



DEPARTMENT OF THE NAVY

NAVAL SEA SYSTEMS COMMAND  
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IN REPLY TO

NAVSEAINST 5354.1E  
Ser 00/008  
8 Jun 07

NAVSEA INSTRUCTION 5354.1E

From: Commander, Naval Sea Systems Command

Subj: MILITARY EQUAL OPPORTUNITY (EO) PROGRAM

Ref: (a) OPNAVINST 5354.1E of 22 Jan 01  
(b) NAVSEA Diversity Policy/CONOPS of 19 Sept 06

Encl: (1) Command Managed Equal Opportunity Manager  
(2) Sexual Harassment Guidelines  
(3) Navy Grievance Procedures  
(4) Diversity Definition

1. Purpose. To implement guidelines of the NAVSEA Equal Opportunity Program for active duty and reserve personnel.

2. Cancellation. NAVSEAINST 5354.1D of 23 Mar 95.

3. Applicability. This instruction applies to NAVSEA Headquarters and its Field Activities.

4. Background. Reference (a) and enclosures (1), (2) and (3) provide guidelines delineating the responsibilities for the Command Managed Equal Opportunity (CMEO) Program for Military personnel. Civilian Equal Employment Opportunity (EEO) policies and guidance are provided in separate instructions issued by the Director of Civilian Personnel Policy and the Equal Employment Opportunity Commission (EEOC). Achieving an environment of equal opportunity can only occur as a result of Command policies and procedures which eliminate the institutional impediments barring upward and lateral mobility of all personnel.

5. Policy. The Commander, Naval Sea Systems Command is committed to the principles and fully supports the policies established by the Secretary of the Navy and the Chief of Naval Operations in achieving an environment of equality for all personnel at every level of the chain of command. To this end, the military Equal Opportunity and civilian Equal Employment Opportunity programs should support each other, as appropriate,

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in areas of mutual interest at each command. It is essential that all actions reflect professionalism, sound judgment and leadership in the elimination of all forms of discrimination.

6. Responsibilities

a. Commander, Naval Sea Systems Command

(1) Provide overall direction, guidance and leadership for the command's Equal Opportunity (EO) program.

(2) Monitor Equal Opportunity status within subordinate commands.

b. NAVSEA Activities Commanders

(1) Ensure local directives are developed and implemented as required.

(2) Provide information as directed by this instruction.

(3) Review and assess the Command's EO Climate.

(4) Appoint an E-6 or above as the Command Managed Equal Opportunity (CMEO) Officer, with exception of Command Master Chief, Senior Enlisted Advisor, Executive Officer and Commanding Officer.

(5) It is mandatory that managers and supervisors ensure that NAVSEA's EO Policy becomes an integral part of day-to-day personnel management.

c. CMEO Officer

(1) Provide administrative coordination for the Command Assessment Team (CAT) and Command Training Team (CTT) and function as the single point of contact for EO matters in the command/activity.

(2) Monitor CAT and CTT membership to ensure compliance with eligibility and training requirements. Maintain copies of all letters of appointment and ensure documentation of training in member's service record.

(3) Maintain CAT files and records on all EO related matters such as minutes of CAT and CTT meetings, command assessment reports and Plan of Action & Milestones (POA&M),

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discrimination (including sexual harassment) complaints (military only), inspection reports, policy statements and training/informal resources.

(4) Coordinate CAT and CTT briefings; ensure the Commander is properly apprised of all EO related matters, via the Executive Officer or equivalent. Briefings must occur a minimum of once per quarter. Review and assure compliance with NAVSEA Diversity Policy and CONOPS as per reference (b).

(5) Maintain communication with NAVSEA Equal Opportunity Advisor in Washington, DC.

d. NAVSEA Equal Opportunity Advisor

(1) Advise the Commander on all matters related to Navy Equal Opportunity policy and on command compliance.

(2) Assist with the processing of discrimination (including sexual harassment) complaints.

(3) Review formal discrimination (including sexual harassment) complaints and provide recommendations for Flag endorsement/action.

(4) Provide briefings on EO matters.

(5) Assist on EO policy formulation.

(6) Conduct inspections and reviews of Equal Opportunity Programs at subordinate commands.

(7) Monitor CMEO status by evaluating annual command assessment results forwarded by subordinate commands.

(8) Provide CAT/CTT and SAVI (Sexual Assault Victim Intervention) training/assist visits.

(9) Counsel personnel on harassment and discrimination complaint resolution procedures, both formal and informal. Provide guidance, advice and assistance to subordinate commands regarding EO matters.

7. Action

a. NAVSEA Headquarters and field activities will aggressively support the NAVSEA EO/Diversity Program by

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implementing the procedures set forth in this instruction and reference (a).

b. Conduct Command Managed Equal Opportunity (CMEO) training for all officers and enlisted personnel. This can be accomplished with qualified Command Training Teams, Equal Opportunity Advisors, or with the assistance of geographical Training Centers. Reference (a) and this instruction provide specific requirements regarding CMEO training.

c. Commanders, Commanding Officers or Officers in Charge will assign, in writing, an Officer or senior petty officer as an advisor on matters involving the EO Program. The advisor should work closely with the Command Senior Enlisted Advisor, Career Counselor, Drug and Alcohol Program Advisor, and the Legal Officer when applicable.



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COMMAND MANAGE EQUAL OPPORTUNITY MANAGER

To ensure mission readiness, every member of NAVSEA must be afforded an equal opportunity to become a productive 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.

The Navy has a variety of resources available to Sailors filing or handling both informal and formal complaints in response to unprofessional behavior. The Informal Resolution System (IRS) is the recommended first step in conflict resolution. The informal stage addresses the offending behavior directly, through communication with the offending party. The complainant may request the assistance of a third party to intervene or request training be presented to the workplace on prevention of unprofessional behavior. Every command is required to have a CMEO Manager. The CMEO should be able to assist in the informal resolution process. If these efforts fail, the complainant has a variety of other avenues to address the issue.

PRIMARY TASKS OF THE CMEO MANAGER

As the command EO policy specialist, the CMEO Manager will:

1. Act as the command's subject matter expert regarding current EO policies and practices (such as prevention of sexual harassment, homosexual conduct policy, fraternization, discrimination, religious accommodation, hazing, extremist groups, etc.); become familiar with the applicable Judge Advocate General Manual (JAGMAN) articles, Navy Regulations, Navy Standard Organizational Readiness Manual (SORM), and DoD instructions concerning EO issues; draft mandatory or command specific EO policy statement for the Commanding Officer.

As an EO educator, the CMEO Manager shall:

2. Train command members on their rights and responsibilities as naval citizens; train command members on EO policies and practices; inform command members on the requirements of the CMEO program; provide support to the Command Training Team (CTT).

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The CMEO Manager should coordinate with internal and external resources to provide information and support to command members. The CMEO Manager, along with other command members, must monitor and assess the command climate by continually assessing indicators of fairness and equity in the work environment; recognizing discriminatory actions that affect the command EO climate; conducting Defense Equal Opportunity Climate Survey assessments annually; applying proper survey/assessment methodology and techniques while conducting assessments.

An advocate of fairness and equity, the CMEO Manager will:

3. Assist the Commanding Officer in cultivating a command that recognizes and values diversity; counsel command members on EO issues; gain commitment from the Commanding Officer for a proactive CMEO program; advise the Commanding Officer on methods for resolving EO issues; submit accurate and timely reports and complaints to the Commanding Officer and/or higher authority when required.

The CMEO Manager must be able to demonstrate basic conflict resolution skills to facilitate resolution at the lowest APPROPRIATE level, provide guidance on informal resolution strategies, and advise service members on formal grievances/redress submission procedures as well as how to recognize reprisal as a result of such submissions.

Enclosure (1)

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SEXUAL HARASSMENT (SH) GUIDELINES AND RANGE OF BEHAVIORS

1. Introduction. This enclosure explains and illustrates behaviors that may constitute sexual harassment and is intended to assist military members in distinguishing between acceptable and unacceptable behavior in the work environment. The policy established by this instruction is not intended to prevent the types of behavior which are appropriate in normal work settings and which contribute to camaraderie.

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

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

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

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

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

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

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

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

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

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the traffic light means "caution," and behavior in the yellow zone may be sexual harassment. Red on the traffic light means "stop." Red zone behaviors are sexual harassment. Just as with a traffic light, if in the yellow zone long enough, the light will turn red. If yellow zone behaviors occur repeatedly, especially after the person has been told it is unwelcome, it becomes red zone behavior--sexual harassment. The following examples illustrate these three types of behavior:

a. Green zone. These behaviors are not sexual harassment:

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

(2) Counseling on military appearance

(3) Social interaction; showing concern or encouragement

(4) A polite compliment or friendly conversation

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

(1) Violating personal space

(2) Whistling

(3) Questions about personal life

(4) Lewd or sexually suggestive comments

(5) Suggestive posters or calendars

(6) Off-color jokes

(7) Leering

(8) Staring

(9) Repeated requests for dates

(10) Foul language

(11) Unwanted letters or poems

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(12) Sexually suggestive touching or gesturing

c. Red zone. These behaviors are always considered sexual harassment:

- (1) Sexual favors in return for employment rewards
- (2) Threats if sexual favors are not provided
- (3) Sexually explicit pictures (including calendars or posters) or remarks
- (4) Using status to request dates
- (5) Obscene letters or comments

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

Enclosure (2)

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NAVSEA GRIEVANCE PROCEDURES

1. Complaints. One of the most important aspects of the Equal Opportunity Program and one that requires constant attention is that discrimination and sexual harassment complaints be considered and acted upon by the chain of command. A complaint is nothing more than bringing to the attention of proper authority the known, suspected, or probable commission of an offense under the Uniform Code of Military Justice (UCMJ), a violation of a civil law, or other inappropriate conduct. A complaint may be made orally or in writing. Any person may initiate a complaint: military or civilian, officer or enlisted.

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

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

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

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

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

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

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

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

(1) Individuals should first attempt to resolve the complaints with the person or persons involved. It is recommended that the Informal Resolution System (IRS) be used to resolve the conflict unless the behavior involved is clearly criminal. Assistance of the immediate supervisor in resolving the complaint may be requested as the circumstances require. If the object of the complaint is the complainant's immediate supervisor, present the complaint to the next senior in the chain of command. The IRS skills booklet (NAVPERS 15620) for, for military members resolving conflict provides step by step guidance on the resolving not only sexual harassment issues but conflicts of any nature in the workplace.

(2) If the complaint cannot be resolved between complainant and persons involved or with the help of immediate supervisors, then submit a request either in writing or orally in a timely manner for Commanding Officer's request mast.

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

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

b. Formal Grievance Procedures

(1) If grievance is against a superior in the same chain of command, other than the Commanding Officer, submit a formal complaint, NAVREGS Article 1150, against that superior to the Commanding Officer. If the complainant considers the Commanding Officer's resolution unjust, submit a UCMJ ART 138, "Complaint of Wrong," against the Commanding Officer. Procedures are contained in Chapter 111, Manual of the Judge Advocate General (JAGMAN). Individuals should be advised of their entitlement to military legal counsel for assistance in submitting the complaint.

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(2) If the grievance is against a superior in another chain of command, submit the complaint to the Commanding Officer. The Commanding Officer will forward the complaint to the superior of the individual against whom the complaint is brought via/ his/her chain of command to the officer exercising general court martial jurisdiction.

(3) If the grievance is against the complainants' Commanding Officer, submit the UCMJ ART 138 complaint. The complaint of wrong should be submitted via the chain of command to the person exercising general court martial authority over the Commanding Officer. The complaint is reviewed and a report of proceedings is forwarded to the Secretary of the Navy (Judge Advocate General) for review and final action by the Secretary of the Navy.

4. Complaints/grievances related to Discharge and Records. Service members who wish correction of service records or a change of discharge classification should write to the Board of Corrections of Naval Records or the Naval Council of Personnel Boards. These boards will supply forms and instructions necessary to apply for redress.

5. Commander's Responsibilities. In processing equal opportunity and sexual harassment complaints Commanders, must investigate and resolve all reported incidents at the lowest level possible. All incidents will be resolved promptly and with sensitivity. Confidentiality will be maintained to the extent possible. Feedback will be provided to all affected individuals consistent with the requirements of the Privacy Act, reprisals against complainants or witnesses will not be tolerated.

a. Inform individuals of informal complaint resolution procedures, the right to submit formal complaints and the method for submitting formal complaints.

b. Provide to all members information on obtaining legal military counsel for assisting in submission of formal complaints and any other assistance available from the local shore command.

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c. Except in cases of major criminal offenses which should be referred to the Naval Criminal Investigative Service (NCIS), individuals should be encouraged to use the IRS to attempt to resolve their conflict. It is within the Commander's discretion to forego taking formal action when a complaint has been resolved under the IRS and the complainant does not desire further action.

d. If the complaint cannot be resolved by the individuals involved using the IRS, it is mandatory for Commanders to take prompt action to determine what disposition should be made thereof in the interest of justice and discipline. Disposition must be based upon an investigation sufficient for an reasonable decision. A preliminary investigation should be initiated to develop enough information as to facts and circumstances to allow a full assessment of the conduct which precipitated the complaint. Ensure that previous disciplinary action or poor judgment on the part of the complainant in no way invalidates or prejudices a discrimination or harassment complaint. It is permissible for a Commander to dismiss a complaint as unfounded after complete inquiry. It is never permissible for a Commander to fail to adequately investigate a complaint.

e. Ensure the complaint has received a disposition. Options for disposition of complaints (following appropriate investigation) span the spectrum from taking no action on groundless allegations, through counseling, admonition, reprimand, exhortation, disapproval, criticism, censure, reproach, rebuke, extra military instruction, administrative withholding of privileges, adverse entries in performance ratings, downgrading or revocation of security clearances, detach for cause, separation processing, NJP and criminal prosecution.

f. Document all reports of sexual harassment and discrimination complaints, for investigation/inspection purposes.

g. Provide feedback within a reasonable time to all affected individuals consistent with the requirements of individual privacy rights.

h. Preclude backlash or reprisal. No individual may take or condone reprisals against a person who provides information

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on an incident of alleged discrimination or sexual harassment. A reprisal is the wrongful threatening or taking of either unfavorable action against another or withholding favorable action from another solely in response to a report of alleged sexual harassment or discrimination. Reprisal can be overt or subtle; reduction of performance marks "out of the blue," otherwise unwarranted psychiatric evaluations, inequity in duty assignments, increased workload/watch standing, or not recommending personnel for advancement, retention, or special programs. When reprisals are reported, commands must aggressively determine the validity of such reports and take prompt disciplinary action against violators when appropriate. Prevention methods to assist Commanders in maintaining an environment free of reprisal include:

(1) Regularly emphasizing the positive aspects of bringing to the command's attention acts of undesirable behavior via Captain's Call or Command Quarters.

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

(3) Once a complaint/grievance has been initiated, actively following the individual's performance and evaluation to ensure no reprisals are taken.

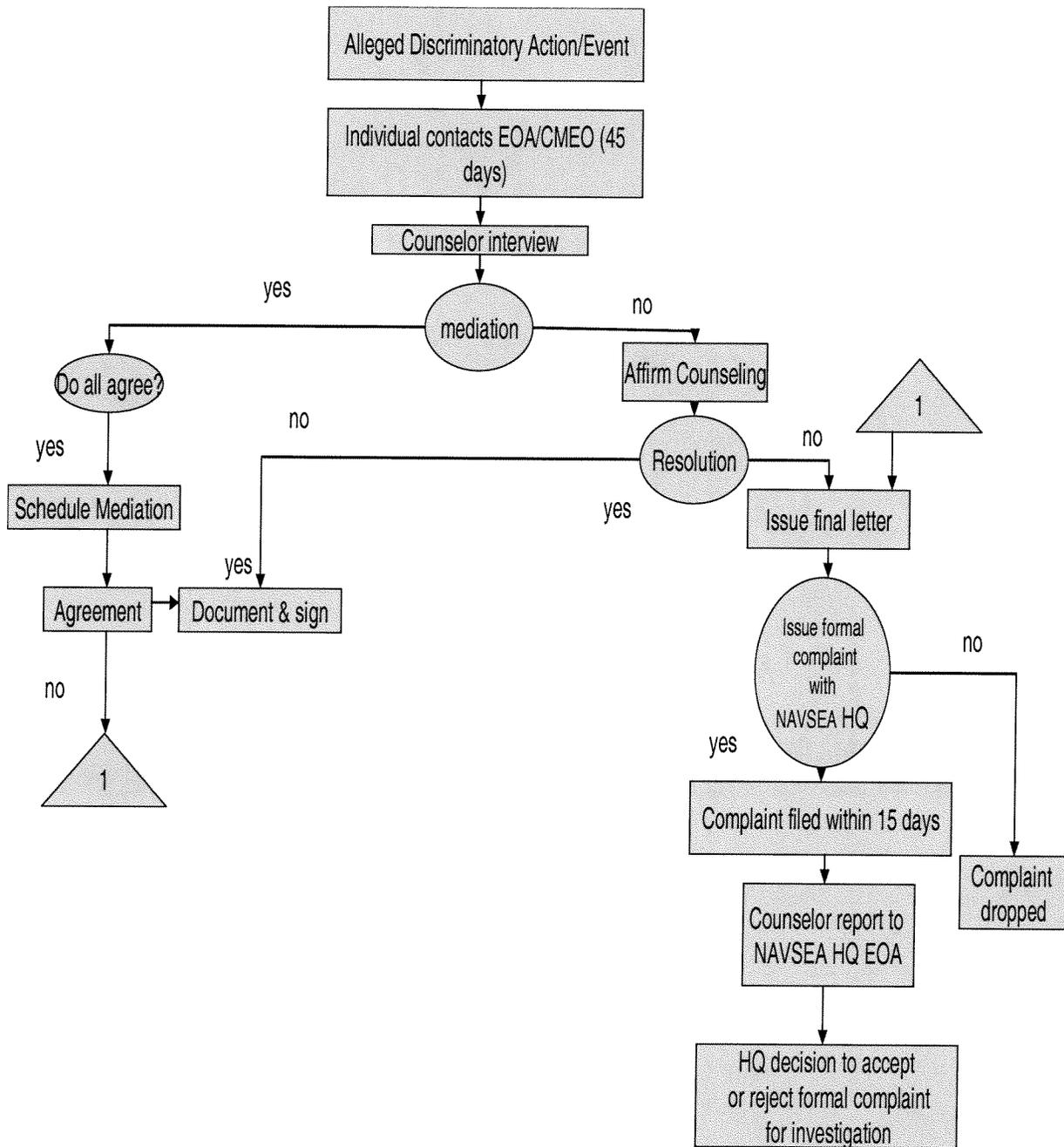
(4) Hold supervisors accountable for regularly documenting performance, especially in the case of declining performance by maintaining personal counseling records, submitting special evaluations, and taking other remedial actions.

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

6. Inspector General's Hotline. Complaints of discrimination or sexual harassment may be reported through the NAVSEA Inspector General's "Fraud, Waste, and Abuse Hotline." This alternate means of reporting may be used if the complainant is not reasonably satisfied that the complaint has been/will be properly resolved by the chain of command. The number to call is commercial (202) 781-0208, or toll free 1-800-356-8464.

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DIVERSITY DEFINED

United States Navy defines Diversity as "Diversity is the creativity, culture, ethnicity, gender, race, religion, skills and talents of Sailors and civilians that enhance the mission readiness of the Navy.

"Diversity refers to human qualities that are different from our own and those of groups to which we belong; but that are manifested in other individuals and groups. Dimensions of diversity include but are not limited to: age, ethnicity, gender, physical abilities / qualities, race, sexual orientation, educational background, geographic location, income, marital status, military experience, political beliefs, parental status, religious beliefs, work experience, and job classification."

Diversity as a concept focuses on a broader set of qualities than race and gender. In the context of the workplace, valuing diversity means creating a workplace that respects and includes differences, recognizing the unique contributions that individuals with many types of differences can make, and creating a work environment that maximizes the potential of all employees.

Diversity is also about having the long term goals that the work force should generally reflect the population of the state it serves in all its dimensions. It is the exploration of these differences in a safe, positive, and nurturing environment. It is about understanding each other and moving beyond simple tolerance to embracing and celebrating the rich dimensions of diversity contained within each individual.

Enclosure (4)