DEPARTMENT OF THE NAVY
NAVAL SEA SYSTEMS COMMAND
2531 JEFFERSON DAVIS HWY
ARLINGTON VA 22242-5160

IN REPLY REFER TO
NAVSEAINST 12713.6
Ser HRC-041/7076
10 June 1997

NAVSEA INSTRUCTION 12713.6

From: Commander, Naval Sea Systems Command

Subj: PROCESSING ALLEGATIONS OF SEXUAL HARASSMENT AGAINST CIVILIAN EMPLOYEES

Ref: (a) CNO WASH DC R241622Z Jun 94
(b) CNO WASH DC R082006Z Nov 94

1. Purpose. To provide guidance on Navy policy and Command responsibility regarding processing, investigating, and reporting allegations of sexual harassment raised by or involving civilian employees of the Naval Sea Systems Command (NAVSEA) Headquarters and associated Program Executive Offices (PEOs).

2. Background. Reference (a), which applies to both civilian employees and military members, requires that all reported allegations of sexual harassment be investigated and that appropriate corrective action be initiated within fourteen days. Reference (a) also requires that commands report to the Chief of Naval Operations (CNO) cases in which resolution cannot be achieved within the fourteen-day time requirement. Reference (b) provides amplifying guidance on reporting those cases.

3. Policy. Reference (a) represents the Navy's commitment to eliminate sexual harassment via an assertive, pro-active approach. Reference (a) also makes clear that Navy leaders are responsible for ensuring a work environment free of sexual harassment. As such, Navy supervisors shall not tolerate sexual harassment in any form and must take whatever action is required to ensure an appropriate work environment free from sexual harassment.

4. Action. In support of this commitment, the following procedures and timeframes are to be followed when processing allegations of sexual harassment involving civilian employees in NAVSEA Headquarters and associated PEOs. This action applies when the individual against whom the allegation is made (hereinafter referred to as "alleged harasser") is a civilian employee. This instruction does not apply if the alleged harasser is a military member. Allegations against military personnel should be referred to the Command Military Equal Employment Opportunity Office. When allegations are made against civilian employees, the following procedures apply:

a. An employee desiring to file a charge of harassment (hereinafter referred to as "alleged victim") will be interviewed immediately by an Employee Relations Specialist at the Human Resources Center (HRC). If the alleged victim reports the incident to someone other than an Employee Relations Specialist, the Employee Relations Office must be advised immediately of the contact.

b. If the employee is alleging harassment, specific questions must be asked to determine if the harassment is sexual in nature. Even if the employee does not use the term "sexual harassment," if the interviewer suspects there may be overtones

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April21,200006:47:55

of sexual harassment, these procedures must be followed to avoid any possibility of error in processing the allegation.

c. Immediately upon completion of the interview, the Head, Workforce Relations (HRC 041) will arrange for a meeting with the supervisor of the alleged harasser, the appropriate directorate Senior Executive Service member ("B" Code) and a representative from the Office of Counsel. Counsel will participate in the process from this point forward and should be consulted for advice and guidance. This meeting shall normally be held on the same day as the filing of the allegation, but not later than the day after.

d. Upon completion of that meeting, HRC 041 will notify the Director, HRC, and the Command Executive Director (SEA 00B) of the allegation. The Director, HRC, will be responsible for ensuring the Commander (SEA 00) is notified of the allegation.

e. An investigation/fact finding must be initiated within three days of the filing of an allegation. It is the responsibility of the "B" Code who supervises the alleged harasser to appoint a fact finder and to ensure that the fact finder understands the priority of completing the tasking. The investigator/fact finder will be allowed five working days to complete his/her report, including findings. Normally, extensions of time to complete the fact finding will not be granted unless good cause can be shown.

f. The alleged harasser's supervisor and "B" Code shall meet with the alleged harasser to advise that an allegation has been filed and that fact finding has been initiated. The supervisor of the alleged victim and the appropriate "B" Code shall meet with the alleged victim to advise that fact finding has been initiated. HRC and the Office of Counsel will provide guidance as to how these meetings should be conducted and what information will be provided.

g. The servicing Employee Relations Specialist is responsible for briefing the fact finder on the fact-finder's responsibilities and for acting as a resource person to the fact finder. NAVSEA Counsel will also serve as a resource to the fact finder. If, at any time during the fact-finding, allegations are made that imply criminal activity, the fact finder must immediately advise Employee Relations for possible referral to the Naval Criminal Investigative Service.

h. In the event the fact finding is not completed within the prescribed five days, the fact finder will notify the appropriate "B" Code who will, in turn, notify HRC 041.

i. Upon completion of the fact finding, the responsible supervisor will meet with the servicing Employee Relations Specialist and Counsel to determine appropriate action. Preparation of any disciplinary action will be a priority for the employee relations staff and will be completed and provided to the supervisor not later than three days from the date of determination.

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j. After consultation with Employee Relations and the Office of Counsel, the supervisor of the alleged victim will meet with the alleged victim to advise of the results of the fact finding/ investigation.

k. In the event the complaint cannot be resolved (i.e., investigation completed and corrective action initiated) within fourteen days of the filing of the allegation, HRC 041 will prepare a message to CNO to be released on the fifteenth day from the filing of the allegations. This message will be routed via the Director, HRC, SEA 00A and SEA 00B to the Commander for release. Thereafter, HRC 041 will prepare messages at fourteen-day intervals to be released by the Commander to CNO until final resolution of the case is accomplished.

l. In the case of an allegation of sexual harassment reported to the IG, even if involving a field activity, the IG will prepare the message reporting the allegation to CNO. This message will be routed via SEA 00A and SEA 00B to the Commander for release. Thereafter, the IG will prepare messages at fourteen-day intervals to be released by the Commander to CNO until final resolution is achieved.

m. The Servicing Employee Relations Specialist will meet with the alleged victim to advise of other avenues of redress should the alleged victim be dissatisfied with the disposition of the management inquiry. If an employee seeks redress through the discrimination complaints process, cognizant personnel must ensure strict compliance to timeframes established in 29 CFR 1614 for processing discrimination complaints.

G. R. STERNER

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12713
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MEMORANDUM FOR DISTRIBUTION

Subj: SEXUAL HARASSMENT

Encl: (1) NAVSEAINST 12713.6

1. Enclosure (1) reiterates the importance of careful adherence to requirements prescribed by the Chief of Naval Operations for responding to allegations of sexual harassment, particularly with regard to meeting processing times and reporting requirements. While it emphasizes compliance with the procedural aspects of sexual harassment cases, I am even more concerned that we take appropriate measures to ensure that we maintain an environment that is free from inappropriate behavior and unlawful discriminatory practices.

2. Sexual harassment is unacceptable and will not be tolerated at any level within NAVSEA. Individuals who believe they are the subject of sexual harassment should communicate to the individual harassing them that such behavior is unwelcome. If the behavior does not stop or the issue is not resolved satisfactorily, they should report the incident through their chain of command. Whenever allegations are raised, the appropriate directorate senior executive ("B" Code) of the parties involved should be notified and kept informed of any corrective action taken. Allegations of sexual harassment will be investigated immediately, and substantiated complaints will result in appropriate administrative or disciplinary action. Retaliation or discrimination against an employee for reporting allegations or cooperating with an investigation will also result in appropriate disciplinary action.

3. Sound leadership is the key to eliminating sexual harassment in the workplace. I expect NAVSEA managers and supervisors to take the lead in ensuring that their workplaces are free from sexual harassment and other discriminatory behavior and to remain vigilant in demonstrating by example acceptable and appropriate conduct. Supervisors are also responsible for ensuring prompt and confidential investigation and appropriate resolution of all sexual harassment allegations.

4. Please ensure that all hands are advised of this policy and subordinate supervisors understand their responsibilities in this regard. I am confident we can ensure a professional environment free from sexual harassment where our employees can be assured that matters important to them will be dealt with promptly and in a manner that ensures proper resolution.

G. R. STERNER
Commander

Distribution:
All supervisors
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