OPNAV INSTRUCTION 5300.13

From: Chief of Naval Operations

Subj: NAVY SEXUAL HARASSMENT PREVENTION AND RESPONSE PROGRAM

Ref: See appendix A

1. Purpose. To issue policies and standards to aid in the prevention and response of sexual harassment throughout the Navy, define requirements, and assign responsibility for implementation of the Navy Sexual Harassment Prevention and Response Program per references (a) through (k).

2. Cancellation. Supersedes the sexual harassment policy and guidelines contained in OPNAVINST 5354.1F.

3. Scope and Applicability
   a. This instruction applies to the personnel contained in subparagraphs 3a(1) through 3a(3).
      (1) All Navy personnel, both active and reserve, midshipmen of the United States Naval Academy (USNA) and the Naval Reserve Officer Training Corps (NROTC) while on active duty for training.
      (2) 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.
      (3) Members of other Services when assigned or attached to a Navy unit.
   b. Civilian employees who raise allegations of sexual harassment must be referred to the appropriate servicing equal employment opportunity (EEO) office.

4. Background. Sexual harassment is no longer a form of sex discrimination as prescribed in reference (a), therefore sexual harassment prevention and response is issued separately from the Navy equal opportunity instruction to reflect this change.

5. Records Management. Records created as a result of this instruction, regardless of media and format, must be managed per reference (b).
6. **Review and Effective Date.** Per OPNAVINST 5215.17A, the Office of the Chief of Naval Operations (OPNAV) Twenty-First Century Sailor Office (N17) will review this instruction annually on the anniversary of its effective date to ensure applicability, currency, and consistency with Federal, DoD, Secretary of the Navy (SECNAV), and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. This instruction will automatically expire 10 years after effective date unless reissued or canceled prior to the 10-year anniversary date, or an extension has been granted.

7. **Forms and Information Management Control**

   a. **Forms**

      (1) The forms listed in subparagraphs 7a(1)(a) through 7a(1)(d) may be obtained from Navy Forms Online Web site at: [https://navalforms.documentservices.dla.mil/web/public/home](https://navalforms.documentservices.dla.mil/web/public/home).

         (a) NAVPERS 5354/2 Naval Equal Opportunity and Sexual Harassment Report Form.

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

         (c) OPNAV 5354/3 Formal Report Sufficiency Review.

         (d) OPNAV 5354/4 Formal Report Higher Level Review.


   b. **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.

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Releasability and distribution:  
This instruction is cleared for public release and is available electronically only via Department of the Navy Issuances Web site, [http://doni.documentservices.dla.mil](http://doni.documentservices.dla.mil)
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CHAPTER 1
GENERAL INFORMATION

1. **Purpose.** To implement references (a) through (k) that direct Department of the Navy (DON) policy and provide guidance on the prevention and response of sexual harassment. Commanders, commanding officers and officers in charge (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 B. The abbreviations and acronyms used throughout this instruction are outlined in appendix C.

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 sexual harassment. Additionally, each member is expected to abide by the Navy core values of honor, courage, and commitment. Sexual harassment adversely affects good order and discipline, unit cohesion, and mission readiness, and prevents the Navy from maintaining operational readiness. Sexual harassment must not be condoned.

   b. The Navy has zero tolerance for sexual harassment. Acts of sexual harassment are contrary to the Navy core values of honor, courage, and commitment. Service members who model the Navy core values do not engage in demeaning or negative behaviors nor condone these actions in others. Those who commit sexual harassment as prohibited by this instruction are subject to adverse administrative or disciplinary action. Incidents of sexual harassment cover a wide range of behaviors, from verbal comments to physical acts, and can be subtle or overt. The full range of administrative and disciplinary actions is available to address substantiated sexual harassment allegations. These include, but are not limited to, formal counseling, comments in fitness reports and evaluations, non-judicial punishment (NJP), courts-martial, and administrative separation.

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

      (1) Action, threats, or attempts to influence another’s career or job in exchange for sexual favors or rewards in exchange for sexual favors (quid pro quo).

      (2) Physical contact of a sexual nature which, if charged as a violation of reference (d), could result in punitive discharge.
d. Commanders are not precluded from initiating administrative separation proceedings for reasons set forth in the appropriate service regulations for individuals whose conduct warrants separation not covered in subparagraph 2c.

e. Service members who use the informal, formal, or anonymous report process, and those in the review or investigative process, must be free from interference, coercion, discrimination, or retaliation during all facets of the submission and processing of a grievance or any time thereafter. Retaliation must be reported immediately to a supervisor, command climate specialist (CCS), the commander, or an inspector general (IG).

Note: All reports of reprisal should be reported to an IG.

f. Sexual harassment is conduct that:

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

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

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

(c) 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.

(2) is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive,

(3) 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,

(4) any deliberate or repeated unwelcome verbal comment or gesture of a sexual nature by any member of the Military Services or civilian employee of the DoD, and

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

(a) Direct proposition of a sexual nature or pressure for sexual activity that is unwanted.
(b) Unwelcome sexual advances.

(c) 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.

(d) The display of inappropriate sexually oriented material in a location where others can view it (i.e., displaying sexually suggestive objects, pictures, cartoons, images on a computer, phone, or other electronic device, etc.).

(e) Unwelcome leering, whistling, sexual gestures, suggestive or insulting comments, threats, or innuendos of a sexual nature.

(f) Unwanted physical contact such as touching, hugging, brushing against a person’s body, impeding or blocking movements. Depending on the circumstances, any unwanted physical contact, however slight, could elevate the offense.

(g) Persistent and unwanted requests for dates, unwelcome and inappropriate letters, telephone calls, e-mail, text messages, graphics, and other communications or gifts.

(h) 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.

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

g. Retaliation is also prohibited against individuals for participating in protected communications. This includes contacting a CCS or a command managed equal opportunity (CMEO) program manager, filing a sexual harassment report, and testifying or participating in a sexual harassment investigation or proceeding.

h. Prevention is the best tool to eliminate sexual harassment. Commanders and supervisors at every level must clearly communicate that sexual harassment will not be tolerated.

i. Any Service member who believes he or she has been subjected to sexual harassment is encouraged to utilize the informal resolution system as outlined in appendix D. The Service member also has the option to contact the CCS or CMEO program manager to determine available resolution options. Policy guidance or assistance is also available by calling the Navy Sexual Harassment and Equal Opportunity Advice Line at (800) 253-0931. All reports 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.
j. As stated in article 1166 of reference (e), sexual harassment is prohibited.

   (1) Reports of sexual harassment must be processed in line with chapter 3, chapter 4, or chapter 5.

   (2) Individuals must not:

       (a) retaliate, as defined in appendix B, against a person who provides information on an incident of alleged sexual harassment;

       (b) knowingly make a false allegation of sexual harassment; and

       (c) condone or ignore sexual harassment.

k. This instruction and the prohibition of sexual harassment are lawful general orders, effective without further implementation.
CHAPTER 2
RESPONSIBILITIES

1. Deputy Chief of Naval Operations (Manpower, Personnel, Training and Education) (CNO N1)

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

   b. Ensure that all military personnel, including command selectees, flag officers, and senior executive service (SES) officials, receive training in sexual harassment prevention and response on a recurring basis, and at all levels of professional military education.

2. The Navy Sexual Harassment Prevention and Equal Opportunity Office (OPNAV N173)

   a. Develop and implement standards for holding leaders accountable for promoting, supporting, and enforcing sexual harassment prevention and response policies, plans, and programs.

   b. Develop results oriented performance measures to assess effectiveness of sexual harassment prevention and response policies and programs.

   c. Provide reports via appropriate channels as required to the Office of Diversity Management and Equal Opportunity at the Office of the Secretary of Defense.

   d. Provide overall direction, guidance, support, and oversight to CCSs and CMEO program managers.

   e. Accompany Naval Inspector General (NAVINSGEN) on area visits to review specific sexual harassment questions or issues, and to capture the unique insights of local CCSs, CMEO program managers, and others regarding sexual harassment prevention and response program performance and the concerns of individual Sailors. Provide follow-up NAVINSGEN assessment visits of echelon 2 sexual harassment prevention and response programs every 2 years and report results to the echelon 2 commander and OPNAV N17.

   f. Recognize the unique characteristics of the reserve component when establishing programs and procedures for processing sexual harassment reports involving selected reserves (SELRES) personnel.

   g. Maintain an official toll-free sexual harassment and equal opportunity 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.
h. Conduct an onsite Navy sexual harassment prevention and response brief to Navy Service specific classes at the Defense Equal Opportunity Management Institute (DEOMI) to answer concerns and questions and inform students of systemic sexual harassment trends and issues within the fleet.

i. Conduct annual face-to-face CCS certification summit in collaboration with Naval Education and Training Command (NETC). This summit must be used to reinforce this instruction, provide instruction updates, share best practices, and examine trends.

3. NAVINSGEN and Echelon 2 IG

a. Provide a summary of hotline allegations involving sexual harassment by 15 November annually to OPNAV N173. Summary must include total number of sexual harassment reports; race, sex, and ranks of the complainant(s) and alleged offender(s); number of substantiated or unsubstantiated reports; and if substantiated, the administrative or disciplinary action that resulted.

b. Provide a summary of allegations against flag officers and SES officials relating to sexual harassment by 15 November annually to OPNAV N173. Summary must include the total number of sexual harassment reports; race, sex, and ranks of the complainant(s) and alleged offender(s); number of substantiated or unsubstantiated reports; and if substantiated, the administrative or disciplinary action that resulted. NAVINSGEN is the investigative authority for all sexual harassment reports against flag officers and SES officials.

c. Include specific assessments of sexual harassment prevention and response programs in all command inspections and area visits, and ensure that subordinate IGs include sexual harassment program prevention and response assessments in their own unit-level inspection programs. Provide copies of all sexual harassment prevention and response program findings to OPNAV N173.

4. NETC

a. Function as Navy sexual harassment prevention and response training manager and developer of overall Navy training strategies from entry through executive levels.

b. Coordinate with OPNAV N173 and DEOMI to develop and maintain sexual harassment prevention and response training and curriculum as a part of Navy Service Specific training for DEOMI students.

c. Ensure that all sexual harassment prevention and response training is up-to-date with current policy and includes instructions on understanding accountability and report processing.
responsibility, informal and formal resolution options, characteristics and prevention of hostile work environments due to sexual harassment and quid pro quo sexual harassment, and the relationship between leadership and a professional command climate.

d. Ensure annual general military training (GMT) includes sexual harassment prevention and response training and grievance procedure instructions. Track and report completed GMT documented in Fleet Training Management and Planning System to OPNAV N173 on a quarterly basis.

e. Coordinate with OPNAV N173 to conduct annual face-to-face CCS certification summit. This summit must be used to reinforce this instruction, provide instruction updates, share best practices, and examine trends.

5. **Naval War College.** Ensure sexual harassment prevention and response training at Navy Leadership and Ethics Center and the Senior Enlisted Academy includes:

a. the relationship between leadership and a professional command climate;

b. instruction in understanding accountability and responsibility and sexual harassment prevention strategies;

c. the role of the CCS and CMEO program manager;

d. the methods for filing reports, what must occur when a report is filed, an explanation of the report timelines, and other external methods to seek redress; and

e. the sexual harassment investigation process and potential disciplinary actions based on substantiated sexual harassment allegations.

6. **Commander, Commanding Officer, and Officer in Charge**

a. Develop, disseminate, and enforce a sexual harassment policy statement which must include expectations regarding sexual harassment prevention and response and procedural compliance.

b. 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.

c. Ensure the command’s sexual harassment prevention and response program complies with all items cited in appendices E and F, as applicable.
d. Assist subordinate commands as necessary in their implementation of this instruction.

e. Ensure assessments and inspections of subordinate commands’ sexual harassment prevention and response programs are being conducted annually utilizing appendices E and F.

f. Ensure DON procedures for processing sexual harassment reports are prominently displayed. The Equal Opportunity Information Poster (NAVPERS 15600E) 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 sexual harassment issues. See appendix G for additional details.

g. Ensure all individuals are familiar with their right to submit an informal, formal, or anonymous sexual harassment report and the methods for submission.

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

i. Promote the chain of command as the primary and preferred channel to identify, process, and resolve reports of sexual harassment.

j. Utilize chapter 4 for the processing of formal reports. Upon receipt of a formal sexual harassment report, ensure “Sexual Harassment Report Retaliation Awareness,” appendix H, is reviewed by the complainant, alleged offender, witnesses, and the CCS or CMEO program manager.

k. Utilize chapter 5 for the processing of anonymous reports that result in an investigation.

l. Consult a CCS to provide analysis and recommendations regarding all informal, formal, and anonymous sexual harassment reports as well as any other issues that affect the command climate of a unit.

m. Track and monitor the reporting and status of the command and subordinate command’s sexual harassment reports.

n. Ensure fitness report or performance evaluation entries are made for all Service members found guilty at courts-martial, other courts of competent jurisdiction, or who receive NJP based on a violation of this instruction.

o. Ensure all formal report command investigations, and all documents pertinent to the formal report, are retained by the convening authority, general court-martial convening authority (GCMCA), or by the last commander to whom they are routed for a period of 2 years from the
time they are received. After 2 years, the entire command investigation must be sent to the Office of the Judge Advocate General (OJAG) Investigations Branch (Code 15) in line with reference (g).

p. Provide a monthly summary of anonymous sexual harassment reports that do not result in an investigation to the GCMCA.

q. Upon turnover, provide the incoming commander with a written report of all command and subordinate commands open sexual harassment report investigations.

r. Provide annual equal opportunity, sexual harassment, and grievance procedures GMT for all assigned command members. Ensure senior leadership is personally involved in the training. SELRES personnel must receive annual equal opportunity, sexual harassment, and grievance procedures training from their Navy operational support center. All SELRES personnel attached to a commissioned unit must receive annual training from their supported command.

7. CCS

a. Inform the commander of all changes to this instruction.

b. Conduct on-site or virtual assessments and inspections of subordinate commands’ CCSs annually utilizing appendix E.

c. Conduct on-site or virtual CMEO program assessments annually utilizing appendix F.

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

e. Collaborate and coordinate with the command’s deputy EEO officer and sexual assault prevention and response (SAPR) personnel to provide advice and guidance to the commander on all sexual harassment and sexual assault matters and issues that may affect the command’s climate, when applicable.

f. Ensure formal sexual harassment reports are submitted and reported within established guidance and timelines in line with reference (h) and chapter 4. Maintain a sexual harassment report log to include the date-time-group of all associated messages.

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

h. Serve as the central point of contact for all sexual harassment issues. Provide guidance and training to CMEO program managers regarding the processing of informal, formal, and anonymous sexual harassment reports utilizing chapter 3, chapter 4, or chapter 5.
i. Serve as a resource to the investigator in all sexual harassment reports and conduct a CCS formal report sufficiency review utilizing OPNAV 5354/3 Formal Report Sufficiency Review prior to final determination.

Note: Personnel who manage the sexual harassment report process (CCSs and CMEO program managers) must not be the command investigation officer. The CCS that conducted the sufficiency review must not conduct the higher level review when a member exercises his or her right to appeal the decision on a formal sexual harassment report.

j. Ensure that the complainant and alleged offender in a formal sexual harassment report are updated every 14 days on the status of the report through resolution.

k. Track and monitor the reporting and status of the command and subordinate commands’ sexual harassment reports.

l. Ensure that a follow-up debrief with the complainant in a formal sexual harassment report, to determine the level of satisfaction with the resolution of the report, has taken place no later than 45 days following the determination of the report. This must be documented via the NAVPERS 5354/2 Navy Equal Opportunity and Sexual Harassment Report or memorandum for the record (MFR) and routed to OPNAV N173 via the echelon 3 and echelon 2 CCS or CMEO program manager.

m. Coordinate administrative actions with a judge advocate assigned to the staff, the immediate superior in command (ISIC) staff, or region legal service office, IG, and staff assistants as necessary. This includes, but is not limited to, the judge advocate conducting a legal sufficiency review, consultation throughout the report investigative process, and conducting a higher level review when a member exercises his or her right to appeal the decision on a formal sexual harassment report.

n. Refer to reference (i) for the appropriate procedures when approached by a Service member who reported sexual harassment and subsequently perceives retaliation, as well as uniformed witnesses, bystanders, and first responders related to those reports who also perceive some form of retaliation for their involvement.

o. Track and monitor command and subordinate commands’ annual equal opportunity, sexual harassment, and grievance procedures GMT.

p. Provide commanders a quarterly brief and written report of the status of subordinate commands’ sexual harassment reports and required equal opportunity, sexual harassment, and grievance procedures GMT.
q. Provide a monthly summary to the commander of anonymous sexual harassment reports that do not result in an investigation.

r. Provide quarterly sexual harassment prevention and response training to subordinate CCSs and CMEO program managers. This may be accomplished by symposium attendance, video teleconference training, Defense Collaboration Services, etc.

Note: Commander, Navy Installation Command CCSs will be responsible for conducting quarterly sustainment training to area-wide CMEO program managers.

s. Liaise between the command, respective echelon 2 command, and OPNAV N173 as needed.

t. Collaborate with other CCSs and CMEO program managers on the installation.

8. CMEO Program Manager

a. Function as the single point of contact when a CCS is not assigned to the command for sexual harassment matters at the command.

b. Assess the CMEO program utilizing appendix F upon designation as the CMEO program manager and quarterly thereafter.

c. Ensure the Equal Opportunity Information Poster (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 sexual harassment issues.

d. Coordinate the processing of sexual harassment reports utilizing chapter 3, chapter 4, or chapter 5.

e. Ensure formal sexual harassment reports are submitted and reported within established guidance and timelines in line with reference (h) and chapter 4. Maintain a sexual harassment report log to include the date-time-group of all associated messages.

f. Ensure that the complainant and alleged offender in a formal sexual harassment report are updated every 14 days on the status of the report through resolution.

g. Track, monitor, report, and provide status updates on sexual harassment reports to the respective CCS from submission through resolution of the report.

h. Provide a monthly summary to the commander of anonymous sexual harassment reports that do not result in an investigation.
i. Coordinate and monitor required equal opportunity, sexual harassment, and grievance procedures GMT.

j. Attend quarterly sexual harassment prevention and response sustainment training provided by a CCS.

k. Closely coordinate with the staff, regional, strike group, installation, and CCSs, as applicable.

9. Service Members

a. Treat others with dignity and respect.

b. Promote a positive command climate within the Navy through personal example.

c. Report acts of sexual harassment as directed in reference (e), article 1137.

d. Use Navy grievance and redress procedures as applicable.

e. Be aware of the policies and procedures for filing a report in line with this instruction.

f. Prevent destructive behaviors and promote an environment of professionalism, dignity, respect, and trust for all.
CHAPTER 3
PROCEDURES FOR SUBMITTING, HANDLING, AND RESOLVING INFORMAL
SEXUAL HARASSMENT REPORTS

1. General Guidelines

a. The chain of command should be the primary and preferred channel to identify, process,
and resolve sexual harassment reports. The informal report process allows CCSs or CMEO
program managers to maintain awareness of all reports and ensures that all reports are properly
handled and resolved. The chain of command must coordinate with the CCS or CMEO program
manager to exercise leadership and to resolve the informal report without the command being
required to conduct an investigation.

b. The CCS or CMEO program manager must ensure proper documentation of all informal
reports by ensuring that the NAVPERS 5354/2 is used in the processing and handling of all
informal sexual harassment reports.

c. Any report submitted to the commander directly by the complainant for resolution must
be processed in line with the established formal report procedures.

d. If a Service member discloses he or she is a victim of sexual assault, the CCS or CMEO
program manager should refer the Service member to a sexual assault response coordinator
(SARC), deployed resiliency counselor, SAPR victim advocate (VA), unit SAPR VA, victims’
legal counsel, or healthcare personnel.

2. Complainant Responsibilities. A Service member who desires to request assistance from the
chain of command to resolve a sexual harassment report informally, must notify a member in a
position of authority in the chain of command (i.e., the leading petty officer, chief petty officer,
division officer, department head, etc.) of the report orally or in writing. Service members will
make it known to the chain of command that they wish to handle their report informally. By
electing to request the chain of command’s assistance, Service members are entrusting the chain
of command to resolve the issue in a timely and efficient manner.

3. Command Responsibility

a. The member in a position of authority in the chain of command (i.e., the leading petty
officer, chief petty officer, division officer, department head etc.) receiving the report will inform
the CCS or CMEO program manager of the informal report within 24 hours.

b. The member in a position of authority in the chain of command (i.e., the leading petty
officer, chief petty officer, division officer, department head, etc.) and the CCS or CMEO
program manager will use the informal resolution system to resolve the informal report.
c. The informal report must be documented on the NAVPERS 5354/2 by the CCS or CMEO program manager.

d. It is critical that once the chain of command is informed of an informal report that action is taken quickly to resolve the report. The informal report must be resolved within 14 days.

e. The CCS or CMEO program manager will endorse the NAVPERS 5354/2 when the report is resolved.

f. The CCS or CMEO program manager must conduct a follow-up with the complainant to ensure that retaliation has not occurred no later than 45 days after the report is closed. This follow-up must be annotated on the NAVPERS 5354/2.

g. All documents pertinent to a report that does not result in an investigation must be maintained in the CMEO program manager’s binder for 2 years. After 2 years, destroy records in line with reference (b) and local records disposition policy.
FIGURE 3-1
INFORMAL REPORT PROCESS FLOW CHART

Informal report made to a member in the chain of command (CoC)

24 hours

Inform CCS or CMEO program manager

CoC member and CCS or CMEO program manager utilize informal resolution system

14 days

CCS or CMEO program manager provided resolution, determine if further action is needed

Report resolved

No

Option to submit formal report to CCS or CMEO program manager

Yes

Informal report closed

Document on NAVPERS 5354/2, Equal Opportunity and Sexual Harassment Report Form

Note: At any time the complainant can stop this process and submit a sexual harassment formal report to the CCS or CMEO program manager.
CHAPTER 4
PROCEDURES FOR SUBMITTING, HANDLING, APPEALING, AND REPORTING
FORMAL SEXUAL HARASSMENT REPORTS

1. General Procedures

a. The chain of command is the primary and preferred channel for the identification, processing, and resolution of reports of sexual harassment. Commanders have direct responsibility for managing the report process. They must ensure that the report resolution system is clearly communicated and well understood by all personnel.

b. Individuals who believe they have experienced (or observed) sexual harassment are encouraged to report the incident to the CCS or the CMEO program manager.

c. Witnesses to sexual harassment must report offenses they observe to their chain of command, CCS, or CMEO program manager.

d. All formal allegations of sexual harassment must be reported in line with reference (h) and investigated in a fair, impartial, and prompt manner in line with reference (g).

e. Sexual harassment formal report investigations will be conducted at the local command in line with reference (g). The CCS must serve as a resource to the investigator in a sexual harassment report and conduct a CCS sufficiency review utilizing OPNAV 5354/3 prior to final determination. Before making a final determination on a formal allegation of sexual harassment, the commander who convenes the investigation into the complaint, in line with this instruction and reference (g), will submit the investigating officer’s completed report to a staff judge advocate in the chain of command. The judge advocate will provide the commander with a written legal sufficiency review and recommendations, if any, within 5 days. After final action is taken, ensure complainants and accused receive feedback consistent with the requirements of the Privacy Act, Freedom of Information Act, and other applicable laws, regulations, and negotiated agreements.

Note: Knowingly making a false official statement is a violation of reference (d), article 107.

f. Procedures for processing sexual harassment reports in a joint military environment will follow Service directives as determined by the chain of command. Navy commanders must publicize, display, and ensure understanding and execution of all pertinent DoD and Service-specific policies and programs. Personnel may obtain assistance and support from the CCS serving the joint military environment, regional CCS, or OPNAV N173.

g. When the complainant and alleged offender are assigned to different commands or Services (when all parties are not assigned to a joint military environment), the sexual
harassment report must be processed by the command or Service of the alleged offender. The complainant’s command is responsible for ensuring parts I and II of the NAVPERS 5354/2 are complete and provided to the alleged offender’s commander. The alleged offender’s command is responsible for sending detailed naval messages, in line with reference (h), upon initial report receipt through case resolution, including any subsequent appeals. If the alleged offender belongs to another Service or is a civilian, the complainant’s command is responsible for sending messages upon initial report receipt through case resolution, including any subsequent appeals. 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 report.

h. When the report includes both military and civilian personnel, the report must be processed in line with the procedures applicable to the complainant. Coordination between CCSs or CMEO program managers and civilian EEO personnel is critical.

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

j. A sexual harassment report filed via reference (d), article 138, or reference (e), article 1150, must be processed in line with reference (g).

k. If a Service member discloses he or she is a victim of sexual assault, the CCS or CMEO program manager must refer the Service member to a SARC, deployed resiliency counselor, SAPR VA, unit SAPR VA, victims’ legal counsel, or healthcare personnel.

2. Complainant Responsibilities

a. The preferred method of filing a formal sexual harassment report is by submitting a NAVPERS 5354/2. Other report options include (but are not limited to):

(1) filing a reference (e), article 1150, Redress of Wrong Committed by a Superior (other than the Commander),

(2) filing a reference (d), article 138, Complaints of Wrongs against the Commander,

(3) filing a NAVPERS 1626/7 Report and Disposition of Offense(s),

(4) contacting the IG which includes echelon 2 IGs and the NAVINSGEN,
(5) communicating with elected officials, under reference (e), article 1155, and

(6) any other means of communication that the commander deems appropriate.

b. A report must 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 reports beyond this time frame if, in their judgment, circumstances warrant.

c. A report may not be joined with the reports 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 report against each alleged offender, not against a group such as “the chain of command.”

3. Command Responsibility

a. Personnel receiving a formal sexual harassment report must notify the commander or other designated authority within 24 hours of receipt.

b. Personnel receiving a formal sexual harassment report must notify the servicing CCS within 24 hours after notifying the commander.

c. Refer all sexual harassment reports against flag officers or SES officials to NAVINSNGEN.

d. Ensure all personnel are aware of command and shore based assistance available to those who need help in processing sexual harassment reports. This assistance includes access to legal counsel, CCSs, to include region and installation CCSs, CMEO program managers, and the Navy Sexual Harassment and Equal Opportunity Advice Line.

e. Identify available counseling support or referral services for all personnel involved in incidents of sexual harassment. These services include access to legal counsel, CCSs, CMEO program managers, and the Navy Sexual Harassment and Equal Opportunity Advice Line.

f. The commander must initiate a command investigation, as appropriate.

Note: The ISIC must conduct the investigation if the report is against the commander.

(1) To the extent practicable the investigation must commence within 72 hours of report submission. The investigating officer must be senior to the complainant and the alleged offender. A CCS must serve as a resource to the investigator in a sexual harassment report and conduct a CCS sufficiency review utilizing OPNAV 5354/3 prior to final determination. Commands that do not have a CCS assigned within their reporting chain of command must
contact OPNAV N173 for a list of CCSs. Before making a final determination on a formal allegation of sexual harassment, the commander who convenes the investigation into the complaint, in line with this instruction and reference (g), will submit the investigating officer’s completed report to a staff judge advocate in the chain of command. The judge advocate will provide the commander with a written legal sufficiency review and recommendations, if any, within 5 days. 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 or by MFR.

Note: When other formal report options are used to report allegations of sexual harassment, all parts of the NAVPERS 5354/2 (with the exception of part I) must be completed by the CCS or CMEO program manager to document actions taken by the commander to resolve the report. Ensure a copy of the NAVPERS 5354/2 is forwarded to OPNAV N173 via the echelon 3 and echelon 2 CCS or CMEO program manager within 96 hours after report resolution. This may be accomplished via e-mail: MILL_NavyEOAdvice@navy.mil.

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

(3) A naval message describing the situation must be sent in line with reference (h).

(4) Upon receipt of a formal report, ensure a copy of the NAVPERS 5354/2, with parts I through III completed, is forwarded to OPNAV N173 via the echelon 3 and echelon 2 CCS or CMEO program manager within 96 hours. This may be accomplished via e-mail: MILL_NavyEOAdvice@navy.mil.

(5) Upon receipt of a formal sexual harassment report, ensure appendix H is reviewed by the complainant, alleged offender, witnesses, and the CCS or CMEO program manager.

(6) To the extent practicable, the investigation of the report must be completed no later than 14 days from the date the investigation commenced. A commander receiving a sexual harassment report must submit a final report, in line with reference (j), 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 report is not resolved within 20 days of the commencement of the investigation, submit a report on the progress made to the ISIC within 20 days after the date the investigation commenced and every 14 days thereafter until the investigation is completed. Upon completion of the investigation, submit a final report on the results of the investigation including any action taken as a result of the investigation to the ISIC. Formal sexual harassment reports must be investigated and resolved within 60 days of filing the report. In the case of reports filed by a SELRES or in which a SELRES is the subject of the report (a “Reserve report”), resolution of formal reports should be completed within 120 days of filing the report. The alleged offender’s command is responsible for sending messages upon
(7) After final determination, 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 report has been resolved and informed of their right to appeal the decision. This must be documented on the NAVPERS 5354/2. The complainant and the alleged offender must be informed that the appeal must be made within 7 calendar days of notification. Every effort must be made to notify SELRES personnel within 7 calendar days of report resolution. If notification in person has not occurred after 7 calendar days, 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.

(8) When requested, the command must provide a redacted copy of the investigating officer’s final report (as directed by the Privacy Act of 1974 and other applicable laws and regulations) to the complainant and alleged offender. 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.

(9) Forward a copy of all completed sexual harassment report investigations, with endorsements, to the respective echelon 2 or echelon 3 commander via the ISIC.

(10) Commanders must conduct a follow-up debrief with the complainant no later than 45 days following the determination of the report. For reports involving SELRES personnel, 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 report, a determination of complainant 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 N173 via the echelon 3 and echelon 2 CCS or CMOE program manager within 96 hours of debrief completion.

(11) All command investigations 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. After 2 years, the entire command investigation must be sent to OJAG (Code 15) in line with reference (g).

g. If the report alleges or results in a hostile work environment determination, commanders will, when possible, temporarily relocate party(s), without prejudice, during the course of the
investigation. However, commanders should give consideration to the complainant’s preference, when possible. Transfer of the party(s) involved must not be considered by the commander to be a resolution of the report.

h. Regardless of the outcome of the investigation (substantiated or unsubstantiated), leaders at all levels will not tolerate acts of retaliation, intimidation, or discrimination in response to the filing of a sexual harassment report, and will take immediate action to identify, prevent, and stop all forms of retaliation within the 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 report).

i. In the event a report is initially reported as a sexual assault incident and is later re-characterized as a sexual harassment incident by the proper authorities investigating the incident, the reporting and processing requirements of handling a sexual harassment report 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.

j. Part III of the NAVPERS 5354/2 must be used to document actions taken by the commander to resolve the sexual harassment incident and notification of involved parties. Ensure a copy of the NAVPERS 5354/2 is forwarded to OPNAV N173 via the echelon 3 and echelon 2 CCS or CMEO program manager within 96 hours. This may be accomplished via e-mail: MILL_NavyEOAdvice@navy.mil.

4. Appeal Process

a. Either the complainant or the alleged offender of the report may appeal the decision on a formal report. There are two levels of appeal, of which neither is automatic. Each appeal must be affirmatively requested by either the complainant or the alleged offender to the report. In addition to the report form, 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. Both parties must initial the NAVPERS 5354/2, as applicable, to declare or decline the request for a review.

b. The first appeal of a decision on a formal sexual harassment report will be to the echelon 2 commander of the command where the report was investigated and adjudicated. This appeal must be requested within 7 days of the notice of the determination on the NAVPERS 5354/2. For SELRES personnel the request for an appeal must be made within one drill cycle or the report will be considered closed. The echelon 2 CCS must collaborate on the higher level review utilizing OPNAV 5354/4 Formal Report Higher Level Review. Review of the initial appeal must be completed within 30 calendar days of receipt of the appeal.
Note: The CCS that conducted the sufficiency review must not conduct the higher level review when a member exercises his or her right to appeal the decision on a formal sexual harassment report.

c. If a further appeal is requested, the final resolution of an appeal on a formal report will rest with SECNAV or his or her designee. Once requested, the GCMCA will forward the report and all documents pertinent to the report 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 of the report or the report will be considered closed. An appeal requested after 30 days may be returned as untimely, unless unusual circumstances justify the delay.

d. 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.

e. Both the initial and final appellate authority may determine whether the initial report or the appeal was made in good faith, and if not, take appropriate corrective measures, including punitive ones.
FIGURE 4-1
FORMAL REPORT PROCESS FLOW CHART

Submit formal report to CCS or CMEO program manager

Review retaliation awareness

Voice and message reports

Notify the CCS (24 hours)

Provide to commander

Commence investigation

Voice and message reports

Notify the CCS (24 hours)

CCS and legal sufficiency review

Commander determination

Notify complainant and alleged offender

Debrief complainant and alleged offender

Report closed

Conduct follow-up with complainant no later than 45 days after report closed

Appeal

Yes

Higher level review and determination

No

Notification

7 days (first)

60 days

24 hours

72 hours

30 days (final)

24 hours

72 hours

60 days

Note: There are two levels of review. The first will be to the echelon 2 commander of the command where the report was submitted. The final will be to SECNAV.
CHAPTER 5  
PROCEDURES FOR SUBMITTING, HANDLING, APPEALING, AND REPORTING  
ANONYMOUS SEXUAL HARASSMENT REPORTS  

1. General Guidelines

   a. Anonymous sexual harassment reporting procedures are established in order to encourage  
      the reporting of sexual harassment allegations or incidents.

   b. An anonymous report is described as information received by the commander, regardless  
      of the means of transmission, from an unknown or unidentified source, that includes allegations  
      of sexual harassment. The individual reporting the information is not required to divulge any  
      personally identifiable information.

   c. Anonymous reports may be communicated by several means, including, but not limited  
      to, the Navy Sexual Harassment and Equal Opportunity Advice Line, e-mail, or official  
      telephone lines.

   d. If a Service member discloses he or she is a victim of sexual assault, the CCS or CMEO  
      program manager must refer the Service member to a SARC, deployed resiliency counselor,  
      SAPR VA, unit SAPR VA, victims’ legal counsel, or healthcare personnel.

2. Command Responsibility

   a. The CCS or CMEO program manager must be notified of anonymous reports within 24  
      hours of receipt. The CCS or CMEO program manager must consult with the commander within  
      24 hours upon receipt of the anonymous report to determine further actions regarding the  
      allegations.

   b. If the anonymous report contains sufficient information (e.g., who, what, when, where,  
      desired outcome, unit of assignment for the alleged offender and the complainant) to permit the  
      initiation of an investigation, the investigation must be initiated by the commander as outlined in  
      paragraph 3 of chapter 4.

   Note: When the anonymous report results in an investigation all parts of the NAVPERS  
5354/2 (with the exception of part I) must be completed by the CCS or CMEO program  
manager to document actions taken by the commander to resolve the report. Ensure a  
copy of the NAVPERS 5354/2 is forwarded to OPNAV N173 via the echelon 3 and  
echelon 2 CCS or CMEO program manager within 96 hours after report resolution. This  
may be accomplished via e-mail: MILL_NavyEOAdvice@navy.mil.
c. Service members may appeal the decision on an anonymous report. An appeal on an anonymous report must follow the procedures outlined in paragraph 4 of chapter 4.

d. If the anonymous report does not contain sufficient information to permit the initiation of an investigation, the individual making the anonymous report should be notified, if possible, and the information must be documented in an MFR and maintained on file for 3 years for future reference in the central point of contact office responsible for processing sexual harassment reports. The MFR must contain the following information: date and time the information was received, details of the allegations, and other pertinent information.

e. The commander must provide a monthly summary of anonymous sexual harassment reports that do not result in an investigation to the GCMCA.

f. Procedures for processing anonymous reports of sexual harassment occurring in confinement facilities and involving military inmates will adhere to the Prison Rape Elimination Act, part 115.51 of Title 28, Code of Federal Regulations.
CHAPTER 6
TRAINING

1. **Training.** Commanders determine how best to accomplish sexual harassment prevention and response training and must ensure it meets the requirements of this instruction and their command. The best method to conduct effective sexual harassment prevention and response training is through small group discussions and scenario based training with the CCS as a facilitator. The training should be embedded in leadership development, and there should be personal involvement by the commander.

2. **Command Indoctrination Program.** All commands should include sexual harassment prevention and response training within the command indoctrination program. Training should consist of an overview of the command's sexual harassment prevention and response policies and procedures, to include the informal, formal, and anonymous report processes, instruction in understanding accountability and responsibility, characteristics and prevention of hostile work environments due to sexual harassment and quid pro quo sexual harassment, and the relationship between leadership and a professional command climate. During training, personnel should be provided information on how to contact the CCS and the CMEO program manager. Personnel should also be provided with the Navy Sexual Harassment and Equal Opportunity Advice Line number and an explanation for its use.

3. **Annual Sexual Harassment Training.** All Navy personnel will receive training to include the informal, formal, and anonymous report processes, instruction in understanding accountability and responsibility, characteristics of and prevention of hostile work environments due to sexual harassment and quid pro quo sexual harassment, and the relationship between leadership and a professional command climate. To the extent practicable, commanders are encouraged to schedule sexual harassment prevention and response and sexual assault prevention and response training concurrent with one another.

4. **Leadership Training.** This training is critical to ensure personnel fully understand the importance of identifying and eliminating sexual harassment and how it undermines our leadership abilities and affects 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. Instruction should be appropriate to the rank and experience of the attendees.
   
   a. **Senior Enlisted Training.** The focus should be educating the first class petty officer and above paygrades on this instruction.

   b. **Officer Training Command, USNA, NROTC, and Recruit Training Command.** This training provides an introduction to the Navy’s instruction on sexual harassment prevention and response.
5. **CMEO Program Manager Training.** CMEO program managers must attend the CMEO course (A-500-0009) delivered by NETC. This training is designed to prepare CMEO program managers to manage the command’s sexual harassment prevention and response objectives for their commander.

6. **Sustainment Training.** All CCSs and CMEO program managers must receive quarterly sustainment training conducted by a CCS. Echelon 2 CCSs will provide quarterly training to echelon 3 and 4 CCSs. This training must be used to reinforce this instruction, provide sexual harassment objectives updates, and examine command trends.

7. **Annual Certification Training.** All CCSs must attend annual certification training conducted face to face by OPNAV N173 in collaboration with NETC. This training must be used to reinforce this instruction, provide instruction updates, share best practices, and examine trends.

8. **Leadership Training Awareness Seminar (LTAS).** Senior leaders may consider attending the one 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, equal opportunity and EEO in order to gain an understanding of their impacts on unit cohesion and mission effectiveness. Seats for the DEOMI LTAS are limited.
APPENDIX A
REFERENCES


(b) SECNAV M-5210.1 of Jan 2012

(c) SECNAVINST 5300.26D

(d) Uniform Code of Military Justice (UCMJ)

(e) U.S. Navy Regulations, 1990

(f) SECNAVINST 5370.7D

(g) JAGINST 5800.7F

(h) OPNAVINST F3100.6J (NOTAL)

(i) DoD Retaliation Prevention and Response Strategy Implementation Plan, January 2017

(j) 10 U.S.C.

APPENDIX B
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 report.

2. Appropriate Authority: To qualify for protection under reference (f), a protected communication must be made to:
   a. a member of Congress;
   b. an IG, as defined in reference (f);
   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. 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, commanding officer, or officer in charge who functions as the single point of contact when a CCS is not assigned to the command for sexual harassment issues within the command.

4. 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 9515. CCSs provide oversight, training, and assist visits to subordinate and area CCSs and CMEO program managers. A CCS is the subject matter expert for the commander, commanding officer, or officer in charge (hereafter referred to as commander) on the DEOMI organizational climate survey (DEOCS), command climate assessments, and the handling and processing of harassment, sexual harassment, and unlawful discrimination reports. Assigned CCSs strengthen the chain of command by keeping the leadership team aware of existing or potential equal opportunity related issues to include harassment, sexual harassment, and unlawful discrimination, 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 DEOMI instructor billets.
5. **Complainant.** A Service member who is offended or harassed by someone’s behavior that is sexual in nature who submits informal, formal, or anonymous allegations of sexual harassment.

6. **Criminal Offense.** An act or omission punishable under reference (d), or other Federal, State, or local criminal law.

7. **Defense Equal Opportunity Management Institute (DEOMI).** A United States DoD joint services school responsible for developing and conducting education and training in the administration of military equal opportunity (MEO), EEO, human relations, and diversity.

8. **Determination.** Decision made on a formal sexual harassment report (i.e., substantiated or unsubstantiated).

9. **Hostile Work Environment.** An environment which prevents members from functioning to their full capacity, free of unlawful discrimination, harassment, and sexual harassment. 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.

10. **Informal Resolution System.** A recommended technique for resolving informal sexual harassment reports.

11. **Joint Military Environment.** Includes joint commands, joint bases, defense agencies, and joint field activities that involve more than one branch of Service.

12. **Legal Sufficiency Review.** A review of an investigation into a formal report of sexual harassment 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 matters complained of;

   c. the evidence supports the findings of the investigating officer or board;

   d. the conclusions and recommendations of the investigating officer or board are consistent with the findings; and

   e. any errors or irregularities exist, and if so, their legal effect, if any.
13. **Protected Communication**

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

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

   (2) a communication in which a Service member complains of, or discloses to appropriate authority such information that the member reasonably believes constitutes evidence of, any of the acts listed in subparagraphs 13a(2)(a) through 13a(2)(c).

   (a) Any violation of law or regulation, including any criminal offense as that term is defined in reference (f), a law or regulation prohibiting rape, sexual assault, or other sexual misconduct in violation of reference (j), sections 920 through 920c (articles 120 through 120c of reference (d)), harassment, sexual harassment, or unlawful 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.

b. Such communications must not be excluded from the protections provided in reference (f) or reference (j), section 1034 (the Whistleblower Act, as amended through National Defense Authorization Act for Fiscal Year 2014), because:

   (1) the communication was made to a person, who participated in an activity that the member reasonably believed to be covered by subparagraph 13a;

   (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; or

   (6) the communication was made during the member’s normal course of duties of the member.
c. Providing testimony, or otherwise participating or assisting in an investigation or proceeding related to a protected communication, or filing, causing to be filed, participating in, or otherwise assisting in an action brought under reference (j), section 1034, or reference (k) also is a form of communication protected by reference (j), section 1561.

14. Reasonable Person Standard. An objective test used to determine if behavior meets the legal test for sexual harassment. The test requires a hypothetical exposure of a reasonable person to the same set of facts and circumstances. If the behavior would have been offensive to a reasonable person, then the test is met. The reasonable person standard considers the complainant's perspective and does not rely upon stereotyped notions of acceptable behavior within that particular work environment.


a. Informal Report. An allegation of sexual harassment 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 Report. An allegation of sexual harassment that is submitted in writing via a NAVPERS 5354/2; reference (d), article 138; reference (e), article 1150; communication to NAVINSGEN or elected officials; NAVPERS 1626/7; and any other communication the commander deems appropriate.

c. Anonymous Report. Information received by the commander of the organization, regardless of the means of transmission, from an unknown or unidentified source, which includes allegations of sexual harassment. The individual reporting the information is not required to divulge any personally identifiable information.

16. Reprisal. Taking or threatening to take an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, for making or preparing to make a protected communication. Making or threatening to make a significant change in the duties or responsibilities of a Service member not commensurate with the member’s grade is also prohibited.

17. Retaliation

a. Retaliation against a Service member is one of the actions listed in subparagraphs 17a(1) through 17a(3) when taken because that member reported, either formally or informally, a criminal offense.

(1) Taking or threatening to take an unfavorable or adverse personnel action, or withholding or threatening to withhold a favorable personnel action.
(2) Ostracism, which is the exclusion from social acceptance, privilege, or friendship with intent to discourage reporting of a criminal offense or otherwise discourage the due administration of justice.

(3) Maltreatment, which is 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 (d), article 93.

b. This regulatory definition expands the minimum requirements of the definition set forth in reference (k) by extending the prohibition to “unfavorable” as well as “adverse” personnel actions. This expansion renders the personnel actions prohibited by reference (k) identical to those personnel actions prohibited by reference (j), section 1034. Consequently, all the procedural requirements for processing alleged reprisal under reference (j), section 1034, will apply to the processing of alleged retaliatory personnel actions under reference (k). Allegations of retaliation in the form of ostracism or maltreatment prohibited by reference (k) will be referred to the appropriate command for action except in those circumstances where IGs, in their discretion, determine the allegations should be handled by an IG.

18. Sexual Harassment Formal Report Higher Level Review (OPNAV 5354/4). A level of review initiated when a member exercises his or her right to appeal the decision on a formal sexual harassment report. The initial higher level review will be conducted by echelon 2 commander of the command where the report was investigated and adjudicated.

19. 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 sexual harassment or unacceptable behavior.

20. Third Party. One approached by the complainant(s), alleged offender(s), or who has observed sexual harassment or unacceptable behavior.

21. Witness. One who can give an account of information regarding a report of sexual harassment.
# APPENDIX C

## ABBREVIATIONS AND ACRONYMS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>CCS</td>
<td>command climate specialist</td>
</tr>
<tr>
<td>CMEO</td>
<td>command managed equal opportunity</td>
</tr>
<tr>
<td>DEOMI</td>
<td>Defense Equal Opportunity Management Institute</td>
</tr>
<tr>
<td>DEOCS</td>
<td>Defense Equal Opportunity Management Institute organizational climate survey</td>
</tr>
<tr>
<td>DoD</td>
<td>Department of Defense</td>
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<tr>
<td>DON</td>
<td>Department of the Navy</td>
</tr>
<tr>
<td>EEO</td>
<td>equal employment opportunity</td>
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<tr>
<td>GCMCA</td>
<td>general court-martial convening authority</td>
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<tr>
<td>GMT</td>
<td>general military training</td>
</tr>
<tr>
<td>IG</td>
<td>inspector general</td>
</tr>
<tr>
<td>ISIC</td>
<td>immediate superior in command</td>
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<tr>
<td>LTAS</td>
<td>leadership team awareness seminar</td>
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<tr>
<td>MEO</td>
<td>military equal opportunity</td>
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<tr>
<td>MFR</td>
<td>memorandum for the record</td>
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<tr>
<td>NAVINSGEN</td>
<td>Naval Inspector General</td>
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<tr>
<td>NETC</td>
<td>Naval Education and Training Command</td>
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<tr>
<td>NJP</td>
<td>non-judicial punishment</td>
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<tr>
<td>NROTC</td>
<td>Naval Reserve Officer Training Corps</td>
</tr>
<tr>
<td>Acronym</td>
<td>Description</td>
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<td>---------</td>
<td>--------------------------------------------------</td>
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<tr>
<td>OJAG</td>
<td>Office of the Judge Advocate General</td>
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<tr>
<td>SARC</td>
<td>sexual assault response coordinator</td>
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<tr>
<td>SAPR</td>
<td>sexual assault prevention and response</td>
</tr>
<tr>
<td>SAPR VA</td>
<td>sexual assault prevention and response victim advocate</td>
</tr>
<tr>
<td>SECNAV</td>
<td>Secretary of the Navy</td>
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<tr>
<td>SELRES</td>
<td>Selected Reserves</td>
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<tr>
<td>SES</td>
<td>Senior Executive Service</td>
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<tr>
<td>UCMJ</td>
<td>Uniform Code of Military Justice</td>
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<tr>
<td>USNA</td>
<td>United States Naval Academy</td>
</tr>
<tr>
<td>VA</td>
<td>victim advocate</td>
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</tbody>
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APPENDIX D
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, and officers in charge (hereafter referred to as commanders) must be informed immediately, within 24 hours, of any formal sexual harassment report 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 utilizing 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 sexual harassment. Utilizing 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 effect of the behavior? Was the behavior acceptable or unacceptable? 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 problem.

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

b. Alleged Offender

(1) Evaluate. What exactly happened? What was the effect of the behavior? 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 effect of the behavior? 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 report system if the informal resolution system cannot resolve the problem. 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 effect of the behavior? 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 utilize the formal report 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 problem. 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 report 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 report options.

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

5. **Commander Responsibilities under the Informal Resolution System**

   a. Sets the example.

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

   c. Keeps an open mind. Listens and does not filter.

   d. Does not ignore the behavior.

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

   (1) Determines if the informal resolution system has been used. If not, encourages its use if appropriate.
(2) Does not intervene when conflict is being appropriately resolved by those involved.

(3) Intervenes when necessary. Gets involved when:

(a) unacceptable behavior is observed; and

(b) made aware of a situation that cannot be resolved.

(4) Takes or supports actions to reach resolutions. Provides resource materials as appropriate.

(5) In all cases, follows-up and provides feedback to the individuals involved.

(6) Reports and takes action on all collateral misconduct that is discovered in addition to sexual harassment, such as hazing, and inform the appropriate authorities.

(7) Avoids further traumatizing the complainant, e.g., if personnel need to be physically separated, whenever feasible, move the alleged offender, not the complainant.

(8) Makes referrals to support services as warranted.
APPENDIX E
COMMAND CLIMATE SPECIALIST CHECKLIST

To ensure the basic systems are in place at the echelon 2 level and below, this checklist is provided as a tool to assist in the evaluation of the command climate specialist (CCS) in the execution of his or her responsibilities.

1. Does the CCS inform the commander of all changes to OPNAVINST 5300.13?
   - Yes
   - No

2. Does the CCS conduct onsite or virtual assessments and inspections of subordinate commands’ CCSs annually?
   - Yes
   - No

3. Does the CCS conduct on-site or virtual command managed equal opportunity (CMEO) program assessments and inspections of subordinate commands’ annually utilizing appendix F of OPNAVINST 5300.13?
   - Yes
   - No

4. Does the CCS provide assist visits and training to the command and subordinate commands as requested or required?
   - Yes
   - No

5. Does the CCS collaborate and coordinate with the command’s deputy equal employment opportunity officer and the sexual assault response coordinators to provide advice and guidance to the commander on all sexual harassment matters as well as issues that may affect the commands climate, when applicable?
   - Yes
   - No

6. Does the CCS submit and report formal sexual harassment reports within established guidance and timelines in line with reference (h) and chapter 4 of OPNAVINST 5300.13?
   - Yes
   - No

7. Does the CCS maintain a sexual harassment report log to include the date-time-group of all associated messages?
   - Yes
   - No

8. Does the CCS provide assistance, advice, and training regarding conflict resolution and grievance or redress procedures?
   - Yes
   - No

9. Does the CCS serve as the central point of contact for all sexual harassment issues?
   - Yes
   - No

10. Does the CCS provide guidance and training to CMEO program managers regarding the processing of informal, formal, and anonymous sexual harassment reports utilizing chapter 3, chapter 4, or chapter 5 of OPNAVINST 5300.13?
    - Yes
    - No
11. Does the CCS serve as a resource to the investigators in all sexual harassment reports? □ Yes □ No

12. Does the CCS conduct a CCS sufficiency review prior to final determination? □ Yes □ No

13. Does the CCS ensure that the complainant and alleged offender in a formal sexual harassment report are updated on the status of the report every 14 days through resolution? □ Yes □ No

14. Does the CCS track and monitor the reporting and status of the command and subordinate commands’ sexual harassment reports? □ Yes □ No

15. Does the CCS ensure that a follow-up debrief with the complainant to determine the level of satisfaction with the resolution of the report takes place no later than 45 days following the determination of the report? □ Yes □ No

16. Does the CCS document the follow-up debrief via the NAVPERS 5354/2 or memorandum for the record and route to the Navy Sexual Harassment Prevention and Equal Opportunity Office (OPNAV N173) via the echelon 3 and echelon 2 CCS or CMO program manager? □ Yes □ No

17. Does the CCS maintain all formal report command investigations and all documents pertinent to the formal report for 2 years? □ Yes □ No

18. Does the CCS maintain all documents pertinent to an informal report for 2 years? □ Yes □ No

19. Does the CCS coordinate administrative actions with a judge advocate assigned to the staff, ISIC, or region legal service office, IG, and staff assistants as necessary? □ Yes □ No

20. Does the CCS track and monitor command’s and subordinate commands’ annual equal opportunity, sexual harassment, and grievance procedures GMT? □ Yes □ No

21. Does the CCS provide the commander a quarterly brief and written report of the status of subordinate command’s sexual harassment reports and required equal opportunity, sexual harassment, and grievance procedures GMT? □ Yes □ No

22. Does the CCS provide a monthly summary to the commander of anonymous sexual harassment reports that do not result in an investigation? □ Yes □ No
23. Does the CCS provide quarterly sexual harassment prevention and response training to subordinate CCSs and CMEO program managers?  □ Yes  □ No

24. Does the CCS liaise between his or her command, his or her respective echelon 2 command and OPNAV N173 as needed?  □ Yes  □ No

25. Does the CCS collaborate with other CCSs and CMEO program managers on the installation?  □ Yes  □ No

26. Is the CCS consulted on higher level reviews when a member has exercised his or her right to appeal the decision on a formal sexual harassment report?  □ Yes  □ No
APPENDIX F

COMMAND MANAGED EQUAL OPPORTUNITY PROGRAM MANAGER CHECKLIST

To ensure the basic systems are in place to promote a positive command climate, as a minimum, the following must be accomplished:

1. Does the CMEO program manager function as the single point of contact when a CCS is not assigned to the command for sexual harassment matters at the command?  □ Yes  □ No

2. Does the CMEO program manager assess the CMEO program utilizing appendix F of OPNAVINST 5300.13 upon designation as the CMEO program manager and quarterly thereafter? □ Yes  □ No

3. Does the CMEO program manager coordinate the processing of sexual harassment reports utilizing chapter 3, chapter 4, or chapter 5 of OPNAVINST 5300.13? □ Yes  □ No

4. Does the CMEO program manager ensure formal sexual harassment reports are submitted and reported within established guidance and timelines in line with reference (h) and chapter 4 of OPNAVINST 5300.13? □ Yes  □ No

5. Does the CMEO program manager maintain all formal report command investigations and all documents pertinent to the formal report for 2 years? □ Yes  □ No

6. Does the CMEO program manager maintain all documents pertinent to an informal report in the CMEO program manager’s binder for 2 years. □ Yes  □ No

7. Does the CMEO program manager maintain a sexual harassment report log to include the date-time-group of all associated messages? □ Yes  □ No

8. Does the CMEO program manager ensure that the complainant and alleged offender in a formal sexual harassment report are updated every 14 days on the status of the report through resolution? □ Yes  □ No

9. Does the CMEO program manager track, monitor, report, and provide status updates on sexual harassment reports to the respective CCS from submission through resolution of the report? □ Yes  □ No

10. Does the CMEO program manager provide a monthly summary to the commander of anonymous sexual harassment reports that do not result in an investigation? □ Yes  □ No

11. Does the CMEO program manager coordinate and monitor required equal opportunity, sexual harassment, and grievance procedures GMT? □ Yes  □ No
12. Does the CMEO program manager attend quarterly sexual harassment prevention and response sustainment training provided by a CCS?  ☐ Yes  ☐ No

13. Does the CMEO program manager closely coordinate with the staff, regional, strike group, installation, and CCSs, as applicable?  ☐ Yes  ☐ No
APPENDIX G
SEXUAL HARASSMENT RESOURCES

1. **Navy Equal Opportunity Web site**
   

2. **Address**

   Sexual Harassment Prevention and Equal Opportunity Office
   5720 Integrity Drive
   Building 457 Room 59
   Millington, TN 38055

3. **DoD Issuances**

   http://www.esd.whs.mil/DD/DoD-Issuances/

4. **DON Issuances**


5. **Survey Tools**

   a. **DEOCS.** This survey is available to commanders from the research division of DEOMI and may be obtained through their Web site at http://www.deocs.net/public/index.cfm.

   b. **Command Assessment Team Information Guide (NAVEDTRA 7542).**


7. **The Sexual Harassment and Equal Opportunity Advice Line.** Provides information on how and where to file reports and what kinds of behaviors constitute harassment, sexual harassment, and unlawful discrimination. This is also an avenue to file anonymous sexual harassment reports. 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_NavyEOAdvice@navy.mil. DON civilians are advised to consult the appropriate servicing EEO office.

8. **Sexual Harassment Training.** DEOMI offers several courses in equal opportunity and EEO. Course description and enrollment guidance can be found at http://www.deomi.org/.
9. **DEOMI Web site.** Provides support materials designed to assist with conducting special observances, sexual harassment prevention training, equal opportunity related publications, guidance, and various Web site links. The DEOMI Web site can be accessed at [https://www.deomi.org/](https://www.deomi.org/).

10. **List of Applicable and Helpful Resources**


    c. DoD Directive 7050.06, Military Whistleblower Protection, 17 April 2015

    d. SECNAV M-5200.35, Department of the Navy Manager’s Internal Control Manual, June 2008

    e. SECNAV M-5210.1, Department of the Navy Records Management Program, January 2012


    g. SECNAVINST 5300.26D, Department of the Navy Policy on Sexual Harassment

    h. SECNAVINST 5350.15C, Department of the Navy Core Values Charter and Ethics Training

    i. SECNAVINST 5350.16A, Equal Opportunity within the Department of the Navy

    j. SECNAVINST 5354.2, Department of the Navy Equal Opportunity, Equal Employment Opportunity, and Diversity Oversight

    k. SECNAVINST 5370.7D, Military Whistleblower Protection

    l. OPNAVINST 3120.32D, Standard Organization Regulations of the U.S. Navy

    m. OPNAVINST F3100.6J, Special Incident Reporting (OPREP-3 Pinnacle, OPREP-3 Navy Blue, and OPREP-3 Navy Unit SITREP) Procedures

    n. JAGINST 5800.7F, Manual of the Judge Advocate General
APPENDIX H
SEXUAL HARASSMENT REPORT RETALIATION AWARENESS

1. This retaliation awareness document is for a sexual harassment report. The chain of command of the complainant, the chain of command of the alleged offender, the alleged offender, and any witnesses must be made aware of this retaliation awareness document.

2. All Service members and DON personnel who make a protected communication must be free from retaliation or reprisal as defined in appendix B.

3. The chain of command of the complainant and the chain of command of the alleged offender must 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 NAVINSGEN, (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 report. The complainant should notify his or her supervisor, CCS, CMEO program manager, or commander, commanding officer, or officer in charge 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 report.