

OPNAVINST 5354.1G
24 Jul 2017

**NAVY EQUAL
OPPORTUNITY
PROGRAM
MANUAL**



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

OPNAVINST 5354.1G
N17
24 Jul 2017

OPNAV INSTRUCTION 5354.1G

From: Chief of Naval Operations

Subj: NAVY EQUAL OPPORTUNITY PROGRAM

Ref: See appendix A

1. Purpose

a. To issue policies and standards to aid in the prevention of harassment and unlawful discrimination throughout the Navy, define requirements, and assign responsibility for implementation of the Navy Equal Opportunity (EO) Program per references (a) through (m).

b. This is a complete revision and should be reviewed in its entirety. A summary of changes to this instruction are outlined in subparagraphs 1b(1) through 1b(7).

(1) Oversight for the sexual harassment prevention and response program has been removed from this instruction. A separate sexual harassment prevention and response instruction has been developed, under OPNAVINST 5300.13.

(2) Establishes command climate specialist (CCS) billets at echelon 2 commands and echelon 3 commands with subordinate commands.

(3) Includes sexual orientation as a basis for unlawful discrimination, includes gender identity as a form of sex discrimination, and prohibits harassment based on race, color, religion, sex (including gender identity), national origin, and sexual orientation.

(4) Provides a more detailed responsibilities section.

(5) Implements a standardized informal report process and an anonymous report process and enhances the formal report process.

(6) Provides a harassment or unlawful discrimination retaliation awareness brief.

(7) Details the command climate assessment process, to include renaming the command assessment team to the command resilience team (CRT).

2. Cancellation. OPNAVINST 5354.1F.

3. Applicability

a. This instruction applies to the personnel contained in subparagraphs 3a(1) through 3a(3).

(1) All Navy personnel, both active and reserve, midshipmen of the United States Naval Academy (USNA) and the Naval Reserve Officers Training Corps (NROTC) while on active duty for training.

(2) Reserve personnel when performing active or inactive duty for training, or engaging in any activity directly related to the performance of a Department of Defense (DoD) reserve duty or function.

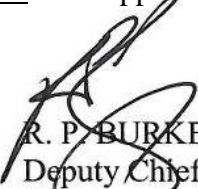
(3) Members of other Services when assigned or attached to a Navy unit.

b. Civilian employees who raise allegations of harassment or unlawful discrimination must be referred to the appropriate servicing equal employment opportunity (EEO) office.

4. Records Management. Records created as a result of this instruction, regardless of media and format, must be managed per reference (a).

5. Review and Effective Date. Per OPNAVINST 5215.17A, the Office of the Chief of Naval Operations (OPNAV), Twenty-First Century Sailor Office (N17), will review this instruction annually on the anniversary of its effective date to ensure applicability, currency, and consistency with Federal, DoD, Secretary of the Navy (SECNAV), and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. This instruction will automatically expire 10 years after effective date unless reissued or canceled prior to the 10-year anniversary date, or an extension has been granted.

6. Forms and Information Management Control. See appendix B.


R. P. BURKE
Deputy Chief of Naval Operations
(Manpower, Personnel, Training
and Education)

Releasability and distribution:

This instruction is cleared for public release and is available electronically only via Department of the Navy Issuances Web site, <http://doni.documentservices.dla.mil>

TABLE OF CONTENTS

Chapter 1	GENERAL INFORMATION	
1.	Purpose	1-1
2.	Policy	1-1
3.	Effective Communication in the Workplace	1-4
Chapter 2	RESPONSIBILITIES	
1.	Deputy Chief of Naval Operations (Manpower, Personnel, Training and Education) (CNO N1)	2-1
2.	The Navy Sexual Harassment Prevention and Equal Opportunity Office (OPNAV N173)	2-1
3.	NAVINSGEN and Echelon 2 IG	2-2
4.	NETC	2-3
5.	Naval War College	2-4
6.	Commander, Commanding Officer, and Officer in Charge	2-4
7.	CRT	2-7
8.	CCS	2-8
9.	CMEO Program Manager	2-11
10.	Service Member	2-12
Chapter 3	PROCEDURES FOR SUBMITTING, HANDLING, AND RESOLVING INFORMAL HARASSMENT AND UNLAWFUL DISCRIMINATION REPORTS	
1.	General Guidelines	3-1
2.	Complainant Responsibilities	3-1
3.	Command Responsibility	3-1
	Figure 3-1 Informal Report Process Flow Chart	3-3
Chapter 4	PROCEDURES FOR SUBMITTING, HANDLING, APPEALING, AND REPORTING FORMAL HARASSMENT AND UNLAWFUL DISCRIMINATION REPORTS	
1.	General Procedures	4-1
2.	Complainant Responsibilities	4-2
3.	Command Responsibility	4-3
4.	Appeal Process	4-6
	Figure 4-1 Formal Report Process Flow Chart	4-7

Chapter 5	PROCEDURES FOR SUBMITTING, HANDLING, APPEALING, AND REPORTING ANONYMOUS HARASSMENT AND UNLAWFUL DISCRIMINATION REPORTS	
1.	General Guidelines	5-1
2.	Command Responsibility	5-1
Chapter 6	TRAINING	
1.	Training	6-1
2.	Command Indoctrination Program	6-1
3.	Annual EO Training	6-1
4.	Leadership Training	6-1
5.	CMEO Program Manager Training	6-1
6.	Sustainment Training	6-2
7.	Annual CCS Certification Training	6-2
8.	Leadership Training Awareness Seminar (LTAS)	6-2
<u>Appendices</u>		
Appendix A	- References	A-1
Appendix B	- Forms and Information Management Control	B-1
Appendix C	- Definitions	C-1
Appendix D	- Abbreviations and Acronyms	D-1
Appendix E	- Informal Resolution System	E-1
Appendix F	- Command Managed Equal Opportunity Program Manager Designation Letter	F-1
Appendix G	- Command Climate Specialist Checklist	G-1
Appendix H	- Command Managed Equal Opportunity Program Checklist	H-1
Appendix I	- Command Climate Assessment Process	I-1
Appendix J	- Command Climate Assessment Executive Summary	J-1
Appendix K	- Equal Opportunity Annual Climate Assessment	K-1
Appendix L	- Equal Opportunity Resources	L-1
Appendix M	- Harassment or Unlawful Discrimination Report Retaliation Awareness	M-1
Appendix N	- Command Resilience Team Non-Disclosure Document	N-1

CHAPTER 1
GENERAL INFORMATION

1. Purpose. To implement references (b) through (e) that direct Department of the Navy (DON) policy and provide guidance on EO. Commanders, commanding officers, and officers in charge (hereafter referred to as commanders) must take action and be held accountable for implementation and enforcement of the provisions of this instruction. Interpretation of this instruction must be governed by the definitions in appendix C. The abbreviations and acronyms used throughout this instruction are outlined in appendix D.

2. Policy

a. The objective of the command managed equal opportunity (CMEO) program is to promote an environment free from personal, social, or institutional barriers that prevent Service members from rising to the highest level of responsibility possible. Service members must be evaluated only on individual merit, fitness, capability, and performance.

b. The chain of command is the primary and preferred channel for identifying and correcting discriminatory practices. This includes the processing and resolving of reports of harassment and unlawful discrimination and ensuring that human relations and EO matters are taken seriously and acted upon as necessary. The chain of command is responsible for creating and maintaining a military equal opportunity (MEO) environment that incorporates the policies set out in this instruction.

c. The Navy is comprised of men and women who work together to accomplish the mission. Each member of the Navy is entitled to be treated with dignity and respect and to work in an environment free of harassment and unlawful discrimination. Additionally, each member is expected to abide by the Navy core values of honor, courage, and commitment. The MEO program promotes EO as being critical to mission accomplishment, unit cohesiveness, and military readiness. Harassment and unlawful discrimination must not be ignored or condoned.

d. As stated in references (b) and (c), it is DoD policy and, as stated in reference (d), it is DON policy to prohibit harassment and unlawful discrimination against persons or groups based on race, color, religion, sex (including gender identity), national origin, or sexual orientation. This applies to, but is not limited to, recruitment, recruitment advertising, training, advancement and promotion, job assignments, collateral duties, transfers, and all other aspects of employment. The Navy is committed to maintaining a work environment that is free of harassment and unlawful discrimination.

e. The Navy has zero tolerance for harassment and unlawful discrimination. Acts of harassment and unlawful discrimination are contrary to the Navy core values of honor, courage, and commitment. Service members who model the Navy core values do not engage in demeaning or negative behaviors nor condone these actions in others. Those who commit

harassment or unlawful discrimination as prohibited by this instruction are subject to adverse administrative or disciplinary action. The full range of administrative and disciplinary actions is available to address substantiated harassment or unlawful discrimination allegations. These include, but are not limited to, formal counseling, comments in fitness reports and evaluations, non-judicial punishment (NJP), courts-martial, and administrative separation.

f. Service members who use the informal, formal, or anonymous report process, and those in the review or investigative process, will be free from interference, coercion, discrimination, or retaliation during all facets of the submission and processing of a grievance or any time thereafter. Retaliation will be reported immediately to a supervisor, EO representative, the commander, or an inspector general (IG).

Note: All reports of reprisal should be reported to an IG.

(g) Harassment, unlawful discrimination, and retaliation are also prohibited against individuals for participating in protected communications (MEO process). This includes contacting a CCS or a CMEO program manager, filing a harassment or unlawful discrimination report, and testifying or participating in an MEO investigation or proceeding.

(1) Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance regardless of the means of communication (oral, written, e-mail, text messages, social media, etc.).

(2) Complainants are encouraged to inform the alleged offender directly that the conduct is unwelcome and must stop however this is not required.

(3) If the behavior does not stop, the complainant should report the harassment to leadership at the lowest appropriate level at an early stage to prevent its escalation.

(4) Leadership will strive to create an inclusive climate in which persons feel free to raise concerns about harassment or unlawful discrimination and are confident that those concerns will be addressed.

h. Commanders are responsible for ensuring EO for all assigned personnel. The CMEO program is intended to be one of many of the commander's tools for the prevention of unprofessional behavior and for ensuring EO goals are obtained. Leadership has the authority and responsibility to ensure that the Navy core values are integrated into our daily business.

i. Prevention is the best tool to eliminate harassment and unlawful discrimination. Commanders and supervisors at every level must clearly communicate that harassment and unlawful discrimination will not be tolerated.

j. Any Service member who believes he or she has been subjected to harassment or unlawful discrimination is encouraged to utilize the informal resolution system as outlined in appendix E. If the Service member is not satisfied with the informal resolution system he or she should contact the CCS or CMEO program manager to determine available resolution options. Policy guidance or assistance is also available by calling the Navy Sexual Harassment and Equal Opportunity Advice Line at (800) 253-0931. All reports must be treated sensitively. Feedback will be provided to all affected individuals consistent with the requirements of the Privacy Act, Freedom of Information Act, and other pertinent laws, regulations, and negotiated agreements.

k. As stated in references (b) through (d) harassment and unlawful discrimination are prohibited.

(1) Reports of harassment and unlawful discrimination must be processed as directed in chapter 3, chapter 4, or chapter 5.

(2) Individuals must not:

(a) participate in any organization that espouses supremacist causes, attempts to create illegal discrimination based on race, color, religion, sex (including gender identity), national origin, or sexual orientation, advocates the use of force or violence against the government of the United States, the government of any State, territory, district, or possession thereof, or the government of any subdivision therein, or otherwise engages in efforts to deprive individuals of their civil rights;

Note: The term “participate” includes acts or conduct performed alone or in concert with another, such as demonstrating, rallying, fundraising, recruiting, training, organizing, or leading such organizations. The term “participate” also includes engaging in any other activities in relation to such organizations or in furtherance of the objectives of such organizations, when such activities are detrimental to good order, discipline, or mission accomplishment. Further guidance is provided in reference (f).

(b) retaliate, as defined in reference (g), against a person who provides information on an incident of alleged harassment or unlawful discrimination;

(c) knowingly make a false allegation of harassment or unlawful discrimination; and

(d) condone or ignore harassment or unlawful discrimination.

l. This instruction and the prohibition of discrimination and supremacist and extremist activities found in reference (e), articles 1164, 1166, and 1167, are lawful general orders effective without further implementation.

3. Effective Communication in the Workplace. The operational language of the Navy is English. Navy personnel must maintain sufficient proficiency in English to perform their official duties. All official communications must be understood by everyone who has a need to know their content. Commanders may require Navy personnel to use English only when such use is necessary for the performance of official duties. Accordingly, commanders, supervisors, and managers at all levels must not require use of English for personal communications that are unrelated to official duties.

CHAPTER 2
RESPONSIBILITIES

1. Deputy Chief of Naval Operations (Manpower, Personnel, Training and Education) (CNO N1)

- a. Establish and maintain a robust MEO program by maintaining sufficient full-time staff positions and allocating sufficient resources to conduct oversight to the Navy EO Program.
- b. Report Navywide climate assessment results to the fleet.
- c. Ensure that all military personnel, including command selectees, flag officers, and senior executive service (SES) officials, receive adequate training in MEO, and human relations on a recurring basis, and at all levels of professional military education.
- d. Ensure that all personnel may participate equally in all occupational areas and warfare specialties within legal bounds.
- e. Ensure leadership opportunities and an equitable assignment process exists for all personnel.
- f. Ensure EO for promotion and advancement exists for all personnel.

2. The Navy Sexual Harassment Prevention and Equal Opportunity Office (OPNAV N173)

- a. Monitor the Navy's progress toward accomplishing EO goals and a positive command climate as directed by references (b) through (d).
- b. Develop and implement standards for holding leaders accountable for promoting, supporting, and enforcing MEO policies, plans, and programs.
- c. Develop results oriented performance measures to assess effectiveness of MEO policies and programs.
- d. Provide reports via appropriate channels as required to the Office of Diversity Management and Equal Opportunity at the Office of the Secretary of Defense.
- e. Annually provide an EO climate assessment to the OPNAV N17 describing the "health" and organizational effectiveness of the Navy (using the data collected from Naval Inspector General (NAVINSGEN), fleet commanders, echelon 2 commands, and the Defense Equal Opportunity Management Institute (DEOMI) organizational climate survey (DEOCS)).
- f. Use the annual EO climate assessment results to gauge the effectiveness of EO initiatives.

- g. Provide overall direction, guidance, support, and leadership for the management of fleet and force command climates.
- h. Provide overall direction, guidance, support and oversight to CCSs and CMEO program managers.
- i. Serve as program manager and community advisor for CCSs, Navy enlisted classification code 9515.
- j. Accompany NAVINSGEN on area visits to review specific EO questions or issues, and to capture the unique insights of local CCSs, CMEO program managers, and others regarding EO program performance and the concerns of individual Sailors. Provide follow-up NAVINSGEN assessment visits of echelon 2 EO programs every 2 years and report results to the echelon 2 commander and OPNAV N17.
- k. Recognize the unique characteristics of the reserve component when establishing programs and procedures for processing harassment and unlawful discrimination reports involving Selected Reserve (SELRES) personnel.
- l. Maintain an official toll-free Navy sexual harassment and EO advice line. Ensure any personnel responding to inquiries are fully trained to address situations involving members of the reserve component in addition to active duty personnel.
- m. Coordinate with Naval Education and Training Command (NETC) and DEOMI to develop and maintain Navy Service specific training.
- n. Coordinate with NETC to develop and maintain CMEO program manager training.
- o. Conduct an onsite Navy EO brief to Navy Service specific classes at DEOMI to answer concerns and questions and inform students of systemic EO trends and issues within the fleet.
- p. Conduct annual face-to-face CCS certification summit in collaboration with NETC. This summit must be used to reinforce this instruction, provide instruction updates, share best practices, and examine trends.
- q. Maintain an official Navy EO Web site at http://www.public.navy.mil/bupers-npc/support/21st_Century_Sailor/equal_opportunity/Pages/default.aspx.

3. NAVINSGEN and Echelon 2 IG

- a. Provide a summary of hotline allegations involving harassment and unlawful discrimination by 15 November annually to OPNAV N173. Summary must include the total

number of harassment and unlawful discrimination reports; race, sex, and ranks of the complainant(s) and alleged offender(s); number of substantiated or unsubstantiated reports; and, if substantiated, the administrative or disciplinary action that resulted.

b. Provide a summary of allegations against flag officers or SES officials relating to harassment and unlawful discrimination by 15 November annually to OPNAV N173. Summary must include the total number of harassment and unlawful discrimination reports; race, sex, and ranks of the complainant(s) and alleged offender(s); number of substantiated or unsubstantiated reports; and, if substantiated, the administrative or disciplinary action that resulted. NAVINSGEN is the investigative authority for all harassment and unlawful discrimination reports against flag officers and SES officials.

c. Include specific assessments of EO programs in all command inspections and area visits, and ensure that subordinate IGs include EO program assessments in their own unit-level inspection programs. Provide copies of all EO program findings to OPNAV N173.

4. NETC

a. Function as Navy EO training manager and developer of overall Navy training strategies from entry through executive levels.

b. Coordinate with OPNAV N173 and DEOMI to develop and maintain Navy Service specific training and curriculum for DEOMI students.

c. Develop, conduct, and maintain formal CMEO program manager training (approved by OPNAV N173) for CMEO program manager students.

d. Ensure that all EO training is up-to-date with current policy and includes instructions on understanding accountability and report processing responsibility, informal and formal resolution options, characteristics and prevention of harassment and unlawful discrimination, and the relationship between leadership and a professional command climate.

e. Ensure annual general military training (GMT) includes EO training and grievance procedure instructions as required by reference (d). Track and report completed GMT documented in Fleet Training Management and Planning System (FLTMPS) to OPNAV N173 on a quarterly basis.

f. Coordinate with OPNAV N173 to conduct annual face-to-face CCS certification summit. This summit must be used to reinforce this instruction, provide instruction updates, share best practices, and examine trends.

5. Naval War College. Ensure EO training at Navy Leadership and Ethics Center and the Senior Enlisted Academy includes:

- a. the relationship between leadership and a professional command climate;
- b. instruction in understanding accountability and responsibility and harassment and unlawful discrimination prevention strategies;
- c. the commander's role with the CRT and the command climate assessment;
- d. the role of the CCS and CMEO program manager;
- e. the methods for filing reports, what must occur when a report is filed, an explanation of the report timelines, and other external methods to seek redress; and
- f. the harassment and unlawful discrimination investigation process and potential disciplinary actions based on substantiated harassment and unlawful discrimination allegations.

6. Commander, Commanding Officer, and Officer in Charge

- a. Within 30 days of assuming command and along with the deputy, executive officer (XO), or assistant officer in charge, and senior enlisted leader, obtain a one-on-one EO and command climate brief from their respective CCS.
- b. Promote a positive command climate.
- c. Establish a CCS billet at all echelon 2 commands. Echelon 3 commands that have subordinate commands must establish a CCS billet to provide enhanced oversight of their command and subordinate command climates.

Note: Aircraft carriers must have two CCS billets and at least one of the CCSs assigned must be an E-7 or above. CCSs assigned to aircraft carriers and amphibious assault ships must be utilized as the carrier strike group or amphibious readiness group subject matter expert on all matters relating to EO and command climate assessments while the strike group or amphibious readiness group commander is embarked.

- d. Ensure members assigned as CMEO program managers complete the CMEO manager course prior to appointment (unless they previously completed the course, but not more than 3 years prior to appointment). The CMEO program manager assignment must not create a conflict of interest with other duty assignments (i.e. member of the command TRIAD, legal officer, etc.). The CMEO program manager will be designated in writing, sample letter provided in appendix F.

Note: All commands must be staffed with a minimum of one CMEO program manager. The CMEO program manager must be an E6 or above with 8 or more years of service and at least 24 months remaining in the command. CMEO program managers must serve in this position for a minimum of 24 months. Any deviations from this instruction for assignment of a CMEO program manager need to be approved, in writing, by the immediate superior in command (ISIC).

- e. Develop, disseminate, and enforce an EO policy statement which must include expectations regarding EO and procedural compliance.
- f. Ensure that a comprehensive visual inspection throughout the command is conducted on a regular basis, not less than annually to ensure all workplaces and common access spaces are free from materials that create a degrading, hostile, or offensive work environment.
- g. Monitor their command and subordinate command's command climates.
- h. Ensure the command's EO program complies with all items cited in appendices G and H, as applicable.
- i. Assist subordinate commands as necessary in their implementation of this instruction.
- j. Ensure assessments and inspections of subordinate commands' EO programs are being conducted annually utilizing appendices G and H.
- k. Ensure establishment of a CRT.
- l. Complete a command climate assessment within 90 days after assumption of command and every 9 to 12 months as follow-up assessments during their command tenure. The command climate assessment process is outlined in appendix I. Utilize appendix J to prepare the command climate assessment executive summary.

Note: Commands must include attached civilian personnel in the administration of the command climate assessment (contractors are not authorized to take the survey). Supported commands must include their SELRES personnel in the administration of their command climate assessment. SELRES personnel attached to voluntary training units and operational support units will be included in the Navy operational support center (NOSC) command climate assessment. All SELRES attached to a commissioned unit must participate in the command climate assessment with their supported command.

- m. Ensure command demographics for collateral duty assignments, retention, discipline, advancement, and awards are reviewed quarterly by race, ethnicity, sex, paygrade, and rank.

This data is available within the command (i.e., legal and administrative offices). Command demographics must be reviewed by the CRT and maintained in the CMEO program manager's file for 3 years. Demographic data is available from FLTMPs.

Note: The maintenance and frequent review of statistical data relating to personnel can alert commanders to the development of trends and patterns that may affect the command's climate.

- n. Ensure the anonymity and confidentiality of responses to interviews, focus groups, surveys, etc., in support of an assessment is protected. However, this does not extend to comments that are in violation of reference (h).
- o. Ensure subordinate commanders assess their command climate within 90 days after assuming command, with follow-up assessments completed every 9 to 12 months during their command tenure. The command climate assessment process, to include exceptions to reference (i), is outlined in appendix I.
- p. Maintain a copy of all subordinate command executive summaries for 3 years.
- q. Submit by 15 November annually, an annual climate assessment utilizing appendix K. Echelon 2 commands must submit to OPNAV N173, echelon 3 commands must submit to their respective echelon 2 command, and echelon 4 and lower commands must submit to their respective echelon 3 command or ISIC. The annual climate assessment will reflect the command climate assessments of all commands within the enterprise.
- r. Ensure DON procedures for processing harassment and unlawful discrimination reports are prominently displayed. The Equal Opportunity Information Poster (NAVPERS 15600E), stock number (S/N) 0500-LP-113-6362, must be displayed and include the name and telephone number of the command's points of contact (CCS, CMEO program manager, and the appropriate servicing EEO office) for EO issues. See appendix L for additional details.
- s. Ensure all individuals are familiar with their right to submit an informal, formal, or anonymous harassment and unlawful discrimination report and the methods for submission.
- t. Ensure personnel are aware of the policies and procedures for filing a report of retaliation in line with reference (g).
- u. Promote the chain of command as the primary and preferred channel to identify, process, and resolve reports of harassment and unlawful discrimination.
- v. Use chapter 4 for the processing of formal reports. Upon receipt of a formal harassment or unlawful discrimination report, ensure appendix M is reviewed by the complainant, alleged offender, witnesses, and the CCS or CMEO program manager.

- w. Utilize chapter 5 for the processing of anonymous reports that result in an investigation.
- x. Consult a CCS to provide analysis and recommendations regarding all informal, formal, and anonymous harassment and unlawful discrimination reports as well as any other issues that affect the command climate of a unit.
- y. Track and monitor the reporting and status of their command and subordinate command's harassment and unlawful discrimination reports.
- z. Ensure fitness report or performance evaluation entries are made for all Service members found guilty at courts-martial, other courts of competent jurisdiction, or who receive NJP based on a violation of this instruction.
 - aa. Ensure all formal report command investigations, and all documents pertinent to the formal report, are retained by the convening authority, general court-martial convening authority (GCMCA), or by the last commander to whom they are routed for a period of 2 years from the time they are received. After 2 years, the entire command investigation will be sent to the Office of the Judge Advocate General (OJAG) Investigations Branch (Code 15) in line with reference (j).
 - ab. Provide a monthly summary of anonymous harassment and unlawful discrimination reports that do not result in an investigation to the GCMCA.
 - ac. Upon turnover, provide the incoming commander with a written report of all command and subordinate commands open harassment and unlawful discrimination report investigations.
 - ad. Ensure that harassment and unlawful discrimination is absent in all administrative and disciplinary proceedings.
 - ae. Ensure personnel receive awards and recognition, and are assigned jobs, education opportunities, and special programs based on merit, fitness, capability, and performance.
 - af. Provide annual EO, sexual harassment, and grievance procedures GMT for all assigned command members. Ensure senior leadership is personally involved in the training. SELRES personnel must receive annual EO, sexual harassment, and grievance procedures training from their NOSC. All SELRES personnel attached to a commissioned unit must receive annual training from their supported command.

7. CRT

- a. The CRT must use the NAVEDTRA 7542A, Command Assessment Team Guide, as a guide to conduct a climate assessment.

b. CRT members must sign and review the CRT non-disclosure agreement document, appendix N.

c. To improve insight into command climate, the commander must leverage the CRT to facilitate and promote an environment of dignity and respect. In doing so, the CRT will be a powerful tool to help preserve unit cohesion, good order and discipline, and mission readiness.

d. The CRT must include, at a minimum, the XO, one department head, one department leading chief petty officer, command career counselor, personnel officer, legal officer, sexual assault victim advocate, drug and alcohol program advisor, command financial specialist, suicide prevention coordinator, chaplain (if assigned), CMEO program manager, command diversity officer (if assigned) and deputy EEO officer (if assigned). The XO must serve as the CRT lead. For commands that do not have an XO, the senior enlisted advisor must be a part of the CRT.

e. The CRT must meet, at a minimum, quarterly. These meetings must be documented and the documentation maintained in the CMEO program manager's binder.

f. Prior to initiating a command climate assessment, the CRT must consult with their respective CCS. The CCS must provide oversight and guidance to the CRT on the facilitation and interpretation of the DEOCS, conducting focus groups and interviews, data analysis throughout the command climate assessment process, and the development of the command climate assessment executive summary and plan of action and milestones (POA&M).

8. CCS

a. Inform the commander of all changes to this instruction.

b. Conduct on-site or virtual assessments and inspections of subordinate commands' CCSs annually utilizing appendix G.

c. Conduct on-site or virtual CMEO program assessments and inspections of subordinate commands annually utilizing appendix H.

d. Provide assist visits and training to the command and subordinate commands as requested or required.

e. Provide CMEO program oversight and assist visits as requested or directed.

f. Maintain a command continuity folder for all subordinate commands. This folder must include the information contained in subparagraphs 8f(1) through 8f(6).

(1) The supporting documentation, executive summary, and POA&M for the command's three previous command climate assessments.

- (2) Results of the last three comprehensive visual inspections.
 - (3) Results of the last three on-site assessments and inspections.
 - (4) Report log of all harassment and unlawful discrimination reports for the last 3 years.
 - (5) Summary of anonymous reports of harassment and unlawful discrimination that did not result in an inquiry or investigation for the last 3 years.
 - (6) Status of required EO, sexual harassment, and grievance procedures training.
- g. Provide oversight and guidance to the command and subordinate command's CRT on the facilitation and interpretation of the DEOCS, conducting focus groups and interviews, data analysis throughout the command climate assessment process, and the development of the command climate assessment executive summary and POA&M.
 - h. Track and monitor the command and subordinate command's command climate assessment.
 - i. Review the command climate assessment executive summary, POA&M, and DEOCS, and provide a report to the ISIC prior to a commander's face-to-face debrief.
 - j. Collaborate and coordinate with the command's deputy EEO officer to provide advice and guidance to the commander on all EO matters and issues that may affect the command's climate.
 - k. Provide assistance, advice, and training regarding conflict resolution and grievance and redress procedures.
 - l. Serve as the central point of contact for all MEO issues. Provide guidance and training to CMEO program managers regarding the processing of informal, formal, and anonymous harassment and unlawful discrimination reports utilizing chapter 3, chapter 4, or chapter 5.
 - m. Serve as a resource to the investigator in all harassment and unlawful discrimination reports and conduct a CCS formal report sufficiency review utilizing OPNAV 5354/3 Formal Report Sufficiency Review prior to final determination.

Note: Personnel who manage the harassment and discrimination report process (CCSs and CMEO program managers) must not be the preliminary inquiry or command investigation officer. The CCS that conducted the sufficiency review must not conduct the higher level review when a member exercises his or her right to appeal the decision on a formal harassment or unlawful discrimination report.

- n. Ensure that the complainant and alleged offender in a formal harassment or unlawful discrimination report are updated every 14 days on the status of the report through resolution.
 - o. Track and monitor the reporting and status of their command and subordinate commands' harassment and unlawful discrimination reports.
 - p. Ensure that a follow-up debrief with the complainant in a formal harassment or unlawful discrimination report, to determine the level of satisfaction with the resolution of the report, has taken place no later than 45 days following the determination of the report. This must be documented via the NAVPERS 5354/2 Navy Equal Opportunity and Sexual Harassment Report or memorandum for the record (MFR) and routed to OPNAV N173 via the echelon 3 and echelon 2 CCS.
 - q. Coordinate administrative actions with a judge advocate assigned to the staff, the ISIC staff, or region legal service office, IG, and staff assistants as necessary. This includes, but is not limited to, the judge advocate conducting a legal sufficiency review, consultation throughout the report investigative process, and conducting a higher level review when a member exercises his or her right to appeal the decision on a formal harassment or unlawful discrimination report.
 - r. Provide commanders a quarterly verbal brief and written report of the status of subordinate command's harassment and unlawful discrimination reports and required EO, sexual harassment, and grievance procedures training.
 - s. Provide a monthly summary to the commander of anonymous harassment and unlawful discrimination reports that do not result in an investigation.
 - t. Provide quarterly EO training to subordinate command CCSs and CMEO program managers. This may be accomplished by symposium attendance, video teleconference (VTC) training, Defense Collaboration Services, etc.
- Note: Commander, Naval Installations Command CCSs will be responsible for conducting quarterly sustainment training to area-wide CMEO program managers.
- u. Maintain a current point of contact listing of subordinate command CCSs and CMEO program managers.
 - v. Liaise between the command, respective echelon 2 command, and OPNAV N173 as needed.
 - w. Collaborate with other CCSs and CMEO program managers on the installation.

9. CMEO Program Manager

a. Be designated in writing as the CMEO program manager by the commander and have completed the CMEO manager course prior to performing CMEO program manager duties. Any member who has not performed as a CMEO program manager for over 3 years must attend the CMEO course as refresher training.

b. Contact their respective CCS within 30 days of being designated as the CMEO program manager.

c. Function as the single point of contact when a CCS is not assigned to the command for EO matters at the command.

d. Assess the CMEO program utilizing appendix H upon designation as the CMEO program manager and quarterly thereafter.

e. Maintain a command continuity folder. This folder will contain the information listed in subparagraphs 9e(1) through 9e(6).

(1) The supporting documentation, executive summary, and POA&M for the three previous command climate assessments.

(2) Results of the last three comprehensive visual inspections.

(3) Results of the last three on-site assessments and inspections.

(4) Report log of all harassment and unlawful discrimination reports for the last 3 years.

(5) Summary of anonymous reports of harassment and unlawful discrimination that did not result in an investigation for the last 3 years.

(6) Status of required EO, sexual harassment, and grievance procedures training.

f. Serve as the coordinator for the command climate assessment.

g. Ensure the Equal Opportunity Information Poster (NAVPERS 15600E) is prominently displayed in the command. Ensure the poster includes the name and telephone number of the command's points of contact (CCS, CMEO program manager, and the appropriate servicing EEO office) for EO issues.

h. Coordinate the processing of harassment and unlawful discrimination reports utilizing chapter 3, chapter 4, or chapter 5.

- i. Ensure formal harassment and unlawful discrimination reports are submitted and reported within established guidance and timelines as directed in reference (k) and chapter 4. Maintain a harassment and unlawful discrimination report log to include the date-time-group of all associated messages.
- j. Ensure that the complainant and alleged offender in a formal harassment or unlawful discrimination report are updated every 14 days on the status of the report through resolution.
- k. Track, monitor, report, and provide status updates on harassment and unlawful discrimination reports to the respective CCS from submission through resolution of the report.
- l. Provide a monthly summary to the commander of anonymous harassment and unlawful discrimination reports that do not result in an investigation.
- m. Coordinate and monitor required EO, sexual harassment, and grievance procedures GMT.
- n. Attend quarterly EO sustainment training provided by a CCS.
- o. Closely coordinate with the staff, regional, strike group, installation, and command CCSs, as applicable.
- p. Perform other EO related duties as mandated by the commander.

10. Service Member

- a. Treat others with dignity and respect.
- b. Promote a positive command climate within the Navy through personal example.
- c. Report acts of unlawful discrimination as directed by reference (e), article 1137.
- d. Use Navy grievance and redress procedures as applicable.
- e. Be aware of the policies and procedures for filing a report in line with this instruction.
- f. Prevent destructive behaviors and promote an environment of professionalism, dignity, respect, and trust for all.

CHAPTER 3
PROCEDURES FOR SUBMITTING, HANDLING, AND RESOLVING INFORMAL
HARASSMENT AND UNLAWFUL DISCRIMINATION REPORTS

1. General Guidelines

a. The chain of command should be the primary and preferred channel to identify, process, and resolve harassment and unlawful discrimination reports. The informal report process allows CCSs or CMEO program managers to maintain awareness of all reports and ensures that all reports are properly handled and resolved. The chain of command must coordinate with the CCS or CMEO program manager to exercise leadership and to resolve the informal report without the command being required to conduct an investigation.

b. The CCS or CMEO program manager must ensure proper documentation of all informal reports by ensuring that the NAVPERS 5354/2 is used in the processing and handling of all informal harassment and unlawful discrimination reports.

c. Any report submitted to the commander directly by the complainant for resolution will be processed in line with the established formal report procedures.

2. Complainant Responsibilities. A Service member who desires to request assistance from the chain of command to resolve a harassment or unlawful discrimination report informally, must notify a member in a position of authority in the chain of command (i.e., the leading petty officer, chief petty officer, division officer, department head, etc.) of their report orally or in writing. Service members will make it known to the chain of command that they wish to handle their report informally. By electing to request the chain of command's assistance, Service members are entrusting the chain of command to resolve the issue in a timely and efficient manner.

3. Command Responsibility

a. The member in a position of authority in the chain of command (i.e., the leading petty officer, chief petty officer, division officer, department head, etc.) receiving the report will inform the CCS or CMEO program manager of the informal report within 24 hours.

b. The member in a position of authority in the chain of command (i.e., the leading petty officer, chief petty officer, division officer, department head, etc.) and the CCS or CMEO program manager will use the informal resolution system to resolve the informal report.

c. The informal report must be documented on NAVPERS 5354/2 by the CCS or CMEO program manager.

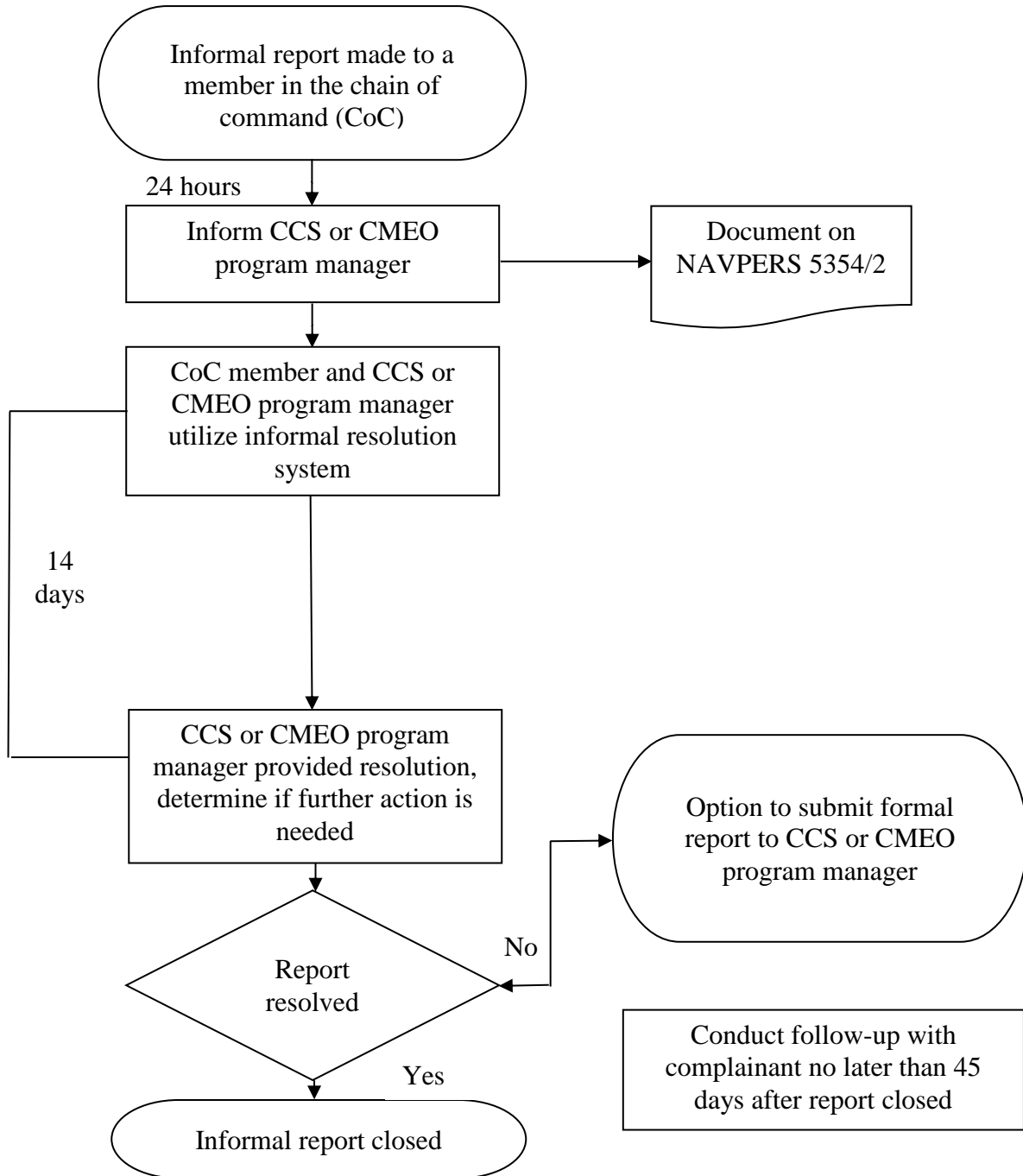
d. It is critical that once the chain of command is informed of an informal report that action is taken quickly to resolve the report. The informal report must be resolved within 14 days.

e. The CCS or CMEO program manager will endorse the NAVPERS 5354/2 when the report is resolved.

f. The CCS or CMEO program manager must conduct a follow-up with the complainant to ensure that retaliation has not occurred no later than 45 days after the report is closed. This follow-up must be annotated on the NAVPERS 5354/2.

g. All documents pertinent to a report that does not result in an investigation must be maintained in the CMEO program manager's binder for 3 years. After 3 years, destroy records in line with reference (a) and local records disposition policy.

FIGURE 3-1
INFORMAL REPORT PROCESS FLOW CHART



Note: At any time the complainant can stop this process and submit a harassment or unlawful discrimination formal report to the CCS or CMEO program manager.

CHAPTER 4
PROCEDURES FOR SUBMITTING, HANDLING, APPEALING, AND REPORTING
FORMAL HARASSMENT AND UNLAWFUL DISCRIMINATION REPORTS

1. General Procedures

a. The chain of command is the primary and preferred channel for the identification, processing, and resolution of reports of harassment and unlawful discrimination. Commanders have direct responsibility for managing the report process. They must ensure that the report resolution system is clearly communicated and well understood by all personnel.

b. Individuals who believe they have experienced (or observed) harassment or unlawful discrimination are encouraged to report the incident to the CCS or the CMEO program manager.

c. Witnesses to harassment or unlawful discrimination must report offenses they observe to their chain of command, CCS, or CMEO program manager.

d. All formal allegations of harassment or unlawful discrimination must be reported in line with reference (k) and investigated in a fair, impartial, and prompt manner consistent with reference (j).

e. Harassment and unlawful discrimination formal report investigations will be conducted at the local command in line with reference (j). The CCS must serve as a resource to the investigator in a harassment or unlawful discrimination report and conduct a CCS sufficiency review utilizing OPNAV 5354/3 prior to final determination. Before making a final determination on a formal allegation of harassment or unlawful discrimination, the commander who convenes the investigation into the complaint, in line with this instruction and reference (j), will submit the investigating officer's completed report to a staff judge advocate in the chain of command. The judge advocate will provide the commander with a written legal sufficiency review and recommendations, if any, within 5 days. After final action is taken, ensure complainants and accused receive feedback consistent with the requirements of the Privacy Act, Freedom of Information Act, and other applicable laws, regulations, and negotiated agreements.

Note: Knowingly making a false official statement is a violation of reference (h), article 107.

f. Procedures for processing harassment and unlawful discrimination reports in a joint military environment will follow Service directives as determined by the chain of command. Navy commanders must publicize, display, and ensure understanding and execution of all pertinent DoD and service-specific policies and programs. Personnel may obtain assistance and support from the CCS serving the joint military environment, regional CCSs, or OPNAV N173.

g. When the complainant and alleged offender are assigned to different commands or services (when all parties are not assigned to a joint military environment), the harassment or unlawful discrimination report must be processed by the command or service of the alleged offender. The complainant's command is responsible for ensuring parts I and II of NAVPERS 5354/2 are complete and provided to the alleged offender's commander. The alleged offender's command is responsible for sending detailed naval messages, as directed by reference (k), upon initial report receipt and final resolution of a formal harassment or unlawful discrimination report. If the complainant or alleged offender requests an appeal, update messages must be sent every 30 days throughout the appeal process. If the alleged offender belongs to another service or is a civilian, the complainant's command is responsible for sending the initial and final messages upon initial report receipt and final resolution. Coordination between CCSs or CMEO program managers across command or service lines is critical. The commanders of both the complainant and alleged offender must collaborate to resolve the report.

h. When the report includes both military and civilian personnel, the report must be processed in line with the procedures applicable to the complainant. Coordination between CCSs or CMEO program managers and civilian EEO personnel is critical.

i. SELRES personnel attached to commissioned units must submit reports via the operational chain of command. SELRES personnel attached to a voluntary training unit or an operational support unit must submit reports via their NOSC. SELRES personnel attached to non-commissioned units must submit reports via the active duty supported command.

j. A harassment or unlawful discrimination report filed via reference (e), article 1150, or reference (h), article 138, must be processed in line with reference (j).

2. Complainant Responsibilities

a. The preferred method of filing a formal harassment or unlawful discrimination report is by submitting a NAVPERS 5354/2. Other report options include (but are not limited to) those in subparagraphs 2a(1) through 2a(6).

(1) Filing a reference (e), article 1150, Redress of Wrong Committed by a Superior (other than the Commander).

(2) Filing a reference (h), article 138, Complaints of Wrongs against the Commander.

(3) Filing a NAVPERS 1626/7 Report and Disposition of Offense(s).

(4) Contacting the IG which includes echelon 2 IGs and the NAVINSGEN.

(5) Communicating with elected officials, reference (e), article 1155.

(6) Any other means of communication that the commander deems appropriate.

b. A report must be made within 60 days of the offending incident, or in the case of a series of incidents, within 60 days of the most recent incident. Commanders may accept reports beyond this time frame if, in their judgment, circumstances warrant.

c. A report may not be joined with the reports of other individuals. Similarly, each complainant may seek redress for the wrong(s) of only one alleged offender. If the complainant believes more than one alleged offender has committed a wrong, the complainant must submit a separate report against each alleged offender, not against a group such as “the chain of command.”

3. Command Responsibility

a. Personnel receiving a formal harassment or unlawful discrimination report must notify the commander or other designated authority within 24 hours of receipt.

b. Personnel receiving a formal harassment or unlawful discrimination report must notify the servicing CCS within 24 hours after notifying the commander.

c. Refer all harassment and unlawful discrimination reports against flag officers or SES officials to NAVINSGEN.

d. Ensure all personnel are aware of command and shore based assistance available to those who need help in processing harassment or unlawful discrimination reports. This assistance includes access to legal counsel, CCSs, CMEO program managers, and the Navy Sexual Harassment and Equal Opportunity Advice Line.

e. Identify available counseling support or referral services for all personnel involved in incidents of harassment and unlawful discrimination. These services include access to legal counsel, CCSs, CMEO program managers, and the Navy Sexual Harassment and Equal Opportunity Advice Line.

f. The commander must initiate a command investigation, as appropriate.

Note: The ISIC must conduct the investigation if the report is against the commander.

(1) To the extent practicable the inquiry or investigation must commence within 72 hours of report submission. The inquiry or investigating officer must be senior to the complainant and the alleged offender. A CCS must serve as a resource to the investigator in a harassment or unlawful discrimination report and conduct a CCS sufficiency review utilizing OPNAV 5354/3 prior to final determination. Commands that do not have a CCS assigned within their reporting chain of command must contact OPNAV N173 for a list of CCSs. Before making a final

determination on a formal allegation of harassment or unlawful discrimination, the commander who convenes the investigation into the complaint, in line with this instruction and reference (j), will submit the investigating officer's completed report to a staff judge advocate in the chain of command. The judge advocate will provide the commander with a written legal sufficiency review and recommendations, if any, within 5 days. The complainant and alleged offender will be notified by the investigating officer that the investigation has begun and will acknowledge this notification on the original NAVPERS 5354/2 or by MFR.

Note: When other formal report options are used to report allegations of harassment or unlawful discrimination, all parts of the NAVPERS 5354/2 (with the exception of part I) must be completed by the CCS or CMEO program manager to document actions taken by the commander to resolve the report. Ensure a copy of the NAVPERS 5354/2 is forwarded to OPNAV N173 via the echelon 3 and echelon 2 CCS within 96 hours after report resolution. This may be accomplished via e-mail:

MILL_NavyEOAdvice@navy.mil.

(2) Voice reports must be made as outlined in reference (k).

(3) A naval message describing the situation must be sent in line with reference (k).

(4) Upon receipt of a formal report, ensure a copy of the NAVPERS 5354/2, with parts I through III completed, is forwarded to OPNAV N173 via the echelon 3 and echelon 2 CCS or EO program manager within 96 hours. This may be accomplished via e-mail:

MILL_NavyEOAdvice@navy.mil.

(5) Upon receipt of a formal harassment or unlawful discrimination report, ensure appendix M, is reviewed by the complainant, alleged offender, witnesses, and the CCS or CMEO program manager.

(6) Formal harassment and unlawful discrimination reports must be investigated and resolved within 60 days of filing the report. In the case of reports filed by a SELRES or in which a SELRES is the subject of the report (a "Reserve report"), resolution of formal reports should be completed within 120 days of filing the report. The alleged offender's command is responsible for sending detailed naval messages upon initial receipt and final resolution of a formal harassment or unlawful discrimination report. If the complainant or alleged offender requests an appeal, update messages must be sent every 30 days throughout the appeal process. If the alleged offender belongs to another Service or is a civilian, the alleged offender's command is responsible for sending the initial and final messages upon initial receipt and final resolution.

(7) After final determination, debrief the complainant and alleged offender consistent with the requirements of the Privacy Act, Freedom of Information Act, and other applicable laws, regulations, and negotiated agreements. The complainant and the alleged offender must be notified of the results once the report has been resolved and informed of their right to appeal the

decision. This must be documented on part IV of the NAVPERS 5354/2. The complainant and the alleged offender must be informed that the appeal must be made within 7 calendar days of notification. Every effort must be made to notify SELRES personnel within 7 calendar days of report resolution. If after 7 calendar days notification in person has not occurred, member notification and signature must be obtained via certified mail. SELRES personnel will have one drill cycle from the date of receipt of the certified mail to appeal the decision.

(8) When requested, the command must provide a redacted copy of the investigating officer's final report (as directed by the Privacy Act of 1974 and other applicable laws and regulations) to the complainant and alleged offender. Information about specific adverse actions taken against an individual generally is not disclosed unless such information is a matter of public record (e.g., court-martial proceedings) or when otherwise required to be released by statute.

(9) Forward a copy of all completed harassment and unlawful discrimination report investigations, with endorsements, to the respective echelon 2 or echelon 3 commander via the ISIC.

(10) Commanders must conduct a follow-up debrief with the complainant no later than 45 days following the determination of the report. For reports involving SELRES personnel, follow-up debriefs must continue for a period of 1 year following resolution. Command follow-up will include a determination of level of satisfaction with the resolution of the report, a determination of complainant satisfaction with the effectiveness of corrective action, timeliness, present command climate, and a review to ensure retaliation did not occur. This debrief must be documented on the NAVPERS 5354/2 or an MFR. Ensure a copy of the NAVPERS 5354/2 or MFR is forwarded to OPNAV N173 via the echelon 3 and echelon 2 CCS or the EO program manager within 96 hours of debrief completion.

(11) All command investigations must be retained by the convening authority, GCMCA, or by the last commander to whom they are routed for a period of 2 years from the time that they are received. After 2 years, the entire command investigation must be sent to OJAG (Code 15) in line with reference (j).

g. Regardless of the outcome of the investigation (substantiated or unsubstantiated), the commander must ensure that their command climate does not tolerate acts of retaliation, intimidation, or discrimination in response to the filing of a harassment or unlawful discrimination report, and will take immediate action to identify, prevent, and stop all forms of retaliation within their command. Monitor for potential retaliation by checking on work center climate and ensuring performance appraisals document job performance accurately (i.e., downgrades must be supported by written counseling and not related to the report).

h. Part III of the NAVPERS 5354/2 must be used to document actions taken by the commander to resolve the harassment or unlawful discrimination incident and notification of

involved parties. Ensure a copy of the NAVPERS 5354/2 is forwarded to OPNAV N173 via the echelon 3 and echelon 2 CCS or the EO program manager within 96 hours. This may be accomplished via e-mail: MILL_NavyEOAdvice@navy.mil.

4. Appeal Process

a. Either the complainant or the alleged offender of the report may appeal the decision on a formal harassment or unlawful discrimination report. There are two levels of appeal, neither automatic. Each appeal must be affirmatively requested by either the complainant or the alleged offender to the report. In addition to the NAVPERS 5354/2, documentation such as statements of witnesses, personnel record entries, etc., that may be helpful in resolving an appeal, may be submitted to the appellate authority by the party requesting the appeal. Both parties must initial the NAVPERS 5354/2, as applicable, to declare or decline the request for a review.

b. The first appeal of a decision on a formal harassment or unlawful discrimination report will be to the echelon 2 commander of the command where the report was investigated and adjudicated. This appeal must be requested within 7 days of the notice of the determination on the formal harassment or unlawful discrimination report. For SELRES personnel, the request for an appeal must be made within one drill cycle or the report will be considered closed. The echelon 2 CCS must collaborate on the higher level review utilizing OPNAV 5354/4 Formal Report Higher Level Review. Review of the initial appeal must be completed within 30 calendar days of receipt of the appeal.

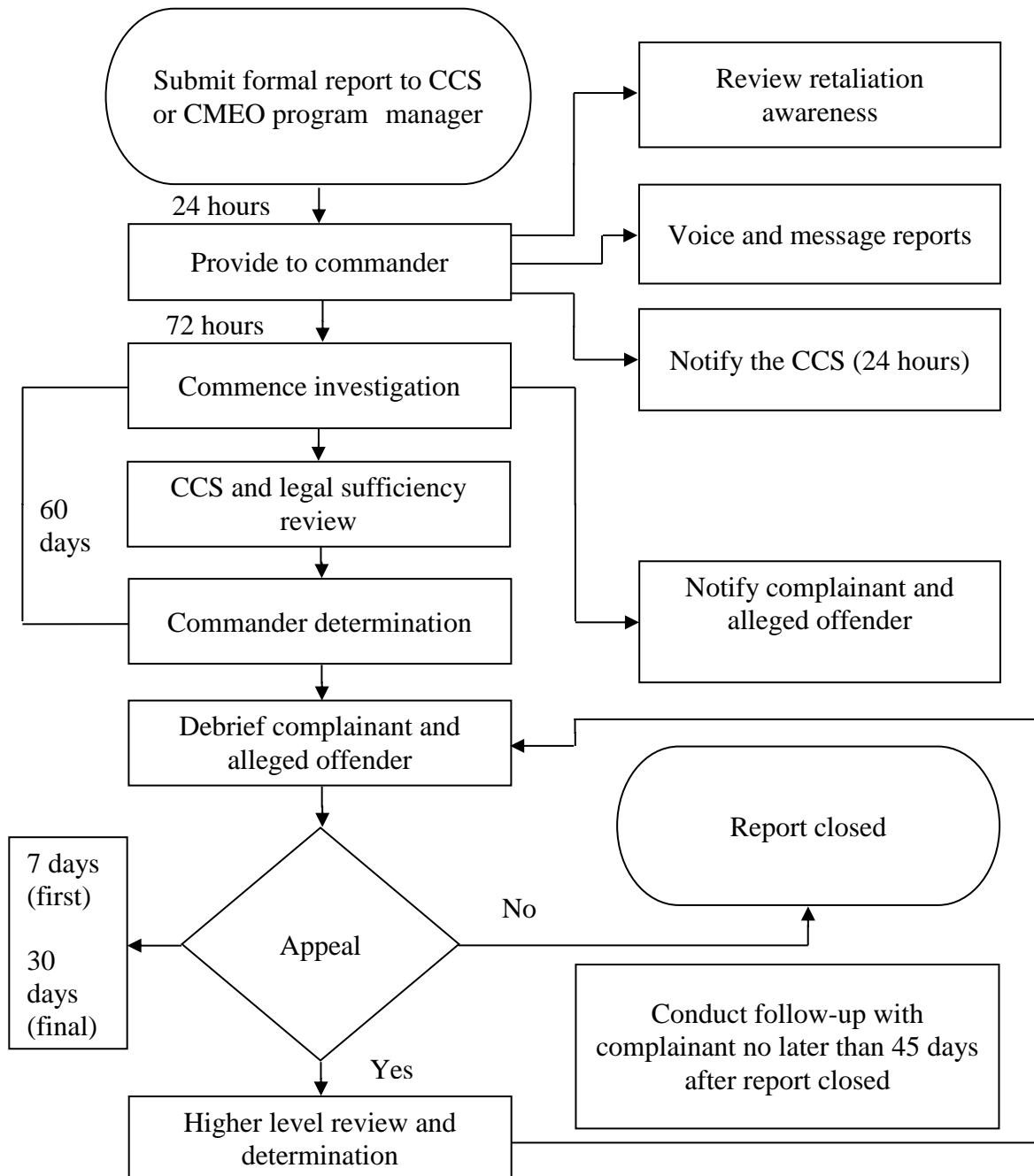
Note: The CCS that conducted the sufficiency review must not conduct the higher level review when a member exercises his or her right to appeal the decision on a formal harassment or unlawful discrimination report.

c. If a further appeal is requested, the final resolution of an appeal on a formal harassment or unlawful discrimination report will rest with SECNAV or his or her designee. Once requested, the GCMCA will forward the report and all documents pertinent to the report to SECNAV, via OJAG Administrative Law (Code 13), for final review. The final appeal to SECNAV must be requested within 30 days of receipt of the GCMCA's decision on the initial appeal. For SELRES personnel the request for the final appeal must be made within one drill cycle of the report or the report will be considered closed. An appeal requested after 30 days, may be returned as untimely, unless unusual circumstances justify the delay.

d. An appeal may be submitted on any legal or equitable grounds based upon a perception that existing DoD or DON regulations were incorrectly applied in the particular case, that facts were ignored or weighed incorrectly, or on any other good faith basis.

e. Both the initial and final appellate authority may determine whether the initial report or the appeal was made in good faith and, if not, take appropriate corrective measures, including punitive ones.

FIGURE 4-1
FORMAL REPORT PROCESS FLOW CHART



Note: There are two levels of review. The first will be to the echelon 2 commander of the command where the report was submitted. The final will be to SECNAV.

CHAPTER 5
PROCEDURES FOR SUBMITTING, HANDLING, APPEALING, AND REPORTING
ANONYMOUS HARASSMENT AND UNLAWFUL DISCRIMINATION REPORTS

1. General Guidelines

a. Anonymous harassment and unlawful discrimination reporting procedures are established in order to encourage the reporting of harassment and unlawful discrimination allegations or incidents.

b. An anonymous report is described as information received by the commander, regardless of the means of transmission, from an unknown or unidentified source, that includes allegations of harassment and unlawful discrimination. The individual reporting the information is not required to divulge any personally identifiable information.

c. Anonymous reports may be communicated by several means, including but not limited to the Navy Sexual Harassment and Equal Opportunity Advice Line, e-mail, or official telephone lines.

2. Command Responsibility

a. The command CCS or CMEO program manager must be notified of anonymous reports within 24 hours of receipt. The CCS or CMEO program manager must consult with the commander within 24 hours upon receipt of the anonymous report to determine further actions regarding the allegations.

b. If the anonymous report contains sufficient information (e.g., who, what, when, where, desired outcome, unit of assignment for the alleged offender and the complainant) to permit the initiation of an investigation, the inquiry or investigation must be initiated by the commander as outlined in paragraph 3 of chapter 4.

Note: When the anonymous report results in an investigation all parts of the NAVPERS 5354/2 (with the exception of part I) must be completed by the CCS or CMEO program manager to document actions taken by the commander to resolve the report. Ensure a copy of the NAVPERS 5354/2 is forwarded to OPNAV N173 via the echelon 3 and echelon 2 CCS within 96 hours after report resolution. This may be accomplished via e-mail: MILL_NavyEOAdvice@navy.mil.

c. Service members may appeal the decision on an anonymous report. An appeal on an anonymous report must follow the procedures outlined in paragraph 4 of chapter 4.

d. If the anonymous report does not contain sufficient information to permit the initiation of an investigation, the individual making the anonymous report should be notified, if possible, and

the information must be documented in an MFR and maintained on file for 3 years for future reference in the central point of contact office responsible for processing harassment and unlawful discrimination reports. The MFR must contain the following information: date and time the information was received, details of the allegations, and other pertinent information.

e. The commander must provide a monthly summary of anonymous harassment and unlawful discrimination reports that do not result in an investigation to the GCMCA.

CHAPTER 6
TRAINING

1. Training. Commanders determine how best to accomplish EO training and must ensure it meets the requirements of this instruction and their command. The best method to conduct effective EO training is through small group discussions and scenario based training with the CCS as a facilitator. The training should be embedded in leadership development, and there should be personal involvement by the commander.
2. Command Indoctrination Program. All commands should include EO training within the command indoctrination program. Training should consist of an overview of the command's EO policies and procedures, to include the informal, formal, and anonymous report processes, instruction in understanding accountability and responsibility, characteristics and prevention of harassment and unlawful discrimination, and the relationship between leadership and a professional command climate. During training, personnel will be provided information on how to contact the CCS and the CMEO program manager. Personnel will also be provided with the Navy Sexual Harassment and Equal Opportunity Advice Line number and an explanation for its use.
3. Annual EO Training. All Navy personnel will receive training to include the informal, formal, and anonymous report processes, instruction in understanding accountability and responsibility, characteristics of and prevention of harassment and unlawful discrimination, and the relationship between leadership and a professional command climate. Personnel should also be provided with the Navy Sexual Harassment and Equal Opportunity Advice Line number and an explanation for its use.
4. Leadership Training. This training is critical to ensure personnel fully understand the importance of identifying and eliminating harassment and unlawful discrimination and how it undermines our leadership abilities and impacts command climate. These training sessions should stress how to build and maintain professional working relationships and how fairness and unbiased actions are part of the Navy's core values. Instruction should be appropriate to the rank and experience of the attendees.
 - a. Senior Enlisted Training. The focus should be educating the first class petty officer and above paygrades on this EO instruction.
 - b. Officer Training Command, USNA, NROTC, and Recruit Training Command. This training provides an introduction to the Navy's instruction on EO.
5. CMEO Program Manager Training. CMEO program managers must attend the CMEO course (A-500-0009) delivered by NETC. This training is designed to prepare CMEO program managers to manage the command's EO objectives for their commander.

6. Sustainment Training. All CCSs and CMEO program managers must receive quarterly sustainment training conducted by a CCS. Echelon 2 CCSs will provide quarterly training to echelon 3 and 4 CCSs. This training will be used to reinforce this instruction, provide EO objectives updates, and examine command trends.

7. Annual CCS Certification Training. All CCSs will attend annual certification training conducted face-to-face by OPNAV N173 in collaboration with NETC. This training will be used to reinforce this instruction, provide instruction updates, share best practices, and examine trends.

8. Leadership Training Awareness Seminar (LTAS). Senior leaders may consider attending the 1-week, unit-funded LTAS at DEOMI. LTAS is designed to present senior leaders with an orientation on the intrapersonal, interpersonal, and organizational aspects of human relations, EO, and EEO in order to gain an understanding of their impacts on unit cohesion and mission effectiveness. Seats for the DEOMI LTAS are limited.

APPENDIX A
REFERENCES

1. References

- (a) SECNAV M-5210.1 of Jan 2012
- (b) DoD Directive 1350.2 of 18 August 1995
- (c) DoD Directive 1020.02E of 8 June 2015
- (d) SECNAVINST 5350.16A
- (e) U.S. Navy Regulations, 1990
- (f) DoD Instruction 1325.06 of 27 November 2009
- (g) SECNAVINST 5370.7D
- (h) Uniform Code of Military Justice
- (i) SecDef memo, Command Climate Assessments, of 25 July 2013
- (j) JAGINST 5800.7F
- (k) OPNAVINST F3100.6J (NOTAL)
- (l) 10 U.S.C.
- (m) National Defense Authorization Act for Fiscal Year 2014, Section 1709,
Prohibition of Retaliation Against Members of the Armed Forces for
Reporting a Criminal Offense

2. Additional References. Refer to paragraph 10 of appendix L.

APPENDIX B
FORMS AND INFORMATION MANAGEMENT CONTROL

1. Forms

a. The forms listed in subparagraphs 1a(1) through 1a(4) may be obtained from Navy Forms Online Web site at: <https://navalforms.documentservices.dla.mil/web/public/home>.

(1) NAVPERS 5354/2 Naval Equal Opportunity and Sexual Harassment Report Form

(2) NAVPERS 1626/7 Report and Disposition of Offense(s)

(3) OPNAV 5354/3 Formal Report Sufficiency Review

(4) OPNAV 5354/4 Formal Report Higher Level Review

b. Equal Opportunity Information Poster (NAVPERS 15600E), S/N 0500-LP-113-6362, is available through the Navy Logistics Library Web site at: http://www.public.navy.mil/bupers-npc/support/21st_Century_Sailor/nadap/campaign_events/Pages/default.aspx.

2. Information Management Control. The data collections contained within this instruction are exempt from control symbols per SECNAV M-5214.1 of December 2005, part IV, subparagraphs 7g and 7n.

APPENDIX C
DEFINITIONS

1. Alleged Offender. Anyone who is alleged to have committed a violation of this instruction, and is the subject of an informal, formal, or anonymous report.
2. Appropriate Authority. To qualify for protection under reference (g), a protected communication must be made to:
 - a. a member of Congress;
 - b. an IG, as defined in reference (g);
 - c. a member of a DoD audit, inspection, investigation, or law enforcement organization;
 - d. any person or organization in the chain of command;
 - e. a court-martial proceeding;
 - f. any other person or organization designated following regulations or other established administrative procedures for such communications; or
 - g. any person conducting an investigation or proceeding related to a protected communication.
3. Climate Assessment. The CRT's analysis of the DEOCS, focus groups, interviews, observations, and command records and reports to develop an executive summary for the commander, commanding officer, or officer in charge (hereafter referred to as commander) describing the current "health" and functioning effectiveness of the organization by examining such factors as morale, teamwork and communication.
4. Command Managed Equal Opportunity (CMEO) Program Manager. Command member (must be an E6 or above with at least 8 years of service) appointed in writing by the commander, who functions as the single point of contact when a CCS is not assigned to the command for EO issues within the command.
5. Color Discrimination. Color as its commonly understood meaning to be pigmentation, complexion or skin shade, or tone. Thus, color discrimination occurs when a person is discriminated against based on the lightness, darkness, or other color characteristic of the person.
6. Command Climate Specialist (CCS). Member who has completed the DEOMI Equal Opportunity Advisor Course, to include the Navy Service Specific Course, and has been assigned the Navy enlisted classification code 9515. CCSs provide oversight, training, and assist

visits to subordinate and area command CCSs and CMEO program managers. A CCS is the subject matter expert for the commander on the DEOCS, command climate assessments, and the handling and processing of harassment, sexual harassment, and unlawful discrimination reports. Assigned CCSs strengthen the chain of command by keeping the leadership team aware of existing or potential EO related issues to include harassment and unlawful discrimination, as well as procedures and practices that affect the mission, readiness, welfare, and morale of all Sailors in the command. CCSs are assigned to major shore commands, nuclear aircraft carriers, amphibious assault ships, and DEOMI instructor billets.

7. Complainant. A Service member who submits informal, formal, or anonymous allegations of harassment or unlawful discrimination.

8. Criminal Offense. An act or omission punishable under reference (h), or other Federal, State, or local criminal law.

9. Defense Equal Opportunity Management Institute (DEOMI) Organizational Climate Survey (DEOCS). A commander's management tool that allows him or her to proactively assess critical organizational climate dimensions that can impact the organization's mission. This voluntary survey is designed to assess the "shared perceptions" of respondents about formal or informal policies or practices. The questionnaire focuses on the following primary areas: MEO, civilian EEO, organizational effectiveness, perceptions of discrimination and sexual harassment, and sexual assault prevention and response.

10. Defense Equal Opportunity Management Institute (DEOMI). A United States DoD joint services school responsible for developing and conducting education and training in the administration of MEO, EEO, human relations, and diversity.

11. Determination. Decision made on a formal harassment or unlawful discrimination report (i.e., substantiated or unsubstantiated).

12. Equal Opportunity (EO). The right of all persons to participate in, and benefit from, programs and activities for which they are qualified. These programs and activities will be free from social, personal, or institutional barriers that prevent people from rising to the highest level of responsibility possible. Persons will be evaluated on individual merit, fitness, capability, and performance, regardless of race, color, religion, sex (including gender identity), national origin, or sexual orientation.

13. Ethnic Group. A group socially distinguished or set apart by others or itself, primarily on the basis of culture or nationality characteristics. Example: Hispanic – A person having origins in any of the original peoples of Mexico, Puerto Rico, Cuba, Central or South America, or of any other Spanish cultures, regardless of race.

14. Executive Summary of a Command Climate Assessment. Formal correspondence summarizing a completed command climate assessment to include significant findings, organizational strengths, areas of concern, and recommended corrective actions.
15. Extremist Group. An organization that espouses supremacist causes; attempts to create illegal discrimination based on race, creed, color, ethnicity, national origin, sex, sexual orientation, or religion; advocates using force or violence; or otherwise engages in efforts to deprive individuals of their civil rights.
16. Harassment. A form of discrimination that is unwelcome conduct based on race, color, religion, sex (including gender identity), national origin, or sexual orientation. Harassment occurs when the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
17. Harassment or Unlawful Discrimination Formal Report Higher Level Review. A level of review initiated when a member exercises his or her right to appeal the decision on a formal harassment or unlawful discrimination report. The initial higher level review will be conducted by echelon 2 commander of the command where the report was investigated and adjudicated.
18. Informal Resolution System. A recommended technique for resolving informal harassment and unlawful discrimination reports.
19. Joint Military Environment. Includes joint commands, joint bases, defense agencies, and joint field activities that involve more than one branch of Service.
20. Legal Sufficiency Review. A review of an investigation into a formal report of harassment or unlawful discrimination by a judge advocate, prior to the commander's determination, to determine whether:
 - a. the investigation complies with all applicable legal and administrative requirements,
 - b. the investigation adequately addresses the matters complained of,
 - c. the evidence supports the findings of the investigating officer or board,
 - d. the conclusions and recommendations of the investigating officer or board are consistent with the findings, and
 - e. any errors or irregularities exist and, if so, their legal effect, if any.

21. Military Equal Opportunity (MEO) Program. The right of all Service members to serve and be evaluated based on only individual merit, fitness, capability, and performance in an environment free from harassment and unlawful discrimination on the basis of race, color, religion, sex (including gender identity), national origin, or sexual orientation.

22. National Origin. An individual's or ancestor's place of origin. Also applies to a person who has the physical, cultural, or linguistic characteristics of a national group.

23. National Origin Discrimination. Treating people unfavorably because they are from a particular country or part of the world, because of ethnicity or accent, or because they appear to be of a certain ethnic background (even if they are not).

24. Protected Communication

a. A communication protected under reference (g) and this instruction is:

(1) a lawful communication by a Service member to a member of Congress or an IG, or

(2) a communication in which a Service member complains of, or discloses to appropriate authority, such information that the member reasonably believes constitutes evidence of any of the situations in subparagraphs 24a(2)(a) through 24a(2)(c).

(a) Any violation of law or regulation, including any criminal offense as that term is defined in reference (g); a law or regulation prohibiting rape, sexual assault, or other sexual misconduct in violation of reference (l), sections 920 through 920c (articles 120 through 120c of reference (h)); and harassment or unlawful discrimination.

(b) Gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

(c) A threat by another Service member or employee of the Federal Government that indicates a determination or intent to kill or cause serious bodily injury to a Service member or civilian or damage to military, Federal, or civilian property.

b. Such communications will not be excluded from the protections provided in reference (g) or reference (l), section 1034, because:

(1) the communication was made to a person who participated in an activity that the member reasonably believed to be covered by subparagraph 24a of this enclosure,

(2) the communication revealed information that had previously been disclosed,

- (3) of the member's motive for making the communication,
- (4) the communication was not made in writing,
- (5) the communication was made while the member was off duty, or
- (6) the communication was made during the member's normal course of duties of the member.

c. Providing testimony, or otherwise participating or assisting in an investigation or proceeding related to a protected communication, or filing, causing to be filed, participating in, or otherwise assisting in an action brought under reference (l), section 1034, or reference (m) is also a form of protected communication.

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

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

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

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

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

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

26. Race Discrimination. Treating someone unfavorably because he or she is of a certain race or because of personal characteristics associated with race (such as hair texture, skin color, or certain facial features).

27. Reasonable Person Standard. An objective test used to determine if behavior meets the legal test for harassment or unlawful discrimination. The test requires a hypothetical exposure of a reasonable person to the same set of facts and circumstances. If the behavior would have been

offensive to a reasonable person, then the test is met. The reasonable person standard considers the complainant's perspective and does not rely upon stereotyped notions of acceptable behavior within that particular work environment.

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

29. Religious Discrimination. Treating a person unfavorably because of his or her religious beliefs.

30. Report. An allegation of harassment or unlawful discrimination based on race, color, religion, sex (including gender identity), national origin, or sexual orientation.

a. Informal Report. An allegation of harassment or unlawful discrimination submitted orally or in writing to a member in a position of authority in the chain of command for resolution (i.e., the leading petty officer, chief petty officer, division officer, department head, etc.).

b. Formal Report. An allegation of harassment or unlawful discrimination that is submitted in writing via NAVPERS 5354/2; reference (e), article 1150; reference (h), article 138; communication to NAVINSGEN or elected officials; NAVPERS 1626/7; and any other communication the commander deems appropriate.

c. Anonymous Report. Information received by the commander of the organization, regardless of the means of transmission, from an unknown or unidentified source, which includes allegations of harassment or unlawful discrimination. The individual reporting the information is not required to divulge any personally identifiable information.

31. Reprisal. Taking or threatening to take an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, for making or preparing to make a protected communication. Making or threatening to make a significant change in the duties or responsibilities of a Service member not commensurate with the member's grade is also prohibited.

32. Retaliation

a. Retaliation against a Service member is when one of the actions in subparagraphs 32a(1) through 32a(3) is taken because that member reported, either formally or informally, a criminal offense.

(1) Taking or threatening to take an unfavorable or adverse personnel action, or withholding or threatening to withhold a favorable personnel action.

(2) Ostracism, which is the exclusion from social acceptance, privilege, or friendship with intent to discourage reporting of a criminal offense or otherwise discourage the due administration of justice.

(3) Maltreatment, which is treatment by peers or by other persons, that, when viewed objectively under all the circumstances, is abusive or otherwise unwarranted, unjustified, and unnecessary for any lawful purpose, that is done with intent to discourage reporting of a criminal offense or otherwise discourage the due administration of justice, and that results in physical or mental harm or suffering, or reasonably could have caused, physical or mental harm or suffering. Maltreatment under this instruction does not require a senior-subordinate relationship as is required for maltreatment under reference (h), article 93.

b. This regulatory definition expands the minimum requirements of the definition set forth in reference (l), section 1034, by extending the prohibition to “unfavorable” as well as “adverse” personnel actions. This expansion renders the personnel actions prohibited by reference (l), section 1034, identical to those personnel actions prohibited by reference (m). Consequently, all the procedural requirements for processing alleged reprisal under reference (m) will apply to the processing of alleged retaliatory personnel actions under reference (l), section 1034. Allegations of retaliation in the form of ostracism or maltreatment prohibited by reference (l), section 1034 will be referred to the appropriate command for action except in those circumstances where IGs, in their discretion, determine the allegations should be handled by an IG.

33. Sex Discrimination. Treating someone unfavorably because of the person’s sex.

Note: It is the Department's position, consistent with the U.S. Attorney General's opinion, that discrimination based on gender identity is a form of sex discrimination.

34. Sexual Orientation. Heterosexuality, homosexuality, or bisexuality, whether the orientation is real or perceived, and includes statements and consensual sexual conduct manifesting heterosexuality, homosexuality, or bisexuality.

35. Supervisor. Anyone who has subordinates, regardless of paygrades or ranks who is approached by a complainant, alleged offender, or third party, or who himself or herself observes harassment, unlawful discrimination, or unacceptable behavior.

36. Third Party. One approached by the complainant(s), alleged offender(s), or who has observed harassment, unlawful discrimination, or unacceptable behavior.

37. Unlawful Discrimination. The disparate treatment or harassment of an individual or group based on a prohibited factor contrary to Federal law or regulation.

38. Witness. One who can give an account of information regarding a report of harassment or unlawful discrimination.

APPENDIX D
ABBREVIATIONS AND ACRONYMS

CCS	command climate specialist
CMEO	command managed equal opportunity
CRT	command resilience team
DEOCS	Defense Equal Opportunity Management Institute organizational climate survey
DEOMI	Defense Equal Opportunity Management Institute
DoD	Department of Defense
DON	Department of the Navy
EO	equal opportunity
EEO	equal employment opportunity
FLTMPS	Fleet Training Management and Planning System
GCMCA	general courts-martial convening authority
GMT	general military training
IG	inspector general
ISIC	immediate superior in command
MEO	military equal opportunity
MFR	memorandum for the record
NAVINSGEN	Naval Inspector General
NETC	Naval Education and Training Command

NJP	non-judicial punishment
NOSC	Navy operational support center
NROTC	Naval Reserve Officer Training Corps
OJAG	Office of the Judge Advocate General
POA&M	plan of action and milestones
SECNAV	Secretary of the Navy
SELRES	Selected Reserve
SES	senior executive service
USNA	United States Naval Academy
VTC	video teleconference
XO	executive officer

APPENDIX E INFORMAL RESOLUTION SYSTEM

1. Background. The informal resolution system was developed to facilitate resolution of interpersonal conflicts at the lowest appropriate level. Conflict can be defined as a disagreement between two or more people that raises serious concerns and needs to be resolved.

Note: Commanders, commanding officers, and officers in charge (hereafter referred to as commanders) must be informed immediately, within 24 hours, of any formal harassment or unlawful discrimination report in their command.

2. Informal Resolution System Concept and Goals

a. The informal resolution system provides the necessary information and skills to encourage and facilitate resolving interpersonal conflicts in the workplace at the lowest appropriate level.

b. Emphasizes the Navy core values of honor, courage, and commitment.

c. Emphasizes each person's responsibility to be a role model of acceptable behavior and confront unacceptable behavior when observed or brought to his or her attention.

3. Informal Resolution System Options

a. Direct

(1) In person by approaching the alleged offender(s) involved. Stay focused on the behavior and its impact. Use common courtesy and ensure the approach is not disrespectful. Consider writing down thoughts prior to approaching the alleged offender(s) involved.

(2) In writing, to the alleged offender(s) stating the facts and feelings about the behavior and the expected resolution.

b. Informal Third Party. Request assistance from another person. Ask another person to talk with alleged offender(s) involved, to accompany while utilizing the direct approach, or to intervene to help resolve the conflict.

c. Training

(1) Request training or resource materials for presentation to the workplace in the area of harassment or unlawful discrimination. Utilizing training is a good method of communicating to the alleged offender(s) and other individuals in the workplace, in a non-threatening way that the behavior is unacceptable.

(2) Training resources can include videos, books, lesson plans, posters, and other materials

4. Responsibilities

a. Complainant

(1) Evaluate. What exactly happened? What was the impact of the behavior? Did it disrupt your work performance or work environment? What are the responsibilities and options?

(2) Take Action

(a) If the behavior is unacceptable, inform the chain of command of actions taken or needed. Determine whether taking formal action is appropriate or whether the informal resolution system can resolve the problem.

(b) If the behavior is acceptable, no action is required.

b. Alleged Offender

(1) Evaluate. What exactly happened? What was the impact of the behavior? Did it disrupt the work environment? Would it have offended a reasonable person? Was the behavior acceptable or unacceptable? What are the responsibilities and options?

(2) Take Action

(a) If the behavior is or seems unacceptable, stop immediately.

(b) If the behavior seems acceptable, clarify with another person or a supervisor that the behavior is acceptable. Ask a co-worker or supervisor for assistance in approaching the complainant or to intervene. Talk with the complainant about ways to communicate more effectively.

c. Third Party

(1) Evaluate. What exactly happened? What was the impact of the behavior? Did it disrupt the work environment? Would it have offended a reasonable person? Was the behavior acceptable or unacceptable? What are the responsibilities and options? If unsure how to proceed seek advice.

(2) Take Action (when approached by a complainant)

(a) If the behavior is unacceptable, encourage the complainant to determine whether taking formal action is appropriate or whether the informal resolution system can resolve the problem. Inform the chain of command and refer all parties to support services.

(b) If the behavior is acceptable, advise the complainant that the behavior is acceptable and explain why.

(3) Take Action (when approached by an alleged offender)

(a) If the behavior is unacceptable, advise the alleged offender to stop the behavior. Inform the chain of command and refer all parties to support services.

(b) After confirming with a supervisor that the behavior is acceptable, advise the alleged offender that the behavior is acceptable and explain why. Encourage the alleged offender to talk with the complainant and discuss the situation.

(4) Take Action (when observing harassing or offending behavior)

(a) Stop it if possible and inform the chain of command if appropriate. Encourage the complainant to use the formal report system if the informal resolution system cannot resolve the problem. Refer all parties to appropriate support services.

(b) If the behavior is acceptable, no action is required.

d. Supervisor

(1) Evaluate. What exactly happened? What was the impact of the behavior? Did it disrupt the work environment? Would it have offended a reasonable person? Was the behavior acceptable or unacceptable? What are the responsibilities and options?

(2) Take Action (when approached by a complainant)

(a) If the behavior is unacceptable, take corrective action. Encourage the complainant to determine whether the informal resolution system can resolve the problem or to utilize the formal report process. Inform the chain of command and refer all parties to support services.

(b) If the behavior is acceptable, advise the complainant that the behavior is acceptable and explain why.

(3) Take Action (when approached by an alleged offender)

(a) If the behavior is unacceptable, advise the alleged offender to stop the behavior and advise that corrective action may result. Determine whether the informal resolution system can resolve the problem. Inform the chain of command and refer all parties to support services.

(b) If the behavior is acceptable, advise the alleged offender it was acceptable and explain why.

(4) Take Action (when approached by a third party)

(a) If the behavior is unacceptable, instruct the observer on the need for awareness. Take corrective action and notify the chain of command. Discuss the informal resolution system and formal report process to determine the best course of action for the complainant.

(b) If the behavior is acceptable, no action is required.

(5) Take Action (when observing harassing or offending behavior)

(a) If the behavior is unacceptable, stop the behavior and take corrective action. Notify the chain of command and advise the complainant of the informal resolution system and formal report options.

(b) If the behavior is acceptable, no action is required.

5. Commander's Responsibilities under the Informal Resolution System

a. Set the example.

b. Establish a command climate that allows and encourages individuals to resolve conflicts between themselves without fear of retaliation.

c. Keep an open mind. Listen and do not filter.

d. Do not ignore the behavior.

e. Know when to get involved and when not to. If the informal resolution system is working, give it a chance to resolve the conflict.

(1) Determine if the informal resolution system has been used, if not, encourage its use if appropriate.

- (2) Do not intervene when conflict is being appropriately resolved by those involved.
- (3) Intervene when necessary. Get involved when:
 - (a) unacceptable behavior is observed, and
 - (b) made aware of a situation that cannot be resolved.
- (4) Take or support actions to reach resolutions. Provide resource materials as appropriate.
- (5) In all cases, follow-up and provide feedback to the individuals involved.
- (6) Report and take action on all collateral misconduct that is discovered in addition to harassment or unlawful discrimination and inform the appropriate authorities.
- (7) Avoid further traumatizing the complainant, e.g., if you need to physically separate personnel, whenever feasible move the alleged offender, not the complainant.
- (8) Make referrals to support services as warranted.

APPENDIX F
COMMAND MANAGED EQUAL OPPORTUNITY PROGRAM MANAGER DESIGNATION
LETTER

5354
Ser N00/
DD Mmm YY

From: Commanding Officer, (Name of Command)

To: AMC You R. Sailor, USN

Subj: DESIGNATION AS COMMAND MANAGED EQUAL OPPORTUNITY
PROGRAM MANAGER

Ref: (a) OPNAVINST 5354.1G

1. This letter designates that you have completed the Command Managed Equal Opportunity (CMEO) Manager course. Per reference (a), you are hereby designated as the (name of command) CMEO program manager. You are required to complete the Navy Equal Opportunity Correspondence course (NAVEDTRA 14082) within 30 days of this letter. You are directed to contact the command climate specialist responsible for providing oversight and assistance to our command within 30 days of this letter.
2. Our people continue to be the Navy's most precious resource. To ensure mission readiness, every member of the Department of the Navy must be afforded an equal opportunity to become a productive and valued member of the Navy team. Unprofessional behavior destroys trust and confidence among leaders and shipmates, erodes unit cohesion and combat readiness, and is contrary to our core values of honor, courage, and commitment.
3. In the execution of these duties you will report directly to the commanding officer and provide program efficiency reviews as required to the chief of staff, executive officer, command master chief, and any other designated personnel.

I. M. COMMANDER

APPENDIX G
COMMAND CLIMATE SPECIALIST CHECKLIST

EO is an essential element of continual process improvement to enhance quality of life. To ensure the basic systems are in place at the echelon 2 level and below, the following checklist is provided as a tool to assist in the evaluation of the CCS in the execution of his or her responsibilities.

1. Does the CCS provide analysis and recommendations to the commander regarding all informal, formal, and anonymous harassment and unlawful discrimination reports as well as any other issues that affect the command climate of a unit? Yes No
2. Does the CCS inform the commander on all changes to the OPNAVINST 5354.1G? Yes No
3. Does the CCS conduct onsite or virtual assessments and inspections of subordinate commands' CCSs annually? Yes No
4. Does the CCS conduct on-site or virtual CMEO program assessments and inspections of subordinate commands' annually utilizing appendix H of OPNAVINST 5354.1G? Yes No
5. Does the CCS provide assist visits and training to the command and subordinate commands as requested or required? Yes No
6. Does the CCS provide CMEO program oversight and assist visits as requested or directed? Yes No
7. Does the CCS maintain a command continuity folder for all subordinate commands? Does this folder contain the required information? Yes No
8. Does the CCS provide oversight and guidance to the command and subordinate command's CRT on the facilitation and interpretation of the DEOCS, conducting focus groups and interviews, data analysis throughout the command climate assessment process, and the development of the command climate assessment executive summary and the POA&M? Yes No
9. Does the CCS track and monitor the command's and subordinate commands' command climate assessments? Yes No
10. Does the CCS review the command climate assessment executive summary, POA&M, and DEOCS, and provide a report to the ISIC prior to a commander's face-to-face debrief? Yes No

11. Does the CCS collaborate and coordinate with the command's deputy equal employment opportunity officer to provide advice and guidance to the commander on all EO matters, to include harassment and unlawful discrimination, as well as issues that may affect the command's climate? Yes No
12. Does the CCS provide assistance, advice, and training regarding conflict resolution and grievance and redress procedures? Yes No
13. Does the CCS provide guidance and training to CMEO program managers regarding the processing of informal, formal, and anonymous harassment and unlawful discrimination reports? Yes No
14. Does the CCS serve as a resource to the investigators in all harassment and unlawful discrimination reports? Does the CCS conduct a CCS sufficiency review prior to final determination? Yes No
15. Does the CCS ensure that the complainant and alleged offender in a formal harassment or unlawful discrimination report are updated on the status of the report every 14 days through resolution? Yes No
16. Does the CCS track and monitor the reporting and status of their command and subordinate commands' harassment and unlawful discrimination reports? Yes No
17. Does the CCS ensure that a follow-up debrief with the complainant to determine the level of satisfaction with the resolution of the report following report determination takes place no later than 45 days following the determination of the report? Is this documented via the NAVPERS 5354/2 or memorandum for the record and routed to OPNAV N173 via the echelon 3 and echelon 2 CCS? Yes No
18. Does the CCS coordinate administrative actions with a judge advocate assigned to their staff, ISIC, or region legal service office, inspector general, and staff assistants as necessary? Yes No
19. Is the CCS consulted on higher level reviews when a member has exercised his or her right to appeal the decision on a formal harassment or unlawful discrimination report? Yes No
20. Does the CCS provide the commander a quarterly verbal brief and written report of the status of subordinate command's harassment and unlawful discrimination reports and required EO, sexual harassment, and grievance procedures GMT? Yes No
21. Does the CCS provide a monthly summary to the commander of anonymous harassment and unlawful discrimination reports that do not result in an investigation? Yes No

22. Does the CCS provide quarterly training to subordinate command CCSs and CMEO program managers? Yes No
23. Does the CCS maintain a current point of contact listing of subordinate command CCSs and CMEO program managers? Yes No
24. Does the CCS liaise between his or her command, his or her respective echelon 2 command, and OPNAV N173 as needed? Yes No
25. Does the CCS collaborate with other CCSs and CMEO program managers on the installation? Yes No

APPENDIX H
COMMAND MANAGED EQUAL OPPORTUNITY PROGRAM CHECKLIST

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

CMEO Program

1. CMEO Program Manager

a. Is the CMEO program manager's letter of designation and training documentation maintained? Yes No

b. Did the CMEO program manager complete the required NETC delivered CMEO manager course no more than 36 months prior to appointment? Yes No

c. Did the CMEO program manager complete the Navy EO Correspondence course (NAVEDTRA 14082)? Yes No

2. CMEO program manager binder contains at a minimum the following:

a. CMEO program manager designation letter. Yes No

b. CMEO Manager course completion letter. Yes No

c. Command harassment and unlawful discrimination policy statement(s). Yes No

d. Results of command climate assessments for the past 3 years. Yes No

e. Executive summaries from command climate assessments for the past 3 years.
 Yes No

f. Formal Harassment and unlawful discrimination reports for the past 3 years.
 Yes No

g. Informal harassment and unlawful discrimination reports for the past 3 years.
 Yes No

h. CRT membership. Yes No

i. EO echelon chain of command (CCS point of contacts). Yes No

j. Harassment and unlawful discrimination report log. Yes No

k. Command demographics for collateral duty assignments, retention, discipline, advancement, and awards. Yes No

3. CRT

a. Does the CRT use the Command Assessment Team Guide (NAVEDTRA 7542A) as a guide to conduct a climate assessment? Yes No

b. Does the CRT meet quarterly? Are these meetings documented? Yes No

c. Has the command conducted a command climate assessment within 90 days after change of command? Are follow-on command climate assessments conducted every 9-12 months? Yes No

d. Is supporting documentation (i.e., the DEOCS report, focus group questions and answers, records and reports, observation notes, etc.) for the command climate assessment maintained for at least 3 years? Yes No

e. Has the CRT developed a POA&M and does it address areas of concern identified during the command climate assessment? Yes No

f. Is the command conducting follow-up reviews on POA&M action items and adjusting as required? Yes No

g. Have command personnel been debriefed on the results of the command climate assessment? Yes No

Policy and Procedures

1. Has the commander sufficiently stated command policy on EO in writing, including the prevention of harassment and unlawful discrimination and on prohibiting retaliation against individuals who submit reports? Is policy published throughout the command? Yes No

2. Is the command policy consistent with current, DoD, SECNAV, and OPNAV directives? Yes No

3. Is annual EO, sexual harassment, and grievance procedures training conducted? Is training documented in FLT MPS as required? Yes No

4. Does senior leadership participate in unit EO training as instructors, discussion leaders, or as resources for answering questions? Yes No

5. Are formal harassment and unlawful discrimination reports reported within the guidelines outlined in reference (k)? Yes No
6. Are harassment and unlawful discrimination reports tracked, monitored, reported and updates provided to respective CCS through resolution? Yes No
7. Are CCSs consulted for assistance as required or needed? Yes No
8. Are posters displayed and filled out so all hands are aware of report procedures, the Navy Sexual Harassment and Equal Opportunity Advice Line, and the informal resolution system?
 Yes No
9. Are command demographics for collateral duty assignments, retention, discipline, advancement, and awards reviewed by race, ethnicity, sex, and paygrade or rank quarterly and maintained for 3 years? Yes No
10. Is the CMEO program manager record file completed as required by OPNAVINST 5354.1G? Yes No
11. Does the CMEO program manager attend disciplinary proceedings (i.e. disciplinary review boards, XO's inquiry, non-judicial punishment, etc.)? Yes No
12. Have qualified personnel been identified, encouraged, and counseled to apply for commissions? Yes No

APPENDIX I
COMMAND CLIMATE ASSESSMENT PROCESS

1. Command Climate Assessment

a. Both active and reserve commanders, commanding officers, and officers in charge (hereafter referred to as commanders) will complete a command climate assessment within 90 days after assumption of command and every 9 to 12 months as follow-up assessments during their command tenure.

Note: Navy reserve units not listed on the Standard Navy Distribution List will be included in the supported command's command climate assessment. Voluntary training units and operational support units will be included in the NOSC command climate assessment.

b. Subparagraphs 1b(1) and 1b(2) include exceptions to reference (i) on the conduct of command climate assessments for units of fewer than 50 personnel or with fewer than 16 personnel or 16 respondents.

(1) Each unit, regardless of size, is required to complete a command climate assessment.

(2) Units with fewer than 16 personnel or 16 respondents on the DEOCS must conduct a command climate assessment via focus groups, interviews, observations, and reviewing command records and reports.

c. The command climate assessment must be completed using the DEOCS, focus groups, interviews, observations, and reviewing command records and reports. The command climate assessment must not take longer than 60 days, 110 days for NOSC's, from the start of the DEOCS to the commander's debrief of the command. An example of a command climate assessment timeline is outlined in subparagraphs 1c(1) through 1c(6).

Note: Commanders will receive written approval from the echelon 2 commander prior to utilizing the paper version of the DEOCS. Due to the length of time it takes to process the paper version of the DEOCS, this method is not recommended.

(1) DEOCS: 21 days, one drill cycle for NOSC's.

Note: When the electronic version of the DEOCS is requested a user name, password, and uniform resource locator (URL) are provided to the survey administrator. When the command closes out the survey the administrator must specifically request that the report be generated.

(2) Request and receive report from DEOMI: 7 days.

Note: When utilizing the paper version the remainder of the process commences upon receipt of the DEOCS report from DEOMI.

(3) CRT review of the report: 10 days, 25 days for NOSCs.

(4) Conduct focus groups and interviews: 10 days, 30 days for NOSCs.

(5) Preparation of the executive summary and POA&M: 7 days, 10 days for NOSCs.

(6) Commanders must debrief their commands no later than 5 days after receipt of the executive summary from the CRT.

d. Records and reports must be maintained and reviewed quarterly.

e. The CCSs and CMEO program managers will track and provide oversight of the command climate assessment process for subordinate commands.

f. Commands outside the continental United States with local foreign national employees can request an extension, to be granted by their echelon 2 commander, to allow for survey question and response translation.

2. Enhanced Commander Accountability

a. Commanders must conduct a face-to-face debrief of their command climate assessment executive summary using the DEOCS to include a POA&M, with their ISIC. VTC is an acceptable method for commanders not located in the same geographic region as their ISIC. The ISIC can authorize the use of Defense Collaboration Services or teleconferences for commands without VTC capability. Commanders must provide their ISIC with a face-to-face debrief at the first opportunity either in person or VTC. This process will provide the ISIC an opportunity to mentor the commander and will happen within 60 days of completion of the command climate assessment, unless otherwise approved by the echelon 2 commander. The POA&M and executive summary must be forwarded to the ISIC no later than 30 days after completion of the command climate assessment.

b. Commanders must include the ISIC commander contact information in their initial DEOCS request to enable automatic ISIC visibility of the command climate survey process. Commanders must also validate the ISIC contact information when closing the DEOCS and requesting the DEOCS report to enable the ISIC to receive automatic notification and directly access the DEOCS results and report.

c. The Chief of Naval Operations (CNO) has directed that echelon 2 commanders list the Vice Chief of Naval Operations or the Director, Navy Staff Service member (whichever is applicable) rather than the CNO as their ISIC.

d. ISICs at each level must issue guidance to their respective commanders on scheduling the face-to-face debriefs and provide the ISIC contact information for ordering the DEOCS.

e. Debriefs must cover significant findings, areas of strength, areas of concern, an explanation of the validation process, actions taken, and plans developed to improve command climate. Brief format will be determined by the echelon 2 commander.

APPENDIX J
COMMAND CLIMATE ASSESSMENT EXECUTIVE SUMMARY

5354
Ser N00/
DD Mmm YY

From: Commanding Officer, (Name of Command)

To: (Immediate Superior in Command)

Subj: FYXX COMMAND CLIMATE ASSESSMENT EXECUTIVE SUMMARY FOR
(NAME OF COMMAND)

Ref: (a) OPNAVINST 5354.1G

Encl: (1) Plan of Action and Milestones

(2) List any additional enclosures

1. Background. (Name of command) completed a command climate assessment in line with reference (a). The purpose of the climate assessment is to determine the “health” and mission readiness of the unit.

2. Assessment Methodology. The command resilience team administered a Defense Equal Opportunity Management Institute organizational climate survey (DEOCS) from (start date) to (complete date). The DEOCS Admin number is (insert number). Records review was conducted on (date). Focus groups, interviews, and observations were conducted from (start date) to (complete date).

3. Command Demographics

a. Total number of personnel assigned to the command (by race, ethnicity, sex, paygrade, and rank):

Amer. Indian Alaskan Native	Asian	Black or African American	Native Hawaiian/ PI	White	Hispanic	Other
%	%	%	%	%	%	%
Minority	Majority	# of Women	# of Men	# of Officers	# of Enlisted	#of Civilian
%	%	%	%	%	%	%

b. Total number of personnel who completed the DEOCS (by race, ethnicity, sex, paygrade, and rank):

Amer. Indian Alaskan Native	Asian	Black or African American	Native Hawaiian/ PI	White	Hispanic	Other
%	%	%	%	%	%	%
Minority	Majority	# of Women	# of Men	# of Officers	# of Enlisted	#of Civilian
%	%	%	%	%	%	%

4. Significant Findings (*consistent feedback, positive or negative, list all*)

a.

b.

5. Organizational Strengths (*list all*)

a.

b.

6. Areas of Concern (*list all*)

a.

b.

7. Recommended Corrective Actions (*address areas of concern*)

a.

b.

8. Conclusions/Summary

I. M. COMMANDER

APPENDIX K
EQUAL OPPORTUNITY ANNUAL CLIMATE ASSESSMENT

5354
Ser N00/
DD Mmm YY

From: Commander, (Name of Command)

To: (Immediate Superior in Command)

Subj: FYXX (NAME OF COMMAND) EQUAL OPPORTUNITY CLIMATE
ASSESSMENT

Ref: (a) OPNAVINST 5354.1G

Encl: (1) List all enclosures, if any

1. Background. Per reference (a), (*Command Name*) is providing an annual equal opportunity climate assessment based on input from echelon 3 and subordinate commands.

2. Assessment Methodology. Data used in compiling this report was extracted from subordinate command's command climate assessment executive summaries, the Defense Equal Opportunity Management Institute organizational climate survey roll-up report, the harassment, sexual harassment, and unlawful discrimination report log, inspector general inspections, and data extracted from the Fleet Training Management Planning System.

3. Significant findings (*consistent feedback, positive or negative, list all*)

a.

b.

4. Organizational Strengths

a.

b.

5. Areas of Concern

a.

b.

6. Recommended Corrective Actions (*address areas of concern*)

a.

b.

7. Conclusion/Summary

I. M. COMMANDER

SAMPLE

APPENDIX L
EQUAL OPPORTUNITY RESOURCES

1. Navy EO Web site

http://www.public.navy.mil/bupers-npc/support/21st_Century_Sailor/equal_opportunity/Pages/default.aspx

2. Address

Sexual Harassment Prevention and Equal Opportunity Office
5720 Integrity Drive
Building 457 Room 249
Millington, TN 38055

3. DoD Issuances

[http://www.esd.whs.mil/DD/DoD-Issuances/.](http://www.esd.whs.mil/DD/DoD-Issuances/)

4. DON Issuances

<http://doni.documentservices.dla.mil/default.aspx>

5. Survey Tools

a. DEOMI DEOCS. This survey is available to commanders from the research division of DEOMI and may be obtained through their Web site at <https://www.deocs.net/public/index.cfm>.

b. Command Assessment Team Information Guide (NAVEDTRA 7542A)

6. Equal Opportunity Information Poster. Equal Opportunity Information Poster (NAVPERS 15600E), S/N 0500-LP-113-6362, available through the Navy Logistics Library.

7. The Navy Sexual Harassment and Equal Opportunity Advice Line. Provides information on how and where to file reports and what kinds of behaviors constitute harassment, sexual harassment, and unlawful discrimination. This is also an avenue to file anonymous harassment and unlawful discrimination reports. The line is anonymous, toll-free, and may be used by members of the DON. Toll free telephone number is (800) 253-0931 and the commercial number is (901) 874-2507, Defense Switched Network (DSN): 882. The advice line can also be reached by e-mail: Mill_NavyEOAdvice@navy.mil. DON civilians are advised to consult the appropriate servicing EEO office.

8. EO Training. DEOMI offers several courses in EO and EEO. Course description and enrollment guidance can be found at <http://www.deomi.org/>.
9. DEOMI Web site. Provides support materials designed to assist with conducting special observances, sexual harassment prevention training, EO related publications, guidance, and various Web site links. The DEOMI Web site can be accessed at <https://www.deomi.org/>.
10. List of Applicable and Helpful References
 - a. DoD Instruction 1300.17, Accommodation of Religious Practices Within the Military Services, 10 February 2009
 - b. DoD Directive 7050.06, Military Whistleblower Protection, 17 April 2015
 - c. SECNAVINST 1730.8B, Accommodation of Religious Practices
 - d. SECNAV M-5200.35, Department of the Navy Managers' Internal Control Manual, June 2008
 - e. SECNAV M-5210.2, Department of the Navy Standard Subject Identification Code (SSIC) Manual, July 2012
 - f. SECNAVINST 5350.15C, Department of the Navy Core Values Charter and Ethics Training
 - g. SECNAVINST 5354.2, Department of the Navy Equal Opportunity, Equal Employment Opportunity, and Diversity Oversight
 - h. OPNAVINST 3120.32D, Standard Organization and Regulations of the U.S. Navy
 - i. NAVEDTRA 7542A, Command Assessment Team Information Guide (CAT IG)
 - j. 62 FR 58782, Office of Management and Budget, Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity

APPENDIX M
HARASSMENT OR UNLAWFUL DISCRIMINATION REPORT RETALIATION
AWARENESS

1. This retaliation awareness document is for a harassment or unlawful discrimination report. The chain of command of the complainant, the chain of command of the alleged offender, the alleged offender, and any witnesses must be made aware of this retaliation awareness document.
2. All Service members and DON personnel who make a protected communication must be free from retaliation or reprisal as defined in appendix C.
3. The chain of command of the complainant and the chain of command of the alleged offender will not:
 - a. initiate any contact with the complainant, any witness or potential witness, or the alleged offender in this investigation outside of that required by their official duties; and
 - b. solicit others to act on their behalf to contact the complainant, any witness or potential witness, or the alleged offender in this investigation outside of that required by their official duties.
4. The complainant should notify the NAVINSGEN, (800) 522-3451, immediately if, during the course of this investigation he or she believes they are suffering a reprisal as a result of this report. The complainant should notify his or her supervisor, CCS, CMEO program manager, or commander, commanding officer, or officer in charge immediately if, during the course of this investigation, he or she believes they are suffering a form of retaliation other than reprisal as a result of this report.

APPENDIX N
COMMAND RESILIENCE TEAM NON-DISCLOSURE DOCUMENT

1. I understand that by serving on the (command name) command resilience team (CRT) I am expected to participate in the analysis of the Defense Equal Opportunity Management Institute organizational climate survey, focus groups, interviews, observations, and the review of command records and reports in support of the command climate assessment and that I will incur certain obligations enumerated below.
2. I understand that in the execution of my CRT duties I am a confidential agent of (command name) for obtaining uninhibited self-analysis and self-criticism of the internal management, operation, and administration of the command.
3. The purpose of my participation is to assist in clarifying and validating information brought forward during the command climate assessment. Reports of the (command name) are internal memoranda and constitute privileged information which is for official use only and is not releasable outside this command without the specific approval of the commander, (command name).
4. I understand that the direct or indirect unauthorized disclosure, unauthorized retention, or negligent handling of information obtained in the course of my duties with the (command name) CRT, including either oral or written information, could cause injury to naval operations or naval personnel and may subject me to disciplinary action or other legal process.
5. I agree that I will not divulge any information gained from my involvement with the (command name) CRT outside this command unless I have the specific written approval from the commander, command officer, or officer in charge.
6. Unless and until I am released in writing by an authorized representative of the United States government, I understand that all conditions and obligations imposed upon me apply during all times I am assigned to the (command name) and at all times thereafter without limitation.

Service Member

CRT Lead