From: Commandant of Midshipmen, U.S. Naval Academy

Subj: COMMAND EQUAL OPPORTUNITY AND SEXUAL HARASSMENT PROGRAM FOR THE BRIGADE OF MIDSHIPMEN

Ref: (a) OPNAVINST 5354.1G  
(b) OPNAVINST 5300.13  
(c) USNAINST 5354.1B

Encl: (1) Formal and Informal Complaint Process  
(2) Spectrum of Behaviors and Classification

1. **Purpose.** To establish Equal Opportunity (EO) policy for the Brigade of Midshipmen at the United States Naval Academy (USNA) per references (a) and (b). This policy shall also support USNA policy to prevent and deter sexual harassment, sexual misconduct, and sexual assault per references (a) through (c).

2. **Cancellation.** COMDTMIDNINST 5354.1B.

3. **Scope and applicability.** This instruction applies to the Brigade of Midshipmen. The Command Managed Equal Opportunity (CMEO) Program for all other personnel at USNA can be found in reference (c).

4. **Discussion.** The integration of the EO program is essential to the mission of the USNA. The Commandant of Midshipmen is fully committed to actively promoting equal opportunity and treatment for all midshipmen and staff. This instruction provides policy and specific guidelines for the implementation of the CMEO program for the Brigade of Midshipmen per references (a) and (b). The objective of this program is to promote positive command morale by providing an environment in which all personnel can perform to their maximum ability unimpeded by institutional or individual biases based on race, ethnicity, national origin, sex, religion, sexual orientation, or gender identity. To this end, the officer and midshipmen chains of command will employ appropriate resources to:

   a. Create, shape, and maintain a positive EO and Sexual Harassment (SH) environment through policy, communication, training, education, enforcement, and assessment.
b. Identify and expediently resolve EO/SH challenges and concerns through appropriate channels of the chain of command.

c. Monitor the EO climate within the Brigade of Midshipmen through the use of the Military Service Academy (MSA) command climate survey annually.

d. Ensure merit, ability, performance, and potential are the factors which affect a midshipman's military aptitude ranking and subsequent billet assignments in the midshipmen chain of command.

e. Further knowledge and understanding of the Navy's EO/SH programs by all midshipmen for future use as junior officers in the Naval Service.

5. Definitions. Terms relating to EO in this instruction are defined in reference (a). Terms relating to SH in this instruction are defined in reference (b). All midshipmen should become familiar with these terms and definitions to better support the efforts of the CMEO program both at the USNA and as commissioned naval officers.

6. Policy. Per references (a) and (b), unlawful discrimination and SH against persons or groups based on race, ethnicity, national origin, sex, religion, sexual orientation, or gender identity is prohibited. Midshipmen will be evaluated only on individual merit, fitness, and capability.

a. As stated in references (a) and (b) prevention of unlawful discrimination, SH and all the elements thereof as discussed in this instruction are gender-neutral concepts. Discrimination, sexual harassment, threats, and other behaviors covered by this instruction involving members of the same sex are prohibited. This includes conduct against midshipmen on the basis of sexual orientation or gender identity.

b. Per reference (a), midshipmen 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 or rallies with, fundraising for, recruiting for, training members of, and organizing or leading such organizations is prohibited.

c. Midshipmen may not:

(1) Take reprisal action, as defined in references (a) and (b) against a person who provides information about an incident of alleged unlawful discrimination or SH. Reprisals are prohibited regardless of who originates the reprisal action.

(2) Knowingly make a false accusation of discrimination or SH.

(3) While in a supervisory billet or Brigade position, condone or ignore unlawful discrimination or SH.
7. **Organization.** Per references (a) through (c), the CMEO program will be established to support the principles of the EO and SH programs. A CMEO Manager (O-3 or above or E-7 and above) will be appointed to administer the program within the Brigade of Midshipmen. A Command Climate Specialist (CCS) will be appointed (E-7 or above) to assist the CMEO Manager and provide technical recommendations to the staff to ensure compliance. The CMEO Manager and the CCS are required to complete formal EO training sponsored by the Defense Equal Opportunity Management Institute (DEOMI) and as required by Chief of Naval Education and Training (CNET). The CMEO Manager will report to the Commandant of Midshipman and the CCS will report to the Superintendent.

8. **Action**

   a. EO/SH workshops will be conducted every semester during reform to all midshipmen and for the incoming class during Plebe Summer per references (a) through (c).

   b. **Annual Military Service Academy (MSA) Command Climate Survey**

      (1) An assessment of the Brigade's climate will be conducted annually by the CMEO Manager utilizing the Defense Equal Opportunity Climate Survey (DEOCS) and follow on assessments to triangulate and validate the results.

      (2) The MSA DEOCS will be administered annually to assess organizational climate of the Brigade of Midshipmen.

      (3) The USNA Resilience Team (CRT) will be utilized by the CMEO Manager to conduct the annual assessment. CRT members may be used to conduct focus groups, review survey data, and create the plan of action and milestones. CRT members should be trained by the CMEO and CCS prior to the start of each assessment.

      (4) The accumulated data from the survey and focus groups shall be reviewed and compiled in a formal report to the Commandant of Midshipmen by the CMEO Manager. Once approved by the Commandant of Midshipmen, findings shall be briefed to the Brigade of Midshipmen.

   c. **Prevention of Harassment**

      (1) All Navy personnel have a responsibility to maintain an environment free from inequality and SH. This is a leadership issue and we must take an active role in combating this inappropriate behavior at the USNA.

      (2) Sexual harassment is conduct that involves unwelcomed sexual advances, requests for sexual favors, or other verbal or physical contact of a sexual nature, when:

         (a) Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a midshipman's administrative requests, evaluation, ranking, or position.
(b) Submission to or rejecting of such conduct by a person is used as a basis for career decisions affecting this midshipman.

(c) Such conduct has the purpose or effect of interfering with an individual's performance or creating an intimidating, hostile, or offensive work environment.

(d) Any person in a position of authority who uses or condones implicit or explicit sexual behavior to control, influence, or affect the administrative requests, evaluation, ranking, position, or career decision of a midshipman, military member, or civilian employee is engaging in SH. Similarly, any midshipman, military member, or civilian employee who makes deliberate or repeated unwelcomed verbal comments, gestures, or physical contact of a sexual nature is also engaging in SH.

(3) Online bullying, hazing, harassment, stalking, discrimination, retaliation, and any other type of behavior that undermines dignity and respect are not consistent with Navy core values and negatively impact the force. Midshipmen using social media are subject to the Administrative Performance and Conduct System and UCMJ at all times, even when off duty. Commenting, posting, or linking to material that violates midshipmen regulations, the Administrative Performance and Conduct System, Navy Regulations, or the UCMJ may result in administrative or disciplinary action. When conducting themselves online and in social media, midshipmen should:

(a) Consider what messages are being communicated and how they could be received;

(b) Only create, share, or link to content that is consistent with Navy values;

(c) Only post messages or content which demonstrate dignity and respect for self and others. Explicit images taken without consent or posted online without consent may be punishable under the Administrative Performance and Conduct System or UCMJ.

(4) Sexual harassment affects the morale and productivity of midshipmen and negatively impacts the mission of the USNA. When reported, violations of the SH policy will be handled expeditiously through the informal resolution system, Administrative Performance Conduct System, or the UCMJ in more severe cases.

(5) Annual training will be conducted on the prevention of SH and discrimination. Training will be coordinated by the CMEO Manager and facilitated by the Battalion Officer, Company Officer, and Senior Enlisted Leader.

d. Equal Opportunity (EO) and Sexual Harassment (SH) Grievance Procedures

(1) Policy. A major element of the CMEO program is the process for resolving an individual discrimination or sexual harassment complaint. All midshipmen have the right to present a legitimate grievance without fear of intimidation, reprisal, or harassment. The chain of command is committed to resolving any issues of EO/SH at the lowest appropriate level and
ensuring all midshipmen are treated with dignity and respect. Our goal is to ensure an expedient resolution of EO/SH complaints and reiterate that discrimination, regardless of its form, will not be tolerated.

(2) Procedures. A midshipman experiencing unlawful discrimination or sexual harassment has the following avenues available for addressing grievances:

(a) Informal Resolution System (IRS). The midshipman is encouraged to first try to resolve the EO/SH conflict at the lowest appropriate level. Informal resolution allows the complainant to address the unacceptable behavior with the offender and request the behavior stop. This should be done as soon as possible following the conflict. The CMEO Manager must be notified of all EO or SH complaints involving a midshipman, even if the complaint is being successfully handled informally via IRS within the member’s chain of command. If a midshipman needs advice on informal resolution procedures or policy, they may go to their immediate chain of command or the Brigade CMEO Manager. Possible actions for informal resolution include:

1. Address the concerns verbally or in writing with the person(s) demonstrating the behavior;

2. Request assistance from another midshipman, Company Officer, Senior Enlisted Leader, or other command member or request mediation to resolve the dispute;

3. Request training be conducted in the Company;

4. Request informal counseling

(b) Formal Complaint Process. Complaints could be resolved by filing a formal complaint. If the unacceptable behavior continues, and the IRS, if attempted, did not correct the conflict, then the complainant may submit a formal complaint using enclosure (1), NAVPERS 5354/2 Rev 8/17. Submit the formal complaint to the CMEO Manager.

(c) Anonymous Report Process. Described as information received by the Commandant of Midshipmen or CMEO regardless of the means of transmission, from an unknown or unidentified source, that includes allegations of EO and SH. The individual reporting the information is not required to divulge any personally identifiable information

1. 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 investigation must be initiated by the Commandant of Midshipmen by direction.

2. 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 by the CMEO in Memorandum for the Record (MFR) and maintained on file for 3 years. The MFR must contain the following
information: date and time the information was received, details of the allegations, and other pertinent information.

(d) **Alternate Avenues.** Although the preferred method of reporting equal opportunity and sexual harassment complaints is at the lowest appropriate level and via the chain of command, the Navy provides the following hotlines for confidential counseling:


(e) **Records.** The CMEO Manager will retain copies of all informal and formal EO/SH complaints for three years for tracking and reporting statistics during the EO climate review.

(f) **Investigation.** Nothing in this instruction will limit the chain of command's ability to investigate possible instances of SH or other misconduct and take all reasonable and necessary actions to hold the perpetrators of such activities fully accountable under the USNA Administrative Performance and Conduct System or the UCMJ.

(3) **Reprisal.** In accord with reference (a), reprisal is defined as taking or threatening to take any act of retaliation against a midshipman or other person for making an allegation of unlawful conduct, behavior, or speech. **Reprisal will not be tolerated** and will be dealt with through the Administrative Conduct System when reported and substantiated or under the UCMJ if appropriate. Reprisal can be overt or subtle and can include, but is not limited to:

(a) reduction in aptitude rankings or fitness reports without justification;
(b) increased duty assignments, watch standing, or workload;
(c) failure to recommend an individual for advancement, an award, recognition, or special programs;
(d) unjustified disciplinary action against the individual, including conduct or honor actions;
(e) silencing.

8. **Records Management**

a. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned for the standard subject identification codes (SSIC) 1000 through 13000 series per the records disposition schedules located on the Department of the Navy/Assistant for Administration (DON/AA), Directives and Records Management Division (DRMD) portal page at https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/Records-and-Information-Management/Approved%20Record%20Schedules/Forms/AllItems.aspx.
b. For questions concerning the management of records related to this instruction or the records disposition schedules, please contact your local records manager or the DON/AA DRMD program office.

9. Review and Effective Date. Per OPNAVINST 5215.17A, the CMEO Program Manager will review this instruction annually around the anniversary of its issuance date to ensure applicability, currency, and consistency with Federal, Department of Defense, Secretary of the Navy, and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. This instruction will be in effect for 10 years, unless revised or cancelled in the interim, and will be reissued by the 10-year anniversary date if it is still required, unless it meets one of the exceptions in OPNAVINST 5215.17A, paragraph 9. Otherwise, if the instruction is no longer required, it will be processed for cancellation as soon as the need for cancellation is known following the guidance in OPNAV Manual 5215.1 of May 2016.

J. P. MCDONOUGH III

Releasability and distribution: This instruction is cleared for public release and is available electronically via the USNA Commandant Web Page, https://www.usna.edu/Commandant/comdinst.php
NOTE: This area of overlap may need to see either EO or SARC for assistance; but not both

1. When behaviors are effectively addressed at the lower end of spectrum, instances of sexual misconduct tend to decrease.
2. When leaders demonstrate willingness to stop and prevent issues at the lower end of spectrum, team members tend to develop greater trust that they will properly address unacceptable behaviors at every level.

NOTE: If there is any sexual contact or attempt of sexual assault, the referral shall be made to the SARC

Your Equal Opportunity (EO) Specialist and Sexual Assault Response Coordinator (SARC) are available to assist leaders at every level. Let's work together for a climate of respect and trust.
Classifying Harassment Behavior

Use this guide to classify the type of harassment behavior described by a complainant or within a report.

The guide begins at the uppermost question and flows downwards.

This guide is not a substitute for policy, always reference policy for certainty.

One incident may qualify as multiple behaviors and require multiple reports.

1. Physical contact may or may not be the sexual assault. Consult OPNAVINST 1752.3 (series). SARC and/or UCMJ Article 130 for what constitutes sexual assault.
2. Consult OPNAVINST 5300.1 (series) Command Climate Specialist and/or Command Managed Equal Opportunity Program Manager.
3. Behavior that does not constitute harassment may still be toxic in nature; consult chain of command.

Is the behavior unwanted and sexual in nature?

Was there non-consensual physical contact involving genital, groin, buttocks or breast area?

Possible Sexual Assault

Possible Sexual Harassment

Did it adversely impact any aspect of employment (e.g. promotion, job assignment)?

Possible Discrimination

Possible Discriminatory Harassment

Did it consist of singling out, ridicule, imbalance of power?

Possible Hazing

Possible Bullying

Possible that behavior does not constitute harassment