



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

OPNAVINST 5354.1F CH-1
N134
20 SEP 2011

OPNAV INSTRUCTION 5354.1F CHANGE TRANSMITTAL 1

From: Chief of Naval Operations

Subj: NAVY EQUAL OPPORTUNITY POLICY

Encl: (1) Revised Pages 3 and 4
(2) Revised Page 1 of enclosure (2)

1. Purpose. To transmit changes per the repeal of section 654 of title 10, United States Code, "Don't Ask, Don't Tell." A complete revision to this instruction will be issued at a later date.

2. Action

a. Remove pages 3 and 4 of the basic instruction and replace with enclosure (1) of this change transmittal.

b. Remove page 1 of enclosure (2) and replace with enclosure (2) of this change transmittal.

A handwritten signature in cursive script, reading "Stephanie B. Easter", is positioned above the typed name.

STEPHANIE B. EASTER
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25 Jul 07

OPNAV INSTRUCTION 5354.1F

From: Chief of Naval Operations

Subj: NAVY EQUAL OPPORTUNITY (EO) POLICY

Ref: (a) DOD Directive 1350.2 of 18 Aug 95
(b) SECNAVINST 5350.16A
(c) DON Discrimination Complaints Manual of 12 Mar 03
(d) SECNAVINST 5300.26D
(e) SECNAVINST 1610.2A
(f) OPNAVINST 5370.2B
(g) U.S. Navy Regulations, 1990
(h) DOD Directive 1325.6 of 1 Oct 96
(i) SECNAVINST 5370.7C
(j) SECNAV M-5210.1 of Dec 05
(k) OPNAVINST 3100.6H (NOTAL)
(l) NAVPERS 15620, Resolving Conflict Booklet

Encl: (1) Definitions
(2) Sexual Harassment Guidelines and Range of Behaviors
(3) CMEO Checklist
(4) Equal Opportunity Resources
(5) Navy Guidelines for Submitting, Handling, and Reporting Equal Opportunity Complaints
(6) Sample Naval Message
(7) Equal Opportunity Advisor Duties, Roles, and Responsibilities
(8) Guidelines for the Personal Advocate

1. Purpose. To implement references (a) and (b), which directs the Department of the Navy (DON) policy and provides guidance on equal opportunity (EO), including prevention of unlawful discrimination and sexual harassment (SH). This instruction is a complete revision and should be reviewed in its entirety.

2. Cancellation. OPNAVINST 5354.1E.

3. Applicability and Scope

a. The provisions of this instruction apply without regard to race, color, national origin, sex or religion within

constraints of the law to all active duty Navy, Navy Reserve and assigned civilian personnel (not to supersede the provisions of paragraph 3b).

b. Policies and procedures on Department of the Navy Civilian Discrimination Complaints Program are issued as a separate instruction by Deputy Assistant Secretary of the Navy Civilian Human Resources (DASN CHR). DON civilian Equal Employment Opportunity (EEO) policy implements the regulatory requirements of the Equal Employment Opportunity Commission (EEOC) Title 29, Code of Federal Regulations (CFR) part 1614, and is provided in reference (c). Sexual harassment policy for civilian personnel is outlined in reference (d). Civilian employees who raise allegations of discrimination shall be referred to the appropriate servicing human resources office (HRO). Civilian personnel policy instructions concerning EEO and SH have applicability to Navy commands/staffs employing U.S. civilian personnel and to all civilian employees, the Commanding Officer (CO), and all military managers and supervisors of civilian personnel.

c. This instruction discusses EO and SH only. Other forms of unacceptable conduct, such as supremacist activity, hazing and fraternization are addressed in references (e) through (g).

4. Discussion

a. Acts of unlawful discrimination and SH are contrary to our Core Values of honor, courage and commitment. Sailors and civilians who model Navy Core Values do not engage in negative behaviors nor condone these actions in others. Additionally, these practices adversely affect good order and discipline, unit cohesion, mission readiness and prevent our Navy from attaining the highest level of operational readiness.

b. The objective of Command Managed Equal Opportunity (CMEO) is to promote positive command morale and Quality of Life (QOL) by providing an environment in which all personnel can perform to their maximum ability, unimpeded by institutional or individual biases based on race, color, ethnicity, national origin, sex or religious stereotypes. Command leaders must create, shape and maintain a positive EO environment through policy, communication, training, education, enforcement and assessment.

c. CMEO is intended to be one of many commanders' tools for the prevention of unprofessional behavior and for ensuring EO goals are obtained. Leadership has the authority and responsibility to ensure that Navy Core Values are integrated into Navy's daily business.

d. Appropriate action to resolve an incident of unlawful discrimination or SH, as defined in enclosure (1), will depend upon circumstances surrounding that incident. Incidents of unlawful discrimination or SH cover a wide range of behaviors, from verbal comments to physical acts, and can be subtle or overt per enclosure (2). Likewise, the full range of administrative and disciplinary actions are available to address unlawful discrimination and SH. In the case of military personnel, these include, but are not limited to, informal counseling, comments in fitness reports and evaluations, punitive measures under the Uniform Code of Military Justice (UCMJ), and administrative separation.

5. Definitions. Terms used in this policy are defined in enclosure (1).

6. Policy

a. As stated in references (a), (b) and (d), it is Department of Defense (DoD) and DON policy to prohibit unlawful discrimination against persons or groups based on race, color, national origin, sex or religion and to prohibit SH. Service members shall be evaluated only on individual merit, fitness and capability. All Service members are entitled to an environment free from personal, social, or institutional barriers that prevent service members from rising to the highest level of responsibility possible.

b. SH as defined in enclosure (1), including same-sex SH, falls under this instruction, and such complaints shall be processed per enclosure (5).

c. Discrimination based on sexual orientation is unacceptable and shall be dealt with through command or inspector general channels.

d. As stated in references (g) and (h), article 1167, Navy personnel are prohibited from participating in organizations that support supremacist causes. Attempting to create illegal discrimination, encouraging force or violence or otherwise engaging in efforts to deprive others of their civil rights is prohibited. Participating in public demonstrations or rallying, fundraising, recruiting for, training members and organizing and leading such organizations are prohibited.

e. This instruction and the prohibition of unlawful discrimination, SH, and supremacist activities found in reference (g), articles 1164, 1166 and 1167, are lawful general orders effective without further implementation. Violation of this instruction subjects involved members to disciplinary action under the UCMJ, or in the case of civilian employees, may result in disciplinary action.

f. No individual in the Navy organization shall:

(1) Take reprisal action, as defined in enclosure (1) and reference (i), against a person who provides information on an incident of alleged unlawful discrimination or SH. Reprisals are prohibited under this instruction regardless of who originates the reprisal action.

(2) Knowingly make a false accusation of unlawful discrimination or SH.

(3) While in a supervisory or command position, condone or ignore unlawful discrimination or SH of which individuals have knowledge or have reason to have knowledge.

7. Responsibilities

a. Chief of Naval Operations (CNO) shall:

(1) Advocate the EO program for Navy military and civilian personnel.

(2) Monitor Navy's progress toward accomplishing EO goals and a positive command climate per references (a) and (b).

(3) Report Navywide climate assessment survey results to the fleet.

b. Deputy Chief of Naval Operations (DCNO) (Manpower, Personnel, Training and Education) (MPTE) (N1) shall:

(1) Ensure that all personnel may participate equally in all occupational areas and warfare specialties within legal bounds.

(2) Ensure leadership opportunities and an equitable assignment process exist for all personnel.

(3) Ensure EO for promotion and advancement exists for all personnel.

(4) Develop and monitor total force manpower and personnel policies and objectives. Ensure these include EO issues concerning career development and upward mobility programs that affect minorities and women.

c. Diversity and Women's Policy Branch (CNO (N134)) shall:

(1) Maintain overall control of the Military Equal Opportunity Assessment (MEOA) per reference (a).

(2) Provide information, assessment, and status reports on minority affairs matters as required by reference (a) or higher authority.

d. Navy Equal Opportunity Office (NEO) shall:

(1) Annually provide an EO Climate Assessment describing the "health" and organizational effectiveness of the Navy (using the data collected from Naval Inspector General (NAVINSGEN), Office of the Judge Advocate General (OJAG), Fleet Commanders, and Echelon 2 commands), by examining such factors as morale, teamwork, and communication per reference (b).

(2) Provide overall direction, guidance, support and leadership for the management of fleet and force command climates.

(3) Serve as program manager/community advisor for Equal Opportunity Advisors (EOAs), Navy Enlisted Classification Code (NEC) 9515.

(4) Maintain an official toll-free EO/SH Advice Line.

(5) Maintain an official Navy EO Website at www.npc.navy.mil/CommandSupport/Diversity/EqualOpportunity/

e. Commander, Navy Personnel Command (PERS-4), shall schedule officers who fill EO program manager billets at CNO, DCNO (MPTE), CNO (N00E) and CNO (N134), Naval Education and Training Command (NETC) and Navy EO Office staff level for enroute program manager/Navy service specific training as applicable at Defense Equal Opportunity Management Institute (DEOMI), as required by reference (a).

f. OJAG shall provide summary of fiscal year UCMJ article 138, and U.S. Navy Regulations, article 1150, actions relating to unlawful discrimination and SH by 15 November annually to the Navy EO Office. Summary shall include total number of EO and SH formal complaints; race, sex, and ranks of the complainant(s) and accused; substantiated or unsubstantiated; and if substantiated, type of punishment awarded.

g. NAVINSGEN and Echelon 2 Inspector Generals (IGs) shall:

(1) Provide a summary of hotline allegations involving unlawful discrimination and SH by 15 November annually to the Navy EO Office. Summary shall include total number of EO and SH formal complaints; race, sex, and ranks of the complainant(s) and accused; substantiated or unsubstantiated; and if substantiated, type of punishment awarded.

(2) Provide a summary of flag officer or Senior Executive Service (SES) official allegations relating to unlawful discrimination and SH by 15 November annually to the Navy EO Office, (NAVINSGEN only). Summary shall include total number of EO and SH formal complaints; race, sex, and ranks of the complainant(s) and accused; substantiated or unsubstantiated; and if substantiated, type of punishment awarded. Naval Inspector General is the investigative authority for all EO/SH complaints against flag officer and SES officials.

(3) Provide to the Navy EO Office command climate results of all command inspections.

h. Center for Personal and Professional Development (CPPD) shall:

(1) Function as Navy EO training manager and develop overall Navy training strategies from entry through executive levels.

(2) Coordinate with the Navy EO Office and DEOMI to develop Navy specific training for DEOMI EOA graduates (NEC 9515).

(3) Ensure General Military Training (GMT) includes annual EO/SH training and grievance procedure instruction as required per references (b) and (d).

i. Echelon 2 commanders shall:

(1) Monitor EO status within subordinate commands.

(2) Monitor reporting and status of unlawful discrimination and SH complaints.

j. Immediate Superiors In Command (ISIC) shall:

(1) Assist subordinate commands as necessary in their implementation of this policy.

(2) Ensure subordinate commanders assess their command climate within 90 days of assuming command, and annual follow-up assessments during their command tenure.

(3) Monitor the command climate of subordinate commands.

(4) Coordinate reporting of unlawful discrimination and SH complaints.

k. Commanders, Commanding Officers (COs), Officers-in-Charge (OICs), (hereafter referred to as commanders) shall:

(1) Promote a positive command climate through personal example.

(2) Ensure that unlawful discrimination is absent in administrative and disciplinary proceedings.

(3) Ensure that career actions are consistent and fair across all grades.

(4) Ensure personnel are assigned jobs, education opportunities and special programs based on merit, fitness and capability, and receive awards and recognition based on the same.

(5) Provide annual EO/SH training and grievance procedure instruction as required per reference (b) for all assigned command members as part of CPPD generated GMT.

(6) Ensure establishment of a Command Training Team and that members attend CPPD's Command Training Team Indoctrination training course (CIN A-050-0001).

(7) Ensure establishment of a Command Assessment Team (CAT) and that members complete CPPD's Command Assessment Team Course (NAVEDTRA 7523F).

(8) Ensure all command personnel receive Navy Rights and Responsibilities (NR&R) training or equivalent CPPD approved curriculum as outlined in enclosure (3).

(9) Ensure command demographics for retention, discipline, advancement and awards are reviewed by race/ethnicity, sex and paygrade/rank. This data is available within the command (i.e., legal, administrative offices).

(10) Assess their command climate 90 days after assumption of command, with annual follow-up assessments during their command tenure. The purpose of the climate assessment is to determine the "health" and mission readiness of the unit. This shall be accomplished by utilizing the triangulation method as defined in enclosure (1).

(11) Ensure the anonymity and confidentiality of responses to surveys, interviews, focus groups, etc., in support of an assessment, are protected. However, this does not extend to comments that are in violation of the UCMJ.

(12) Ensure a CMEO Manager is designated in writing and attends a CPPD approved CMEO Managers course prior to assuming his/her duties.

Note: Recommend CMEO Manager be E7 to E9 or an officer with four or more years of service. CMEO Managers should serve in this position for a minimum of one year.

(13) Ensure DON procedures for processing EO complaints are permanently and prominently displayed. At a minimum, necessary posters shall be displayed in a prominent location. The name and telephone number of the command's point of contact (POC) for EO issues shall be posted. See enclosure (4) for additional details.

(14) Ensure an effective system is in place within the command to resolve complaints of unlawful discrimination and SH at the lowest appropriate level.

(15) Ensure all individuals are familiar with their right to submit an informal or formal complaint and the methods for submission.

(16) Ensure completed copies of all NAVPERS 5354/2, Navy Equal Opportunity (EO)/Sexual Harassment (SH) Formal Complaint Forms are maintained in the CMEO Manager record file for three (3) years per reference (j).

(17) Ensure all personnel know about command and shore based assistance available to those who need help in processing EO complaints. This assistance includes access to legal counsel, EOAs, the Navy EO/SH Advice Line, and the NAVINSGEN fraud, waste and abuse hotline.

(18) Ensure EO complaint procedures are effective and timely. The term "formal complaint" is defined in enclosure (1). Ensure detailed Naval messages, are sent upon receipt of a formal complaint of unlawful discrimination or SH, per reference (h). Reporting continues through case resolution, including appeals per enclosures (5) and (6).

(19) Refer all unlawful discrimination or SH complaints against flag officers or SES officials to NAVINSGEN.

(20) Ensure command climate complaints are investigated in a fair, impartial, and prompt manner and that all command investigations of EO complaints are reviewed for legal sufficiency.

(21) Ensure mandatory fitness report/performance evaluation entries are made for servicemembers found guilty at Courts Martial or other courts of competent jurisdiction or who receive Non-Judicial Punishment (NJP) based on commission of a criminal offense involving unlawful discrimination or SH per reference (b).

(22) Promulgate EO policy statement as described in enclosure (3), paragraph 3.

(23) Ensure submission of a Climate Assessment Executive Summary to the Echelon 3 EOA (as applicable) via ISIC within 60 days of completed assessment. In the absence of an Echelon 3 EOA, the command should forward the summary to the Echelon 2 EOA.

(24) Ensure command's EO program complies with all items cited in the CMEO Checklist, enclosure (3).

1. EOAs shall:

(1) Serve as primary advisors and subject matter experts to commanders and CMEO Managers, and provide assistance to other members in the chain of command on EO issues. In this capacity, EOAs provide EO briefings, training, and assist visits to subordinate commands.

(2) Screen prospective EOA (NEC 9515) candidates.

(3) Provide assistance with conducting DEOCS surveys, command assessments, and focus groups.

(4) Perform duties as outlined in enclosure (7).

m. CMEO Managers shall:

(1) Function as the single point of contact when practicable for EO issues, to include SH and discrimination, at the command. They shall report EO matters to the commander via the executive officer (XO), when applicable.

(2) Closely coordinate with the staff, regional, installation, command and training EOAs, as applicable.

(3) Serve as the coordinator for the command climate assessment.

(4) Coordinate and monitor all command EO training.

(5) Ensure the poster, "Equal Opportunity Information", S/N 0500-LP-102-6629, is permanently and prominently displayed in the command. Ensure the command POC for EO issues is listed at the same location as the poster.

(6) Ensure formal complaints are submitted with established guidance and timelines per enclosures (5), (6), (8) and reference (k).

(7) Maintain CMEO record files for three years per reference (j).

(8) Perform other EO-related duties as mandated by the commander.

(9) Coordinate the processing of EO/SH complaints as directed by enclosures (5) through (8). Personnel who manage the EO/SH complaint process (CMEO Managers/EOAs) do not normally perform investigations into EO/SH issues due to the possibility of conflict of interest.

(10) Periodically evaluate CMEO Program utilizing enclosure (3).

(11) Ensure command's EO program complies with all items cited in the CMEO Checklist, enclosure (3).

n. Individual servicemembers shall:

(1) Treat others with dignity and respect.

(2) Promote a positive command climate within the Navy through personal example.

(3) Be responsible and accountable for reporting acts of unlawful discrimination and SH per reference (g), article 1137.

(4) Utilize Navy grievance and redress procedures.

8. Action. Commanders shall take action and be held accountable for implementation and enforcement of the provisions of this instruction.

9. Foreign Language

a. Navy personnel must be capable of performing a wide variety of complex and potentially dangerous actions. A substantial portion of the communications involved in the daily operation of the unit is exercised via personal contact. Effective communication within a unit depends on the smooth, orderly, and constant flow of information that is received, understood, and accepted by all.

b. Commanders are responsible for mission accomplishment as well as morale. It is incumbent upon them to ensure that personnel can safely and effectively carry out all assigned duties. Clear and effective communication among all personnel in the command will not only enhance operational effectiveness, but also foster unit morale and cohesion.

c. Commanders may issue an order that only English be spoken in a work place when they have a legitimate, non-discriminatory reason for the rule (e.g., to ensure everyone on the bridge understands the orders to the helm). It must be clear that the purpose of such an order is to foster uniformity of action and operations within a work place. A rule requiring employees to speak only English at all times in the workplace is a burdensome term and condition of employment; therefore, personnel engaged in personal conversation off-duty should be allowed to communicate in the language of their choice. Commanders should also be cognizant that some on-duty operations may require the use of other languages and should ensure that English-only rules are not broader than they need to be (e.g., Bridge-to-Bridge radio and interactions with a ground crew).

10. Forms and Reports

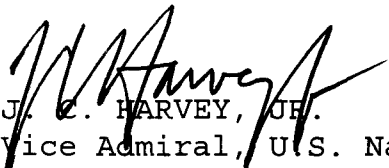
a. Forms. The following forms may be obtained from Navy Forms Online at <https://forms.daps.dla.mil>.

(1) NAVPERS 5354/2 (Rev 03/06), Navy Equal Opportunity (EO) Formal Complaint Form

(2) NAVPERS 1626/7 (Rev. 12/88), Report of Disposition
of Offenses

b. Equal Opportunity Information Poster, S/N 0500-LP-102-6629
is available through the Navy Logistics Library or
<http://www.npc.navy.mil/CommandSupport/Diversity/EqualOpportunity/>

c. Reports. The reporting requirements contained in this
instruction are exempt from reports control per reference (j).


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DEFINITIONS

1. Accused. Anyone who is alleged to have committed a violation of the EO policy.
2. Advocate. Representative(s) assigned by the commander to ensure that complainant, accused, and witness in an EO/SH case are informed of the EO/SH complaint process and advised of available support and counseling services.
3. Alleged Offender. Anyone who is alleged to have committed a violation of the EO/SH policy, and is the subject of a formal or informal complaint.
4. Climate Assessment. Using the Triangulation Method to determine the "health" and functional effectiveness of an organization by examining such factors as morale, teamwork, and communication. This is accomplished by using the DEOMI Organizational Climate Survey (DEOCS) and a minimum of two of the following:
 - a. Review of records and reports
 - b. Individual interviews
 - c. Observations
 - d. Focus groups
 - e. Other methods deemed appropriate by the commander
5. Command Managed Equal Opportunity (CMEO) Manager. Command member (recommend E7 to E9 or officer with four years of service) appointed in writing by the commander, who functions as the single point of contact for EO issues within the command. Coordinates complaint reporting and tracking.
6. Complaint. An allegation of unlawful discrimination or SH based on race, color, national origin, sex or religion.
 - a. Formal Complaint. Allegation of unlawful discrimination or SH that is submitted in writing via a NAVPERS 5354/2, UCMJ article 138, U.S. Navy Regulations article 1150, communication

to Naval Inspector General or elected officials, NAVPERS 1626/7 and any other communication the commander deems appropriate.

Note: A naval message is required by parent command upon receipt of a formal complaint, per reference (k).

b. Informal Complaint. Allegation of unlawful discrimination or SH made either in writing to the offending party or verbally per the Informal Resolution System (IRS) process. Informal complaints do not require a command directed investigation.

7. Complainant. Anyone who submits allegations of unlawful discrimination or SH.

8. Defense Equal Opportunity Management Institute (DEOMI). Responsible for developing and conducting education and training in the administration of military EO, EEO, human relations, and diversity.

9. DEOMI Organizational Climate Survey (DEOCS). This questionnaire is intended for organizations of any size and is suitable for military and/or civilian personnel. The questionnaire measures climate factors associated with the military Equal Opportunity (EO) program, civilian Equal Employment Opportunity (EEO) program, and Organizational Effectiveness (OE) issues. DEOCS is offered in paper and internet format. Approximately half the items address EO/EEO issues, the remainder address organizational and demographic areas. It is designed to assess the "shared perceptions" of respondents about formal or informal policies, practices and procedures likely to occur in the organization.

10. DOD Military Equal Opportunity (MEO) Program. DOD-wide military EO program that provides an environment in which servicemembers are ensured EO, dependent only on merit, fitness and capability.

11. Equal Opportunity (EO). The right of all persons to participate in, and benefit from, programs and activities for which they are qualified. These programs and activities shall be free from social, personal or institutional barriers that prevent people from rising to the highest level of responsibility possible. Persons shall be evaluated on

individual merit, fitness and capability, regardless of race, color, national origin, sex or religion.

12. Equal Opportunity Advisor (EOA). Member who has completed the DEOMI EOA Course and assigned NEC 9515 by DEOMI staff. See enclosure (7) for a more detailed description of EOAs duties and responsibilities.

13. Equal Opportunity Advisor Appeal Review. A higher authority review of a formal EO complaint.

14. Equal Opportunity Advisor Investigation Review. A review of a formal command investigation into an EO issue before final adjudication by command authority.

15. Ethnic Group. A group socially distinguished or set apart by others and/or by itself, primarily on the basis of culture or nationality characteristics.

16. Ethnic and Racial Categories. Basic racial and ethnic categories for DOD reporting are defined as follows:

a. American Indian or Alaskan Native. A person having origins in the original peoples of North and South America.

b. Asian. A person having origins in any of the original peoples of the Far East, Southeast Asia, or Indian subcontinent. This area includes Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, Philippine Islands, Thailand and Vietnam.

c. Black or African American. A person having origins in any of the original peoples of Africa.

d. Hispanic or Latino. A person having origins in any of the original peoples of Mexico, Puerto Rico, Cuba, Central or South America, or of other Spanish cultures regardless of race.

e. Native Hawaiian or Other Pacific Islander. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

f. White. A person having origins in any of the original peoples of Europe, North Africa or the Middle East.

17. Executive Summary of a Climate Assessment. Formal correspondence summarizing a completed command climate assessment to include significant findings and recommended corrective actions.
18. Extremist Group. Organization that espouses supremacist causes; attempts to create illegal discrimination based on race, creed, color, ethnicity, national origin, sex, religion, advocates using force or violence; or otherwise engages in efforts to deprive individuals of their civil rights.
19. Hostile Work Environment. An environment which prevents members from functioning to their full capacity, free of unlawful discrimination and SH. A hostile work environment unreasonably interferes with an individual's work performance. It need not result in concrete psychological harm to the victim but need only be perceived by a reasonable person, and is perceived by the victim, as hostile or offensive.
20. Informal Resolution System (IRS). A system for resolving EO complaints at the lowest appropriate level in the chain of command.
21. Legal Sufficiency Review. A review of an investigation into a formal complaint of unlawful discrimination or SH to determine whether:
- a. The investigation complies with all applicable legal and administrative requirements.
 - b. The investigation adequately addresses the complaint.
 - c. The evidence supports the findings of the investigating officer or board.
 - d. The conclusions and recommendations of the investigating officer or board are consistent with the findings.
 - e. Any errors or irregularities exist, and, if so, their legal effects, if any.
22. National Origin. An individual's or ancestor's place of origin. Also applies to a person who has the physical, cultural, or linguistic characteristics of a national group.

23. Navy Equal Opportunity/Sexual Harassment Survey (NEOSH). Measure of EO climate and perceptions of SH among military members. It is administered periodically to a random sample of Navy personnel.

24. Protected Communication. A lawful communication to a member of Congress, an Inspector General, any member of a DOD audit, inspection, investigation or law enforcement organization, or to any other person or organization (including any person or organization in the chain of command) designated pursuant to regulations or other established administrative procedures to receive such communications. Communication by which a member of the Armed Forces makes a complaint or discloses information that the member reasonably believes evidences a violation of law or regulation (including those covering unlawful discrimination and SH), mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

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

26. Reasonable Person Standard. An objective test used to determine if behavior meets the legal test for unlawful discrimination and SH. The test requires a hypothetical exposure of a reasonable person (third party) to the same set of facts and circumstances, if the behavior is offensive, then the test is met. The reasonable person standard considers the complainant's perspective and does not rely upon stereotyped notions of acceptable behavior within that particular work environment.

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

28. Reprisal. Taking or threatening to take an unfavorable personnel action or withholding or threatening to withhold a favorable personnel action, or any other act of retaliation, against a military member for making or preparing a protected

communication. Reprisal can be overt or subtle and can include, but is not limited to:

- a. Reduction in fitness/evaluation marks without justification.
- b. Increased duty assignments, watch standing, or workload.
- c. Failure to recommend an individual for advancement, an award, recognition, or special programs.
- d. Unjustified disciplinary action against the individual.

29. Sexual Harassment (SH)

a. Definition: A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career.

(2) Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person.

(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

b. This definition emphasizes that workplace conduct, to be actionable as "abusive work environment" harassment, need not result in concrete psychological harm to the victim, but rather need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive.

c. The term "workplace" or "work environment" is an expansive term for military members and may include conduct on or off-duty, 24 hours a day. The work environment is 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 of work environment include, but are not limited to, an office, an entire office building, a DOD base or installation, DOD ships, aircraft or vehicles, anywhere when engaged in official DON business, as well as command-sponsored social, recreational and sporting events, regardless of location.

d. Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in SH.

e. Any military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature in the workplace is also engaging in SH.

30. Third Party Discrimination/SH. Any act of discrimination or SH that is witnessed by a military member or civilian who was not the intended recipient of the act.

31. Triangulation Method. The process of identifying areas of concern or issues related to command climate by finding areas of commonality in a minimum of three areas of the command assessment. For example, evidence of SH in DEOCS, observations and interviews.

32. Unlawful Discrimination. Includes discrimination on the basis of race, color, national origin, sex, or religion that is not otherwise authorized by law or regulation.

33. Witness. One who can give a firsthand account of information.

SEXUAL HARASSMENT (SH) GUIDELINES AND RANGE OF BEHAVIORS

1. Introduction. This enclosure explains and illustrates behaviors that may constitute SH and is intended to assist military members and civilian employees in distinguishing between acceptable and unacceptable behavior in the work environment. The policy established by this instruction is not intended to prevent the types of behavior which are appropriate in normal work settings and which contribute to camaraderie. See reference (b) for DON's policy on SH.

2. Description. SH may consist of a wide range of behaviors that are unwelcome, sexual in nature, and connected in some way with a person's job or work environment, (for Service members this may include conduct on or off-duty, 24 hours a day). It can, at times, be difficult to determine whether or not a behavior constitutes SH.

a. Unwelcome behavior is behavior that a person does not ask for and which that person considers undesirable or offensive. Not everyone has the same perception of the term "undesirable or offensive." Since the person being subjected to the behavior, "the recipient," is the one being affected, it is the recipient's perception that counts. A common sense approach uses the "reasonable person standard" defined in enclosure (1), which considers the situation from the perspective of the recipient. Behavior that a "reasonable person" would find unwelcome may be grieved.

b. Behavior that is sexual in nature includes, but is not limited to, telling sexually explicit jokes, displaying sexually suggestive pictures, and talking about sex. Some people would consider other behaviors, such as touching, to be sexual in some cases but not in others. Using common sense will normally be enough to determine whether or not a certain behavior is sexual in nature.

c. SH is a gender-neutral and sexual orientation-neutral concept. The focus is on the detriment to good order, discipline, and military readiness that results when Navy Core Values are not adhered to.

d. For SH to occur, unwelcome sexual behavior must occur in or impact the work environment.

(1) When recipients are offered or denied something that is work-connected in return for submitting to or rejecting unwelcome sexual behavior, they have been subjected to a type of SH known as "quid pro quo," or "this for that." Examples include getting or losing a job, a promotion or demotion, a good or bad performance evaluation, etc. Normally, this is from a senior to a junior, because the senior person has something to offer.

(2) When the unwelcome sexual behavior of one or more persons in a workplace interferes with another person's work performance, SH has occurred. If the behavior produces a work atmosphere that is offensive, intimidating or abusive to another person, whether or not work performance is affected, a type of SH called "hostile environment" has occurred. Witnesses of SH, as well as the recipient of the offending behavior, may experience a hostile work environment. Following are a few examples of behavior that could create a hostile environment:

- (a) Using sexually explicit or sexually offensive language.
- (b) Displaying sexually oriented posters or calendars.
- (c) Touching someone or self in a suggestive manner.
- (d) Giving someone unwelcome letters, cards, or gifts of a personal nature, particularly when these items have sexual overtones.
- (e) Unwanted or uninvited pressure for dates.

3. Range of Behaviors. Some behaviors may be unwelcome and work-connected, but not sexual (e.g., performance counseling), and obviously do not constitute SH. To better explain the range of behaviors, which may constitute SH, the traffic light illustration was developed, in which behaviors are divided into three zones, corresponding to the colors on a traffic light. Green on the traffic light means "go" and behavior in the green

zone is acceptable. Green zone behavior is not SH. Yellow on the traffic light means "caution," and behavior in the yellow zone may be SH. Red on the traffic light means "stop." Red zone behaviors are SH. Just as with a traffic light, if in the yellow zone long enough, the light will turn red. If yellow zone behaviors occur repeatedly, especially after the person has been told it is unwelcome, it becomes red zone behavior--SH. The following examples illustrate these three types of behavior:

a. **Green zone.** These behaviors are not SH:

(1) Touching which could not reasonably be perceived in a sexual way (such as shaking hands or a friendly pat on the shoulder).

(2) Counseling on military appearance.

(3) Social interaction; showing concern or encouragement.

(4) A polite compliment or friendly conversation.

b. **Yellow zone.** Many people would find these behaviors unacceptable and they could be SH:

(1) Violating personal space

(2) Whistling, questions about personal life

(3) Lewd or sexually suggestive comments

(4) Suggestive posters or calendars

(5) Off-color jokes

(6) Leering

(7) Staring

(8) Repeated requests for dates

(9) Foul language

(10) Unwanted letters or poems

(11) Sexually suggestive touching or gesturing

c. **Red zone.** These behaviors are always considered SH:

(1) Sexual favors in return for employment rewards

(2) Threats if sexual favors are not provided

(3) Sexually explicit pictures (including calendars or posters) or remarks

(4) Using status to request dates

(5) Obscene letters or comments

Note: Keep in mind that the above examples are used as guidance only, that individuals believe they are being sexually harassed based on their perceptions, that each incident is judged on the totality of facts in that particular case, and that individuals' judgment may vary on the same facts; therefore, caution in this area is advised. Anytime sexually oriented behavior is introduced into the work environment or among co-workers; the individuals involved are on notice that the behavior may constitute sexual harassment. The most severe forms of sexual harassment constitute criminal conduct, (e.g., sexual assault).

COMMAND MANAGED EQUAL OPPORTUNITY CHECKLIST

Equal Opportunity (EO) is an essential element of continual process improvement to enhance quality of life. To ensure the basic systems are in place to promote a positive command climate, the following, as a minimum, must be accomplished:

Command Managed Equal Opportunity (CMEO)

1. Is the CMEO Manager's appointment letter and training documentation maintained? Yes No

2. Command Training Team (CTT)
 - a. Are CTT members formally trained? Is the training documented? Yes No

 - b. Is CTT size appropriate for the number of personnel assigned to the command? Yes No

 - c. If any CTT member has not performed as a CTT member for over 24 months, has refresher training been completed?
 Yes No

3. Navy Rights and Responsibility (NR&R) Workshop (or equivalent CPPD curriculum) and EO/SH/Grievance Procedures Training
 - a. Is the command conducting workshops for **ALL** newly reporting personnel? Are critique sheets routed through chain of command? Yes No

 - b. Are all subjects presented as outlined in CPPD developed lesson plans? Yes No

 - c. Is workshop training documented in each member's training record? Yes No

 - d. Is the command conducting annual EO/SH/grievance procedures training for all hands? Yes No

4. Command Assessment Team (CAT)

a. Are CAT members formally trained? Is the training documented? Yes No

b. If any CAT member has not performed as a CAT member for over 24 months, has refresher training been completed?
 Yes No

c. Do CAT members include, at a minimum, the Executive Officer, one Department Head, Command Career Counselor, Personnel Officer, Legal Officer, CTT Leader, and CMEO Manager?
 Yes No

d. Does the CAT meet periodically? Yes No

e. Has the command conducted a command assessment within 90 days after change of command? Are follow-on command assessments conducted annually? Yes No

f. Are the results of command assessments supporting documentation maintained for at least 36 months? Yes No

g. Is the command conducting follow-up reviews on Plan of Action and Milestone (POA&M) action items? Yes No

h. Are command personnel regularly debriefed on the status of command assessment action items (e.g., Captain's Call, Quarters, Plan of the day)? Yes No

Policy and Procedures

1. Is the CMEO Manager record file completed as required by this instruction? Yes No

2. CMEO Manager record file at a minimum must contain the following:

a. CMEO Manager designation letter.

b. CMEO Manager course completion letter.

c. Command policy statement(s).

- d. Results of command assessments for the past 36 months.
 - e. Executive summaries from command assessments for the past 36 months.
 - f. Formal complaints for the past 36 months.
 - g. Informal complaints for the past 36 months.
 - h. CAT membership documentation.
 - i. CTT membership documentation.
 - j. EO echelon chain of command.
 - (1) Equal Opportunity Advisor (EOA) point of contacts.
 - (2) Maintain EO/SH complaint message serial log.
3. Has the commander sufficiently stated command policy on EO in writing, including the prevention of sexual harassment, and on prohibiting reprisals against individuals who submit complaints? Is policy published throughout the command?
 Yes No
4. Is command policy consistent with current, DOD, SECNAV, and OPNAV directives? Yes No
5. Has the commander ensured that all hands have received Informal Resolution System (IRS) skills training?
 Yes No
6. Are command personnel apprised of their rights and responsibilities regarding submission of a formal complaint?
 Yes No
7. Is the NAVPERS 5354/2 Navy Equal Opportunity (EO) Formal Complaint Form readily available to command personnel? Are command personnel aware of the avenues of formal complaint?
 Yes No
8. Are posters displayed and filled out so all hands are aware of complaint procedures, the EO/SH Advice Line, and the IRS system? Yes No

9. Is annual EO/SH training conducted? Is SH training documented as required? Yes No
10. Are complaints tracked to ensure resolution? Yes No
11. Are formal EO complaints reported within the guidelines outlined in reference (h)? Yes No
12. Does the command recognize and support ethnic observances? Yes No
13. Are EOAs consulted for assistance as needed? Yes No
14. Are command demographics for retention, discipline, advancement, and awards reviewed by race/ethnicity, sex, and paygrade/rank reviewed periodically? Yes No

Career Development

1. Have qualified personnel been identified, encouraged, and counseled to apply for commissions? Yes No
2. Are assignments and collateral duties being made on the basis of talent and ability? Yes No
3. Is the CMEO Manager a member on Career Development Boards (CDBs)? Yes No
4. Does CMEO Manager attend disciplinary proceedings? Yes No
5. Do supervisors participate in unit EO training as instructors, discussion leaders, or as resources for answering questions? Yes No

EQUAL OPPORTUNITY (EO) RESOURCES

1. Navy EO Website and E-mail Address

http://www.npc.navy.mil/CommandSupport/Diversity/EqualOpportunity/Mill_Navy_EO_Advice@navy.mil

2. Address

Navy EO Office
5720 Integrity Drive Bldg.457 Rm.249
Millington, TN 38055
(901) 874-2507/DSN 882

3. Survey Tools. DEOMI Organizational Climate Survey (DEOCS). This instrument is available to commanders from the research division of Defense Equal Opportunity Management Institute (DEOMI). This survey may be obtained by contacting DEOMI at (321) 494-2675/DSN 854, or link through their Web site <https://www.deomi.org/deomi.htm>.

4. Posters. Several standard stock EO posters are available through the Navy supply system.

a. NAVPERS 15600C, Equal Opportunity Information, NSN 0500-LP-102-6629

b. NAVPERS 15619B (10-02), Department of the Navy Equal Opportunity/Sexual Harassment Advice Line, NSN 0500-LP-101-7466.

c. NAVPERS 535400A (10-06), Navy Diversity and Equal Opportunity Pocket Guide, NSN 0500-LP-105-7649.

5. Pamphlet. NAVPERS 15620, Resolving Conflict - Following the Light of Personal Behavior, NSN 0500-LP-543-0900)

6. EO/SH Advice Line. As a service of the Navy EO Office, advice is provided to callers dealing with EO/SH incidents. The line is anonymous, toll-free, and may be used by members of Navy and Marine Corps and DON civilians (who are referred to their local human resource office). Telephone numbers are (toll free) (800) 253-0931, and (COMM) (901) 874-2507/DSN 882. Advice Line can also be reached by E-Mail: Mill_Navy_EO_Advice@navy.mil

7. Equal Opportunity Training

a. DEOMI offers several courses in EO and EEO. Eligible Navy military or civilian personnel may obtain a class quota by calling Naval Education and Training Command (CPPD) Quota Management Office at COMM (703) 693-0205/DSN 223 or COMM (703) 695-6430/DSN 225. Civilian personnel may also call DEOMI at (COMM) (321) 494-2675/DSN 854 or access the DEOMI website at <https://www.deomi.org/deomi.htm>.

b. NETC Web page provides a list of resources and training information at <https://www.netc.navy.mil/eoindex.html>.

**NAVY GUIDELINES FOR SUBMITTING, HANDLING, AND REPORTING
EQUAL OPPORTUNITY (EO)/SEXUAL HARASSMENT (SH) COMPLAINTS**

1. General Guidelines

a. The chain of command is the primary and preferred channel for identifying and correcting discriminatory practices. This includes the processing and resolving of complaints of unlawful discrimination and SH. Commanders have direct responsibility for managing the complaint process. They must ensure that the informal and formal complaint resolution systems are clearly communicated and well understood by all personnel. See reference (b) for DoN's policy on military EO complaint processing.

b. Individuals who believe they have experienced (or observed) a sexually harassing or discriminating situation are encouraged to use the informal resolution system (IRS) (NAVPERS 15620) to reach a satisfactory resolution. Reference (1), the Resolving Conflict Booklet, serves as the model for informal complaint handling. Complaints should be resolved informally whenever possible; however, there is no requirement to attempt informal resolution prior to filing a formal complaint. Actions for informal resolution include:

(1) Address the concerns verbally or in writing with the person(s) demonstrating the behavior.

(2) Request assistance from another command member or your chain of command request mediation to resolve the dispute. Refer to reference (1).

(3) Request EO/SH training be presented in the workplace.

c. Witnesses to unlawful discrimination or SH shall be held accountable for reporting offenses per reference (g), article 1137.

d. Persons who are subjected to or observe objectionable behavior shall promptly notify the chain of command if:

(1) The situation is not resolved.

(2) The objectionable behavior does not stop.

(3) Addressing the objectionable behavior directly with the person concerned is not reasonable under the circumstances.

(4) The behavior is clearly criminal in nature.

Note: If the person demonstrating the objectionable behavior is a direct superior in the chain of command or the chain of command condones the conduct or ignores a report, individuals who have been subjected to or who observe objectionable behavior are encouraged to promptly communicate the incident through other available means (e.g., Echelon 3 or Echelon 2 EOA, Echelon 2 IG, or Naval IG).

e. All reported incidents of unlawful discrimination and SH shall be investigated in a fair, impartial, and prompt manner and resolved at the lowest appropriate level.

f. Administrative investigations will be conducted at the local command as appropriate. (Reprisal investigations will normally be handled at the next higher level in the chain of command. Allegations of reprisal will be reported to the appropriate Echelon 2 Inspector General or Naval Inspector General.)

g. Initial and subsequent appellate authority may determine whether the initial complaint and/or the appeal was made in good faith, and if not, take appropriate corrective measures, including punitive action.

h. Procedures for processing complaints at Joint or Unified Commands will be per Service directives as determined by the Joint or Unified Command's chain of command and will be issued in writing by the commander. Personnel may obtain counsel and/or support from the EOA serving the Joint or Unified chain of command, Regional and Staff Navy EOAs, or the Navy EO Office.

2. Complainant Responsibilities

a. A complaint should be made within 60 days of the offending incident, or in the case of a series of incidents, within 60 days of the most recent incident. Commanders may accept complaints beyond this time frame if, in their judgment,

circumstances warrant. This provision applies to both active duty and reserve.

b. Individuals may file a complaint using NAVPERS 5354/2 (Rev. 03/06), Navy Equal Opportunity (EO) Formal Complaint Form. It can be obtained from the Command Managed Equal Opportunity (CMEO) manager, any EOA, downloaded from Navy EO Office's Web site (see enclosure (4)) or downloaded from Navy Forms Online at <https://forms.daps.dla.mil>. The complaint must include a signed statement submitted in writing.

c. The preferred method of filing a formal complaint is by submitting a NAVPERS 5354/2. Other formal complaint options include (but are not limited to):

(1) Filing a U.S. Navy Regulations Article 1150, Redress of Wrong Committed by a Superior (other than the commander).

(2) Filing a Uniform Code of Military Justice (UCMJ) Article 138, Complaints of Wrongs against the commander.

(3) Filing a NAVPERS 1626/7, Report and Disposition of Offenses.

(4) Contacting the Inspector General (IG), which includes Echelon 2 IGs, as well as the Naval Inspector General (NAVINGEN).

(5) Communicating with elected officials.

Note: Sub-paragraphs (1) and (2) above should be done with legal assistance.

d. File complaints in good faith. Knowingly making a false official statement is a violation of UCMJ, Article 107.

3. Command Responsibility

a. Personnel receiving a formal complaint shall submit the complaint to the commander or other designated authority within 1 calendar day of receipt.

b. Identify available counseling support or referral services available for all personnel involved in incidents of discrimination and SH.

c. Within 24 hours of receipt of a formal complaint, advocates (enclosure 8) shall be assigned to each complainant, alleged offender and any witness to ensure they are informed about complaint processing. If the complainant, alleged offender, or witness does not desire the services of an advocate, they must state in writing and/or annotate on NAVPERS 5354/2 or by memo for the record. Appointed command advocates should:

(1) Not be a principal in the alleged complaint in any way.

(2) Be equivalent or senior to the assigned member (except when impracticable or the member consents).

(3) Not be appointed to assist more than one complainant, alleged offender, or witness (except when impracticable or with the members' consent).

d. The level of investigation on a formal complaint is determined by the commander.

(1) The investigation must commence within 72 hours of complaint submission. The investigating officer should be senior to the complainant and the alleged offender. The complainant will be notified by the investigating officer that the investigation has begun and will acknowledge this notification on the original NAVPERS 5354/2 or by memorandum for the record.

(2) A naval message describing the situation, using the format found in reference (k), augmented by enclosure (6), must be sent to General Courts-Martial Authority (GCMA) and information addressees, command's Echelon 2 commander, ISIC, CNO WASHINGTON DC//N00E//, and NAVY EO MILLINGTON TN//JJJ//.

(3) A close-out message (using format listed above) must be sent describing action taken, within 20 days of investigation commencement. If the investigation is not completed at the 20-day point, an updated message must be sent every 14 days

thereafter until the close-out message describing case disposition is released. The complainant's command is responsible for sending messages upon initial complaint receipt through case resolution, including any subsequent appeal(s) and/or accused.

(4) Complainants and/or accused must be notified that the complaint has been resolved and informed of their right to request a review by the next higher authority. Complainant and accused must be informed that the request for a higher-level review must be made within seven days of notification.

(5) When requested by the complainant and/or accused, the command should provide a redacted copy of the investigating officer's final report (per the Privacy Act of 1974 and other applicable laws and regulations).

(6) Forward copy of all completed Formal Equal Opportunity Complaint investigations, with endorsements, to respective Echelon 3 EOA, via ISIC, for review. In the absence of an Echelon 3 EOA, forward to Echelon 2 EOA.

(7) Commands must conduct a follow-up debrief 30-45 days after final action. Commands follow-up will include a determination of complainant satisfaction with the effectiveness of corrective action, timeliness, present command climate, and a review to ensure reprisal did not occur.

(8) Command must maintain completed complaints and investigations for 36 months.

e. If the complaint results in a hostile work environment, commanders will, when possible, temporarily relocate party(s), without prejudice, during the course of the investigation. Commanders should give consideration not to move the complainant. Transfer of the party(s) involved shall not be considered by the commander to be a resolution of the complaint.

f. Regardless of the outcome of the investigation (substantiated or unsubstantiated), the commander will monitor potential reprisals by checking on work center climate and ensuring performance appraisals document job performance accurately (i.e., downgrades shall be supported by written counseling and not related to the complaint).

g. If the accused of the complaint is the commander, and their motivation in a particular situation could legitimately be called into question (as in the case of writing the complainant's fitness/evaluation report), the commander should consider requesting an appropriate reporting senior to fulfill their responsibilities.

4. Appeal Process

a. Both the complainant and the subject(s) of a complaint may appeal administrative findings per reference (b).

b. The initial appeal of a decision on a formal complaint should be to the first commander in the chain of command with GCMA. If applicable, subsequent appeals will be forwarded to the next commander in the chain of command with GCMA. Final resolution of an appeal on a formal complaint will rest with the Secretary of the Navy (SECNAV). In processing this final appeal, the procedures applicable to the SECNAV review of UCMJ, Article 138 complaints, as detailed in Chapter III of the Manual of the Judge Advocate General (JAGMAN), shall be used in so far as practicable.

c. An appeal may be submitted on any legal or equitable grounds, based upon any of the following:

(1) The perception that existing DOD or DON regulations were incorrectly applied in that particular case.

(2) Facts were ignored or weighed incorrectly.

(3) Remedial action ordered by a commander was insufficient under the circumstances.

(4) Any other good faith basis.

d. The complainant and/or accused may also submit documentation in addition to the complaint form, such as statements of witnesses, personnel record entries, etc., as may be helpful in resolving the appeal.

(PROVIDE UPDATED MESSAGE) SAMPLE NAVAL MESSAGE

ACTION ADDRESSEES:

ISIC
CNO WASHINGTON DC//N1//
CHINFO WASHINGTON DC//00//
GENERAL COURTS MARTIAL AUTHORITY (GCMA)

INFO ADDRESSEES:

CHAIN OF COMMAND (COMUSFLTFORCOM)
CHINFO WASHINGTON DC//00//

ADDITIONAL ADDRESSEES TO BE CONSIDERED:

NAVY JAG WASHINGTON DC
DIRNAVCRIMINVSERV WASHINGTON DC//22D/23/02/21/24//
LOCAL NCIS OFFICE
CMC WASHINGTON DC (FOR INCIDENTS INVOLVING USMC PERSONNEL)

ADDITIONAL ADDRESSEES FOR SH/EO AND HAZING:

CNO WASHINGTON DC//N00E//
CHNAVPERS WASHINGTON DC//PERS-00J//
COMNAVPERSCOM MILLINGTON TN//PERS-6/PERS-670//
NAVY JAG WASHINGTON DC//JJJ//
NAVINSPGEN WASHINGTON DC//JJJ//
MSGID/OPREP-3 USMTF,2005/USS NEVERSAIL/001//
REF/A/DESC:INITIAL VOICE REPORT TO ISIC, USS NEVERSAIL/160529ZJUN2006//
FLAGWORD/NAVY UNIT SITREP/-// (NOTE FLAGWORD SET MUST BE MANUALLY WRITTEN)
TIMELOC/160430ZJUN2006/4050N13235E/INIT
GENTEXT/INCIDENT IDENTIFICATION AND DETAILS/
1. INCIDENT: SEXUAL HARASSMENT, EQUAL OPPORTUNITY, UNLAWFUL DISCRIMINATION,
OR HAZING
2. DATE OF INCIDENT: 16JUN2006
3. TIME OF INCIDENT: 0430L
4. LOCATION OF INCIDENT: BASE HOUSING, NORFOLK, VA
5. SUSPECT OR ALLEGED OFFENDER: IDENTIFY BY PAYGRADE, CIV, FOREIGN
NATIONAL, UNK, SPOUSE, CHILD, ETC.
6. GENDER:
7. AGE:
8. RACE
9. WEAPON:
10. ALCOHOL/DRUG:
11. VICTIM OR COMPLAINANT: IDENTIFY BY PAYGRADE, CIV, FOREIGN NATIONAL, UNK,
SPOUSE, CHILD, ETC.
12. GENDER:
13. AGE:
14. RACE
15. NCIS NOTIFIED: YES OR NO
16. INSTALLATION FAMILY ADVOCACY REP NOTIFIED: YES, NO, OR N/A
17. SUMMARY/BRIEF DESCRIPTION OF INCIDENT. THE FOLLOWING ADDITIONAL DETAILS
SHALL BE INCLUDED IN LINE 17 OF THE NAVY UNIT SITREP: A. ALLEGED OFFENDER(S)
RELATIONSHIP TO COMPLAINANT. B. DATE INVESTIGATION COMMENCED/COMPLETED. C.
INVESTIGATION OUTCOME (SUBSTANTIATED OR UNSUBSTANTIATED). D. CORRECTIVE
ACTIONS/PUNISHMENT AWARDED. E. ADVOCATE(S) ASSIGNED (YES OR NO). F. METHOD
USED TO SUBMIT COMPLAINT (NAVPERS 5354/2, NAVREGS 1150, UCMJ ART 138, etc.).
18. MEDIA INTEREST: ANTICIPATED OR NOT ANTICIPATED
19. NCIS INVOLVEMENT: ANTICIPATED OR NOT ANTICIPATED

OPNAVINST 5354.1F
25 Jul 07

20: POC: LT SAILOR, COMM 555-555-5555, DSN 555-5555,
LT.SAILOR(AT)NAVY.MIL//

**EQUAL OPPORTUNITY ADVISOR (EOA)
DUTIES, ROLES, AND RESPONSIBILITIES**

1. General. EOAs serve as primary advisors and subject matter experts to commanders and Command Managed Equal Opportunity (CMEO) Managers, and provide assistance to other members in the chain of command on EO issues. In this capacity, EOAs provide EO briefings, training, and assist visits to subordinate commands. EOAs are highly encouraged to address graduating resident and Mobile Training Team (MTT) CMEO manager classes. EOAs typically do not conduct command investigations into EO issues, but instead serve as EO process advisors and reviewing subject matter experts.

2. Types of EOAs

a. Staff EOA - assigned to Echelon 2 headquarters commands.

(1) Liaise between the command and the Navy EO Office, Defense Equal Opportunity Management Institute (DEOMI), and Naval Education and Training (NETC) (Center for Personal and Professional Development (CPPD)).

(2) Conduct on-site CMEO program review of immediate subordinate commands. Ensure that commands, at a minimum, comply with checklist provided in enclosure (3).

(3) Coordinate with CPPD and learning sites to align resident and MTT training requirements for regional, CMEO and Command Training Team Indoctrination (CTTI) courses.

(4) Provide supplemental EO/CMEO training and assist visits to subordinate or regional commands as requested.

(5) Monitor headquarters/subordinate commands annual EO training.

(6) Monitor headquarters/subordinate command EO climate assessments and ensure Echelon 2 or 3 review and maintain executive summaries for historical files (3 years).

(7) Monitor subordinate command's EO/SH message status.

(8) Review all subordinate command's formal administrative EO/SH complaints.

(9) Coordinate administrative actions with the Staff Judge Advocate, Inspector General, and staff assistants as necessary.

(10) Advise headquarters staff on all EO/SH policies and issues.

(11) Provide commanders a verbal and written brief/report of command and subordinate or regional command climate and areas of concern.

(12) Ensure subordinate-command EOAs receive annual follow-on training. This may be accomplished by symposium attendance, VTC training, etc.

(13) Provide command or regional guidance on all Department of Defense (DOD) national heritage observances for command, subordinate commands, and region (if applicable).

(14) Maintain a current point of contact (POC) listing of subordinate command and regional EOAs.

(15) Conduct an annual review of subordinate commands' executive summaries, and provide a summary of areas of concern to the commander.

b. Regional EOA. A regional EOA is assigned to an Echelon 3 command and reports directly to the regional commander. Regional EOAs are the coordinators for the regional EO program and as such are responsible for subordinate commands' EOAs. Regional EOAs shall:

(1) Ensure all subordinate command's conduct annual EO training.

(2) Monitor all subordinate command's EO, SH, and Sexual Assault Victim Intervention (SAVI) messages.

(3) Advise the regional commander on all EO/SH policies and issues.

- (4) Ensure subordinate EOAs and CMEO Managers receive annual follow-on training.
- (5) Maintain current POC listing of subordinate commands' EOAs and CMEO Managers.
- (6) Collaborate with EOAs and CMEO Managers in region.
- (7) Collaborate and coordinate with civilian EEO personnel.
- (8) Liaise and coordinate with command and Fleet and Family Support Center (FFSC) SAVI personnel.
- (9) Forward all subordinate commands' command assessment summaries to the CNIC EOA.
- (10) Ensure all subordinate commands' CMEO Managers receive formal CPPD training.
- (11) Provide quarterly EO training to subordinate commands' EOAs.
- (12) Review all EO/SH formal complaints/investigations and forward to CNIC EOA.
- (13) Collaborate with CPPD to coordinate annual MTT requirements for the region.
- (14) Liaise with the Staff Judge Advocate and Inspector General for advisory purposes.
- (15) Conduct installation CMEO program on-site reviews.

c. Installation EOA - Assigned to Echelon 4 commands. An installation EOA reports all EO matters to their regional EOA. Installation EOAs are directly responsible for all EO matters that occur within their command and should be aware of EO matters that occur on their installations. Installation EOAs are responsible for their CMEO Managers. Installation EOAs shall:

- (1) Advise the installation commander on EO/SH policies/issues.

- (2) Monitor command and installation EO, SH, and SAVI messages.
 - (3) Review command investigations and formal complaints and forward to region EOA.
 - (4) Liaise and coordinate with command SAVI personnel.
 - (5) Collaborate with other EOAs and CMEO Managers on the installation.
 - (6) Forward all command assessment summaries to regional EOA.
 - (7) Collaborate with civilian EEO personnel.
 - (8) Collaborate with Staff Judge Advocate and Inspector General.
- d. Staff EOA - Assigned to Echelon 3 and 4 commands.
- (1) Conduct on-site CMEO program review of immediate subordinate commands as requested/directed.
 - (2) Coordinate with Echelon 2 EOA to align resident and MTT training requirements for CMEO and CTTI courses.
 - (3) Provide supplemental EO/CMEO training and assist visits to subordinate commands as requested.
 - (4) Monitor headquarters/subordinate command's annual EO specific training.
 - (5) Monitor headquarters/subordinate command EO climate assessments and review/maintain executive summaries for historical files (3 years).
 - (6) Monitor subordinate commands' formal EO/SH message status.
 - (7) Review all subordinate commands' formal EO complaints.

(8) Coordinate administrative actions with the Staff Judge Advocate, Inspector General, and staff assistants as necessary.

(9) Advise headquarters staff on all EO policies and issues.

(10) Provide commanders a verbal and written brief/report of subordinate command climate and areas of concern.

(11) Conduct subordinate command's supplemental EOA training at a minimum of once a year.

(12) Provide guidance to subordinate commands on all DOD national heritage observances.

(13) Maintain a current POC listing of subordinate commands EOAs and CMEO Managers.

(14) Conduct an annual review of subordinate commands' executive summaries demographic files for retention, advancement, discipline, awards, evaluations, and EO training and provide a summary of areas of concern to the commander.

e. Command/Afloat EOA - Assigned to Echelon 4, 5, and 6 commands

Note: EOAs assigned to aircraft carriers and amphibious assault ships shall be utilized as the Strike Group subject matter expert on all matters relating to EO and command climate assessments, while the Strike Group Commander is embarked. The EOA shall serve as the primary advisor to all commands assigned to the Strike Group.

(1) Advise commanders on formulation and implementation of changes to EO/SH policy and diversity issues.

(2) Serve as single POC for all command/Strike Group EO concerns.

(3) Provide counseling/advice regarding conflict resolution and grievance/redress procedures.

(4) Provide CMEO overview and assist visits (as requested/directed).

(5) Conduct command/Strike Group training as necessary.

(6) Provide verbal/written brief/report of command/Strike Group EO status (minimum of once per month).

(7) Assist CMEO Manager(s) with understanding their role and responsibility in the effective execution of the EO program.

(8) Monitor subordinate and area command's EO climate and provide training as needed.

(9) Review/monitor all command/Strike Group investigations into EO issues with legal and provide assistance as needed.

Note: EOAs do not conduct investigations due to perception of conflict of interest.

(10) Provide guidance to CMEO Managers regarding processing of EO complaints.

(11) Compile executive summaries and review.

f. Training EOA - Assigned to DEOMI, and CPPD learning sites.

(1) Develop/conduct formal EO/CMEO training per CPPD direction.

(2) Provide service specific training in areas of EO programs at senior leadership schools as applicable.

(3) Submit training reports using Corporate Enterprise Training Activity Resource Systems (CeTARS).

(4) Coordinate CPPD authorized EO/CMEO training with Echelon 2 or Regional EOAs.

(5) Assist staff/command EOAs as needed.

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(6) Act as advisor to local area commanders/CMEO
Managers when requested.

GUIDELINES FOR THE PERSONAL ADVOCATE

1. The function of a personal advocate (command representative) is to ensure that the complainant, accused, and witness in an EO case are informed about EO complaint processing and are advised of available support and counseling services. Although separate advocates must be offered to each, all may refuse assignment in writing. **An advocate should keep all parties informed, especially the chain of command.** When requested and practicable, advocates should accompany the complainant, accused, or witness to any meetings, debriefings, etc. applicable to the case.

2. The most important support an advocate can give is listening without prejudging the situation. Often the complainant, accused, or witness feels that they are not being heard. It is important to be aware that an advocate is still accountable to the chain of command. **Ensure that the individual(s) involved understands there is no provision of confidentiality for advocates.**

☛ An advocate should be familiar with NAVPERS 5354/2, Navy Equal Opportunity (EO)/Sexual Harassment (SH) Formal Complaint Form, OPNAVINST 5354.1F, SECNAVINST 5370.7C, and any other directives that relate directly to the case.

☛ An advocate must be familiar with all local support and counseling services, which include, but are not limited to, EOAs, Navy Legal Service Office (NLSO), Fleet and Family Service Center (FFSC), Medical Treatment Facility (MTF), and chaplain. It is the advocate's job to ensure that the individual involved is afforded the various support services needed. This can include helping the individual make appointments, and working with the chain of command to ensure that the individual is given the opportunity to attend any scheduled meetings.

☛ An advocate must be aware of the possibility of reprisal against the individual to whom they are assigned. Advise the chain of command of any suspected act(s) of reprisal.