



DEPARTMENT OF THE NAVY
NAVAL MEDICAL CENTER
620 JOHN PAUL JONES CIRCLE
PORTSMOUTH, VIRGINIA 23708-2197

Change 1 incorporated 9/20/00. clb
Change 2 incorporated 10/17/00. clb

IN REPLY REFER TO:

NAVMEDCENPTSVA INST 5354.2D
0214A

16 AUG 2000

NAVMEDCENPTSVA INSTRUCTION 5354.2D

Subj: COMMAND EQUAL OPPORTUNITY PROGRAM

Ref: (a) SECNAVINST 5350.16
(b) OPNAVINST 5354.3D
(c) SECNAVINST 5300.26C
(d) OPNAVINST 5354.1D
(e) CINCPACFLT/CINCLANTFLTINST 5354.1
(f) COMNAVBASENORVAINST 5354.3B

Encl: (1) Command Policy Statements on Substance Abuse, Sexual Harassment, Fraternization, Equal Opportunity, and Extremist/Hate Group Policy
(2) Command Managed Equal Opportunity Program Overview
(3) Procedures for Filing Grievances, Investigating, Reviewing Equal Opportunity Complaints, and Preventing Reprisals
(4) NAVMEDCENPTSVA ltr 5354 0214A/005002 of 27 Jul 00

1. Purpose. To publish Naval Medical Center (NAVMEDCEN), Portsmouth, Equal Opportunity (EO) policy and program guidance per references (a) through (f).

2. Cancellation. NAVMEDCENPTSVA INST 5354.2C

3. Scope. This instruction applies to the core hospital and all branch medical clinics which comprise the NAVMEDCEN command.

4. Background. Per reference (a), the Department of the Navy's policy is to provide equal treatment and EO to all Navy members without regard to race, color, religion, gender, age, or national origin within the constraints of the law. Reference (b), the Navy Affirmative Action Plan, establishes goals, objectives, and action steps in the pursuit of a demographically balanced Navy dedicated to fair treatment and equity for all personnel in the service. The Department of the Navy's policy on sexual harassment, reference (c), reinforces the Navy's commitment to ensuring a workplace free of sex discrimination and intimidation. References (d) through (f) provide policy and guidance for the Navy's EO program and assign responsibility for implementing all aspects of this program throughout the chain of command.

5. Discussion. The total effort of all personnel is necessary to ensure maximum command readiness and productivity. Discriminatory practices, including sexual harassment, impact negatively on personnel morale, discipline, and military

16 AUG 2000

effectiveness, thereby diminishing operational readiness. Each command is responsible for fostering proper behaviors and attitudes among its members and for encouraging understanding of and tolerance for cultural, ethnic, and racial differences. This is accomplished through the implementation of a Command Managed Equal Opportunity (CMEO) Program, as directed by reference (d). CMEO encompasses components of sexual harassment prevention and fair and equitable treatment (enclosure (1)), monitoring and assessing command EO climate (enclosure (2)), strict enforcement of EO requirements, and a clearly understood grievance procedure (enclosure (3)). A positive EO environment is the basis for organizational success.

6. Policy. Equality of opportunity and treatment for all NAVMECEN and branch medical clinic personnel is the responsibility of every individual within the chain of command, and it is the policy of Commander NAVMECEN that the Navy's EO policy be an integral part of day-to-day personnel management. In order to achieve full implementation of that policy, constant attention must be paid to maintaining a supportive work environment free of discrimination or harassment. This will be established through training to ensure a clear understanding of command policy regarding EO, monitoring command EO through regular assessment, and establishing a viable channel for effectively and efficiently managing grievance complaints. Discrimination of any kind will not be tolerated.

7. Responsibilities. Commanders, directors, department heads, officers in charge, and supervisors are responsible for ensuring EO for all personnel assigned to their command or under their supervision. It is mandatory that commanding officers and supervisors ensure that the Navy's EO policy is integrated within the framework of day-to-day personnel management. To accomplish this, commanding officers are required to implement the provisions of the U.S. Navy Equal Opportunity Manual, per enclosure (1) of reference (d).

a. Commander and Officers in Charge

(1) Implement a comprehensive CMEO program within their organizations in compliance with the program parameters established, per reference (d).

(2) Responsible for the prevention of sexual harassment:

(a) Providing all hands with sexual harassment prevention training.

(b) Periodically restating Department of Defense, Department of the Navy, and local command policy on sexual harassment prevention.

(c) Keeping the lines of communication open so that sexual harassment will not go unreported.

16 AUG 2000

(d) Taking prompt and decisive action when infractions occur.

(3) In processing EO and sexual harassment complaints and grievances:

(a) Use careful judgement and discretion in deciding upon the procedures by which complaints will be most effectively investigated, reviewed, and acted upon.

(b) Ensure that previous disciplinary action or poor judgement on the part of the complainant in no way invalidates or prejudices a discrimination complaint.

(c) Document all reports of sexual harassment and discrimination complaints.

(d) Ensure that prompt and appropriate action is taken on all complaints and allegations of sexual harassment and discrimination.

(e) Prevent backlash or reprisal against complainants or witnesses.

(f) Continually provide feedback to complainants.

(g) Inform individuals of their right to submit a formal complaint and advise them of the correct method for making this submission.

(h) Inform the individual of their entitlement to obtain legal military counsel for assisting in submission of a grievance.

(i) Publicize to all members of the command the assistance available in complaint processing from the local command.

(4) Ensure that the grievance poster which publicizes the Navy's discrimination complaint/grievance procedures is prominently displayed on a permanent basis throughout the command and at each branch medical clinic. This poster, "Navy Procedures for Processing Discrimination Complaints/Grievances for Military Personnel" can be obtained from the Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120 (Stock # 0506-LP-541-1900).

b. Equal Opportunity Program Specialist (EOA/9515)

(1) The Commander will designate an E-7 or above, on a full-time basis, as the command's Equal Opportunity Program Advisor (EOA). The EOA is directly responsible to Commander NAVMEDCEN, who directs the CMEO Program. The EOA will be trained on EO and sexual harassment policies, will be qualified as a

16 AUG 2000

member of the Command Training Team (CTT) and Command Assessment Team (CAT), and will be knowledgeable in processing discrimination and sexual harassment complaints.

(2) Has direct access to the Commander or representative, and is responsible for advising the Commander on the effectiveness of the command's EO Program.

(3) Fulfills the following functions in pursuit of a viable, pro-active, and effective EO Program at this command:

(a) Assists the Command Heritage Committee with command programs/displays for all ethnic observances. Observances will generally include Plan of the Day entries pertaining to famous/important persons or events relative to the observance, speakers to address the occasion, advertisement of the program with the assistance of the Command Public Affairs Officer, as necessary, and activities to include participation of command members (i.e., display of art, essay contests, etc.).

(b) Acts as the primary point of contact for grievances or complaints relative to discrimination and sexual harassment. Assists the complainant in the Navy's Grievance Procedure Policy.

(c) Makes annual site visits to the branch medical clinics: Norfolk Naval Shipyard, Portsmouth; Naval Amphibious Base, Little Creek; Naval Air Station, Oceana; Naval Base, Norfolk; Naval Weapons Station, Yorktown; Northwest, Chesapeake; and Dam Neck, Virginia Beach, to monitor their CMEO Programs and offer any assistance that may strengthen the programs.

(d) Ensures prospective members of the CAT/CTT receive formal training. Screens service records before recommending members to be assigned to the CAT/CTT.

(e) Meets quarterly/as needed with CMEO Leaders to update command EO matters and assist in developing, implementing, and evaluating programs and procedures to support the command's EO program.

(f) Monitors conduction of the periodic (at the discretion of the Commander) command EO assessment by the CAT; facilitation of Navy Rights and Responsibilities (NR&R) workshops/annual updates from CNET; enclosure (4) from all directorates and branch medical clinics; Chief Petty Officer Disciplinary Review Boards and Captain's Mast (especially in cases of discrimination and/or sexual harassment); career development and advancement of members of the command; results of the Command Awards Board; updates and modifies Sexual Harassment and Discrimination Instructions, as necessary.

c. CMEO Program Officer

(1) The Commander will designate an E-7 or above, on a collateral duty basis, as the CMEO Program Officer. The CMEO Officer will be trained on EO and sexual harassment policies, will qualify as a member of the CTT and CAT, and will be knowledgeable in processing discrimination and sexual harassment complaints.

(2) Has direct access to the Commander or representative and is responsible for advising the Commander on the effectiveness of the command's EO program.

(3) Fulfills the following functions in pursuit of a viable, pro-active, and effective EO Program at this command:

(a) Assists in management of the overall CMEO program.

(b) Coordinates with and assists the CMEO Team Leaders in developing, implementing, and evaluating programs and procedures to support the command's EO program.

(c) Serves as the command's point of contact in all areas of EO, CMEO training, discrimination, and sexual harassment issues.

(d) Monitors the effectiveness of the CAT/CTT and their training requirements; periodic EO climate assessment requirements and the NR&R workshops/updates; resolution of discrimination and sexual harassment problems; investigation of EO complaints.

(e) Ensures all CAT/CTT members are thoroughly familiar with reference (d). Submits a Page 13 reflecting the member's knowledge for entry into the service record.

d. CTT Coordinator

(1) The Commander will designate an E-7 or above, on a collateral duty basis, as the CTT Coordinator. The CTT coordinator will be trained on EO and sexual harassment policies, will qualify as a CTT member, and will be knowledgeable in processing discrimination complaints.

(2) Fulfills the following functions in pursuit of a viable, pro-active, and effective EO Program at this command:

(a) Coordinates NR&R workshops and updates; monitors membership and training of the CTT to maintain an adequate number of trained facilitators.

(b) Meets with the CTT on a regular basis to identify methods of improving ongoing presentations.

16 AUG 2000

(c) Collaborates with the other CMEO Team Leaders to address EO-related issues, assess the command climate, and develop an ongoing Plan of Action and Milestones (POA&M) to improve the CMEO Program.

(d) Serves as a resource point of contact in all areas of EO, CMEO training, discrimination, and sexual harassment issues.

e. CAT Coordinator

(1) The Commander will designate an E-7 or above, on a collateral duty basis, as the CAT Coordinator. The CAT Coordinator will be trained on EO and sexual harassment policies; will qualify as a CAT member; and will be knowledgeable in processing discrimination complaints.

(2) Fulfills the following functions in pursuit of a viable, pro-active, and effective EO Program at this command:

(a) Coordinates the annual Command EO Assessment, per reference (d).

(b) Collects, maintains, and analyzes command demographic data on retention, advancement, and discipline. Additional demographic data may also be collected on awards, drug and alcohol programs, Blue Jacket of the Quarter/Junior Sailor of the Quarter/Sailor of the Quarter/Sailor of the Year programs.

(c) Coordinates the membership and training of the CAT to maintain an adequate number of trained personnel.

(d) Meets with the CAT on a quarterly basis to discuss current issues and methods of improving its activities. Additional meetings may be necessary to support CAT activities.

(e) Collaborates with the other CMEO Team Leaders to address EO-related issues, assess the command climate, and develop an ongoing POA&M to improve the CMEO Program.

(f) Serves as a resource point of contact in all areas of EO, CMEO training, discrimination, and sexual harassment issues.

f. Directorate/Branch Medical Clinic Equal Opportunity Advisor (EOA)

(1) The Commander will designate E-6s and above (or an exceptional E-5), on a collateral duty basis, as the EOA for directorates/branch medical clinics. The EOA will be trained in EO and sexual harassment policies; qualify as a CAT/CTT member; complete all necessary training requirements; and will be knowledgeable in processing discrimination complaints.

(2) The following directives are functions the EOA is expected to fulfill in pursuit of a viable, pro-active, and effective EO program at this command:

(a) Advises directors/officers in charge on all matters pertaining to EO, and advises personnel on grievance and redress procedures.

(b) Attends and participates in Naval Medical Center EOA meetings.

(c) Coordinates directorate/branch medical clinic EO training.

(d) Establishes and maintains a liaison between the command EOA and other directorate/branch medical clinic EOAs.

(e) Supports the command EOA in EO endeavors such as ethnic observances, annual assessment, and training requirements.

(f) Submits reports monthly as they pertain to sexual harassment, discrimination, other EO complaints, and training.

(g) Maintains EO records (i.e., counseling, case files, training, reports).

g. Head, Staff Education and Training will ensure proper presentation of NR&R workshops during command orientation and periodic NR&R updates in cooperation with the CTT coordinator, including appropriate documentation of the training at this command.

h. Command Training Team (CTT)

(1) Present a one-day NR&R workshop to each member of the command, per reference (d). The workshop will be conducted under the auspices of the Staff Education and Training Department, during command orientation.

(2) Present periodic updates of EO issues per CNET training.

(3) Meet at least quarterly.

i. Command Assessment Team (CAT)

(1) Mandatory membership will include the Deputy Commander, Command Master Chief (or equivalent), at least one department head, Career Counselor, personnel officer (or representative), CMEO Officer, CTT Coordinator, and any others at the Commander's discretion. Remaining CAT members will be composed of a cross-section of command personnel in terms of pay grade, gender, race, and department.

16 AUG 2000

(2) Assessments

(a) Collect, maintain, and analyze command demographic data in regards to EO, and conduct a periodic EO assessment. Two of the primary functions required as part of the annual command assessment are the collection of demographic data and conduction of a climate survey. Assessment results will be presented on the homepage of the Intranet or personal message to staff by the Commander. Additionally, circumstances may arise requiring a special assessment focusing on a particular incident.

(b) Data Sources

1. Hard (Demographic) Data. Defined as statistics pulled from the command's records. Hard data will be broken down to include race, gender, pay grade, and department. Overall command demographic data will be provided by the Military Personnel (MILPERS) Division.

2. Retention Data. The Command Career Counselor will calculate the demographic breakdown of reenlistment and separation (raw numbers and percentages) on an annual basis. Retention data will be compiled to provide information on those individuals eligible. Separation data will be categorized to show types of separation by race/ethnic group and gender. Officer data will be provided by Head MILPERS.

3. Advancement Data. The Staff Education and Training Department will summarize the command's progress on personnel in zone for advancement, personnel recommended, personnel advanced, personnel who passed but were not advanced, and personnel who failed. This data will be collected annually or when results are published. Officer promotion data will be provided by MILPERS.

4. Discipline Data. The Legal Department will compile discipline data from all military justice proceedings as number and proportion of individuals: placed on report, screened by the Deputy Commander, dismissed, referred to the Commander's mast and its results, and referred to court-martial and its results. Types of punishment will be analyzed for disparities in severity of punishment for similar offenses between race/ethnic group and gender.

5. Awards Data. The Awards Office will be responsible for providing the CAT members with a demographic breakdown of awards given out at this command.

6. Other Data. Data such as training records, discrimination complaints, DAPA files, Sailor of the Quarter nominations/selections, etc. will also be made available to members of the CAT for their analysis at their request.

16 AUG 2000

7. Soft Data. CAT members are trained to gather data by use of interviews, making observations, and conducting surveys. This will enable the CAT members to obtain information to support the hard data as well as assess the command's climate in regards to EO.

8. Training. Total command understanding of Navy EO policy can only be accomplished through thorough, consistent, and standardized training for all hands. Furthermore, individuals with specific EO program responsibilities need specialized training to ensure maximum program effectiveness.

a. CMEO training (CTT/CAT) is the responsibility of the Chief of Naval Education and Training (CNET). Accordingly, quotas for CMEO training will be requested through the Fleet Naval Leadership Training Unit, Little Creek, VA. This command will appoint an E-7 or above as the EOA (full-time) and a CMEO Officer (collateral duty) to assist in the management of the overall command program.

(1) The CTT must consist of a minimum of two members, E-6 or above, who have been trained to conduct NR&R workshops, with E-4 or E-5 to assist.

(2) All CTT/CAT members are required to complete the appropriate formal training course. Commands with less than 50 military personnel are exempt from having a formally trained CTT if arrangements can be made for their personnel to participate in NR&R workshops of a host or neighbor command. However, it is recommended all branch medical clinics have trained CTT personnel regardless of the clinic size. Additionally, all branch medical clinics will have a formally trained CAT.

(3) CTT/CAT members who have not performed in that capacity in over 24 months must repeat formal training.

(4) CTT/CAT members will be thoroughly familiar with OPNAVINST 5354.1D, Navy EO Manual. The CMEO Officer/Branch Medical Clinic EOA will be responsible for submitting a Page 13 reflecting the member's knowledge of this instruction. Page 13 will be entered into the member's service record within 3 months of assignment to the CAT/CTT.

(5) CTT/CAT will meet on a regular basis, and when directed by the Commander/Officer in Charge.

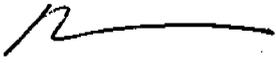
b. Command training will consist of NR&R workshops providing basic Navy EO principles, policies, and procedures for new personnel, as well as all-hands training on a regular basis to ensure sustained command emphasis on EO and total command understanding of the program policies.

(1) Newly reporting personnel will attend an NR&R workshop conducted by CTT qualified instructors within 90 days of

16 AUG 2000

reporting to a new permanent duty station. Commands with less than 50 military personnel may waive the 90-day requirements and extend the eligible training period to 6 months. Critique sheets will be used as a means of feedback on workshop effectiveness.

(2) Sexual harassment prevention and harassment of perceived homosexuals training for all hands will ensure that command members know what sexual harassment is, that it is harmful to all involved, and that it will not be tolerated. Sexual harassment and extremist group training will be provided via the Intranet.



M. C. OLESEN
Deputy
Acting

Distribution:
NAVMEDCENPTSVA Local Area Network
Human Resources Office



DEPARTMENT OF THE NAVY

12 OCT 2000

NAVAL MEDICAL CENTER
620 JOHN PAUL JONES CIRCLE
PORTSMOUTH, VIRGINIA 23708-2197

IN REPLY REFER TO

5355

Ser 00/ 006412

25 Aug 00

From: Commander, Naval Medical Center, Portsmouth
To: Hospital Staff

Subj: SUBSTANCE ABUSE POLICY

1. Substance Abuse Overview. Substance abuse is a problem that affects people from all walks of life. Illegal drugs, alcohol abuse, and driving under the influence of alcohol or illicit drugs all have grave consequences which could cause serious injury or death.

2. Illegal Use of Drugs. My policy regarding the use of illegal drugs is zero tolerance. The use of illicit drugs is strictly prohibited by Navy regulations and the Uniform Code of Military Justice. Those found to be users and sellers will be punished and then administratively processed for discharge under "other than honorable" conditions. The urinalysis testing program is extremely accurate, and I have confidence in its results.

3. Alcohol Abuse. We all have choices to make regarding the use of alcohol. I expect alcohol consumption to be handled responsibly by all members of this command. We must remember that we are on duty 24 hours a day, 365 days a year, and that our actions reflect not only upon ourselves but also upon Naval Medical Center, Portsmouth and the United States Navy in general.

4. Driving Under the Influence. Driving Under the Influence (DUI) is an unacceptable behavior which will be dealt with firmly. There are severe penalties both in the civilian and military communities for individuals who drive while under the influence. Those found to have driven while under the influence, on and off base, may be subject to civilian court action, military court-martial, non-judicial punishment (NJP) and administrative actions, including loss of base driving privileges and adverse evaluations/fitness reports. Errors in judgment can have severe consequences. All hands are urged to refrain from drinking and driving.

C. E. ADAMS

Distribution:
NAVMEDCENPTSVAINST 5215.1D (List C)

Enclosure (1)

"FIRST AND FINEST"



DEPARTMENT OF THE NAVY

1 2 OCT 2000

NAVAL MEDICAL CENTER
620 JOHN PAUL JONES CIRCLE
PORTSMOUTH, VIRGINIA 23708-2197

IN REPLY REFER TO

5354
Ser 00/ 006413
25 Aug 00

From: Commander, Naval Medical Center, Portsmouth
To: Hospital Staff

Subj: SEXUAL HARASSMENT POLICY

1. Sexual Harassment Overview. Sexual harassment is a form of sexual discrimination that includes: unwelcome sexual advances; requests for sexual favors; and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term/condition of an individual's employment, submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that individual, or the conduct has the purpose/effect of unreasonably interfering with an individual's work performance or of creating an intimidating, hostile, or offensive working environment. As with other forms of discrimination, sexual harassment is degrading to the work environment and to the people who work within it.

2. Sexual Harassment Policy. It is my policy that all members of this command will conduct themselves in a manner that is free from unlawful discrimination, and that we will provide equal opportunity and treatment for all personnel. We will actively seek ways to foster a positive, supportive, and harassment-free environment for all personnel, military and civilian, staff and patient. We will use all available tools - including Navy Rights and Responsibilities training, proactive senior-subordinate dialogue, the Informal Resolution System, command assessments, formal resolution methods, leadership training programs, and counseling and assistance from the Command Equal Opportunity Officer - to continuously promote dignity, mutual respect, equal opportunity, and freedom from harassment throughout this command. We will also ensure that the rights of individuals to file grievances is preserved. Whenever unlawful discrimination is recognized, it will be eliminated and its effects neutralized. All personnel of this command hold a shared responsibility to ensure that sexual harassment is eradicated and that accountability is appropriately assessed.

C. E. ADAMS

Distribution:
NAVMECENPTSVAINST 5215.1D (List C)

**DEPARTMENT OF THE NAVY** 12 OCT 2000NAVAL MEDICAL CENTER
620 JOHN PAUL JONES CIRCLE
PORTSMOUTH, VIRGINIA 23708-2197

IN REPLY REFER TO

5800
Ser 00/006414
25 Aug 00From: Commander, Naval Medical Center, Portsmouth
To: Hospital Staff

Subj: FRATERNIZATION POLICY

1. Fraternization Overview. Fraternalization violates the Uniform Code of Military Justice. Historically, it was described in terms of difference in status between officers and enlisted personnel. In 1953, the Navy Board of Review explained, "Where ... the acts and circumstances are such as to lead a reasonably prudent person, experienced in the problems of military leadership, to conclude that the good order and discipline of the armed forces has been prejudiced by the compromising of an enlisted person's respect for the integrity and gentlemanly obligations of an officer, there has been an offense under Article 134." *United States v. Free*, 14 C.M.R. 466, 470 (N.B.R. 1953). Today's fraternization rules are intended to avoid actual or apparent partiality, preferential treatment, or undue familiarity between officer and enlisted members or between military seniors and subordinates. Similarly, recognition of the heightened status, obligations, and responsibilities of chief petty officers has led in recent years to the issuance of rules prohibiting unduly familiar relationships between a chief petty officer and junior enlisted members.

2. Fraternization Defined. Navy regulations prohibit "unduly familiar" personal relationships between officers and enlisted members, between chief petty officers (E-7 to E-9) and junior enlisted personnel (E-1 to E-6), and between officers or enlisted personnel when such conduct is prejudicial to good order and discipline or of a nature to bring discredit on the naval service. Fraternalization is gender-neutral. Prohibited conduct includes sexual, business, or other forms of unduly familiar personal relationships.

3. Fraternalization Policy. All leaders throughout the chain of command, officer and enlisted, are responsible to address offending or questionable conduct, including fraternization by superiors, peers, and subordinates. Command leaders should exercise affirmative leadership to promptly eradicate problem behavior, through oral or written counseling, and/or by issuance of orders to cease the offending conduct. If such conduct cannot be appropriately resolved by departmental/directorate intervention and action, command disciplinary or administrative action may be required.

C. E. ADAMS

Distribution:
NAVMEDCENPTSVAINST 5215.1D (List C)



DEPARTMENT OF THE NAVY

12 OCT 2000

NAVAL MEDICAL CENTER

620 JOHN PAUL JONES CIRCLE

PORTSMOUTH, VIRGINIA 23708-2197

IN REPLY REFER TO

5354

Ser 00/ 006415

25 Aug 00

From: Commander, Naval Medical Center, Portsmouth
To: Hospital Staff

Subj: EQUAL OPPORTUNITY POLICY

1. Equal Opportunity Overview. In a positive and effective work environment, all persons are treated with respect, dignity, and basic courtesy. Discrimination on the basis of a person's race, color, nation of origin, gender, age, or disability fundamentally violates these essential core values of respect and dignity. Discrimination demeans any work environment and degrades the good order and discipline of the military service.

2. Equal Opportunity Policy. It is my policy that all members of this command will conduct themselves in a manner that is free from unlawful discrimination. We will provide equal opportunity and treatment for all personnel. We will actively seek ways to foster a positive, supportive, and harassment-free environment for all personnel, military and civilian; staff and patient. We will use all available tools - including Navy Rights and Responsibilities training, proactive senior-subordinate dialogue, the Informal Resolution System, command assessments, formal resolution methods, leadership training programs, and counseling and assistance from the Command Equal Opportunity Officer - to continuously promote dignity, mutual respect, equal opportunity, and freedom from harassment throughout this command. We will also ensure that the rights of individuals to file grievances is preserved. Whenever unlawful discrimination is found, it will be eliminated and its effects neutralized. All personnel of this command hold a shared responsibility to ensure that any unlawful discrimination is eradicated and that accountability is appropriately assessed.

C. E. ADAMS

Distribution:
NAVMEDCENPTSVAINST 5215.1D (List C)



NAVMEDCENPTSVAINST 5354.2D CH-2
DEPARTMENT OF THE NAVY 12 OCT 2000

NAVAL MEDICAL CENTER
620 JOHN PAUL JONES CIRCLE
PORTSMOUTH, VIRGINIA 23708-2197

IN REPLY REFER TO:

5354
Ser 00/ 006416
25 Aug 00

From: Commander, Naval Medical Center, Portsmouth
To: Hospital Staff

Subj: EXTREMIST/HATE GROUP POLICY STATEMENT

1. Creating and sustaining an environment of equal opportunity and fair treatment is an absolute necessity for the continued success of our nation. Involvement with, or participation in, extremist/hate groups is incompatible with this precept. Therefore, I expect every member of this command, military and civilian, to reject participation in organizations which: espouse supremacist causes; attempt to foster illegal discrimination based on race, creed, color, sex, religion, age, disability, or national origin; or advocate the use of force, violence, or other means to deprive individuals their civil rights.

2. Actively supporting an extremist/hate group includes, but is not limited to: publicly demonstrating or rallying on behalf of such a group, engaging in fund raising activities, recruiting and training members, gaining and maintaining membership in such a group, distributing literature or information on behalf of such a group, and organizing or leading such organizations. Activities in direct support of groups or organizations which seek to deny basic constitutional protection to any section of our population are in direct conflict with the principles upon which our country was founded and are inappropriate for those who serve our nation.

3. Recognizing and fostering the inherent individual worth and value of every member of our team requires the personal commitment of everyone, military and civilian, at this command. I expect nothing less than your full support and cooperation to create an environment where every individual is treated with human dignity and respect.

C. E. ADAMS

Distribution:
NAVMEDCENPTSVAINST 5215.1D (List C)

16 AUG 2000

COMMAND MANAGED EQUAL OPPORTUNITY (CMEO) PROGRAM

1. Reference (d) identifies CMEO as the Navy's Equal Opportunity Program required of all commands. It is a management system that is responsive to higher echelons, but controlled primarily at the command level, where the responsibility for ensuring equal opportunity rests. CMEO reaffirms the chain of command as the medium for resolving military issues, including equal opportunity and sexual harassment issues. It provides the necessary elements to allow individual commands to monitor their EO climate, conduct EO training, and conduct periodic command assessments. Each commanding officer is responsible for ensuring CMEO is implemented at their command. In addition to required training and command assessment procedures, commanding officers are required to institute inspection and monitoring elements into their CMEO programs to ensure accountability.

2. The basic elements which form the CMEO program are:

a. Command Training Team (CTT). The CTT is responsible for conducting the Navy Rights and Responsibilities (NR&R) workshops. NR&R workshops present training on basic Navy EO principles, policies, and procedures that must be understood by all hands. The workshop is designed for newly reported personnel.

b. Command Assessment Team (CAT). The CAT is responsible for conducting the periodic command assessment. The command assessment focuses on EO personnel management practices and can also surface problems or issues which are not directly related to EO, but impact on the quality of life within the command. To facilitate the command assessment, data must be collected and maintained on retention, advancement and discipline, as a minimum. Additional data is obtained from interviews, observations and surveys. The data is categorized by race/ethnic group, gender, pay grade, rating, and department. Assessments will be conducted utilizing the format in reference (e).

c. Action Planning. Once command-specific issues are identified, a systematic approach to address those problems is employed. This requires the CAT to define and to analyze the problem, generate and evaluate courses of action, and to recommend to the Commander the most appropriate courses of action. The selected courses of action are then developed into Plans of Actions and Milestones (POA&M) and are monitored for effectiveness.

Enclosure (2)

16 AUG 2000

PROCEDURES FOR FILING GRIEVANCES, INVESTIGATING AND
REVIEWING EQUAL OPPORTUNITY COMPLAINTS, AND PREVENTING REPRISALS

1. It is Navy policy to ensure equality of opportunity and treatment for all military personnel. To achieve full implementation of this policy, constant attention must be paid to the process by which individuals' complaints of discrimination or sexual harassment are filed, investigated, and acted upon by the chain of command. Apart from their individual merits, complaints can provide valuable information about the existence of patterns of discriminatory treatment within a command and can be used as the basis for developing corrective action.

2. A major element of the Equal Opportunity (EO) Program is the process for resolving an individual discrimination complaint. That process is referred to as the Navy Grievance Procedure. Listed below are some fundamental principles underlying the Navy's Grievance Procedure:

a. All individuals have the right to present a legitimate grievance without fear of intimidation, reprisal, or harassment.

b. Service members have the right to communicate with their commanding officer concerning their complaint/grievance.

c. Service members have the right to be educated on the Navy's Grievance Procedure and on procedure for appealing decisions.

d. The command will be afforded the opportunity to rectify, remedy, or take appropriate action prior to forwarding complaints on to higher authority. Emphasis is placed on resolving the problem at the lowest level.

e. Service members have the responsibility to submit only legitimate complaints and exercise caution against immature or reckless charges.

f. The procedures an individual must follow to present a complaint/grievance are divided into two categories: informal and formal.

3. Informal Grievance Procedures

a. The first step in informal grievance procedures is for the complainant to attempt to resolve the complaint/grievance with the person or persons involved. Assistance of the immediate supervisor may be requested as the circumstances require. Requests are normally made orally, but may be requested in writing. If the object of the complaint is the complainant's immediate supervisor, the complaint will be presented to the next senior in the chain of command.

16 AUG 2000

b. If the complaint cannot be resolved between complainant and the persons involved or with the help of immediate supervisors, then the complainant will submit a request, either in writing or orally, in a timely manner for a commanding officer's request mast. U.S. Navy Regulations, Article 1151 states the right to present a legitimate discrimination complaint to the commanding officer at a proper time and place - this includes EO discrimination or sexual harassment complaints. When mast is requested, each person in the chain of command has the responsibility to forward the request regardless of whether or not the request is approved.

c. If the resolution of the informal complaint is considered unjust, the claimant may use the formal procedure for redress (relief). In all cases, it is the responsibility of the commanding officer to inform complainants of their right to submit a formal complaint and the method for making the submission.

d. Shore commanders are required to assign a person to assist the claimant in resolving sexual harassment and EO complaints. This individual is available to the complainant to provide assistance in determining the need for a grievance and the proper method of submission.

4. Formal Grievance Procedures

a. If the grievance is against a superior in the same command, other than the commanding officer, the complainant must submit a formal complaint, U.S. Navy Regulations, Article 1150, against the superior to the commanding officer. If the complainant considers the commanding officer's resolution unjust, they may submit a Uniform Code of Military Justice Article 138, "Complaint of Wrongs," against the Judge Advocate General. Individuals must be advised of their entitlement to military legal counsel. A Judge Advocate, when reasonably available, may assist in submitting this complaint.

b. If the grievance/complaint is against a superior in another chain of command, the complainant must submit the complaint to their commanding officer, who will then forward the complaint to the superior of the individual against whom the complaint is brought via the chain of command to the officer exercising court-martial jurisdiction over the individual named in the complaint. After review and action by the appropriate authority, a report of proceedings is forwarded to the Secretary of the Navy (Judge Advocate General) for review and final action by the Secretary of the Navy.

c. Corresponding with members of Congress is authorized under Article 1155 of U.S. Navy Regulations. Complainants may submit a congressional letter directly to any member of the U.S. Congress at any time unless this communication is unlawful or violates a security regulation. This procedure must be followed

16 AUG 2000

only as a last resort when recourse to the chain of commands fails.

d. Sexual harassment allegations may be reported through the Inspector General's Fraud, Waste, and Abuse Hotline. This alternative means of reporting harassment may be used if the complainant is not reasonably satisfied that the complaint has been or will be properly resolved by the chain of command. The number to call is DSN 288-6743, commercial (202) 433-6743, or toll free 1-800-522-3451.

e. Complaints related to discharge and service records must be directed to the Board for Correction of Naval Records or the Naval Council of Personnel Boards (Attn: Naval Discharge Review Board), Department of the Navy, Washington, DC 20370. Complaints must be submitted in writing. The forms and instructions for applying for redress will be provided by the appropriate board.

5. Investigating and Reviewing Complaints

a. The grievance system requires the trust and confidence of the personnel who must use that system. Too often, it is reported that service members are afraid of using the Navy grievance system because of fear of reprisals. Therefore, it is mandatory that commanding officers impress upon every member of the command that any act of reprisal will be dealt with swiftly and severely.

b. Reprisals against a person submitting a grievance may be overt or subtle in nature. Examples include a reduction in fitness report/evaluation marks, inequity in watchstanding duties, or increased workload/watchstanding assignments. The severest forms of reprisal are not recommending personnel for advancement, retention, or specialized programs.

c. Commanding officers must establish a climate which makes it absolutely clear to all that their policy is zero tolerance for reprisals. When reprisals are reported, commands must aggressively determine the validity of such reports and take prompt disciplinary action against violators. Prevention methods to assist commanding officers in maintaining an environment free of reprisals include:

(1) Regularly emphasizing the positive aspects of bringing to the command's attention acts of undesirable behavior.

(2) Periodically restating the command policy against acts of reprisal and reminding command members the violators will receive severe punishment.

(3) Actively following the complainant's performance and evaluation to ensure that no reprisals are taken once a complaint or grievance has been initiated. Commanding officers are

16 AUG 2000

encouraged to assign a personal advocate for the complainant to ensure that there are no reprisals initiated against them.

(4) Holding supervisors accountable for regularly documenting performance, especially in the case of declining performance; by maintaining personal counseling records, submitting special evaluations, and taking other remedial action. In extreme situations, the Commander may consider temporarily transferring the complainant to another command until the issue is resolved.

d. In conclusion, fostering an environment supporting equal opportunity, providing clear channels for reporting violations, and taking firm, positive action in cases of valid complaints lends credibility to a commanding officer's stated commitment to justice and equality of treatment for all personnel. The chain of command must be responsive to individuals who exercise their right to report a perceived discrimination, diligent in investigating and reviewing claims, fair in making judgements, and thorough in protecting claimants from reprisal. Adherence to the Navy's Grievance Procedures will nurture a climate of equity within the command, will support command morale, and will enhance EO programs for all personnel.

16 AUG 2000

5354

Ser 0214A/

From: Commander, Naval Medical Center, Portsmouth
To: Directors/Officers in Charge

Subj: MONTHLY EQUAL OPPORTUNITY ACTIVITY REPORT (EOAR)

Encl: (1) Format for Equal Opportunity Activity Report

1. The Directorate/Branch Medical Clinic Equal Opportunity Representatives (EOR) will submit a monthly Equal Opportunity Activity Report (EOAR). Enclosure (1) streamlines this report and ensures its continuity.

2. The report will be submitted no later than the fifth working day of the month following the reporting period.

3. EOAR's will contain the following information:

a. The number of sexual harassment, discrimination, and other cases: reported, investigated, substantiated, unsubstantiated, informally resolved, formally resolved (NJP/Court-Martial), and pending resolution.

b. Miscellaneous Issues: Identification of problems relative to any other area of equal opportunity, such as discipline, advancement, retention, etc.

c. Pending Cases: Status of cases pending resolution.

4. It is important for you and your Directorate/BMC EOR to be proactive, and be committed to and supportive of the Navy's Equal Opportunity Program. The result will be a positive EO climate in your Directorate/BMC, in our command, and in our Navy.

5. Point of contact: HMC J. Etheredge, Command EOA, 953-7215 or pager 682-1120.

M. BALSAM

Copy to:
EORs

Enclosure (4)

SAMPLE REPORT FORMAT

5354
(Code) _____
(Date) _____

From: Director/Officer in Charge, _____
(Directorate/BMC)
To: Commander, Naval Medical Center, Portsmouth
Via: Command Equal Opportunity Advisor (EOA), Code 0214A
Subj: EQUAL OPPORTUNITY ACTIVITY REPORT FOR THE MONTH OF _____

1. The following information is submitted:

# Cases	Sexual Harassment	Discrimination	Other
Reported			
Investigated			
Substantiated			
Unsubstantiated			
Informally Resolved			
Formally Resolved			
Pending Resolution			

2. Miscellaneous issues: _____

3. Pending cases: _____

4. EOR: _____ Phone: _____

(Director/OIC Signature)

Copy to:
DIR/OIC (as applicable)
DCHS (if BMC)
File