



COMDTCHANGENOTE 1600
22 OCT 2020

COMMANDANT CHANGE NOTICE 1600

Subj: CH-3 TO THE DISCIPLINE AND CONDUCT, COMDTINST M1600.2

1. PURPOSE. This Commandant Change Notice publishes a change to Discipline and Conduct, COMDTINST M1600.2.
2. ACTION. All Coast Guard unit commanders, commanding officers, officer-in-charge, deputy/assistant commandants, and chiefs of headquarters staff elements must comply with the provisions of this Commandant Change Notice. Internet release is authorized.
3. DIRECTIVES AFFECTED. With the addition of this Commandant Change Notice, Discipline and Conduct, COMDTINST M1600.2, is updated.
4. DISCLAIMER. This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is intended to provide operational guidance for Coast Guard personnel and is not intended to nor does it impose legally-binding requirements on any party outside the Coast Guard.
5. MAJOR CHANGES. Paragraph 3.C.1.5. is added (and subordinate paragraphs 6 and 7 are renumbered) to assign responsibility to COs/OICs for notifying the next superior in the chain of command of final action on a hazing and bullying inquiry, and requiring COs/OICs to provide reasons for their findings. New section 3.C.2 is added to establish procedures for filing complaints and inquiries of Anti-Harassment and Hate Incidents (AHHI), including convening orders, selection of investigating officers, confidentiality, logistical support, legal review of the investigative report, final action and forwarding the final action memo.
6. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS.
 - a. The development of this Instruction and the general policies contained within it have been thoroughly reviewed by the originating office in conjunction with the Office of Environmental Management, Commandant (CG-47). This Instruction is categorically

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excluded under current Department of Homeland Security (DHS) categorical exclusion DHS (CATEX) A3 from further environmental analysis in accordance with the U.S. Coast Guard Environmental Planning Policy, COMDTINST 5090.1 and the Environmental Planning (EP) Implementing Procedures (IP).

- b. This Instruction will not have any of the following: significant cumulative impacts on the human environment; substantial controversy or substantial change to existing environmental conditions; or inconsistencies with any Federal, State, or local laws or administrative determinations relating to the environment. All future specific actions resulting from the general policy in this Instruction must be individually evaluated for compliance with the National Environmental Policy Act (NEPA) and Environmental Effects Abroad of Major Federal Actions, Executive Order 12114, Department of Homeland Security (DHS) NEPA policy, Coast Guard Environmental Planning policy, and compliance with all other applicable environmental mandates.
7. DISTRIBUTION. No paper distribution will be made of this Commandant Change Notice. An electronic version will be located on the following Commandant (CG-612) web sites. Internet: <http://www.dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-C4IT-CG6-/The-Office-of-Information-Management-CG-61/aboutCGDS/>, and CGPortal: <https://cgportal2.uscg.mil/library/directives/SitePages/Home.aspx>.
8. PROCEDURE. If maintaining a paper library, remove and replace the following pages of Discipline and Conduct, COMDTINST M1600.2
- | <u>Remove</u> | <u>Replace</u> |
|-------------------|-------------------|
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9. RECORDS MANAGEMENT CONSIDERATIONS. This Commandant Change Notice has been evaluated for potential records management impacts. The development of this Commandant Change Notice has been thoroughly reviewed during the directives clearance process, and it has been determined there are no further records scheduling requirements, in accordance with Federal Records Act, 44 U.S.C. 3101 et seq., National Archives and Records Administration (NARA) requirements, and the Information and Life Cycle Management Manual, COMDTINST M5212.12 (series). This policy does not have any significant or substantial change to existing records management requirements.
10. FORMS/REPORTS. The forms referenced in this Commandant Change Notice are available in USCG Electronic Forms on the Standard Workstation or on the Internet: <http://dcms.uscg.mil/Our-Organization/Assistant-Commandant-for-C4IT-CG-6/The-Office-of-Information-Management-CG-61/Forms-Management/>; and CG Portal at <https://cgportal2.uscg.mil/library/forms/SitePages/Home.aspx>.

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11. REQUESTS FOR CHANGES. Units and individuals may recommend changes via their chain of command using the Coast Guard memorandum to:
HQSPolicyandStandards@uscg.mil.

/D. M. NAVARRO/
Director of Military Personnel

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abusive and can result in physical injury to the participants. (See Article 1.K. of this Manual.)

- (2) Traditional Ceremonies. Traditional service initiation ceremonies, including Chief's Initiations and equator, international dateline, and Arctic and Antarctic Circle crossings, are authorized, provided commands comply with governing directives when conducting such ceremonies. However, commanding officers must ensure these events do not include harassment of any kind that contains character degradation, sexual overtones, bodily harm or otherwise uncivilized behavior. Innocuous practical jokes, such as fetching "relative bearing grease" or "prop wash" do not constitute hazing as long as they are not intended to and actually do not humiliate, ridicule, or ostracize. Even otherwise innocuous jokes that are pervasive, repeated frequently, or disproportionately targeted toward selected individual(s) can cross the line and constitute impermissible hazing.
- (3) Miscellaneous. Also excluded from the definition of hazing are command-authorized or operational evolutions, training in preparation for these evolutions, administrative corrective measures including extra military instruction administered in accordance with reference (b), Military Justice Manual, COMDTINST M5810.1 (series), command authorized physical training or athletic events, and command-authorized competitions or contests. Commands should conduct these activities appropriately with proper command sanction and oversight, preserving proper chain of command roles at all times.

3.C. Responsibilities

3.C.1. Commanders

- (1) Unit commanding officers and all supervisors are responsible for ensuring they administer their units in an environment of professionalism and mutual respect that does not tolerate hazing or bullying of individuals or groups.
- (2) Commanding officers and supervisor may not by act, word, deed, or omission condone or ignore hazing or bullying if they know or reasonably should know hazing or bullying is occurring or has occurred.
- (3) Commanding officers who receive complaints or information about hazing or bullying must investigate and take prompt, effective action. Unit commanding officers and supervisors must ensure reports of hazing or bullying are promptly and fully investigated and appropriately resolve verified instances of hazing. Those within the chain of command who violate this policy by overtly condoning hazing or bullying, failing to investigate reports of hazing or bullying, or implicitly approving it through inaction when they know or reasonably should know such activity is occurring or has occurred must be held properly accountable.
- (4) If hazing and/or bullying is suspected or an allegation is hazing or bullying has been made, commands must report the following items (if known) via memo format through their operational chain of command to Commandant (CG-133) and inform their servicing legal office and/or Civil Rights or Coast Guard Investigative Service (CGIS) if applicable:

- (a) General nature of the alleged hazing or bullying incident (physical, psychological, verbal, technological, a combination thereof, individual or group, etc),
 - (b) Location of the hazing or bullying incident (on-duty, off-duty, etc),
 - (c) Duty status of both the complainant and alleged offender at the time of the alleged hazing or bullying (training, temporary duty, present for duty, leave, etc.),
 - (d) Description of the act(s) of hazing or bullying complained of or alleged,
 - (e) Demographics regarding both the complainant and alleged offender (as to each, their gender, grade, and race),
 - (f) Relationship between the complainant and alleged offender (superior, co-worker, subordinate, etc.),
 - (g) Description of the act(s) of hazing or bullying substantiated,
 - (h) Adjudication and disposition of any substantiated allegation (by whom and at what level of the organization the allegation was investigated, by whom and at what level of the organization the allegation was adjudicated, and the disposition of the allegation, including: no action, non-judicial punishment, discharge in lieu of court martial or other adverse action, adverse administrative action, court-martial, etc.)
- (5) **COs/OICs are responsible for notifying the next superior in the chain of command of the final action on hazing, and bullying inquiries. The CO/OIC will forward the administrative investigation and the final action memo to the next superior in the command. The command will document in writing the reasons for the finding to either substantiate or unsubstantiated the allegations, as well as the evidence relied upon to reach that conclusion.**
- (6) Commanding officers are responsible for ensuring traditional observances and legitimate “initiation ceremonies” enjoy the full involvement and sponsorship of the command to ensure impermissible hazing does not occur.
- (7) Commanders must incorporate hazing awareness training into the annual unit training schedule.

3.C.2. **Anti-Harassment and Hate Incident (AHHI) Procedure**

The following requirements apply to AHHI investigation. To the extent that the requirements of this chapter conflict with requirements of the Administrative Investigations Manual, COMDTINST M5830.1 (series), this chapter shall take precedent:

- (1) **Convening Orders**. Written convening orders are required for all command-directed AHHI investigations. This includes investigation of a single utterance of harassing language or reports made by third parties. Convening orders must be drafted with sufficient detail to initiate a proper investigations. Sufficient detail includes the name of

- complainants, alleged victims, and alleged perpetrators, as well as enough information to provide clear and detailed records of the allegations to which the Investigating Officer (I/O) is assigned. The convening order must also advise the I/O what to do if he/she uncovers additional allegations during the course of the investigation. Additionally, the convening orders must advise the I/O not to offer any recommendations. The convening order must be reviewed by the Servicing Legal Office prior to issuance. The convening order must be issued within 10 days of receipt of the allegation. Convening Authorities will not use a DEOMI Organizational Climate Survey or a command climate survey as a means by which to investigate or address specific allegations under this chapter.
- (2) **Selection of Investigating Officer.** The Convening Authority must carefully consider who is selected to investigate allegations of harassment or hate.
- (a) Factors to consider include: maturity, temperament, current assignments and workload, education, past experience as an I/O, writing skills, demonstrated ability to exercise discretion and maintain confidentiality, and demonstrated ability to apply analytical and critical thinking skills.
- (b) The Convening Authority must also ensure that whomever is selected as the I/O has no substantive professional or personal associations with the complainant(s), alleged victim(s), or alleged perpetrator(s), such that a reasonable person with knowledge of all the facts and circumstances would not question the I/O impartiality.
- (3) **Confidentiality.** The Convening Authority and the I/O must ensure that the confidentiality of the investigation, complainant(s), alleged victim(s), and alleged perpetrator(s) is maintained to the maximum extent possible.
- (a) Only those with a need-to-know may be advised of the allegations and the existence of an investigation. Convening authorities must discourage rumors and when necessary, must consider issuing a non-disclosure order to witnesses to prohibit them from discussing the matter.
- (b) The Convening Authority will not consult with any individual who has a personal interest in the outcome of the investigation prior to taking final action. This includes the alleged perpetrator(s) in particular. Consultation must be limited to those with an official role in the matter, including but not limited to, Servicing Legal Office, and Human Resources representatives.
- (4) **Logistical support.** Convening Authorities will provide or otherwise arrange for administrative and logistical support of the AHHI investigation. Convening Authorities must ensure the I/O has access to an interview space that is far removed from the work spaces of those involved to ensure that meetings are kept confidential and witnesses feel they can speak freely. The Convening Authority must also ensure that complainants, alleged victims, and alleged perpetrators are not expected or tasked to provide logistical support for the investigation.

- (5) **Legal Review of the Investigative Report.** Prior to routing the completed investigative report to the Convening Authority, the I/O must route it through the Servicing Legal Office for a legal sufficiency review. The Servicing Legal Office will be listed on the “Thru” line of the report. A signature endorsement on the report by the Servicing Legal Office signifies the report is legally sufficient. The I/O must account for the time needed for legal review in order to ensure that the deadline for completion is met.
- (6) **Final Action.** The CO/OIC must take final action (i.e., at a minimum make a formal finding as to whether the alleged conduct occurred) on every investigation. Final action must be documented in writing and must be a stand-alone document. Prior to taking final action, the CO/OIC must consult with his/her staff judge advocate. In order to substantiate an allegation, the CO/OIC must find that it is more likely than not that the perpetrator engaged in bullying or hazing as defined in this chapter. Conversely, if the CO/OIC determines that the behavior did not meet these standards, the allegation must be unsubstantiated. Further, the CO/OIC must articulate, in writing, the basis for the determination of whether harassment and/or bullying occurred and the evidence reviewed to reach the determination.
- (7) **Forwarding the Final Action Memorandum.** The CO/OIC must forward a copy of the Final Action Memo and investigative report to the next superior in the chain of command. That superior commander must acknowledge receipt and indicate that he/she has considered the report and final action.

The CO/OIC should strive to take final action no later than 30 calendar days from the date the incident was reported.

3.C.3. Office of Military Personnel, Commandant (CG-133)

Utilizing the information in Article 3.A.3.a. above, Commandant (CG-133) must report the following information to the Director of Reserve and Military Personnel, Commandant (CG-13) on an annual basis:

- (1) Number of substantiated and number of unsubstantiated reports or allegations of hazing,
- (2) Number of substantiated and number of unsubstantiated reports or allegations of bullying.

3.C.4. Coast Guard Personnel

- (1) Every member must ensure hazing and bullying does not occur in any form at any level.
- (2) Every military member must inform the appropriate authorities of each suspected violation of this policy.
- (3) Victims of actual or attempted hazing and/or bullying and witnesses to these activities must report it to the appropriate level of the chain of command.