DEPARTMENT OF THE NAVY
NAVAL AIR SYSTEMS COMMAND
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IN REPLY REFER TO

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MEMORANDUM FOR ALL HANDS

From: Commander, Naval Air Systems Command

Subj: PREVENTION OF SEXUAL HARASSMENT POLICY STATEMENT

Encl: (1) NAVAIR Plan for the Prevention of Sexual Harassment

1. Sexual harassment is an illegal, disruptive, and degrading form of behavior that only serves to undermine the integrity and the productivity of employees in the workplace. This type of behavior will not be tolerated in the Naval Air Systems Command. As Commander, I am personally committed to providing each of you a work environment that is free from sexual harassment and other inappropriate behavior. All civil service and military members of our work force will be treated fairly with dignity and respect. Enclosure (1) further defines my policy and will be adhered to by all hands.

2. Sexual harassment is a form of discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

a. submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or;

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 interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

3. Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay or job of a military member or civil service employee is engaging in sexual harassment. Similarly, any military member or civil service employee who makes deliberate or repeated unwelcome verbal comments, gestures or physical contact of a sexual nature is also engaging in sexual harassment.

4. Inappropriate workplace behavior may consist of jokes or remarks of a sexual nature. While this behavior might not meet the legal definition of sexual harassment, it is inappropriate in the work environment and will not be tolerated at this Command.

5. I encourage any individual who believes that they have been sexually harassed, or offended by sexually inappropriate behavior, to make it clear to the offender that such behavior is offensive, unwelcome and is not to be repeated. If the objectionable behavior continues, the individual should report the incident to the appropriate supervisory level via the internal chain of command. If the individual encounters any problem pursuing the allegation through his/her internal chain of command, there are a number of other options to consider for reporting the incident, including:

a. for advice and/or to pursue an allegation of sexual harassment via the discrimination complaint process, civil service employees should contact the local servicing Equal Employment Opportunity (EEO) office. Military personnel should consult with their local Equal Opportunity (EO) office;

b. the Department of the Navy has established a toll-free sexual harassment advice and counseling telephone line. This is strictly an advice line and not an investigative or reporting mechanism, nor is it meant to take the place of the chain of command or the discrimination complaint process. The number is 1-800-253-0931 or DSN 882-2507; and

c. to report incidents of sexual harassment for outside investigation, contact the Navy Inspector General's Office at 1-800-522-3451.

6. ***Once a supervisor is informed of an incident of alleged sexual harassment, the supervisor will immediately inform and consult with the appropriate EEO office***. Military personnel should consult with their EO office. All supervisors will report any incidents of alleged sexual harassment to the EEO office ***whether or not they are resolved informally***. For further procedural/policy guidance, contact the local servicing EEO or EO office.

W. B. MASSENBURG

NAVAL AIR SYSTEMS COMMAND

PLAN FOR THE PREVENTION OF SEXUAL HARASSMENT

1. Policy Statement. The ability of the Naval Air Systems Command (NAVAIR) to support the mission of the United States Navy depends on every member of the Command. NAVAIR is committed to providing all employees a work environment free from unlawful discriminatory practices and inappropriate behavior. As with all forms of unlawful discrimination, sound leadership is the cornerstone to eradicating sexual harassment. The following is NAVAIR's policy on sexual harassment:

a. Sexual harassment in any form is prohibited and will not be tolerated. All NAVAIR personnel will be provided a work environment free from sexual harassment.

b. NAVAIR will educate and train all new personnel within 90 days of reporting on board and annually thereafter in the areas of identification, prevention, resolution, and elimination of sexual harassment.

c. NAVAIR will ensure that all personnel are aware of the different avenues of redress available to the individual who believes that he/she was sexually harassed. Managers and supervisors will foster a Command climate that will not tolerate acts of harassment, reprisal, or intimidation.

d. All reported incidents of sexual harassment will be investigated and resolved at the lowest appropriate level. All incidents will be resolved promptly and with sensitivity. Confidentiality will be maintained to the greatest extent possible. Feedback will be provided to all affected individuals consistent with Privacy Act requirements and other pertinent laws, regulations, and negotiated agreements.

e. Counseling support or referral services will be made available for all personnel involved in incidents of sexual harassment.

2. Coverage. This plan covers all employees, civil service and military.

3. Issuance of Appropriate Sanctions. SECNAVINST 5600.26C, Department of the Navy (DoN) Policy on Sexual Harassment, dated 17 Oct 1997, provides the DoN policy on the identification,

prevention, and elimination of sexual harassment and establishes regulations to enforce that policy. The rules in subparagraph 8(a) are regulatory orders and apply to all DoN personnel individually and the prohibitions in subparagraph 8(a) apply to all conduct which occurs in or impacts a Department of Defense working environment as described in the instruction.

4. Responsibilities.

a. All NAVAIR managers/supervisors will:

(1) Set the example in treating all people with mutual respect and dignity, fostering a climate free from all forms of discrimination and eliminating sexual harassment.

(2) Be committed to preventing sexual harassment within the Command.

(3) Neither ignore nor condone sexual harassment.

(4) Take required action to ensure that a recipient of sexual harassment is not also the victim of reprisal or retaliation.

(5) Take appropriate corrective and disciplinary action when conduct is disruptive, provoking, discriminatory, or otherwise unprofessional.

b. Individuals who believe they were sexually harassed are encouraged to address their concerns regarding the incident directly with the person demonstrating the harassing behavior.

c. Persons who are subjected to or observe objectionable behavior should promptly notify the chain of command if:

(1) the objectionable behavior does not stop;

(2) the situation is not resolved;

(3) addressing the objectionable behavior directly with the person concerned is not reasonable under the circumstances; or

(4) the behavior is clearly criminal in nature.

5. Training. All NAVAIR managers/supervisors/employees are required to take training annually as deployed by their servicing EEO offices. The NAVAIR Command Equal Employment

Opportunity (EEO) Office reviews these training plans annually and validates attendance during program reviews/inspections.

6. Avenues of Redress.

a. An individual who was subjected to or observes objectionable behavior should inform his or her supervisor. If the person demonstrating the objectionable behavior is a direct superior in the chain of command, or the chain of command condones the conduct or ignores a report of a complaint, individuals who were subjected to or who observed objectionable behavior should report the incident to their local servicing Equal Employment Opportunity Office. Military personnel should report the incident to the Command Managed Equal Opportunity Officer (CMEO), Equal Opportunity Advisor (EOA), or use the Navy Advice Line (toll free at 1-800-253-0931).

b. Complaints of sexual harassment may be processed through the following procedures:

(1) Civil service procedures:

(a) Management Inquiry:

1. Individual notifies management chain of sexual harassment allegations. Management conducts a fact-finding inquiry to gather information, conducts interviews on allegations raised, and attempts to resolve the complaint at the lowest level possible.

(b) The EEO Discrimination Complaints Process (29 CFR 1614):

1. Individuals must contact an EEO counselor within 45 days of the date of the alleged incident. The EEO counselor will conduct a fact-finding into the allegations and attempt to resolve the complaint at the lowest possible level.

(c) Title 10 U.S.C. Section 1561 Complaint:

1. An investigator, specifically trained to investigate sexual harassment allegations conducts a thorough and impartial management inquiry commencing 2-3 days after the request is made. Title 10 U.S.C. Section 1561 allows an employee to file a complaint of sexual harassment under both sections 1561 and 29 CFR 1614 and to file both simultaneously.

(d) Grievance:

1. Individuals can contact their local servicing Labor/Employee Relations Division, Human Resources Office for assistance.

(e) Hotline:

1. NAVAIR employees can file a hotline complaint with the Office of the Inspector General at the site, NAVAIR, or Department of Navy level as posted.

(2) Military procedures - complaints must be filed in the following manner and sequence:

(a) Informal process - Military members should use the Informal Resolution System (IRS) to handle problems at the lowest level possible. Confront the individual, inform their supervisors and the CPO Division Officer and up the chain until the problem is resolved. The final step in the informal process is to request Captain's Mast (also known as Request Mast). If the problem is not resolved then the member can proceed to the formal complaint procedure.

(b) Formal Complaint process (primary) - The military member files a complaint using the NAVPERS 5354/2, Navy EO/Sexual Harassment Formal Complaint (available at the CMEO Office). The NAVPERS 5354/2 must be filed through the complainant's chain of command. (May be filed with a CMEO or EOA.)

(c) Complaints not resolved through the primary method can be addressed by filing a Redress of Wrong Committed by a Superior (NAVREGS ART 1150, available at the CMEO Office), and must be routed through the chain of command to the Commanding Officer. Redress of Wrong Committed by a Superior can only be used if it is against a superior other than the Commanding Officer.

(d) Complaints against the Commanding Officer must be filed under NAVREGS ART 138 (available at the CMEO Office) with legal assistance and must be routed via the chain of command to the person authorized to exercise a court martial over a Commanding Officer. A report of the proceedings must be sent to the Secretary of the Navy for review and final decision.

7. Reporting Requirements.

a. All allegations of sexual harassment shall be reported to the local servicing EEO Office regardless of avenue of redress used and whether or not the manager/supervisor to whom it was reported initially resolved the allegation informally. Investigations should be completed within two weeks.

b. The local servicing EEO Office will report all allegations to the NAVAIR Command EEO Office when they occur and follow-up with a report of the results of the investigation. If circumstances warrant, status reports will be provided every two weeks until the investigation is completed.

c. Quarterly Discrimination Complaints reports to the NAVAIR Command EEO Office will include an ongoing trend analysis of all sexual harassment incidents for the site and for each competency during the fiscal year.