



DEPARTMENT OF THE NAVY
NAVAL AIR WARFARE CENTER AIRCRAFT DIVISION
PATUXENT RIVER, MARYLAND 20670-5304

NAVAIRWARCENACDIVINST 5300.1A
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NAVAIRWARCENACDIVINST 5300.1A

From: Commander, Naval Air Warfare Center Aircraft Division

Subj: PREVENTION OF SEXUAL HARASSMENT

Ref: (a) SECNAVINST 5300.26B
(b) OPNAVINST 5354.1C
(c) Resolving Conflict Following the Light of Personal Behavior

Encl: (1) Avenues of Redress and Resolution
(2) Sexual Harassment Check-List
(3) Counseling Support and Referral Network

1. Purpose. This instruction is a supplement to reference (a), the Department of the Navy (DON) policy on sexual harassment. Enclosure (1) provides information for civilian employees and military members of the Naval Air Warfare Center Aircraft Division (NAVAIRWARCENACDIV) and activities serviced by the Equal Employment Opportunity (EEO) Division, Human Resources Department, on avenues of redress and resolution. Enclosure (2) is a check-list for managers and supervisors to use in assessing the appropriate levels of education and training. Enclosure (3) outlines the counseling support and referral network in place at all sites. Reference (b) provides guidance and policy for the Navy Equal Opportunity program and reference (c) is a pamphlet providing information on zones of personal behavior.

2. Cancellation. NAVAIRWARCENACDIVINST 5300.1

3. Discussion

a. Sexual harassment is a very serious form of sex-based discrimination and will **not** be tolerated. Civilian employees of NAVAIRWARCENACDIV found in violation of DON policy, are subject to disciplinary action ranging from reprimand to removal for a first offense. NAVAIRWARCENACDIV military members may face the full range of administrative actions under the Uniform Code of Military Justice (these include informal counseling, comments in fitness reports and evaluations, administrative separation, and punitive measures) if found in violation of the DON policy.

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b. NAVAIRWARCENACDIV expects all supervisory personnel to take appropriate steps to create an environment free from sexual harassment and to act promptly when made aware of incidents alleging sexually harassing behavior.

c. It is important for all personnel to understand that sexual harassment can be between military, civilian, contractor, and other civilian non-employees and that it is not specifically limited to the workplace. NAVAIRWARCENACDIV is responsible for the actions of its personnel toward non-employees (such as contractors and vendors) and may be liable for the actions of non-employees toward civilian and military personnel. Liability is determined on a case by case basis.

4. Applicability. This supplement applies to all military and civilian personnel of the NAVAIRWARCENACDIV, appropriated and nonappropriated funds, and activities for which EEO services are provided via host-tenant/inter-service-support agreements.

5. Action

a. Commanding officers, competency managers, executive directors, and supervisors ensure that the requirements of references (a) through (c) are implemented and ensure that a climate exists to prevent sexual harassment.

b. All personnel within the NAVAIRWARCENACDIV are responsible for treating others with respect and dignity.

6. Review Authority. The EEO Division shall review this instruction annually or as needed.



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Distribution:
Distribution List II

AVENUES OF REDRESS AND RESOLUTION

1. INFORMAL RESOLUTION SYSTEM. The Informal Resolution System can be used by **both civilian employees and military members** of the work force. This system incorporates several options for resolving conflict in the work environment, and therefore, may be very appropriate for behavior in the yellow and red zones. Yellow and red zone behavior is defined as follows:

- Yellow zone. Many people would find these behaviors unacceptable, and they could be sexual harassment: violating personal "space", whistling, questions about personal life, lewd or sexually suggestive comments, suggestive posters or calendars, off-color jokes, leering, staring, repeated requests for dates, foul language, unwanted letters or poems, sexually suggestive touching, or sitting or gesturing sexually.
- Red zone. These behaviors are always considered sexual harassment: sexual favors in return for employment rewards, threats if sexual favors are not provided, sexually explicit pictures (including calendars or posters) or remarks, using status to request dates, or obscene letters or comments. The most severe forms of sexual harassment constitute criminal conduct, e.g., sexual assault (ranging from forcefully grabbing to fondling, forced kissing, or rape).

The recipient of such behavior has the following options:

a. DIRECT APPROACH

(1) Employees may contact the alleged offender directly. When using this approach, the recipient of unwanted behavior must take care to focus on the behavior and not the person, be specific about the unwanted behavior and use common courtesy and respect when dealing with the alleged offender. It is often helpful to collect one's thoughts about the unwanted behavior by writing down some points before making contact when using this approach. Having some notes can prove useful if the unwanted behavior is not corrected and a more formal approach is needed.

(2) Employees may send a letter to the alleged offender. If this method is chosen, be sure the facts are stated in a clear and concise way, along with one's feelings about the behavior and the expected resolution. Maintain a copy of the letter sent so it can be used as documentation. If the unwanted behavior continues, a more formal approach is necessary.

(3) Employees may also report the offensive behavior to their supervisor. If, for any reason, they are uncomfortable discussing the issue with their immediate supervisor, they may contact anyone in their chain of command. Supervisors are responsible for taking prompt, appropriate action. This approach may be more attractive to employees who are not comfortable using one of the above approaches, but who genuinely want the offensive behavior to stop.

b. INFORMAL THIRD PARTY. This is an option that can be used to stop unacceptable/unwanted behavior. Employees may ask another person to talk with the individual on their behalf or accompany them when they talk with the individual who has targeted them with the unacceptable/unwanted behavior.

c. TRAINING INFORMATION RESOURCES (TIR). Each location has a TIR library consisting of video tapes, books, booklets, and training manuals. Employees may request either resource materials to be viewed or used in their work unit, request that a video on recognizing and preventing sexual harassment be shown or request that training be conducted in their work unit. Competency managers, work unit supervisors, or team leaders determine if using the TIR is appropriate. Contact the Deputy Equal Employment Opportunity (EEO) Officer or the Command Managed Equal Opportunity Officer for the location of the TIR.

2. DISCRIMINATION COMPLAINTS SYSTEM. This system is only available for use by **civilian employees** and consists of two stages -- an informal stage and a formal stage. Any civilian perceiving sexual harassment must contact an Equal Employment Opportunity (EEO) Counselor within 45 days of the most recent incident to begin the informal stage. The EEO Counselor will gather information from all parties and attempt resolution. If the resolution attempts are unsuccessful, a final interview will be conducted no later than 30 days from the filing of the informal complaint, unless an extension is granted. A formal discrimination complaint can be filed within 15 days of the final interview.

3. NEGOTIATED GRIEVANCE PROCEDURE (NGP). At sites where the labor/management contract permits EEO matters to be pursued using the NGP, **civilian employees** who are in the bargaining unit may contact their union steward and file a grievance over sexually harassing matters. When the NGP permits discrimination complaints, an issue of sexually harassing behavior may be pursued through either the Discrimination Complaints System or the NGP, but not both.

4. DEPARTMENT OF THE NAVY COMPLAINTS PROCEDURES (DONCP). The DONCP procedure, for the **military only**, consists of informal and formal steps. DONCP is used when the complaint is against an action taken by another military member.

a. INFORMAL STEP. This is the first step in resolving a complaint and should be started at the lowest level possible.

(1) A military member should first attempt to resolve the complaint with the member or members involved. Assistance of the immediate supervisor in resolving the complaint may be requested as the circumstances require. Requests are normally done orally but may be requested in writing. If the complaint is against an action taken by the military member's immediate supervisor, the complaint will be presented to the next senior member in the chain of command.

(2) If the complaint cannot be resolved between the two members or with the help of the appropriate supervisor, the military member may submit a request either in writing or orally in a timely manner for a commanding officer requested mast. Naval Regulations Article 1107 states that a military member has a right to present a legitimate discrimination complaint including sexual harassment complaints to the commanding officer at a proper time and place.

(3) If the resolution of the informal complaint is considered unjust, the formal procedure for redress or relief may be used. It is the responsibility of the commander/commanding officer to inform the military member of his/her right to submit a formal complaint and the method for doing so.

(4) For assistance in pursuing an informal discrimination complaint, military members may contact the Command Managed Equal Opportunity Officer at their site.

b. FORMAL STEP

(1) If the grievance is against a superior in the same command, other than the commanding officer, the military member may submit a formal complaint, Naval Regulation Article 1106, against that superior to the commander/commanding officer. If the military member considers the commanding officer's resolution unjust, he/she may submit a Uniform Code of Military Justice Article 138, "Complaint of Wrongs," against the commanding officer. Procedures are contained in chapter 11, Manual of the Judge Advocate General. Military members will be advised of their entitlement to military legal counsel for assistance in submitting this complaint.

(2) If the complaint is against a superior in another chain of command, the military member submits the complaint to his/her commanding officer. The commanding officer will forward the complaint to the superior of the individual against whom the complaint is brought via his/her chain of command to the officer exercising general court-martial jurisdiction over the member. After review and action by the appropriate authority, a report of proceedings is forwarded to the Secretary of the Navy (SECNAV) (Judge Advocate General) for review and final action by the SECNAV.

(3) If the complaint is against a superior in the same command other than the commanding officer, the military member submits the formal complaint to his/her commanding officer in accordance with Navy Regulation Article 1150. If the military member considers the resolution unjust, he/she may submit a complaint against his/her commanding officer as outlined in (4) below. If the complaint is against a superior in another chain of command, the military member submits the complaint through his/her commanding officer. The complaint will then be forwarded to the appropriate individual.

(4) If the complaint is against the military member's commanding officer, he/she submits an Uniform Code of Military Justice Article 138 complaint. The complaint of wrong should be submitted via the chain of command to the person exercising general court-martial jurisdiction

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over the commanding officer. The complaint is reviewed and a report of proceedings is forwarded to the SECNAV (Judge Advocate General) for review and final action by the SECNAV.

5. DEPARTMENT OF THE NAVY SEXUAL HARASSMENT ADVICE LINE. The toll free number is 1-800-253-0931. This number may be used by **civilian employees and military members** who feel uncomfortable using the methods listed above.

SEXUAL HARASSMENT CHECK-LIST

1. All supervisors are responsible for assuring a workplace free of sexual harassment behavior. As a means to ensure appropriate levels of education and training in their workplaces, supervisors may use the items listed below as a check list for accomplishing this.

a. Remind the work force of the Department of the Navy policy on the prevention of sexual harassment.

(1) How often were actions taken to remind the work force?

(2) How receptive was the work force to these reminders?

b. Scan the work environment to assure that the workplace is free of sexual posters, pictures, cartoons, etc.

c. Were there any incidents of "yellow" or "red" zone behavior during the last fiscal year? If yes, explain what happened and actions taken to correct the behavior (were any disciplinary actions taken)?

d. How comfortable do members of the work force feel about reporting instances of sexual harassment?

e. Does the work force feel that sexual harassment can be reported without fear of reprisal? If no, what steps will you take to assure that they can feel comfortable when reporting incidents of sexual harassment?

f. Number of civilian employees and military members in work force during the reporting period?

g. Number of civilian employees and military members that received prevention of sexual harassment training?

h. Evaluate the effectiveness of the annual education and training in terms of identifying, preventing, resolving, and eliminating sexual harassment.

COUNSELING SUPPORT AND REFERRAL NETWORK

1. **CHAPLAIN'S OFFICE**. This office provides counseling services to military members on sexual harassment problems as well as personal problems caused by sexual harassment. Not all sites have a Chaplain's Office.
2. **CIVILIAN EMPLOYEE ASSISTANCE PROGRAM (CEAP)**. Civilian members may contact the Civilian Employee Assistance Program (CEAP) Counselor for assistance in dealing with stress-related and/or mental and emotional problems stemming from sexual harassment on the job. If necessary, the CEAP Counselor will refer civilian members to outside sources for more in-depth counseling.
3. **EQUAL EMPLOYMENT OPPORTUNITY (EEO) SPECIALISTS**. This service is available to civilian employees. These specialists are trained to provide counseling and identification of options available to employees. If an employee chooses to pursue the EEO informal discrimination complaints route, the EEO Specialist will provide counseling, will conduct fact finding into the allegations, and attempt to resolve the issues.
4. **EQUAL OPPORTUNITY PROGRAM SPECIALIST**. At sites that have a military member trained as an Equal Opportunity Program Specialist, military members have this option available to them. This person will provide counseling, advice, and possible referral to a more appropriate source.
5. **FAMILY SERVICE CENTER (FSC) COUNSELORS**. Military members may contact a counselor at their FSC. Sexual harassment cases are referred to and handled by the FSC Director. Not all sites have a FSC.
6. **LEGAL OFFICER/NAVY LEGAL SERVICE OFFICE**. At the Naval Air Warfare Center Aircraft Division activities that have a Judge Advocate General Office, military members who need legal advice concerning sexual harassment either as an alleged harasser or as a recipient of sexual harassment behavior may contact this office for advice. Military members who are seeking advice about a complaint against a superior should also contact this office.
7. **MEDICAL TREATMENT FACILITY**. Military members may contact the Command Managed Equal Opportunity Officer at sites that have this service available. They will be directed to the appropriate person for assistance.
8. **UNION OFFICIALS**. Bargaining unit employees may contact their local Unions for assistance, advice, or guidance when faced with possible issues of sexual harassment. The union will direct the employee to the appropriate office/person for assistance or take it for action.