



# **Equal Opportunity, Sexual Harassment, and Grievance Procedures**



# Introduction

- **What happens when you encounter inappropriate behavior in the Navy?**
- **Can YOU do something about inappropriate behavior?**
- **Should YOU do something about inappropriate behavior?**

# Importance

- **Part of being a Sailor means that:**
  - **You treat others with dignity and respect**
  - **You promote a positive command climate**
  - **You do not ignore conflict**
  - **You review resolution options**
  - **You take action to resolve conflicts**



# Objectives

- **Define Equal Opportunity, Sexual Harassment, and related terms**
- **Describe the Informal Resolution System**
- **Describe the Formal Complaints procedure**
- **Select the appropriate procedure for a given scenario**

# Outline

- **Review Definitions**
- **Review Informal Resolution System**
- **Review Formal Complaints**
- **Explore Sample Situations**



# **Equal Opportunity**

- **The right of all persons to participate in, and benefit from, programs and activities for which they are qualified**
- **These programs and activities shall be free from social, personal, or institutional barriers that prevent people from rising to the highest level of responsibility possible**

# Equal Opportunity Means That:

- **Everyone is evaluated based on:**
  - Individual merit
  - Fitness
  - Capability

- **Regardless of:**
  - Race
  - Ethnicity
  - National Origin
  - Sex
  - Religion



# **Sexual Harassment**

- **A form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal conduct of a sexual nature**
- **May consist of a wide range of behaviors that are unwelcome, sexual in nature, and connected in some way with a person's job or work environment**



# Examples of Sexual Harassment

- **Verbal or written:** Comments about clothing, personal behavior, or a person's body; sexual or sex-based jokes; requesting sexual favors or repeatedly asking a person out; sexual innuendoes; telling rumors about a person's personal or sexual life; threatening a person
- **Nonverbal:** Looking up and down a person's body; derogatory gestures or facial expressions of a sexual nature; following a person
- **Visual:** Posters, drawings, pictures, screensavers or emails of a sexual nature





# Informal Resolution System



# Introduction

- **Enables you to resolve conflicts at the lowest possible level**
- **Informal Resolution System is one option to resolve conflicts**

# Step 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 of a similar background?**
- **Was the behavior unacceptable (Red-light behavior), inappropriate (Yellow-light behavior), or acceptable (Green-light behavior)?**
- **What are my responsibilities and options?**



# Step 2: Take Action

- **Direct approach**
  - In person
  - In writing
- **Informal Third Party**
  - Request assistance from another person
- **Training / Resources**
  - Request training or resource materials

# **Step 3: Follow Up**

- **Did the Informal Resolution System solve the problem?**
- **If not, inform your chain of command**
- **Is anything else needed to prevent repeat problems?**



# Where To Get Advice

- **Fellow Sailor**
- **Chaplain**
- **Supervisor**
- **Legal Officer**
- **Command Master Chief (CMC)**
- **Equal Opportunity Advisor (EOA)**
- **Command Managed Equal Opportunity (CMEO)**
- **DON EO/SH Advice Line:  
800-253-0931 or call collect 901-874-2507**

# **If You Learn You Offended Someone:**

- **Unacceptable (Red-light behaviors)**
  - **Stop the behavior immediately**
  - **Seek legal assistance**
- **Inappropriate (Yellow-light behaviors)**
  - **Change behavior**
  - **Apologize**
  - **Ask another person for help**
  - **Ask for training or other resources**



# **If You are a Witness:**

- **Unacceptable (Red-light behaviors)**
  - Stop behavior
  - Inform chain of command
  - Encourage recipient to take action
  - Refer all parties to support services
- **Inappropriate (Yellow-light behaviors)**
  - Stop offending behavior
  - Encourage recipient to take action
  - Offer to help recipient
  - Approach offending person
  - Ask for training or other resources

# **If You are a Supervisor:**

- **Take corrective action**
- **Support offended person**
- **Refer all parties to support services**
- **Inform chain of command**
- **Ask for training or other resources**
- **Follow up to ensure resolution**



**Q: Equal Opportunity means that everyone is evaluated on their:**

**A. Religion**

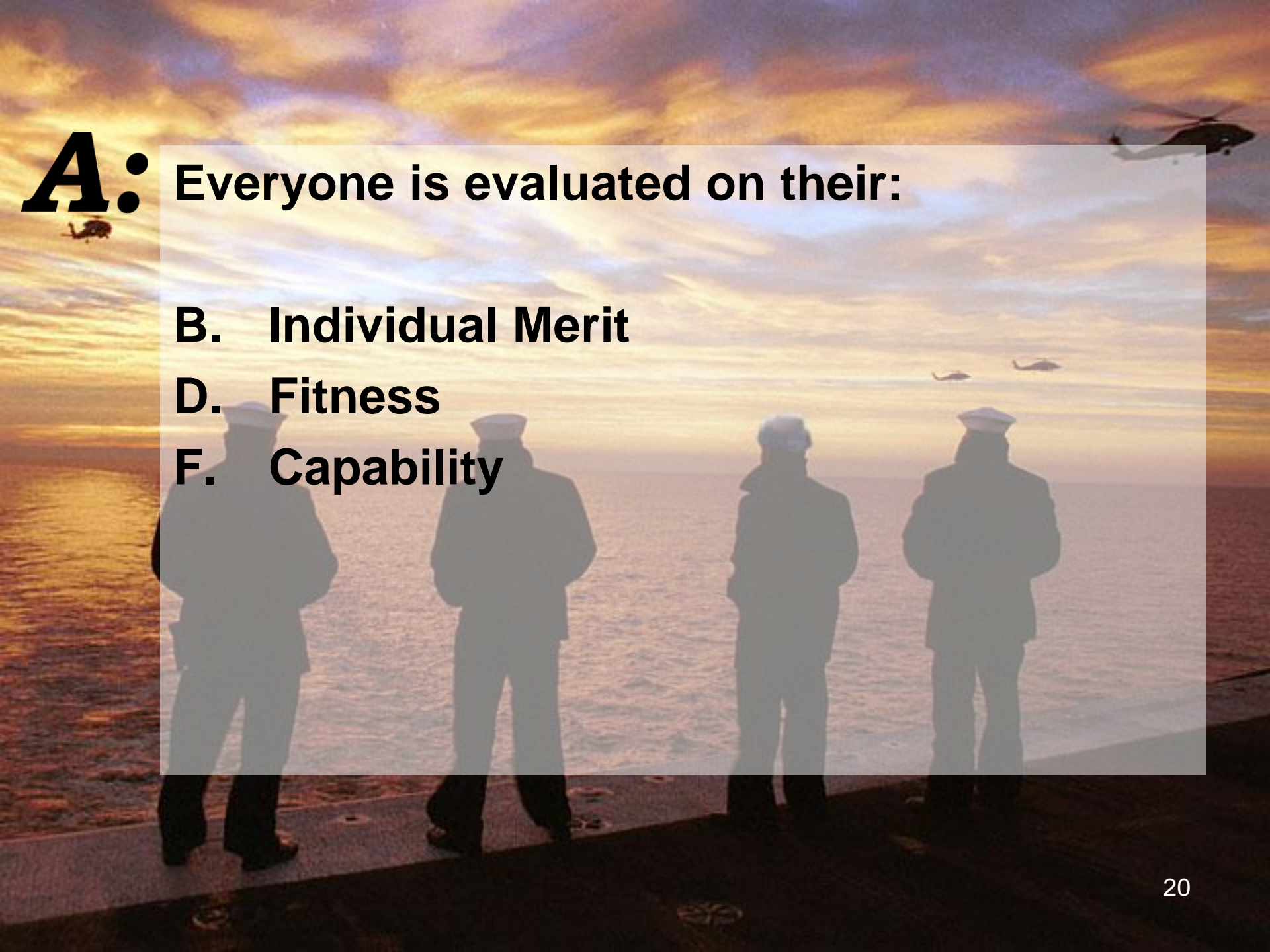
**B. Individual Merit**

**C. Race**

**D. Fitness**

**E. Sex**

**F. Capability**



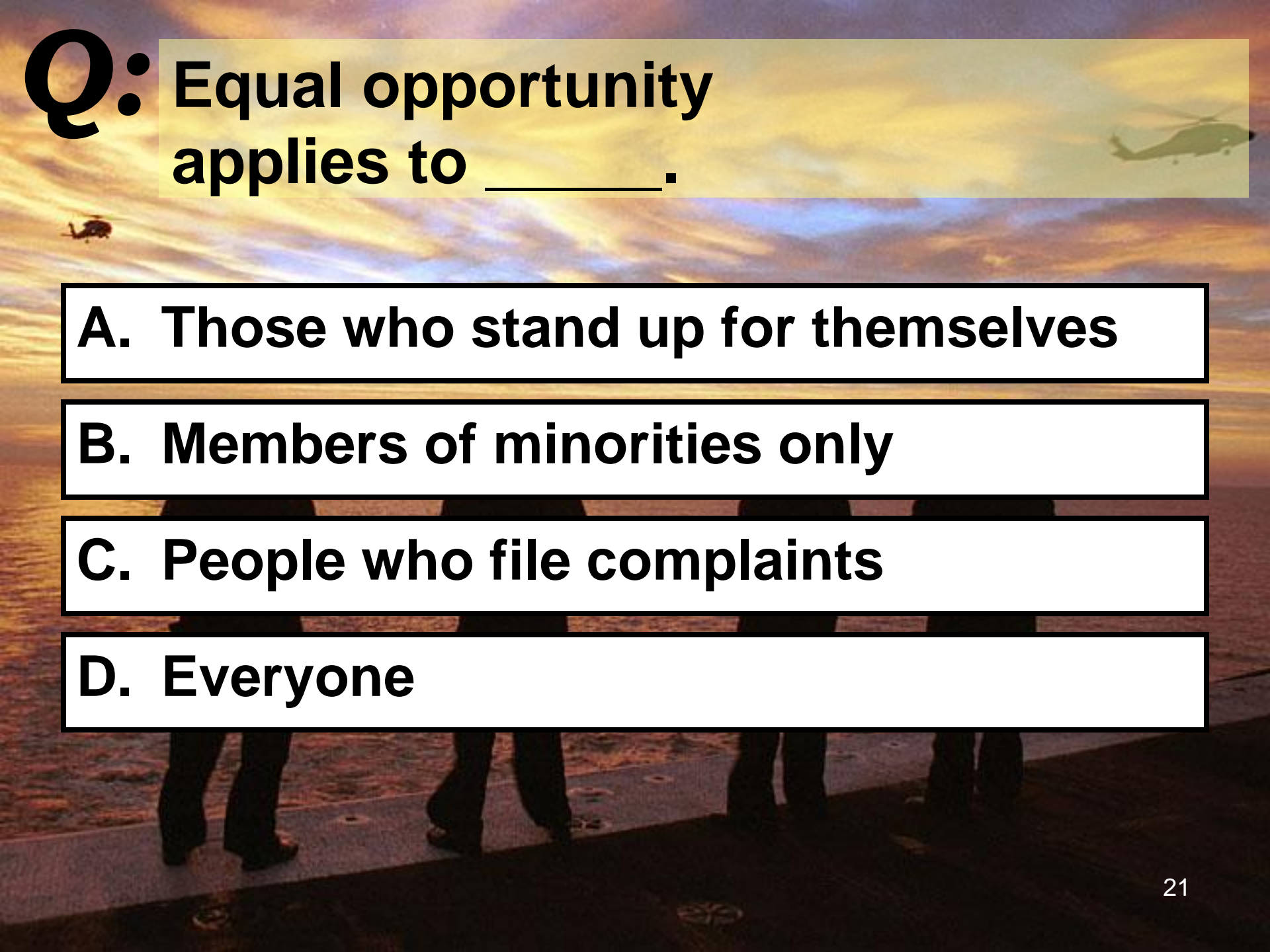
**A:** Everyone is evaluated on their:

**B. Individual Merit**

**D. Fitness**

**F. Capability**





**Q:** Equal opportunity applies to \_\_\_\_\_.

**A. Those who stand up for themselves**

**B. Members of minorities only**

**C. People who file complaints**

**D. Everyone**



**A:** Equal opportunity applies to:

**D. Everyone**



**Q:** You have been harassed or offended. What is the first step you should take?

**A. Approach the offending person**

**B. Evaluate what happened**

**C. Ask another person for help**

**D. Determine what action to take**



**A:**

Once you have been harassed, the first step to take is to:

**B. Evaluate what happened**





**Q:**

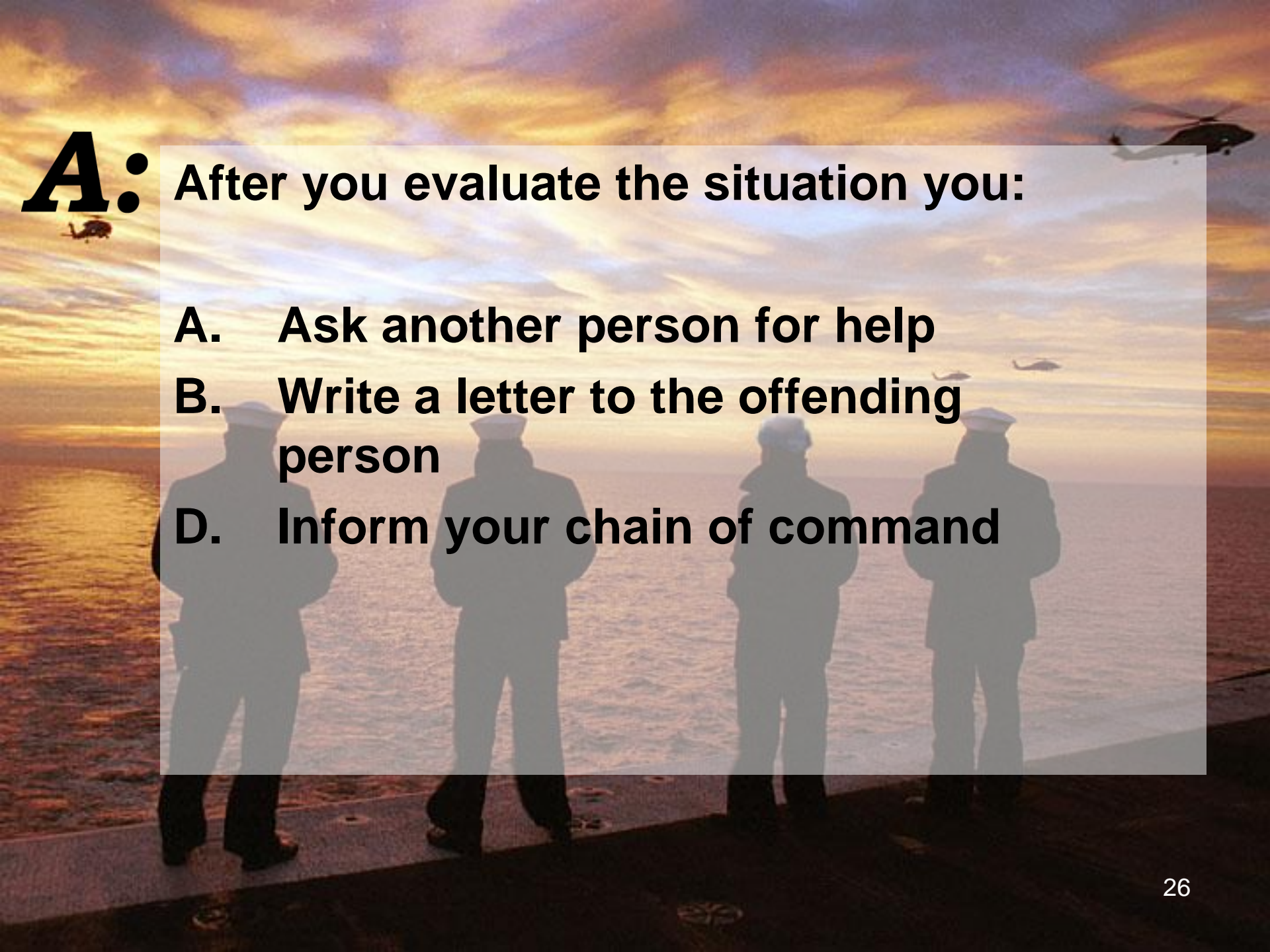
**You have evaluated the situation and are ready to do something. What do you do?**

**A. Ask another person for help**

**B. Write a letter to the offending person**

**C. Ignore the problem**

**D. Inform your chain of command**



**A:** After you evaluate the situation you:

**A. Ask another person for help**

**B. Write a letter to the offending person**

**D. Inform your chain of command**





# Formal Complaints



# Introduction

- **If**
  - **the Informal Resolution System failed to correct the problem**
  - **the behavior is clearly criminal**
  - **the Informal Resolution System is not an option**
- **Then a Formal Complaint must be used**



# **OPNAVINST 5354.1E definition: Formal Complaints**

**Allegation of unlawful discrimination or Sexual Harassment (SH) that is submitted in writing via a NAVPERS 5354/2, UCMJ Article 138, NAVREGS Article 1150, communication to Navy Inspector General or elected officials, NAVPERS 1626/7, and any other communication the commander deems appropriate.**

# **Formal Complaint Options**

- **NAVPERS 5354/2**
- **UCMJ Article 138**
- **NAVREGS Article 1150**
- **Or contact the Navy Inspector General  
hotline: 800-522-3451 or 202-433-6743**



# **NAVPERS 5354/2 Process**

- **NAVPERS 5354/2: Equal Opportunity/Sexual Harassment complaint form**
- **Managed by Command Managed Equal Opportunity (CMEO)**
- **Investigation starts within 3 days (You will be notified when the investigation starts)**
- **A decision should be made within 20 days (if not, updates provided every 14 days after 20<sup>th</sup> day)**

# **Submit With Legal Counsel Only**

- **If complaint is against a superior:**
  - **File a NAVREGS Article 1150, Redress of Wrong Committed by a Superior**
- **If complaint is against the CO:**
  - **Submit a complaint under UCMJ Article 138, Complaint of Wrongs Against the Commanding Officer**





**Q: Which formal complaints require legal counsel to submit them?**

**A. UCMJ Article 138**

**B. NAVPERS 5354/2**

**C. NAVREGS Article 1150**

**D. Navy Inspector General**

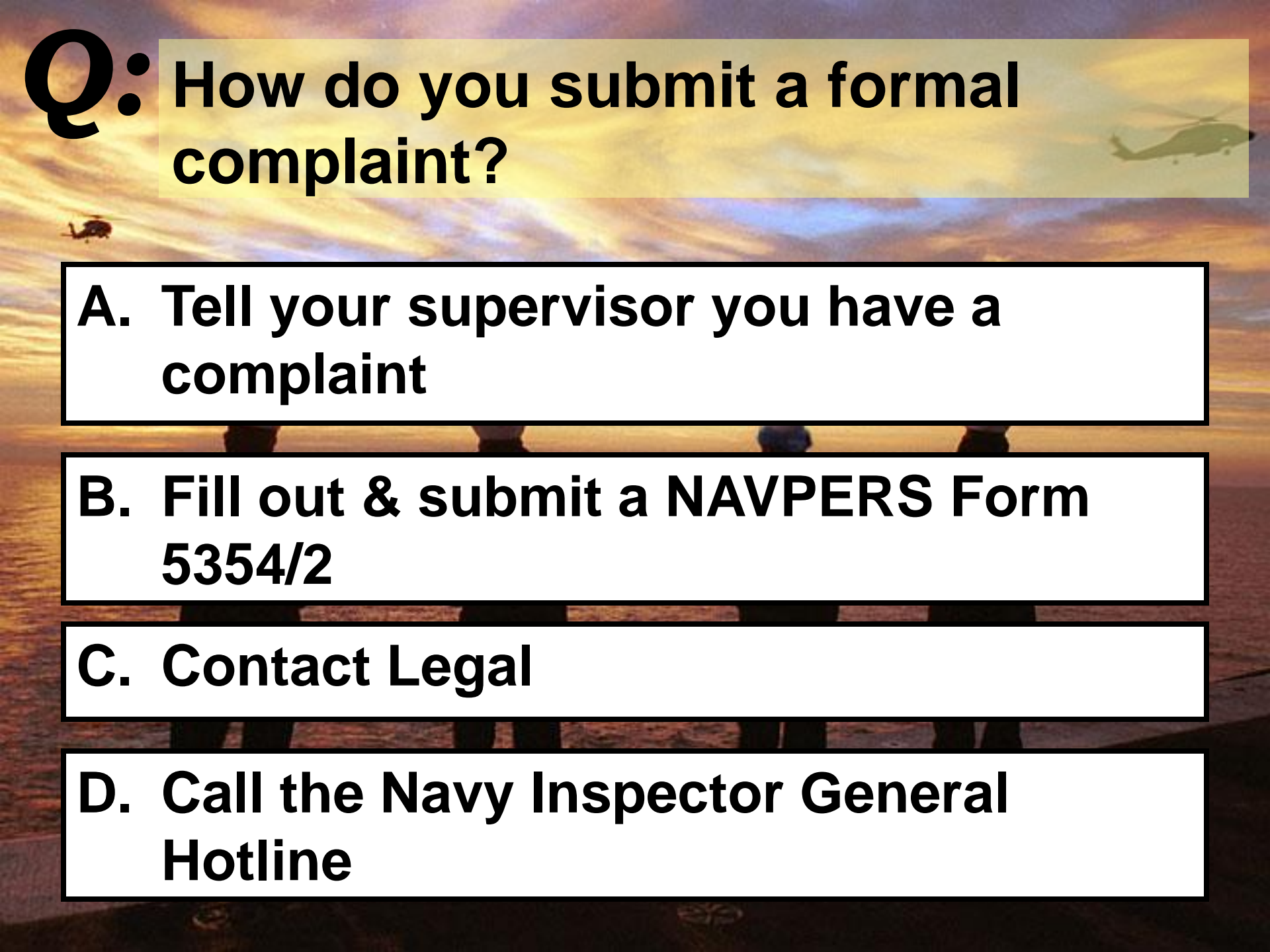


**A:** The formal complaints that require legal counsel are:

**A. UCMJ Article 138**

**C. NAVREGS Article 1150**





**Q: How do you submit a formal complaint?**

**A. Tell your supervisor you have a complaint**

**B. Fill out & submit a NAVPERS Form 5354/2**

**C. Contact Legal**

**D. Call the Navy Inspector General Hotline**



**A:** To submit a formal complaint you:

- A. Tell your supervisor you have a complaint**
- B. Fill out & submit a NAVPERS Form 5354/2**
- C. Contact Legal**
- D. Call the Navy Inspector General Hotline**





# Scenarios



# Scenario 1

- You witnessed an incidence of sexual harassment
- What do you do?
- What should you do?



# **SECNAVINST 5300.26D**

## **Section 8b**

- **Persons who are subjected to or *observe* objectionable behavior should promptly notify the chain of command if:**
  - **the objectionable behavior does not stop; or**
  - **the situation is not resolved; or**
  - **addressing the objectionable behavior directly with the person concerned is not reasonable under the circumstances; or**
  - **the behavior is clearly criminal in nature.**

# What did you do?

- **Step 1: Evaluate** – What you witnessed was sexual harassment
- **Step 2: Take Action** – You used the Informal Resolution System Actions
- **Step 3: Follow up** – You look out for your fellow Sailors to ensure this doesn't happen again



# Scenario 2

- You are a work center supervisor, and a Sailor comes to you with a sexual harassment complaint
- What do you do?
- What should you do?

# **Taking the Sailor Seriously**

**You take the time to listen to the Sailor's complaint, and then ask:**

- **“What would you like me to do?”**

**The Sailor answers:**

- **“I'd like you to help me talk to the people concerned to solve this problem.”**



# What did you do?

- **Step 1: Evaluate** – You listened to the complaint and gave the Sailor options
- **Step 2: Take Action** – You used the Informal Resolution System, helping the Sailor talk to the people involved
- **Step 3: Follow up** – You follow up with the Sailor to ensure that problem does not happen again

# Other Options?

- Refer all parties to support services
- Ask for training or other resources
- Inform your chain of command





# Summary

- **Use the Informal Resolution System whenever possible:**
  - **Step 1: Evaluate**
  - **Step 2: Take Action**
  - **Step 3: Follow up**
- **Formal complaint process is an option**
- **Seek CMEO or legal counsel depending on the formal complaint process**

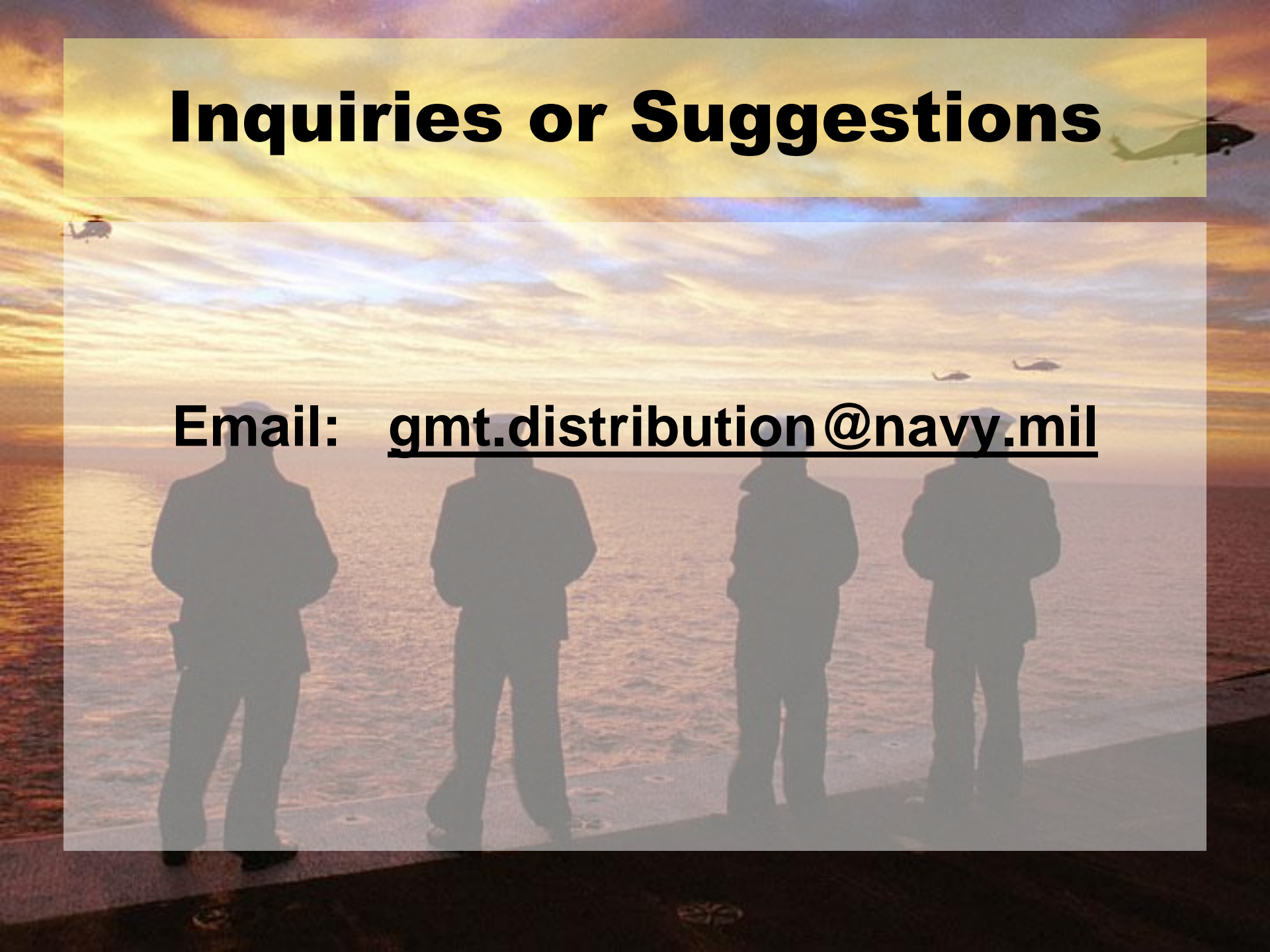
# **Additional Resources**

- **OPNAVINST 5354.1 (series) - Navy Equal Opportunity Manual**
- **NAVPERS 15620 - Informal Resolution System Booklet**
- **SECNAVINST 5300.26D Department of the Navy (DON) Policy on Sexual Harassment**
- **Navy Equal Opportunity Office:**

**<http://www.npc.navy.mil/commandsupport/diversity/equalopportunity>**



# **Inquiries or Suggestions**



**Email: [gmt.distribution@navy.mil](mailto:gmt.distribution@navy.mil)**