DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
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OPNAVINST 5354.1E
PERS-61

JAN 22 [illegible]

OPNAV INSTRUCTION 5354.1E

From: Chief of Naval Operations
To: All Ships and Stations (less Marine Corps field addressees not having Navy personnel attached)

Subj: NAVY EQUAL OPPORTUNITY (EO) POLICY

Ref: (a) DODD 1350.2 of 18 Aug 95 (NOTAL)
(b) SECNAVINST 12720.5A
(c) SECNAVINST 5300.26C
(d) DODD 1325.6 of 1 Oct 96 (NOTAL)
(e) SECNAVINST 1610.2
(f) OPNAVINST 5370.2B
(g) U.S. Navy Regulations, 1990
(h) SECNAVINST 5354.1
(i) SECNAVINST 5350.16
(j) OPNAVINST 5354.3D
(k) NAVPERS 15620, Resolving Conflict Booklet
(l) SECNAVINST 5212.5D

Encl: (1) Definitions
(2) Sexual Harassment (SH) Guidelines and Range of Behaviors
(3) Navy Guidelines for Submitting, Handling, and Reporting Equal Opportunity (EO) Complaints
(4) Navy Equal Opportunity/Sexual Harassment (EO/SH) Formal Complaint (NAVPERS 5354/2)
(5) Sample Situation Report (SITREP)
(6) Guidelines for the Personal Advocate
(7) Equal Opportunity (EO) Resources
(8) Equal Opportunity Advisor (EOA) Roles and Responsibilities

1. Purpose. To implement reference (a), 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 is a complete revision and should be reviewed in its entirety.

2. Cancellation. OPNAVINST 5354.1D and Report symbols OPNAV 5354-10 and DD-FM&P(A) 1760.

3. Applicability and Scope

a. The provisions of this instruction apply without regard to race, ethnicity, national origin, sex, or religion within constraints of the law to all active duty Navy, Naval Reserve, and assigned civilian personnel (not to supersede the provisions of paragraph (3b)).

b. Policies and procedures on DON Civilian Discrimination Complaints Program are issued as a separate instruction by Deputy Assistant Secretary of the Navy for Civilian Personnel/Equal Employment Opportunity (DASN CP/EEO). DON civilian 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 (b). SH policy for civilian personnel is outlined in reference (c). 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 only EO. Other forms of unacceptable conduct, such as supremacist activity, hazing, and fraternization are addressed in references (d), (e), and (f).

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, mission readiness, and prevent our Navy from attaining the highest level of operational readiness.

b. 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, 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 our Navy core values are integrated into our 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) and (c), it is DOD and DON policy to prohibit unlawful discrimination and SH against persons or groups based on race, ethnicity, national origin, sex, or religion. Service members shall be evaluated only on individual merit, fitness, and capability.

b. EO, the prevention of SH, and all the elements thereof as defined in this instruction are gender-neutral concepts. The focus is on the detriment to good order, discipline, and military readiness that results when our Navy's core values are not adhered to, not the sex of the members involved; therefore, discrimination, SH, threats, and other behaviors covered by this instruction involving members of the same sex are prohibited and all requirements of this instruction apply. This includes conduct against service members on the basis of sexual orientation or homosexual conduct.

c. As stated in reference (d) and article 1167 of reference (g), 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/rallying, fundraising, recruiting for, training members, and organizing/leading such organizations are prohibited.

d. This instruction and the prohibition of unlawful discrimination, SH, and supremacist activities found in articles 1164, 1166, and 1167 of reference (g) 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.

e. No individual in the Navy organization shall

(1) take reprisal action, as defined in enclosure (1) and reference (c), 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) sponsor 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 (h) and (i).

(3) report results of Navy EO/SH (NEOSH) survey to the Fleet.

b. Deputy Chief of Naval Operations (DCNO)(Manpower and Personnel) (M&P) (N1) shall

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

(2) ensure an equitable assignment process and leadership opportunities 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. Special Assistant for Minority Affairs (CNO (N1J)/Chief of Naval Personnel (CHNAVPERS (PERS-OOJ)) shall

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

(2) coordinate Navy Affirmative Action Plan (NAAP) per reference (j) implementation under the DCNO (M&P) (N1).

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

d. Assistant Commander Navy Personnel Command (ACNPC), Personal Readiness and Community Support (PERS-6), shall

(1) annually provide an EO climate assessment describing the "health" and functioning effectiveness of the Navy (using the data collected from Navy Inspector General (NAVINSGEN), Office of the Judge Advocate General (OJAG), Fleet Commander in Chiefs (CINCs) and Echelon 2 commands) by examining such factors as morale, teamwork, and communication per reference (i).

(2) provide overall direction, guidance, support, and leadership for Fleet/force command climate.

(3) serve as community advisor for Equal Opportunity Advisors (EOAs) (NEC 9515).

(4) maintain an official toll-free EO/SH Adviceline.

(5) maintain an official Navy EO website.

e. ACNPC, Distribution Department (PERS-4), shall schedule officers who fill EO program manager billets at CNO, Chief of Naval Personnel (CHNAVPERS), Chief of Naval Education and Training (CNET), and Navy Personnel Command (NAVPERSCOM) staff level for enroute program manager/Navy service specific training as applicable to required duties at Defense Equal Opportunity Management Institute (DEOMI), as required by reference (a).

f. Office of the Judge Advocate General (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 NAVPERSCOM (PERS-61). Summary shall include total number of EO and SH formal complaints; race, ethnicity, gender, and ranks of the complainant(s) and accused; substantiated or unsubstantiated; and if substantiated, type of punishment awarded.

g. Navy Inspector General (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 NAVPERSCOM (PERS-61). Summary shall include total number of EO and SH formal complaints; race, ethnicity, gender, 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 Flag officer select allegations relating to unlawful discrimination and SH by 15 November annually to NAVPERSCOM (PERS-61), (NAVINSGEN only). Summary shall include total number of EO and SH formal complaints; race, ethnicity, gender, and ranks of the

complainant(s) and accused; substantiated or unsubstantiated; and if substantiated, type of punishment awarded.

(3) NAVINSGEN and Echelon 2 IGs will provide to NAVPERSCOM (PERS-61) command climate results of all command inspections.

h. CNET shall

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

(2) coordinate with NAVPERSCOM (PERS-61) and DEOMI to develop Navy specific training for DEOMI EOA graduates (Navy Enlisted Classification (NEC) 9515).

(3) ensure general military training (GMT) includes annual EO/SH training and grievance procedure instruction as required per references (c) and (i).

i. Fleet CINCs and Echelon 2 commanders shall

(1) monitor EO status within subordinate commands.

(2) coordinate reporting 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, preferably upon assuming command, and schedule follow-up assessments periodically during their command tenure.

(3) monitor the command climate of subordinate commands.

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

k. Commanders, 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 training and grievance procedure instruction as required per references (c) and (i) for all assigned command members as part of CNET generated GMT.

(6) 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).

(7) assess their command climate per reference (a), preferably upon assuming command, with appropriate follow-up assessments during their command tenure. The purpose of the climate assessment is to determine the "health" and mission effectiveness of the unit. This may be accomplished through some or all of the following: group and/or individual interviews, observations, surveys or questionnaires, review of records and reports, focus groups, and any other tools deemed appropriate. A list of some additional survey tools can be found in paragraph 28 of enclosure (1), and paragraph 3 of enclosure (7).

(8) ensure the anonymity and confidentiality of responses to interviews, focus groups, etc., in support of an assessment, are protected.

(9) ensure a CMEO manager is designated in writing and attends training as directed by CNET. Note: Recommend CMEO manager be E-7 to E-9 or an officer with 4 or more years of service.

(10) ensure DON procedures for processing EO complaints are permanently and prominently displayed. Ensure an effective system is in place within the command to resolve complaints of unlawful discrimination and SH at the lowest possible level. Ensure all individuals are familiar with their right to submit an informal or formal complaint and the methods for submission. 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 (7) for additional details. Maintain CMEO record file of ongoing EO complaints, actions taken and closed-out complaints.

(11) 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 Adviceline, and the NAVINSGEN fraud, waste, and abuse hotline.

(12) ensure EO complaint procedures are effective and timely. The term "formal complaint" is defined in paragraph 14 of enclosure (1). Ensure detailed SITREPS, per enclosures (3) and (5) are sent upon receipt of a formal complaint of unlawful discrimination or SH and that reporting continues through case resolution. Enclosure (4) is the EO/SH Formal Complaint Form NAVPERS 5354/2. Enclosure (6) refers to the duties of the personal advocate.

(13) refer unlawful discrimination or SH complaints against Flag officers or senior executives service officials to NAVINSGEN.

(14) ensure command climate complaints are investigated in a fair, impartial, and prompt manner and that all EO investigative reports are reviewed for legal sufficiency.

(15) ensure mandatory officer fitness report/enlisted performance evaluation entries are made for servicemembers found guilty at court-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 (i).

1. Equal Opportunity Advisors (EOAs) shall

(1) serve as advisors and subject matter experts to commanders on EO issues per enclosure (8).

(2) ensure required reports are submitted through the chain of command to NAVPERSCOM (PERS-61).

(3) provide EO counseling and advice to command members.

(4) conduct CNET-authorized EO training.

(5) screen prospective EOAs Navy Enlisted Classification (NEC) 9515 candidates.

m. Command Managed Equal Opportunity (CMEO) managers shall

(1) ensure SITREPs are submitted with established timelines per enclosure (3) and (5).

(2) 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.

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

(4) coordinate and monitor all EO training.

(5) ensure the poster, "Navy Procedures for Processing Sexual Harassment/Discrimination Complaints for Military Personnel", S/N 0500-LP-022-7460, 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) closely coordinate with the local EOA, as applicable.

(7) maintain CMEO record file of ongoing complaints, and closed-out complaints per reference (1).

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

n. Individual servicemembers shall

(1) treat others with dignity and respect.

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

(3) be responsible and accountable for reporting acts of unlawful discrimination and SH per reference (k).

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

9. Forms and Reports

a. Forms. The following forms may be obtained from Naval Inventory Control Point per CD-ROM NAVSUP PUB 600(NLL), Navy Stock List of Publications and Forms.

(1) NAVPERS 5354/2 (Rev 3/00), Navy Equal Opportunity (EO)/Sexual Harassment (SH) Formal Complaint Form.

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

b. Reports. The reporting requirements contained in this instruction are exempt from reports control per SECNAVINST 5214.2B.

NORBERT R. RYAN, JR.
Deputy Chief of Naval Operations
(Manpower & Personnel)

Distribution:
SNDL Parts 1 and 2

DEFINITIONS

1. Advocate. Representatives assigned by the commander to ensure that complainant, accused, and witness in an equal opportunity (EO) case are informed of the EO complaint process and advised of available support and counseling services.

2. Affirmative Action. Methods used to achieve objectives of the Military Equal Opportunity program. Processes, activities, and systems designed to prevent, identify, and eliminate unlawful discriminatory treatment as it affects recruitment, training, assignment, utilization, promotion, and retention of military personnel.

3. Assessment Tools. Tools used by commanders to assess EO and organizational climate of their command. Examples of some optional assessment tools include:

a. Military Equal Opportunity Climate Survey (MEOCS). A tool developed by DEOMI for military commanders to assess EO and organizational climate of their command.

b. MEOCS-EEO. A version of MEOCS developed by DEOMI that expands the normal MEOCS to include factors more relevant to civilian issues.

c. Small Unit Equal Opportunity Climate Survey (SUEOCS). A version of MEOCS developed by DEOMI. The SUEOCS may be used in units of any size, but is specifically designed for units of less than 50.

d. Command Assessment Team Survey System for Windows (CATWIN). CATWIN is a windows-based computer survey system used to design, conduct, and analyze a command EO survey. Allows the commander to compare the command's climate data to Navy-wide data collected every 2 years by Navy Equal Opportunity/Sexual Harassment (NEOSH) Survey administered by Navy Personnel Research Studies and Technology (NPRST). It may be downloaded directly from the website at http:/catwin.nprdc.navy.mil.

4. Climate Assessment. Determining the "health" and functioning effectiveness of an organization by examining such factors as morale, teamwork, and communication. This is accomplished through some or all of the following:

a. Group and/or individual interviews;

b. observations;

c. surveys or questionnaires (see survey tools);

d. review of records and reports;

e. focus groups; and/or

f. other tools deemed appropriate by the commander.

5. Command Managed Equal Opportunity (CMEO) Manager. Command member (recommend E-7 to E-9 or officer with 4 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 sexual harassment (SH) based on race, ethnicity, national origin, sex, or religion.

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, and human relations.

9. 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.

10. 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, ethnicity, national origin, sex, or religion.

11. Equal Opportunity Advisor (EOA). Member who has completed the DEOMI EOA Course and assigned NEC 9515. See enclosure (8) for description of duties.

12. 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 (including Central America), and who maintains tribal affiliation and or community attachment.

b. Asian. A person having origins in any of the original peoples of the Far East, Southeast Asia, 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.

13. 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.

14. Formal Complaint. Allegation of unlawful discrimination or SH that is submitted in writing via a NAVPERS 5354/2, Navy EO complaint, UCMJ article 138, U.S. Navy Regulations article 1150, communication to Navy Inspector General or elected officials, NAVPERS 1626/7, Report of Disposition of offenses and any other communication the commander deems appropriate. Note: SITREPS required upon receipt of a formal complaint.

15. 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.

16. Informal Resolution System (IRS). A system for resolving EO complaints at the lowest possible level in the chain of command.

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

18. 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; and

e. any errors or irregularities exist, and, if so, their legal effects, if any.

19. Military Equal Opportunity Assessment (MEOA). An annual report to DOD that includes data on the number of formal EO complaints, both submitted and substantiated, categorized by race and gender of the complainant.

20. 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.

21. Navy Equal Opportunity/Sexual Harassment Survey (NEOSH). Measure of EO climate and perceptions of SH among military number. It is administered every 2 years to a random sample of Navy personnel.

22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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; or

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

28. Survey Tools. CATWIN or the Command Assessment Team Survey System (CATSYS) 4.0 for DOS. Other options include

a. Military Equal Opportunity Climate Survey (MEOCS);

b. Small Unit Equal Opportunity Climate Survey (SUEOCS); and

c. contracted surveys.

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

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

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.

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 servicemembers 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 concept. The focus is on the detriment to good order, discipline and military readiness that results when our Navy's core values are not adhered to, not the sex of the members involved; therefore, sexually harassing behaviors involving members of the same sex as well as those directed at service members on the basis of alleged homosexuality are prohibited and all requirements of this instruction apply.

d. For SH to occur, unwelcome sexual behavior must occur in or impact on 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; and/or

(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 SH 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 SH. The most severe forms of SH constitute criminal conduct, (e.g. sexual assault).

NAVY GUIDELINES FOR SUBMITTING, HANDLING, AND REPORTING EQUAL OPPORTUNITY (EO) 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 sexual harassment (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.

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 (k), the Department of the Navy (DON) IRS 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 request mediation to resolve the dispute;

(3) request EO 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 the

(1) situation is not resolved.

(2) objectionable behavior does not stop.

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

(4) 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. All reported incidents of unlawful discrimination or SH shall be investigated in a fair, impartial, and prompt manner and resolved at the lowest appropriate level. The nature of the investigation will depend upon the particular facts and circumstances and may consist of an informal inquiry where that action is sufficient to resolve factual issues.

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.

g. Both the initial and the final 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 Armed Forces Staff equal opportunity advisor (EOA).

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 judgement, circumstances warrant. This applies to both active duty and reserve.

b. Individuals may file a complaint using NAVPERS 5354/2, Navy Equal Opportunity (EO)/Sexual Harassment (SH) Formal Complaint Form, (enclosure 4). It can be obtained from the Command Managed Equal Opportunity (CMEO) manager, the Echelon 2 EOA, or downloaded from NAVPERSCOM's Professional Relationships website (enclosure 7). 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, Navy Equal Opportunity (EO)/Sexual Harassment (SH) Formal Complaint Form. Other formal resolution 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 Navy Inspector General (NAVINSGEN).

(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 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 do 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 situation report (SITREP) describing the situation, using the format found in enclosure (5), must be sent to General Courts-Martial Authority (GCMA) and information addressees command's Echelon 2 commander, ISIC, CNO WASHINGTON DC//NOOE//, and COMNAVPERSCOM MILLINGTON TN//PERS6/PERS61// within 72 hours of complaint receipt.

(3) A close-out SITREP (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, a SITREP must be sent every 14 days thereafter until the close-out SITREP describing case outcome is released. The complainant's command is responsible for sending SITREPs upon initial complaint receipt through case resolution (including any subsequent appeal(s)).

(4) Complainants must be notified that the complaint has been resolved and informed of their right to request a review by the next higher authority. Complainant must be informed that the request for a higher level review must be made within 7 days of notification.

(5) When requested by the complainant, 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) Command must conduct a follow-up debrief 30-45 days after final action. Command 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.

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

e. If the complaint results in a hostile work environment, commanders will, when possible, temporarily relocate one or both parties, without prejudice, during the course of the investigation; however, commanders should give consideration not to move the complainant. Transfer of the parties 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 workcenter 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 subject 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 references (a) and (h).

b. The first appeal of a decision on a formal complaint should be to the first commander in the chain of command with GCMA. Final resolution of an appeal on a formal complaint will rest with Secretary of the Navy (SECNAV).

c. A complainant may submit an appeal on any legal or equitable grounds, based upon any of the following:

(1) The complainant's perception that existing Department of Defense (DOD) or Department of the Navy (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; or

(4) Any other good faith basis.

d. The complainant 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.

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NAVY EQUAL OPPORTUNITY (EO)/SEXUAL HARASSMENT (SH) FORMAL COMPLAINT FORM

AUTHORITY:	10 U.S.C. 5013 (g).
PRINCIPLE PURPOSE:	Formal filing of allegations of discrimination based on race, color, religion, sex or national origin, incidents of sexual harassment, or reprisal against military personnel. For EEO complaints against civilian employees, see OCPMINST 12713.2.
ROUTINE USES:	Information provided on this form may be used: (a) as a data source for complaint information, statistics, reports, and analysis, (b) to respond to requests from appropriate outside individuals or agencies (*e.g. Members of Congress; the White House)* regarding the status of a complaint; (c) to adjudicate the complaint or appeal; (d) any other properly established routine use.
DISCLOSURE	Disclosure is voluntary; however, failure to fully complete all portions of this form may result in rejection of the complaint on the basis of inadequate data to assess complaint.
PROTECT PRIVACY	***Protect individual privacy (both complainant's and alleged offender (s)) through all stages of the process (SECNAVINST 5211.5 Series)***

1a. COMPLAINANT'S NAME		1b. RANK/RATE	1c. SSN
1d. UNIT	1e. RACE/ETHNIC GROUP	1f. GENDER	1g. DATE

2a. **Options:**

(1) Informal Resolution System (IRS). (Ref: IRS Skills Booklet, NAVPERS 15620.)

(2) DoN Equal Opportunity/Sexual Harassment Adviceline. (Monday - Friday 0730-1630) Central Time. Call toll free (800) 253-0931, DSN 882-2507, COMM (901) 874-2507. (Call collect from overseas.)
E-Mail: eo/sh.advice.line@persnet.navy.mil

(3) Authorized command or local resource. The following are available (insert local name, organization, and phone number)

Command Managed Equal Opportunity (CMEO): _____
Command Master Chief: _____
Command-sponsored councils and committees: _____
Equal Employment Opportunity (EEO): _____
Family Service Center (FSC): _____
Equal Opportunity Advisor (EOA): _____
Medical Treatment Facilities (MTF): _____
Chaplain: _____
Legal: _____

(4) NAVREGS 1151 Request mast with the CO/OIC. Your right to communicate with the CO in a proper manner, time, and place shall not be denied or restricted. Such requests shall be acted upon promptly and forwarded without delay. Local procedures are:

_____

(5) Communications with Inspectors-General. Any person whose chain of command does not take effective action on complaints or who does not feel comfortable filing complaints locally or in person can lodge complaints (anonymously if desired) via one or more of the available hotlines:

Naval Inspector General: Toll Free 1-800-522-3451; DSN 288-6743; COMM (202) 433-6743.
Marine Corps Inspector General: DSN 224-1349; commercial (703) 614-1349.
Atlantic Fleet Inspector General: Toll Free 1-800-533-2397
Pacific Fleet Inspector General: COMM (808) 474-4275.
Naval Forces Europe Inspector General: 001-44-171-514-4188.
Naval Reserve Inspector General: DSN 678-1324; COMM (504) 678-1324.
Local TYCOM, ISIC, or local commanders' hotlines: _____(Insert Phone Number)

(6) NAVREGS 1155. A service member may always communicate individually with members of Congress.

(7) Article 138/NAVREGS 1150 complaint. A service member who believes him/herself wronged by his/her CO or other superior officer may file a complaint as provided in JAGMAN Chapter III. Assistance in filing such complaints may be available from the local Naval Legal Services Office (NLSO).

2b. **CONTACT THE FOLLOWING COMMAND REPRESENTATIVE FOR ASSISTANCE IN FILING THIS COMPLAINT.**

(insert name, phone): _____.

2c. **COMPLAINANT WAS ADVISED OF COUNSELING / SUPPORT SERVICES AND PROVIDED A COPY OF THIS FORM.**

2d. NAME OF COMMAND REPRESENTATIVE	2e. RANK/RATE	2f. DATE
2g. UNIT/COMMAND	2h. SIGNATURE	
2i. COMPLAINANT'S ACKNOWLEDGMENT (Signature)		(Date)

NAVPERS 5354/2 (Rev. 3/00)

PART II COMPLAINT

FILING DEADLINE

I UNDERSTAND THAT I HAVE 60 CALENDAR DAYS FROM THE DATE OF THE ALLEGED INCIDENT TO FILE A FORMAL EO/SH COMPLIANT. This EO filing deadline does not affect alternative remedies that might apply. (Investigation of EO/SH complaints received after 60 calendar days is at the discretion of the cognizant commanding officer/activity head).

3a. NATURE OF COMPLAINT. *(State, in as much detail as possible, the basis for your complaint. Describe the behaviors/conduct under objection, date(s) of occurrence, names of involved parties, witnesses, others to or from whom previous reports may have been made or received, other evidence available, and any additional information which may be helpful in resolving your complaint. Attach additional sheets as needed.)*

3b. REQUESTED REMEDY. *(What, specifically, do you think the final outcome should be?)*

3c. ACKNOWLEDGMENT OF RECEIPT OF COMPLAINT. (by POC identified in paragraph 2b above) I acknowledge receipt of this formal EO/SH complaint.

I UNDERSTAND THAT I HAVE ONE CALENDAR DAY (24 HOURS) TO REFER THE COMPLAINT TO THE APPROPRIATE AUTHORITY AND TO INFORM THAT AUTHORITY OF ANY INTERIM ACTION THAT IS TAKEN.

3d. NAME OF COMMAND REPRESENTATIVE	3e. RANK/RATE	3f. DATE
3g. UNIT/COMMAND	**3h. SIGNATURE**	
3i. COMPLAINANT'S ACKNOWLEDGMENT		
	(Signature)	(Date)

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PART III - COMPLAINT PROCESSING/COMMAND ACTIONS

INTERIM FEEDBACK/ASSISTANCE TO COMPLAINANT. TAKE PARTICULAR CARE TO AVOID RE-VICTIMIZING COMPLAINANTS (AND WITNESSES). Keep the complainant and advocate apprised of the status of the investigation (including any deadline extensions). Provide Supplemental counseling/support assistance/referral as warranted. Ensure that all involved know that reprisal against the complainant will not be tolerated. (Recommend keeping a record of such feedback/assistance. Attach record to the complaint form.)

RESOLUTION TIME STANDARDS/REPORTING. RESOLUTION OF CASE SHOULD BE COMPLETED NO LATER THAN 20 DAYS FROM INVESTIGATION COMMENCEMENT. Resolution includes: completion of investigation; determination of validity of complaint; adjudication at NJP or courts-martial, initiation of other appropriate action, notification to accused, and notification of complainant and submission of a close-out SITREP. IF TIME STANDARDS CANNOT BE MET, CONTINUATION SITREPS EVERY 14 DAYS THROUGH CASE RESOLUTION IS MANDATORY. Explain the reason(s) for delay. SEND ALL MESSAGES UNCLASSIFIED.

DOCUMENT COMMAND ACTION. Command records should permit reviewers to clearly ascertain/assess decisions reached. Make appropriate entries in individual personnel records, if applicable. Make any statistical reports required by the chain of command. Retain this form onboard at least three years. Provide copy of completed form to complainant as authorized under Freedom of Information Act (FOIA) and governing directives.

4a. DATE TIME GROUP (DTG) OF SITREP MESSAGES (attach copy of SITREPS to this form)

(1) Initial DTG _____ (2) Continuation(s) DTG(S) _____ _____ (3) Close-out DTG _____

4b. ASSIGNMENT OF PERSONAL ADVOCATES : (Separate advocates must be offered to each party and initialed in writing).

(1) Complainant: Name and phone number	(2) Accused: Name and phone number	(3) Other: Name and phone number
_____	_____	_____
☐ Accept ☐ Decline	☐ Accept ☐ Decline	☐ Accept ☐ Decline
Initial in box.	Initial in box.	Initial in box.

5a. NAME OF INVESTIGATING OFFICER	5b. DATE CONVENED

5c. COMPLAINANT'S ACKNOWLEDGMENT _____ _____
(Signature) *(Date)*

6a. **ACKNOWLEDGMENT OF RECEIPT BY COMMANDING OFFICER/ACTIVITY HEAD.** I acknowledge receipt of this complaint by _____ (name/rank) of _____ (date).

I UNDERSTAND I MUST INITIATE AN APPROPRIATE INVESTIGATION OR ENSURE THAT ONE IS BEING CONDUCTED (E.G., BY NCIS) WITHIN THREE CALENDAR DAYS (72 HOURS). NOTIFY COMPLAINANT SAME DAY OF INVESTIGATION COMMENCEMENT. I FURTHER UNDERSTAND THAT I MUST SUBMIT A SITREP AS PER OPNAVINST 5354.1E WITHIN THREE CALENDAR DAYS (72 HOURS), AND PROVIDE COMMAND ADVOCATES FOR ALL INVOLVED PARTIES.

6b. NAME OF COGNIZANT CO/ACTIVITY HEAD	6c. RANK/GRADE	6d. DATE
6e. UNIT/COMMAND	6f. SIGNATURE	

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PART IV - NOTIFICATION, REVIEW, AND FOLLOW-UP

10a. NOTIFICATION OF ACTION TAKEN TO RESOLVE COMPLAINT. (TO OCCUR WITHIN 20 CALENDAR DAYS OF RECEIPT OF COMPLAINT.) This complaint was completed on _____ *(date).*

The complaint was found to be *(mark one)*:

☐ **Substantiated** ☐ **Unsubstantiated [Insufficient Corroboration]** ☐ **Unsubstantiated [No Corroboration]**

based on the following findings:

The following action has been taken/initiated by the command (CAUTION: SECNAVINST 5211.5 Series generally precludes providing specific details on adverse actions against offenders. Consult servicing Judge Advocate for further guidance.):

10b. COMPLAINANT'S ACKNOWLEDGMENT. _____ _____
(Signature) *(Date)*

10c. ACCUSED'S ACKNOWLEDGMENT. _____ _____
(Signature) *(Date)*

11a. **COMPLAINANT'S RIGHT TO REVIEW BY HIGHER AUTHORITY.** I acknowledge notice of my right to submit a statement concerning the investigative findings and command action taken, and to request review of those findings and actions by the next higher authority who is:

_____.

11b. **I REALIZE ANY STATEMENT AND REQUEST FOR REVIEW MUST BE SUBMITTED WITHIN 7 CALENDAR DAYS OF TODAY'S DATE (Block 14b).**

11c. I: _____ **DO NOT REQUEST REVIEW** _____ **REQUEST REVIEW**
(Initials) *(Initials)*

If review requested, indicate reason:

11d. COMPLAINANT'S ACKNOWLEDGMENT _____ _____
(Signature) *(Date)*

12a. **ACTION TAKEN BY REVIEWING AUTHORITY (If requested in 11c).** The following action has been taken:

12b. NAME OF REVIEWING AUTHORITY	12c. RANK/GRADE	12d. DATE
12e. UNIT/COMMAND	12f. SIGNATURE	

12g. COMPLAINANT'S ACKNOWLEDGMENT _____ _____
(Signature) *(Date)*

13a. **COMPLAINANT'S FOLLOW-UP COMMENTS.** *(The complainant should be debriefed 30-45 days after final action to assess complainant's views as to effectiveness of corrective action, present command climate, ensure the complainant has not suffered any reprisal, etc.)* The complainant was debriefed on _____ *(date)* and had the following comments:

13b. COMPLAINANT'S ACKNOWLEDGMENT _____ _____
(Signature) *(Date)*

14. **COMMANDING OFFICER'S FOLLOW-UP NOTES.** *(Indicate dates/nature of any actions prompted by complainant's debrief. Attach additional sheets as necessary.)*

COMMANDING OFFICER'S ACKNOWLEDGMENT _____ _____
(Signature) *(Date)*

NAVPERS 5354/2 (Rev. 3/00)

SAMPLE SITREP

P DDHHMMZ MMM 99 ZYB
FM USS NAVY SHIP
TO [General Court Martial Authority (GCMA)]
INFO [Command Echelon 2 Commander]
[Command Immediate Superior In Command (ISIC)]
CNO WASHINGTON DC//N00E//
COMNAVPERSCOM MILLINGTON TN//PERS6/61//
BT
UNCLAS //N05354//
MSGID/GENADMIN//
SUBJ/FORMAL EQUAL OPPORTUNITY - SEXUAL HARASSMENT COMPLAINT//
REF/A/DOC/PERS61/[***date of inst***]//
AMPN/REF A IS OPNAVINST 5354.1E, NAVY EO POLICY//
POC/[Name of POC]/[Rank or Rate]/-/-/TEL: [Give COMM and DSN Number]
RMKS/1. INCIDENT DATA:
A. COMMAND DATA
(1) LOCAL INCIDENT NUMBER: [UIC-FY-INCIDENT Nr-SEQ Nr] (ex. 69059-99-003-001 is the first message on the third incident in this command for FY-99).
(2) DATE TIME GROUP (DTG) OF PREVIOUS MESSAGE(S):
(A) INITIAL MESSAGE
(B) CONTINUATION MESSAGE 1
(C) CONTINUATION MESSAGE 2, ETC
(D) CLOSE-OUT
(3) COMMAND SUBMITTING REPORT: [name of command handling complaint]
(4) PERMANENT COMMAND TO WHICH COMPLAINANT IS ASSIGNED: [name of command or same as above]
(5) ECHELON II COMMAND: [name of echelon II command of reporting command]
(6) POC/PHONE: [name and number if not listed in message header]
(7) TYPE OF REPORT: [initial, continuation, close-out]
(8) DATE COMPLAINT SUBMITTED TO CHAIN OF COMMAND BY COMPLAINANT: [DDMMMYY] (Ex. 01FEB99)
(9) TYPE OF INCIDENT: [sexual harassment or discrimination]
(10) METHOD USED TO SUBMIT COMPLAINT: [NAVPERS 5354/2 (Rev. 3/00), NAVPERS 1626/7, UCMJ article 138, NAVREGS article 1150, Navy Inspector General (IG), DOD IG, congressional inquiry, NCIS report, other]

B. COMPLAINANT DATA

(1) GENDER: [M or F]

(2) PAYGRADE: [Paygrade] (Ex. O-3)

(3) AFFILIATION: [USN, USMC, USA, USAF, USCG, CIVILIAN]

(4) DUTY STATUS: [active or reserve]

(5) RACE: [White, Black/African American, Hispanic/Latino, American Indian/Alaskan Native, Asian, Native Hawaiian/Other Pacific Islander]

(6) ALCOHOL USE SUSPECTED: [yes or no]

C. ALLEGED OFFENDER(S) DATA:

(1) GENDER: [M or F]

(2) PAYGRADE: [Paygrade] (Ex. O-3)

(3) AFFILIATION: [USN, USMC, USA, USAF, USCG, CIVILIAN]

(4) DUTY STATUS: [active or reserve]

(5) RACE: [White, Black/African American, Hispanic/Latino, American Indian/Alaskan Native, Asian, Native Hawaiian/Other Pacific Islander]

(6) ALCOHOL USE SUSPECTED: [yes or no]

(7) RELATIONSHIP TO COMPLAINANT: [co, supervisor, subordinate, peer, other]

D. INCIDENT DESCRIPTION

(1) DATE OF INCIDENT: [DDMMMYY]

(2) INCIDENT LOCATION: [aboard ship at sea, aboard ship in port, on base, CONUS, off base CONUS, overseas on base, overseas off base, other]

E. INVESTIGATION DETAILS

(1) DATE INVESIGATION COMMMENCED: [DDMMMYY]

(2) DATE INVESTIGATION COMPLETED: [DDMMMYY]

(3) OUTCOME: [substantiated or unsubstantiated]

(4) TIMELINES MET: [yes or no] (NOTE: If not, state reason why.)

(5) CORRECTIVE ACTION TAKEN/PUNISHMENT AWARDED: [NJP, courts-martial, formal letter of reprimand, PG 13 entry, reduction in rank, administrative separation, etc.]

2. MISCELLANEOUS REMARKS. [Provide summary of reported incident. Also, explain any items marked as "other" that were not addressed above.]//

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 equal opportunity (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., to provide third party objective guidance.

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 the NAVPERS 5354/2, Navy Equal Opportunity (EO)/Sexual Harassment (SH) Formal Complaint Form, OPNAVINST 5354.1E, 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), Family Service Center (FSC), 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.

EQUAL OPPORTUNITY (EO) RESOURCES

1. Navy EO Website

http:/www.persnet.navy.mil/pers61

2. Address

Navy Personnel Command (PERS-61)
5720 Integrity Drive
Millington, TN 38055-6100
(C): (901) 874-4561/DSN 882

3. Survey Tools

a. Command Assessment Team Survey System for Windows (CATWIN) or Command Assessment Team Survey System (CATSYS) 4.0 for DOS. These surveys may be obtained from their website at http://catwin.nprdc.navy.mil.

b. Military Equal Opportunity Climate Survey (MEOCS) and Small Unit Equal Opportunity Climate Survey (SUEOCS). These instruments are available to commanders from the research division of Defense Equal Opportunity Management Institute (DEOMI). Either survey may be obtained by contacting DEOMI at (DSN) 854-2675, (C) 407-494-2675, or link through their website.

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

a. NAVPERS 15600B, Navy Procedures for the Processing of EO Complaints, S/N 0500-LP-022-7460.

b. NAVPERS 15619A, Department of the Navy Equal Opportunity/Sexual Harassment Adviceline, S/N 0500-LP-022-74500.

c. NAVPERS 15626A, Resolving Conflict - Following the Light of Personal Behavior, S/N 0500-LP-543-2700.

5. Pamphlet. NAVPERS 15620, Resolving Conflict - Following the Light of Personal Behavior.

6. EO/SH Adviceline. As a service of NAVPERSCOM (PERS-61), 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 (800) 253-0931, (DSN) 882-2507, and (C) (901) 874-2507. Adviceline can also be reached by sending E-Mail to eo/sh.advice.line@persnet.navy.mil.

7. Equal Opportunity Training

a. DEOMI offers several courses in EO or EEO. Eligible Navy military or civilian personnel may obtain a class quota by calling Chief of Naval Education and Training (CNET) Quota Management office at (DSN) 223-0205 or 225-6430 or (C) (703) 693-0205 or (703) 695-6430. Civilian personnel may also call DEOMI at (DSN) 854-2675 or (C) (407) 494-2675 or access the DEOMI website at http://www.pafb.af.mil/deomi/deomi.htm to obtain quotas.

b. CNET web page provides a list of resources and training information at http://www.cnet.navy.mil/eoindex.html.

c. Other useful addresses are updated on NAVPERSCOM Navy EO website at http://www.persnet.navy.mil/pers61.

EQUAL OPPORTUNITY ADVISOR (EOA) ROLES AND RESPONSIBILITIES

1. General. EOAs serve as advisors to commanders. In this capacity, they provide equal opportunity (EO) briefings, training, and assist visits to subordinate commands. In addition, the EOA is responsible to assigned military personnel as the single point of contact involving EO or sexual harassment (SH) issues. EOAs typically do not conduct EO investigations.

2. Types of EOAs

a. Staff EOA - assigned to Echelon 2 headquarter commands

(1) Claimancy POC with direct interaction between NAVPERSCOM (PERS-61), Defense Equal Opportunity Management Institute (DEOMI), and Chief of Naval Education and Training (CNET).

(2) Conduct claimancy on-site Command Management Equal Opportunity (CMEO) program review of immediate subordinate commands.

(3) Coordinate claimancy EO/CMEO mobile training team (MTT) training requirements with DEOMI/CNET.

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

(5) Monitor headquarters/claimancy CMEO and annual EO specific training.

(6) Ensure claimancy's timely submission of CMEO training via Navy Integrated Training System (NITRAS) reports.

(7) Monitor headquarters/subordinate command EO climate assessments and review/maintain executive summaries for historical files (3 years).

(8) Monitor claimancy, area EO, and SH SITREP message status.

(9) Review all claimancy EO congressional and formal administrative complaints.

(10) Coordinate administrative actions with staff judge advocate, inspector general, and staff assistants as necessary.

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

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

(13) Conduct claimancy EOA training symposium (minimum of once a year).

(14) Provide claimancy or regional guidance on all Department of Defense (DOD) national heritage observances.

(15) Maintain current POC listing of claimancy and regional EOAs and CMEO managers.

(16) Recommend an annual review of demographic files for retention, advancement, discipline, awards, evaluations, and EO training and provide a summary of areas of concern to the commander.

b. Command EOA - Assigned to Echelon 3 and 4 commands

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

(2) Serve as single POC for all base-wide EO/SH concerns.

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

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

(5) Conduct base-wide CMEO manager symposiums as necessary.

(6) Provide verbal/written command brief/report of base-wide EO status (minimum of once a week).

(7) Liaison/coordinate with civilian EEO personnel as necessary.

(8) Coordinate DEOMI, CNET EO, and CMEO mobile training team (MTT) requests.

(9) Assist training EOAs as necessary. Provide EO/CMEO training per CNET requirements.

(10) Conduct/coordinate annual command specific EO training.

(11) Monitor command EO SITREPs as necessary.

(12) Review/monitor all command EO investigations with legal and provide assistance as necessary (Note: DO NOT CONDUCT INVESTIGATIONS).

(13) Provide guidance to CMEO managers regarding processing of EO/SH complaints.

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

c. Training EOA - Assigned to DEOMI and CNET commands

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

(2) Submit NITRAS training reports as required.

(3) Coordinate/liaison CNET authorized EO/CMEO training with staff/command EOA.

(4) Assist staff/command EOA as requested.

(5) Conduct/monitor area EO/CMEO manager symposiums as necessary.

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

(7) Provide command EOA/host CMEO manager with courtesy feedback/trip report, when applicable.

(8) Provide command specific CNET authorized EO training and discussion/focus groups (when requested).