



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, DC 20350-2000

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IN REPLY REFER TO
Ser 00/2U500149
3 June 1992

MEMORANDUM FOR COMMANDERS, COMMANDING OFFICERS AND OFFICERS IN CHARGE

Subj: SEXUAL HARASSMENT PREVENTION TRAINING

Encl: (1) CNO video tape
(2) Training package

1. Enclosures (1) and (2) are forwarded for your use in training your personnel in sexual harassment prevention. Ensuring that our people know how to recognize sexual harassment, prevent it at their commands, report it properly when it occurs and conduct themselves appropriately at all times is the most important weapon at our disposal for eliminating this problem from our Navy. This training is mandatory for all personnel at your command and should be completed by 1 January 1993. This is a CNO special interest item on command inspections.

2. I expect your personal support of this initiative, and your personal involvement in the training. The enclosed lesson plan is designed for presentation by command trainers at commands of all sizes and composition. I urge you to review the package personally, familiarize yourself with its contents and monitor at least some of the training sessions personally to ensure they are of high quality and respond to the unique needs of your command.

3. I also expect you to follow up on other initiatives discussed in the training package which will help us rid our Navy of sexual harassment. Publicizing sexual harassment policy and command grievance procedures in internal media, ensuring that supervisors are familiar with their responsibilities for responding to sexual harassment complaints and most important, maintaining a command climate that encourages professional, courteous and appropriate behavior and recognizes the value and dignity of each member of the command are critical to our success in this effort.

4. This is an all-hands effort, but leadership from the top is paramount. Your people must be able to see your clear commitment to and support of our policy of zero tolerance of sexual harassment. The time for mixed signals is past. I know I can count on your personal support of this effort.

This document has been approved for public release and sale; its distribution is unlimited.

S DTIC ELECTE **D**
JUL 22 1992
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F. B. Kelso II
F. B. KELSO, II
Admiral, U. S. Navy

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Sexual Harassment & Grievance Procedures

Training Package

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Chief of Naval Education and Training

**Sexual Harassment
&
Grievance Procedures
Training Package**

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Lesson Topic Guide

Sexual Harassment
&
Grievance Procedures

LESSON TOPIC GUIDE

Date: 27 May 1992

LESSON TOPIC: SEXUAL HARASSMENT
AND GRIEVANCE PROCEDURES

TERMINAL OBJECTIVE:

Upon completion of this unit of instruction, students will understand sexual harassment and Navy grievance procedures.

ALLOTTED LESSON TIME: 3 HOURS

INSTRUCTIONAL REFERENCES:

1. U.S. Navy Regulations, 1990. Chapter 11, Article 1166, Sexual Harassment. Chapter 11, Article 1150, Redress of Wrong Committed by a Superior. Article 1151, Direct Communication with the Commanding Officer.
2. Uniform Code of Military Justice (UCMJ), Article 138
3. Manual of the Judge Advocate (JAGMAN), Chapter III
4. SECNAVINST 5300.26A dtd 2 August 1989, Subj: DEPARTMENT OF THE NAVY POLICY ON SEXUAL HARASSMENT
5. SECNAVINST 5350.10B dtd 24 July 1989, Subj: EQUAL OPPORTUNITY (EO) WITHIN THE DEPARTMENT OF THE NAVY
6. SECNAVINST 5370.5A dtd 26 February 1988, Subj: DOD/NAVY HOTLINE PROGRAM
7. OPNAVINST 5354.1C dtd 13 April 1989, Subj: NAVY EQUAL OPPORTUNITY
8. OPNAVINST 12720.3 dtd 15 OCT 1982, Subj: SEXUAL HARASSMENT
9. OPNAVINST 5300.9 dtd 6 November 1989, Subj: NAVY POLICY ON SEXUAL HARASSMENT
10. SECNAV memorandum dtd 5 February 1992, Subj: ZERO TOLERANCE OF SEXUAL HARASSMENT
11. NAVOP 04/92, ZERO TOLERANCE OF SEXUAL HARASSMENT
12. NAVADMIN 25/92, ZERO TOLERANCE FOR SEXUAL HARASSMENT
13. NAVOP 20/91, PROPER CONDUCT IN OUR NAVY
14. NAVOP 08/88, CORE VALUES OF THE UNITED STATES NAVY

ENABLING OBJECTIVES:

Upon completion of this lesson topic, students will be able to:

1. Identify Navy core values
2. Discuss the detrimental effects of sexual harassment.
3. Define various terms related to sexual harassment.
4. Understand individual rights and responsibilities in regard to sexual harassment.
5. Understand Navy leaders' responsibilities in regard to sexual harassment.
6. Discuss Navy grievance procedures.
7. Identify why grievance procedures are not used.
8. Understand command role in protecting victims and witnesses against reprisal.
9. Describe administrative and disciplinary actions available to Navy leaders.
10. Identify characteristics of commands successful in preventing sexual harassment.
11. Identify sexual harassment and determine appropriate actions in case studies.

CRITERION TEST: Case Studies

HOMEWORK: None

INSTRUCTIONAL AIDS

1. Overhead projector and screen
2. Transparencies SH-1 through SH-38
3. Chalkboard and chalk
4. 4-5 selected case studies

I. INTRODUCTION

A. ESTABLISH CONTACT

1. Introduce yourself by rank, name, current job title.

2. Discuss background, training/education, duty stations, etc.

3. Explain question and answer policy.

4. Introduce lesson topic: Sexual harassment and grievance procedures.

B. STATE LESSON OBJECTIVES

1. Upon completion of this lesson topic, you will be able to:

- a. Identify Navy core values.
- b. Discuss the detrimental effects of sexual harassment on unit cohesion, morale, individual performance and productivity, and mission accomplishment.

c. Define the following terms:

Sexual harassment
What sexual harassment is not
Aggravated sexual harassment
Positive command climate
Navy policy on sexual harassment
SECNAV/CNO zero-tolerance policy

INSTRUCTOR NOTE: PERSONAL EXPERIENCES AND OPINIONS MAY GENERATE MORE CONFUSION THAN ENLIGHTENMENT. INSTRUCTORS ARE ENCOURAGED TO USE THE CASE STUDIES PROVIDED IN THIS PACKAGE TO ILLUSTRATE POLICY AND PROCEDURES. AVOIDING USE OF PERSONAL ANECDOTES WILL HELP STANDARDIZE TRAINING NAVYWIDE AND WILL LIMIT BIAS AND INACCURATE OR INCOMPLETE INFORMATION.

Display your name and rate on chalkboard.

Tell students to raise their hands if they have questions or if they wish to answer questions and that you will call on them.

Show transparency SH-1

Show transparency SH-2

- d. Understand the rights and responsibilities of an individual who is being sexually harassed and the responsibility of every Navy member who witnesses a sexual harassment incident to report the incident to the chain of command without fear of reprisal.
- e. Understand the responsibility of Navy leaders to respond appropriately to allegations of sexual harassment and to establish a command climate that is free from sexual harassment.
- f. Discuss Navy grievance procedures with respect to sexual harassment.
- g. Identify reasons grievance procedures are not used.
- h. Understand the role of the command in protecting victims of sexual harassment and members who report incidents of sexual harassment from reprisal.
- i. Describe the administrative and disciplinary actions available to Navy leaders in dealing with sexual harassment.
- j. Identify characteristics of commands successful in preventing sexual harassment.
- k. Identify sexual harassment and determine appropriate actions for dealing with situations presented in case studies.

Show transparency SH-3

C. ESTABLISH READINESS

1. Give motivating statements

a. Years ago, the Navy launched an aggressive campaign to rid itself of racial discrimination. Today, equal opportunity for people of all races is a cornerstone of our Navy. Later, we confronted the problem of drug abuse, and we are now leaders of our society in providing drug-free living and working environments. Today, our Navy is confronting an issue that threatens to jeopardize basic Navy core values of integrity, loyalty, teamwork, honor, responsibility and concern for people. That issue is sexual harassment.

Show transparency SH-4

Ask students if anyone has had personal experience with or read about what they believe is sexual harassment in or outside of the Navy. Discuss their examples. Others include:

b. Recent events involving allegations of sexual harassment have highlighted the need to reiterate the Navy's policy and reinforce the mechanism for ensuring that sexual harassment goes the way of racism and drug abuse -- out of the Navy. To that end, both the Secretary of the Navy and the Chief of Naval Operations have issued policies of zero tolerance of sexual harassment. Our CNO, Admiral Frank B. Kelso, II, addressed his concerns about sexual harassment in the video you are about to see.

Clarence Thomas/Anita Hill hearings
Tailhook '91

Show "CNO Message on Sexual Harassment," 6.30, and stimulate discussion with students by asking:

What is the CNO saying to us in the tape?

What do our leaders feel about the issue of sexual harassment, according to this tape?

How will this message help deter harassers?

c. In spite of the Navy's longstanding and well publicized policy of zero tolerance of sexual harassment, we know from recent studies that there are some who have failed to uphold this standard. For this reason, the CNO directed that, beginning 1 March 1992, processing for administrative separation will be mandatory for those found to have committed certain aggravated acts of sexual harassment. ADSEP is also authorized for personnel who commit less aggravated acts of sexual harassment under the guidelines of the MILPERSMAN regarding Commission of a Serious Offense or Pattern of Misconduct.

d. Every member of the Navy team -- seaman recruit to admiral, military and civilian -- must learn to recognize and prevent sexual harassment in the Navy. The American public has every right to expect a much higher standard of behavior from its men and women in uniform. It is not right -- or smart -- to let the actions of some do harm to us all. This problem cannot be fixed until we all get on board with our policy of zero tolerance of sexual harassment.

2. Lesson overview

a. Lesson Topic: sexual harassment and grievance procedures

b. Major teaching points:

- (1) Navy core values
- (2) Detrimental effects of sexual harassment
- (3) Definitions
- (4) Individual rights and responsibilities
- (5) Leadership responsibilities

- (6) Navy grievance procedures
- (7) Reasons grievance procedures are not used
- (8) Command role in protecting victims
- (9) Administrative/disciplinary actions available to Navy leaders
- (10) Successful command characteristics
- (11) Case studies

II. PRESENTATION

A. DETRIMENTAL EFFECTS OF SEXUAL HARASSMENT

1. Sexual harassment could be costing the military as much as \$40 million a year in lost productivity and absenteeism, according to a Kent State University researcher (Navy Times, April 27, 1992). This figure was determined by estimating only the cost of time lost from work by people being harassed. It doesn't factor in the time and resources supervisors spend in dealing with complaints, the time and resources commands spend processing complaints or the time and resources spent in training every service member in sexual harassment prevention. The price of sexual harassment's negative impact on unit cohesion, morale, productivity, individual performance and mission accomplishment cannot be estimated.

2. When one member of a unit is harassed, pressured or bullied, that individual's ability to perform as a part of a team is directly affected. In our profession, we depend on our shipmates to do their jobs well. When any member of a team is unable to do his or her best, the unit cannot operate as well as it should.

Show transparency SH-5

3. In an updated report on the progress of women in the Navy, the 1990 Navy Women's Study Group found sexual harassment still exists in all forms. Of those registering an opinion, three-fourths of the women and over half of the men surveyed by the study group said sexual harassment was occurring at their commands.

4. The 1989 EO Climate Survey found that 42 percent of enlisted women and 26 percent of female officers said they have been sexually harassed in the last year.

5. Sexual harassment affects our performance. It denies some of our people the chance to do their best. It can undermine the integrity of a senior/subordinate relationship. It demeans its victims and tarnishes Navy people's reputation as fair, hardworking professionals.

6. Sexual harassment will not be condoned or tolerated in the Department of the Navy. It is a form of arbitrary discrimination which is unprofessional, unmilitary and which adversely affects morale, discipline and ultimately the mission effectiveness of the command involved.

B. DEFINITION OF TERMS

1. SEXUAL HARASSMENT is defined as 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:

a. submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay or career; or

Ask student to define sexual harassment.

Show transparency SH-7

Tell students the definition is the same for all services, military members and civilians in the Department of Defense.

Ask student to define: Implicit (ambiguous)
 Explicit (definite)

b. submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting this person; or

c. such conduct interferes with an individual's performance or creates an intimidating, hostile or offensive environment.

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

e. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment.

f. In layman's terms, sexual harassment refers to inappropriate or unacceptable behavior in the work area or outside the work area when it relates to or affects performance, morale, unit cohesion, or the Navy's image. It is:

- (1) Observable/audible
- (2) Deliberate or repeated
- (3) Interferes with or affects

work.

g. Verbal sexual harassment may include:

- (1) Offensive jokes that express hostility, insult, provoke or degrade an individual or group based on gender.

Tell students that, while first two elements are clearly "quid pro quo" (If you do this, I'll give you this - or - If you don't do this, I won't give you this), the third is less clear. Ask for examples to illustrate the third element. Example: An office where sexual jokes and banter are commonplace.

Show transparency SH-8

Show transparency SH-9

Ask for examples of verbal sexual harassment.

Show transparency SH-10

(2) Offensive comments on someone's body or dress that have nothing to do with uniform regulations or dress code requirements.

(3) Sexual remarks, ranging from subtle hints to direct requests for sexual favors.

(4) Threats or attempts to influence another's career or job in exchange for sexual favors, such as "Your life would be easier here if you were friendlier"

(5) Offers of rewards in exchange for sexual favors. For example, "If you want that training/assignment, maybe we'd better get to know each other better this evening."

h. Physical sexual harassment may include:

- (1) Bumping
- (2) Touching
- (3) Stroking
- (4) Kissing
- (5) Hugging
- (6) Grabbing

Ask for examples of physical sexual harassment.

Show transparency SH-11

Ask for examples of other forms of sexual harassment.

Show transparency SH-12

Tell students that if they wouldn't want their families, elected officials, reporters or others in influential positions to see these cartoons, photos or magazines, they should not be displayed in the office.

Tell students there is a material difference, for example, between telling a woman you like her new hair style and telling her she looks sexy with a new hair style.

Show transparency SH-13

Give example: An officer at a shore command habitually put her hand on the elbow, shoulder or arm of junior personnel, men and women, officer and enlisted, as she discussed work with them. She never made suggestive or inappropriate comments to these people but tended to stand close to them while talking. A female third class reported to her leading chief that this behavior made her uncomfortable.

Ask if the officer is guilty of sexual harassment.

Answer: Not all human contact is sexual in nature. However, everyone needs to be aware that personal actions can be misinterpreted or make others uncomfortable. Once the issue is raised, the officer should modify her actions accordingly.

i. Other forms of sexual harassment may include:

(1) Displaying sexist cartoons, pictures or magazines

(2) Deliberate or repeated unwelcome verbal comments or gestures, such as "come-ons," telephone calls, letters or other forms of solicitation.

j. This does not mean you can never tell someone how nicely he or she is dressed. Each case hinges on individual facts and circumstances. Some behaviors will always be sexually harassing. Some behaviors, when occurring in patterns, may be sexually harassing.

k. Other situations may be ambiguous. Whether or not certain behavior is perceived as sexual harassment is based on many factors.

(1) Only in ambiguous situations is the burden placed on the potential victim to inform the potential harasser or a supervisor that the behavior is unacceptable.

(2) Armed with that knowledge, if the person repeats the unacceptable behavior, sexual harassment has occurred.

Show transparency SH-14

1. To help recognize sexual harassment, ask the following questions:

(1) Does the harasser do this to members of one gender only?

(2) Are they repeated behaviors? Intended messages?

(3) Would the victims object if asked? Have they objected before?

(4) Would you object if the same thing happened to your spouse, daughter/son, mother/father?

(5) Is praise given for good work or only for attractiveness, good manners, etc.?

(6) Does the harasser know more about the victim's personal life than about his/her work skills or career development needs?

(7) Does the victim feel his/her job is threatened or demeaned in some way?

2. SEXUAL HARASSMENT IS NOT a trivial issue. It is not something to joke about. In fact, many acts of sexual harassment are violations of the Uniform Code of Military Justice, as we'll study later.

a. Sexual harassment is not treating people differently on the basis of their sex. An action or practice which suppresses people on the basis of their sex is sexism, not sexual harassment.

Show transparency SH-15

Give example: Refusing to assign a woman as a driver for visiting flag officers because you believe women are inferior drivers is sexism, not sexual harassment. Assigning a woman as a base tour guide because you believe women do that sort of thing better is also sexism. Duty assignments should be based on proven performance, not a person's gender.

b. Using sex, sexuality or sexual attractiveness to obtain favors or job-related rewards, while also condemned by the Navy, is not sexual harassment. It's "sexual politics." This is, however, offering a bribe and could be construed as a solicitation.

(1) It is also inappropriate conduct in a work environment. Sexual come-ons have no place in a professional organization.

c. Wearing sexually suggestive clothing is not sexual harassment. It may, however, be a violation of uniform regulations or dress codes.

(1) How you react to an individual wearing suggestive clothing may be sexual harassment. The appropriate response is to counsel the individual on suitable attire for a given occasion or situation. Cat-calls, whistles, cheers and other suggestive verbal responses or gestures ARE sexual harassment.

3. AGGRAVATED SEXUAL HARASSMENT involves the following circumstances:

Show transparency SH-16

a. Threats or attempts to influence another's career or job for sexual favors;

b. Rewards in exchange for sexual favors;

c. Physical contact of a sexual nature that, if charged as a violation of the UCMJ, could result in punitive discharge.

Tell students you will discuss this in more detail later in the lesson.

d. An incident of aggravated sexual harassment is substantiated if there has been a court-martial conviction, non-judicial punishment, or the commander is convinced, based on a preponderance of the evidence, that sexual harassment has occurred.

e. Under new guidelines effective 1 March 1992, any Navy person, regardless of rank or position, must be processed for administrative separation on the first substantiated incident of aggravated sexual harassment.

Ask a student to tell you what gives a command a positive climate.

4. POSITIVE COMMAND CLIMATE is an environment free from intimidation, hostility and generally offensive behavior. It is much more conducive to mission accomplishment because all team members are free to become an integral part of that team.

Show transparency SH-17

a. All leaders share responsibility for maintaining the proper environment of mutual respect and confidence within their units. Positive command climate results when command leadership sets a tone of respect for all. Work places must be professional, and all our people must be treated with dignity.

Ask a student to tell you the Navy's policy on sexual harassment.

5. NAVY POLICY ON SEXUAL HARASSMENT

a. Sexual harassment is unacceptable conduct; it undermines the integrity of the employment relationship, debilitates morale and interferes with the productivity of an organization. Sexual harassment will not be tolerated at any level. Substantiated acts of or conduct which result in sexual harassment shall result in corrective administrative or disciplinary action.

Show transparency SH-18

b. Any military member or civilian employee in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence or affect the career, pay or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures or physical contact of a sexual nature is also engaging in sexual harassment.

c. Prevention of sexual harassment is an all-hands responsibility. Navy leaders, however, are in an especially important position to prevent sexual harassment. They must take an active role in educating their subordinates on the seriousness of such behavior and their rights in the event that they are sexually harassed.

d. The chain of command shall be fully utilized, and instances of sexual harassment will be resolved at the lowest possible level within the organization. It is the responsibility of every person in a leadership position -- military and civilian -- to ensure that any instance of sexual harassment is dealt with swiftly, fairly and effectively.

e. All members of the Department of the Navy must be concerned about sexual harassment and actively work to eliminate it from their work places.

6. SECNAV/CNO ZERO-TOLERANCE POLICIES

a. Both the Secretary of the Navy and the Chief of Naval Operations have published policies of "Zero Tolerance of Sexual Harassment."

Tell students this means that leaders who have knowledge of sexual harassment and fail to stop it are equally guilty of sexual harassment.

Tell students that definitions and accountability are the same in sexual harassment cases involving civilians. However, civilians use a different system under Equal Employment Opportunity (federal) laws for submitting formal complaints. In cases which involve both military and civilian personnel, formal grievances must be filed using procedures that pertain to the alleged victim.

Tell students that even when a complaint is resolved by a front-line supervisor, a supervisor should report the complaint to the commanding officer, via the chain of command, along with a record of action taken.

Show transparency SH-19

b. All Department of the Navy personnel shall comply with this policy. This not only includes refraining from practicing unacceptable behaviors but actively countering and reporting such actions promptly.

Show transparency SH-20

c. In support of this policy, the Chief of Naval Operations required processing for administrative separation of officers and enlisted personnel for certain aggravated instances of sexual harassment effective 1 March 1992. ADSEP is also authorized for personnel who commit less aggravated acts of sexual harassment.

Show transparency SH-21

C. RIGHTS AND RESPONSIBILITIES OF INDIVIDUALS

1. Servicemembers' rights.

a. Servicemembers have the right to present any legitimate grievance to the command without fear of intimidation, reprisal or harassment.

b. Servicemembers have the right to be educated on the Navy's grievance procedures and on procedures for appealing decisions.

c. Servicemembers have the right to communicate with the commanding officer concerning their complaints/grievances.

Show transparency SH-22

d. Servicemembers have the responsibility to advise the command of the specifics of complaints and to give the command the opportunity to rectify, remedy or take appropriate action before the complaint/grievance becomes a formal one which is then brought to the attention of higher authority.

e. Servicemembers have the responsibility to submit only legitimate complaints and to exercise caution against immature or reckless charges.

Tell students the Navy will not tolerate false complaints of sexual harassment. A false complaint is a False Official Statement in violation of Article 107 of the UCMJ.

D. LEADERSHIP RESPONSIBILITIES

1. All Navy personnel shall comply with SECNAV and OPNAV policies on sexual harassment. This includes not only refraining from practicing prohibited behaviors but actively countering and reporting such actions promptly.

Ask a student to tell you what responsibilities leaders have in regard to sexual harassment.

2. Navy leaders have significant responsibilities in preventing sexual harassment. Navy leaders must:

Show transparency SH-23

a. Create a command climate in which sexual harassment cannot exist, an environment free of intimidation, hostility or psychological stress.

Tell students they'll learn how successful leaders do this later in the lesson.

b. Periodically remind their personnel of SECNAV and OPNAV policies on sexual harassment and issue their own policies to define such misconduct clearly and firmly state that it will not be tolerated.

c. Provide periodic training to ensure personnel know what sexual harassment is and that it will not be tolerated.

Tell students all hands are required to attend the Navy Rights and Responsibilities Workshop Course, which provides training in both sexual harassment and grievance procedures, each year.

d. Make all hands aware of avenues for seeking redress and actions that will be taken against personnel violating sexual harassment policies.

Show transparency SH-24

e. Assign an individual to provide assistance to people who need help processing complaints. Publicize assistance available.

Tell students shore commands must assign an EO representative in writing. Put the name and phone number of the individual your command has assigned on the chalk board.

f. Ensure that prompt and appropriate action is taken on complaints of sexual harassment, and promptly investigate complaints. Take prompt and decisive administrative or disciplinary action when sexual harassment occurs.

g. Provide feedback to complainants within a reasonable time.

h. Inform individuals of their right to submit a formal complaint and the method for submitting it. Inform them that they are entitled to military legal counsel for help in submitting a grievance.

i. Prevent backlash or reprisal against complainants or witnesses.

j. Role model appropriate behavior. Provide a good example by knowing what sexual harassment is and refusing to engage in it or condone it.

k. Ensure leadership actions are consistent with Navy policy and philosophy on this issue. Command leadership must promote a "not-in-my-Navy" mind-set that precludes sexual harassment and other inappropriate actions and attitudes which undermine performance.

l. Use careful judgment and discretion in deciding upon the procedures by which complaints can be most effectively investigated, reviewed and acted upon.

m. Ensure that previous disciplinary action or poor judgment on the part of the complainant in no way invalidate or prejudice a sexual harassment complaint.

Tell students supervisors are required to take action on sexual harassment complaints whether or not they agree with the allegations.

Discuss "reasonable" time frames with students.

Tell students that, as a rule of thumb, commands should provide feedback to complainants within 15 days. If resolution of a complaint takes longer, commands should keep the complainant informed of progress.

Show transparency SH-25

Give students 10-minute break. Tell them you'll discuss grievance procedures when they return.

E. NAVY GRIEVANCE PROCEDURES.

1. Informal grievance procedures.

Show transparency SH-26

a. Complaints should be handled by Use the chart to demonstrate how informal grievance procedures prior to submitting a formal grievance complaint. grievances are handled.

b. Resolving a complaint/grievance should begin at the lowest possible level in the chain of command and fully use the chain of command.

c. If you believe you are being sexually harassed, you should first try to resolve your complaint with the person or persons involved. In ambiguous situations, the alleged harasser must be given an opportunity to alter or stop the behavior. He or she may not know you find the behavior offensive.

d. In cases of blatant sexual harassment, or if you feel uncomfortable confronting your harasser, ask your supervisor for help in resolving the complaint. You can make your request for assistance orally, but you may make it in writing.

(1) You cannot be forced to confront the individual if you feel uncomfortable doing so.

e. If the person against whom you believe you have a complaint is your immediate supervisor, you should present your complaint to the next senior person in the chain of command.

f. If your complaint cannot be resolved with the person involved or with the help of supervisors, submit a request, orally or in writing, for a commanding officer request mast. You have the right to present a legitimate sexual harassment complaint to the commanding officer at a proper time and place.

g. If you consider the resolution of your informal complaint unjust, use the formal grievance procedures. Your commanding officer is required to inform you of your right to submit a formal complaint and the method for submitting it.

2. Formal grievance procedures.

a. If your complaint is against a superior in your command -- other than your commanding officer -- submit a formal complaint, NAVREGS ART 1150, against that superior to the commanding officer. If you consider the CO's decisions unjust, submit a UCMJ ART 138, "Complaint of Wrongs," against the CO. Procedures are contained in Chapter III, Manual of the Judge Advocate General (JAGMAN). You are entitled to military legal counsel for help in submitting your complaint.

b. If the grievance is against an individual in another chain of command, submit the complaint to your commanding officer via your chain of command. Your commanding officer will forward your complaint to the superior of the individual against whom the complaint is being brought via the chain of command to the officer who exercises general court-martial authority over the individual.

Outline procedures for request mast at your command. Tell students chits must be submitted as soon as possible after the alleged sexual harassment. The longer a complainant waits to submit the request, the more difficult it is to remember details, gather evidence and obtain confirmation from witnesses.

Show transparency SH-27

Show transparency SH-28

c. If your complaint is against your commanding officer, submit a UCMJ ART 138 complaint via the chain of command to the person exercising general court-martial jurisdiction over your CO.

Show transparency SH-29

3. Time limitations.

Show transparency SH-30

a. A formal complaint must be submitted within a reasonable time after the alleged wrong occurred. Unless there are unusual circumstances, a complaint initiated more than 90 days after the event may be considered untimely.

4. Sexual harassment allegations may be reported through the Inspector General's Waste, Fraud and Abuse Hotline. This alternate means of reporting harassment should be used only when the complainant is not reasonably satisfied that the complaint has been or will be properly resolved by the chain of command.

Show transparency SH-31

a. The numbers to call are DSN 288-6743, commercial (202) 433-6743 or toll free 1-800-522-3451.

F. WHY NAVY GRIEVANCE PROCEDURES ARE NOT USED.

Ask a student why he/she thinks people don't use Navy grievance procedures.

1. As we mentioned earlier, nearly half (42 percent) of enlisted women and 26 percent of women officers responding to the 1989 command climate survey said they had experienced sexual harassment during the past year. About half the women interviewed were knowledgeable about Navy grievance procedures. They cited coworkers as the most frequent harassers, followed by supervisors. Very few people harassed filed a grievance complaint.

2. Survey data and worldwide interviews revealed the majority of enlisted women and men would not file a sexual harassment complaint for a number of reasons. Most frequently cited in the survey were:

Show transparency SH-32

- a. "I thought it would make my situation unpleasant."
- b. "My other actions worked."
- c. "I did not think anything would be done."
- d. "I thought my evals/fitreps would suffer."

3. Established formal and informal sexual harassment grievance procedures reportedly are not used for many other reasons, including:

Show transparency SH-33

- a. Fear of retaliatory harassment.
- b. Concern that the person making the complaint would not be believed, particularly if the harasser was senior and in the same chain of command.
- c. Fear that the details of the complaint would become public knowledge.
- d. Fear of negative career consequences.
- e. Pressure from coworkers who do not want to become embroiled in grievance procedures.
- f. Pressure not to embarrass the command and ruin a senior's career or marriage.

4. Women reported that complaints they submitted were often stopped without resolution before reaching the commanding officer level, particularly if the alleged perpetrator was in the command structure.

5. Many victims deal informally with sexual harassment by avoidance or telling the harasser to stop.

6. Women who have had a negative experience with informal grievance procedures, e.g., talking to a supervisor who does not effectively handle the problem, are disinclined to try the formal grievance procedure.

7. Lack of confidence in grievance procedures led to reluctance to report sexual harassment incidents. Many commanding officers lacked a complete picture of the incidents of sexual harassment in their commands.

G. ROLE OF THE COMMAND IN PROTECTING VICTIMS OF SEXUAL HARASSMENT AND MEMBERS WHO REPORT INCIDENTS OF SEXUAL HARASSMENT FROM REPRISAL.

1. The success of our grievance system requires the trust and confidence of the people who must use it. Too often, Navy people report that they are afraid to use the Navy grievance system because they fear reprisal. However, CNO has directed commanders to impress upon every member of the command that any act of reprisal will be dealt with swiftly and severely.

2. Reprisals against a person submitting a grievance may be overt or subtle in nature. Examples include reduction in fitness report or evaluation marks, inequity in watch standing duties or increased workload/watch standing duties. The severest form of reprisals are not recommending personnel for advancement, retention or specialized programs.

3. Commanding officers and supervisors must create a climate in which it is absolutely clear that their policy is zero tolerance for reprisals. When reprisals are reported, commands must aggressively determine the validity of such reports and take prompt administrative or disciplinary action against violators. Methods that help commanding officers maintain an environment free of reprisals include:

a. Regularly emphasizing the positive aspects of bringing undesirable behavior to the command's attention.

b. Periodically restating policy against acts of reprisal and that retributions for grievances will not be tolerated.

c. When a complaint has been initiated, actively following the individual's performance and evaluation to ensure no reprisals are taken, and assigning a personal advocate for the complainant.

d. Holding supervisors accountable for regularly documenting performance, especially in the case of declining performance, by maintaining personnel counseling records, submitting special evaluations and taking other remedial actions.

Ask a student how a CO can eliminate reprisals against a person who submits a grievance.

Show transparency SH-34

Explain that commands must use good judgement in selecting a personal advocate. It may be an individual inside our outside the chain of command, but it is normally the individual's supervisor, command master chief or command EO representative. The advocate's role is to ensure no reprisals are taken on the victim, protect the command from impact of reprisals and to keep individuals from attempting reprisals.

e. In extreme situations, the commanding officer should consider temporarily transferring the complainant or the accused to another command until the issue is resolved.

4. Commands must ensure Navy grievance procedures are well publicized and that those in leadership positions respond quickly and appropriately to complaints of sexual harassment.

H. ADMINISTRATIVE AND DISCIPLINARY ACTIONS AVAILABLE TO NAVY LEADERS IN SEXUAL HARASSMENT CASES.

1. Any person who has committed an act of sexual harassment is subject to administrative and/or disciplinary action.

2. Navy leaders must take timely and effective corrective action. Substantiated complaints of sexual harassment or deliberately false accusations will result in appropriate administrative action and, at the commanding officer's discretion, disciplinary action.

3. Administrative and disciplinary actions available include:

a. Counseling the individual on the undesirable behavior, necessary corrective action and responsibilities for supporting the Department of the Navy's zero tolerance policy. Commands should maintain records of all counseling sessions involving sexual harassment complaints.

b. If counseling is ineffective, or if further action is warranted, the command should take further administrative and/or disciplinary actions, including:

(1) Administrative Warning,

Page 13 entry.

Ask a student how command's can publicize Navy grievance procedures and assistance available.

Posters
POD/POW notes
Stories in command publications
Bulletin board
Radio/TV spots

Show transparency SH-35

- (2) Letter of instruction.
- (3) Non-punitive letters.
- (4) Lower fitness report/
evaluation marks in appropriate sections.

(5) Remarks in fitness reports or evaluations.

(6) Nonjudicial punishment or court-martial.

4. Processing for administrative separation of officers and enlisted personnel for certain acts of aggravated sexual harassment became mandatory 1 March 1992. Commission of a serious offense will usually be the reason for administrative separation in sexual harassment cases. However, depending on the number of prior incidents of misconduct and/or previous punishment, dual processing for a pattern of misconduct may also be appropriate.

5. A complaint is substantiated when there has been a court-martial conviction, nonjudicial punishment or the commander is convinced, based on a preponderance of the evidence, that sexual harassment has occurred.

a. Upon completion of any disciplinary action, officers and enlisted shall be processed for administrative separation as a result of the first substantiated incident of aggravated sexual harassment.

Show transparency 36

Tell students that cases involving civilian employees accused of sexual harassment will be handled under existing employee relations guidelines as identified by the Office of Personnel Management in the Federal Personnel Manual.

Ask a student to define aggravated sexual harassment. Aggravated sexual harassment involves threats or attempts to influence another's career or job for sexual favors; rewards in exchange for sexual favors; and physical contact of a sexual nature that, if charged as a violation of the UCMJ, is punishable by a punitive discharge.

Show transparencies 37 and 38
Explain that all behaviors/actions shown on the chart are considered aggravated sexual harassment.

I. CHARACTERISTICS OF COMMANDS SUCCESSFUL IN
PREVENTING SEXUAL HARASSMENT

1. Commands which are successful in preventing sexual harassment have the following characteristics:

- a. A commanding officer who is informed, assertive and involved in assuring that each person is fully integrated as a member of the command.
- b. Clear-cut command policies regarding sexual harassment are in place and enforced. Command members periodically receive training in the prevention of sexual harassment.
- c. All personnel are considered valued members of the team and are held to the same standards of performance and professionalism.
- d. A chain of command that people believe will take action if sexual harassment or any other discriminatory practices are reported. When multiple avenues are available for reporting sexual harassment, there is greater confidence that the incident will reach the appropriate level for action.

2. Sexual harassment problems are exacerbated by inadequacies in leadership and educational systems. Prevention of sexual harassment requires the continued, direct involvement of all levels of the chain of command.

Show transparency SH-39

J. CASE STUDIES

Show transparency SH-40

1. Although most of you probably feel you know and can quote Navy sexual harassment policies, translating that knowledge into the ability to recognize the most pervasive types of sexual harassment may be a bit more difficult. Sexual harassment is often perceived differently by different people.

2. Perhaps even more difficult for some leaders is determining how certain situations should be dealt with. We're going to test your knowledge by studying some real-life cases and discuss whether the situation described is or is not sexual harassment and how each case should have been handled.

Select four or five of the most appropriate case studies from the studies provided.

Tell students these case studies actually occurred, but that names were eliminated and details were altered to protect the privacy of individuals involved.

Read each case study individually or provide copies of the case studies to students, ask the questions provided, lead discussion as indicated, encourage students to suggest how each case should have been resolved.

III. SUMMARY

A. STATE LESSON OBJECTIVE

Upon completion of this lesson topic, you will understand the elements of sexual harassment and procedures for reporting it.

B. REVIEW MAJOR TEACHING POINTS.

1. Navy core values
2. Detrimental effects of sexual harassment
3. Definitions
4. Individual rights and responsibilities
5. Leadership responsibilities
6. Command grievance procedures
7. Reasons grievance procedures are not used
8. Command role in protecting victims
9. Administrative/disciplinary actions available to Navy leaders
10. Successful command characteristics
11. Case studies

IV. APPLICATION

Students will have a clear understanding of sexual harassment and how to prevent it in the Navy.

V. EVALUATION

Case studies

VI. ASSIGNMENT

None

Transparencies

Lesson Topic: Sexual Harassment & Grievance Procedures

**Sexual Harassment
&
Grievance Procedures**

SH-1

Objectives

- ~ **Navy core values**
- ~ **Detrimental effects of sexual harassment**
- ~ **Definitions**
- ~ **Individual rights and responsibilities**
- ~ **Leadership responsibilities**
- ~ **Navy grievance procedures**

Objectives

- ~ **Reasons grievance procedures are not used**
- ~ **Command role in protecting victims from reprisal**
- ~ **Administrative and disciplinary actions**
- ~ **Characteristics of successful commands**
- ~ **Case studies**

Navy Core Values

~ Integrity

Honesty, Honor, Responsibility

~ Professionalism

Competence, Teamwork, Loyalty

~ Tradition

Concern for people, Patriotism, Courage

Cost of Sexual Harassment

- ~ **Lost productivity**
- ~ **Absenteeism**
- ~ **Lost time and resources**
- ~ **Negative impact on unit cohesion**
- ~ **Negative impact on morale**
- ~ **Negative impact on individual performance**
- ~ **Negative impact on mission accomplishment**

1990 Navy Women's Study Group

- ~ Sexual harassment still exists in all forms
 - ~ "Sexual harassment occurs at my command."
- 75 % of women surveyed
- > 50% of men surveyed

1989 EO Climate Survey

- ~ "I have been sexually harassed in the past year."
- 42 percent of enlisted women
- 26 percent of women officers

Sexual Harassment

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:

- ~ submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay or career; or**
- ~ submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting this person; or**
- ~ such conduct interferes with an individual's performance or creates an intimidating, hostile or offensive environment.**

Sexual Harassment

- ~ Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence or affect the career, pay or job of a military member or civilian employee is engaging in sexual harassment.
- ~ Any military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures or physical contact of a sexual nature is also engaging in sexual harassment.

Sexual Harassment

- ~ **Inappropriate or unacceptable behavior in the work area or outside the work area**
- ~ **Affects performance, morale, unit cohesion or Navy image**
- ~ **Observable/audible**
- ~ **Deliberate or repeated**
- ~ **Interferes with work**

Verbal Sexual Harassment

- ~ **Offensive jokes that insult, provoke degrade on the basis of gender**
- ~ **Offensive comments on someone's body or dress**
- ~ **Sexual remarks and insinuations**
- ~ **Threats based on giving or withholding sexual favors**
- ~ **Offers of rewards for sexual favors**

Physical Harassment

~ Bumping

~ Touching

~ Stroking

~ Kissing

~ Hugging

~ Grabbing

Other Forms of Sexual Harassment

- ~ Creating an intimidating, hostile or offensive environment**
- ~ Displaying sexist cartoons, pictures or magazines**
- ~ Deliberate or repeated unwelcome verbal comments or gestures**
- ~ Letters, telephone calls, come-ons or other forms of solicitation**

Ambiguous Situations

- ~ Burden is on potential victim
- ~ Must tell potential harasser (or supervisor) behavior is unacceptable
- ~ Repeating unacceptable behavior is sexual harassment

Sexual Harassment? Ask:

- ~ Does the harasser do this to members of one gender only?
- ~ Is it a repeated behavior? Intended message?
- ~ Would the victims object? Have they objected before?
- ~ Would you object if the same thing happened to your spouse, daughter/son, mother/father?
- ~ Is praise given for good work or only for attractiveness, good manners, etc.?
- ~ Does the harasser know more about the victim's personal life than about his/her work skills or career development needs?
- ~ Does the victim feel his/her job is threatened or demeaned?

Sexual Harassment IS NOT

- ~ A trivial issue
- ~ Something to joke about
- ~ Sexism
- ~ Sexual politics
- ~ Wearing suggestive clothing

NOTE: Many acts of sexual harassment are violations of the UCMJ.

Aggravated Sexual Harassment involves:

- ~ Threats or attempts to influence another's career or job for sexual favors
- ~ Rewards in exchange for sexual favors
- ~ Physical contact of a sexual nature that, if charged as a violation of the UCMJ, is punishable by a punitive discharge

Substantiated by court-martial conviction, NJP punishment or when the commanding officer is convinced, based on evidence, that sexual harassment has occurred.

SH-16

Positive Command Climate

- ~ **Environment free from intimidation, hostility and generally offensive behavior**
- ~ **Team members free to become an integral part of the team**
- ~ **Mutual respect and confidence in the units**
- ~ **Command leadership sets the tone**
- ~ **Professional**
- ~ **All people are treated with dignity**

Navy Policy on Sexual Harassment

- ~ Sexual harassment will not be tolerated at any level
- ~ Prevention of sexual harassment is an all-hands responsibility
- ~ Navy leaders must take an active role in educating subordinates
- ~ The chain of command shall be fully utilized
- ~ Instances of sexual harassment will be resolved at the lowest possible level within the organization
- ~ Every person in a leadership position -- military and civilian -- will ensure that any instance of sexual harassment is dealt with swiftly, fairly and effectively

SH-18

Zero-Tolerance Policy

- ~ All DoN personnel shall comply with this policy
- ~ Refrain from practicing unacceptable behavior
- ~ Actively counter and report such actions promptly

Zero-Tolerance Policy

~ Effective 1 March 1992, CNO required processing for administrative separation of officers and enlisted personnel for certain aggravated instances of sexual harassment.

~ ADSEP is also authorized for personnel who commit less aggravated acts of sexual harassment.

Servicemembers' Rights

- ~ **To present any legitimate grievance to the command without fear of intimidation, reprisal or harassment**
- ~ **To be educated on the Navy's grievance procedure and on procedures for appealing decisions**
- ~ **To communicate with the commanding officer concerning their complaints/grievances**

Servicemembers' Responsibilities

- ~ **To advise the command of the specifics of complaints and to give the command the opportunity to rectify, remedy or take appropriate action before the complaint/ grievance becomes a formal one which is then brought to the attention of higher authority**
- ~ **To submit only legitimate complaints**
- ~ **To exercise caution against immature or reckless charges**

Leadership Responsibilities

- ~ **Create a command climate in which sexual harassment cannot exist**
- ~ **Periodically remind personnel of SECNAV and OPNAV policies on sexual harassment**
- ~ **Issue policies which define misconduct clearly and firmly and state that it will not be tolerated**
- ~ **Provide periodic training**
- ~ **Make all hands aware of avenues for seeking redress and actions that will be taken against personnel violating sexual harassment policies**

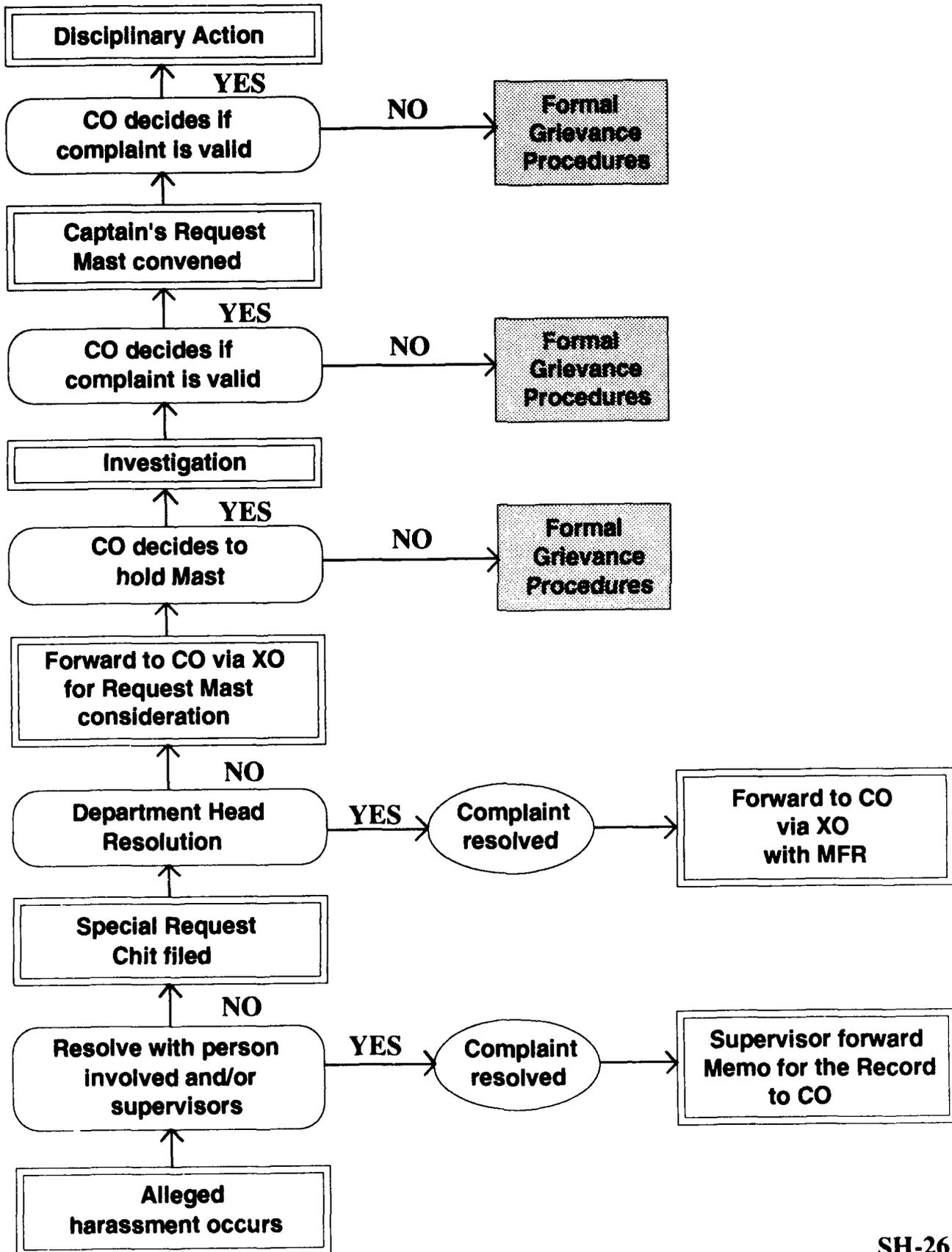
Leadership Responsibilities

- ~ **Provide assistance in processing complaints**
- ~ **Ensure prompt and appropriate action is taken on complaints of sexual harassment**
- ~ **Promptly investigate complaints**
- ~ **Take prompt and decisive administrative or disciplinary action**
- ~ **Provide feedback to complainants**
- ~ **Inform individuals of their rights**
- ~ **Prevent backlash or reprisal against complainants or witnesses**

Leadership Responsibilities

- ~ Provide a good example
- ~ Ensure leadership actions are consistent with Navy policy and philosophy on this issue
- ~ Promote a "not-in-my-Navy" mind-set that precludes sexual harassment
- ~ Use careful judgment and discretion
- ~ Ensure a complainant's previous disciplinary record or poor judgment in no way invalidates or prejudices a sexual harassment complaint

INFORMAL GRIEVANCE PROCEDURES



Formal Grievance Procedures

Complaint against a superior in your command
other than your commanding officer

- ~ Submit a formal complaint, NAVREGS ART 1150,
against that superior to the commanding officer
- ~ If you consider CO's decisions unjust, submit
a UCMJ ART 138, "Complaint of Wrongs," against
the CO

Formal Grievance Procedures

Complaint against an individual in another chain of command

- ~ Submit the complaint to your commanding officer via your chain of command**
- ~ Your CO will forward your complaint to the superior of the individual against whom the complaint is being brought via the chain of command to the officer who exercises general court-martial authority over the individual**

Formal Grievance Procedures

Complaint against your commanding officer

- ~ Submit UCMJ ART 138 complaint via the chain of command to the person exercising general court-martial jurisdiction over your CO**

Time Limitations

- ~ Complaint must be submitted within a reasonable time after the sexual harassment occurred**
- ~ Complaint must normally be initiated within 90 days**

Inspector General's Waste, Fraud and Abuse Hotline

DSN 288-6743

(202) 433-6743

1-800-522-3451

**~ Should be used only when you are not
reasonably satisfied that your complaint has
been or will be properly resolved by your
chain of command**

Grievance Procedures are not used because ...

"I thought it would make my situation unpleasant."

"My other actions worked."

"I did not think anything would be done."

"I thought my evals/fitreps would suffer."

Grievance Procedures are not used because ...

- ~ Retaliatory harassment
- ~ Complainant would not be believed because the harasser was senior and in the same chain of command
- ~ Details of the complaint become public knowledge
- ~ Negative career consequences
- ~ Others don't want to be involved
- ~ Pressure not to embarrass the command and/or ruin someone's career or marriage

Command Role in Protecting Victims and Witnesses

- ~ **Emphasize positive aspects of reporting sexual harassment**
- ~ **Restate policy against reprisal and that retribution for grievances will not be tolerated**
- ~ **Follow complainant's performance and evaluation**
- ~ **Assign a personal advocate**
- ~ **Hold supervisors accountable for documenting performance**
- ~ **Transfer complainant or accused to another command in extreme situations**

Administrative/Disciplinary Actions

- ~ **Counseling**
- ~ **Administrative Warning, Page 13 entry**
- ~ **Letter of instruction**
- ~ **Non-punitive letters**
- ~ **Lower fitness report/evaluation marks**
- ~ **Remarks in fitness reports or evaluations**
- ~ **Nonjudicial punishment or court-martial**

Administrative Separation

~ For first substantiated incident of aggravated sexual harassment

~ Mandatory 1 March 1992

~ Complaint is substantiated when there has been a court-martial conviction, nonjudicial punishment, or the CO is convinced that sexual harassment has occurred

ACTS WHICH MIGHT BE BOTH SEXUAL HARASSMENT AND AN OFFENSE UNDER THE UCMJ

| IF THE SEXUAL HARASSER MAY ALSO BE GUILTY OF | THE SEXUAL HARASSER MAY ALSO BE GUILTY OF | ARTICLE VIOLATED | MAXIMUM PUNISHMENT | |
|---|--|---------------------|--------------------|---|
| | | | DISCHARGE | CONFINEMENT FORFEITURE |
| THREATENS TO INFLUENCE ADVERSELY THE CAREER, SALARY OR JOB OF ANOTHER IN EXCHANGE FOR SEXUAL FAVORS | EXTORTION | 127 | DD | 3 YEARS TOTAL |
| | COMMUNICATING A THREAT | 134 | DD | 3 YEARS TOTAL |
| | CRUELTY AND MALTREATMENT VIOLATION OF A LAWFUL GENERAL ORDER | 93 | DD | 1 YEAR TOTAL |
| OFFERS REWARDS FOR SEXUAL FAVORS | BRIBERY AND GRAFT | 134 | DD | 5 YEARS TOTAL |
| | CRUELTY AND MALTREATMENT | 93 | DD | 1 YEAR TOTAL |
| | VIOLATION OF A LAWFUL GENERAL ORDER | 92 | DD | 1 YEAR TOTAL |
| MAKES SEXUAL COMMENTS AND/OR GESTURES | INDECENT, INSULTING OR OBSCENE LANGUAGE | 134 | BCD | 6 MONTHS TOTAL |
| | PROVOKING SPEECH DISRESPECT | 117 89/91 | NONE BCD | 6 MONTHS 1 YEAR 2/3 6 MONTHS TOTAL |

ACTS WHICH MIGHT BE BOTH SEXUAL HARASSMENT AND AN OFFENSE UNDER THE UCMJ

| IF THE SEXUAL HARASSER | THE SEXUAL HARASSER MAY ALSO BE GUILTY OF | ARTICLE VIOLATED | DISCHARGE | MAXIMUM PUNISHMENT CONFINEMENT | FORFEITURE |
|--|---|-------------------------|--|---------------------------------------|----------------------------------|
| MAKES PHYSICAL CONTACT OF A SEXUAL NATURE | ASSAULT CONSUMMATED BY A BATTERY INDECENT ASSAULT CRUELTY AND MALTREATMENT RAPE | 128 134 93 120 | BCD DD DD DEATH, OR SUCH OTHER PUNISHMENT AS A COURT-MARTIAL MAY DIRECT | 6 MONTHS 5 YEARS 1 YEAR LIFE | TOTAL TOTAL TOTAL TOTAL |
| ENGAGES IN SEXUAL HARASSMENT TO THE DETTRIMENT OF JOB PERFORMANCE | DERELICTION OF DUTY | 92 | BCD | 6 MONTHS | TOTAL |
| IS AN OFFICER | CONDUCT UNBECOMING AN OFFICER | 133 | DISMISSAL | 1 YEAR OR AS PRESCRIBED | TOTAL |
| USES HIS/HER OFFICIAL POSITION TO GAIN SEXUAL FAVORS OR ADVANTAGES | VIOLATION OF A LAWFUL GENERAL ORDER (ART 904, STANDARDS OF CONDUCT) | 92 | DD | 2 YRS. | TOTAL |

Successful Commands

- ~ CO is informed, assertive and involved
- ~ Clear-cut command policies are in place and enforced
- ~ Periodic training in sexual harassment prevention
- ~ All personnel are valued members of the team, held to the same standards of performance and professionalism
- ~ People believe the chain of command will take action

Case Studies

SH-40

Case Studies

Lesson Topic: Sexual Harassment & Grievance Procedures

CASE STUDIES

NOTE TO INSTRUCTORS: Enclosed are 16 case studies which deal with various situations related to sexual harassment. These case studies are based on actual incidents in the Navy. Identifying information has been deleted or altered to protect the privacy of the individuals involved. **YOU NEED NOT USE ALL 16 CASE STUDIES DURING THIS TRAINING SESSION. SELECT FOUR OR FIVE WHICH YOU BELIEVE WILL BE MOST APPLICABLE TO YOUR STUDENTS.** You may either read the case studies aloud and lead student discussion using the follow-on questions, or provide students with copies of the case studies you select and lead the discussion after students have had a chance to read the studies and questions themselves. Discussion points are provided for each case study to help you ensure the most important points are covered in the discussion. You may wish to provide students a copy of the discussion points at the conclusion of each discussion. You may also wish to provide the 10 or 11 case studies and discussion points you do not use during the training session to your students at the conclusion of the training program for further study. These case studies may be used during GMT or other training sessions at a later date.

A specific resolution to each case study is not included in this package. Like all situations involving violations or possible violations of the UCMJ, sexual harassment cases must be resolved based on the evidence available and the judgment of the command. These case studies are intended to stimulate discussion and thought among the students. They are not intended as blueprints for command reaction to actual allegations of sexual harassment or related issues.

SEXUAL HARASSMENT CASE STUDIES

Case Study 1: A female E-4 in civilian clothes was taunted by a male E-3, also in civilian clothes, outside a base club. The two were not assigned to the same command and did not know each other. The male was wearing a T-shirt with the name of his ship embossed on the front and two of his shipmates observed the incident. The E-3 followed the E-4 down the sidewalk, yelling sexually explicit suggestions at her. She continued walking. The E-3 grabbed the E-4 by the arm then touched her breast and crotch. At that point, one of the E-3's shipmates called him by his last name and told him to leave the woman alone. The woman reported the incident to her Command Duty Officer immediately afterwards and gave the CDO the E-3's last name and ship. The E-3's Commanding Officer investigated the incident and ordered NJP for the E-3.

Case Study 1 Questions: At what point did the E-3's behavior become inappropriate? Does showing an interest in a person of the opposite sex constitute sexual harassment? Does it make any difference that the E-3 and E-4 were from separate commands? Does it make any difference that the E-3 was unaware that the E-4 was a Petty Officer?

Case Study 2: A male Chief Petty Officer at a small shore command jogged at noon every day. The building where he worked had shower facilities and command personnel were allowed to enter and exit the building in PT gear through a side entrance. A female civilian GS-5 secretary worked in an office near the side entrance and was accustomed to seeing personnel enter and exit the building in their PT gear. The secretary was well-liked in the command and personnel sometimes stopped to chat with her at her desk. For several days in a row the Chief Petty Officer, who worked in a different department, stopped briefly at the secretary's desk after his run to talk with her. He never asked her for a date and he never made any sexually suggestive remarks. However, each day the Chief would unknowingly expose himself to the secretary by innocently propping his leg up on the chair next to her desk. The secretary was too embarrassed to say anything to the Chief.

Case Study 2 Questions: When does "innocent" behavior lose its innocence? If the Chief is unaware that he is exposing himself to the secretary, how will he become aware that his behavior is inappropriate? If the secretary is too embarrassed to say something to the Chief, what should she do?

SEXUAL HARASSMENT CASE STUDIES

Case Study 3: A female Third Class Petty Officer had been counseled on two occasions by her Leading Chief, a male, for marginal performance of her duties aboard a Navy ship. Immediately following the second counseling session, the woman alleged to her division officer that the Leading Chief had made inappropriate sexual comments to her during that session. She further alleged that the Chief had repeatedly asked her for dates. She stated that her performance was not marginal, but that the Chief was marking her down because she refused to date him. There were no witnesses. The Chief denied all the allegations. The Third Class, incidentally, had been transferred from another division on the ship eleven months earlier after alleging sexual harassment by a male First Class in the division. That allegation could not be substantiated, but the command transferred the woman at her request to remove any possibility of coercion or retribution.

Case Study 3 Questions: What is the appropriate response for the division officer and the command? What should happen if the complaint cannot be substantiated? Should the Leading Chief change his behavior? Should the Third Class change her behavior?

Case Study 4: A female Ensign at a large shore command regularly encountered a male Lieutenant from another department in the passageway. On two occasions, the Lieutenant grabbed the Ensign around the waist and pulled her close to him. On neither occasion did the Lieutenant make any comments of a sexual nature. Still, the Ensign was upset by his behavior. On both occasions she told him his conduct was offensive and not to touch her again. Nonetheless, the Lieutenant repeated the behavior a third time. The Ensign became angry and threatened to "feed the Lieutenant her fist" if he touched her again. A Lieutenant Commander overheard the exchange and reprimanded the Ensign for being disrespectful to an officer senior to her.

Case Study 4 Questions: Is this behavior appropriate? What actions should each party take? What issues must the command address?

SEXUAL HARASSMENT CASE STUDIES

Case Study 5: A female Air Traffic Controller alleged that a Navy pilot referred to her by an inappropriate term of endearment during a conversation over UHF. The Commanding Officer of the pilot's squadron reviewed the UHF tape and found that the pilot had indeed referred to the Air Traffic Controller as "Honey."

Case Study 5 Questions: Was this pilot being professional? Does using an informal means of address recognize the professional achievement of the subordinate? Would the pilot feel his authority diminished if his commands were acknowledged, "Sure, doll?"

Case Study 6: A female First Class Petty Officer at an overseas shore command alleged that a male Chief Petty Officer, the Leading Chief in her department, made unwelcome advances toward her, including massaging her shoulders and attempting to kiss her. The incident was witnessed by a male Third Class Petty Officer, also assigned to the department. The First Class reported the incident to her department head, who ordered an investigation. A fourth individual, a female Second Class Petty Officer, allegedly witnessed the Leading Chief direct the Third Class not to confirm the incident to command investigators. The Leading Chief allegedly said to the Third Class, "We have to stick together in this. These women are ruining everything!" During the investigation, all four parties stuck by their stories. The two males denied the incidents (sexual harassment incident and the CPO directing E-4 to lie) had occurred. The female First Class swore she had been harassed and the female Second Class swore she heard the Leading Chief direct the Third Class to lie. Incidentally, three posters of Dallas Cowboy Cheerleaders in scanty costumes and two centerfolds from men's magazines were hanging on the wall over the Leading Chief's desk in the work space where the incidents allegedly occurred.

Case Study 6 Questions: What does the fact that centerfolds from men's magazines and Dallas Cowboy Cheerleader posters were hung in this command's office spaces say about the command's commitment to the Navy's sexual harassment policy? Would it be any different if this department had not included female sailors? What if the department head was a woman who had seen the centerfolds and didn't seem to mind? If both sides continue to stick to their stories, how is this complaint likely to be resolved?

SEXUAL HARASSMENT CASE STUDIES

Case Study 7: USS COMBATANT, having just returned from an arduous seven-month deployment to Southwest Asia, is invited to New York City for the Navy League's Annual Fleet Week celebration in honor of the sea services. While in New York, the Commanding Officer contacts the New York Playboy Club and invites the Bunnies to be his special guests for a cookout on the fantail and a tour of the ship, which will be open during different hours for general visitation by the public. The Bunnies accept and, in costume, attend the cookout and tour the ship in groups guided by the Sailor of the Quarter nominees for the period of the ship's deployment. There are no incidents. Morale on board COMBATANT has rarely been higher. Photos of the women, surrounded by sailors posed in front of COMBATANT's gun mount, appear in front page New York coverage of Fleet Week and are reproduced in Navy Times and other civilian owned papers all over the country.

Case Study 7 Questions: Is this a problem? Would it be a problem if the ship was USS TENDER and had a significant number of women in the crew? What if the Bunnies had flown out to visit COMBATANT while it was deployed to Southwest Asia as part of a USO show? What if the CO agreed to host a beauty pageant, rather than Playboy Bunnies, aboard the ship?

Case Study 8: A non-rated female at a shore command alleged sexual harassment by four male Petty Officers (one E-4, one E-5, one E-7, one E-8). According to the E-2, the E-4 made sexually explicit suggestions to her in her work space. The E-5 allegedly overheard the comments and laughed, at one point saying, "I'd like to see that!" The E-7 allegedly observed the incident but did not intervene. When the woman complained to him, he allegedly told her not to be so thin-skinned. When she complained to the E-8, he allegedly told her that's what happens when you put good-looking women around a bunch of young, healthy, all-American men. The E-2 complained to her division officer and the command investigated the incidents, eventually ordering all four men to NJP.

Case Study 8 Questions: What does the Navy's sexual harassment policy require from the parties in this case? Who has an obligation to recognize sexual harassment? Who has a duty to prevent it? Who has a duty to act on a report or allegation of sexual harassment?

SEXUAL HARASSMENT CASE STUDIES

Case Study 9: A large CONUS shore command with significant numbers of women (officer, enlisted, civilian) assigned to it frequently hosted visiting flag officers who briefed members of the command on mission functions. At every briefing, the introduction was the same: "Gentlemen, Admiral _____."

Case Study 9 Questions: Could the failure of the moderator to acknowledge the presence of women in the command contribute to a hostile, intimidating or offensive environment? What message do members of the command, male and female, receive about the value of women's contributions or their importance to the team?

Case Study 10: A Navy club hosts weekly lunchtime entertainment that usually consists of go-go dancers in skimpy costumes. Waitresses at the club are required to wear extremely short black skirts, low-cut white blouses, black stockings and high heels. The printed menu of drinks includes several which have sexually suggestive or explicit names. The club manager has received numerous complaints from women patrons and from waitresses who allege that the men frequenting the club often make lewd comments to them associated with the suggestively named drinks. The club's patrons are overwhelmingly male, and the club manager is trying to attract clients so the club will not have to be closed down because it cannot pay its own way. Several civilian clubs with even more suggestive entertainment operate just outside the gate.

Case Study 10 Questions: If "sex sells" is a universally recognized advertising and marketing maxim, why not let the club do whatever it wants? Whose club is this, anyway? If women patrons are offended, why don't they just avoid going to the club?

SEXUAL HARASSMENT CASE STUDIES

Case Study 11: A tradition at a naval aviation squadron was a quarterly Friday night "happy hour" party for officer personnel. Attendance at the parties was not officially mandated, but the officers knew they were expected to attend. The location of the parties rotated -- on some occasions they were held at private homes or apartments; sometimes they were held at civilian establishments; other times they were held at a base club. Attire for the parties was uniform of the day. Spouses and non-active duty guests did not attend the parties, but about 10% of squadron officers were women, so women were always present. Late in the evening at one party, a male officer produced a life-sized, anatomically correct female blow-up doll. Three male officers, all intoxicated, climbed atop a table in the rec room of the civilian apartment complex where the party was being held, and simulated sex acts with the doll. They did not remove any of their clothing and none of the male officers made any sexually suggestive remarks to the women officers present. Nonetheless, the women felt the behavior constituted sexual harassment. The squadron Commanding Officer and his guest, who was senior to the CO, were present and observed the behavior, but took no action.

Case Study 11 Questions: Was this behavior appropriate? Is sexual harassment the only issue presented? Did the timing and location of this scenario make any difference since the conduct occurred "off-duty" at a civilian apartment complex?

Case Study 12: A male Navy Commander was assigned to deliver a classified briefing to members of another command. When he arrived at the briefing theater a few minutes before the presentation, he was surprised to see women officers in the audience. During the briefing, the Commander quickly skipped through a number of slides of scantily-clad women. Obviously embarrassed, the Commander finally commented, "I'm sorry about the entertainment slides. If I had known there would be women here, I wouldn't have included them." The Commander completed his briefing and quickly left the stage.

Case Study 12 Questions: Why did it make any difference in terms of the Navy's sexual harassment policy that women were in the audience? Would the slides have been any more appropriate if women had not been in the audience?

SEXUAL HARASSMENT CASE STUDIES

Case Study 13: A female Lieutenant Commander and a male GS-9 civilian employee in the woman's chain of command attended a conference on official TAD orders at a civilian hotel. The two individuals were the only members of their command to attend the conference, which lasted one week. The two individuals went to dinner together at the hotel the evening before the conference began. During dinner the Lieutenant Commander told the GS-9 she found him attractive and was interested in a personal as well as a professional relationship. The GS-9, who was engaged to be married, told the Lieutenant Commander he was flattered, but was not interested in a personal relationship with her. The officer persisted, saying she could make his work environment "much more comfortable." The GS-9 again declined. After the individuals returned to their command, the Lieutenant Commander was cool but professional toward the GS-9. Neither mentioned the dinner conversation again and the woman officer never asked her civilian employee to date her again. Two months later, when he received his annual evaluation, his performance marks had dropped from "Outstanding" to "Satisfactory." The GS-9 had not been counseled on a decline in his performance and felt he was the victim of sexual harassment.

Case Study 13 Questions: What should the GS-9 do regarding his supervisor's unwanted sexual advances? Did the LCDR do anything wrong by merely making an overture? At what point, if any, during the conversation did the LCDR go too far in trying to persuade the GS-9 to enter into a personal relationship? If the GS-9 immediately reports the LCDR's actions, but the LCDR denies she offered any rewards in return for sexual favors from the GS-9, is it likely that a report of this incident will result in a substantiated case of aggravated sexual harassment? If not, what is the point of making a report? Is it ever a good idea to have a personal relationship between a superior and a subordinate in the same chain of command?

SEXUAL HARASSMENT CASE STUDIES

Case Study 14: A male division officer aboard a ship with women crew members allegedly pestered junior female personnel in his command for dates. He ordered enlisted women in the duty section to report to command spaces during odd hours and two female E-2's alleged they allowed the officer to kiss them because they feared retribution from him, even though both acknowledged the officer had never communicated threats to them directly. The incidents were reported to the Commanding Officer, who transferred the division officer off the ship temporarily and issued him a non-punitive letter. Some time later the Commanding Officer allowed the division officer to return to the command and to his old division. The two women were still assigned to the command when the officer returned.

Case Study 14 Questions: Was the command's response appropriate? Does the answer turn on whether the women's allegations against the division officer were substantiated?

Case Study 15: A male senior officer assigned to a large staff at a shore command attended a senior staff meeting. The other attendees, with the exception of the two most junior members of the staff, were male. While waiting for the CO to appear and begin the meeting, the senior officer regaled the group with "dumb blonde" jokes. The two women officers were uncomfortable with the display, but said nothing. The other male officers laughed and seemed to enjoy the jokes.

Case Study 15 Questions: Has the senior officer made the same impression with all of his co-workers? Has he treated, or has he implied, that he sees them all as equally deserving of respect? Has the senior officer contributed to, or detracted from, the cohesiveness and esprit of this unit?

Case Study 16: A female department head at a shore command habitually put her hand on the elbow, shoulder or arm of junior personnel, men and women, officer and enlisted, in her department when she discussed department work with them. The officer never made suggestive or inappropriate comments to her personnel but tended to stand close to them when she was engaged in conversation with them. A female E-4 reported to her LCPO and division officer, both males, that this behavior made her uncomfortable. She did not want to confront the department head personally, and asked that her division officer do so on her behalf.

Case Study 16 Questions: Is every touch "of a sexual nature?" If subordinates feel uncomfortable with a superior's actions, what should they do?

CASE STUDY DISCUSSION POINTS

Case Study 1 Discussion Points: The E-3's behavior was inappropriate from the moment his interest in the E-4 degenerated into taunts and sexually explicit suggestions yelled out as he followed her down the sidewalk. While the language used by the E-3 may not fit the definition of aggravated sexual harassment under the NAVADMIN, the E-3's sexually explicit remarks were, if proven, a violation of Article 134, Indecent Language. The E-4's status as a Petty Officer would not affect the ability to charge the E-3's conduct under Article 134, nor would it make any difference if the woman involved was a civilian.

By touching the breast and crotch of the E-4, the E-3's conduct became aggravated sexual harassment which, if substantiated, must result in mandatory administrative processing. The physical contact in this case might be charged as a violation of Article 128, Assault Consummated by a Battery, or a violation of Article 134, Indecent Assault, both of which carry a punitive (BCD or DD) discharge within the range of authorized punishments.

The E-4 correctly responded by reporting the incident to her chain of command. Her command took appropriate action by reporting the incident to the E-3's Commanding Officer. The E-3's command is required to investigate the incident fully, and if it is substantiated by the E-3's Commanding Officer, the E-3 must be processed for administrative separation.

What might the E-3's shipmates have done? Was the E-4 obliged to identify herself as a Petty Officer? Was the E-4 required to respond to the explicit sexual taunts and suggestions by confronting the E-3? Is "Hey, babe," a sexual taunt? Does it depend on the circumstances? When does a question that can be interpreted sexually become a sexual taunt?

Case Study 2 Discussion Points: Sitting around Government office spaces during working hours in gym gear is where this problem starts, and fixing that would solve more than just a sexual harassment complaint. While the Navy whole-heartedly encourages, and in fact demands, physical fitness, the command's offices are not a gym. Shore facilities fortunate enough to have showers and other amenities available in or near working spaces enjoy a tremendous benefit. Nonetheless, working spaces are just that: working spaces. A Chief Petty Officer should not have to be reminded that gym clothes are not the working uniform of the day and that the latitude allowed to work out over lunch does not include turning the office into a lounge.

CASE STUDY DISCUSSION POINTS

"Negligent" indecent exposure is not a violation of the UCMJ. The question is when does innocuous behavior become willful or intended. If the secretary is too embarrassed to confront the Chief--and that might be done by simply asking the Chief not to prop his legs on the chair--the secretary should inform her supervisor. If the Chief persists after having been made aware that he is exposing himself, his conduct may be chargeable as willful indecent exposure under Article 134. Behavior of this type, when it interferes with an individual's performance or creates an intimidating, hostile or offensive environment, violates both the SECNAV and OPNAV Instructions on sexual harassment. The key to this situation is professionalism and communication. The Chief should know better, and the secretary can improve both her productivity and the Chief's by addressing the issue either directly, or through her supervisors.

Case Study 3 Discussion Points: The Navy will not tolerate false complaints of sexual harassment. A false complaint is a False Official Statement in violation of Article 107 of the UCMJ. At the same time, the Navy recognizes that allegations of sexual harassment are often difficult to substantiate because there often are no witnesses other than the parties themselves.

Every complaint of sexual harassment will be fully investigated. That obligation is incumbent on the command regardless of previous inability to substantiate a member's complaints. On the other hand, false claims of sexual harassment made to hide poor performance or in order to manipulate the command are unacceptable.

If the Third Class' performance is so marginal that it has resulted in two counseling sessions, her problems will likely have been noted by other co-workers and supervisors. While not appropriate in every case, the Leading Chief might consider including intermediate supervisors or the division officer in his counseling sessions. That would serve three purposes: 1) it would involve more of the chain of command in trying to help the Third Class; 2) it would provide a second opinion to substantiate the low marks and help rebut the allegation that the marks are retribution for having rejected the Chief's advances; 3) it would help answer the allegation that the Chief uses counseling sessions to seek personal relationships with his subordinates.

CASE STUDY DISCUSSION POINTS

Case Study 4 Discussion Points: The Lieutenant's behavior was inappropriate. That the Ensign was not in the Lieutenant's direct chain of command has no bearing on the issue. Lack of comments of a sexual nature do not excuse the behavior. The Ensign correctly responded on two prior occasions by informing the Lieutenant that she considered the behavior offensive. The Ensign was not required to wait until the "third strike" to inform her chain of command, and indeed, may have done so after the first incident. The Ensign, at this point, should immediately inform her chain of command, particularly since the behavior has continued despite her repeated attempts to inform the Lieutenant of the inappropriateness of his conduct. Regardless of her anger, the Ensign should attempt to deal with the situation professionally, by avoiding both physical confrontation and disrespectful language. However, the Ensign's threat is not the issue, but rather what brought it about.

The Command must determine whether these facts and circumstances constitute aggravated sexual harassment requiring mandatory administrative processing. To do so, the Commanding Officer must decide if there has been a substantiated incident involving physical contact of a sexual nature, which if charged as a violation of the UCMJ, could result in a punitive discharge. It is not necessary that the Lieutenant be found guilty at court-martial or non-judicial punishment (NJP), but court-martial or NJP findings would amount to such a determination.

The physical contact appears to rise to the level of an assault consummated by a battery under Article 128 of the UCMJ. A "battery" is any offensive touching, no matter how slight, without legal justification or excuse and without the lawful consent of the person affected. The command must determine whether the contact was "of a sexual nature" and whether there was any legal justification or excuse, or whether the contact had been consented to by the Ensign. The maximum punishment for an assault consummated by a battery extends to a punitive (Bad Conduct, in this case) discharge. Therefore, if the command determines that this was a substantiated incident, administrative processing of the Lieutenant would be mandatory. The command must, as a minimum, fully investigate the Ensign's complaint.

CASE STUDY DISCUSSION POINTS

What should the command do if the Ensign's complaint cannot be substantiated because it is a case of the Ensign's word against the Lieutenant's with no other evidence available to tip the balance? Should the Lieutenant be given greater credibility because of his rank? Should the Ensign be given greater credibility because she is a woman and is making the complaint? Is confronting the behavior always the right thing to do? Is the Lieutenant entitled to one "mistake?" Should the Ensign feel that the system has let her down if the complaint cannot be substantiated? What can the command do to create an atmosphere where the Lieutenant's behavior would be less likely to occur? What options are available to the parties to prevent an occurrence or recurrence of this conduct?

Case Study 5 Discussion Points: Professionalism is a two-way street. Every officer has the right to be addressed according to his or her rank and authority. Every enlisted person has the right to be addressed in terms of his or her professional military achievement. Just as an officer would be justifiably offended by informal address, sloppy means of address to enlisted personnel degrades their hard earned professional status. This is not a sexual harassment issue, this is a professionalism issue.

Case Study 6 Discussion Points: Centerfolds do not belong in office spaces, period. Sexually suggestive posters of scantily clad cheerleaders have nothing to do with the Navy's mission. They are out of place and inappropriate in any Navy office or working space. That a command would allow the such materials to be displayed indicates a serious lack of awareness of the sexual harassment policies of the Navy.

Substantiation of sexual harassment complaints will, in some cases, come down to a credibility contest. Thorough investigation of every complaint is essential. When insufficient evidence is produced to substantiate a complaint, the command must nevertheless take corrective action to deal with the sexual harassment issue. This means in-depth counseling for both sides with appropriate warnings, and awareness training for the entire unit if it appears that the word has not filtered down to all levels.

CASE STUDY DISCUSSION POINTS

If the allegations in this case are substantiated, the Chief must be processed for administrative separation. Should the command require more evidence to substantiate a case when a Chief is close to retirement eligibility? If the allegations are not substantiated because the evidence evenly divided, should one or the other of the parties be given a different work assignment?

Case Study 7 Discussion Points: While not prohibited by Navy sexual harassment policy, this method of boosting morale can backfire, particularly with an integrated crew. Could women feel that this conduct created a hostile or offensive environment for them? Could entertaining the Bunnies damage the Navy's image? Navy commands, regardless of the make-up of the crew, should provide on-board entertainment that is consistent with the Navy's professional image, is in good taste and would not be an embarrassment to the organization. Entertainment must also conform to regulations governing appropriate use of government facilities. For example, commands are specifically prohibited from hosting beauty pageants by SECNAVINST 5720.44 (Public Affairs Regulations).

Case Study 8 Discussion Points: A single sexually explicit remark that does not involve an offer of rewards for sexual favors or threats to influence one's career or job in return for sexual favors is not "aggravated" sexual harassment as defined in the Sexual Harassment NAVADMIN. Therefore, this incident does not, of itself, require mandatory administrative processing. Such remarks, may, however, be a violation of Article 134, Indecent Language.

Verbal conduct of a sexual nature that interferes with an individual's performance or creates an intimidating, hostile, or offensive environment is sexual harassment and violates both the SECNAV and OPNAV Instructions on Sexual Harassment Policy. Any military member or civilian employee who makes deliberate or repeated unwelcome verbal comments or gestures of a sexual nature is engaging in sexual harassment. Any military member or civilian employee in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment.

CASE STUDY DISCUSSION POINTS

The E-8 who received the E-2's complaint but did nothing, and the E-7 who observed the incident and heard the woman's complaint but told her not to be so thin skinned, could both be charged with Dereliction of Duty under Article 92. The Navy's sexual harassment policy imposes a duty on supervisory personnel to recognize sexual harassment, to prevent it from occurring, and to investigate, or cause to be investigated, all reports of sexual harassment from their subordinates. The E-5 who laughed at the sexual comments and added, "I'd like to see that!," might be charged with either Dereliction of Duty, as a superior Petty Officer to the E-4 with a duty to intervene, or as an aider and abettor to the violation of Article 134, Indecent Language, which would be the charge against the E-4.

Lesser forms of sexual harassment not defined as "aggravated" incidents, may, nonetheless, result in administrative action including counseling, page 13 entries, letters of instruction, non-punitive letters, remarks in evaluations and fitness reports, as well as NJP or court-martial depending on the severity of the offense. While a single incident of sexual harassment of this type would not require administrative processing, one such incident could result in administrative processing for Commission of a Serious Offense, if the criteria under the MILPERSMAN were met. Similarly, repeated minor incidents could result in processing for a Pattern of Misconduct, under MILPERSMAN guidelines.

Case Study 9 Discussion Points: Commission of any group within a command when addressing or recognizing the command lessens unit cohesion and teamwork. Members who are not accorded the same recognition and respect as other personnel are discouraged from doing their best for the team. A commanding officer who publicly praises his or her officers without acknowledging the contributions of enlisted and civilian members, for example, conveys the impression that only the officers are important to the command. These may seem like insignificant issues, but they are not insignificant to those people who feel excluded or undervalued. Seemingly small cosmetic insensitivities can have a significant impact on unit morale, cohesion and ultimately, performance and mission effectiveness.

CASE STUDY DISCUSSION POINTS

Case Study 10 Discussion Points: Navy MWR activities, including Navy clubs, have a responsibility to conform to Department of the Navy policy. The clubs are for the benefit of all Navy members, not just the male segment of our population. The Navy's sexual harassment policy extends to all members of the department, military and civilian employees. Any verbal or physical conduct of a sexual nature that creates an intimidating, hostile or offensive environment for any member or employee violates Navy sexual harassment policy.

Case Study 11 Discussion Points: Sexual harassment, like other forms of misconduct, is facilitated by abuse of alcohol which inevitably leads to a loss of judgment. In the context of the Navy, alcohol abuse presents the greatest single opportunity for career-ending consequences of any commonly faced situation in an officer's or sailor's everyday life. Not only may alcohol abuse result in criminal charges for civilian and military offenses such as Driving While Intoxicated or other alcohol related crimes, but instances of alcohol abuse may also result in administrative revocation of career essential qualifications, such as security clearances, nuclear program qualifications, and Personnel Reliability Program eligibility.

Simulated sex acts with a blow-up doll while drunk, in uniform, in public, regardless of whether women officers or civilians were present, is an egregious departure from the conduct expected of personnel in the U.S. Navy. While this behavior does not fit the criteria of "aggravated sexual harassment" as defined by the Sexual Harassment NAVADMIN, it could be charged as a violation of Article 133 of the UCMJ, Conduct Unbecoming An Officer, and Article 134, Drunk and Disorderly Conduct. The squadron Commanding Officer and his senior guest who observed this activity but did not intervene to stop it showed a marked absence of judgment, calling into question their fitness for command.

Both the SECNAV and OPNAV Instructions on Sexual Harassment define the concept in terms of, among other things, unwelcome verbal and physical conduct of a sexual nature that interferes with an individual's performance or creates an intimidating, hostile, or offensive environment. The conduct of the officers involved, and the lack of corrective action by the C.O. or his senior guest, may indeed create an intimidating, hostile, or offensive environment for women assigned to the squadron.

What should the women officers have done at the time of the incident? What might they have done later? What might the squadron C.O. do now, or is the situation "non-recoverable?"

CASE STUDY DISCUSSION POINTS

Case Study 12 Discussion Points: The Navy is not a "we" - "they" organization: it is an "us" organization. The slides would have been just as inappropriate to an all male audience as they were to an integrated audience. Often speakers try to liven up dry lectures by including humor to break the monotony. Humor is fine. Swimsuits belong at the beach, not in a professional meeting.

Case Study 13 Discussion Points: A substantiated report that a supervisor offered a reward ("a much more comfortable work environment") in return for sexual favors would constitute an incidence of aggravated sexual harassment requiring mandatory administrative processing. The GS-9 should report this behavior even if the conversation occurred in private and the chances are that the evidence will be only a case of word against word. The command involved should investigate the complaint, and substantiate it if possible. Investigation of a single complaint may result in discovery of a pattern of conduct which, when taken together, may help substantiate a specific incidence. A report, if nothing else, will heighten the awareness of the command to a possibility of a problem. Making a report may also help to assure that rejection of the advance does not become reflected in the subordinate's evaluation. Threats or attempts to influence one's career in return for sexual favors--or in retribution for not supplying sexual favors--is another form of aggravated sexual harassment. Making a report to the chain of command, even if it is not later substantiated, may help rebut mysteriously lower evaluation marks that are not supported by a documented fall-off in a subordinate's performance and appropriate counseling.

Case Study 14 Discussion Points: Once the women made their complaints, the command was required to conduct a thorough investigation. This appears to be a case of aggravated sexual harassment requiring mandatory administrative processing of the division officer. Why? There was physical contact of a sexual nature, and the contact was without legal justification or the consent of the women, thus amounting to a battery. The command must answer two questions: 1) can the conduct be substantiated, and 2) did fear of retribution take the place of consent. Even if the kisses were consensual, this behavior constitutes fraternization, which is also an offense under the UCMJ.

CASE STUDY DISCUSSION POINTS

The command in this case apparently felt the complaints were substantiated, and therefore issued a non-punitive letter to the division officer and removed him from the command. The command failed, however, to process the division officer for administrative separation, as required. If the command did not believe the complaints were substantiated it should not have removed the division officer from the command, since such action is a serious step even when done on a temporary basis.

Case Study 15 Discussion Points: The senior officer has displayed a common form of insensitivity. In trying to show that he is "one of the gang," he has shown only that he is "one of the boys." He has alienated a portion of the staff by his implied approval of a disparaging stereotype about women. Ingrained attitudes and behaviors are reinforced by this type of conduct. Would the jokes have been any more appropriate if no women were present? If that were the case, how would the men present interpret how the senior officer felt about women, in general, or about his commitment to the Navy's sexual harassment policy?

Case Study 16 Discussion Points: Not all human contact is sexual in nature. However, everyone needs to be aware that personal actions can be misinterpreted, or make others uncomfortable. Some leaders try to use body contact as a means of emphasis to get a point across, or as a means of reassurance. Their touch is a way of saying, "You're on my team, now here's what I want you to do." This kind of contact, while not sexual in nature and not universally viewed as offensive, may lead to situations where a subordinate feels intimidated. The subordinate in this case was right to raise the issue with her division officer. Good leaders will recognize when their personal leadership styles are becoming counter-productive and will modify their actions accordingly.

POD/POW NOTES

SAMPLE POD/POW NOTES

YOU DON'T HAVE TO PUT UP WITH sexual harassment, racism or any kind of discrimination. **TELL YOUR SUPERVISOR**, or call _____ at _____. Let us help solve the problem.

RULE OF THUMB: If it isn't professional ... if it can be misinterpreted ... if it's about sex rather than work ... if it might offend your coworker ... it might be sexual harassment. **PLAY IT SAFE ... DON'T DO IT!!!**

On winning teams, every member of the team is important. Every member of the team contributes. Every member of the team counts. Sexual harassment, racism and other forms of discrimination ruin teamwork. Make our team work -- stop discrimination if you see it.

AGGRAVATED SEXUAL HARASSMENT ... threats or attempts to influence someone's career to get sexual favor, rewards in exchange for sexual favors, or physical contact of a sexual nature that is punishable by a punitive discharge ... **ONE STRIKE AND YOU'RE OUT!**

SEXUAL HARASSMENT ... has no place in the Navy! Keep your dealings with shipmates professional and based on mutual respect!

The citizens we serve hold us to high standards, and repay us with special respect and courtesy reserved only for those who wear the uniform. They deserve the best. Make sure they get it from you, 24 hours a day.

BOOZE KILLS. It kills families, it kills judgment, it kills careers. **DON'T BECOME JUST ANOTHER VICTIM ... STAY SOBER!**

ZERO TOLERANCE for racism ... **ZERO TOLERANCE** for drugs ... **ZERO TOLERANCE** for sexual harassment. It's the Navy way.

If you think women don't belong in the Navy ... **THINK AGAIN!!!** More than one in every ten sailors and officers are women. They fly aircraft, push boots, command ships, predict weather, run communications centers, maintain equipment, save lives, handle lines, cut your pay check and select you for advancement and promotion. They do belong, and they're here to stay.

If you want to know what you're allowed to say to women and not be guilty of sexual harassment...you're asking the wrong question.

If you accuse someone falsely, you violate the UCMJ. If you violate the UCMJ, you go to mast or court-martial. If you want to keep your record clean, keep your statements honest.

How do you handle people who **JUST WON'T TAKE NO FOR AN ANSWER?** Tell your supervisor. What they are doing may be sexual harassment, and it doesn't belong in the Navy.

They say you can judge a person's character by how messy his or her desk is. Maybe so...maybe not. But people do judge your character by your language, by your behavior, even by the pictures on your wall. Lead by example -- keep it clean!

IF YOU'RE IN THE NAVY, YOU'RE EXPECTED TO BE A PROFESSIONAL. THINK PROFESSIONAL. ACT PROFESSIONAL.

WE'RE AN EQUAL OPPORTUNITY EMPLOYER! Every member of our team is important, and every member of our team deserves to be treated accordingly. Discrimination doesn't come in your sea bag...don't import your own.

YOU HAVE A DUTY TO RECOGNIZE AND PREVENT SEXUAL HARASSMENT! Don't be a part of it, and don't ignore it. Stop it when you see it, listen when you're told about it, report it up the chain of command. **SEXUAL HARASSMENT, DRUG ABUSE, RACISM ... NOT ON MY WATCH, NOT ON MY SHIP, NOT IN MY NAVY.**

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Messages**

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*Copy included in this training package

UNCLASSIFIED

NAVAL MESSAGE
DEPT OF NAVY

ROUTINE
R 282024Z FEB 92 ZEX ZYB
FM CNO WASHINGTON DC//O1//
TO NAVADMIN

ZYB RUEAAAA6675 0600149

UNCLAS //N05354//
NAVADMIN 025/92
MSGID/GENADMIN/OP-01//
SUBJ/ZERO TOLERANCE FOR SEXUAL HARASSMENT//
REF/A/DOC/2AUG89//
REF/B/DOC/6NOV89//
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REF/E/DOC/17AUG90//
REF/F/DOC/1984//
REF/G/DOC/15AUG91//
REF/H/DOC/21NOV83//
REF/I/DOC/15AUG91//

NARR/REF A IS SECNAVINST 5300.26A, REF B IS OPNAVINST 5300.9, REF C IS NAVOP 04/32, REF D IS OPNAVINST 5354.1C, REF E IS SECNAVINST 5520.3A, REF F IS THE MANUAL FOR COURTS-MARTIAL, REF G IS MILPERSMAN 3630600, REF H IS SECNAVINST 1920.6A, REF I IS MILPERSMAN 3410100//

RMKS/1. THIS NAVADMIN DISCUSSES PROCEDURES FOR IMPLEMENTING THE ZERO TOLERANCE FOR SEXUAL HARASSMENT POLICY IN REFS A THROUGH C. SEXUAL HARASSMENT IS A CNO SPECIAL INTEREST ITEM DURING COMMAND INSPECTIONS.

2. ALL HANDS, OFFICER AND ENLISTED, HAVE A RESPONSIBILITY TO MAKE THIS POLICY WORK. ALL PERSONNEL MUST:

A. KNOW AND UNDERSTAND THE DEFINITIONS IN REFS A AND B. SEXUAL HARASSMENT IS NOT JUST BEHAVIOR THAT CAN BE CATEGORIZED AS A SERIOUS CRIMINAL OFFENSE. IT INCLUDES LESS SERIOUS, BUT DELIBERATE OR REPEATED UNWELCOME CONDUCT, SUCH AS JOKES, REMARKS, OR GESTURES OF A SEXUAL NATURE.

B. UNDERSTAND SEXUAL HARASSMENT IS WRONG AND INTOLERABLE.

C. KNOW WHAT TO DO IF SEXUALLY HARASSED. OFTEN PERSONNEL CAN RESOLVE PROBLEMS BY DISCUSSING OFFENSIVE BEHAVIOR WITH THE HARASSER AND ASKING THEM TO STOP. IF THIS IS NOT PRACTICAL OR IF OFFENSIVE BEHAVIOR CONTINUES, THE CHAIN OF COMMAND WILL BECOME INVOLVED. FOR MILITARY MEMBERS, AVAILABLE PROCEDURES INCLUDE NAVY GRIEVANCE PROCEDURES, THE UNIFORM CODE OF MILITARY JUSTICE, AND REQUEST MAST. SPECIFIC PROCEDURES ARE OUTLINED IN SECTIONS FIVE AND SIX OF REF D. CIVILIAN EMPLOYEES CAN USE THE EQUAL EMPLOYMENT OPPORTUNITY DISCRIMINATION COMPLAINT PROCESS AND GRIEVANCE PROCEDURES.

D. KNOW WHERE TO GO FOR ASSISTANCE. PERSONNEL ARE DESIGNATED BY THE CO OF MAJOR SHORE COMMANDS (SECTION II REF D REFERS) TO ASSIST IN RESOLVING DISCRIMINATION AND SEXUAL HARASSMENT COMPLAINTS. EQUAL OPPORTUNITY PROGRAM SPECIALISTS (NEC 9515) ASSIGNED TO LARGER STAFFS AND CARRIERS CAN ALSO ASSIST. OTHER SOURCES INCLUDE LOCAL NAVY LEGAL SERVICE OFFICES AND THE NAVY INSPECTOR GENERAL HOTLINE, 1-800-522-3461, DSN: 285-6743, OR COMM: (202) 433-6743.

3. EDUCATION AND COMMAND RESPONSIVENESS ARE KEY ELEMENTS IN ELIMINATING SEXUAL HARASSMENT. TO THAT END, COMMANDERS AND COMMANDING OFFICERS WILL:

A. TRAIN ALL HANDS USING NAVY RIGHTS AND RESPONSIBILITIES WORKSHOPS, GMT, PETTY OFFICER/CPD INDOCTRINATION, AND NAVLEAD. A VIDEOTAPE, ENTITLED 1990 SEXUAL HARASSMENT PREVENTION SEMINAR, WAS PROVIDED TO ALL AFLOAT AND SHORE COMMANDS IN NOV 90 TO STRENGTHEN SEXUAL HARASSMENT TRAINING. COPIES OF THIS TAPE ARE AVAILABLE THROUGH NAVAL EDUCATION AND TRAINING SUPPORT CENTERS, ATLANTIC, DSN 56454011/1468, AND PACIFIC, DSN 522-1359/1360. REQUESTS FOR COPIES MUST BE IN WRITING ON COMMAND LETTERHEAD SPECIFYING POINT OF CONTACT, UIC AND FORMAT DESIRED (BETA, VHS OR THREE QUARTER INCH).

B. PROMPTLY INVESTIGATE SEXUAL HARASSMENT COMPLAINTS. REF E REQUIRES NOTIFICATION OF NIS OF ALLEGED OFFENSES PUNISHABLE UNDER REF F BY CONFINEMENT OF ONE YEAR OR MORE. OTHER ALLEGATIONS SHOULD BE INVESTIGATED USING LOCAL OR COMMAND ASSETS.

C. TAKE TIMELY AND EFFECTIVE CORRECTIVE ACTION. SUBSTANTIATED COMPLAINTS OF SEXUAL HARASSMENT OR DELIBERATELY FALSE ACCUSATIONS SHALL RESULT IN APPROPRIATE ADMINISTRATIVE ACTION AND, AT THE COMMANDER'S SOLE DISCRETION, DISCIPLINARY ACTION. A COMPLAINT IS SUBSTANTIATED WHEN THERE HAS BEEN A COURT MARTIAL CONVICTION, NONJUDICIAL PUNISHMENT, OR THE COMMANDER IS CONVINCED, BASED ON A PREPONDERANCE OF THE EVIDENCE, THAT SEXUAL HARASSMENT HAS OCCURRED. ADMINISTRATIVE ACTION AVAILABLE INCLUDES COUNSELING, PAGE 13 ENTRIES, LETTERS OF INSTRUCTION, NONPUNCTIVE LETTERS, REMARKS IN EVALUATIONS AND FITNESS REPORTS, AND PROCESSING FOR ADMINISTRATIVE SEPARATION.

D. RECOGNIZE THE POTENTIAL FOR MISUNDERSTANDING IN OUR INCREASINGLY DIVERSE NAVY AND THAT NOT EVERY REMARK, JOKE, OR GESTURE CONSTITUTES SEXUAL HARASSMENT. INFORMAL COUNSELING MAY BE APPROPRIATE UNDER SUCH CIRCUMSTANCES, ESPECIALLY WHEN THE CONDUCT IS NON-REPETITIVE.

4. ADMINISTRATIVE SEPARATION OF OFFICERS AND ENLISTED PERSONNEL FOR SEXUAL HARASSMENT IS AUTHORIZED. REF G SETS OUT THE GROUNDS FOR ENLISTED SEPARATION PROCESSING FOR MISCONDUCT. COMMISSION OF A SERIOUS OFFENSE WILL USUALLY BE THE REASON FOR ADMINISTRATIVE SEPARATION APPLICABLE TO SEXUAL HARASSMENT CASES. DEPENDING ON THE NUMBER OF PRIOR INCIDENTS OF ANY MISCONDUCT AND/OR PREVIOUS PUNISHMENT, DUAL PROCESSING FOR A PATTERN OF MISCONDUCT MAY ALSO BE APPROPRIATE. OFFICERS ARE SUBJECT TO PROCESSING IAW REFS H AND I.

5. A FORMAL CHANGE TO THE MILPERSMAN WILL CONTAIN THE FOLLOWING ADDITIONAL GUIDANCE, EFFECTIVE FOR INCIDENTS OCCURRING AFTER 1 MARCH 1992. UPON COMPLETION OF ANY DISCIPLINARY ACTION, OFFICER AND ENLISTED MEMBERS SHALL BE PROCESSED FOR ADMINISTRATIVE SEPARATION AS A RESULT OF THE FIRST SUBSTANTIATED INCIDENT OF SEXUAL HARASSMENT INVOLVING ANY OF THE FOLLOWING CIRCUMSTANCES:

A. THREATS OR ATTEMPTS TO INFLUENCE ANOTHER'S CAREER OR JOB FOR SEXUAL FAVORS.

B. REWARDS IN EXCHANGE FOR SEXUAL FAVORS.

C. PHYSICAL CONTACT OF A SEXUAL NATURE WHICH, IF CHARGED AS A VIOLATION OF THE UCMJ, COULD RESULT IN A PUNITIVE DISCHARGE.

6. AUTHORITY TO SEPARATE ENLISTED MEMBERS IN CASES WHERE ANY OF THE UNDERLYING CONDUCT CONSTITUTES SEXUAL HARASSMENT RESTS WITH CHNAVY PERS. FORWARD ENLISTED CASES TO BUPERS (PERS-832) CITING THIS NAVADMIN AS A REFERENCE. ENSURE SUBJECT LINE INCLUDES QUOTE 'SEXUAL HARASSMENT UNQUOTE' OFFICER CASES SHALL BE REPORTED TO BUPERS (PERS-82) IAW WITH REF I. REFER QUESTIONS REGARDING OFFICER SEPARATIONS TO PERS-82 COMM: (703) 614-4366/7 OR DSN: 224-4366/7 AND ENLISTED SEPARATIONS TO PERS-83 COMM: (703) 614-8222/66 OR DSN: 224-8222/66.

7. RELEASED BY VADM R.J. ZLATOPER.// BT

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NAVAL MESSAGE
DEPT OF NAVY

PRIORITY

ZYUW RUENAAA3707 3030550

P 300216Z OCT 91 ZEX ZYB
FM CNO WASHINGTON DC//00//
TO NAVOP

UNCLAS FOR COMMANDERS, COMMANDING OFFICERS AND OFFICERS IN CHARGE
//N01610//

NAVOP 020/91

SUBJ: PROPER CONDUCT IN OUR NAVY

MSGID/GENADMIN/CNO//

REF/A/RMG/SECNAV/251451Z0CT90//

REF/B/RMG/CNO/252249Z0CT90//

REF/C/LTR/SECNAV LTR OF 29 OCT 91//

NARR/REF A IS ALNAV 151/90. REF B IS NAVOP 092/90.//

RMKS/

1. ONE YEAR AGO IN AN ALNAV, (REF A), THE SECRETARY OF THE NAVY MADE IT CLEAR TO ALL OF US THAT SEXUAL HARASSMENT AND SEXUAL OFFENSES WOULD NOT BE TOLERATED. IN REF B, I MADE IT CLEAR THAT I NOT ONLY SUPPORTED SECNAV'S STRONG COMMITMENT TO A NAVY FREE OF SEXUAL HARASSMENT BUT THAT I SHARED HIS FEELINGS AND ABHORRED CONDUCT OF THE NATURE THAT MADE IT NECESSARY FOR HIM TO REMIND US ALL OF WHAT SHOULD HAVE BEEN A BASIC VALUE OF OUR SERVICE.

2. NOW WE ARE FACED WITH AN INCIDENT AT TAILHOOK 91 THAT DEMANDS THAT YOU MAKE IT VERY CLEAR TO ALL IN YOUR CHAIN OF COMMAND THAT OUR NAVY, SPECIFICALLY ME AND YOU AND EVERYONE IN AUTHORITY IN THE NAVY, WILL NOT TOLERATE THIS TYPE BEHAVIOR. AT THE RECENT TAILHOOK CONVENTION AT LAS VEGAS IT IS REPORTED THAT INSTANCES OF SEXUAL MISCONDUCT WERE REPORTED THAT, IF TRUE, WERE MORE THAN UNPROFESSIONAL AND OUTSIDE ANY ACCEPTABLE STANDARDS OF CONDUCT. WOMEN, SOME MEMBERS OF OUR NAVY AND OTHERS WHO WERE CIVILIANS, REPORTED BEING TREATED IN A MANNER THAT CONSTITUTES NOT ONLY SEXUAL HARASSMENT BUT MAY INVOLVE SERIOUS SEXUAL CRIMINAL OFFENSES. BOTH AN NIS INVESTIGATION AND A NAVY IG INVESTIGATION ARE UNDERWAY. I AM CONFIDENT THAT THE INVESTIGATORS WILL GET TO THE TRUTH AND WE WILL HAVE A CONCRETE SET OF FACTS UPON WHICH TO ACT IN THE MEANTIME, THE SECRETARY OF THE NAVY HAS WRITTEN TO THE PRESIDENT OF THE TAILHOOK ASSOCIATION EXPRESSING HIS DISAPPOINTMENT AND HIS IMMEDIATE WITHDRAWAL OF ALL NAVY SUPPORT FOR THE ASSOCIATION. I FULLY SUPPORT THE SECRETARY IN THIS ACTION.

3. LADIES AND GENTLEMEN, IT IS NOT PART OF MY LEADERSHIP STYLE TO SEND HARSH MESSAGES TO THE NAVY AS A WHOLE OR EVEN TO INDIVIDUALS IF IT CAN BE AVOIDED. THE VAST MAJORITY OF PEOPLE IN OUR NAVY HAVE THE WORD THAT WE WILL NOT ACCEPT SUCH BEHAVIOR. YOU MUST HELP ME TO SEE THAT ONE HUNDRED PERCENT OF OUR PEOPLE GET THIS MESSAGE AND THAT THEY GET IT LOUD AND CLEAR AND QUICKLY. WE WILL NOT TOLERATE UNPROFESSIONAL BEHAVIOR, WE WILL NOT TOLERATE SEXUAL HARASSMENT, AND WE WILL NOT TOLERATE ANY ACTION THAT DEMEANS THE DIGNITY OF ANOTHER. GET THE WORD TO YOUR PEOPLE AND ENFORCE THIS POLICY WITH ALL YOUR ABILITY. OUR PEOPLE AND OUR NAVY DESERVE NOTHING LESS.
ADMIRAL FRANK B. KELSO, II, CHIEF OF NAVAL OPERATIONS.// BT

UNCLASSIFIED



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20350-1000

5 February 1992

MEMORANDUM FOR THE CHIEF OF NAVAL OPERATIONS
COMMANDANT OF THE MARINE CORPS

Subj: ZERO TOLERANCE OF SEXUAL HARASSMENT

On several occasions Department of the Navy policy on sexual harassment has been announced as one of zero tolerance. In support of this policy, as of 1 March 1992, officers and enlisted personnel of the Navy and Marine Corps shall be processed for administrative separation on the first substantiated incident of sexual harassment involving any of the following circumstances:

- a. threats or attempts to influence another's career or job for sexual favors;
- b. rewards in exchange for sexual favors;
- c. physical contact of a sexual nature which, if charged as a violation of the UCMJ, could result in punitive discharge.

An incident is substantiated if there has been a court-martial conviction or the commanding officer determines that sexual harassment has occurred. All forms of sexual harassment not mentioned above should still be handled in conformance with the current Department of the Navy directive.

Please take appropriate action to implement this policy within the Navy and Marine Corps.

A handwritten signature in black ink, appearing to read "H. Lawrence Garrett, III", is written over a horizontal line. The signature is stylized and includes a large loop at the end.

H. Lawrence Garrett, III
Secretary of the Navy

DEPARTMENT OF THE NAVY
Office of the Secretary
Washington, DC 20350-1000

SECNAVINST 5300.26A
NMPC-61/OP-14
2 August 1989

SECNAV INSTRUCTION 5300.26A

From: Secretary of the Navy
To: All Ships and Stations

Subj: DEPARTMENT OF THE NAVY
POLICY ON SEXUAL HARASSMENT

Ref: (a) DOD memo of 20 Jul 1988
(NOTAL)

Encl: (1) Department of the Navy Policy
Statement on Sexual Harassment

1. Purpose. To revise Department of the Navy policy on sexual harassment and to conform to reference (a).

2. Cancellation. SECNAVINST 5300.26.

3. Summary of Changes. This instruction is a complete revision and should be reviewed in its entirety. Major changes are:

a. Expands the definition of sexual harassment to explicitly apply to conduct that interferes with performance or creates an intimidating, hostile or offensive environment.

b. Adds requirements for information programs and periodic training.

c. Makes managers and supervisors responsible for prevention of sexual harassment.

d. Expands the avenues through which complaints may be filed.

e. Makes mandatory corrective action, administrative or disciplinary, on substantiated complaints.

4. Policy. Department of the Navy policy on sexual harassment is outlined in enclosure (1).

5. Responsibility. The Chief of Naval Operations and Commandant of the Marine Corps are responsible for implementation of the policies in enclosure (1) including:

a. Wide distribution of enclosure (1) to military and civilian personnel under their cognizance.

b. Appropriate training and guidance to create a workplace free from sexual harassment.

c. Ensuring that commands take appropriate administrative and disciplinary measures in every case of noncompliance with Department of the Navy policies against sexual harassment.

H. LAWRENCE GARRETT, III
Secretary of the Navy

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AUG 2 1989

DEPARTMENT OF THE NAVY POLICY ON SEXUAL HARASSMENT

All military and civilian personnel in the Department of the Navy have a responsibility for maintaining high standards of honesty, integrity, impartiality, and conduct to assure proper performance of business and maintenance of public trust. Sexual harassment violates those standards, especially with regard to principles of equal opportunity.

Sexual harassment is unacceptable conduct; it undermines the integrity of the employment relationship, debilitates morale, and interferes with the work productivity of an organization. Sexual harassment will not be tolerated at any level. Substantiated acts of or conduct which results in sexual harassment shall result in corrective administrative or disciplinary action.

Sexual harassment is defined as 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:

- a. submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career; or
- b. submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting this person; or
- c. such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

Any military member or civilian employee in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment.

Individuals who are sexually harassed by supervisors, co-workers, or peers should make it clear to the individual harassing him/her that such behavior is offensive and report the incident to the appropriate supervisory level. The appropriate official will examine the matter and take actions necessary to ensure a work environment free from sexual harassment.

Enclosure (1)

SECNAVINST 5300.26A

2 AUG 1989

All Navy and Marine Corps personnel, military and civilian, shall be made aware of the prohibitions against sexual harassment. All Department of the Navy personnel shall receive initial orientation and periodic training on the prevention of sexual harassment. This training must be of such quality so as to ensure a thorough understanding of the definition of sexual harassment, sex discrimination, responsibilities of management and the employee when sexual harassment occurs and avenues of redress available to victims.

Prevention of sexual harassment is the responsibility of all personnel. Managers and supervisors, however, are in an especially important position to prevent sexual harassment. They must take an active role in educating their employees on the seriousness of such behavior, and the employees rights in the event that they are sexually harassed.

The chain of command shall be fully utilized, and instances of sexual harassment will be resolved at the lowest possible level within the organization. It is the responsibility of every supervisor - military and civilian - to ensure that any instance of sexual harassment is dealt with swiftly, fairly, and effectively.

Military members will use the Navy Grievance Procedures, the Uniform Code of Military Justice, or Request Mast. Civilian employees will use the Equal Employment Opportunity Discrimination Complaint Process, the administrative grievance procedures, or the appropriate negotiated grievance procedures. In addition any (military or civilian) sexual harassment complaint may be brought to the attention of the Inspector General. Substantiated complaints shall result in corrective action, including administrative and/or disciplinary action as appropriate.

All members of the Department of the Navy must be concerned about sexual harassment and actively work to eliminate it from their workplaces.

DEPARTMENT OF THE NAVY
Office of the Chief of Naval Operations
Washington, DC 20350-2000

OPNAVINST 5354.1C
OP-151
13 April 1989

OPNAV INSTRUCTION 5354.1C

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

Subj: NAVY EQUAL OPPORTUNITY

Ref: (a) DoD Directive 1350.2 of 23 Dec 88 (NOTAL)
(b) SECNAVINST 5350.10A
(c) OPNAVINST 5354.3B

Encl: (1) Navy Equal Opportunity Manual

1. **Purpose.** To issue enclosure (1) which implements reference (a), restates the policy of the Department of Navy and provides guidance and policy for the Navy Equal Opportunity (EO) Program.

2. **Cancellation.** OPNAVINST 5354.1B.

3. **Applicability and Scope**

a. The provisions of this instruction apply to all active duty Navy and Naval Reserve units and personnel. The scope of this instruction also extends to family members of military personnel where specifically stipulated.

b. Civilian Equal Employment Opportunity (EEO) policies and guidance are provided in separate instructions issued by the Director, Civilian Personnel Policy and the Equal Employment Opportunity Commission (EEOC). Civilian personnel policy instructions concerning EEO have applicability to Navy commands/staffs employing U.S. civilian personnel and to all civilian employees, the commanding officer and all military managers and supervisors of civilian personnel.

4. **Discussion.** An environment of equal opportunity is essential to attaining and maintaining high state of morale, discipline, and military

effectiveness. Command monitoring of internal practices as well as awareness of the EO climate in the civilian community (as applicable), enables the commander, commanding officer, officer in charge or supervisor to take prompt positive action to counter discriminatory practices. Education promoting an understanding of cultural and ethnic differences, as well as training in the prevention of sexual harassment, are command responsibilities.

5. **Policy.** As stated in reference (b), the Department of the Navy policy is to provide equal treatment and equal opportunity to all Navy members.

a. This policy shall apply without regard to race, color, religion, gender, age or national origin within constraints of the law.

b. The Navy Affirmative Action Plan (NAAP), reference (c), identifies actions to assist in achieving the following goals: attaining a minority enlisted population that reflects the percentage of minorities in the general population; recruiting of qualified personnel, retention of eligible personnel; providing fair and equal military education opportunities for all qualified personnel; ensuring an equitable assignment process for all Navy personnel; providing formal and coordinated EO training for Navy service-members; ensuring equal opportunity for promotion and advancement for all personnel; ensuring military justice is applied without discrimination; ensuring separation of personnel without discrimination; ensuring that minorities participate equally in all occupational areas and warfare specialties within legal bounds; monitoring the EO climate; and ensuring discrimination complaint procedures are effective.

6. **Responsibilities**

a. **Chief of Naval Operations (CNO)**

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

0579L00543510



7. Action. Commanders are required to support the Navy's EO program by implementing the provisions of U.S. Navy Equal Opportunity Manual, Enclosure (1).

8. Report. The reporting requirement contained in paragraph 6b(3) is exempt from reports control by SECNAVINST 5214.2B.

J. M. BOORDA
Deputy Chief of Naval Operations
(Manpower, Personnel and Training)

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REFERENCES

| INSTRUCTION | TITLE | DATE |
|--------------------------------------|--|-----------|
| (a) SECNAVINST 5350.5A | Processing of Requests by Military Personnel for the Action by the Attorney General and/or the Department of Health, Education, and Welfare under the Civil Rights Act of 1964 | 16 Dec 65 |
| (b) SECNAVINST 5350.7A (NOTAL) | Non-discrimination in Federally Assisted Programs | 07 Feb 72 |
| (c) SECNAVINST 5340.1D | Fund Raising and Solicitation of Personnel, Military and Civilian, Within the Department of the Navy | 07 Aug 73 |
| (d) DOD Directive 5410.18 (NOTAL) | Armed Forces Community Relations | 03 Jul 74 |
| (e) OPNAVINST 1620.1A | Guidelines for Handling Dissident Protest Activities Among Members of the Armed Forces | 04 Apr 77 |
| (f) OPNAVINST 1620.2 | Armed Forces Disciplinary Control Board/Off-Base Military Law Enforcement Activities/Joint Law Enforcement Operations | 28 Jan 84 |
| (g) OPNAVINST 5040.7K | Naval Command Inspection Program | 10 Jan 89 |
| (h) SECNAVINST 5300.26 | Department of the Navy Policy on Sexual Harassment | 25 Aug 80 |
| (i) OPNAVINST 5350.5 | Navy Policy on Sexual Harassment | 12 Nov 82 |
| (j) UCMJ | Uniform Code of Military Justice | |
| (k) NAVREGS | U.S. Navy Regulations | 1973 |
| (l) OPNAVINST 3100.6D (NOTAL) | Special Incident Reporting (OPREP-3) Procedures | 04 Sep 86 |

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EXECUTIVE SUMMARY

This manual is designed as a reference. It discusses Navy policies and regulations which pertain to equal opportunity (EO) and defines the responsibilities and actions required by all commands. In addition, it presents an overall view of the Navy's posture toward EO and how this translates into a command program, shore specific responsibilities, services for Navy family members, and methods for enhancing cooperation between the military and civilian community. The Executive Summary provides an abbreviated description of the information contained in this instruction.

SECTION IEQUAL OPPORTUNITY RESPONSIBILITIES OF COMMANDERS

Equal opportunity is an inseparable part of sound leadership. The commander's management responsibilities include:

- Ensuring compliance with the Uniform Code of Military Justice (UCMJ) and monitoring the justice system to ensure equitable treatment.
- Providing personnel equal opportunities to strive for excellence in all aspects of their Navy life.
- Eliminating behavior that perpetuates stereotypes.
- Using awards to recognize outstanding performance.
- Fostering good behavior and proper development of subordinates.
- Taking prompt action against members of the command who exercise insensitive and unlawful practices such as racism or sexism.

SECTION IIEQUAL OPPORTUNITY RESPONSIBILITIES SPECIFIC TO SHORE COMMANDS

Duties frequently include management of a civilian workforce as well as interaction with host/local governments and various service-oriented activities. This section highlights the major activities under the shore commander's cognizance and the commander's inherent EO responsibilities. Commanders are responsible for:

- Assigning an individual to provide assistance to individuals needing help in processing complaints.
- Ensuring housing equal opportunity and imposing restrictive sanctions when necessary.

- Ensuring equitable service at command facilities by providing for the needs of all members in terms of personal products, uniform articles, beautician/barber service, commissary/exchange advisory committees representation, types of entertainment provided at base clubs and theaters, etc.

- Ensuring military personnel and family members are not discriminated/ segregated against in receiving education provided by civilian institutions.

- Liaising with host communities to ensure local activities have a good understanding of the Navy's EO policy.

- Imposing off-limits sanctions on civilian establishments that discriminate against military personnel and family members.

- Ensuring private organizations that practice discrimination are not provided access to on-base facilities or use of military resources.

- Taking appropriate action to deal with military personnel who participate in organizations that support supremacist causes.

SECTION III

COMMAND MANAGED EQUAL OPPORTUNITY (CMEQ)

CMEQ is the Navy's Equal Opportunity Program required of all commands. It is a management system that is responsive to higher echelons, but controlled primarily at the command level.

- Four basic elements form the program.

- Command Training Team (CTT): The CTT is responsible for conducting the Navy Rights and Responsibilities (NR&R) workshops. Two NR&R workshops present training on basic Navy EO principles, policies and procedures that must be understood by all hands. One workshop is designed for newly reported personnel and the second is conducted annually to discuss CNO and command specific issues, conduct sexual harassment prevention training and review updated EO policy.

- Command Assessment Team (CAT): The CAT is responsible for conducting the command assessment. The command assessment focuses on EO personnel management practices and can also surface problems or issues which are not directly related to EO, but impact on the quality of life within the command. To facilitate the command assessment, data must be collected and maintained on retention, advancement and discipline. Additional data is obtained from interviews, observations and surveys. The data will be categorized by race/ethnic group, gender, paygrade, rating, division, and department.

- Action Planning: A plan of actions and milestones (POA&M) is created to implement and track the correction of existing or potential problems.

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— Inspections: Immediate Superiors in Command (ISIC) are responsible for conducting CMEQ inspections/evaluations of subordinate commands.

- Commands are required to conduct an annual command assessment.

SECTION IV

PREVENTION OF SEXUAL HARASSMENT

All Navy personnel have a responsibility to maintain an environment free of sexual harassment. Commanders must create an atmosphere in which such behavior cannot exist. The commander's responsibilities for the prevention of sexual harassment include:

- Providing all hands sexual harassment prevention training.
- Periodically restating DoD, OPNAV and command policy on sexual harassment prevention.
- Keeping lines of communications open so sexual harassment cannot go unreported.
- Taking prompt and decisive action when infractions occur.

SECTION V

NAVY GRIEVANCE PROCEDURES

A major element of the EO Program is the process for resolving an individual discrimination complaint. That process is referred to as the Navy Grievance Procedures.

- All individuals have the right to present a legitimate grievance without fear of intimidation, reprisal or harassment. Members will be advised of the different method of submitting complaints, including the right to communicate with the commander.
- The command must be afforded the opportunity to rectify, remedy or take appropriate action prior to forwarding complaints to higher authority.
- Informal and formal grievance procedures are discussed along with alternative steps available. Emphasis is placed on resolving the problem at the lowest level.
- Inspector General's Hotline. The IG's "Fraud, Waste and Abuse Hotline" is available as an alternate means of reporting allegations of sexual harassment when individuals feel their complaint of harassment has not been/will not be properly handled by their chain of command.
- Shore commands will have an individual available to assist personnel needing assistance in processing sexual harassment and discrimination complaints.

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SECTION VI

INCIDENT HANDLING AND REPORTING

Criteria for classifying incidents and determining reporting requirements are provided.

SECTION VII

NAVY EQUAL OPPORTUNITY TRAINING

Establishes EO training requirements for officer and enlisted personnel for accession and professional development training to ensure EO knowledge and skills are developed throughout each individual's career.

APPENDIX A

EQUAL OPPORTUNITY INSPECTION CHECKLIST

Contains an inspection checklist for ISIC and individual commands to review EO programs.

APPENDIX B

DEFINITION OF TERMS

Provides explanation of terms used in this instruction.

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SECTION I

EQUAL OPPORTUNITY RESPONSIBILITIES OF COMMANDERS

1. Introduction and Overview. Equal opportunity is an inseparable part of sound leadership. At all levels of command this equates to better prepared personnel and operational readiness. Commanders will use all authority and skill available, including personal example to ensure equal opportunity for all Navy members and families. Its purpose is two-fold: (1) to promote command morale/quality of life and (2) to provide an environment in which personnel can perform to their maximum ability.

a. Management Practices. A wide array of good management practices support proper EO climate. They include training, promotion/advancement, performance evaluations, discipline, grievances, and incident handling/reporting.

b. Command Managed Equal Opportunity (CMEO) Program. CMEO is the Navy's program which places responsibility for equal opportunity at the command level. The program includes required training and command assessment procedures as well as inspection requirements.

2. Shared Responsibilities. Several areas of EO are the responsibility of the shore commander. This does not relieve individual commanders from determining that EO issues exist within their crew and the need to work with the responsible commanders to ensure proper resolution. These responsibilities will include: ensuring education provided to military personnel and family members is free of discrimination; equitable treatment in the assignment of housing; cooperating with local communities and civilian institutions when appropriate; and promoting the Navy's commitment to EO through public affairs programs. Shore commander specific EO responsibilities are covered in Section II.

3. Command Managed Equal Opportunity. The CMEO program is designed to ensure EO exists at the unit level. CMEO provides the necessary elements to allow individual commands to monitor their EO climate, conduct EO training, and conduct command assessments. Each commander is responsible for ensuring CMEO is implemented at his/her command. NR&R workshops will be conducted in accordance with the standard curriculum provided by Chief of Naval Education and Training (CNET). Commanders should inform the Director, Equal Opportunity Division (NMPC-61) of any sections of the curriculum that are not effective. The CMEO program and NR&R workshops are described in Section III.

4. Military Justice. Commanders are responsible for ensuring equal justice for all personnel. They shall continuously review the disposition of all "Report and Disposition of Offense" charges to ensure that racial, religious, ethnic, cultural, or gender bias has not been a factor in any phase of the process. Where numbers of a minority group receiving disciplinary action are disproportionate, circumstances shall be investigated for potential underlying causes, and action taken to remove such causes if warranted.

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5. Complaints/Grievances. Commanders are responsible for ensuring all individuals are knowledgeable of their right to submit an informal or formal complaint/ grievance, the methods for submission, and the entitlement to obtain legal military counsel. Commanders will ensure personnel are advised of the shore-based assistance available when practical to individuals requiring assistance in processing discrimination/sexual harassment complaints.

6. Performance Evaluation. One of the most important responsibilities of a commander is the evaluation of personnel. Evaluations not only recognize job performance and point out areas for improvement, but also form the basis for future promotion and assignment. Evaluations, therefore, must be free of any bias and evaluation of supervisors must consider compliance of the individual with EO objectives.

7. Training/Advancement. Commanders shall ensure equality of opportunity in training and advancement. They shall publicize and actively support applications for enlisted to officer accession programs. These programs include the U.S. Naval Academy, Naval Academy Preparatory School (NAPS), Naval Reserve Officers Training Corps (NROTC), Broadened Opportunity for Officers Selection and Training (BOOST), Enlisted Commissioning Program (ECP), Officer Candidate School (OCS), Aviation Officer Candidate School (AOCS), Limited Duty Officer (LDO), and Chief Warrant Officer (CWO).

8. Awards/Recognition. Recognition for personal accomplishments is a motivating factor for all Navy personnel. This builds and strengthens the Navy by retaining the skills of experienced personnel. The presentation of awards should be monitored to ensure presentation is without regard to race, ethnicity, or gender of recipients.

9. Disciplinary Action. An EO program can succeed only if existing insensitive practices (racism, sexism) are identified, evaluated and corrected. Any person who has committed an act of discrimination is subject to disciplinary action. The following actions or combination thereof are available to the commander:

a. Enlisted Personnel

(1) Counsel the individual concerning the undesirable behavior, necessary corrective action and responsibilities for supporting equal opportunity. Commands should maintain a record of all counseling sessions involving discrimination/sexual harassment complaints or other EO issues.

(2) If counseling is ineffective, or if further action is warranted, the command should take the following administrative and/or disciplinary actions:

- (a) Administrative Warning, page 13 entry
- (b) Lower evaluation marks
- (c) Nonjudicial punishment (NJP) or court-martial

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(d) Recommendation for separation of the member from the Navy.

b. Officers

(1) Counsel the officer regarding his/her responsibilities.

(2) If counseling is ineffective, the command should take the following administrative and/or disciplinary actions:

- (a) Admonishment
- (b) Downgrading pertinent section of the fitness report
- (c) Nonjudicial punishment (NJP) or court-martial
- (d) Relieve for cause
- (e) Separation from naval service

10. Shore Patrol. Assignment to shore patrol teams shall be made without reference to race, religion, color, gender, or national origin. Commanders will ensure shore patrol personnel have received EO training prescribed in section III. Shore patrols will comply with Navy EO policy in the enforcement of laws and regulations on and off base.

11. Equal Opportunity Program Specialist (NEC 9515). Equal Opportunity Program Specialists (EOPS) are assigned to commanders at major commands or staffs to be EO advisers and CMEO facilitators at fleet training centers. They attend 16 weeks of training at the Defense Equal Opportunity Management Institute (DEOMI) which prepares them to provide briefings on EO matters, facilitate formal CTT/CAT indoctrination courses, seminars, and workshops. They are also trained in techniques of personnel counseling, processing of discrimination complaints; and writing, editing, and publishing documents on EO related issues. Commanders should use EOPSS to conduct EO training, to monitor effectiveness of command EO programs, to assist in conduct of command assessments, and to participate in CMEO inspections of subordinate commands. Commands can obtain information on the location of EOPSS by contacting the EOPS Community Manager (NMPC-61F) at AUTOVON 224-2007 or commercial (202) 694-2007.

12. Incident Handling/Reporting. Commanders must take prompt action whenever an incident occurs that appears to have been racially motivated. They will assess the seriousness of incidents and submit the appropriate incident report in accordance with the guidance of Section IV.

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SECTION II

EQUAL OPPORTUNITY RESPONSIBILITIES SPECIFIC TO SHORE COMMANDS

1. Introduction and Overview. Shore commanders have an expanded EO role because of increased numbers of civilian workers and their responsibilities associated with service facilities, housing, and the civilian community. Provisions will be made to assist personnel in resolving discrimination/sexual harassment issues. Commanders at overseas bases will take positive action to eliminate any sexual harassment of Navy personnel by host nationals on their bases.

2. Discrimination/Sexual Harassment Complaint Support. Commanders will designate a person on a collateral duty basis to assist individuals in resolving discrimination and sexual harassment problems. That person will be an officer or a senior petty officer. The commander will ensure this person is trained on EO/sexual harassment policies and knowledgeable in the processing of discrimination complaints. This service will be widely publicized to all hands. This person should be accessible to all personnel and have direct access to the commander. Information concerning the EO climate within the geographical location of the command will be included to provide individuals with a better appreciation of the environment in which they are currently living.

3. Service Facilities. Commanders shall ensure that service facilities are operated in a manner in which equal opportunity exists for all hands. Navy exchange and Navy commissary advisory committees shall have minority member representation and ensure that specific recommendations are requested from minority personnel and acted upon by managers. Women and minorities shall be included in entertainment policy decision-making committees and councils.

a. Navy Exchange. Personal products such as grooming aids, cosmetics, personal hygiene, and other products for minority and female personnel and their families shall be stocked in Navy exchanges. Where women are regularly assigned, women's uniform items shall be made available. All barbers and beauticians shall be trained and qualified to serve all personnel.

b. Navy Commissary. Commissaries should be stocked with food products frequently requested by minority personnel.

c. Morale, Welfare and Recreation (MWR) Facilities. Commanders shall be particularly alert to the possibility of discriminatory practices in the operation of messes, service clubs, and base entertainment facilities. They shall eliminate such practices if discovered.

(1) Messes and snack bars shall be fully available to all personnel and include varied menus.

(2) MWR directors and managers shall provide a variety of appropriate recreation and entertainment activities responsive to the interests of all personnel.

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(3) Intentional or unintentional segregation or exclusion shall not be condoned in base facilities such as theaters and service clubs. The avoidance of facilities by minority group individuals or women may be indicative of harassment and discrimination. Subtle harassment can be in the form of playing only certain types of music, displaying offensive pictures/ posters, or by limiting the selection of entertainment to particular groups.

4. Navy/DoD Sponsored Education

a. Civilian Education of Military Personnel. Commanders will ensure that segregation is not reflected in adult education classes conducted on Navy installations by local schools/colleges and that Navy personnel are not sponsored or subsidized by Navy funds while pursuing an educational program at a facility which discriminates.

b. Education of Family Members. The Navy supports the legal and moral right of Navy family members to be assigned to and attend public schools on a non-discriminatory basis. Should deviations from this policy occur, commanders shall make positive efforts on behalf of military families. These actions shall include:

(1) Ensuring equitable and non-discriminatory enrollment of family members in public schools.

(2) Ensuring that segregation is not present in on-base schools.

(3) Providing, within the framework of the legal assistance program, legal advice and assistance in resolving complaints.

(4) Ensuring that parents and guardians are advised of their constitutional rights to equal opportunity in public schooling and their right to enforce them by the initiation of civil suits. The Civil Rights Act of 1964 provides that the Attorney General of the United States may institute desegregation suits upon complaints by parents of students, if the Attorney General deems the parents unable to initiate and maintain appropriate legal proceedings. These procedures are explained in reference (a).

(5) Ensuring that Navy family members are not sponsored or subsidized by Navy funds while pursuing an educational program at a facility which discriminates.

(6) Ensuring that transportation vehicles serving facilities that practice discrimination are not granted access to naval installations or housing areas.

5. Discrimination in Housing. Specific policies and guidance are provided in DoD Directive 1100.16 of 3 June 1977 (NOTAL), OPNAVINST 11101.13H and OPNAVINST 11101.21D.

6. Discrimination in the Host Community. Discrimination in local civilian communities impacts negatively on the morale of military personnel and their

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families. It is mandatory that commanders take positive actions to foster fair treatment of military personnel and families in the host community. To accomplish this, commanders should perform the following functions:

- a. Represent the command as the Navy's official representative in the community and seek changes in the treatment of Navy personnel in areas near the base.
- b. Make their chain of command aware of their responsibility to provide support and assistance in eliminating discrimination in the host community and to provide information on anti-discrimination efforts to their personnel.
- c. Coordinate with other military services and Federal agencies for the purpose of adopting common policies regarding off-base problems.
- d. Meet with local individuals and groups such as representative local trade associations, local officials and leading citizens to solicit their cooperation in fighting discrimination. Ensure that military personnel and their family members have access to all public accommodations and business establishments, all local public events, the services of civilian hospitals, and all community-controlled public facilities such as parks, swimming pools, golf courses, and schools, on a non-segregated basis.
- e. Take prompt action to resolve all discrimination complaints using the most appropriate means available. These actions include:
 - (1) Seek voluntary compliance with the law on the part of the establishment or organization concerned.
 - (2) Attempt to resolve disputes (or have them resolved) by negotiation, conciliation, and local action.
 - (3) Work with agencies responsible for the investigation and enforcement of state and local anti-discrimination laws, and Federal statutes such as Title II of the Civil Rights Act of 1964 (relating to discrimination in public accommodations) and Title III of the Civil Rights Act of 1964 (relating to discrimination in public facilities).
 - (4) Ensure personnel are advised of their right to initiate civil suits against discriminatory business organizations either privately or through the Attorney General of the United States under the Civil Rights Act of 1964. Requests for suit by the Attorney General may be made directly to that office or may be processed through military channels as outline in reference (b).

7. Cooperation with Local Organizations

- a. Policy. Whenever practical, commanders shall cooperate with local groups to develop good base/community relations consistent with the Navy equal

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opportunity policy. For example, permitting the use of base facilities by charitable organizations (as outlined in the Navy Special Services Manual), granting requests from civil organizations and units of local government for performances by Navy bands, drill units and color guards. Commanders shall exercise discretion in granting requests from local organizations and shall:

- (1) Obtain a signed statement that the organization is non-discriminatory before granting a request.
- (2) Ensure that all programs directly involving dedicated on-duty time of naval personnel, loans or grants or equipment, or budgeted monies are administered in a non-discriminatory manner as specified in reference (b).
- (3) Prohibit on-base fund raising activities, otherwise authorized by reference (c) by groups who practice discrimination.
- (4) Prohibit access to Navy property by vehicles used for the explicit purpose of providing transportation to/from activities sponsored by organizations practicing discrimination.

b. Civil Rights Groups. There are a number of organizations which concern themselves with the promotion of civil rights. The commander's efforts to foster equal treatment for command personnel and family members will be of interest to such groups. Mutual cooperation and assistance between the military commander and group leaders will further the programs of both parties. The commander must be careful to explain the limitations imposed on his/her involvement with civil rights activities by virtue of his/her official position and the Department of the Navy policy of non-involvement in local political issues.

8. Private Organizations Which Practice Discrimination

a. Access to Navy Facilities. The Navy Special Services Manual provides that fraternal and charitable groups or organizations which practice discrimination will be denied use of military facilities and resources as outlined in reference (d). This policy applies equally to those organizations which arbitrarily discriminate by the nature of their organizational constitution, bylaws, rules, and regulations as well as those which in the judgment of the commander are engaging in discrimination.

b. Use of Commercial/Private Facilities. Private clubs, religious and fraternal organizations operated for other than commercial purposes are exempt from the provision of the Civil Rights Act of 1964. However, Department of the Navy policy prohibits Navy units or Navy sponsored organizations from using the facilities of commercial or private organizations with discriminatory membership policies.

c. Navy Member Involvement. Navy personnel must reject participation in organizations that support supremacist causes; attempt to create illegal discrimination or encourage the use of force or violence, or otherwise engage in

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efforts to deprive others of their civil rights. Active demonstration such as publicly demonstrating or rallying, fund raising, recruiting and training members, and organizing or leading such organizations is incompatible with military service, and is prohibited as stated reference (e). Commanders have authority to employ the full range of administrative procedures, including separation, or appropriate disciplinary action against military personnel who actively participate in such groups.

(1) When a member is identified as a member of an extremist group, commanders shall:

(a) Counsel the member on the Navy's policy.

(b) Advise the member that membership in such organization is a legitimate factor that will be considered when evaluation and selection for positions of leadership and responsibility are made.

(2) When a Navy member is identified as an active participant in extremist group activities, commanders must take positive action such as disciplining the individual or taking administrative action including, but not limited to:

(a) Removal of security clearance.

(b) Removal from positions of leadership, or relief for cause.

(c) Reduction in rate.

(d) Adverse report of fitness or performance evaluation.

e. On-Base Fund Raising. Commanders shall prohibit on-base fund-raising activities by groups otherwise authorized by reference (c) if they discriminate. Similarly, commanders shall not allow posters or other notices advertising such activities to be posted on bulletin boards or elsewhere on military installations.

f. Off-Limits Sanctions. Commanders, who in their judgment consider an "off-limits" sanctions justified, shall take action as outlined in reference (f).

9. Public Affairs

a. All Commands. In order to take just pride in achievement and maintain the momentum of the Navy's EO efforts, it is mandatory that the Navy actively publicize its EO policy. Each command shall use all resources and expertise available to promote the achievements and contributions of all groups in the Navy.

b. Public Affairs Programs. Commanders shall ensure that the public affairs programs of their organizations reflect the Navy's commitment to equal opportunity by taking the following steps:

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(1) Establish and maintain good working relationships with minority media and ensure that media releases highlighting minorities and women are sent to them as well as the more general media.

(2) Ensure that a conscious effort is made to publicize the accomplishments of all members in news and feature articles developed for internal and external publication.

(3) Ensure that minorities and women are proportionally represented in radio and television spots or prints media produced for internal and external use.

(4) Ensure that significant historical events and achievements of minorities and women are accorded appropriate recognition.

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Enclosure (1)

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SECTION III

COMMAND MANAGED EQUAL OPPORTUNITY (CMEO)

1. Introduction and Overview

a. Purpose of Command Managed Equal Opportunity (CMEO). CMEO establishes the EO program for each command. CMEO directs the chain of command to employ resources to:

- (1) Create and maintain a positive EO climate within the command.
- (2) Identify and resolve EO/sexual harassment problems and concerns.
- (3) Provide the mechanism for monitoring the command's EO climate.
- (4) Ensure that merit, ability, performance, and potential are the factors which affect individual promotion, training, duty assignments and any other action.

b. CMEO as an EO Management System. CMEO is a management system which has the flexibility to respond to command specific needs and draws resources from outside the command as necessary. Figure III-1 illustrates the interrelationship of all segments of the EO management system.

2. Command Requirements. CMEO consists of the following minimum elements (unless otherwise stated):

- Command Training Team
- Command Assessment Team
- Action Planning
- Inspections

3. Command Training. The Navy has developed a training package to support mission accomplishment by providing all personnel a clear understanding of their military rights and responsibilities. It is called the Navy Rights and Responsibilities (NR&R) workshop. The NR&R workshops provide training on basic Navy EO principles, policies and procedures that must be understood by all hands.

a. Command Training Team (CTT). The CTT is a group of individuals from the command trained to present the NR&R workshops. Prospective CTT members will be formally trained in conducting NR&R workshops. They can receive this training from a CNET activity, mobile training team (MTT) or by an Equal Opportunity Program Specialist (EOPS) assigned to a major command or staff.

(1) Each command, except as indicated in paragraph 3a(6) is required to appoint a CTT consisting of a minimum of least two members in paygrade E-6 or

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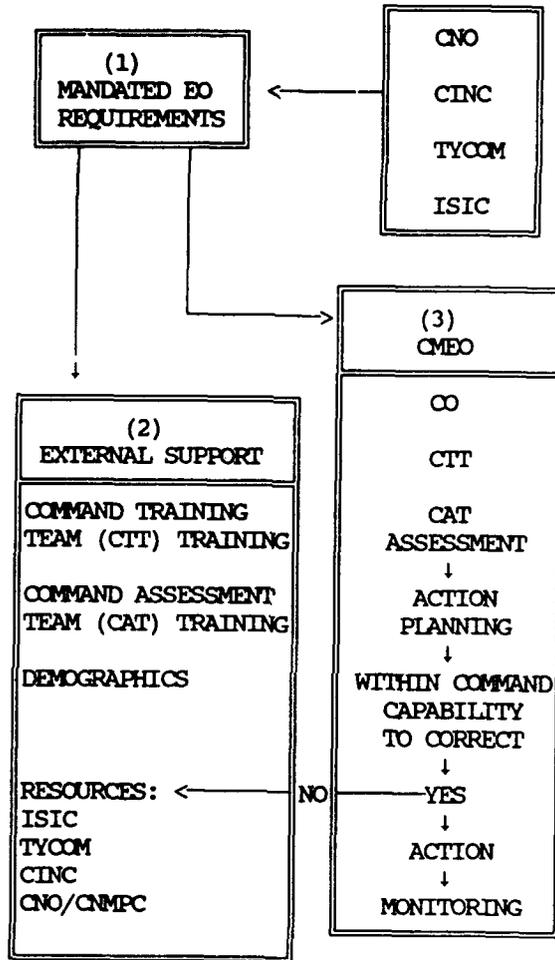


Figure III-1
EO Management System

III-2

Enclosure (1)

above, trained to conduct NR&R workshops. Minimum CTT size will be assigned as follows:

| <u>Command Size</u> | <u>CTT</u> |
|---------------------|------------|
| 50 - 100 | 2 |
| 101 - 200 | 3 |
| 201 - 300 | 4 |
| 301 - above | 5 |

(2) Documentation of training will be recorded in the member's service record.

(3) CTT members who have not performed in that capacity in over 24 months are required to repeat the formal training.

(4) CTT members should complete the Navy Equal Opportunity correspondence course (NAVEDIRA 13099-C) within three months of assignment to the training team.

(5) Prospective CTT members will have a minimum of 18 months remaining before their PRD from the date assigned. The command should carefully screen candidates to ensure that the CTT consists of highly motivated, experienced personnel who have the ability to lead/facilitate group discussions on Navy and command policy. Personnel with previous instructor experience are preferred.

(6) Commands with less than 50 military personnel are not required to have a formally trained CTT if arrangements can be made to participate in the NR&R workshops of a host/neighbor command. The command is still responsible for addressing command-specific issues and policy updates and making proper service record entries of training received.

b. Navy Rights and Responsibilities Workshops.

(1) Newly Reporting Personnel NR&R Workshop. All personnel are required to attend a NR&R workshop within 90 days of reporting to a new permanent duty station. Commands must conduct training frequently enough to keep class size below 20 people. All lesson topics will be taught as per NR&R workshop course guide provided by Chief of Naval Education and Training (CNET). Critique sheets will be used as a means of feedback on workshop effectiveness.

(2) Annual All-Hands NR&R Workshop. Commands will hold an annual all-hands NR&R workshop which shall include sexual harassment prevention training; review of updated Navy EO policies and the Navy EO climate; and a forum for discussing CNO and command-specific issues. This workshop should be conducted in conjunction with the annual command assessment and use the training guide provided by CNET.

4. Command Assessment. A critical element to the ultimate effectiveness and success of a command's EO program is the ability of the command to accurately assess current EO status. The assessment focuses on the treatment and achievements of individuals, overall effectiveness of the command EO programs,

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and the follow-up actions on previously identified EO issues. The assessment uses command demographic information which includes objective data sources (statistics pulled from command records) as well as subjective data sources (interviews and observations) which identify perceptions and behaviors not evident in the records maintained by commands. A formal assessment is necessary, as informal assessments have repeatedly proven to be ineffective. This was highlighted in the 1988 CNO Study Group Report on Equal Opportunity in the Navy. Key elements of this assessment include:

a. The Command Assessment Team (CAT). The CAT is a group of individuals from the command trained to plan and conduct a command assessment as well as analyze the data collected. Each command shall appoint a CAT formally trained to conduct the command assessment. They can receive this training from a CNET activity, mobile training team (MTT) or by an Equal Opportunity Program Specialist (EOPS) assigned to a major command or staff. Documentation of this training shall be recorded in the member's service record.

(1) Mandatory membership will include the Executive Officer, at least one department head and the Command Master Chief (or equivalent). The command career counselor, personnel officer and/or legal officer should be members of the CAT where assigned. Remaining CAT members should be composed of a cross-section of command personnel in terms of paygrade, gender, race, and department. All CAT members, including the mandatory memberships, are required to receive formal training. This is not meant or intended to restrict the commander's prerogative of increasing the size or scope of the CAT. Regardless of team composition, the ultimate responsibility for CAT effectiveness remains with the commander.

(2) CAT members who have not performed in that capacity in over 24 months are required to repeat the formal training.

(3) CAT members should complete the Navy Equal Opportunity correspondence course (NAVEDTRA 13099-C) within three months of assignment to the assessment team.

(4) Prospective CAT members will have a minimum of 18 months remaining before their PRD from the date they are assigned (does not apply to mandatory membership).

b. Data Sources. The CAT is specifically trained in using the following resources to conduct command assessments:

(1) Command Records. These include command training records, records on the Sailor of the Month/Quarter/Year award file, meritorious mast records, records on discrimination and sexual harassment complaints, and retention files.

(2) Interviews. Interviews should be conducted to gain valuable information which can reveal not only what is actually happening in a command, but also what people perceive is happening and how they feel.

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(3) Observations. Conduct observations as a means of determining what people actually do or how they behave and interact without inadvertently disturbing the environment or injecting a bias.

(4) Surveys. Surveys should be taken to get an indication of the command climate. Surveys can be designed to tap information about a variety of topics, but they are not as sensitive as interviews in uncovering real issues and problems. They must be used in conjunction with other data gathering sources to get a valid, reliable data base to support a valid assessment. Commanders should use the questions listed in the Equal Opportunity Question Bank contained in the CAT indoctrination course guide provided by CNET as a guide for their surveys. Commanders may tailor their survey to include command-specific questions.

c. Collection and Maintenance of Demographic Data. One of the primary functions required as part of the annual command assessment is the collection of demographic data. Commands should determine the most effective methods of data collection to accommodate their organization. Demographic data will be collected on retention, advancement, and discipline.

(1) Demographics. All demographic data collection and analysis will be categorized by race/ethnic group, gender, paygrade, rating, division, and department.

(2) Retention Data. Reenlistment and separation data (raw numbers and percentages) will be collected and analyzed. Retention data will be compiled to provide information on those individuals eligible to reenlist as well as those ineligible. Separation data should be categorized to show types of separations by race/ethnic group.

(3) Advancement Data. Advancement data will be collected and analyzed on personnel in zone for advancement. The data will be categorized by: eligible for advancement, personnel recommended, personnel who were advanced, personnel who passed the exam but were not advanced, and personnel who failed.

(4) Discipline Data. Military justice data will be collected and analyzed to show the number and proportion of persons put on report, screened by the executive officer, dismissed, assigned Extra Military Instruction, referred to Commanding Officer's Mast and its results, and referred to courts-martial and its results. Types of punishment shall be analyzed for disparities in severity of punishment for similar offenses between race/ethnic groups and by gender.

(5) Retention of Assessment Data. The demographic data and the results of the command assessment will be retained for least 36 months at which time it may be destroyed.

d. Frequency of Assessment. Command EO assessments shall be conducted annually. Circumstances may arise requiring a special assessment focusing on a particular incident.

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5. Action Planning. Once command specific issues are identified, a systematic approach to address these problems is employed. This requires the CAT to define and to analyze the problem, generate and evaluate courses of action, and to recommend to the commander the most appropriate courses of action. The selected courses of action are then developed into plans of actions and milestones (FOA&M) and are monitored for the effectiveness.

6. Inspections. ISICs are responsible for inspecting the CMEO program as a special interest item during subordinate command inspections per reference (g). Inspectors will possess a thorough knowledge of all aspects of CMEO. Appendix A lists requirements. Assistance should be obtained by contacting commands with EOPS assigned. Inspection of subordinate commands can be conducted in conjunction with regularly scheduled ISIC command inspections. Interval of inspections will not exceed 36 months.

SECTION IV

PREVENTION OF SEXUAL HARASSMENT

1. Sexual Harassment Prevention

a. A Leadership/Management Issue. The Navy's long tradition of military professionalism is a result of positive, aggressive leadership and a history of taking care of all Navy members. Commanders, supervisors and subordinates are responsible to provide an environment free from sexual harassment.

b. Definition of Sexual Harassment. References (h) and (i) define sexual harassment as a form of sex discrimination that involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

(1) Submission to or rejection of 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 this person;

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

(4) Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcomed verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment.

c. What Sexual Harassment is Not. Sexual harassment is not an amusing or trivial issue. Not only does it have negative effects on the morale and productivity of servicemembers and negative consequences for team building and mission accomplishment, it may also be a violation of any of a number of articles contained in reference (j) as indicated in Table IV-1.

d. Leadership Responsibilities. Commanders and supervisors shall:

(1) Call to the attention of their personnel the SECNAV or OPNAV policies on sexual harassment and issue their own policy to clearly define such misconduct and firmly stating that it will not be tolerated.

(2) Provide all hands training to ensure that personnel know what sexual harassment is, that it is harmful to all involved, and that it will not be tolerated. This training is an integral part of the Navy Rights and Responsibilities (NR&R) workshop.

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(3) Make all hands aware of the avenues for seeking redress and actions that will be taken against personnel violating sexual harassment policies.

(4) Take prompt and decisive disciplinary action when sexual harassment occurs.

(5) Provide a good example by knowing what sexual harassment is and refusing to engage in it or condone it.

e. Responsibilities. All Department of the Navy personnel are expected to support this policy. This not only includes refraining from practicing prohibitive behavior but actively countering and reporting such actions promptly.

f. Complaints/Grievances/Reporting. Specific guidance on how to process and report equal opportunity and sexual harassment complaints is contained in Sections V and VI. Additional assistance is available from shore commands as described in Section II.

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TABLE IV-1

Examples of Conduct Which Might Constitute Both Sexual Harassment and an Offense Under the Uniform Code of Military Justice

| IF THE SEXUAL HARASSER: | THE SEXUAL HARASSER MAY ALSO BE GUILTY OF | IN VIOLATION OF |
|---|--|--------------------------------------|
| 1. THREATENS TO INFLUENCE ADVERSELY THE CAREER, SALARY OR JOB OF ANOTHER IN EXCHANGE FOR SEXUAL FAVORS. | EXTORTION. ASSAULT. COMMUNICATING A THREAT. | ART 127 ART 128 ART 134 |
| 2. OFFERS REWARDS FOR SEXUAL FAVORS. | BRIBERY AND GRAFT. | ART 134 |
| 3. MAKES SEXUAL COMMENTS AND/OR GESTURES. | INDECENT, INSULTING OR OBSCENE LANGUAGE PREJUDICIAL TO GOOD ORDER. PROVOKING SPEECH OR GESTURES. DISRESPECT. | ART 134 ART 117 ART 89, 91 |
| 4. MAKES SEXUAL CONTACT. | ASSAULT CONSUMMATED BY A BATTERY. INDECENT ASSAULT. RAPE. | ART 128 ART 134 ART 120 |
| 5. ENGAGES IN SEXUAL HARASSMENT TO THE DETRIMENT OF JOB PERFORMANCE. | DERELICTION OF DUTY. | ART 92 |
| 6. IS AN OFFICER. | CONDUCT UNBECOMING AN OFFICER | ART 133 |
| 7. IS CRUEL TO OR MALTREATS ANY PERSON SUBJECT TO HIS/HER ORDERS. | CRUELTY AND MALTREATMENT. | ART 93 |
| 8. USES HIS/HER OFFICIAL POSITION TO GAIN SEXUAL FAVORS OR ADVANTAGES. | FAILURE TO OBEY A LAWFUL GENERAL ORDER. | ART 92 |

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SECTION V

NAVY GRIEVANCE PROCEDURES

1. Discrimination Complaints/Grievance. One of the most important aspects of the equal opportunity program and one which requires constant attention on the part of the commander is the process whereby complaints of discrimination are considered and acted upon by the chain of command. Apart from their individual merits, legitimate complaints can provide valuable information about existing patterns of discrimination within a command. Taking firm, positive action in cases of valid complaints lends credibility to a commander's stated commitment to justice and equality of treatment for all personnel. The chain of command must be responsive to individuals who exercise their right to report a perceived discrimination.

2. Servicemembers' Rights and Responsibilities. Individuals who perceive that they have been discriminated against and/or harassed shall attempt to resolve the complaint at the lowest level possible and fully use the chain of command.

a. Servicemembers have the right to present any legitimate grievance to the command without fear of intimidation, reprisal, or harassment.

b. Servicemembers have the right to be educated on the Navy's Grievance Procedure and on procedures for appealing decisions.

c. Servicemembers have the right to communicate with the Commanding Officer concerning their complaint/grievance.

d. Servicemembers have the responsibility to advise the command of the specifics of discrimination complaints and to provide the command an opportunity to rectify, remedy or take appropriate action before the complaint/grievance becomes a formal one which is then brought to the attention of higher authorities.

e. Servicemembers have the responsibility to submit only legitimate complaints and to exercise caution against immature, or reckless charges.

3. Complaints/Grievance Procedures. The procedures an individual must follow to present a complaint/grievance are divided into two categories, informal and formal.

a. Informal Grievance Procedures. This is the first step in resolving a complaint and should be started at the lowest level possible.

(1) A complainant should first attempt to resolve the complaint/grievance with the person or persons involved. Assistance of the immediate supervisor in resolving the complaint may be requested as the circumstances require. Requests are normally done orally but may be requested in writing. If the object is the complainant's immediate supervisor, present the complaint to the next senior in the chain of command.

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(2) If the complaint cannot be resolved between complainant and the persons involved or with the help of immediate supervisors, then submit a request either in writing or orally in a timely manner for a commanding officer request mast. Reference (k), NAVREGS ART 1107, states the right to present a legitimate discrimination complaint to the commanding officer at a proper time and place -- this includes discrimination or sexual harassment complaints.

(3) If the resolution of the informal complaint is considered unjust, use the formal procedures for redress (relief). In all cases, it is the responsibility of the commander to inform the complainant of his/her right to submit a formal complaint and the method for making the submission.

(4) As discussed in Section II, shore commanders are required to assign a person to assist in resolving sexual harassment and EO complaints. This individual is available for assistance in determining the need for a grievance, the proper method of submission and should be consulted prior to submitting a formal complaint.

b. Formal Grievance Procedures

(1) If the grievance is against a superior in the same command, other than the commanding officer, submit a formal complaint, NAVREGS ART 1106, against that superior to the commanding officer. If complainant considers the commanding officer's resolution unjust, submit an UCMJ ART 138, "Complaint of Wrongs," against the commanding officer. Procedures are contained in chapter 11, Manual of the Judge Advocate General (JAGMAN). Individuals should be advised of their entitlement to military legal counsel for assistance in submitting this complaint.

(2) If the grievance/discrimination complaint is against a superior in another chain of command, submit the complaint to the commanding officer. The commanding officer will forward the complaint to the superior of the individual against whom the complaint is brought via his/her chain of command to the officer exercising general court-martial jurisdiction over the individual. After review and action by the appropriate authority, a report of proceedings is forwarded to the Secretary of the Navy (Judge Advocate General) for review and final action by the Secretary of the Navy.

(3) If the grievance/discrimination complaint is against complainant's commanding officer, submit an UCMJ ART 138 complaint. The complaint of wrong should be submitted via the chain of command to the person exercising general court-martial jurisdiction over the commanding officer. The complaint is reviewed and a report of proceedings is forwarded to the Secretary of the Navy (Judge Advocate General) for review and final action by the Secretary of the Navy.

4. Complaints/Grievances Related to Discharge and Records. Servicemembers who wish correction of service records or a change in discharge classification should write to the Board for Correction of Naval Records or the Naval Council of

Personnel Boards (Attn: Naval Discharge Review Board), Department of the Navy, Washington, DC 20370. These boards will supply forms and instructions necessary for applying for redress.

5. Grievance Poster. The grievance poster which publicizes the Navy's discrimination complaint/grievance procedures will be prominently displayed on a permanent basis by every command. This poster, "Navy Procedures For Processing Discrimination Complaints/Grievances For Military Personnel" can be obtained by submitting a Form DD 1348 to the Naval Publications and Forms Center, 5801 Tabor Ave., Philadelphia, PA 19120 (Stock # 0506-LP-175-5200).

6. Commander's Responsibilities. In processing equal opportunity and sexual harassment complaints/grievances, commanders shall:

a. Use careful judgment and discretion in deciding upon the procedures by which complaints can be most effectively investigated, reviewed, and acted upon.

b. Ensure that previous disciplinary action or poor judgment on the part of the complainant in no way invalidates or prejudices a discrimination complaint.

c. Document all reports of sexual harassment and discrimination complaints.

d. Ensure that prompt and appropriate action is taken.

e. Prevent backlash or reprisal against complainants or witnesses.

f. Provide feedback to complainants within a reasonable time.

g. Inform individuals of their right to submit a formal complaint and the method for making this submission.

h. Inform the individual of his/her entitlement to obtain legal military counsel for assisting in submission of grievance.

i. Publicize to all members of the command the assistance available in complaint processing from the local shore commander.

7. Prevention of Reprisal. The grievance system requires the trust and confidence of the personnel who must use that system. Too often, it is reported that servicemembers are afraid to use the Navy grievance system because of fear of reprisals. Therefore, it is mandatory that commanders impress upon every member of the command that any act of reprisal will be dealt with swiftly and severely.

a. Forms of Reprisals. Reprisals against a person submitting a grievance may be overt or subtle in nature. Examples include a reduction in fitness report/evaluation marks, inequity in watchstanding duties, or increased workload/watchstanding assignments. The severest forms of reprisals are not recommending personnel for advancement, retention, or specialized programs.

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b. Prevention. Commanders must set climate which makes it absolutely clear that their policy is zero tolerance for reprisals. When reprisals are reported, commands must aggressively determine the validity of such reports and take prompt disciplinary action against violators when appropriate. Prevention methods to assist commanders in maintaining an environment free of reprisals include:

(1) Regularly emphasizing the positive aspects of bringing to the command's attention acts of undesirable behavior.

(2) Periodically restating your policy against acts of reprisal and the severe punishment that violators will receive.

(3) Once a complaint/grievance has been initiated, actively following the individual's performance and evaluation to ensure no reprisals are taken. Additionally, assign a personal advocate for the complainant to ensure reprisal does not occur.

(4) Hold supervisors accountable for regularly documenting performance, especially in the case of declining performance by maintaining personal counseling records, submitting special evaluations, and taking other remedial actions.

(5) In extreme situations, the commander should consider temporarily transferring the complainant to another command until the issue is resolved.

8. Inspector General's Hotline. Sexual harassment allegations may be reported through the Inspector General's "Fraud, Waste, and Abuse Hotline." This alternate means of reporting harassment may be used if the complainant is not reasonably satisfied that the complaint has been/will be properly resolved by the chain of command. The number to call is AUTOVON 288-6743, commercial (202) 433-6743, or toll free 1-800-522-3451.

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SECTION VI

INCIDENT HANDLING AND REPORTING

1. Introduction.

a. Definition of a Racial Incident. A racial incident is an overt, damaging act directed toward an individual, a group, or an institution, whether spontaneous or organized by a group or an individual which is clearly motivated by and results in discriminatory considerations.

b. Criteria for Classifying Incidents. If an incident does arise, it must be reported. For reporting purposes, incidents are classified as either minor or serious. The classification of an incident as either minor or serious must be tempered by the commander's judgment. No latitude is allowed in classifying an incident with regard to personal injuries and/or deaths, arson, group presentation of demands, defiance of authority, or disobeying orders. Table VI-1 summarizes the criteria for classifying incidents. Examples of racial incidents include:

(1) An incident involving members of two or more racial/ethnic groups, which was triggered by racial factors or during the course of the incident, racial factors became an issue.

(2) An incident even if only members from one racial/ethnic group are involved, but is directed toward another racial/ethnic individual or group.

(3) Incidents involving members of the command actively expressing or demonstrating open support for known supremacist organizations.

c. Operational Reporting Procedures. Report serious racial incidents using OPREP-3 Navy Blue reports. Report minor racial incidents using the Unit Situation Report (UNIT SITREP). Procedures for reporting are described in reference (1).

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TABLE VI-1

Criteria for classifying Incidents

| CRITERIA/ CLASSIFICATION | NUMBER OF PARTICIPANTS | DURATION | PROPERTY DAMAGE | PERSONAL INJURY | RELATIONSHIP TO OTHER INCIDENTS | THREAT TO AUTHORITY OR MISSION |
|-----------------------------|---------------------------|-----------------------------------|---|---|---|---|
| MINOR | 2-5 | SHORT, LESS THAN 30 MINUTES | LITTLE OR NONE | | AN ISOLATED EVENT | NO THREAT TO AUTHORITY OR MISSION |
| SERIOUS | 6 OR MORE | MORE THAN 30 MINUTES | EXTENSIVE OR SERIOUS PROPERTY DAMAGE (i.e. ARSON) | PERSONAL INJURIES REQUIRING MEDICAL ATTENTION OR DEATH | (1) RELATED TO OTHER MINOR INCIDENTS OR (2) PRESS INTEREST ANTICIPATED OR HAS OCCURRED | (1) PRESENTATION OF DEMANDS AND/ OR DEFIANCE OF AUTHORITY OR (2) DISOBEDIENCE OF LAWFUL ORDERS MISSION IS/MAY BE THREATENED |

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SECTION VII

NAVY EQUAL OPPORTUNITY TRAINING

1. Navy's Equal Opportunity (EO) Training System Introduction and Overview.

The Navy's EO training system is designed to ensure individuals receive EO training commensurate with their level of leadership and responsibilities. Training at the command level serves to reinforce EO/sexual harassment prevention principles and requirements. Chief of Naval Education and Training (CNET) training activities will train command personnel to conduct EO training and command assessments. The Defense Equal Opportunity Management Institute (DEOMI) trains Equal Opportunity Program Specialists (EOPS) and provides them with the skills necessary to advise commanders on EO/sexual harassment prevention issues which include training, assessment, action planning, and community liaison programs.

2. Training Requirements

a. Career-Sequenced Approach. Navy EO training will be provided to service-members at appropriate phases in their professional development commensurate with their level of management responsibility and leadership position. To effectively accomplish this objective, the following key training points in officer and enlisted careers have been identified for EO training:

| <u>ACCESSION TRAINING</u> | <u>CAREER SPECIALIZATION</u> | <u>MANAGEMENT TRAINING</u> |
|-------------------------------|----------------------------------|--------------------------------|
| O USNA | SWOS - BASIC | SWOS - DEPT HEAD |
| F NROTC | SUB SCHOOL | SUB SCHOOL - DEPT HEAD |
| F OCS | NUC POWER SCHOOL | PCO/PXO |
| I AOCs | FLIGHT SCHOOL | DIVISION OFFICER |
| C | | AVIATION CO/XO |
| E | | |
| R | | |
| E RTC | APPRENTICESHIP TRNG | PETTY OFFICER - INDOC |
| N | | CHIEF PETTY OFFICER - INDOC |
| L | | |
| I | | |
| S | | |
| T | | |
| E | INSTRUCTOR TRAINING | |
| D | RTC CC SCHOOL | |

b. Expansion of Training. Similar training should be established for officer restricted line communities.

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c. Focus of Training. Equal opportunity training at identified training points will focus on three major areas: policy indoctrination, leadership skills, and the Navy's EO program:

(1) Policy Indoctrination. Equal opportunity training, at accession schools will instill the basic knowledge needed to function within the Navy environment. People entering the Navy are faced with not only a military culture but also a racially/ethnically diverse and mixed-gender workforce which functions under highly intense conditions in terms of time, space, and task. To facilitate adjustment, new personnel will be provided with a clear explanation of policy and the behavioral implications of the policy at all levels. This will also be addressed, as appropriate, in follow-on schools.

(2) Leadership Skills. Equal opportunity is a leadership responsibility and will be addressed as such in all EO curricula. Training will be sequenced so that EO leadership principles presented at each school are tailored to the specific functions graduates are expected to fulfill. Material presented at the early stages of a naval career is reinforced and expanded upon at later stages.

(3) EO Program. Specific elements of the Command Managed Equal Opportunity (CMEO) program, Navy grievance procedures, prevention of sexual harassment, and incident reporting will be discussed.

3. Command Level Training

a. Commands are required to conduct equal opportunity training for all hands as required in Section III.

b. CNET is the CMEO program model manager and the primary training source for CTTs and CATs. Training may be routinely requested using established procedures to obtain quotas at CNET training sites located at: Fleet Training Center, Norfolk, VA; Fleet Mine Warfare Training Center, Charleston, SC; Amphibious School, Coronado, CA; Submarine Training Center Pacific, Pearl Harbor, HI; and/or Naval Aviation Schools Command, Pensacola, FL. CTT and CAT members may also receive training from MITs from CNET or from EOPS assigned to major commands/staffs. Information on the location of EOPS may be obtained by contacting the EOPS Community Manager (NMPC-61F) at AUTOVON 224-2007 or commercial (202) 694-2007.

c. All CMEO training including content, procedures, and material is controlled and standardized by CNET with approval through Naval Military Personnel Command.

EQUAL OPPORTUNITY (EO) INSPECTION CHECKLIST

Command Managed Equal Opportunity (CMEO)

1. Command Training Team (CTT)
 - a. Are CTT members formally trained? Is the training documented in service record?
 - b. Is CTT size commensurate with the number of personnel assigned to the command?
 - c. If member has not performed in the capacity of a CTT member in excess of 24 months, has required repeat training occurred?
 - d. Does minimum CTT membership contain two members of paygrade E-6 or above?
2. Navy Rights and Responsibility (NR&R). Workshops
 - a. Is the command conducting NR&R workshops for all newly reporting personnel within 90 days of reporting?
 - b. Are all NR&R subjects presented as outlined in CNET-developed lesson plans? Is the entire eight-hour training session being efficiently used?
 - c. Is the command conducting the annual "Command-specific" NR&R Workshop for all hands.
 - d. Is NR&R workshop training documented in member's service record?
 - e. Are NR&R critique sheets used?
3. Command Assessment Team (CAT)
 - a. Are CAT members formally trained? Is the training documented in service records?
 - b. If member has not performed in the capacity of a CAT member in excess of 24 months, has required repeat training occurred?
 - c. Does the minimum mandatory membership include the Executive Officer, one Department Head, and the Command Master Chief or equivalent?
 - d. Is the command conducting annual command assessments?
 - e. Are the results of command assessments and supporting documentation maintained for at least 36 months?

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f. The following items are inspectable elements of CMEQ: actual data collected, collection process, assessment process, data availability, findings, adequacy of the Plan of Action and Milestones, and command assessment results.

g. Is the command conducting follow-up action on POA&M action items?

4. Is the command ensuring personnel with PRDs less than 18 months are not assigned to CTF?

5. Have all CTF/CAT members completed the EO correspondence course (NAVEDTRA 13099) within three months of assignment to the training/assessment team.

In addition, the following applies to Type Commander inspection of ISIC:

6. ISIC Inspection

a. Is the inspector thoroughly knowledgeable of the Navy EO program?

b. Is the frequency of inspection of subordinate commands in compliance?

c. Are the minimum inspectable items reviewed?

d. Are follow-up inspections conducted?

e. Is there a system for tracking subordinate commands not in compliance with CMEQ?

Policy and Procedures

1. Has the commander clearly and strongly stated his/her policies on EO, prevention of sexual harassment, and reprisals against individuals that submit grievances.

2. Is command policy current with DoD, SECNAV, and OPNAV directives, and understood throughout the command?

3. Are unit members aware of their responsibilities in support of the Navy's EO program and policies?

4. Are minorities and women being included in the composition of all boards, councils, and committees?

5. Has the Navy's grievance-procedures-poster been prominently displayed and has emphasis been placed on solving problems through the chain of command?

6. Does the command maintain data and disposition files of discrimination/sexual harassment complaints?

7. Are complaints being followed up to ensure resolution?
8. Are steps such as those outlined in the EO Manual being taken to prevent racial or other incidents?
9. Is the command familiar with the proper procedures for reporting incidents?
10. Is a person designated to assist individuals in resolving sexual harassment problems? Is this person an officer or senior petty officer?

Career Development

1. Are minorities and women provided equal opportunity for assignments?
2. Have qualified minority and female personnel been identified, encouraged, and counseled to apply for commissions.
3. Is Career Reenlistment Objectives (CREO) information being provided to all enlisted personnel to assist them in selecting viable and attractive career patterns (regardless of what is "traditional" or "non-traditional" for their group)?
4. Are assignments and collateral duties being made on the basis of talent and ability irrespective of what is "traditional" or "non-traditional" for a group?
5. Is the servicemember's support of EO considered when being evaluated? Is he/she aware that this is an important area of evaluation?
7. Are evaluations being made and fitness reports/evaluations being written on the basis of achievement and without regard to race, religion, gender, color, or national origin?

Education Training

1. Are supervisors participating in unit EO training as instructors, discussion leaders, or as resources for answering questions?
2. Are EO staff personnel trained and are they serving as good role models?
3. Have educationally deficient personnel been identified and counseled?
4. Is the command working with local education institutions to make educational opportunities available to personnel who could benefit from them?

Public Affairs

1. Has information been disseminated throughout the command stressing accomplishments of minority and women members?

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2. Are news releases being distributed to news media (including local and minority media) to publicize news policies and achievements in EO?
3. Are units and personnel being recognized for outstanding achievements in support of command EO program? Are unit members being encouraged to participate in host community affairs?
5. Are local community leaders -- both majority and minority -- being invited to tour the base and meet with EO personnel?
6. Are Navy role models invited to the command to speak and set the example for junior personnel?

Discipline

1. Is data on administration of discipline and administrative discharges monitored by race, religion, ethnicity, and gender?

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DEFINITION OF TERMS

Affirmative Action. Any program, policy, or procedure designed to address specific conditions that impede, curtail, inhibit, or preclude the achievement of equal opportunity.

Affirmative Action Plan (AAP). Comprehensive public document which sets forth goals and timetables to be met in recruiting and hiring and in striving to achieve equal opportunity for all personnel.

Command Assessment Team. Command personnel who are trained to plan and conduct a command assessment and analyze the command demographic data.

Commander. The head of an individual ship, unit or activity.

Complainant. Person complaining of discrimination or mistreatment.

Demographics. Factors such as age, race, ethnicity, gender, rank paygrade, designator/rating.

Discrimination. An act, policy or procedure that arbitrarily denies equal treatment to an individual or a group or individuals because of race, color, religion, gender, age, or national origin.

Equal Opportunity. Fair personnel management and development practices which allow individual achievement to be limited only by their aspirations, abilities and talents. Equal consideration and treatment within the laws based upon merit, fitness, and capability, without additional influence of race, color, religion, gender, or national origin.

Equal Opportunity Program Specialist (EOPS). Equal opportunity advisers to commanders of major commands/staffs, or as Command Managed Equal Opportunity (CMEO) training facilitators at fleet training centers.

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

Grievance Procedure. The process whereby individual complaints of discrimination are considered and acted upon by the chain of command.

Host-Community. A civilian community located in or near a military facility.

Milestone. A specific date by which progress toward an objective is measured.

Minority. A racial or ethnic group physically and/or culturally different from the majority. These groups include: Blacks, Hispanics, Filipinos, American Indians, Asian/Pacific Islanders, and others (those not included above).

Off-Limits. Area into which military personnel are not allowed.

Prejudice. A system of beliefs, feelings, and action-orientations regarding the members of a particular group.

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Racial Incident. An overt, damaging act directed toward an individual, a group, or an institution, whether spontaneous or organized by a group or an individual, which is clearly motivated by, or results in, discriminatory considerations.

Racism. The belief that some races are superior and some inferior. Acting on this belief to deny equal opportunity, treatment, and respect to members of races thought to be inferior.

Racist. The active advocacy of the inherent superiority of a particular race or the inferiority of a specific race and the members of that racial group.

Racist Organization. Any formal group which embraces a philosophy of racism.

Restrictive Sanctions. Action taken by a commander to keep military personnel from entering into a rental, lease, or purchase arrangement with, or moving into, a housing facility, the agent of which has been found to have discriminated against DoD personnel. Restrictive sanctions are effective against the agent and the facility and all other facilities owned or operated by the agent.

Relief for the Complainant. Action taken by a commander for the benefit of a complainant.

Sexism. Sexism is the transformation of prejudice based on sex through the exercise of power and authority against that group.

Sexual Harassment. "Unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, constitute sexual harassment 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 basis for career or employment decisions affecting this person; (3) such conduct has the purpose or effect of interfering with an individual's performance or creating an intimidating, hostile, or offensive environment."

Sexual Politics. Using sex, sexuality, or sexual attractiveness to obtain money, power, status, or other rewards.

Sexist. Individual who practices prejudice or discrimination based on gender.

Stereotype. A preconceived generalization associated with a racial or ethnic group that goes beyond existing evidence. The term can also apply to gender groups.

Supremacist. An advocate of a doctrine based on a belief in the inherent superiority of one race over another and the corresponding need to subordinate that race.

Title VII. The section of the Civil Rights Act of 1964 which specifically prohibits discrimination in hiring, firing, and employment. Equal Employment Opportunity Act of 1972 - Amended Title VII to place Federal employees under its coverage. Civil Service Reform Act of 1978 - Defines prohibited personnel practices in the Federal Government.

Training Resources

Training Bibliography
Movies/Tapes
Posters

CURRENT NAVY SEXUAL HARASSMENT TRAINING

Officer and Enlisted

Navy Rights and Responsibilities Workshop Course, NAVEDTRA 7524D, Lesson Topic 2.5, 45 minutes (Required annually)

General Military Training

Equal Opportunity in the Navy, NRTC 13099D

Navy Alcohol and Drug Safety Action Program (NADSAP), 30 minutes

DEOMI Equal Opportunity Program Managers Course, 120 minutes (attended by officers and senior enlisted personnel TAD from commands)

DEOMI Resident Course, 180 minutes (attended by equal opportunity program specialists and Navy staff officers assigned to DEOMI.)

Defense Equal Opportunity Management Institute, Patrick AFB, FL, 32825-6685, offers a 3.5 hour class which defines sexual harassment within the military setting and identifies its impact on resources. Commands may request a DEOMI mobile training team to provide training at the command's expense. For more information, call DSN 854-5976, CML 407-494-5976.

Officer

Officer Accession Equal Opportunity Training, 30 minutes (NAVEDTRA 7535 and 7536)

Naval Academy Equal Opportunity Training, 120 minutes (NL-303, Lessons 16 and 17)

Navy Leader Development courses

Officer Accession, 10 minutes

Division Officer, 15 minutes

Department Head, 10 minutes

Command Excellence, 10 minutes

Equal Opportunity for Prospective Executive Officers, 15 minutes (TYCOMS/community schools)

Equal Opportunity for Prospective Commanding Officers, 10 minutes (TYCOMS/community schools)

Enlisted

Enlisted Accession Equal Opportunity Training, 20 minutes (GMT Level I - NAVEDTRA 7537 and 7538)

"A" School Military Training, 30 minutes (GMT Level II - CIN A-012-0047)

Petty Officer Indoctrination Course, 15 minutes

Chief Petty Officer Indoctrination Course, 20 minutes

Navy Leader Development courses

Leading Petty Officer, 15 minutes

Chief Petty Officer, 15 minutes

Command Master Chief, 10 minutes

Recruit Company Commander School, 60 minutes

Command Training Team Instructor, 75 minutes (NAVEDTRA 7524D)

Senior Enlisted Academy, 150 minutes (P-00-1300)

SEXUAL HARASSMENT TRAINING RESOURCES

Training Videos/Films

SEXUAL HARASSMENT PREVENTION, PIN 805014 (1990) -- A Navy Equal Opportunity Specialist conducts a seminar which defines and outlines the Navy's policy on sexual harassment; uses examples, role playing and audience interaction to outline what is and is not sexual harassment; and outlines responsibilities of potential victims of sexual harassment and the command's responsibilities toward the potential victim. Target audience is supervisory/management personnel and general military personnel (except E-4 and below). Unclassified. Formats available: U-Matic, Beta II or II, VHS. 36 minutes.

TRAINING IN PREVENTION OF SEXUAL HARASSMENT, PIN 504375 (1990) -- This four-part presentation deals with sex-role stereotyping, supervisor counseling skills, coping skills and techniques for compliance. Target audience is all military and civilian personnel. Unclassified. Formats available: U-Matic, Beta II or II, and VHS. 15 minutes.

SEXUAL HARASSMENT AND DISCRIMINATION ISSUES (NROTC), PIN 805056 (1990) -- This lecture provides an overview of sexual harassment and discrimination issues, including EEO policy, discrimination as defined by law, reprisal and retaliation, sexual harassment and sex-role stereotyping. Example cases are presented. Available in VHS format. Unclassified. 38 minutes.

Mail-order temporary loan requests must be submitted in writing on command letterhead to:

Commanding Officer, Naval Education and Training Support Center,
Atlantic, Norfolk, VA 23511-6197
DSN 564-4011/1468

Commanding Officer, Naval Education and Training Support Center,
Pacific, San Diego, CA 92131-5105
DSN 522-1359/1360

All temporary loan requests must include the following minimum information:

Production Identification Number (PIN) (i.e., 805014)
Title/subtitle of production
Classification of production
Media format desired, with alternate
Desired exhibition date
Requestor's account number, if available (NOTE: Navy command account numbers are based on Unit Identification Codes (UIC))
Requestor's full name, title/code and telephone number.
Complete mailing address

Productions are available free of charge for a standard loan period of two weeks. Navy ships and deploying units may extend the loan period to cover the length of deployment. Commands may request extended loans with appropriate justification. Requests from commands located in the continental United States must be received at least 14 days prior to the desired exhibition date to allow for processing, packaging and mailing time. Requests from overseas commands must be received at least 25 days prior to the desired exhibition date to allow for three-week mailing time.

Grievance Poster

The grievance poster which publicizes the Navy's discrimination complaint/grievance procedures must be prominently displayed on a permanent basis by every command. This poster, "Navy Procedures for Processing Discrimination Complaints/Grievances for Military Personnel," can be obtained by submitting a Form DD 1348 to the Naval Publications and Forcms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. (Stock # 0506-LP-175-5200)

Hotline Poster

The Hotline Poster assists commands in publicizing the program within their areas of responsibility. The poster can be ordered from Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, using the following forms and stock numbers.

| <u>Hotline Poster</u> | <u>Form</u> | <u>Stock Number</u> |
|---------------------------------|-------------------|---------------------|
| 8 1/2 x 11 (adhesive backed) | OPNAV Form 5040/4 | 0107-LF-050-4040 |
| 11 x 14 (non-adhesive) | OPNAV Form 5040/3 | 0107-LF-050-4030 |

Locally Produced Posters

Commands are encouraged to produce posters locally to publicize Navy grievance procedures and command equal opportunity representatives. A sample poster produced on basic word processing equipment is included in this training package.

NAVY PROCEDURES FOR THE PROCESSING OF SEXUAL HARASSMENT/DISCRIMINATION COMPLAINTS FOR MILITARY PERSONNEL



NAVY POLICY STATEMENT

The policy of the Navy and of the command is to conduct matters free from arbitrary discrimination, and to provide equal opportunity and fair treatment for all persons without regard to race, color, religion, gender, age or national origin.

YOUR RIGHTS

TO present any legitimate complaint to the command without fear of intimidation, reprisal or harassment.

TO be educated on the Navy' complaint and appealing procedures.

TO communicate with the commanding officer concerning your complaint.

TO military legal assistance in submitting formal complaints.

YOUR RESPONSIBILITIES

TO advise the command of the specifics of sexual harassment/discrimination complaints and to provide the command an opportunity to rectify, and remedy or take appropriate action, before the complaint becomes formal and is brought to the attention of higher authorities.

TO submit only legitimate complaints and to exercise caution against immature or reckless charges.

The procedures that must be followed to present a complaint are divided into two categories, informal and formal.

All shore commanders have an officer or chief petty officer designated to assist in resolving discrimination and sexual harassment problem.

This individual is knowledgeable of sexual harassment prevention, equal opportunity policies, and procedures for processing complaints.

COMPLAINTS RELATED TO DIS- CHARGE AND RECORDS

Write to the Board for Correction of Naval Records or the Naval Council of Personnel Boards (attn: Naval Discharge Review Board), Department of the Navy, Washington D.C., 20370-5000. These boards will supply forms and instructions necessary to apply for redress.

INFORMAL COMPLAINT PROCEDURES

*First, attempt to resolve the complaint with the person (s) involved.
(Resolve at the lowest possible level)*

REVIEW BY IMMEDIATE SUPERVISOR

Assistance of the immediate supervisor may be requested as the circumstances require. Requests are normally done verbally but may be requested in writing.

If the object of your complaint is the immediate supervisor, present the complaint to the next senior in the chain of command.

REQUEST FOR COMMANDING OFFICER'S MAST

If the complaint cannot be resolved with the above methods, submit a request in writing for commanding officer's request mast.

If the resolution of the informal complaint is considered unjust, use the formal procedures.

FORMAL COMPLAINT PROCEDURES

Redress of Wrong Committed by a Superior (NAVREGS ART 1150)

If the grievance is against a superior in the same command, other than the commanding officer, submit the formal complaint to the commanding officer. If you consider the resolution unjust, submit a complaint against the commanding officer (see below).

If the grievance is against a superior in another chain of command, submit the complaint through your commanding officer. The complaint will then be forwarded to the appropriate individual.

Complaint Against Your Commanding Officer (UCMJ ART 138)

The "complaint of wrong" should be prepared with a Legal Officer and submitted via the chain of command to the person exercising general courts-martial authority over the commanding officer. Where an Article 138 complaint is submitted, a report of proceedings is forwarded to the Secretary of the Navy for review and final action.

PERTINENT REFERENCES FOR COMPLAINT PROCEDURES:

Uniform Code of Military Justice (ART 138)
U.S. Navy Regulations, 1990 (ART 1150 & 1151)
Manual of the Judge Advocate General, Chapter 3
OPNAVINST 5354.1 (Navy EO Manua)

NAVY INSPECTOR GENERAL FRAUD WASTE & ABUSE HOTLINE FOR SEXUAL HARASSMENT COMPLAINTS THAT ARE NOT ADDRESSED.

AUTOVON: 288-6743
COMMERICAL: (202) 433-6743
TOLL FREE: 1-800-522-3451



"WE TAKE CARE OF OUR OWN"

- TO REQUEST ANY PERSONAL ASSISTANCE YOU MAY NEED;
- OR
- TO REPORT FRAUD, WASTE, AND ABUSE IN NAVY ACTIVITIES.

**AUTOVON
288-6743**

**CALL TOLL FREE
1-800-522-3451**

**COMMERCIAL
202-433-6743**

OR WRITE
The Naval Inspector General
Attn: Navy Hotline
Bldg. 200
Washington Navy Yard
Washington, D.C. 20374-2001

REMEMBER TO USE YOUR CHAIN OF COMMAND FIRST!

If you have a problem with

RACISM ...
SEXUAL HARASSMENT ...
or
DISCRIMINATION in any form ...

You don't have to go to Washington for help.

Just tell your **SUPERVISOR ...**

or call

Name _____

at

Number _____

Let us help you find a solution!!!