockery, insults or put-downs, displays of offensive objects or imagery, stereotyping, intimidating acts, veiled threats of violence, threatening or provoking remarks, derogatory remarks about a person's accent, or slurs or other offensive conduct.

3. Retaliation. Illegal, impermissible, or hostile actions taken against a military member or civilian employee, because of that individual engaging in, or being suspected of engaging in, a protected activity. Retaliation for purposes of this Instruction differs from retaliation as defined in Article 132 of Reference (b). Retaliatory actions include, but are not limited to, reprisal, ostracism, and maltreatment. Protected activities for which retaliation is prohibited include:
 - a. Reporting any misconduct to an appropriate official, including reports of harassing behavior, discrimination, or retaliation;
 - b. Engaging in an EEO/EO activity, whether as a complainant or witness;
 - c. Providing evidence in any investigation or administrative or judicial proceeding;
 - d. Intervening to assist or protect others who may have suffered harassing behavior, discrimination, or retaliation;
 - e. Refusing to follow orders to engage in conduct that constitutes or results in discrimination, or otherwise opposing any practice made unlawful under the employment discrimination statutes;
 - f. Making a request for a reasonable accommodation based on disability, religion, or pregnancy; and
 - g. Making communications protected by whistleblower laws applicable to civilian employees and military members including protected communications to Congress, the Inspector General, and the Office of Special Counsel.
4. Bullying. Severe or pervasive act(s) of aggression by an offender, with the intent of harming the aggrieved either physically or psychologically, without a proper military or other governmental purpose. Bullying may involve the singling out of an individual from coworkers or unit for ridicule because they are considered different or weak. It often involves an imbalance of power between an offender and an aggrieved. A person may be responsible for an act of bullying even if there was actual or implied consent and regardless of grade, rank, or status of the aggrieved. To constitute bullying, the conduct must be unwelcome and (1) unreasonably interfere with an individual's work performance, or (2) create an intimidating, hostile, or offensive working environment. Bullying may include, but is not limited to:
 - a. Physically striking another person in any manner or threatening to do the same;
 - b. Intimidating, teasing, or taunting another person;

- c. Oral or written berating of another person with the purpose of belittling or humiliating;
 - d. Encouraging another person to engage in illegal, harmful, demeaning, or dangerous acts;
 - e. Playing abusive or malicious tricks;
 - f. Branding, handcuffing, duct taping, tattooing, shaving, greasing, or painting another person;
 - g. Subjecting another person to excessive or abusive use of water;
 - h. Forcing another person to consume food, alcohol, drugs, or any other substance;
 - i. Degrading or damaging another's property or reputation; and
 - j. Soliciting, coercing, or knowingly permitting another person to solicit or coerce acts of bullying.
5. Hazing. Severe or pervasive conduct through which an offender, without a proper military or other governmental purpose, physically or psychologically injures or creates risk of physical or psychological injury to the aggrieved for the purpose of initiation into, affiliation with, change in status or position within, or continued membership in any Coast Guard unit or organization. To constitute hazing, the conduct must be unwelcome and (1) unreasonably interfere with an individual's work performance, or (2) create an intimidating, hostile, or offensive working environment. A person may be responsible for hazing even if there was actual or implied consent and regardless of grade, rank, or status of the aggrieved. Traditional service initiation ceremonies, including Chiefs' Call to Indoctrination and equator, international date line, and Arctic and Antarctic Circle crossings, must be conducted with proper command authorization and oversight to ensure activities don't cross the line into hazing or other misconduct. Hazing may include, but is not limited to:
- a. Any form of initiation or congratulatory act that involves physically striking another person in any manner or threatening to do the same;
 - b. Pressing any object into another person's skin, regardless of whether it pierces the skin, such as "pinning" or "tacking on" of rank or other insignia, badges, medals, or any other object; Oral or written berating of another person with the purpose of belittling or humiliating;
 - c. Encouraging another person to engage in illegal, harmful, demeaning, or dangerous acts;
 - d. Playing abusive or malicious tricks;
 - e. Branding, handcuffing, duct taping, tattooing, shaving, greasing, or painting another person;

- f. Subjecting another person to excessive or abusive use of water;
- g. Forcing another person to consume food, alcohol, drugs, or any other substance; and
- h. Soliciting, coercing, or knowingly permitting another person to solicit or coerce acts of hazing.

CHAPTER 4. REPORTING HARASSING BEHAVIOR

A. General.

1. Any Coast Guard active duty or reserve member, civilian employee, auxiliaryist, or contractor, who has witnessed or been subjected to conduct by a Coast Guard active duty or reserve member, civilian employee, or auxiliaryist is an authorized reporting party and may make a report under this policy.
2. Reports submitted by other persons (e.g., allegations by a private citizen against a member or employee) or for which the Coast Guard does not have jurisdiction or authority to resolve are not covered under this policy but should be referred for action, as appropriate (e.g., allegations against a contractor should be forwarded to the contracting officer's representative).
3. The privacy and confidentiality of all involved parties shall be protected to the extent permitted by law and consistent with good order and discipline. This includes limiting information and access to documentation only to those with a need to know, which generally means someone with an official role under policy.
4. A report of harassing behavior does not preclude taking action to address performance or conduct issues by an alleged offender or reporting party if independently evaluated and determined, in consultation with the servicing legal office, to be appropriate.
5. Individuals who believe they have been subjected to unlawful discrimination also have the right to access the EEO/EO complaint process through the Civil Rights Directorate (CG-00H) but must contact a Civil Rights Service Provider (CRSP) within forty-five (45) calendar days of the event giving rise to the complaint.

B. Timeline.

1. Except in cases involving allegations of sexual harassment, reports must be made within forty-five (45) calendar days of an incident or in the case of a series of incidents, the most recent incident. There is no time limit for reports of sexual harassment.
2. Convening authorities may accept reports beyond this time frame if, in their judgment, circumstances warrant doing so after considering the reason for the delay and whether a complete and fair inquiry can be conducted.
3. This timeline for reporting has no bearing on the responsibility of commanders, commanding officers, and officers-in-charge for the maintenance of discipline within their command and to initiate such inquiry as may be necessary to make a proper disposition of any reported offenses in accordance with References (e) and (f).

C. Making a Report.

1. Harassing behavior may initially be reported, verbally or in writing, to any person of authority within a member or employee's chain of command. While generally the chain of command should be the primary channel for reporting, reports may also be initiated directly, including anonymously, with the AHPO (see [AHPO SharePoint](#) for contact information).
2. While prompt action shall be taken to address harassing behavior as directed in Section 1.D. of this Instruction, a report is not considered actionable for the purposes of further processing under this Instruction until a reporting party completes the applicable portions of a Report of Harassing Behavior, Form CG-5354A. The chain of command or the AHPO may assist a reporting party in completing the report. If a reporting party believes more than one alleged offender has engaged in harassing behavior, separate forms must be submitted for each alleged offender with a description of incident(s) specific to the respective alleged offender.
3. A reporting party who believes a report has not been processed in accordance with this Instruction may notify the AHPO.

D. Initial Processing.

1. Forms CG-5354A shall be referred to the first convening authority in the chain of command of the alleged offender(s), normally within one (1) calendar day, for appropriate action including informing the chain of command of the reporting party. For cases with multiple alleged offenders at different units, the involved commands should consider a coordinated approach in consultation with their servicing legal offices.
2. Upon receiving an actionable report, convening authorities shall review the Form CG-5354A, in consultation with the servicing legal office, and determine whether the facts as alleged, if true, would constitute harassing behavior as defined by this Instruction (see [AHPO SharePoint](#) for Course of Action Guide and Resolution Flow Chart). This determination should be made within ten (10) calendar days of receiving an actionable report, or as soon as practicable thereafter.
3. If the convening authority does not initially have sufficient information for the determination, an informal inquiry, including requesting additional information from the reporting party, is permissible for the limited purpose of understanding the nature of the alleged conduct and any associated effects. Under no circumstances shall fact-finding during this inquiry extend to probing the veracity of an allegation. Such an inquiry may also be used at the discretion of the convening authority in the absence of a report to determine whether it's appropriate to resolve a matter under this policy (see Section 4.F. of this Instruction).

4. Once a determination is made that a report alleges harassing behavior, the matter shall be accepted for resolution under this policy within three (3) calendar days with a verbal or written acknowledgement to the reporting party (see AHPO SharePoint for administrative template), and convening authorities shall proceed based on incident type in accordance with Chapters 5 or 6 of this Instruction.
5. Reporting parties shall be notified verbally or in writing if a report is determined not to allege harassing behavior as defined by this Instruction or is dismissed as untimely pursuant to Section 4.B. of this Instruction (see AHPO SharePoint for administrative template). If dismissed as untimely, the convening authority shall document on the Form CG-5354A and submit to the AHPO (see AHPO SharePoint for submission instructions). A report may subsequently be dismissed at any stage of processing at the discretion of the convening authority if voluntarily withdrawn by the reporting party or the aggrieved, when not the reporting party, declines to participate in the process. The convening authority must submit an updated Form CG-5354A to the AHPO documenting the justification for dismissal.

E. Anonymous Reports.

1. Reports with no identified reporting party shall be handled by the first convening authority in the chain of command of the alleged offender. Anonymous reports determined to allege harassing behavior shall be documented on a Form CG-5354A, and convening authorities shall proceed based on incident type in accordance with Chapters 5 or 6 of this Instruction.
2. If an anonymous report does not contain sufficient information to conduct an appropriate inquiry, the report shall be documented on a Form CG-5354A as a dismissal and submitted to the AHPO. The description of the incident on the Form CG-5354A should contain the following, if available: date and time the report was received and by whom; a detailed description of the facts and circumstances included in the report; a summary of actions taken; and any other pertinent information.

F. Suspected Harassing Behavior in the Absence of a Report.

1. Suspected harassing behavior may be identified outside of a report pursuant to this Instruction (e.g., Report of Offense and Disposition and Record of Non-judicial Punishment, Form CG-4910, during an investigation of other misconduct, concerns raised in a climate assessment, or via an EEO/EO complaint). In these circumstances, known aggrieved should be made aware of the option to submit a report under Section 4.C. of this Instruction.
2. In the absence of a report pursuant to Section 4.C. of this Instruction:
 - a. If the suspected conduct, if true, would constitute sexual harassment, the matter shall be processed in accordance with Chapter 5 of this Instruction.
 - b. If the suspected conduct, if true, would constitute harassing behavior other than sexual harassment, the matter may be handled in accordance with Chapter 6 of this Instruction at the discretion of the convening authority.

CHAPTER 5. REPORTS OF SEXUAL HARASSMENT

A. CGIS Notification.

1. CGIS must be notified immediately of alleged or suspected incidents of sexual harassment and any associated retaliation.
2. Except for the acknowledgement to the reporting party per Section 4.D.4. of this Instruction, procedures and timelines under this policy are paused until a determination is made on whether CGIS will investigate and during the pendency of any opened criminal investigations.

B. Resumption of Processing.

1. When the matter is returned to the command for disposition or concurrence to proceed is otherwise obtained from the servicing legal office, procedures and timelines shall continue and the convening authority must resolve the matter in accordance with the formal processing system defined in Chapter 7 of this Instruction.

C. Allegations Arising from Sexual Assault Investigations.

1. If an allegation of sexual harassment arises from a matter initially investigated as sexual assault, procedures and timelines under this policy shall begin once the matter is returned to the command for disposition.

D. Mandatory Determination.

1. Convening authorities must make a substantiated or not substantiated determination through the formal processing system defined in Chapter 7 of this Instruction for all allegations of sexual harassment.

E. Office of the Chief Prosecutor Engagement.

1. Substantiated incidents of sexual harassment against a military member shall be promptly forwarded via the servicing legal office to special trial counsel at the Office of the Chief Prosecutor as a report of a covered offense pursuant to R.C.M. 301(c) of Reference (e).
2. Final action pursuant to Section 7.C. of this instruction including any corrective actions shall not be taken until the matter is returned to the command for disposition.

CHAPTER 6. REPORTS OF HARASSING BEHAVIOR OTHER THAN SEXUAL HARASSMENT

A. Timely Resolution at the Lowest Possible Level.

1. Reports determined to involve allegations of harassing behavior other than sexual harassment (harassment, retaliation, bullying, or hazing) shall be resolved at the lowest possible level in a timely manner.
2. Convening authorities should evaluate the situation, including any necessary fact-finding, and exercise discretion in deciding how best to resolve matters. Convening authorities are encouraged to address matters as informally as appropriate under the circumstances which may include resolving without determining if the alleged offender engaged in harassing behavior. Convening authorities may leverage established intervention tools, such as Chief's Performance Review Council.

B. Determining Appropriate Means of Resolution.

1. Factors for the convening authority to consider when determining how to resolve at the lowest possible level, including whether a standard investigation is necessary or otherwise appropriate, include, but are not limited to, severity and frequency (i.e., isolated incident or pattern of behavior) of alleged conduct, number of aggrieved and alleged offenders, and rank and position of alleged offender with respect to the aggrieved. A standard investigation is generally warranted for reports involving substantial allegations for which, if true, severe administrative or disciplinary action may be appropriate given the nature and seriousness of the offense but may not be necessary for resolving reports of lower level misconduct.
2. An aggrieved also may be afforded the opportunity and empowered to help inform the best course of action for addressing concerns (e.g., desire is simply for unwelcome conduct to stop without an investigation).

C. Elevating to Formal Processing.

1. If low-level resolution fails, the situation escalates, or the convening authority determines that a standard investigation under Reference (h) is necessary or otherwise appropriate under the circumstances, the formal processing system defined in Chapter 7 of this Instruction is the means for resolution.

D. Documentation, Timeline, and Notifications under Low-Level Resolution.

1. The convening authority shall document that the matter will be resolved outside of the formal processing system (i.e., low-level resolution) on the Form CG-5354A and submit to the AHPO (see [AHPO SharePoint](#) for submission instructions).
2. Matters handled outside of the formal processing system should be resolved within thirty (30) calendar days of accepting a report pursuant to Section 4.D.4. of this Instruction, or as soon as practicable thereafter.
3. A reporting party shall be notified either verbally or in writing of the outcome.

CHAPTER 7. FORMAL PROCESSING SYSTEM

A. Applicability.

1. All reports of sexual harassment must be resolved in accordance with this Chapter.
2. Reports of harassing behavior other than sexual harassment (harassment, retaliation, bullying, or hazing) may be resolved in accordance with this Chapter at the discretion of the convening authority pursuant to Section 6.C. of this Instruction following consideration of factors in Section 6.B. of this Instruction.

B. Investigation.

1. General.

- a. The convening authority shall, to the extent practicable, convene a standard investigation under Reference (h) within three (3) calendar days, but in any event not later than ten (10) calendar days, of accepting a report pursuant to Section 4.D.4. of this Instruction or CGIS returning the matter to the command for disposition, whichever is later.
- b. The convening authority shall select an IO pursuant to Section 7.B.3. of this Instruction and convene the investigation through the issuance of a written convening order (see [AHPO SharePoint](#) for administrative template). A copy of the convening order along with the Form CG-5354A must be submitted to the AHPO (see [AHPO SharePoint](#) for submission instructions).
- c. For matters investigated by CGIS, a convening authority may rely solely on a CGIS report of investigation if there is sufficient evidence to support requisite findings and determinations under this policy and proceed to Section 7.C. of this Instruction. If additional inquiry is necessary, commands shall proceed with convening a standard investigation in accordance with this Section or, if appropriate, coordinate with CGIS to re-open their investigation.

2. Designating IOs.

- a. Convening authorities shall, at a minimum, designate and maintain the following number of IOs pursuant to the requirements and criteria of this Instruction and supplement with additional designations as necessary to meet unit/local needs:
 - (1) Units with over 150 personnel must designate and maintain one IO for every 150 personnel (e.g., unit with 200 personnel will have two designated IOs).
 - (2) Units with fewer than 150 but more than 50 personnel must designate and maintain at least one IO.
 - (3) Units with fewer than 50 personnel are encouraged but not required to maintain designated IOs.

- b. IOs must be officers (CWO or O-2 and above), civilians (GS-12 and above and NF-4 and above for cases involving only NAF employees), senior enlisted members (E-7 and above), or auxiliarists (for cases involving only auxiliarists) absent a waiver from the AHPO upon a showing of good cause.
 - c. When designating IOs, convening authorities shall carefully consider professionalism, temperament, education, writing skills, and demonstrated ability to exercise discretion, maintain confidentiality, and apply analytical and critical thinking skills.
 - d. Convening authorities are responsible for ensuring IOs have completed the requisite training on investigating allegations of harassing behavior within the past three years which is available on the Coast Guard Online World of Learning (CG-OWL).
 - e. Convening authorities must submit a memorandum with the names of designated IOs to the AHPO (see [AHPO SharePoint](#) for administrative template) and review, at a minimum, at the end of each fiscal year.
3. Selecting an IO.
- a. The convening authority shall ensure that the IO has no substantive professional or personal associations with the involved parties (e.g., aggrieved, alleged offender(s), or witnesses), to such an extent that a reasonable person with knowledge of the facts and circumstances would question the IO's impartiality.
 - b. IOs shall be senior or of equivalent rank to both the aggrieved and alleged offender(s).
 - c. IOs may be from the same unit where the allegations arose if appropriate under the circumstances except for cases involving allegations of sexual harassment for which the IO must be from outside the unit unless a waiver is granted by the AHPO upon a showing of good cause (e.g., significant operational constraints).
 - d. IOs must be designated in accordance with Section 7.B.2. of this Instruction prior to being appointed to an investigation in a convening order.
4. Convening Investigations.
- a. The convening order, at a minimum, shall:
 - (1) Identify the name and grade/rank of the reporting party, aggrieved, and alleged offender(s);
 - (2) Include a description of the allegation(s) to be investigated including harassing behavior incident type(s);
 - (3) Identify an assigned legal advisor;
 - (4) Identify a Labor and Employee Relations Specialist (CG PSC-CPM-2) point of contact for any matters involving civilian employees;

- (5) Provide direction on what to do if additional allegations of harassing behavior or other misconduct is uncovered during the investigation; and
 - (6) Require completion of the investigation and investigative report, including legal review, within thirty (30) calendar days.
- b. The convening authority:
- (1) May grant reasonable extensions for specified periods up to fifteen (15) calendar days with good cause (e.g., witness availability or complexity of allegations) and notification to the AHPO. The extension of an investigation completion date beyond sixty (60) calendar days from convening requires concurrence from the AHPO via email at SMB-COMDT-AHPO@uscg.mil.
 - (2) Must not consult with any individual who does not have a need to know or who has a personal interest in the outcome of the investigation, including alleged offender(s) and the reporting party, prior to determining whether allegations are substantiated or not substantiated except to ensure safety and well-being. Consultation should be limited to only those with an official role in the process.
 - (3) Shall provide or otherwise arrange for administrative and logistics support of the investigation including travel expenses of the IO and access to private space for interviews.
5. Conducting Investigations. The IO must:
- a. Promptly disclose to the convening authority any substantive professional or personal associations with the involved parties (e.g., reporting party, alleged offender(s), or witnesses), or any other potential conflict that may lead a reasonable person with knowledge of the facts and circumstances to question the IO's impartiality;
 - b. Appropriately prioritize the investigation above other official responsibilities;
 - c. Refer to AHPO guidance on conducting investigations (see [AHPO SharePoint](#));
 - d. Maintain, to the maximum extent practicable, the confidentiality of the investigation and involved parties (e.g., reporting party, aggrieved, alleged offender(s), and witnesses). This includes only sharing information regarding the allegations with those with a need-to-know, conducting interviews in a location and manner that protects privacy, and instructing witnesses to not further discuss the matter with any other person until the conclusion of the investigation;
 - e. Thoroughly examine all relevant matters and collect and present sufficient facts to the convening authority upon which a determination with respect to each allegation can be made;
 - f. Incorporate relevant portions of a CGIS report of investigation in the investigative report as an exhibit, if applicable;

- g. Immediately pause the investigation and notify the designated legal advisor and convening authority if evidence is uncovered indicating potential violations of the UCMJ, federal law, or state law beyond the scope of the convening order;
- h. Make findings of fact but otherwise make no opinion substantiating or not substantiating the allegation(s) or offer recommendations to the convening authority. The IO may offer opinions only where it is necessary to resolve factual ambiguity, such as when weighing the credibility of contrasting witness statements;
- i. Include in the investigative report any evidence that anyone in the chain of command knew, or reasonably should have known, of the alleged harassing behavior, and failed to address it prior to the report;
- j. Include in the investigative report evidence of any involved parties knowingly making a false written or verbal statement with an intent to deceive related to an allegation of harassing behavior;
- k. Consult with a Labor and Employee Relations Specialist for matters involving civilian employees as alleged offenders throughout the course of the investigation and while drafting the investigative report, as appropriate;
- l. Be familiar with and apply Article 31(b) of Reference (b);
- m. Consult with the designated legal advisor throughout the course of the investigation and submit the investigative report to the servicing legal office for a legal sufficiency review prior to submitting it to the convening authority. Servicing legal offices that do not have dedicated employment law attorneys may consult with the Legal Service Command (CG-LSC) or Office of General Law (CG-LGL) on matters involving civilian parties; and
- n. Submit the investigative report within the timeline prescribed by the convening authority in the convening order or as modified by an approved extension.

C. Final Action.

1. General.

- a. Final action must be taken in accordance with this Section for any matter resolved through the formal processing system.
- b. For cases with multiple alleged offenders at different units where commands agree to a single investigation, or where an alleged offender has moved to a new unit after the convening of an investigation, the IO's investigative report and/or CGIS report of investigation should be shared with the chain of command of each alleged offender for separate final actions limited to allegations involving their respective member or employee.
- c. Convening authorities shall take final action within fourteen (14) calendar days of receiving the investigative report, or as soon as practicable thereafter. The extension of a final action completion date beyond thirty (30) calendar days requires

notification to the AHPO via email at SMB-COMDT-AHPO@uscg.mil.

- d. When offenses are to be adjudicated at NJP or court-martial, the convening authority shall notify the AHPO via email at SMB-COMDT-AHPO@uscg.mil, and wait until after the proceedings to take final action.
- e. Pursuant to Section 5.E. of this Instruction, final action for substantiated sexual harassment against a military member, including any corrective actions, shall not be taken until the matter is returned to the command for disposition.

2. Procedures.

a. Convening Authorities. Convening authorities shall:

- (1) Consult with the servicing legal office prior to taking final action.
- (2) Issue a stand-alone Final Action Memorandum (FAM) (see [AHPO SharePoint](#) for administrative template). At a minimum, the FAM shall:
 - (a) Explain delays beyond the timelines required under this Instruction including approved extensions;
 - (b) Include a specific determination for each investigated alleged incident type (should align with Form CG-5354A and convening order), concluding whether by a preponderance of the evidence (i.e., it is more likely than not) that the alleged offender engaged in harassing behavior to substantiate an allegation, or that the allegation is not substantiated;
 - (c) Summarize pertinent facts and articulate reasoning for findings;
 - (d) Address whether anyone in the chain of command knew or should have known of the alleged harassing behavior prior to the report, and whether the chain of command failed to respond in accordance with requirements under this Instruction;
 - (e) Document any taken and/or planned corrective actions including those required under Chapter 8 of this Instruction. FAMs involving civilian employee offenders should only indicate that any corrective actions determined to be appropriate will be administered in coordination with Civilian Labor & Employee Relations (CG PSC-CPM-2);
 - (f) Provide the rationale if not taking corrective action against a military member following a substantiation of harassing behavior; and
 - (g) Include findings and taken and/or planned corrective actions related to other acts of misconduct in instances where harassing behavior is not substantiated.
- (3) Submit FAMs (but not the investigative report), following adjudication of any requests for reconsideration under Section 7.D. of this Instruction, to the AHPO thru the appropriate next superior as follows:

- (a) For convening authorities below the rank of O-6, the first O-6 or above or civilian supervisor of equivalent grade in the chain of command designated as a convening authority under Section 1.E. of this Instruction; or
 - (b) For all other convening authorities, the next superior in the chain of command designated as a convening authority under Section 1.E. of this Instruction.
- (4) Within three (3) calendar days of signing the FAM, notify the alleged offender of a substantiation determination (see AHPO SharePoint for administrative template) and, upon request, provide access to an appropriately redacted (e.g., personally identifiable information) copies of the FAM and relevant portions of the investigative report including exhibits. Where not substantiated, notification may either be provided verbally or in writing with no requirement under this policy to provide access to copies of the FAM or investigative report;
 - (5) Within three (3) calendar days of the next superior endorsing the FAM (i.e., following adjudication of any requests for reconsideration under Section 7.D. of this Instruction), notify the reporting party in writing on whether allegations were substantiated or not substantiated (see AHPO SharePoint for administrative template), and, for aggrieved only, provide access to an appropriately redacted (e.g., personally identifiable information) copy of the FAM upon request;
 - (6) Notify the AHPO via email at SMB-COMDT-AHPO@uscg.mil if corrective actions ultimately taken differ significantly from those indicated initially in the FAM;
 - (7) When substantiated, follow-up with the reporting party within 90 days of final action. Any new allegations, including retaliation, must be resolved in accordance with this Instruction; and
 - (8) Consult with the servicing legal office, and Civilian Labor & Employee Relations (CG PSC-CPM-2) for matters involving civilian employees, to determine the most appropriate course of action when there is evidence of an individual knowingly making a false allegation of harassing behavior.
- b. Next Superiors. Next superiors pursuant to Section 7.C.2.a.(3) of this Instruction shall:
- (1) In instances without a request for reconsideration as outlined in Section 7.D., endorse the FAM on the thru line with their signature and date acknowledging receipt and review, and submit to the AHPO (see AHPO SharePoint for submission instructions); or
 - (2) In instances with a request for reconsideration, proceed in accordance with Section 7.D.2.d. of this Instruction.

D. Reconsideration.**1. General.**

- a. Military members and civilian employees found to have engaged in harassing behavior through the formal processing system may request reconsideration of a substantiation determination from the next superior of the convening authority as specified in Section 7.C.2.a.(3) of this Instruction.
- b. It is the requestor's responsibility to provide specific and compelling reasons, including clear and convincing evidence, why the determination is not valid (e.g., the convening authority incorrectly applied policy or disregarded or inappropriately weighed facts).

2. Procedures.

- a. Requests for reconsideration must be made within ten (10) calendar days of the determination notification in Section 7.C.2.a.(4) of this Instruction. The timeline shall be paused if there is a request for access to the FAM and investigative report. The timeline shall be resumed upon providing access to appropriately redacted copies of the FAM and relevant portions of the investigative report including exhibits.
- b. A request for reconsideration must be made in writing, via memorandum submitted thru the convening authority, to the next superior specified in Section 7.C.2.a.(3) of this Instruction (see AHPO SharePoint for administrative template).
- c. Upon receipt of a request for reconsideration, the convening authority shall forward the request to the next superior within seven (7) calendar days with either a thru line or new page endorsement.
- d. Upon receiving a request for reconsideration, the next superior, as the reconsideration authority, shall review the request along with the FAM and investigative report provided by the convening authority, and shall take appropriate action within fourteen (14) calendar days of receiving the request, or as soon as practicable thereafter. The extension of action by the reconsideration authority beyond thirty (30) calendar days requires notification to the AHPO via email at SMB-COMDT-AHPO@uscg.mil.
- e. Actions by the reconsideration authority may include:
 - (1) Concurring with the findings and determination of the convening authority by endorsing the FAM on the thru line with their signature and date and submit to the AHPO (see AHPO SharePoint for submission instructions);
 - (2) Modifying the determination of the convening authority via a revised FAM (see AHPO SharePoint for administrative template) and submit to the AHPO; or

- (3) Taking other action, as appropriate, in coordination with the AHPO (e.g., direct the reopening of the investigation or a new investigation).
- f. The reconsideration authority shall notify the requestor of the outcome of their request in writing (see AHPO SharePoint for administrative template).

CHAPTER 8. ACCOUNTABILITY FOR OFFENDERS

A. Discussion.

1. Corrective actions to address conduct prohibited under this policy, whether resolved through or outside the formal processing system, shall be appropriate and proportionate to the severity of the misconduct and prevent future incidents.
2. Appropriate accountability may include, but is not limited to, informal and formal counseling, documentation in a member's Coast Guard Military Human Resource Record (CGMHRR) including marks and comments in performance evaluations, NJP, involuntary administrative separation, court-martial, and civilian disciplinary and adverse actions. The desires of a reporting party, if communicated, may be considered when determining appropriate action.

B. Actions.

1. The following guidance (Sections 8.B.2 and 8.B.3. of this Instruction) only applies when harassing behavior is substantiated through the formal processing system and includes mandatory minimum standards for accountability. Harassing behavior cannot be substantiated for the purposes of this Instruction outside of the formal processing system. Appropriate corrective actions under this policy, including when matters are resolved outside of the formal processing system, are otherwise at the discretion of the convening authority (or deciding official).
2. Military Members.
 - a. Documentation.
 - (1) Substantiated sexual harassment shall be documented, at a minimum, in an Administrative Remarks, Form CG-3307 (PD-43), entry in a member's CGMHRR (see List of Authorized CG-3307 (Administrative Remarks) Entries) prior to processing for separation in accordance with Reference (g).
 - (2) Documentation for substantiated harassing behavior other than sexual harassment (harassment, retaliation, bullying, or hazing) is at the discretion of the convening authority (see AHPO SharePoint for sample Administrative Remarks, Form CG-3307 (PD-07)).
 - (3) An Administrative Remarks, Form CG-3307, entry for substantiated harassing behavior within the first 18 months of service may be removed from a member's CGMHRR through a command endorsed request approved by CG PSC if no additional misconduct is documented in the four years following issuance.

b. Involuntary Administrative Separation.

- (1) Members against whom a report of sexual harassment is substantiated shall be processed for separation for misconduct, sexual harassment, in accordance with Reference (g).
- (2) For substantiated harassing behavior other than sexual harassment (harassment, retaliation, bullying, or hazing), in the case of enlisted members, convening authorities have discretion on whether to initiate separation processing for misconduct, commission of a serious offense, in accordance with Reference (g). Convening authorities shall consult with their servicing legal office in determining appropriate serious military offense(s) supporting a basis for separation based on the facts and circumstances of each case. Prior documented instances of harassing behavior should be considered in determining whether continued service is appropriate. For officers, CG PSC-OPM/RPM will determine whether the facts and circumstances support separation for cause in accordance with Reference (g).

c. Reenlistment.

- (1) Members against whom a report of sexual harassment is substantiated are ineligible for reenlistment consistent with Chapter 1.E.2.e of Reference (k).
- (2) Notwithstanding Chapter 1.E.2.e of Reference (k), a substantiated instance of harassing behavior other than sexual harassment does not make a member ineligible for reenlistment but shall be considered by commands in making a recommendation regarding reenlistment or extension of service.

3. Civilian Employees.

- a. Appropriate corrective action shall be considered for civilian employees against whom a report of harassing behavior is substantiated which may include, but is not limited to, those outlined in the Table of Offenses and Penalties in Reference (c). Corrective action must be coordinated with Civilian Labor & Employee Relations (CG PSC-CPM-2).
- b. Supervisory and management officials may review appropriately redacted portions of the FAM and investigative report including exhibits if relevant and necessary for the administration of disciplinary and adverse actions, in accordance with Reference (c), applicable laws and regulations, and collective bargaining agreements. Management decisions regarding corrective actions are not bound by determinations or findings under this Instruction and shall be the result of full and impartial consideration of the matter.
- c. Pursuant to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), as amended by the Elijah E. Cummings Act of 2020, if an adverse action covered under 5 U.S.C. § 7512 (i.e., removal, suspension for more than fourteen (14) days, reduction in grade, reduction in pay, or a furlough of thirty (30) days or less), is taken against an employee for an act of discrimination (including retaliation), a notation of the adverse action and the reason for the action in the personnel record of the employee may be required after the exhaustion of all appeals relating to that action.

CHAPTER 9. ACCOUNTABILITY FOR LEADERS

A. Discussion.

1. Individuals whose deliberate actions or inactions contribute to a perception of inconsistent leadership or lack of commitment to addressing harassing behavior within the Coast Guard may be held accountable under this policy.
2. Leaders who act promptly pursuant to this Instruction and leverage available resources (e.g., consultation with their servicing legal office) may be presumed to be acting in good faith and, absent clear and convincing evidence to the contrary, need not be subject to corrective action.

B. Actions.

1. Corrective action shall be considered after a finding that a convening authority or supervisor in the chain of command knew or reasonably should have known of harassing behavior and failed to respond in accordance with requirements under this Instruction.
2. Appropriate accountability is a matter of command discretion and should be determined based on the nature, seriousness, and circumstances of the individual's failure.

CHAPTER 10. RELATIONSHIP WITH OTHER PROCESSES

A. General.

1. Nothing in this Instruction affects a member or employee's rights to pursue avenues of redress as otherwise established by law, regulation, policy, or collective bargaining agreement.
2. A report under this Instruction is not a substitute for, or satisfy the requirements associated with, separately filing an EEO/EO complaint, negotiated grievance, Equal Employment Opportunity Commission (EEOC) or Merit System Protections Board (MSPB) appeal, or other statutory grievance procedure.

B. EEO/EO Complaint Process.

1. Reporting harassing behavior under this Instruction does not:
 - a. Affect the right to file an EEO/EO complaint as outlined in Reference (a) for the same alleged conduct, or
 - b. Toll, or affect in any way, the timelines associated with the EEO/EO complaint process (i.e., must initiate within forty-five (45) calendar days of the most recent incident).
2. An EEO/EO complaint, by itself, does not constitute a report of harassing behavior under this Instruction.
3. Any withdrawal or settlement of an EEO/EO complaint may affect the completion of procedures required under this Instruction.
4. Documentation prepared under this Instruction may need to be provided to an investigator assigned in accordance with Reference (a) for a formal EEO/EO complaint involving the same alleged conduct.

C. Collective Bargaining Agreement.

1. This policy is separate and distinct from any collective bargaining agreement process.
2. Conflicts between this Instruction and an applicable collective bargaining agreement will be resolved in favor of the collective bargaining agreement.

D. Whistleblower Protections.

1. Civilian personnel who believe they have been subjected to whistleblower retaliation or reprisal may file a complaint with the U.S. Office of Special Counsel (OSC) 1730 M Street N.W., Suite 218, Washington, DC 20036-4505, website: https://www.whistleblowers.gov/complaint_page; or file complaint (Form OSC-11), or with the DHS Office of Inspector General (OIG) at <https://www.oig.dhs.gov/whistleblower-protection>. Civilian personnel who believe they have been subjected to a personnel action directly appealable to the MSPB, may also file an “otherwise appealable action” with the MSPB at mspb@mspb.gov, where the employee asserts action was taken because of whistleblowing, see <https://www.mspb.gov/appeals/whistleblower.htm>.
2. Military members who believe they are subject to whistleblower retaliation or reprisal may file a complaint with DHS OIG at Whistleblower.Protection@oig.dhs.gov.
3. OSC can seek, and OIG can recommend disciplinary action against violators. In some civilian cases, OSC may request that the MSPB direct the Coast Guard to take disciplinary action. Thus, Coast Guard action on a whistleblower retaliation or reprisal matter accepted by OSC or OIG may be stayed by the Coast Guard until after those outside investigations are complete. The relevant convening authority will, however, still take appropriate action to stop potentially harassing behavior and protect involved parties.

Per Acting Commandant memo 20 Nov 2025, USCG effective and controlling policy on actual or potential hate incidents, including the prohibition on divisive or hate symbols and flags, and policy for processing and responding to reports, is contained in the USCG Civil Rights Manual, COMDTINST M5350.4E (21 Oct 2020)(updated 5 Mar 2025), Chapter 3F (Hate Incidents and CO/OIC Responsibilities) and 3G (Notification and Processing for Potential and Actual Hate Incidents).

Appendix A. Glossary of Terms

A. For the purposes of this policy, the following definitions are provided for terms not defined elsewhere in this Instruction:

1. Aggrieved. A person subjected to conduct in alleged or suspected harassing behavior.
2. Allegation. A claim or assertion that a person subject to this policy has engaged in harassing behavior.
3. Alleged Offender. A person alleged to have engaged in harassing behavior.
4. Civilian Employee. As defined in 5 U.S.C. § 2105.
5. Clear and Convincing. A standard of proof greater than the preponderance of the evidence standard (commonly used in NJP proceedings or to prove civil liability) but less than the beyond a reasonable doubt standard (used to prove criminal culpability).
6. Intimidating, Hostile, or Offensive Working Environment. This standard is met when evidence establishes that conduct is sufficiently severe or pervasive such that it creates an objectively hostile work environment so as to alter the terms or conditions of the aggrieved's employment. The standard is both whether a reasonable person would perceive, and the aggrieved did perceive, that the conduct created an intimidating, hostile, or offensive working environment.
7. Legal Sufficiency Review. A review by the servicing legal office of an investigation to determine whether any errors or irregularities exist, it complies with all applicable legal and administrative requirements, it adequately addresses the allegations, and the evidence supports the findings of the investigating officer.
8. Maltreatment. Treatment by peers or by other persons, that, when viewed objectively under all the circumstances, is abusive or otherwise unwarranted, unjustified and unnecessary for any lawful purpose, that is done with intent to discourage reporting of a criminal offense or otherwise discourage the due administration of justice and that results in physical or mental harm or suffering or reasonably could have caused, physical or mental harm or suffering. Maltreatment under this Instruction does not require a senior-subordinate relationship.
9. Ostracism. The exclusion of an individual from social acceptance or membership in or association with a group of which such individual was a part or a reasonable person would conclude wanted to be a part, with the intent to inflict emotional distress on the individual, discourage reporting of a criminal offense or otherwise discourage the due administration of justice. Ostracism requires a nexus to the workplace.
10. Preponderance of the Evidence. The degree of relevant evidence that a reasonable person, considering the case evidence as a whole, would accept as sufficient to find that a contested fact is more likely to be true than untrue. In other words, it is more likely than not that events have occurred as alleged, there is a preponderance of the evidence, and the allegations may be considered proven.

11. Reasonable Person Standard. An objective test used to determine if behavior meets definitions under this policy. The test requires a hypothetical exposure of a reasonable person to the same set of facts and circumstances. The reasonable person standard considers the aggrieved's perspective and does not rely upon stereotyped notions of acceptable behavior within that particular work environment.
12. Reporting Party. A person who makes a claim or assertion that a person subject to this policy has engaged in harassing behavior. A reporting party may be a person other than the aggrieved.
13. Reprisal. Taking or threatening to take an unfavorable personnel action or withholding or threatening to withhold a favorable personnel action for reporting or planning to report a criminal offense or for engaging or planning to engage in a protected activity.
14. Severe or Pervasive. Severe conduct encompasses one or several egregious acts. A single egregious act can suffice. Pervasive conduct requires multiple acts of the same or different nature and while no single act is severe, the acts together unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment. Both a reasonable person and the aggrieved must view the act or acts as severe or pervasive. Conduct does not unreasonably interfere with work performance or create a hostile working environment unless the conduct is severe or pervasive.
15. Substantiate/Substantiation. A determination by a convening authority that a preponderance of the evidence supports the truth of an allegation of harassing behavior.
16. Unreasonably Interferes. This standard is met when evidence establishes that conduct is sufficiently severe or pervasive such that it has articulable, decidedly adverse impact on an individual's work performance. The standard is both whether a reasonable person would perceive, and the aggrieved did perceive, that the conduct unreasonably interfered with the aggrieved's work performance.
17. Unwelcome. There must be identifiable conduct that the aggrieved believes is unwelcome. The standard is whether the conduct was unwelcome in the subjective judgment of the aggrieved.
18. 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. Examples include, but are not limited to: an office; an office building; a base or installation; cutters, aircraft or vehicles; anywhere when engaged in official Coast Guard business; and command-sponsored social, recreational and sporting events, regardless of location.