

**NAVY
HARASSMENT
PREVENTION AND
MILITARY EQUAL
OPPORTUNITY
PROGRAM
MANUAL**



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
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OPNAV INSTRUCTION 5354.1H

From: Chief of Naval Operations

Subj: NAVY HARASSMENT PREVENTION AND MILITARY EQUAL OPPORTUNITY PROGRAM

Ref: See appendix A

1. Purpose.

a. To issue policies and standards to aid in the prevention of and response to, harassment and prohibited discrimination throughout the Navy, define requirements and assign responsibility for implementation of the Navy's Harassment Prevention and Military Equal Opportunity (MEO) Program per references (a) through (o).

b. This is a complete revision and should be reviewed in its entirety. A summary of changes to this instruction are outlined in subparagraphs 1b(1) through 1b(7).

(1) Oversight for the sexual harassment prevention and response program has been incorporated into this instruction.

(2) Harassment has been defined to include sexual harassment, discriminatory harassment, hazing, bullying and stalking.

(3) Includes retaliation prevention and response procedures.

(4) Outlines the responsibility for the reporting and tracking of Wrongful Broadcast or Distribution of Intimate Visual Images allegations.

(5) Updates the command climate assessment procedures.

(6) Directs electronic copies of complete harassment and prohibited discrimination investigation be provided to the Office of the Chief of Naval Operations, Navy Harassment Prevention and Military Equal Opportunity Office (OPNAV N170C).

(7) Establishes reporting requirements for informal harassment and prohibited discrimination complaints.

2. Cancellation. OPNAVINST 5354.1G and OPNAVINST 5300.13.

3. Scope and Applicability.

a. This instruction applies to all active-duty Navy personnel, both active and reserve components; cadets and midshipmen of the United States Naval Academy and the Naval Reserve Officers Training Corps; Navy Reserve personnel when performing active or inactive duty for training or engaging in any activity directly related to the performance of a Department of Defense (DoD) Reserve duty or function; and members of other Services when assigned or attached to a Navy unit.

b. Civilian employees who raise allegations of harassment or prohibited discrimination must be referred to the appropriate servicing equal employment opportunity (EEO) office.

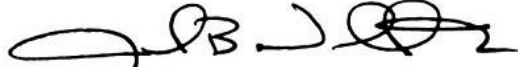
4. Records Management.

a. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned per the records disposition schedules located on the Department of the Navy (DON) Assistant for Administration, Directives and Records Management Division 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 the local records manager or the OPNAV Records Management Program (DNS-16).

5. Review and Effective Date. Per OPNAVINST 5215.17A, the Office of the Chief of Naval Operations, Twenty-First Century Sailor Office (OPNAV N17), will review this instruction annually of its issuance date to ensure applicability, currency and consistency with Federal, DoD, 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.

6. Forms and Information Management Control. See appendix B.

A handwritten signature in black ink, appearing to read 'J. B. Nowell, Jr.', with a stylized flourish at the end.

JOHN B. NOWELL, JR.
Deputy Chief of Naval Operations
(Manpower, Personnel, Training
and Education)

Releasability and distribution:

This instruction is cleared for public release and is available electronically only via DON Issuances Web site, <https://www.secnav.navy.mil/doni/default.aspx>.

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CHAPTER 1
GENERAL INFORMATION

1. Purpose. To implement references (a) through (o) that direct DON policy on harassment prevention and MEO including sexual harassment, discriminatory harassment, hazing, bullying and stalking, hereafter referred to as harassment, prohibited discrimination and wrongful broadcast or distribution of intimate visual images, provide guidance on administering command climate assessments, implement retaliation prevention and response procedures, implement primary prevention and response procedures and assign related responsibilities. Commanders, commanding officers, officers in charge and civilian equivalents (hereafter referred to as commanders) must take action and be held accountable for implementation and enforcement of the provisions of this instruction. Interpretation of this instruction must be governed by the definitions in appendix C. The abbreviations and acronyms used throughout this instruction are outlined in appendix D.

2. Policy.

a. The Navy is comprised of men and women who work together to accomplish the mission. Each member of the Navy is entitled to be treated with dignity and respect and to work in an environment free of harassment and prohibited discrimination. Additionally, each member is expected to abide by the Navy core values of honor, courage and commitment, which are exhibited through signature behaviors. An effective MEO program is critical to fostering a positive command climate, organizational effectiveness and military readiness. Harassment and prohibited discrimination are fundamentally at odds with the obligation of Service Members to treat others with dignity and respect and must never be ignored or condoned.

b. The chain of command is the primary and preferred channel for identifying and correcting destructive behaviors. This includes the processing and resolving of harassment and prohibited discrimination complaints and ensuring that human relations and MEO matters are taken seriously and acted upon as necessary. The chain of command is responsible for creating and maintaining an environment that incorporates the policies set out in this instruction. Leadership will strive to create an inclusive climate in which persons feel free to raise concerns about harassment or prohibited discrimination and are confident that those concerns will be addressed with safeguards against retaliation.

c. The objective of the Navy's MEO program is to promote an environment free from personal, social or institutional barriers that prevent Service Members from rising to the highest level of responsibility possible. Commanders are responsible for ensuring MEO for all assigned personnel. The command managed equal opportunity (CMEO) program is one of many of the commander's tools for the prevention of unprofessional behavior and for ensuring MEO goals are obtained. Leadership has the authority and responsibility to ensure that the Navy core values are integrated into our daily business. Service Members must be evaluated only on individual merit, fitness, capability and performance.

d. As stated in references (b) through (d), it is DoD policy and, as stated in references (e) and (f), it is DON policy to prohibit harassment and prohibited discrimination. This applies to, but is not limited to, recruitment, recruitment advertising, training, advancement and promotion, job assignments, collateral duties, transfers and all other aspects of employment. The Navy is committed to maintaining a work environment that is free of harassment and prohibited discrimination.

e. The Navy has zero tolerance for harassment and prohibited discrimination. Acts of harassment and prohibited discrimination are contrary to the Navy's Core Values of Honor, Courage and Commitment. Service Members who model the Navy's Core Values do not engage in demeaning or destructive behaviors nor condone these actions in others, but instead, exhibit and reinforce signature behaviors. Incidents of harassment and prohibited discrimination cover a wide range of behaviors and can be subtle or overt. The full range of administrative and punitive disciplinary actions is available to address substantiated harassment or prohibited discrimination allegations. These include, but are not limited to, informal counseling, formal counseling, comments in fitness reports and evaluations, non-judicial punishment, courts-martial and administrative separation. This instruction and the prohibition of harassment and prohibited discrimination are considered lawful general orders effective without further implementation. A violation of these provisions by military personnel who engage in any of the destructive behaviors enumerated in chapter 2 of this instruction may be punishable per reference (g).

(1) In line with reference (f), military personnel of the Navy must be processed for administrative separation following a substantiated incident of sexual harassment involving any of the circumstances listed in subparagraphs 2e(1)(a) and 2e(1)(b). For the purpose of this subparagraph, an incident is substantiated either if there has been a court-martial conviction or if the commander determines that sexual harassment has occurred.

(a) Action, threats or attempts to influence another's career or job in exchange for sexual favors or rewards in exchange for sexual favors.

(b) Physical contact of a sexual nature which, if charged as a violation of reference (g), could result in punitive discharge.

(2) Commanders are not precluded from initiating administrative separation proceedings for reasons set forth in the appropriate service regulations for individuals whose conduct, not covered in subparagraphs 2e(1)(a) and 2e(1)(b), warrants separation.

f. Prevention is the best tool to eliminate harassment and prohibited discrimination. Commanders and supervisors at every level must clearly communicate that harassment and prohibited discrimination will not be tolerated and must reinforce, through both words and actions, a climate that does not condone this behavior.

g. Any Service Member who believes they have been subjected to harassment or prohibited discrimination is encouraged to seek resolution. The Service Member should contact the command climate specialist (CCS) or CMEO program manager to determine available resolution options. Policy guidance or assistance is also available by contacting the Navy Harassment and MEO Advice Line at (800) 253-0931 or MILL_EO_Advice@navy.mil. All complaints must be treated sensitively. Feedback will be provided to all affected individuals consistent with the requirements of the Privacy Act, Freedom of Information Act and other pertinent laws, regulations and negotiated agreements.

h. Individuals must not:

(1) Actively participate in criminal gangs and in other organizations that advocate supremacist, extremist or criminal gang doctrine, ideology or causes including those that attempt to create illegal discrimination based on race, color, religion, sex (including pregnancy), gender identity, national origin or sexual orientation advocates the use of force or violence against the government of the United States, the government of any State, territory, district or possession thereof or the government of any subdivision therein or otherwise engages in efforts to deprive individuals of their civil rights.

Note: The term “actively participate” includes acts or conduct performed alone or in concert with another, such as demonstrating, rallying, fundraising, recruiting, training, organizing or leading such organizations. The term “participate” also includes engaging in any other activities in relation to such organizations or in furtherance of the objectives of such organizations, when such activities are detrimental to good order, discipline or mission accomplishment. Further guidance is provided in reference (h).

(2) Retaliate, as defined in reference (i) and in this policy, against a person who provides information on an incident of alleged harassment or prohibited discrimination.

(3) Knowingly make a false allegation of harassment or prohibited discrimination.

(4) Condone or ignore harassment or prohibited discrimination.

i. This instruction and the prohibition against supremacist and extremist activities found in reference (j), article 1167, are lawful general orders effective without further implementation.

3. Effective Communication in the Workplace. The operational language of the Navy is English. Navy personnel must maintain sufficient proficiency in English to perform their official duties. All operational communications must be understood by everyone who has a need to know their content and, therefore, must normally be in English. However, commanders may not require Navy personnel to use English unless such use is clearly necessary and proper for the performance of military functions. Accordingly, commanders may not require the use of English for personal communications that are unrelated to military functions

CHAPTER 2
DESTRUCTIVE BEHAVIORS COVERED BY THIS INSTRUCTION

1. Harassment. Behavior that is unwelcome or offensive to a reasonable person, whether oral, written or physical that creates an intimidating, hostile or offensive environment. In line with reference (d), harassment may include, but is not limited to, unwanted physical contact, offensive jokes, epithets or name-calling, ridicule or mockery, insults or put-downs, displays of offensive objects or imagery, non-verbal gestures, stereotyping, intimidating acts, veiled threats of violence, threatening or provoking remarks, racial or other slurs, derogatory remarks about a person's accent or displays of racially offensive symbols. Types of harassment include, but are not limited to, discriminatory harassment, sexual harassment, hazing, bullying and stalking. Harassment can be oral, written or physical. Harassment can occur through electronic communications, including social media; other forms of communication and in person. Activities or actions undertaken for a proper military or governmental purpose, such as combat survival training, making work assignments or conducting performance counseling, are not considered harassment.

a. Discriminatory Harassment. Unwelcome conduct based on race, color, religion, sex (including pregnancy), gender identity, national origin or sexual orientation. Discriminatory harassment occurs when the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive. Discriminatory harassment can be conducted through the use of electronic devices or communications and by other means including social media, as well as in person.

b. Sexual Harassment.

(1) Sexual harassment is conduct that:

(a) Involves unwelcome sexual advances, requests for sexual favors and deliberate or repeated offensive comments or gestures of a sexual nature when:

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

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

(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment; and

(b) Is so severe or pervasive that a reasonable person would perceive and the victim does perceive the environment as hostile or offensive.

(2) Any use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence or affect the career, pay or job of a member of the armed forces or a civilian employee of the DoD.

(3) Any deliberate or repeated unwelcome verbal comment or gestures of a sexual nature by any member of the Military Services or civilian employee of the DoD.

(4) There is no requirement for concrete psychological harm to the complainant for behavior to constitute sexual harassment. Behavior is sufficient to constitute sexual harassment if it is so severe or pervasive that a reasonable person would perceive and the complainant does perceive the environment as hostile or offensive.

(5) While it is not possible to list all of those additional circumstances that may constitute sexual harassment, subparagraphs 2b(5)(a) through 2b(5)(g) provide some examples of conduct, which, if unwelcome, constitutes sexual harassment.

(a) Sexual epithets or jokes, written or oral references to sexual conduct, comments regarding one's own or another person's sex life, sexual activity, experiences, deficiencies or prowess or sexually suggestive comments regarding one's own or another person's body.

(b) The display of inappropriate sexually oriented material (i.e., displaying sexually suggestive objects, pictures, cartoons, images on a computer, phone or other electronic device, etc.).

(c) Leering, whistling, sexual gestures, suggestive or insulting comments, threats or innuendos of a sexual nature. The person observing such behavior need not be the object of such conduct for this to constitute sexual harassment.

(d) Physical contact such as touching, hugging, brushing against a person's body, impeding or blocking movements. Depending on the circumstances, any unwanted physical contact could elevate the offense.

(e) Persistent requests for dates, inappropriate letters, telephone calls, messages via social media applications or messaging platforms, e-mail, text messages, graphics and other communications or gifts.

(f) Direct or implied threats that indicate that submission to sexual advances will be a condition of employment, work status, promotion, grades or letters of recommendation.

(g) Sexually explicit statements, questions, jokes or anecdotes regardless of the means of communication (oral, written, e-mail, text messages, social media, etc.).

c. Hazing. A form of harassment that includes conduct through which Service Members or DoD employees, without a proper military or other governmental purpose but with a nexus to military Service, physically or psychologically injure or create a risk of physical or psychological injury to Service Members for the purpose of: initiation into, admission into, affiliation with, change in status or position within or continued membership in any military or DoD civilian organization. Hazing can be conducted through the use of electronic devices or communications and by other means including social media, as well as in person.

(1) Hazing is evaluated by a reasonable person standard and includes, but is not limited to, the behaviors listed in subparagraphs 1c(1)(a) through 1c(1)(i) when performed without a proper military or other governmental purpose.

(a) Any form of initiation or congratulatory act that involves physically striking another person in any manner or threatening to do the same.

(b) Pressing any object into another person's skin, regardless of whether it pierces the skin, such as "pinning" or "tacking on" of rank insignia, aviator wings, jump wings, diver insignia, badges, medals or any other object.

(c) Oral or written berating of another person with the purpose of belittling or humiliating.

(d) Encouraging another person to engage in illegal, harmful, demeaning or dangerous acts.

(e) Playing abusive or malicious tricks.

(f) Branding, handcuffing, duct taping, tattooing, shaving, greasing or painting another person.

(g) Subjecting another person to excessive or abusive use of water.

(h) Forcing another person to consume food, alcohol, drugs or any other substance.

(i) Soliciting, coercing or knowingly permitting another person to solicit or coerce acts of hazing.

(2) Hazing does not include properly directed command or organizational activities that serve a proper military or other governmental purpose or the requisite training activities required to prepare for such activities (i.e. administrative corrective measures, extra military instruction or command-authorized physical training).

(3) Service Members may be responsible for an act of hazing even if there was actual or implied consent from the victim and regardless of the grade or rank, status or Service of the victim.

(4) Hazing is prohibited in all circumstances and environments including off-duty or “unofficial” unit functions and settings.

d. Bullying. A form of harassment that includes acts of aggression by Service Members or DoD civilian employees, with a nexus to military service, with the intent of harming a Service Member either physically or psychologically, without a proper military or other governmental purpose. Bullying may involve the singling out of an individual from his or her coworkers or unit, for ridicule because he or she is considered different or weak. It often involves an imbalance of power between the aggressor and the victim. Bullying can be conducted through the use of electronic devices or communications and by other means including social media, as well as in person.

(1) Bullying is evaluated by a reasonable person standard and includes, but is not limited to the behaviors listed in subparagraphs 1d(1)(a) through 1d(1)(j) when performed without a proper military or other governmental purpose.

- (a) Physically striking another person in any manner or threatening to do the same.
- (b) Intimidating, teasing or taunting another person.
- (c) Oral or written berating of another person with the purpose of belittling or humiliating.
- (d) Encouraging another person to engage in illegal, harmful, demeaning or dangerous acts.
- (e) Playing abusive or malicious tricks.
- (f) Branding, handcuffing, duct taping, tattooing, shaving, greasing or painting another person.
- (g) Subjecting another person to excessive or abusive use of water.
- (h) Forcing another person to consume food, alcohol, drugs or any other substance.
- (i) Degrading or damaging another’s property or reputation.
- (j) Soliciting, coercing or knowingly permitting another person to solicit or coerce acts of bullying.

(2) Bullying does not include properly directed command or organizational activities that serve a proper military or other governmental purpose or the requisite training activities required to prepare for such activities (i.e., command-authorized physical training).

(3) Service Members may be responsible for an act of bullying even if there was actual or implied consent from the victim and regardless of the grade or rank, status or Service of the victim.

(4) Bullying is prohibited in all circumstances and environments, including off-duty or “unofficial” unit functions and settings.

e. Stalking. Conduct that is:

(1) A wrongful course of conduct directed at a specific person that would cause a reasonable person to fear death or bodily harm, including sexual assault, to himself or herself, to a member of his or her immediate family or to his or her intimate partner;

(2) Carried out by someone who has knowledge or should have knowledge, that the specific person will be placed in reasonable fear of death or bodily harm, including sexual assault, to himself or herself, to a member of his or her immediate family or to his or her intimate partner; and

(3) When the conduct induces reasonable fear in the specific person of death or bodily harm, including sexual assault, to himself or herself, to a member of his or her immediate family or to his or her intimate partner.

(4) Subparagraphs 1e(4)(a) through 1e(4)(e) define terms utilized in subparagraph 1e of this chapter.

(a) Conduct. Means conduct of any kind, including use of surveillance, the mails, an interactive computer service, an electronic communication service or an electronic communication system.

(b) Course of Conduct. A repeated maintenance of visual or physical proximity to a specific person; a repeated conveyance of verbal threat, written threats or threats implied by conduct or a combination of such threats, directed at or toward a specific person; or a pattern of conduct composed of repeated acts evidencing a continuity of purpose.

(c) Repeated. With respect to conduct, means two or more occasions of such conduct.

(d) Immediate Family. In the case of a specific person, means that person's spouse, parent, brother or sister, child or other person to whom he or she stands in loco parentis; or any other person living in his or her household and related to him or her by blood or marriage.

(e) Intimate Partner. In the case of a specific person, means a former spouse of the specific person, a person who shares a child in common with the specific person or a person who cohabits with or has cohabited as a spouse with the specific person; or a person who has been in a social relationship of a romantic or intimate nature with the specific person, as determined by the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

(5) Stalking must be reported to the appropriate Military Criminal Investigative Organization.

2. Prohibited Discrimination. Discrimination, including disparate treatment, of an individual or group on the basis of race, color, national origin, religion, sex (including pregnancy), gender identity or sexual orientation that is not otherwise authorized by law or regulation and detracts from military readiness.

3. Wrongful Broadcast or Distribution of Intimate Visual Images. Service Members that perpetrate the actions outlined in subparagraphs 3a through 3d are guilty of wrongful distribution of intimate visual images or visual images of sexually explicit conduct.

a. Who knowingly and wrongfully broadcasts or distributes an intimate visual image of another person or a visual image of sexually explicit conduct involving a person who:

(1) Is at least 18 years of age at the time the intimate visual image or visual image of sexually explicit conduct was created;

(2) Is identifiable from the intimate visual image or visual image of sexually explicit conduct itself or from information displayed in connection with the intimate visual image or visual image of sexually explicit conduct; and

(3) Does not explicitly consent to the broadcast or distribution of the intimate visual image or visual image of sexually explicit conduct.

b. Who knows or reasonably should have known that the intimate visual image or visual image of sexually explicit conduct was made under circumstances in which the person depicted in the intimate visual image or visual image of sexually explicit conduct retained a reasonable expectation of privacy regarding any broadcast or distribution of the intimate visual image or visual image of sexually explicit conduct.

c. Who knows or reasonably should have known that the broadcast or distribution of the intimate visual image or visual image of sexually explicit conduct is likely:

(1) To cause harm, harassment, intimidation, emotional distress or financial loss for the person depicted in the intimate visual image or visual image of sexually explicit conduct; or

(2) To harm substantially the depicted person with respect to that person's health, safety, business, calling, career, financial condition, reputation or personal relationships; and

d. Whose conduct, under the circumstances, had a reasonably direct and palpable connection to a military mission or military environment.

e. Subparagraphs 3e(1) through 3e(7) define terms utilized in paragraph 3 of this chapter,

(1) Broadcast. Electronically transmit a visual image with the intent that it be viewed by a person or persons.

(2) Distribute. To deliver to the actual or constructive possession of another person, including transmission by mail or electronic means.

(3) Intimate Visual Image. A visual image that depicts a private area of a person.

(4) Private Area. The naked or underwear-clad genitalia, anus, buttocks or female areola or nipple.

(5) Reasonable Expectation of Privacy. Circumstances in which a reasonable person would believe that a private area of the person or sexually explicit conduct involving the person, would not be visible to the public.

(6) Sexually Explicit Conduct. Actual or simulated genital-genital contact oral-genital contact, anal-genital contact or oral-anal contact, whether between persons of the same or opposite sex, bestiality, masturbation or sadistic or masochistic abuse.

(7) Visual Image. As defined in subparagraphs 3e(7)(a) through 3e(7)(c).

(a) Any developed or undeveloped photograph, picture, film or video.

(b) Any digital or computer image, picture, film or video made by any means, including those transmitted by any means, including streaming media, even if not stored in a permanent format.

(c) Any digital or electronic data capable of conversion into a visual image.

CHAPTER 3
RESPONSIBILITIES

1. Deputy Chief of Naval Operations (Manpower, Personnel, Training and Education).

a. Ensure leaders at all levels are held appropriately accountable for fostering a climate of inclusion and reinforcing signature behaviors within their organizations that supports diversity, is free from harassment and prohibited discrimination and does not tolerate retaliation for reporting harassment or prohibited discrimination allegations.

b. Establish and maintain a robust harassment prevention and MEO program by maintaining sufficient full-time staff positions and allocating sufficient resources to provide oversight.

c. Report Navy wide climate assessment results to the fleet.

d. Ensure that all military personnel, including command selectees, flag officers and senior executive service (SES) officials, receive adequate training in MEO, primary prevention, signature behaviors, human relations and the command climate assessment on a recurring basis and at all levels of professional military education.

e. Ensure that all personnel may participate equally in all occupational areas and warfare specialties within legal bounds.

f. Ensure leadership opportunities and an equitable assignment process exists for all personnel.

g. Ensure equal opportunity (EO) for promotion and advancement exists for all personnel.

h. Delegate exception to policy approval authority to OPNAV N17, as appropriate.

2. OPNAV N170C.

a. Monitor the Navy's progress toward accomplishing MEO goals and a positive command climate as directed by references (b) through (f).

b. Develop and implement standards for holding leaders accountable for promoting, supporting and enforcing MEO policies, plans and programs.

c. Develop results oriented performance measures to assess effectiveness and impacts of MEO policies and programs.

d. Provide reports via appropriate channels as required to the Office for Diversity, Equity and Inclusion at the Office of the Secretary of Defense.

- e. Annually provide an EO climate assessment to the OPNAV N17 using the data collected from Naval Inspector General (NAVINSGEN), fleet commanders and echelon 2 commands.
 - f. Use the annual EO climate assessment results to gauge the effectiveness and impact of MEO initiatives.
 - g. Provide overall direction, guidance, support and advice for the management of command climates assessments.
 - h. Provide overall direction, guidance, support and oversight to CCSs and CMEO program managers.
 - i. Serve as program manager and community advisor for CCSs, Navy enlisted classification code 809A.
 - j. Recognize the unique characteristics of the reserve component when establishing programs and procedures for processing harassment and prohibited discrimination complaints involving Selected Reserve (SELRES) personnel.
 - k. Maintain an official toll-free Navy harassment and MEO advice line. Ensure any personnel responding to inquiries are fully trained to address situations involving members of the reserve component in addition to active duty personnel.
 - l. Coordinate with the Defense Equal Opportunity Management Institute (DEOMI) to develop and maintain Navy Service specific training.
 - m. Coordinate with Naval Education and Training Command (NETC) to develop and maintain CMEO program manager training.
 - n. Conduct a Navy MEO brief to Navy Service Specific classes at the DEOMI to answer concerns and questions and inform students of programmatic updates as well as systemic MEO trends, issues and best practices within the Navy.
 - o. Conduct annual face-to-face CCS training. This summit must be used to reinforce this instruction, provide programmatic and instruction updates, share best practices and leverage data analytics to illustrate trends, programmatic impacts and data driven recommendations. While the preferred delivery method is face-to-face, this training may be conducted virtually as needed.
 - p. Maintain an official Navy MEO Web site.
3. NAVINSGEN and Echelon 2 Inspectors General (IG).

a. NAVINSGEN provide a summary of allegations against flag officers or SES officials relating to harassment and prohibited discrimination by 15 December annually to OPNAV N170C. Summary must include the total number of complaints and the data requirements outlined in appendix E for each complaint. NAVINSGEN is the investigative authority for all harassment and prohibited discrimination complaints against flag officers and SES officials except those under investigation by the DoD IG.

b. Provide a summary of hotline allegations involving harassment and prohibited discrimination by 15 December annually to OPNAV N170C. Summary must include the total number of complaints and the data requirements outlined in appendix E for each complaint.

c. Include specific assessments of MEO programs in all command inspections and area visits and ensure that subordinate IGs include MEO program assessments in their own unit-level inspection programs. Provide copies of all MEO program findings, to include specific MEO questions or issues, the unique insights of local CCSs, CMEO program managers and others regarding MEO program performance and the concerns of individual Sailors, to OPNAV N170C quarterly.

4. NETC.

a. Function as Navy MEO training manager and developer of overall Navy training strategies from entry through executive levels in coordination with OPNAV N170C and DEOMI, when applicable.

b. Develop, conduct and maintain formal CMEO program manager training (approved by OPNAV N170C) for CMEO program manager students.

c. Ensure that all MEO training is up-to-date with current policy. Training must include instructions on understanding accountability and complaint processing responsibility, informal and formal resolution options, characteristics and prevention of harassment and prohibited discrimination and the relationship between leadership and a professional command climate.

d. Ensure general military training (GMT) is current with policy.

e. Ensure MEO training at Navy Leadership and Ethics Center and the Senior Enlisted Academy includes the information contained in subparagraphs 4e(1) through 4e(6).

(1) The relationship between leadership and a professional command climate.

(2) Instruction in understanding accountability and responsibility and harassment and prohibited discrimination prevention strategies.

(3) The commander's role with the command resilience team (CRT) and the command climate assessment.

(4) The role of the CCS and CMEO program manager.

(5) The methods for filing complaints, what must occur when a complaint is filed, an explanation of the complaint timelines and other external methods to seek redress.

(6) The harassment and prohibited discrimination investigation process and potential disciplinary actions based on substantiated allegations.

f. Ensure all applicable training meets the terminal learning objectives outlined in reference (b) and requirements outlined in reference (d).

5. Commander, Commanding Officer, Officer in Charge and Civilian Equivalent.

a. Within 60 days of assuming command and along with the deputy, executive officer (XO) or assistant officer in charge and senior enlisted leader, obtain an MEO and command climate brief from their CRT.

b. Promote a positive command climate and signature behaviors.

c. All echelon 2 commands and echelon 3 commands that have subordinate commands, must establish a CCS billet to provide enhanced oversight of their command and subordinate command's harassment prevention and MEO programs and command climates. The type commander CCS will retain administrative responsibility for tracking and continuity of ships deployed with the carrier strike group or amphibious readiness group.

Note: Aircraft carriers must have two CCS billets and at least one of the CCSs assigned should be an E-7 or above. CCSs assigned to aircraft carriers and amphibious assault ships must be used as the carrier strike group or amphibious readiness group subject matter expert on all matters relating to harassment prevention and MEO and command climate while the strike group or amphibious readiness group commander is embarked.

d. Ensure members assigned as CMEO program managers complete the CMEO manager course prior to appointment (unless they previously completed the course). The CMEO program manager assignment must not create a conflict of interest with other duty assignments (i.e. member of the command triad, CCS, legal officer, etc.). The CMEO program manager must have a designation letter signed by the commander, sample letter provided in appendix F.

Note: All commands must be staffed with a minimum of one CMEO program manager. The CMEO program manager must be an E6 or above with at least 24 months remaining in the command at the time of assignment. CMEO program managers must serve in this position for a

minimum of 24 months. Any deviations from this instruction for assignment of a CMEO program manager need to be approved, in writing, by the immediate superior in command (ISIC).

e. Develop, disseminate and enforce harassment prevention and MEO policy statement(s) which must include expectations regarding EO and procedural compliance.

f. Ensure that a comprehensive visual inspection throughout the command is conducted on a regular basis, not less than annually to ensure all workplaces and common access spaces are free from materials that create a degrading, hostile or offensive work environment. Document completion on a memorandum for the record (MFR) and maintain in the command continuity folder.

g. Monitor their command and subordinate command's command climates.

h. Ensure the command's harassment prevention and MEO program complies with all items cited in appendices G and H, as applicable.

i. Assist subordinate commands as necessary in their implementation of this instruction.

j. Ensure assessments and inspections of subordinate commands' CCS and CMEO programs are being conducted every two years using appendices G and H, as applicable. Echelon 2 commanders report compliance to OPNAV N170C quarterly.

k. Ensure establishment of a CRT.

l. Complete and ensure subordinate commanders complete, a command climate assessment within 120 days after assumption of command and annually as follow-up assessments during their command tenure. A minimum of one climate assessment must be completed each fiscal year. The command climate assessment process is outlined in appendix I. Use appendix J to prepare the command climate assessment executive summary. Echelon 2 commanders report command climate assessment compliance to OPNAV N170C quarterly.

Note: Commands must include attached civilian personnel in the administration of the command climate assessment (contractors and local foreign nationals are not authorized to take the survey). Supported commands must include their SELRES personnel in the administration of their command climate assessment. SELRES personnel attached to voluntary training units and operational support units will be included in the Navy Operational Support Center (NAVOPSPTCEN) command climate assessment. All SELRES attached to a commissioned unit must participate in the command climate assessment with their supported command.

m. Include a statement in the commander's performance evaluation or annual fitness report annotating if the commander has conducted the required command climate assessment. Failure

of a commander to conduct the required command climate assessment must be noted in the commander's performance evaluation or annual fitness report.

n. Ensure demographics for command-appointed collateral duty assignments, retention, discipline, advancement and awards are reviewed semi-annually by race, ethnicity, sex, paygrade and rank. This data is available within the command (i.e., legal and administrative offices). Command demographics must be reviewed by the CRT and maintained in the command continuity folder for 3 years. Demographic data is available from the Fleet Management and Planning System.

Note: The maintenance and frequent review of statistical data relating to personnel can alert commanders to the development of trends and patterns that may affect the command's climate.

o. Ensure the anonymity and confidentiality of responses to interviews, focus groups, surveys, etc., in support of an assessment. However, this does not extend to comments that are in violation of reference (g). Personnel in the command triad must not facilitate focus groups or interviews during the command climate assessment process.

p. Maintain a copy of all subordinate command executive summaries for 3 years.

q. Submit by 15 November annually, an annual climate assessment using appendix K. Echelon 2 commands must submit to OPNAV N170C, echelon 3 commands must submit to their respective echelon 2 command and echelon 4 and lower commands must submit to their respective echelon 3 command or ISIC. The annual climate assessment will reflect the command climate assessments of all commands within the enterprise.

r. Ensure DON procedures for processing harassment and prohibited discrimination complaints are prominently displayed. NAVPERS 15600E Equal Opportunity Information Poster, stock number 0500-LP-117-6471, must be displayed and include the name and telephone number of the command's points of contact (CCS, CMEO program manager and the appropriate servicing EEO office) for EO issues. See appendix L for additional details.

s. Ensure all individuals are familiar with their right to submit an informal, formal or anonymous harassment or prohibited discrimination complaint and the methods for submission.

t. Ensure personnel are aware of the policies and procedures for filing a report of retaliation in line with reference (i).

u. Promote the chain of command as the primary and preferred channel to identify, process and resolve complaints of harassment and prohibited discrimination.

v. Use chapter 4 for the processing of informal complaints and chapter 5 for the processing of formal and anonymous complaints.

- w. Use chapter 6 for the procedures when approached by a Service Member who alleges retaliation related to a harassment or prohibited discrimination complaint.
- x. Consult the servicing CCS to provide analysis and recommendations regarding all informal, formal and anonymous harassment and prohibited discrimination complaints as well as any other issues that affect the climate of a unit.
- y. Track and monitor the reporting and status of their command and subordinate command's harassment and prohibited discrimination complaints.
- z. Ensure substantiated harassment or prohibited discrimination complaints are annotated on the offender's performance evaluation or Service record.
 - aa. Upon turnover, provide the incoming commander with a written report of all command and subordinate commands open harassment and prohibited discrimination complaint investigations.
 - ab. Ensure that harassment and prohibited discrimination is absent in all administrative and disciplinary proceedings.
 - ac. Ensure personnel receive awards and recognition and are assigned jobs, education opportunities and special programs based on merit, fitness, capability and performance.
 - ad. EO, Harassment and Resolution Options GMT should be delivered to the appropriate audience at an appropriate periodicity as determined by the local command. The frequency of periodic training will be no less than every two years. SELRES personnel receive training from their Navy Reserve Activity (NRA). All SELRES personnel assigned to a commissioned unit receive training from their supported command. This provides an opportunity for leaders to personally interact with their Sailors to share insight on the issues affecting warfighting readiness.

6. CRT.

- a. CRT members must have a letter of designation signed by the commander and sign the CRT non-disclosure agreement document, appendix M.
- b. Administer the command climate assessment. The CRT must use the Command Resilience Team Guide when conducting a climate assessment. Required CRT membership is outlined in this guide.
- c. Prior to initiating a command climate assessment, the CRT should contact their servicing CCS. When requested, the CCS will provide oversight and guidance to the CRT on the facilitation and interpretation of the DEOCS, conducting focus groups and interviews, data

analysis throughout the command climate assessment process, use of primary prevention and human factors process resources by CRT and the development of the command climate assessment executive summary and plan of action and milestones (POA&M).

d. To improve insight into command climate, the commander must leverage the CRT to facilitate and promote signature behaviors and an environment of dignity and respect. In doing so, the CRT will be a powerful tool to help preserve unit cohesion, good order and discipline and mission readiness.

e. The CRT must meet, at a minimum, quarterly. CRTs will develop best practices and implement primary prevention measures. These meetings must be documented via an MFR and the documentation maintained in the command continuity folder.

f. Provide commanders, their deputy, XO or assistant officer in charge and senior enlisted leader an MEO and command climate brief within 60 days of assuming command.

7. CCS.

a. Inform the commander and CMEO program manager of all changes to this instruction.

b. Provide analysis and recommendations to the commander regarding all informal, formal and anonymous harassment and prohibited discrimination complaints, as requested.

c. Conduct on-site or virtual assessments and inspections of immediate subordinate commands' CCSs and CMEO programs every two years using appendices G and H, as applicable.

d. Provide MEO program oversight, assist visits and training to the command and subordinate commands as requested or required.

e. Maintain the information contained in subparagraphs 7e(1) through 7e(6) for all subordinate commands.

(1) Command climate assessment supporting documentation, to include the executive summary and POA&M, for the last three years.

(2) Results of the comprehensive visual inspections for the last three years.

(3) Results of the last three on-site or virtual assessments and inspections.

(4) Complaint log of all harassment, prohibited discrimination complaints and allegations of wrongful broadcast or distribution of intimate visual images for the last 3 years.

(5) Documentation of all administered MEO training outlined in chapter 7, for the last 3 years.

(6) A copy of the NAVPERS 5354/2 Naval Equal Opportunity and Sexual Harassment Report Form documenting informal complaints of harassment and prohibited discrimination for the last 3 years.

f. When requested, provide oversight and guidance to the command and subordinate command's CRT throughout the command climate assessment process.

g. Track and monitor the command and subordinate command's command climate assessment.

h. Review the command climate assessment executive summary, POA&M and DEOCS and provide a report to the ISIC prior to a commander's face-to-face debrief.

i. Collaborate and coordinate with the CRT to provide advice and guidance to the commander on all matters and issues that may affect the command's climate.

j. Provide assistance, advice and training regarding conflict resolution and grievance and redress procedures.

k. Serve as the central point of contact for all MEO and command climate issues. Provide guidance and training to CMEO program managers regarding the processing of informal, formal and anonymous harassment and prohibited discrimination complaints using chapter 4 and chapter 5.

l. Use chapter 4 for the processing of informal complaints and chapter 5 for the processing of formal and anonymous complaints.

m. Use chapter 6 for the appropriate procedures when approached by a Service Member who alleges retaliation related to a harassment or prohibited discrimination complaint.

n. Track and monitor the reporting and status of their command and subordinate commands' harassment and prohibited discrimination complaints. The data elements outlined in appendix E are required to be captured and forwarded to OPNAV N170C.

o. Track allegations of wrongful broadcast or distribution of intimate visual images. The data elements outlined in appendix E are required to be captured and forwarded to OPNAV N170C.

p. Collaborate with the investigating officer, the judge advocate supporting the staff and the echelon 2 CCS in the chain of command, as necessary. This includes, but is not limited to, the

judge advocate conducting a legal sufficiency review, consultation throughout the complaint investigative process and conducting an appeal review when a member exercises his or her right to appeal the decision on a formal harassment or prohibited discrimination complaint. The judge advocate supporting the staff is responsible for following up on all legal sufficiency reviews.

- q. Provide commanders a quarterly verbal brief and written report of the status of subordinate command's harassment and prohibited discrimination complaints.
- r. Provide semi-annual MEO training to subordinate command CCSs and CMEO program managers. This may be accomplished by symposium attendance, virtually, through teleconferences, etc. CCSs are responsible for the sustainment training of their subordinate command CMEO program managers.
- s. Maintain a current point of contact listing of subordinate command CCSs and CMEO program managers.
- t. Liaise between the command, respective echelon 2 command and OPNAV N170C as needed.
- u. Collaborate with other CCSs and CMEO program managers on the installation.

8. CMEO Program Manager.

- a. Contact their respective CCS within 30 days of being designated as the CMEO program manager.
- b. Function as the single point of contact when a CCS is not assigned to the command for MEO matters at the command.
- c. Assess the CMEO program using appendix H upon designation as the CMEO program manager and annually thereafter.
- d. Maintain a command continuity folder. This folder will contain the information listed in subparagraphs 8d(1) through 8d(6).
 - (1) Command climate assessment supporting documentation, to include the executive summary and POA&M, for the last three years.
 - (2) Results of the comprehensive visual inspections for the last three years.
 - (3) Results of the last three on-site or virtual assessments and inspections.

(4) Complaint log of all harassment and prohibited discrimination complaints and allegations of wrongful broadcast or distribution of intimate visual images for the last 3 years.

(5) Documentation of all administered MEO training outlined in chapter 7 for the last 3 years.

(6) A copy of the NAVPERS 5354/2 documenting informal complaints of harassment and prohibited discrimination for the last 3 years.

e. Serve as the coordinator for the command climate assessment.

f. Ensure NAVPERS 15600E is prominently displayed in the command. Ensure the poster includes the name and telephone number of the command's points of contact (CCS, CMEO program manager and the appropriate servicing EEO office) for EO issues.

g. Use chapter 4 for the processing of informal complaints and chapter 5 for the processing of formal and anonymous complaints.

h. Use chapter 6 for the appropriate procedures when approached by a Service Member who alleges retaliation related to a harassment or prohibited discrimination complaint.

i. Track, monitor, report and provide status updates on harassment and prohibited discrimination complaints to the respective CCS from submission through resolution of the complaint. The data elements outlined in appendix E are required to be captured and forwarded to OPNAV N170C.

j. Track allegations of wrongful broadcast or distribution of intimate visual image. The data elements outlined in appendix E are required to be captured and forwarded to OPNAV N170C.

k. Coordinate and monitor MEO training when directed by the commander.

l. Attend semi-annual MEO sustainment training provided by the servicing CCS.

m. Closely collaborate with the staff, regional, strike group, installation and command CCSs, as applicable.

n. Perform other MEO related duties as mandated by the commander.

9. Service Member.

a. Treat others with dignity and respect.

- b. Promote a positive command climate within the Navy through personal example.
- c. Report acts of harassment and prohibited discrimination as directed by reference (j), article 1137.
- d. Use Navy grievance and redress procedures as applicable.
- e. Be aware of the policies and procedures for filing a complaint in line with this instruction.
- f. Exhibit signature behaviors, prevent destructive behaviors and promote an environment of professionalism, trust, dignity and respect for all.

CHAPTER 4
PROCEDURES FOR SUBMITTING, HANDLING AND RESOLVING INFORMAL
HARASSMENT AND PROHIBITED DISCRIMINATION COMPLAINTS

1. General Guidelines.

a. An informal complaint is an allegation of harassment or prohibited discrimination submitted orally or in writing to a member in a position of authority in the chain of command for resolution (i.e., the leading petty officer, chief petty officer, division officer, department head, etc.).

b. The chain of command is the primary and preferred channel to identify, process and resolve harassment and prohibited discrimination complaints. The informal complaint process allows CCSs or CMEO program managers to maintain awareness of all complaints and ensures they are properly handled and resolved. The chain of command must submit the informal complaint to the CCS or CMEO program manager for resolution without the command being required to conduct an investigation. There is no admission of guilt or substantiation of informal complaints. Any informal complaint that results in punitive disciplinary action by the chain of command intended to hold an alleged offender accountable must be processed in line with chapter 5.

c. The CCS or CMEO program manager must ensure proper documentation of all informal complaints using NAVPERS 5354/2.

d. Any complaint submitted to the commander directly by the complainant for resolution must be processed in line with chapter 5.

e. Complaints involving sexual assault allegations must be reported to a sexual assault response coordinator (SARC) for victim support services. These complaints must also be reported for investigation to the appropriate military criminal investigative organization.

2. Complainant Responsibilities.

a. Complainants are encouraged to inform the alleged offender directly that the conduct is unwelcome and must stop; however, this is not required. If the behavior does not stop, if possible, the complainant should report the behavior to leadership at the lowest appropriate level.

b. A Service Member who desires to resolve a complaint informally, may notify a member in a position of authority in the chain of command, the CCS or the CMEO program manager of their complaint orally or in writing. Service Members should specify that they wish to handle their complaint informally, both to the individual to which they make their initial complaint and also on the NAVPERS 5354/2.

c. At any time the complainant can stop this process and submit a formal complaint to the CCS or CMEO program manager.

3. Command Responsibility.

a. The member in a position of authority in the chain of command receiving the complaint must inform the CCS or CMEO program manager within 24 hours.

b. The CCS or CMEO program manager will initiate informal resolution procedures, appendix N, within 3 duty days to resolve the informal complaint.

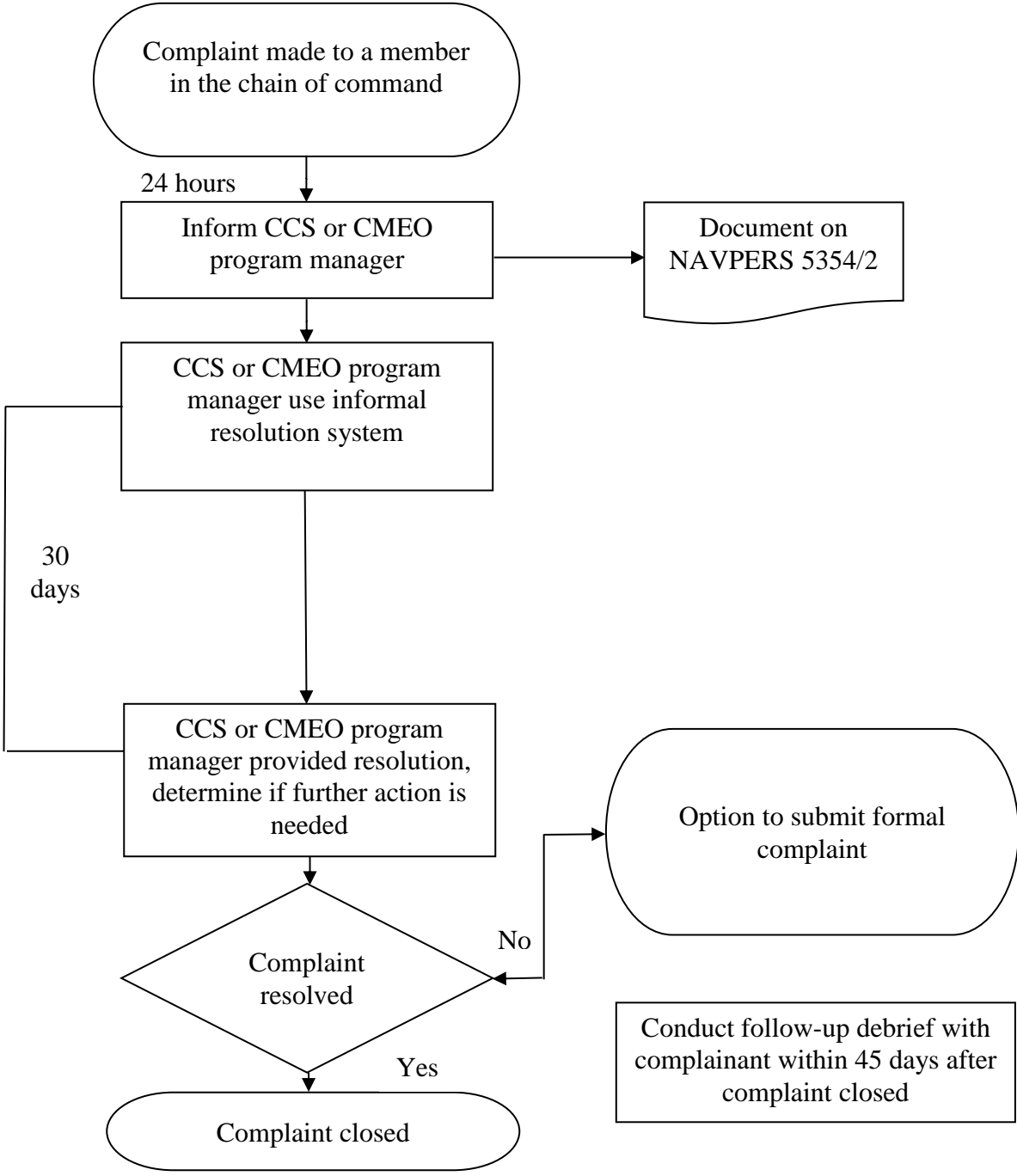
c. The informal complaint must be documented on the NAVPERS 5354/2.

d. It is critical that once the CCS or CMEO program manager is informed of an informal complaint that action is taken quickly to resolve the complaint. The complaint must be resolved within 30 duty days. If the complaint is not or cannot be resolved within 30 duty days or the complainant is not satisfied with the outcome, the complainant may file a formal complaint.

e. The CCS or CMEO program manager must conduct a follow-up debrief with the complainant to ensure that retaliation has not occurred within 45 days after the complaint is closed. This follow-up must be annotated on the NAVPERS 5354/2.

f. Forward a copy of the completed NAVPERS 5354/2 to the echelon 2 CCS. The data elements outlined in appendix E are required to be captured and forwarded to OPNAV N170C.

g. All documents pertinent to an informal complaint must be maintained in the command continuity folder for 3 years. After 3 years, destroy records in line with reference (a) and local records disposition policy.



Note: At any time the complainant can stop this process and submit a formal complaint.

Figure 4-1 Informal Complaint Process Flow Chart

CHAPTER 5
PROCEDURES FOR SUBMITTING, HANDLING, APPEALING AND REPORTING
FORMAL AND ANONYMOUS HARASSMENT AND PROHIBITED DISCRIMINATION
COMPLAINTS

1. General Procedures.

a. A formal complaint is an allegation of harassment or unlawful discrimination that is submitted in writing via NAVPERS 5354/2; reference (j), article 1150; reference (g), article 138; communication to NAVINSGEN or elected officials; NAVPERS 1626/7 Report and Disposition of Offense(s); and any other communication the commander deems appropriate.

b. The chain of command is the primary and preferred channel identify, process and resolve harassment and prohibited discrimination complaints. Commanders have direct responsibility for managing the complaint process. They must ensure that the complaint resolution system is clearly communicated and well understood by all personnel.

c. Individuals who experience or observe harassment or prohibited discrimination are encouraged to report the incident to the chain of command, CCS or CMEO program manager. Formal complaints submitted to a cognizant commander or supervisor or, inspector general's office will be referred to a CCS or CMEO program manager for processing.

d. Formal complaint investigations will be conducted at the local command in line with reference (k).

2. Complaint Processing.

a. In a joint military environment, when the complainant and alleged offender are assigned to different organizations and the commander of the joint military environment does not have command or supervisory authority over the alleged offender, complaints will be processed in line with the procedures outlined in subparagraphs 2a(1) through 2a(6).

(1) Complaints must be processed by the organization that has administrative control over the complainant.

(2) Joint commanders must forward the complaint, with a detailed description of the facts and circumstances, to the next superior officer in the alleged offender's chain of command who is authorized to convene a general court martial.

(3) The complainant's commander or supervisor is responsible for providing notice and sending updates to the alleged offender's commander or supervisor, upon receipt and final resolution of a complaint.

(4) The complainant's commander or supervisor is responsible for ensuring the completed complaint forms are provided to the alleged offender's commander or supervisor.

(5) When an administrative finding substantiates an allegation of harassment or prohibited discrimination, the alleged offender's commander or supervisor is responsible for administering appropriate corrective or disciplinary action.

(6) If the complainant is assigned to the Navy the complainant's command is responsible for sending the initial and final operational report (OPREP) in line with reference (1).

b. When the complainant and alleged offender are assigned to different Services (when all parties are not assigned to a joint military environment), the complaint must be processed in line with the procedures outlined in subparagraphs 2b(1) through 2b(5).

(1) Complaints must be processed by the organization that has administrative control over the complainant.

(2) The complainant's commander or supervisor is responsible for providing notice and sending updates to the alleged offender's commander or supervisor, upon receipt and final resolution of a complaint.

(3) The complainant's commander or supervisor is responsible for ensuring the completed complaint forms are provided to the alleged offender's commander or supervisor.

(4) When an administrative finding substantiates an allegation of harassment or prohibited discrimination, the alleged offender's commander or supervisor is responsible for administering appropriate corrective or disciplinary action.

(5) If the complainant is assigned to the Navy the complainant command is responsible for sending the initial and final OPREP in line with reference (1).

c. When the complainant and alleged offender are assigned to different Navy commands the complaint must be processed in line with the procedures outlined in subparagraphs 2c(1) through 2c(3).

(1) Complaints must be processed by the organization that has administrative control over the alleged offender.

(2) The complainant's command is responsible for ensuring parts I and II of NAVPERS 5354/2 are complete and provided to the alleged offender's commander.

(3) The alleged offender's command is responsible for sending OPREPS, in line with reference (1), upon initial receipt through case resolution. If the complainant or alleged offender

requests an appeal, update OPREPS must be sent every 30 days; every 14 days for sexual harassment complaints, throughout the appeal process.

Note: Coordination between CCSs or CMEO program managers across command or service lines is critical. The commanders of both the complainant and alleged offender must collaborate to resolve the complaint.

d. When the complaint includes both military and civilian personnel, it must be processed in line with the procedures applicable to the complainant. Coordination between CCSs or CMEO program managers, civilian EEO personnel and the Office of General Counsel is critical. The military member's command is responsible for sending OPREPS, in line with reference (l), upon initial receipt through case resolution.

e. SELRES personnel attached to commissioned units must submit complaints via the operational chain of command. SELRES personnel attached to a voluntary training unit or an operational support unit must submit complaints via their NAVOPSPTCEN. SELRES personnel attached to non-commissioned units must submit complaints via the active duty supported command.

f. When the complainant is a foreign military Service member, to include international military students and the alleged offender is assigned to a Navy command, the complaint must be processed in line with the procedures outlined in subparagraphs 2f(1) through 2f(4).

(1) Complaints must be processed by the organization that has administrative control over the alleged offender. Notification of initiation of a processed complaint must be made to Navy International Programs Office and Naval Education and Training Security Assistance Field Activity given responsibility for Foreign Military Sales training and education participants under SECNAVINST 4950.4B.

(2) When an administrative finding substantiates an allegation of harassment or prohibited discrimination, the alleged offender's commander or supervisor is responsible for administering appropriate corrective or disciplinary action.

(3) The alleged offender's command is responsible for ensuring the NAVPERS 5354/2 is complete.

(4) The alleged offender's command is responsible for sending the initial and final OPREP in line with reference (l).

g. A harassment or prohibited discrimination complaint filed via reference (j), article 1150 or reference (g), article 138, must be processed in line with reference (k).

h. Complaints involving sexual assault allegations must be reported to a SARC for victim support services. These complaints must also be reported for investigation to the appropriate military criminal investigative organization.

i. Any allegations of harassment or prohibited discrimination made against a contract employee must be submitted to the contracting officer's representative in coordination with the Office of General Counsel for appropriate action.

j. Follow procedures for processing sexual harassment complaints, including anonymous complaints, occurring in confinement facilities and involving military inmates, per Section 15601 of Title 42, U.S.C., also known as the "Prison Rape Elimination Act of 2003."

3. Complainant Responsibilities.

a. The preferred method of filing a formal complaint is by submitting a NAVPERS 5354/2. Other complaint options include (but are not limited to) those in subparagraphs 3a(1) through 3a(6).

(1) Filing a reference (j), article 1150, Redress of Wrong Committed by a Superior (other than the Commander).

(2) Filing a reference (g), article 138, Complaints of Wrongs against the Commander.

(3) Filing a NAVPERS 1626/7.

(4) Contacting the IG which includes echelon 2 IGs and the NAVINSGEN.

(5) Communicating with elected officials, reference (j), article 1155.

(6) Any other means of communication that the commander deems appropriate (e.g.; notes in the commanding officers suggestion box, comments on the DEOCS, etc.).

b. A complaint should be made within 60 days of the offending incident or in the case of a series of incidents, within 60 days of the most recent incident. Commanders may accept complaints beyond this time frame if, in their judgment, circumstances warrant.

c. Complaints of harassment (not to include hazing and bullying) and prohibited discrimination complaints may not be joined with the complaints of other individuals. Similarly, each complainant may seek redress for the wrong(s) of only one alleged offender. If the complainant believes more than one alleged offender has committed a wrong, the complainant must submit a separate complaint against each alleged offender, not against a group such as "the chain of command."

4. Anonymous Complaints. Action taken regarding an anonymous complaint will depend upon the extent of information provided by the complainant.

Note: Service Members cannot identify themselves to the command and then elect to submit the complaint anonymously.

a. If the content of the complaint includes allegations of sexual assault and if continued communication is possible, the CCS or CMEO program manager must refer the Service Member to a SARC, Deployed Resiliency Counselor (DRC), sexual assault prevention and response (SAPR) Victim Advocate (VA), unit SAPR VA, Victim's Legal Counsel (VLC) or healthcare personnel.

b. The command CCS or CMEO program manager must be notified of anonymous complaints within 24 hours of receipt and must consult with the commander to determine further actions regarding the allegations.

c. If the complaint contains sufficient information to permit the initiation of an investigation, it must be processed as outlined in this chapter. It must be documented on the NAVPERS 5354/2 and that form must be forwarded to OPNAV N170C via the echelon 2 CCS within 72 hours after complaint resolution.

d. If the anonymous complaint does not contain sufficient information to permit the initiation of an investigation the information must be documented on the NAVPERS 5354/2 and maintained in the command continuity folder for 3 years. The NAVPERS 5354/2 must contain the date and time the information was received, a detailed description of the facts and circumstances included in the complaint, date the complaint was closed and by whom and other pertinent information.

5. Command Responsibility.

a. Personnel receiving a formal complaint must notify the commander or other designated authority within three duty days of receipt.

b. Upon receipt of a formal complaint, the commander with jurisdiction over the subject of the complaint has one duty day to evaluate the complaint and determine to either dismiss, refer or accept the complaint for appropriate action.

(1) Dismissed Complaints. A commander with jurisdiction over the alleged offender of the complaint, in consultation with the supporting CCS and judge advocate, may determine that dismissal of a complaint is appropriate under one of the bases in subparagraphs 5b(1)(a) through 5b(1)(f). A previously accepted complaint may be dismissed if, at any point following acceptance of the complaint, the commander deems it appropriate to dismiss the complaint under one of the bases outlined in subparagraphs 5b(1)(a) through 5b(1)(f). If the commander

dismisses a complaint, a justification for the commander's decision will be documented on an MFR and a copy provided to the complainant. The original NAVPERS 5354/2 and the MFR will be retained in the command continuity folder for three years. No OPREP is required for dismissed complaints unless there was an initial OPREP prior to the determination of dismissal. The reasons for dismissal are included in subparagraphs 5b(1)(a) through 5b(1)(f).

(a) A claim that fails to allege facts that, if true, would constitute a violation under this instruction.

(b) If the complainant's claims are identical to claims that were previously filed or resolved, the complaint may be dismissed. In cases where an informal complaint was submitted but not satisfactorily resolved, a complaint should not be automatically dismissed as duplicative. The commander must assess if the informal complaint was appropriately resolved before rendering decision to accept, refer or dismiss complaints submitted in such cases.

(c) Complaints of institutional discrimination.

(d) A complaint that has been accepted for investigation may be dismissed at any stage of processing if the complainant fails to cooperate with the investigation or with repeated requests for information. The initial submission of an anonymous complaint does not constitute a failure to cooperate.

(e) A complaint received after 60 days; 120 days in the case of a Reserve complaint, is considered late. Late reporting may impact a commander's ability to gather evidence and interview witnesses. A commander in consultation with the servicing CCS and supporting judge advocate may determine that an investigation cannot be undertaken due to the lateness of the complaint.

(f) A complainant may voluntarily withdraw their complaint at any time during the administrative process. However, the commander may continue to take actions necessary to maintain good order and discipline within the command.

(2) Referred Complaints. Complaints submitted by persons not covered by this instruction or of which neither the command nor the Navy has jurisdiction or the authority to remedy, will be referred to the relevant agency or agencies with personnel and subject matter jurisdiction to adjudicate the case, if applicable. A justification for the commander's decision to refer the complaint and the organization to which it is referred will be documented on an MFR and a copy provided to the complainant. The original NAVPERS 5354/2 and the MFR will be retained in the command continuity folder for three years. No OPREP is required for referred complaints.

(3) Accepted Complaints. If the commander accepts a formal complaint it must be processed in line with this chapter.

c. Refer all complaints against flag officers or SES officials to NAVINSGEN.

d. Ensure all personnel are aware of command and shore based assistance available to those who need help in processing complaints. This assistance includes access to legal counsel, CCSs, CMEO program managers and the Navy Harassment Prevention and MEO Advice Line.

e. Identify available counseling support or referral services for all personnel involved in incidents of harassment and prohibited discrimination. These services include, but are not limited to, access to mental health counseling, medical, legal counsel, family advocacy personnel, fleet and family support center personnel, chaplains, CCSs, CMEO program managers, Victim and Witness Assistance Personnel and the Navy Harassment Prevention and MEO Advice Line. Personnel should notify the CCS or CMEO program manager if they would like to be referred to support services.

f. Commanders have the discretion to initiate an investigation without a complainant; i.e., complaints submitted anonymously, if the aggrieved party does not want to participate in the complaint process, concerns identified during the climate assessment or if possible harassment or prohibited discrimination violations are identified during an investigation of other misconduct. In such cases, if an investigation is initiated, the commander will process and report the violation and subsequent outcomes in line with this chapter. Commanders will use the NAVPERS 5354/2 to document the issue and actions taken. No signature from a complainant is required; however, the data elements outlined in appendix E are required to be captured and forwarded to OPNAV N170C.

g. The commander must initiate a preliminary inquiry or command investigation, as appropriate in line with reference (k). The CCS or CMEO program manager must not be the preliminary inquiry or command investigation officer.

Note: If the complaint is against the commander it must be forwarded to the officer exercising general court-martial jurisdiction over the commander.

(1) To the extent practicable the inquiry or investigation must commence within 72 hours of the commander accepting the complaint. Whenever practical, the inquiry or investigating officer must be senior to the complainant and the alleged offender and a CCS must serve as a resource to the investigator. The complainant and alleged offender will be notified by the investigating officer that the investigation has begun and will acknowledge this notification on the original NAVPERS 5354/2. Commands that do not have a CCS assigned within their reporting chain of command or when the CCS is unavailable or conflicted, must contact OPNAV N170C for a list of CCSs. Before making a final determination the commander who convenes the investigation into the complaint, in line with this instruction and reference (k), will submit the investigating officer's completed report to a staff judge advocate in the chain of command or assigned to support the command and the CCS. The judge advocate and CCS will provide the commander with a written legal sufficiency review and CCS sufficiency review, respectively and

recommendations, if any, within 10 days. The CCS sufficiency review will be conducted using OPNAV 5354/3 Command Climate Specialist Formal Harassment or Unlawful Discrimination Report Sufficiency Review.

Note: When other formal complaint options are used to report allegations of harassment or prohibited discrimination, the CCS or CMEO program manager will use the NAVPERS 5354/2 to document the issue and actions taken. No signature from a complainant is required; however, the data elements outlined in appendix E are required to be captured and forwarded to OPNAV N170C. Ensure a copy of the NAVPERS 5354/2 is forwarded to OPNAV N170C via the echelon 2 CCS within 72 hours after final determination. The appeals process outlined in paragraph 6 of this chapter only applies to formal complaints submitted via the NAVPERS 5354/2.

(2) Voice reports must be made as outlined in reference (1).

(3) An OPREP describing the situation must be sent in line with reference (1), no later than 72 hours after receipt and acceptance of the complaint.

(4) Upon receipt and acceptance of a formal complaint, ensure a copy of the NAVPERS 5354/2, with parts I through III completed, is forwarded to OPNAV N170C via the echelon 2 CCS or CMEO program manager in the absence of a CCS within 72 hours. The data elements outlined in appendix E are required to be captured and forwarded to OPNAV N170C.

(5) Upon receipt and acceptance of a formal complaint, ensure appendix O, is reviewed and signed by the chain of command of the complainant, the chain of command of the alleged offender, complainant, alleged offender, witnesses and the CCS or CMEO program manager.

(6) To the extent practicable, the inquiry or investigation of a formal sexual harassment complaint must be completed no later than 14 days from the date the investigation commenced. The commander receiving the complaint must submit an initial OPREP upon receipt of the complaint and a final OPREP, in line with reference (m), section 1561 (Complaints of Sexual Harassment: Investigation by Commanding Officers), of the results of the investigation, including any action taken as a result of the investigation, to the ISIC within 20 days after the date the investigation commenced. When a sexual harassment complaint is not resolved within 20 days of the commencement of the investigation, submit an OPREP on the progress within 20 days after the date the investigation commenced and every 14 days thereafter until final resolution. Upon final resolution of the complaint, submit a final OPREP on the results of the investigation including any action taken as a result of the investigation. The alleged offender's command is responsible for sending OPREPS upon initial complaint receipt through complaint resolution, including any subsequent appeal(s). If the alleged offender belongs to another service, the complainant's command is responsible for sending the OPREPS upon initial complaint receipt through complaint resolution, including any subsequent appeal(s).

(7) For harassment (not to include sexual harassment) and prohibited discrimination complaints, the alleged offender's command is responsible for sending the initial and final OPREP upon initial complaint receipt and final resolution, including any subsequent appeals. If the alleged offender belongs to another service, the complainant's command is responsible for sending the initial and final OPREP upon initial complaint receipt and final resolution, including any subsequent appeal(s).

(8) To the extent practicable, the investigation of a formal harassment (not to include sexual harassment) and prohibited discrimination complaint must be completed no later than 30 days from the date the investigation commenced. If, due to extenuating circumstances, it becomes impossible to conduct a complete investigation within 30 days, the commander may obtain an extension in writing from the next higher commander for usually not more than 30 calendar days. Upon receipt of an approved extension, the commander must inform the complainant and alleged offender of the extension, its duration and the reasons for which it was requested. The commander must provide progress reports every 14 calendar days thereafter until the investigation is completed and a determination has been made. The investigating officer must update the commander and CCS or CMEO program manager on the status of the investigation every 14 days.

(9) The CCS or CMEO program manager must ensure that the complainant and alleged offender are updated every 14 days on the status of the complaint through resolution.

(10) After final determination, the commander must debrief the complainant and alleged offender consistent with the requirements of the Privacy Act, Freedom of Information Act and other applicable laws, regulations and negotiated agreements. The complainant and the alleged offender must be notified of the results once the complaint has been resolved and informed of their right to appeal the decision. This must be documented on part IV of the NAVPERS 5354/2. The complainant and the alleged offender must be informed that the appeal must be selected and submitted within 30 duty days of notification. Every effort must be made to notify SELRES personnel within 30 calendar days of complaint determination. If notification in person has not occurred, member notification and signature must be obtained via certified mail. SELRES personnel will have one drill cycle from the date of receipt of the certified mail to appeal the decision.

(11) When requested, the command must provide a redacted copy of the inquiry or investigating officer's final report (as directed by the Privacy Act of 1974 and other applicable laws and regulations) to the individual that requested the redacted copy within 14 days after the request. Information about specific adverse actions taken against an individual generally is not disclosed unless such information is a matter of public record (e.g., court-martial proceedings) or when otherwise required to be released by statute.

Note: If the complainant or alleged offender request a redacted copy of the investigating officer's final report during the 30-day appeal timeframe, they get 30 days to appeal starting from the date they receive the redacted copy of the report.

(12) Commanders must conduct a follow-up debrief with the complainant within 45 days following the final determination of the complaint. For complaints involving a SELRES complainant, follow-up debriefs must continue for a period of 1 year following resolution. Command follow-up will include a determination of level of satisfaction with the resolution of the complaint, satisfaction with the effectiveness of corrective action, timeliness, present command climate and a review to ensure retaliation did not occur. This debrief must be documented on the NAVPERS 5354/2 or an MFR. Ensure a copy of the NAVPERS 5354/2 or MFR is forwarded to OPNAV N170C via the echelon 2 CCS or the CMEO program manager in the absence of a CCS within 72 hours of debrief completion.

(13) Forward a copy of all completed complaint investigations, with endorsements, to the respective echelon 2 or echelon 3 commander via the ISIC. All command investigations and all documents pertinent to the formal complaint, must be retained by the convening authority, GCMCA or by the last commander to whom they are routed for a period of 2 years from the time that they are received. An electronic copy of the entire command investigation must be sent to OPNAV N170C.

h. If the complaint alleges a hostile work environment determination, commanders will, when possible, temporarily relocate the complainant or alleged offender, without prejudice, during the course of the investigation. However, commanders should give consideration to the complainant's preference, when possible. Transfer of the complainant or alleged offender involved must not be considered by the commander to be a resolution of the complaint.

i. Regardless of the outcome of the investigation (substantiated or unsubstantiated), leaders at all levels must not tolerate acts of retaliation, intimidation or discrimination in response to the filing of a harassment or prohibited discrimination complaint and will take immediate action to identify, prevent and stop all forms of retaliation within their command. Monitor for potential retaliation by checking on work center climate and ensuring performance appraisals document job performance accurately (i.e., downgrades must be supported by written counseling and not related to the complaint).

j. In the event a complaint is initially reported as a sexual assault incident and is later re-characterized as a sexual harassment incident, the reporting and processing requirements of handling a sexual harassment complaint will begin once the incident is so re-characterized. In this event, if the matter was already investigated, a new investigation is not required, although the investigation may need to be reopened and amended to inquire into sexual harassment-specific issues that may not have been addressed.

Note: In this event the NAVPERS 5354/2 is still required to be filled out and forwarded to OPNAV N170C via the echelon 2 CCS, but may be dated to reflect the date which the report was re-characterized.

k. Part IV of the NAVPERS 5354/2 must be used to document actions taken by the commander to resolve the complaint and notification of involved parties. Ensure a copy of the NAVPERS 5354/2 is forwarded to OPNAV N170C via the echelon 2 CCS or the CMEO program manager in the absence of a CCS, within 72 hours.

l. Commanders will determine whether a climate assessment is warranted or additional unit training is required.

6. Appeal Process.

a. The administrative appeal process is not applicable to findings rendered pursuant to command action under reference (a), (i.e., non-judicial punishment or court-martial).

b. An administrative finding concerning a complaint resolved through the formal process may be appealed by the complainant or alleged offender within 30 duty days of receiving the notice of the finding.

c. Either the complainant or the alleged offender may appeal the decision on a formal complaint. There are two levels of appeal, neither automatic. Each appeal must be affirmatively requested by either the complainant or the alleged offender. In addition to the NAVPERS 5354/2, documentation such as statements of witnesses, personnel record entries, etc., that may be helpful in resolving an appeal, may be submitted to the appellate authority by the party requesting the appeal. The appellant must submit a statement detailing the reason for the appeal. Both parties must initial the NAVPERS 5354/2, as applicable, to declare or decline the request for a review.

Note: The appeal must be requested and all documentation submitted within 30 duty days after receiving the notice of finding.

d. The first level of appeal will be at least two organizational levels above the level at which the appellant is assigned, when practicable. For SELRES personnel, the request for an appeal must be made within one drill cycle or the complaint will be considered closed. The echelon 2 CCS must collaborate on the appeal review using OPNAV 5354/4 Command Climate Specialist Formal Harassment or Unlawful Discrimination Report Higher Level Review. Commands that do not have a CCS assigned within their reporting chain of command or where the CCS is unavailable or conflicted, must contact OPNAV N170C for a list of CCSs. The review of the initial appeal must be completed within 60 calendar days of receipt.

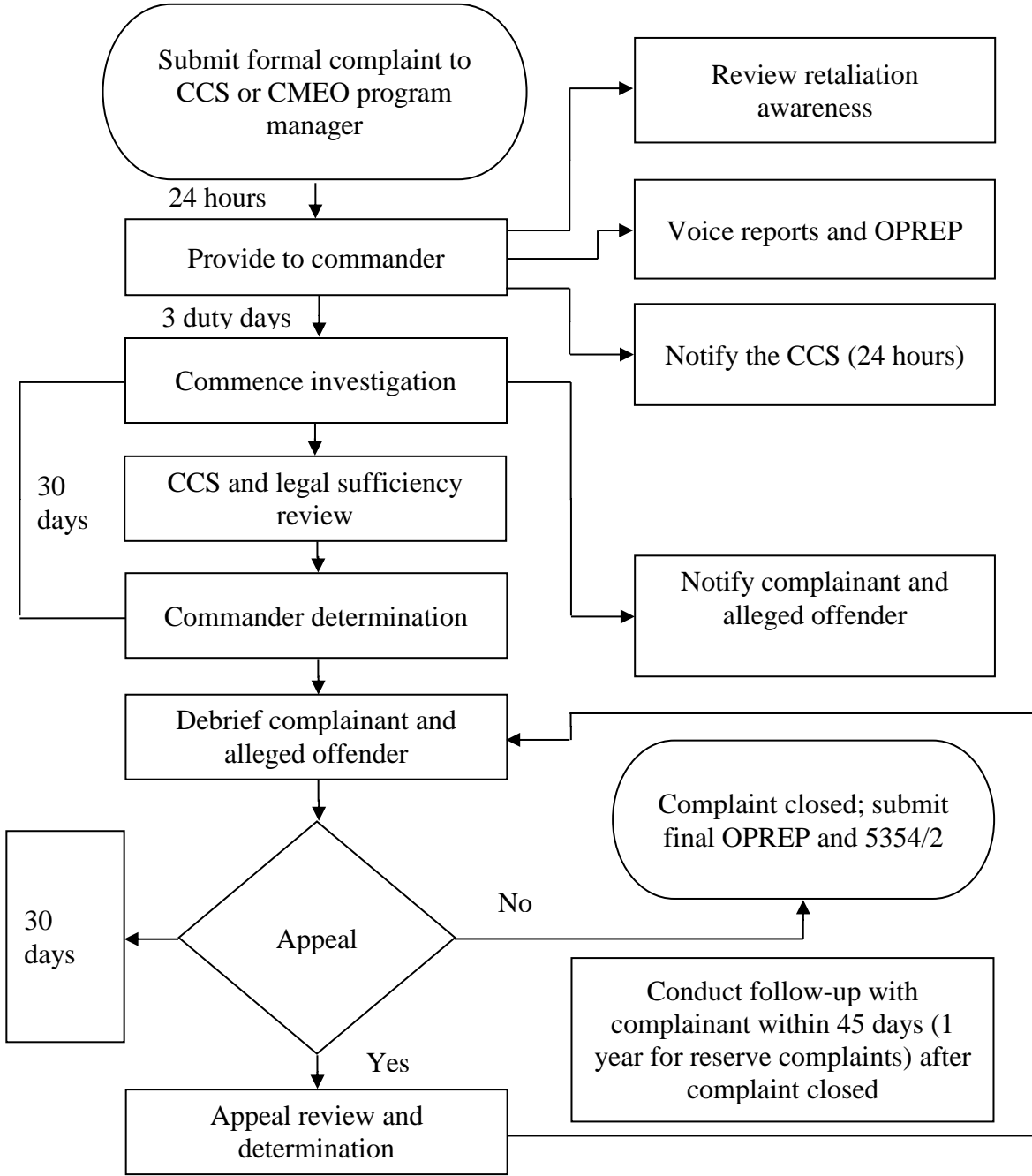
Note: The CCS that conducted the sufficiency review must not conduct the appeal review when a member exercises his or her right to appeal the decision on a formal complaint.

e. If a further appeal is requested, the final resolution will rest with SECNAV or his or her designee. Once requested, the appellant's commander will forward the complaint and all documents pertinent to the complaint to SECNAV, via OJAG Administrative Law (Code 13), for final review. The final appeal to SECNAV must be requested within 30 days of receipt of the GCMCA's decision on the initial appeal. For SELRES personnel the request for the final appeal must be made within one drill cycle from the receipt of the decision on the first appeal or the complaint will be considered closed. An appeal requested after 30 days, may be returned as untimely, unless unusual circumstances justify the delay. Commands, not designated as appeal authority, must forward the appeal up their respective chain of command within 14 days of receipt.

f. An appeal may be submitted on any legal or equitable grounds based upon a perception that existing DoD or DON regulations were incorrectly applied in the particular case, that facts were ignored or weighed incorrectly or on any other good faith basis.

g. Commanders and supervisors are not required to withhold appropriate administrative or disciplinary action while an appeal is pending.

7. Appeal Compliance Review. When a complainant or offender appeals the administrative finding concerning a complaint, the questions outlined on the OPNAV 5354/4 should also be answered by commanders, supervisors, CCSs and the judge advocate.



Note: There are two levels of review. The first will be at least two organizational levels above the level at which the appellant is assigned, when practicable. The final will be to SECNAV.

Figure 5-1 Formal Complaint Process Flow Chart

CHAPTER 6
RETALIATION RESPONSE PROCEDURES

1. Purpose. To provide commanders standardized procedures to respond to allegations of retaliation related to complaints or intentions to submit a complaint of harassment or prohibited discrimination. No person may restrict a Service Member to use the informal or formal complaint process and in the review or investigative process, no person may restrict a Service Member through interference, coercion, discrimination or retaliation during all facets of the submission and processing of a grievance or any time thereafter. These procedures also apply to uniformed witnesses, bystanders and first responders related to complaints who also perceive some kind of retaliation for their involvement. Retaliation may be reported to a supervisor, CCS, CMEO program manager, the commander or an IG, who must act upon the report.

Note: Allegations of reprisal or various forms of retaliation made by civilian employees are beyond the scope of this instruction. Civilian personnel are not covered in this policy and are covered under separate policies and statutes.

2. Discussion. No person may restrict a Service Member from making a protected communication to a member of Congress; an IG; a member of a DoD audit, inspection, investigation or law enforcement organization; any person or organization in the chain of command; a court-martial proceeding; or any other person or organization designated pursuant to command regulations or other established administrative procedures for such communications. No person may restrict a Service Member from providing testimony or otherwise participating in or assisting or planning to assist with an investigation or proceeding involving a protected communication. Navy regulations and instructions contain provisions that permit or require DON personnel to report suspected impropriety, including criminal offenses. The use of social media, texting and e-mailing to engage or plan to engage, in retaliatory behavior is a form of online misconduct that undermines good order and discipline of the organization.

3. Procedures.

a. If a complainant, witness, bystander or first responder related to a harassment or prohibited discrimination complainant perceives subsequent retaliation, they may seek support from a CCS or CMEO program manager. Individuals can also report to an IG, the command, an Military Criminal Investigation Organization (MCIO) or law enforcement for investigation.

b. Subparagraphs 3b(1) through 3b(8) outline the CCS or CMEO program manager intake procedures for allegations of perceived retaliation. While the response process is not complete until case disposition is final, the purpose is to understand the full process; to include the retaliation report intake process, the commencement of the investigation or other command action.

(1) Discuss what the Service Member is experiencing concerning perceived retaliation.

(2) Explain the types of retaliation and investigative entities (e.g., command, MCIO, Service IG, DoD IG or law enforcement) and provide a copy of appendix O.

(3) Explain that the Service Member can go to an IG at any time during the process. Visits to the IG may range from consultation to filing a report.

(4) Assist and support the Service Member in line with references (c), (d) and (n). The Service Member must be provided adequate protection and care and informed about available support resources, to include those outlined in subparagraphs 3b(4)(a) through 3b(4)(c).

(a) Military and civilian emergency medical and support services.

(b) Public and private programs that are available to provide counseling, treatment and other support.

(c) Organizations and entities on-and off-base that provide victim and witness services and support.

(5) Discuss with the Service Member the options to consult with an IG or a legal assistance attorney concerning retaliatory behavior, reporting options and the investigative and military justice processes, as appropriate, prior to engaging an investigative entity or seeking alternative means for resolving the retaliatory behavior allegation.

(6) Follow-up with the Service Member to ask if the Service Member proceeded to file a retaliation report after speaking with the legal assistance attorney (if the Service Member elected to speak with a Special Victim's Counsel, VLC or legal assistance attorney).

(7) Record the report in the harassment and prohibited discrimination complaint log. The information in subparagraphs 3b(8)(a) through 3b(8)(o) will be documented for each retaliation report and must be provided to OPNAV N170C. The command of the Service Member submitting the retaliation report is responsible for sending an OPREP upon initial receipt and final resolution of the report.

(a) Organization providing case information.

(b) Harassment or prohibited discrimination complaint number.

(c) Reporter's name, DoD ID number and type.

Note: An OPREP must not contain personally identifiable information.

(d) Type of reporter (complainant, witness, bystander or first responder).

- (e) Date of retaliation report.
 - (f) Nature of retaliation allegation (reprisal, restriction, ostracism or maltreatment).
 - (g) Individual to whom the report of retaliation was made (CCS, SARC, IG, etc.)
 - (h) The alleged retaliator's working relationship to the retaliation reporter at the time of the alleged incident.
 - (i) The alleged retaliator's working relationship to the alleged offender at the time of the alleged incident.
 - (j) Sex of the retaliation reporter and alleged retaliator.
 - (k) Paygrade of the retaliation reporter and alleged retaliator at the time of the alleged incident.
 - (l) Date of the associated harassment or prohibited discrimination complaint.
 - (m) Name of the complainant in the associated harassment or prohibited discrimination complaint if different than the retaliation reporter.
 - (n) Type of investigative entity (command, MCIO, Service IG, DoD IG or law enforcement).
 - (o) Command action regarding the alleged retaliation and if no action taken the reason why.
- c. Subparagraphs 3c(1) through 3c(4) outline the procedures for resolving a retaliation report.

(1) The CCS or CMEO program manager will inform the retaliation reporter's commander if the reporter wishes to pursue action relating to reported conduct that does not fall under the jurisdiction of the IG or MCIO. Allegations of restriction or reprisal fall within the jurisdiction of the IG in line with reference (m) section 1034 (Protected Communications; Prohibition of Retaliatory Personnel Actions) and as such, an investigative determination will be made by the IG. Depending on the facts of the case, ostracism, maltreatment or other retaliatory behavior may fall within the jurisdiction of the IG if, for example, it is determined that they are inextricably linked to restriction or reprisal.

(a) The commander will then decide whether to refer the report for investigation by law enforcement or address it through other appropriate investigative means.

(b) When referred to command for investigation, an individual independent of the originating unit or organization of the alleged retaliation will investigate the retaliation reports.

(c) The chain of command will ensure that the SARC, CCS or CMEO program manager and retaliation reporter all remain informed throughout the process. This will include any delays of the process and the date when the investigation is complete.

(2) The CCS or CMEO program manager will notify the appropriate level of command of the retaliation report unless the retaliation report is against the immediate commander; then the next level of command will be notified and assume responsibility for the case.

(3) The CCS or CMEO program manager, in coordination with the SARC, will make every effort to provide updates to commanders whose personnel are involved in a retaliation report, retaliation investigation or both.

(4) Commander(s) of the Service Member(s), who is a subject of a retaliation report, will provide in writing a case status and all disposition data, to include any administrative or judicial action taken, stemming from a retaliation investigation to the SARC.

d. The CCS or CMEO program manager will notify Service Members who allege retaliation associated with a harassment or prohibited discrimination complaint, that they have the opportunity to communicate with a Flag Officer in their chain of command regarding career-related impacts and administrative separation actions they perceive to be associated with the report or involvement in the incident.

CHAPTER 7
TRAINING

1. General Training Requirements. Commanders determine how best to accomplish harassment prevention and MEO training. The most effective method to conduct training is through small group discussions and scenario based training with the CCS or CMEO program manager as a facilitator. The training facilitator must promote the chain of command as the primary channel for addressing complaints, while providing information regarding reporting options, procedures and applicable timelines to submit harassment and prohibited discrimination complaints (including anonymous complaints and complaints involving a Service Member's commander or supervisor) to the appropriate commander or supervisor, inspector general's office, CCS or CMEO program manager. The training content will be appropriate to the Service Member's grade and commensurate with their level of responsibility.
2. Orientation Training. Harassment and MEO training must be provided to all newly assigned Service Members. The training will encompass the entire cycle of harassment and prohibited discrimination prevention, reporting, response, accountability procedures and processes through which Service Members may report harassment, prohibited discrimination or retaliation. Training must be administered within 60 calendar days.
3. General Military Training. Facilitator led, small group training that includes how to identify, define and report all forms of harassment and prohibited discrimination. Specifically, it is important to educate members on the delineation of the various forms of harassment, illustrate the destructive impact of these behaviors and ensure Sailors are equipped with the tools to intervene, when necessary. Training will include leadership roles and responsibilities for MEO programs, complaints processing, retaliation prevention and detection, methodologies, options for obtaining assistance when the alleged offender is the commander or in the complainant's chain of command and witnesses and bystander intervention protection. In line with reference (g), all DON personnel, military and civilian, must be educated and trained upon accession and periodically thereafter (including throughout professional military education systems) in the areas of identification, prevention, resolution and elimination of sexual harassment. The frequency of periodic training will be no less than every two years. Periodic training will include the application of pertinent, anonymous reporting as well as informal and formal resolution procedures.
4. Professional Military Education and Leadership Development Training. This training is critical to ensure personnel fully understand the importance of identifying and eliminating harassment and prohibited discrimination and how it undermines our leadership abilities and impacts command climate. These training sessions should stress how to build and maintain professional working relationships and how fairness and unbiased actions are part of the Navy's core values and signature behaviors. Instruction should be appropriate to the rank and experience of the attendees and should include:

- a. An overview of the harassment prevention and MEO program.
 - (1) The definition of harassment and prohibited discrimination.
 - (2) The consequences of harassing and prohibited discriminatory behaviors.
 - (3) Available resources to discuss concerns on addressing actions potentially perceived as harassment or prohibited discrimination.
- b. The commander's and senior enlisted Service Member's role in the harassment prevention and MEO program.
- c. Information on retaliation.
 - (1) Available resource(s) regarding retaliation.
 - (2) Chain of command responsibilities for allegations of retaliation.
 - (3) Incidents and negative behaviors that can affect command climate.
- d. Continuing education and training to ensure mastery and competency in the MEO field.
- e. A training module for new or prospective commanders at all levels of command. The training will be tailored to the responsibilities and leadership requirements of Service Members as they are assigned to command positions. The training will address fostering a climate that does not tolerate harassment or prohibited discrimination, encourages Service Member intervention to prevent potential incidents of harassment and prohibited discrimination and encourage reporting incidents of harassment and prohibited discrimination.
- f. Training topics for understanding the needs of and the resources available to, the complainant, assigning investigating officers for alleged incidents of harassment and prohibited discrimination and understanding available disciplinary options, including court-martial, non-judicial punishment and administrative action.

5. Harassment Prevention and MEO Training at Pre-Commissioning Programs. A CCS or CMEO program manager will provide initial training and annually thereafter. The training will include, at minimum:

- a. Instruction on the Navy Harassment Prevention and MEO Program policy and reporting options and processes (informal, formal or anonymous) through which a harassment or prohibited discrimination or retaliation complaint may be filed.

b. A brief history of the problem(s), nature and consequences of harassment and prohibited discrimination in the Military Services and retaliation (including use of social media and electronic communications), to effectively identify, report and eradicate harassment and prohibited discrimination.

6. CMEO Program Manager Training. All assigned CMEO program managers must attend the CMEO Manager course (A-500-0009) delivered by NETC. This training is designed to provide CMEO program managers the general skills for managing the command's MEO objectives for their commander.

7. Sustainment Training. All CCSs and CMEO program managers must receive semi-annual sustainment training conducted by a CCS. Echelon 2 CCSs will provide semi-annual training to echelon 3 and 4 CCSs. This training will be used to reinforce this instruction, provide MEO objectives updates and examine command trends.

8. Annual CCS Training. All CCSs will attend annual training conducted face-to-face by OPNAV N170C. This training must be used to reinforce this instruction, provide programmatic and instruction updates, share best practices and, leverage data analytics to illustrate trends, programmatic impacts and data driven recommendations.

9. Leadership Training Awareness Seminar (LTAS). Senior leaders may consider attending the 1-week, unit-funded LTAS at DEOMI. LTAS is designed to present senior leaders with an orientation on the intrapersonal, interpersonal and organizational aspects of human relations, EO and EEO in order to gain an understanding of their impacts on unit cohesion and mission effectiveness. Seats for the DEOMI LTAS are limited. For enrollment information please contact DEOMI student services at (321) 494-4617/5874, Defense Switched Network (854) or by e-mail to deomiss@us.af.mil.

APPENDIX A
REFERENCES

1. References.

- (a) SECNAV M-5210.1 of September 2019
- (b) DoDI 1350.02 of 4 September 2020
- (c) DoDD 1020.02E of 8 June 2015
- (d) DoDI 1020.03 of 29 December 2020
- (e) SECNAVINST 5350.16A
- (f) SECNAVINST 5300.26E
- (g) Uniform Code of Military Justice
- (h) DoDI 1325.06 of 27 November 2009
- (i) SECNAVINST 5370.7E
- (j) U.S. Navy Regulations, 1990
- (k) JAGINST 5800.7F
- (l) OPNAVINST F3100.6K (NOTAL)
- (m) 10 U.S.C.
- (n) DoDI 6400.07 of 25 November 2013
- (o) DoDD 7050.06 of 17 April 2015

2. Additional References. Refer to appendix L, paragraph 9.

APPENDIX B
FORMS AND INFORMATION MANAGEMENT CONTROL

1. Forms.

a. The forms listed in subparagraphs 1a(1) through 1a(4) may be obtained from Navy Forms Online Web site at: <https://forms.documentservices.dla.mil/order/>.

(1) NAVPERS 5354/2 Navy Equal Opportunity (EO) and Sexual Harassment Report.

(2) NAVPERS 1626/7 Report and Disposition of Offense(s).

(3) OPNAV 5354/3 Command Climate Specialist Formal Harassment or Unlawful Discrimination Report Sufficiency Review.

(4) OPNAV 5354/4 Command Climate Specialist Formal Harassment or Unlawful Discrimination Report Higher Level Review.

b. NAVPERS 15600E Equal Opportunity Information Poster, stock number 0500-LP-117-6471, is available through the Navy Logistics Library Web site at: <https://nll.navsup.navy.mil/default.cfm>.

2. Information Management Control. The data collections contained within this instruction are exempt from control symbols per SECNAV M-5214.1 of December 2005, part IV, subparagraphs 7g and 7n.

APPENDIX C
DEFINITIONS

1. Alleged Offender. Anyone who is alleged to have committed a violation of this instruction and is the subject of an informal, formal or anonymous complaint.
2. Appropriate Authority. To qualify for protection under reference (i), a protected communication must be made to:
 - a. a member of Congress;
 - b. an IG, as defined in reference (i);
 - c. a member of a DoD audit, inspection, investigation or law enforcement organization;
 - d. any person or organization in the chain of command;
 - e. a court-martial proceeding;
 - f. any other person or organization designated following regulations or other established administrative procedures for such communications; or
 - g. any person conducting an investigation or proceeding related to a protected communication.
3. Climate Assessment. A systematic procedure used to gather, synthesize and report key perceptions, attitudes and behaviors within an organization, all which can affect unit readiness. A complete assessment includes a DEOCS in addition to using data gathered from interviews, observations and existing records or reports in order to form a complete and actionable picture of organizational climate.
4. Color. Skin tone or complexion. Even though race and color clearly overlap, they are not synonymous. Thus, color harassment or discrimination can occur between persons of different races or ethnicities or between persons of the same race or ethnicity.
5. Command Climate Specialist Sufficiency Review. A review of the investigation, by the command climate specialist, to ensure:
 - a. All accepted allegations were thoroughly addressed in the investigation.
 - b. The investigation included a thorough review of the circumstances under which the alleged behavior occurred.

- c. The investigation included an analysis of how the complainant was treated compared to others within the complainant's demographic group and with those of other demographic groups.
 - d. There is no evidence of bias (a highly personal and unreasoned distortion of judgment) by the investigating officer.
 - e. There is no evidence the complainant rather than the alleged behavior was investigated.
6. Command Managed Equal Opportunity (CMEO) Program Manager. Command member (must be an E6 or above with at least 8 years of service) appointed in writing by the commander, who functions as the single point of contact when a CCS is not assigned to the command for MEO matters within the command.
7. Command Climate Specialist (CCS). Member who has completed the DEOMI Equal Opportunity Advisor Course, to include the Navy Service Specific Course and has been assigned the Navy enlisted classification code 809A. CCSs provide oversight, training and assist visits to subordinate and area command CCSs and CMEO program managers. A CCS is the subject matter expert for the commander on the DEOCS, command climate assessments and the handling and processing of harassment and prohibited discrimination complaints. Assigned CCSs strengthen the chain of command by keeping the leadership team aware of existing or potential MEO related matters as well as procedures and practices that affect the mission, readiness, welfare and morale of all Sailors in the command. CCSs are assigned to major shore commands, nuclear aircraft carriers, amphibious assault ships and instructor billets.
8. Complaint. An allegation of harassment or prohibited discrimination submitted by a Service Member.
- a. Informal Complaint. An allegation submitted orally or in writing to a member in a position of authority in the chain of command for resolution (i.e., the leading petty officer, chief petty officer, division officer, department head, etc.).
 - b. Formal Complaint. An allegation that is submitted in writing via NAVPERS 5354/2; reference (j), article 1150; reference (g), article 138; communication to NAVINSGEN or elected officials; NAVPERS 1626/7; and any other communication the commander deems appropriate.
 - c. Anonymous Complaint. An allegation received by the commander, regardless of the means of transmission, from an unknown or unidentified source, alleging harassment or prohibited discrimination. The individual is not required to divulge any personally identifiable information.
9. Complainant. A Service Member who submits an allegation of harassment or prohibited discrimination.

10. Criminal Offense. An act or omission punishable under reference (h) or other Federal, State or local criminal law.

11. Defense Equal Opportunity Management Institute (DEOMI). A DoD institution used to enhance combat and operational readiness by enhancing unit and organizational leadership and cohesion. This is accomplished by developing and conducting education and training in the administration of military equal opportunity, EEO and human relations.

12. Defense Organizational Climate Survey (DEOCS). A commander's management tool that allows him or her to proactively assess critical organizational climate dimensions that can impact the organization's mission. This voluntary survey is designed to assess the "shared perceptions" of respondents about formal or informal policies or practices. The questionnaire focuses on the following primary areas: MEO, civilian EEO organizational effectiveness, perceptions of discrimination and sexual harassment and sexual assault prevention and response.

13. Destructive Behaviors. Self-directed or prohibitive, abusive and harmful acts that are counterproductive to Sailor readiness and may cause harm to others.

14. Determination. Decision made on a formal or anonymous harassment or prohibited discrimination complaint; substantiated or unsubstantiated.

15. Equal Opportunity (EO). The right of all persons to participate in and benefit from, programs and activities for which they are qualified. These programs and activities must be free from social, personal or institutional barriers that prevent people from rising to the highest level of responsibility possible. Persons will be evaluated on individual merit, fitness, capability and performance, regardless of race, color, religion, sex (including pregnancy), gender identity, national origin or sexual orientation.

16. Ethnicity. A group socially distinguished or set apart by others or itself, primarily on the basis of culture or nationality characteristics. Classifications of ethnicity include: Hispanic or Latino, defined as an individual of Cuban, Mexican, Puerto Rican, South or Central American or other Spanish culture or origin, regardless of race; and not Hispanic or Latino.

17. Executive Summary of a Command Climate Assessment. Formal correspondence summarizing a completed command climate assessment to include significant findings organizational strengths, areas of concern and recommended corrective actions.

18. Extremist Group. An organization that espouses supremacist causes; attempts to create illegal discrimination based on race, creed, color, ethnicity, national origin, sex, sexual orientation or religion; advocates using force or violence; or otherwise engages in efforts to deprive individuals of their civil rights.

19. Gender Identity. The individual's internal sense of being male or female. The way an individual expresses their gender identity is frequently called "gender expression," and may or may not conform to social stereotypes associated with a particular gender.

20. Harassment or Prohibited Discrimination Formal Complaint Appeal Review. A level of review initiated when a member exercises his or her right to appeal the decision on a formal harassment or prohibited discrimination complaint. The initial review will be conducted by echelon 2 commander of the command where the complaint was investigated and adjudicated.

21. Hostile Work Environment. An environment which prevents members from functioning to their full capacity, free of harassment and prohibited discrimination. A hostile work environment unreasonably interferes with an individual's work performance. It need not result in concrete psychological harm to the victim but need only be perceived by a reasonable person and is perceived by the victim, as hostile or offensive. Behavior does not need to occur in the physical workplace in order to create a hostile work environment.

22. Informal Resolution System. A recommended technique for resolving informal harassment and prohibited discrimination complaints.

23. Joint Service Environment. A locality from which operations of two or more of the Military Departments are projected or supported and which is manned by significant elements of two or more Military Departments or in which significant elements of two or more Military Departments are located. Includes joint commands, joint bases, Defense Agencies and joint field activities that involve more than one branch of Military Service.

24. Legal Sufficiency Review. A written review of an investigation into a formal or anonymous complaint of harassment or prohibited discrimination by a judge advocate, prior to the commander's determination, to determine whether:

- a. The investigation complies with all applicable legal and administrative requirements.
- b. The investigation adequately addresses the complaint.
- c. The evidence supports the administrative findings concerning the complaint.
Commanders will direct the investigating officer to obtain additional information if the finding is not supported.
- d. The investigation conclusions and recommendations are consistent with the findings.
- e. Any errors or irregularities exist and, if so, their legal effect, if any.
- f. The complainant and alleged offender were informed, in writing, of the results of the investigation, including whether the complaint was substantiated, unsubstantiated or dismissed.

g. The complainant and alleged offender were advised of their right to appeal.

25. MEO. The right of all Service Members to serve and be evaluated based on only individual merit, fitness, capability and performance in an environment free from harassment and prohibited discrimination on the basis of race, color, religion, sex (including pregnancy), gender identity, national origin or sexual orientation.

26. MEO Program. The DoD-wide military program of equal opportunity that is accomplished through efforts by the DoD Components. It provides an environment in which Service Members are ensured an opportunity to rise to the highest level of responsibility possible in the military profession, dependent only on merit, fitness and capability.

27. National Origin. An individual's or ancestor's place of origin. Also applies to a person who has the physical, cultural or linguistic characteristics of a national group.

28. National Origin Discrimination. Treating people unfavorably because they are from a particular country or part of the world, because of ethnicity or accent or because they appear to be of a certain ethnic background (even if they are not).

29. Protected Communication.

a. A communication protected under reference (i) and this instruction is:

(1) A lawful communication by a Service Member to a member of Congress or an IG or

(2) A communication by a Service Member to a member of Congress; the IG; a member of a DoD audit, inspection, investigation or law enforcement organization; any person or organization in the chain of command; a court-martial proceeding or any other person or organization pursuant to regulations or other established administrative proceedings to receive such communication, in which the Service Member communicates information that he or she reasonably believes evidences of any of the situations in subparagraphs 26a(2)(a) through 26a(2)(c).

(a) Any violation of law or regulation, including a law or regulation prohibiting rape, sexual assault or other sexual misconduct in violation of reference (a), sections 920, 902b, 920c or 930; harassment or prohibited discrimination.

(b) Gross mismanagement, a gross waste of funds, an abuse of authority or a substantial and specific danger to public health or safety.

(c) A threat by another Service Member or employee of the Federal Government that indicates a determination or intent to kill or cause serious bodily injury to a Service Member or civilian or damage to military, Federal or civilian property.

(3) Providing testimony or otherwise participating or assisting in an investigation or proceeding related to a protected communication as defined in subparagraphs 26a(1) and 26a(2) or filing, causing to be filed, participating in or otherwise assisting in an action brought under references (i); (m), sections 1034, 1552 and 1552 and (o).

b. A protected communication will not be excluded from the protections provided in references (i); (m), sections 1034, 1552 and 1553; and (o) because:

(1) The communication was made to a person who participated in an activity that the member reasonably believed to be covered by subparagraph 26a of this enclosure.

(2) The communication revealed information that had previously been disclosed.

(3) Of the member's motive for making the communication.

(4) The communication was not made in writing.

(5) The communication was made while the member was off duty.

(6) The communication was made during the member's normal course of duties of the member.

30. Race. A division of human beings identified by the possession of traits that are transmissible by descent and that are sufficient to characterize persons possessing these traits as a distinctive human genotype. Classifications of race include American Indian or Alaskan Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander and White.

31. Race Discrimination. Treating someone unfavorably because he or she is of a certain race or because of personal characteristics associated with race (such as hair texture, skin color or certain facial features).

32. Reasonable Person Standard. An objective test used to determine if behavior meets the legal test for harassment or prohibited discrimination. The test requires a hypothetical exposure of a reasonable person to the same set of facts and circumstances as reported in the complaint. The reasonable person standard considers the complainant's perspective and does not rely upon stereotyped notions of acceptable behavior within that particular work environment.

33. Religion. A personal set or institutionalized system of attitudes, moral or ethical beliefs and practices that are held with the strength of traditional religious views, characterized by ardor and faith and generally evidenced through specific religious observances.

34. Religious Discrimination. Treating a person unfavorably because of his or her religious beliefs and practices.

35. Restrict (Restriction). Preventing or attempting to prevent a Service Member from making or preparing to make, a lawful communication to a member of Congress or an IG.

36. Retaliation. Any illegal, impermissible or hostile actions taken by a Service Member's chain of command, peers or coworkers with the intent to retaliate against that person for reporting or planning to report a criminal offense or for making or planning to make a protected communication. Retaliatory behaviors are defined in subparagraphs 33a through 33c.

a. Reprisal. The most severe form of retaliation. Taking or threatening to take an unfavorable personnel action or withholding or threatening to withhold a favorable personnel action for reporting or planning to report a criminal offense or for making or planning to make a protected communication. Reference (m), sections 1034, 1552 and 1553, also prohibits the following personnel actions: making or threatening to make a significant change in the duties or responsibilities of a Service Member not commensurate with the member's grade; the failure of a superior to respond to any retaliatory action or harassment (of which the superior had actual knowledge) taken by one or more subordinates; or conducting a retaliatory investigation of a Service Member.

b. Ostracism. The exclusion of a military member from social acceptance or membership in or association with a group of which such military member was a part or a reasonable person would conclude wanted to be a part, with the intent to inflict emotional distress on the military member, discourage reporting of a criminal offense or otherwise discourage the due administration of justice. Ostracism requires a nexus to military service.

c. Maltreatment. Treatment by peers or by other persons, that, when viewed objectively under all the circumstances, is abusive or otherwise unwarranted, unjustified and unnecessary for any lawful purpose, that is done with intent to discourage reporting of a criminal offense or otherwise discourage the due administration of justice and that results in physical or mental harm or suffering or reasonably could have caused, physical or mental harm or suffering. Maltreatment under this instruction does not require a senior-subordinate relationship as is required for maltreatment under reference (a), article 93.

37. Sex. The biological distinction between males and females.

38. Sex Discrimination. Treating someone unfavorably because of the person's sex. Discrimination based on pregnancy is a form of sex discrimination.

39. Sexual Assault. Intentional sexual contact characterized by use of force, threats, intimidation or abuse of authority or when the victim does not or cannot consent. The term includes a broad category of sexual offenses consisting of the following specific UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex) or attempts to commit these acts.

40. Sexual Orientation. Heterosexuality, homosexuality or bisexuality, whether the orientation is real or perceived, including association with another individual of a particular sexual orientation.

41. Sexual Orientation Discrimination. Treating someone unfavorably because of the person's sexual orientation.

42. Signature Behaviors. Signature Behaviors include treating every person with respect, personnel taking responsibility for their actions, holding others accountable for their actions, intervening when necessary, being a leader and encouraging leadership in others, growing personally and professionally every day, embracing the diversity of ideas, experiences and backgrounds of individuals, upholding the highest degree of integrity in professional and personal life, exercising discipline in conduct and performance and contributing to team success through actions and attitude.

43. Social Media. Web-based tools, websites, applications and media that connect users and allows them to engage in dialogue, share information, collaborate and interact. This includes using social media on-duty and off-duty through the use of government or personal devices in a manner that meets any of those definitions.

44. Substantiated. A substantiated finding occurs when a preponderance of the evidence supports (more likely to have occurred than not occurred) the complainant's allegation of a violation of law, regulation or Navy policy or standards. The documented facts indicate that a violation occurred.

45. Supervisor. Anyone who has subordinates, regardless of paygrades or ranks who is approached by a complainant, alleged offender or third party or who himself or herself observes harassment, prohibited discrimination or unacceptable behavior.

46. Third Party. An individual who witnesses conduct constituting harassment or prohibited discrimination, but who is not a complainant as defined in this instruction.

47. Witness. General term referring to an individual who has observed an instance of possible harassment or prohibited discrimination. This includes third parties and may include some complainants as defined in this instruction.

48. Work Environment. The workplace or any other place that is work-connected, as well as the conditions or atmosphere under which people are required to work. Examples of work environment include, but are not limited to: an office; an entire office building; a Navy or DoD base or installation; DoD ships, aircraft or vehicles; anywhere when engaged in official Navy business; as well as command-sponsored social, recreational and sporting events, regardless of location.

APPENDIX D
ABBREVIATIONS AND ACRONYMS

CCS	command climate specialist
CMEO	command managed equal opportunity
CMG	case management group
CRT	command resilience team
DEOCS	Defense Organizational Climate Survey
DEOMI	Defense Equal Opportunity Management Institute
DoD	Department of Defense
DON	Department of the Navy
DRC	deployed resiliency counselor
EO	equal opportunity
EEO	equal employment opportunity
FLTMPS	Fleet Training Management and Planning System
GCMCA	general courts-martial convening authority
GMT	general military training
IG	inspector general
ISIC	immediate superior in command
MCIO	Military Criminal Investigative Organization
MEO	military equal opportunity
MFR	memorandum for the record
NAVINSGEN	Naval Inspector General

NAVOPSPTCEN Navy operational support center

NETC Naval Education and Training Command

NJP non-judicial punishment

NRA Navy Reserve Activity

NROTC Naval Reserve Officer Training Corps

OJAG Office of the Judge Advocate General

OPREP Operational Report

POA&M plan of action and milestones

SAPR sexual assault prevention and response

SARC sexual assault response coordinator

SECNAV Secretary of the Navy

SELRES Selected Reserve

SES senior executive service

USNA United States Naval Academy

VA victim advocate

VLC victim's legal counsel

VTC video teleconference

XO executive officer

APPENDIX E
DATA COLLECTION REQUIREMENTS

1. Purpose. In an attempt to better understand the prevalence and subsequently eradicate harassment and prohibited discrimination from occurring in our Navy, this section of data collection applies to informal, formal and anonymous complaints.
2. Data Collection. OPNAV N170C will collect and maintain data concerning harassment and prohibited discrimination complaints. This data will include information pertaining to informal, formal and anonymous complaints. Such data will be reported annually (and as needed) to the Director, Office for Diversity, Equity and Inclusion, through a DoD-approved automated data collection interface. Commanders are required capture all data elements in subparagraphs 2a through 2p for harassment and prohibited discrimination as well as allegations of wrongful broadcast or distribution of intimate visual images. These must be provided to N170C via the echelon 2 command climate specialist.
 - a. The type of complaint (i.e., informal, formal or anonymous).
 - b. The type of alleged behavior; prohibited discrimination, discriminatory harassment, harassment, hazing, bullying, sexual harassment, stalking or wrongful broadcast or distribution of intimate visual images.
 - (1) If prohibited discrimination or discriminatory harassment provide the basis; race, color, religion, sex (including pregnancy), gender identity, national origin, sexual orientation or a combination thereof.
 - (2) If hazing or bullying provide whether the behavior was physical, psychological, written, verbal, non-verbal or a combination thereof.
 - (3) If sexual harassment provide whether the behavior was crude or offensive behavior, unwanted sexual attention, sexual coercion or a combination thereof.
 - c. The date the complaint was received by the commander and the date the commander reported receipt to the GCMCA.
 - d. The DoD ID number, Service, component (active, reserve or civilian) grade, sex, ethnicity (Hispanic or non-Hispanic), race, age and religion of the complainant(s) and alleged offender(s).
 - e. The UIC for the assigned command of the complainant(s) and alleged offender(s) at the time of the alleged incident(s).
 - f. The location of the alleged incident(s).

g. The duty status; on-duty, off-duty or both, of the complainant(s) and alleged offender(s) at the time of the alleged incident(s).

h. The alleged offender's working relationship to the complainant at the time of the alleged incident(s).

i. A narrative description of the alleged incident(s), to include if the use of social media or other electronic communications were involved.

j. Whether the alleged offender has prior substantiated harassment or prohibited discrimination complaints documented in his or her personnel file.

k. The final determination of the complaint. Substantiated or unsubstantiated for formal and anonymous complaints and resolved or unresolved for informal complaints.

l. The disposition of substantiated complaints, including no action, non-judicial punishment, discharge in lieu of court-martial or other adverse action, adverse administration action, court-martial.

m. Paygrade and title of the investigating and adjudicating officers.

n. The name, command name and contact information for the judge advocate that was consulted.

o. Whether or not an allegation of retaliation related to the harassment or prohibited discrimination complaint was submitted.

p. The timeline of events from the date of complaint to final disposition and reason(s) for any delays.

OPNAVINST 5354.1H
3 Nov 2021

APPENDIX F
COMMAND MANAGED EQUAL OPPORTUNITY PROGRAM MANAGER
DESIGNATION LETTER

5354
Ser N00/
DD Mmm YY

From: Commanding Officer, (Name of Command)

To: AMC You R. Sailor, USN

Subj: DESIGNATION AS COMMAND MANAGED EQUAL OPPORTUNITY
PROGRAM MANAGER

Ref: (a) OPNAVINST 5354.1H

1. This letter designates that you have completed the Command Managed Equal Opportunity (CMEO) Manager course. Per reference (a), you are hereby designated as the (name of command) CMEO program manager. You are directed to contact the command climate specialist responsible for providing oversight and assistance to our command within 30 days of this letter.
2. Our people continue to be the Navy's most precious resource. To ensure mission readiness, every member of the Department of the Navy must be afforded an equal opportunity to become a productive and valued 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.
3. In the execution of these duties you will report directly to the commanding officer and provide program efficiency reviews as required to the chief of staff, executive officer, command master chief and any other designated personnel.

I.M. COMMANDER

APPENDIX G
COMMAND CLIMATE SPECIALIST CHECKLIST

EO is an essential element of continual process improvement to enhance quality of life. To ensure the basic systems are in place at the echelon 2 level and below, the following checklist is provided as a tool to assist in the evaluation of the CCS in the execution of his or her responsibilities.

1. Does the CCS inform the commander and CMEO program manager on all changes to the OPNAVINST 5354.1H? Yes No N/A
2. Does the CCS provide analysis and recommendations to the commander regarding all informal, formal and anonymous harassment and prohibited discrimination complaints? Yes No N/A
3. Does the CCS conduct onsite or virtual assessments and inspections of immediate subordinate commands' CCSs and CMEO programs every two years? Is compliance reported to OPNAV N170C? Yes No N/A
4. Does the CCS provide CMEO program oversight, assist visits and training to the command and subordinate commands as requested or required? Yes No N/A
5. Does the CCS maintain items identified in subparagraphs 5a through 5f for subordinate commands:
 - a. Command climate assessment supporting documentation, to include the executive summary and POA&M for the last three years Yes No
 - b. Results of the comprehensive visual inspections for the last three years. Yes No
 - c. Results of the last three on-site or virtual assessments and inspections. Yes No
 - d. Complaint log of all harassment, prohibited discrimination complaints and allegations of wrongful broadcast or distribution of intimate visual images for the last 3 years. Yes No N/A
 - e. Documentation of all administered MEO training outlined in chapter 7, for the last 3 years. Yes No N/A
 - f. A copy of the NAVPERS 5354/2 documenting informal complaints of harassment and prohibited discrimination for the last 3 years. Yes No N/A

6. Does the CCS track and monitor the command's and subordinate commands' command climate assessments? Yes No N/A
7. Does the CCS review the command climate assessment executive summary, POA&M and DEOCS and provide a report to the ISIC prior to a commander's face-to-face debrief? Yes No N/A
8. Does the CCS provide assistance, advice and training regarding conflict resolution and grievance and redress procedures? Yes No N/A
9. Does the CCS serve as the central point of contact for all MEO and command climate issues and provide guidance and training to CMEO program managers regarding the processing of harassment and prohibited discrimination complaints? Yes No N/A
10. Does the CCS use chapters 4 and 5 of OPNAVINST 5354.1H for the processing of informal, formal and anonymous complaints, respectively? Yes No N/A
11. Does the CCS use chapter 6 of OPNAVINST 5354.1H for the appropriate procedures when approached by a Service Member who alleges retaliation related to a harassment or prohibited discrimination complaint? Yes No N/A
12. Does the CCS track and monitor the reporting and status of their command and subordinate commands' harassment and prohibited discrimination complaints? Are all data elements outlined in appendix E of OPNAVINST 5354.1H are collected and forwarded to OPNAV N170C? Yes No N/A
13. Does the CCS track allegations of wrongful broadcast or distribution of intimate visual images? Are all data elements outlined in appendix E of OPNAVINST 5354.1H are collected and forwarded to OPNAV N170C? Yes No N/A
14. Does the CCS provide the commander a quarterly verbal brief and written report of the status of subordinate command's harassment and prohibited discrimination complaints? Yes No N/A
15. Does the CCS provide semi-annual MEO training to subordinate command CCSs and CMEO program managers? Yes No N/A
16. Does the CCS maintain a current point of contact listing of subordinate command CCSs and CMEO program managers? Yes No N/A

APPENDIX H
COMMAND MANAGED EQUAL OPPORTUNITY PROGRAM CHECKLIST

MEO is an essential element of continual process improvement to enhance quality of life. To ensure the basic systems are in place at the unit to promote a positive command climate, this checklist is provided as a tool to assist in the evaluation of the CMEO program.

1. Did the commander, along with the deputy, XO or assistant officer in charge and senior enlisted leader, obtain a one-on-one MEO and command climate brief from their CRT within 60 days of the commander assuming command? Yes No
2. Does the commander promote a positive command climate? Yes No
3. Did the commander establish CCS billets at the echelon 2 and echelon 3 commands with subordinate commands? Yes No N/A
4. Did the commander assign a CMEO program manager? Did that assignment meet the requirements outlined in OPNAVINST 5354.1H? Yes No
5. Did the commander develop, disseminate and enforce harassment prevention and MEO policy statements which include expectations regarding procedural compliance? Yes No
6. Did the commander ensure comprehensive visual inspections throughout the command are conducted on a regular basis, not less than annually? Yes No
7. Does the commander monitor their command and subordinate command's command climates? Yes No
8. Does the commander ensure assessments and inspections of subordinate commands' MEO programs were being conducted every two years? Yes No N/A
9. Did the commander establish a CRT? Yes No
10. Did the commander complete and ensure subordinate commanders completed, a command climate assessment in line with OPNAVINST 5354.1H? Yes No
11. Does the commander ensure command demographics for collateral duty assignments, retention, discipline, advancement and awards are reviewed quarterly? Yes No
12. Did the commander ensure the Equal Opportunity Information Poster was prominently displayed and included the name and telephone numbers of the command's point of contact? Yes No

13. Did the commander ensure all individuals are familiar with their right to submit an informal, formal or anonymous complaint and a report of retaliation and the methods for submission?

Yes No

14. Did the commander promote the chain of command as the primary and preferred channel to identify, process and resolve complaints of harassment and prohibited discrimination?

Yes No

15. Did the commander use chapters 4 and 5 of OPNAVINST 5354.1H for the processing of informal, formal and anonymous complaints and chapter 6 of OPNAVINST 5354.1H for retaliation response procedures? Yes No N/A

16. Did the commander consult a CCS to provide analysis and recommendations regarding all informal, formal and anonymous harassment and prohibited discrimination complaints as well as any other issues that affect the command climate of a unit? Yes No N/A

17. Did the commander track and monitor the reporting and status of their command and subordinate command's harassment and prohibited discrimination complaints?

Yes No N/A

18. Does the commander ensure substantiated harassment or prohibited discrimination complaints are annotated on the offender's performance evaluation or Service record?

Yes No N/A

19. Does the commander ensure harassment and prohibited discrimination are absent in all administrative and disciplinary proceedings? Yes No

20. Does the commander ensure personnel receive awards and recognition and are assigned jobs, education opportunities and special programs based on merit, fitness, capability and performance? Yes No

21. Did the CMEO program manager contact their respective CCS within 30 days of being designated as the CMEO program manager? Yes No

22. Did the CMEO program manager assess the CMEO program upon designation as CMEO program manager and annually thereafter? Yes No

23. Does the command continuity folder contain the information listed in subparagraphs 23a through 23f:

a. The command climate assessment supporting documentation, to include the executive summary and POA&M for the last three years. Yes No

- b. Results of the comprehensive visual inspections for the last three years. Yes No
- c. Results of the last three on-site assessments and inspections. Yes No
- d. Complaint log of all harassment and prohibited discrimination complaints and allegations of wrongful broadcast or distribution of intimate visual images for the last 3 years.
 Yes No N/A
- e. Documentation of all administered MEO training for the last 3 years. Yes No
- f. Copies of the NAVPERS 5354/2 documenting informal harassment and prohibited discrimination complaints for the last 3 years. Yes No N/A
24. Does the CMEO program manager track, monitor, report and provide status updates on harassment and prohibited discrimination complaints to the respective CCS from submission through resolution of the complaint? Were the data elements outlined in appendix E of OPNAVINST 5354.1H to OPNAV N170C?
 Yes No N/A
25. Does the CMEO program manager coordinate and monitor MEO training when directed by the commander? Yes No
26. Does the CMEO program manager attend semi-annual MEO sustainment training provided by the servicing CCS or a CCS in the geographic region? Yes No

APPENDIX I
COMMAND CLIMATE ASSESSMENT PROCESS

1. Command Climate Assessment. To determine the overall health and effectiveness of an organization, the command climate assessment provides an opportunity for Service Members and civilian employees to express opinions regarding the manner and extent to which leaders, including commanders and supervisors, respond to allegations of problematic behaviors, including sexual assault, sexual harassment, harassment and prohibited discrimination.

Note: Contractors and local foreign nationals are considered members of the public. Commanders must not collect information from the public without first obtaining approval from the Office of Management and budget and may not seek to enforce or request compliance with disapproved or expired collections of information.

a. Both active and reserve commanders, commanding officers, officers in charge and directors (hereafter referred to as commanders) will complete a command climate assessment within 120 days after assumption of command and annually as follow-up assessments during their command tenure.

Note: Navy reserve units not listed on the Standard Navy Distribution List will be included in the supported command's command climate assessment. Voluntary training units and operational support units will be included in the NAVOPSPTCEN command climate assessment.

b. Each unit, with a commander, commanding officer, officer-in-charge billet or civilian equivalent, regardless of size, is required to complete a command climate assessment.

c. Units with fewer than 50 survey participants must be surveyed with a larger unit in the command to ensure anonymity and to provide the opportunity for all military personnel to participate in the climate assessment process. Commanders of these units are still required to complete a command climate assessment by conducting unit level focus groups, interviews, observations and reviewing command records and reports.

d. The command climate assessment must be completed using the DEOCS, focus groups, interviews, observations and reviewing command records and reports. The command climate assessment must not take longer than 60 days, 110 days for NRA, from the start of the DEOCS to the commander's debrief of the command. An example of a command climate assessment timeline is outlined in subparagraphs 1d(1) through 1d(6).

(1) DEOCS: 21 days, one drill cycle for NRAs.

(2) Request and receive report: 7 days.

(3) CRT review of the report: 10 days, 25 days for NRAs.

- (4) Conduct focus groups and interviews: 10 days, 30 days for NRAs.
- (5) Preparation of the executive summary and POA&M: 7 days, 10 days for NRAs.
- (6) Commanders must debrief their commands no later than 5 days after receipt of the executive summary from the CRT.
 - e. Records and reports must be maintained and reviewed quarterly.
 - f. The CCSs and CMEO program managers in the absence of a CCS will track and provide oversight of the command climate assessment process for subordinate commands.
 - g. The ISIC must include a statement in the commander's performance evaluation or annual fitness report annotating if the commander has conducted the required command climate assessment. Failure of a commander to conduct the required command climate assessment must be noted in the commander's performance evaluation or annual fitness report.

2. Enhanced Commander Accountability.

- a. Commanders must conduct a face-to-face debrief of their command climate assessment executive summary using the DEOCS to include a POA&M, with their ISIC. Debriefs may occur virtually for commanders not located in the same geographic region as their ISIC. Commanders must provide their ISIC with a face-to-face debrief at the first opportunity either in person or virtually. This process will provide the ISIC an opportunity to mentor the commander and will happen within 60 days of completion of the command climate assessment, unless otherwise approved by the echelon 2 commander. The POA&M and executive summary must be forwarded to the ISIC no later than 30 days after completion of the command climate assessment.
- b. Commanders must include the ISIC commander contact information in their initial DEOCS request to enable automatic ISIC visibility of the command climate survey process. Commanders must also validate the ISIC contact information when closing the DEOCS and requesting the DEOCS report to enable the ISIC to receive automatic notification and directly access the DEOCS results and report.
- c. The Chief of Naval Operations has directed that echelon 2 commanders list the Vice Chief of Naval Operations (VCNO) as their ISIC. The VCNO is authorized to further delegate this to any of the Deputy Chiefs of Naval Operations or Director, Navy Staff as appropriate.
- d. ISICs at each level must issue guidance to their respective commanders on scheduling the face-to-face debriefs and provide the ISIC contact information for ordering the DEOCS.

e. Debriefs must cover significant findings, areas of strength, areas of concern, an explanation of the validation process, actions taken and plans developed to improve command climate. Brief format will be determined by the echelon 2 commander.

APPENDIX J
COMMAND CLIMATE ASSESSMENT EXECUTIVE SUMMARY

5354
Ser N00/
DD Mmm YY

From: Commanding Officer, (Name of Command)

To: (Immediate Superior in Command)

Subj: FYXX COMMAND CLIMATE ASSESSMENT EXECUTIVE SUMMARY FOR
(NAME OF COMMAND)

Ref: (a) OPNAVINST 5354.1H

Encl: (1) Plan of Action and Milestones
(2) List any additional enclosures

1. Background. (Name of command) completed a command climate assessment in line with reference (a). The purpose of the climate assessment is to determine the “health” and mission readiness of the unit.
2. Assessment Methodology. The command resilience team administered a Defense Organizational Climate Survey (DEOCS) from (start date) to (complete date). Records review was conducted on (date). Focus groups, interviews and observations were conducted from (start date) to (complete date).
3. Significant Findings (*consistent feedback, positive or negative, list all*).
 - a.
 - b.
4. Organizational Strengths (*list all*).
 - a.
 - b.

5. Areas of Concern (*list all*).
 - a.
 - b.
6. Recommended Corrective Actions (*address areas of concern*).
 - a.
 - b.
7. How will the corrective actions be measured?
 - a.
 - b.
8. What are the command's trends over time (two years of data or more)?
 - a.
 - b.
9. What changes were put in place after the last command climate assessment, were the changes effective and will they continue?
 - a.
 - b.
10. What are the command's thoughts on diversity? At what rate are non-white male military personnel assigned to this command staying Navy? At what rate are female military personnel assigned to this command staying Navy?
 - a.
 - b.

11. Conclusions and Summary.

I. M. COMMANDER

SAMPLE

APPENDIX K
EQUAL OPPORTUNITY ANNUAL CLIMATE ASSESSMENT

5354
Ser N00/
DD Mmm YY

From: Commander, (Name of Command)

To: (Immediate Superior in Command)

Subj: FYXX (NAME OF COMMAND) EQUAL OPPORTUNITY CLIMATE
ASSESSMENT

Ref: (a) OPNAVINST 5354.1H

Encl: (1) List all enclosures, if any

1. Background. Per reference (a), (*Command Name*) is providing an annual equal opportunity climate assessment based on input from echelon 3 and subordinate commands.
2. Assessment Methodology. Data used in compiling this report was extracted from subordinate command's command climate assessment executive summaries, , the harassment and prohibited discrimination complaint log command climate specialist and command managed equal opportunity program assessments and inspector general inspections.
3. Significant findings (*consistent feedback, positive or negative, list all*).
 - a.
 - b.
4. Organizational Strengths.
 - a.
 - b.
5. Areas of Concern.
 - a.
 - b.

6. Recommended Corrective Actions (*address areas of concern*).

a.

b.

7. Conclusion and Summary.

I. M. COMMANDER

SAMPLE

APPENDIX L
EQUAL OPPORTUNITY RESOURCES

1. Navy EO Web Site.

<https://www.mynavyhr.navy.mil/Support-Services/21st-Century-Sailor/Equal-Opportunity/>.

2. Address.

Harassment Prevention and Military Equal Opportunity Office
5720 Integrity Drive
Building 457 Room 202
Millington, TN 38055

3. DoD Issuances.

<https://www.esd.whs.mil/Directives/issuances/dodi/>.

4. DON Issuances.

<https://www.secnav.navy.mil/doni/default.aspx>.

5. Survey Tools.

a. DEOCS. This survey is available to commanders from the Office of People Analytics and may be obtained through their Web site at

[https://surveysdrc.com/deocs_portal/\(S\(bp4eunm41so5vv3tmnx0hh4p\)\)/EnterEmail.aspx](https://surveysdrc.com/deocs_portal/(S(bp4eunm41so5vv3tmnx0hh4p))/EnterEmail.aspx).

b. Command Resilience Team Guide.

6. Equal Opportunity Information Poster. NAVPERS 15600E, S/N 0500-LP-117-6471, available through the Navy Logistics Library.

7. The Navy Harassment Prevention and Military Equal Opportunity Advice Line. Provides information on how and where to file complaints and what kinds of behaviors constitute harassment and prohibited discrimination. This is also an avenue to file anonymous harassment and prohibited discrimination complaints. The line is anonymous, toll-free and may be used by members of the DON. Toll free telephone number is (800) 253-0931 and the commercial number is (901) 874-2507, Defense Switched Network (DSN): 882. The advice line can also be reached by e-mail: Mill_Navy_EO_Advice@navy.mil. DON civilians are advised to consult the appropriate servicing EEO office.

8. DEOMI Web site. Provides support materials designed to assist with conducting special observances, sexual harassment prevention training, EO related publications, guidance and various Web site links. The DEOMI Web site can be accessed at <https://www.defenseculture.mil>.
9. List of Applicable and Helpful References.
 - a. DoDI 1300.17, Accommodation of Religious Practices Within the Military Services, 10 February 2009.
 - b. SECNAVINST 1730.8B, Accommodation of Religious Practices.
 - c. SECNAV M-5200.35, Department of the Navy Managers' Internal Control Manual, June 2008.
 - d. SECNAV M-5210.2, Department of the Navy Standard Subject Identification Code (SSIC) Manual, July 2012.
 - e. SECNAVINST 5350.15D, Department of the Navy Core Values Charter and Ethics Training.
 - f. SECNAVINST 5354.2, Department of the Navy Equal Opportunity, Equal Employment Opportunity and Diversity Oversight.
 - g. OPNAVINST 3120.32D, Standard Organization and Regulations of the U.S. Navy.
 - h. Command Resilience Team Guide.
 - i. 62 FR 58782, Office of Management and Budget, Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity.

APPENDIX M
COMMAND RESILIENCE TEAM NON-DISCLOSURE AGREEMENT

1. I understand that by serving on the (command name) command resilience team (CRT) I am expected to participate in the analysis of the Defense Organizational Climate Survey, focus groups, interviews, observations and the review of command records and reports in support of the command climate assessment and that I will incur certain obligations enumerated in paragraphs 2 through 6.
2. I understand that in the execution of my CRT duties I am a confidential agent of (command name) for obtaining uninhibited self-analysis and self-criticism of the internal management, operation and administration of the command.
3. The purpose of my participation is to assist in clarifying and validating information brought forward during the command climate assessment. Reports of the (command name) are internal memoranda and constitute privileged information which is for official use only and is not releasable outside this command without the specific approval of the commander, (command name).
4. I understand that the direct or indirect unauthorized disclosure, unauthorized retention or negligent handling of information obtained in the course of my duties with the (command name) CRT, including either oral or written information, could cause injury to naval operations or naval personnel and may subject me to disciplinary action or other legal process.
5. I agree that I will not divulge any information gained from my involvement with the (command name) CRT outside this command unless I have the specific written approval from the commander, commanding officer, officer in charge or director.

Note: Service Members must be free to make a protected communication in line with Military Whistleblower Protection, SECNAVINST 5370.7E.

6. Unless and until I am released in writing by an authorized representative of the United States government, I understand that all conditions and obligations imposed upon me apply during all times I am assigned to the (command name) and at all times thereafter without limitation.

Service Member, Date

CRT Lead, Date

APPENDIX N INFORMAL RESOLUTION SYSTEM

1. Background. The informal resolution system was developed to facilitate resolution of interpersonal conflicts at the lowest appropriate level. Conflict can be defined as a disagreement between two or more people that raises serious concerns and needs to be resolved.

Note: Commanders, commanding officers, officers in charge and civilian equivalents (hereafter referred to as commanders) must be informed immediately, within 24 hours, of any formal harassment or prohibited discrimination complaint in their command

2. Informal Resolution System Concept and Goals.

a. The informal resolution system provides the necessary information and skills to encourage and facilitate resolving interpersonal conflicts in the workplace at the lowest appropriate level.

b. Emphasizes the Navy core values of honor, courage and commitment.

c. Emphasizes each person's responsibility to be a role model of acceptable behavior and confront unacceptable behavior when observed or brought to his or her attention.

3. Informal Resolution System Options.

a. Direct.

(1) In person by approaching the alleged offender(s) involved. Stay focused on the behavior and its impact. Use common courtesy and ensure the approach is not disrespectful. Consider writing down thoughts prior to approaching the alleged offender(s) involved.

(2) In writing, to the alleged offender(s) stating the facts and feelings about the behavior and the expected resolution.

b. Informal Third Party. Request assistance from another person. Ask another person to talk with alleged offender(s) involved, to accompany while using the direct approach or to intervene to help resolve the conflict.

c. Training.

(1) Request training or resource materials for presentation to the workplace in the area of harassment or prohibited discrimination. Using training is a good method of communicating to the alleged offender(s) and other individuals in the workplace, in a non-threatening way that the behavior is unacceptable.

(2) Training resources can include videos, books, lesson plans, posters and other materials

4. Responsibilities.

a. Complainant.

(1) Evaluate. What exactly happened? What was the impact of the behavior? Did it disrupt your work performance or work environment? What are the responsibilities and options?

(2) Take Action.

(a) If the behavior is unacceptable, inform the chain of command of actions taken or needed. Determine whether taking formal action is appropriate or whether the informal resolution system can resolve the concern.

(b) If the behavior is acceptable, no action is required.

b. Alleged Offender.

(1) Evaluate. What exactly happened? What was the impact of the behavior? Did it disrupt the work environment? Would it have offended a reasonable person? Was the behavior acceptable or unacceptable? What are the responsibilities and options?

(2) Take Action.

(a) If the behavior is or seems unacceptable, stop immediately.

(b) If the behavior seems acceptable, clarify with another person or a supervisor that the behavior is acceptable. Ask a co-worker or supervisor for assistance in approaching the complainant or to intervene. Talk with the complainant about ways to communicate more effectively.

c. Third Party.

(1) Evaluate. What exactly happened? What was the impact of the behavior? Did it disrupt the work environment? Would it have offended a reasonable person? Was the behavior acceptable or unacceptable? What are the responsibilities and options? If unsure how to proceed seek advice.

(2) Take Action (when approached by a complainant).

(a) If the behavior is unacceptable, encourage the complainant to determine whether taking formal action is appropriate or whether the informal resolution system can resolve the problem. Inform the chain of command and refer all parties to support services.

(b) If the behavior is acceptable, advise the complainant that the behavior is acceptable and explain why.

(3) Take Action (when approached by an alleged offender).

(a) If the behavior is unacceptable, advise the alleged offender to stop the behavior. Inform the chain of command and refer all parties to support services.

(b) After confirming with a supervisor that the behavior is acceptable, advise the alleged offender that the behavior is acceptable and explain why. Encourage the alleged offender to talk with the complainant and discuss the situation.

(4) Take Action (when observing harassing or offending behavior).

(a) Stop it if possible and inform the chain of command if appropriate. Encourage the complainant to use the formal complaint system if the informal resolution system cannot resolve the concern. Refer all parties to appropriate support services.

(b) If the behavior is acceptable, no action is required.

d. Supervisor.

(1) Evaluate. What exactly happened? What was the impact of the behavior? Did it disrupt the work environment? Would it have offended a reasonable person? Was the behavior acceptable or unacceptable? What are the responsibilities and options?

(2) Take Action (when approached by a complainant).

(a) If the behavior is unacceptable, take corrective action. Encourage the complainant to determine whether the informal resolution system can resolve the problem or to use the formal complaint process. Inform the chain of command and refer all parties to support services.

(b) If the behavior is acceptable, advise the complainant that the behavior is acceptable and explain why.

(3) Take Action (when approached by an alleged offender).

(a) If the behavior is unacceptable, advise the alleged offender to stop the behavior and advise that corrective action may result. Determine whether the informal resolution system can resolve the concern. Inform the chain of command and refer all parties to support services.

(b) If the behavior is acceptable, advise the alleged offender it was acceptable and explain why.

(4) Take Action (when approached by a third party).

(a) If the behavior is unacceptable, instruct the observer on the need for awareness. Take corrective action and notify the chain of command. Discuss the informal resolution system and formal complaint process to determine the best course of action for the complainant.

(b) If the behavior is acceptable, no action is required.

(5) Take Action (when observing harassing or offending behavior).

(a) If the behavior is unacceptable, stop the behavior and take corrective action. Notify the chain of command and advise the complainant of the informal resolution system and formal complaint options.

(b) If the behavior is acceptable, no action is required.

5. Commander's Responsibilities under the Informal Resolution System.

a. Set the example.

b. Establish a command climate that allows and encourages individuals to resolve conflicts between themselves without fear of retaliation.

c. Keep an open mind. Listen and do not filter.

d. Do not ignore the behavior.

e. Know when to get involved and when not to. If the informal resolution system is working, give it a chance to resolve the conflict.

(1) Determine if the informal resolution system has been used, if not, encourage its use if appropriate.

(2) Do not intervene when conflict is being appropriately resolved by those involved.

(3) Intervene when necessary. Get involved when:

- (a) Unacceptable behavior is observed and
 - (b) Made aware of a situation that cannot be resolved.
- (4) Take or support actions to reach resolutions. Provide resource materials as appropriate.
- (5) In all cases, follow-up and provide feedback to the individuals involved.
- (6) Report and take action on all collateral misconduct that is discovered in addition to harassment or prohibited discrimination and inform the appropriate authorities.
- (7) Avoid further traumatizing the complainant, e.g., if you need to physically separate personnel, whenever feasible move the alleged offender, not the complainant.
- (8) Make referrals to support services as warranted.

APPENDIX O
HARASSMENT OR PROHIBITED DISCRIMINATION COMPLAINT RETALITIATION
AWARENESS

1. This retaliation awareness document is for a harassment or prohibited discrimination complaint. The chain of command of the complainant, the chain of command of the alleged offender, the complainant, the alleged offender and any witnesses must be made aware of this retaliation awareness document.
2. All Service Members and Department of the Navy personnel who make a protected communication must be free from retaliation as defined in appendix C of OPNAVINST 5354.1H. The CCS or CMEO program manager must ensure Service Members understand the types of retaliatory defined in OPNAVINST 5354.1H.
3. The chain of command of the complainant and the chain of command of the alleged offender will not:
 - a. Initiate any contact with the complainant, any witness or potential witness or the alleged offender in this investigation outside of that required by their official duties; and
 - b. Solicit others to act on their behalf to contact the complainant, any witness or potential witness or the alleged offender in this investigation outside of that required by their official duties.
4. The complainant should notify the Naval Inspector General, (800) 522-3451, immediately if, during the course of this investigation he or she believes they are suffering a reprisal as a result of this complaint. The complainant should notify his or her supervisor, command climate specialist, command managed equal opportunity program manager or commander, commanding officer, officer in charge or civilian equivalent immediately if, during the course of this investigation, he or she believes they are suffering a form of retaliation other than reprisal as a result of this complaint.

Complainant, Date

Alleged Offender, Date