



DEPARTMENT OF THE NAVY
NAVAL AIR WARFARE CENTER AIRCRAFT DIVISION
PATUXENT RIVER, MD 20670-1161

12713
Ser 734000A/261
18 Nov 2010

MEMORANDUM FOR ALL HANDS

From: Commander, Naval Air Warfare Center Aircraft Division

Subj: PREVENTION OF SEXUAL HARASSMENT POLICY STATEMENT

Encl: (1)Naval Air Warfare Center Aircraft Division Plan for the
Prevention of Sexual Harassment

1. All civilian and military members of the Naval Air Warfare Center Aircraft Division (NAWCAD) deserve to be treated with dignity and respect. As Commander, I am responsible for providing a stable work environment free from all unlawful behaviors, including sexual harassment. Sexual harassment is an unlawful, disruptive, and degrading act that undermines the integrity of our people and the services we provide. Therefore, this type of behavior cannot and will not be tolerated within NAWCAD. Enclosure (1) offers additional details on NAWCAD's sexual harassment prevention policy. It must be adhered to by all hands.

2. 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 civilian employee is engaging in sexual harassment. Likewise, any military member or civilian employee who makes deliberate, repetitive, and unwelcome comments, gestures, jokes, remarks or physical contact of a sexual nature is also engaging in sexual harassment and will not be tolerated.

3. Any individual who believes an offense has occurred is encouraged to tell the offender that such behavior is unwelcome and is not to be repeated. If the objectionable behavior continues, the incident should be reported at the appropriate supervisory level. If the reporter encounters any problem pursuing the allegation through the internal chain of command, other reporting options include:

a. Contacting the local servicing office for advice and/or information on pursuing 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; and

b. Contacting the Navy Inspector General's (IG) Office to report incidents of sexual harassment for outside investigation. The IG can be reached at 1-800-522-3451.

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4. The Department of the Navy also has a toll-free telephone hotline for sexual harassment advice and counseling. 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 complaints process. To receive advice or counsel, please call 1-800-253-0931 or DSN 882-2507.

5. Once a supervisor is informed of an incident of alleged sexual harassment, the supervisor **shall** immediately inform and consult with the EEO Office within two business days. Military personnel should consult with their EO Office. For additional guidance on policy and procedures, please contact your local servicing EO/EEO Office.

6. I encourage all military members and civilian employees to read enclosure (1) and take the training that is provided and required. Let's all work together to keep NAWCAD a positive and productive place to work and to serve our Sailors and Marines.



R. L. MAHR

Rear Admiral, United States Navy

NAVAL AIR WARFARE CENTER AIRCRAFT DIVISION
PLAN FOR THE PREVENTION OF SEXUAL HARASSMENT

1. Policy Statement. In support of the United States Navy mission, the Naval Air Warfare Center Aircraft Division (NAWCAD) values and is committed to sustaining a work environment free from all unlawful and discriminatory practices, including sexual harassment. It is understood that the leadership of this Command is responsible for upholding this high standard and for executing the Command's policy on the prevention of sexual harassment. NAWCAD's policy states:

a. Sexual harassment in any form is prohibited.

b. Managers and supervisors will foster a Command climate absent of harassment acts, reprisal or intimidation.

c. All new NAWCAD employees will be educated and trained to identify, prevent and resolve issues related to sexual harassment within 90 days of reporting on board and annually thereafter.

d. Individuals who believe they have been sexually harassed will be made aware of the different options of redress available to them.

e. All reported incidents of sexual harassment will be investigated and resolved at the lowest appropriate level. Reported incidents will be addressed 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.

f. 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 5300.26C, Department of the Navy (DON) Policy on Sexual Harassment, dated 17 October 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 8a are regulatory orders and apply to all DON personnel individually and the prohibitions in subparagraph 8a apply to all conduct which occurs in or impacts a Department of Defense working environment as described in the instruction.

4. Responsibilities.

a. All NAWCAD managers/supervisors will:

(1) Set the example by 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 subjected to or observing 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 NAWCAD managers/supervisors/employees are required to take training annually as deployed by their servicing EEO offices. The NAWCAD Equal Employment Opportunity (EEO) Office reviews these training plans annually and validate attendance during program reviews/inspections.

6. Avenues of Redress.

a. An individual subjected to or observing objectionable behavior should inform his or her supervisor. If the person demonstrating the objectionable behavior is a direct supervisor 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).

Enclosure (1)

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

(1) Civil service procedure

(a) Management Inquiry:

1. Individual notifies management chain of sexual harassment allegations. Within 2 business days, management will inform and consult with the EEO Office. 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. The servicing Labor/Employee Relations Division should inform and consult with the local servicing EEO Office within 2 business days of the incident.

(e) Hotline:

1. NAWCAD employees can file a hotline complaint with the Office of the Inspector General at the site, NAVAIR or Department of Navy level as posted. The Office of the Inspector General will inform the servicing EEO Office within 2 business days after a hotline complaint is filed.

(2) Military Procedure - 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. They should also confront the individual, inform their supervisors and the Chief Petty Officer, Division Officer, and up the chain, until the problem is resolved. The final step in the informal process is to request Mast. If the problem is not resolved then the member can proceed to the formal complaints process.

(b) Formal Complaint process is the primary method - 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 U.S. Navy Regulations, Article 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 2 weeks.

b. the local servicing EEO Office will report all allegations within 2 business days from the date they become aware of the incident to the NAVAIR Command EEO Office and follow-up with a report of the results of the investigation. Status reports will be provided every 2 weeks until the investigation is completed.