DEPARTMENT OF THE NAVY
UNITED STATES NAVAL ACADEMY
ANNAPOLIS, MARYLAND 21402

USNAINST 12713.7A
26/EEO
0 8 JAN 1990

USNA INSTRUCTION 12713.7A

From: Superintendent

Subj: SEXUAL HARASSMENT DISCRIMINATION

Ref: (a) OPNAVINST 12720.4B
(b) OCPMNOTE 12720 of 21 Apr 89
(c) SECNAVINST 5300.26A
(d) OPNAVINST 5354.1C
(e) USNAINST 12750.4C
(f) OPNAVINST 5510.1H
(g) UCMJ

1. Purpose. To reaffirm the commitment of the Superintendent of the United States Naval Academy (USNA) in the matter of sexual harassment, to define the responsibilities of USNA managers and supervisors, and to prescribe appropriate standards of conduct for all personnel.

2. Cancellation. USNA Instruction 12713.7

3. Information. This directive is a complete revision and should be viewed in its entirety; no special markings appear because changes are extensive.

4. Discussion. The provisions of this instruction apply to all civilian and military personnel and units of this activity/command. The achievement of an environment free of sexual harassment is essential to maintaining a high state of morale, discipline, and operational effectiveness. Training and monitoring of individual and organizational practices will enhance command ability to maintain the required environment.

5. Background. Reference (a) provides broad guidance for implementing Equal Employment Opportunity (EEO) programs to achieve full integration of the work force in an environment free from all forms of prohibited discrimination, including sexual harassment by supervisors, colleagues, or subordinates (civilian or military); reference (b) contains the Department of Defense (DOD) Eight Point Program to Eradicate Sexual Harassment; reference (c) revises and expands DON definition/policy on sexual harassment and makes mandatory corrective action on substantiated complaints. References (a) through (c) emphasize the responsibility of supervisors and managers to take an active role in educating employees on the seriousness of such behavior and on the rights of employees who may be victims of sexual harassment. Reference (d) restates the Department of the Navy (DON) Equal Opportunity (EO) policy for military personnel, provides guidance for the Navy EO Program, and includes a chapter devoted to specific guidance on the prevention of sexual harassment. References (e) through (g) address penalties for noncompliance with the DON sexual harassment policy.

6. Policy

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

b. Sexual harassment is unacceptable conduct; it undermines the integrity of the employment relationship, debilitates morale, and interferes with the work productivity of an organization. Substantiated acts or conduct which results in sexual harassment will be subject to corrective administrative or disciplinary action.

c. Sexual harassment is defined as a form of sex discrimination that involves unwelcome physical advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(1) Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career; or

(2) Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting this person; or

(3) Such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

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

(1) Physical harassment. May include bumping, brushing against, blocking a person's path, touching, cornering, kissing, hugging, grabbing, pinching, as well as indecent exposure; any physical contacts of a sexual nature which are unwelcome and inappropriate in a work related environment.

(2) Verbal harassment. May include obscene jokes that are sexist in nature, comments on appearances that have sexual or sexist overtones to them, sexual remarks, teasing, sexual vulgarity or threats, whistling at someone, repeated requests for dates from one who has refused such requests in the past, spreading rumors about a person's sex life, etc.; any verbal comments that have sexual or sexist overtones which would be intimidating or offensive to a reasonable person.

(3) Visual harassment. May include sexist notes, displaying sexist cartoons, pictures, magazines, calendars, drawings, sexist portrayals of women or men; sexist signs, symbols, and bumper stickers; sexist prints, patches, and markings on clothing; any visual cues/images that have sexual or sexist overtones which would be intimidating or offensive to a reasonable person.

e. While it is not the practice of this command to regulate personal relationships or social interactions of its personnel, it should be clearly understood that it is the policy of the Naval Academy that sexual harassment is unacceptable and will not be tolerated in the workplace or in a work-related environment. The work-related environment includes travel status, meetings held away from the Naval Academy at which personnel represent the command and/or Navy, lunchtime, and any other occasion or location at which the status as a member of this command has a bearing upon the situation.

f. Each supervisor, manager, service member, and civilian employee is expected to support the Navy policy of zero tolerance on this most sensitive issue and to fully support a continuing commitment to the highest professional behavior and courtesy in accomplishing our mission.

7. Action. Sexual harassment shall be considered an element of the Equal Employment Opportunity Program. The chain of command will be fully utilized, and instances of sexual harassment will be resolved at the lowest possible level within the organization.

a. Civilian employees will use the Equal Employment Opportunity (EEO) Discrimination Complaint Process which is prominently posted on every official bulletin board, administrative grievance procedures, or appropriate negotiated grievance procedures. The Deputy Equal Employment Opportunity Officer (DEEOO) and the Federal Women's Program Manager (FWPM), designated points of contact concerning the matter of sexual harassment, will provide confidential counseling and guidance. The DEEOO will:

(1) Present annual training for newly appointed supervisors and managers within one year of appointment; and

(2) Make training available to nonsupervisory employees, e.g., New Employee Orientation programs.

b. Military members will become thoroughly familiar with the contents of reference (d), and supervisors will ensure that all subordinates are fully informed of their rights and responsibilities.

c. All civilian and military supervisors and managers will become thoroughly familiar with the contents of this instruction and demonstrate support of command policy by the following:

(1) Set the proper example for subordinates by their own behavior.

(2) Make sure that all subordinates are aware of the provisions of this instruction.

(3) Monitor cues in the environment so that action can be taken before an incident or situation accelerates into a formal grievance/complaint.

(4) Counsel subordinates when their behavior is inappropriate.

(5) Take appropriate corrective action to eliminate sexual harassment or potential sexual harassment behavior when brought to the attention of management by a professed victim or an observer.

(6) Cooperate with EEO staff, EEO counselors, or other (management) officials who may be assigned to investigate any allegation of sexual harassment.

(7) Take appropriate administrative and/or disciplinary action when sexual harassment has been substantiated.

d. Individuals who are exposed to sexual harassment have a responsibility to make it clear that such behavior is offensive. Repeated incidents should be reported immediately to the supervisor or to the next senior person in the chain of command. Substantiated complaints shall result in corrective action, including administrative and/or disciplinary action as appropriate. The range of penalties for noncompliance with the Naval Academy sexual harassment policy includes the following:

(1) Reflection of sexual harassment policy violations in annual performance ratings, reference (b), applicable to civilian and military personnel.

(2) Guideline Schedule of Disciplinary Offenses and Remedies for civilian personnel, enclosure (1) of reference (e).

(3) USN personnel security adjudication policy, applicable to civilian and military personnel, found in Chapter 22 of reference (f).

(4) Uniform Code of Military Justice, reference (g), the primary authority prohibiting sexual harassment of and by military personnel;

e. Civilian and military personnel may use the Inspector General's "Fraud, Waste and Abuse Hotline" as an alternative means of reporting allegations of sexual harassment. The hotline telephone number is AUTOVON 288-6743, COMM (202) 433-6743 or Toll Free (800) 522-3451.

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