USNA INSTRUCTION 5354.1A

From: Superintendent

Subj: COMMAND MANAGED EQUAL OPPORTUNITY (CMEO) PROGRAM

Ref: (a) OPNAVINST 5354.1F
    (b) U. S. Navy Regulations, 1990
    (c) DOD Directive 1325.6 of 1 Oct 96
    (d) OPNAVINST 3100.6H (NOTAL)
    (e) SECNAV M-5210.1 of Dec 05
    (f) NAVPERS 15518 Command Training Team Manual (NOTAL)
    (g) NAVPERS 15517 Command Assessor Team Manual (NOTAL)
    (h) SECNAVINST 1610.2A
    (i) NAVPERS 15620 Resolving Conflict

End: (1) USNA CMEO Response Team

1. Purpose. To comply with reference (a) and establish the Command Managed Equal Opportunity (CMEO) program at the U. S. Naval Academy and U. S. Naval Academy Preparatory School (NAPS).

2. Cancellation. USNAINST 5354.1

3. Applicability and Scope. This instruction applies to all personnel as outlined in reference (a). “Staff and Faculty” in this instruction shall refer to all civilian and military personnel that are not midshipmen.

4. Discussion. The integration of the equal opportunity (EO) program is essential to the mission of the Naval Academy. The Superintendent is fully committed to actively promoting equal opportunity and treatment for all personnel. This instruction and reference (a) outline the objectives of the CMEO program. The CMEO program totally supports the principles of EO and provides specific guidelines for creating and maintaining a positive command climate. CMEO reasserts the chain of command as the medium for identifying and resolving command EO issues. The CMEO Program is to be actively promoted at the Naval Academy per reference (a) in order to:

   a. Create and maintain a positive EO/sexual harassment (SH) climate within the command.

   b. Identify and resolve EO/SH problems or concerns.

   c. Provide the mechanism for monitoring the Naval Academy's EO/SH climate.

   d. Provide the mechanism for training Naval Academy personnel on EO/SH issues.

5. Definitions. Terms utilized in this instruction are defined in reference (a), enclosure (1).

6. Policy

   a. As stated in reference (a), unlawful discrimination and SH against persons or groups based on race, color, national origin, sex, or religion is prohibited. Personnel shall be evaluated on individual merit, fitness, and capability.
b. As stated in reference (a), EO, the prevention of SH and all elements thereof as defined in reference (a) are gender-neutral concepts. The focus is on the detriment to good order and discipline, unit cohesion and military readiness that results when our Navy’s Core Values are not adhered to, not the sex of the members involved; therefore, discrimination, SH, threats and other behaviors covered by this instruction involving members of the same sex are prohibited and all requirements of this instruction apply. This includes conduct against service members on the basis of perception of sexual orientation or homosexual conduct.

c. As stated in references (a), (b), and (c), article 1167, Navy personnel are prohibited from participating in organizations that support supremacist causes. Attempting to create illegal discrimination, encouraging force or violence or otherwise engaging in efforts to deprive others of their civil rights is prohibited. Participating in public demonstrations/rallying, fundraising, recruiting for, training members, and organizing/leading such organizations are prohibited.

d. Reference (a), and the prohibition of unlawful discrimination, SH, and supremacist activities found in reference (b), articles 1164, 1166, and 1167, are lawful general orders effective without further implementation. Violation of reference (a) subjects involved members to disciplinary action under the UCMJ, or in the case of civilian employees, may result in disciplinary action.

e. As stated in reference (a):

(1) No reprisals shall be taken against a person who provides information on an incident of alleged unlawful discrimination or SH.

(2) No service member or civilian shall knowingly make a false accusation of unlawful discrimination or SH.

(3) Supervisory personnel (civilian or military) shall not condone or ignore unlawful discrimination or SH.

7. Organization. The Naval Academy's CMEO program is organized as described below:

a. Commandant of Midshipmen shall establish policies specific to the Brigade of Midshipmen.

b. Commanding Officer of NAPS shall establish policies specific to the NAPS Battalion.

c. Equal Opportunity Advisor (EOA). The EOA will be an E-7 to E-9, or commissioned officer with a minimum of four years of service, will report directly to the Superintendent and serve as the primary advisor and subject matter expert to the CMEO Managers, and provide assistance to other members of the chain of command on EO issues. In this capacity, the EOA shall provide EO briefings, training, and assist visits to NAPS, assistance with conducting DEOCS surveys, command assessments, and focus groups, and perform duties as outlined in reference (a), enclosure (7).

d. CMEO Manager(s). The CMEO Manager(s) will be E-7 to E-9, or commissioned officer(s) with a minimum of four years of service, and function as the single point of contact when practicable for EO issues, to include SH and discrimination, and is responsible for the implementation and management of the Naval Academy CMEO program. The CMEO Manager(s) shall:

(1) Report to the Superintendent via the Commandant of Midshipmen when applicable.

(2) Closely coordinate with the staff and faculty and EOA as applicable.

(3) Serve as the coordinator for the Command Climate Assessment.

(4) Coordinate and monitor all command EO training.
(5) Ensure the poster, “Equal Opportunity Information,” S/N 0500-LP-102-6629, is permanently and prominently displayed in the command. Ensure the command POC for EO issues is listed at the same location as the poster.

(6) Ensure formal complaints are submitted with established guidance and timelines per reference (a), enclosure (5), (6), (8), and reference (d).

(7) Maintain CMEO record files for three years per reference (e).

(8) Perform other EO related duties as assigned by the Superintendent or Commandant as applicable.

(9) Coordinate the processing of EO/SH complaints as directed by reference (a), enclosures (5) through (8). Personnel who manage the EO/SH complaint process (EOAs/CMEO Managers) do not normally perform investigations into EO/SH issues due to the possibility of conflict of interest.

(10) Periodically evaluate CMEO program utilizing reference (a), enclosure (3).

(11) Ensure the Naval Academy’s EO program complies with all items cited in the CMEO checklist, reference (a), enclosure (3).

(12) Preside over all scheduled CTT and CAT organizational meetings as liaison among the respective Academy departments/divisions as applicable. The CMEO Manager(s) will ensure all CTT and CAT team members are qualified in all respects per reference (f) and (g).

(13) Assist all personnel in the processing of grievances as applicable and/or assigned by the EOA.

e. Assistant CMEO Manager(s). The Assistant CMEO Manager(s) will be E-7 to E-9, or commissioned officer(s) with a minimum of four years of service, and function as a point of contact when practicable for EO issues, to include SH and discrimination, at the Naval Academy and is responsible for assisting the CMEO Manager(s) with the implementation and management of the Naval Academy CMEO program. The Assistant CMEO Manager(s) shall:

(1) Report to the CMEO Manager(s) and EOA as applicable.

(2) Closely coordinate with the staff and faculty and EOA as applicable and/or as directed by the CMEO Manager(s).

(3) Assist the CMEO Manager(s) with the Command Climate Assessment.

(4) Assist the CMEO Manager(s) with the coordination and monitoring of all command EO training.

(5) Assist the CMEO Manager(s) in ensuring the poster, “Equal Opportunity Information,” S/N 0500-LP-102-6629, is permanently and prominently displayed in the command and ensuring the command POC for EO issues is listed at the same location as the poster.

(6) Assist the CMEO Manager(s) with ensuring formal complaints are submitted in accordance with established guidance and timelines per reference (a), enclosure (5), (6), (8), and reference (d).

(7) Maintain CMEO record files for three years per reference (e) as applicable.

(8) Perform other EO related duties as assigned by the CMEO Manager(s) or EOA as applicable.

(9) Assist the CMEO Manager(s) in coordinating the processing of EO/SH complaints as directed by reference (a), enclosures (5) through (8). Personnel who manage the EO/SH complaint process (CMEO
Managers/Assistant CMEO Managers) do not normally perform investigations into EO/SH issues due to the possibility of conflict of interest.

(10) Assist the CMEO Manager(s) in periodically evaluating the CMEO program utilizing reference (a), enclosure (3).

(11) Assist the CMEO Manager(s) in ensuring the Naval Academy's EO program complies with all items cited in the CMEO checklist, reference (a), enclosure (3).

(12) Attend all scheduled CTT and CAT organizational meetings as liaison among the respective Academy departments/divisions. Assist the CMEO Manager(s) in ensuring all CTT and CAT team members are qualified in all respects per references (f) and (g).

(13) Assist all personnel in the processing of grievances as applicable and/or as assigned by the CMEO Manager(s) or EOA.

f. Advocate(s). Advocates will be assigned by the EOA on a case-by-case basis and will function as representatives to ensure that complainant, accused, and witness in an EO/SH case are informed of the EO/SH process and advised of available support and counseling services. Advocates will familiarize themselves with the applicable guidelines as outlined in reference (a), enclosure (8).

g. Command Training Team (CTT) (USNA Staff and Faculty only). The CTT is tasked to conduct annual Navy Rights and Responsibilities (NR&R) workshops, NR&R updates, and NR&R workshops for newly reported personnel. The CTT will include enlisted personnel, civilian personnel, and commissioned officers and will be a cross-section of command personnel in terms of pay-grade, gender, race, and department/division. At a minimum, the CTT will comprise the following: two enlisted Luce Hall Instructors, two officer Luce Hall Instructors, two Company Officers, two Senior Enlisted Leaders, one Superintendent's Staff Officer, two Academic Instructor Officers, and four Waterfront enlisted personnel.

(1) All CTT members must be formally trained. The CMEO Manager will coordinate training and scheduling of annual CTT events along with assignment of divisional quotas for CTT membership and CMEO training. The CMEO Manager may increase the size or scope of the CTT as directed by the Superintendent or Commandant as applicable.

(2) Navy Rights and Responsibilities (NR&R) Workshops

(a) As directed in reference (a) all USNA military personnel are required to attend a NR&R workshop within 90 days of reporting to the Naval Academy. The CMEO Manager will scheduled these workshops with the Officer Personnel and Enlisted Personnel offices, tracking personnel and ensuring entry of items into training records as appropriate. All lesson topics will be taught per the NR&R workshop curriculum provided by NETC and modified by the CMEO Coordinator as directed by the Superintendent and Commandant as applicable to meet the unique requirements of the Naval Academy environment. Critique sheets will be used as a means of feedback on workshop effectiveness.

(b) Annual all-hands NR&R update workshops will be scheduled by the Superintendent's Operations Officer and must include sexual harassment prevention training, the Informal Resolution System (IRS), review of updated equal opportunity policies and the Navy equal opportunity climate, and a forum for discussing CNO and command-specific issues. This NR&R workshop should use the training guide provided by CNET but may be modified by the CMEO Manager as directed by the Superintendent or the Commandant as applicable to meet the unique requirements of the Naval Academy.

h. Command Assessment Team (CAT) (USNA Staff and Faculty only). The CAT is tasked to plan and conduct an annual command assessment which includes data gathering, analysis, data reduction, identification of equal opportunity issues, and formulation of positive recommendations. The CAT will include one Battalion Officer, Associate Dean of Administration, Personnel Officer, Legal Officer, and the
Command Master Chief. The remaining members (enlisted personnel, commissioned officers, and civilian personnel) will be a cross-section of command personnel in terms of pay-grade, gender, race, and department/division and at a minimum the CAT will comprise the following: two enlisted Luce Hall Instructors, two officer Luce Hall Instructors, two officer Engineering and Weapons Instructors, two officer Engineering and Weapons Instructors, two enlisted band members, two Company Officers, two Senior Enlisted Leaders, one Superintendent's Staff Officer, two Academic Instructor Officers, and four Waterfront enlisted personnel.

(1) All CAT members must be formally trained. The CMEO Manager will coordinate training and scheduling of annual CAT events along with assignment of divisional quotas for CAT membership and CMEO training. The CMEO Manager may increase the size or scope of the CTT as directed by the Superintendent or Commandant as applicable.

(2) Command Climate Assessment

(a) A critical element to the ultimate effectiveness and success of a command's EO program is the ability of the command to accurately assess current equal opportunity status. The assessment should focus on the treatment and achievements of individuals, overall effectiveness of the EO program, and follow-up actions on previously identified equal opportunity issues. The DEOMI Organizational Climate Survey (DEOCS) facilitated by the Defense Equal Opportunity Management Institute (DEOMI) and as approved by the Naval Academy Institutional Review Board (IRB) will be utilized as the survey instrument for command climate assessment. The accumulated data will be reviewed and compiled in a formal brief to the Superintendent via the Commandant.

(b) The demographic data and the results of the command assessments will be retained for at least 36 months at which time they may be appropriately destroyed.

i. CTT/CAT Assignment. Members of the CAT and the CTT will be assigned in a USNA notice published by 01 May each calendar year. The members will receive formal CTT/CAT training within 120 days of notification and participate in their respective teams for the following academic year.

j. Grievance Procedures.

(1) Equal opportunity complaints of discrimination and/or harassment must be evaluated and acted on by the military and civilian chains of command, per enclosures (7) and (8) of reference (a), respectively. Legitimate complaints can provide valuable information about existing or developing patterns of discrimination and sexual harassment within the Naval Academy. Firm, positive, and timely action on valid complaints reinforces USNA's genuine commitment of equal opportunity for all command personnel.

(2) In accordance with reference (i), a complainant should consider attempting to resolve the grievance with the individual(s) involved utilizing the IRS. Assistance of the individual's immediate superior may be requested as circumstances require. If the accused is the complainant's immediate superior and the issue cannot be resolved at that level, that superior must present the complaint to the next senior in the chain of command. If the complaint cannot be resolved between the two parties with the help of the immediate superior, then the immediate supervisor must submit a written request to the next superior in the chain of command, who must convene and conduct a grievance hearing at the earliest opportunity. The convening officer must inform all parties as to the results of the hearing and the action taken by the presiding/convening officer on legitimate complaints. The convening officer must send a written report up the chain of command with the results at the earliest opportunity.

(3) Complainant responsibilities regarding formal complaints are outlined in reference (a), enclosure (5).

(4) The grievance system requires the trust and confidence of the individuals who use this system. As indicated in paragraph 6-e of reference (a), any acts of reprisal against the complainant are intolerable
and must be investigated by the next senior member in the chain of command. Examples of reprisals may include but are not limited to increased or abnormal duty/watch standing assignments, unwarranted reduced performance rankings, unwarranted conduct actions, and silencing. Verified acts of reprisal will be dealt with rapidly and to the fullest extent allowed by policy/Administrative Conduct System.

(5) Service members have the responsibility to submit only legitimate complaints and to exercise caution against immature or reckless charges. Should the presiding officer in a grievance procedure find that the complaint was ill-intended, then he or she will forward the case to the Commanding Officer and the complainant may be subject to conduct proceedings.

8. Action. All personnel shall take action and be held accountable for the implementation and enforcement of the provisions of this instruction.


10. Forms and reports. Applicable forms may be obtained from Navy Forms Online at https://forms.daps.dla.mil.

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Distribution:
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