



DEPARTMENT OF THE NAVY

NAVAL POSTGRADUATE SCHOOL
1 UNIVERSITY CIRCLE
MONTEREY, CA 93943-5000

NPSINST 5354.1
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26 Nov 13

NPS INSTRUCTION 5354.1

From: President, Naval Postgraduate School

Subj: EQUAL EMPLOYMENT OPPORTUNITY (EEO) PROGRAM POLICIES

Ref: (a) DOD Directive 1350.2 of 18 Aug 95
(b) SECNAVINST 5350.16A
(c) DON Discrimination Complaints Manual of 12 Mar 03
(d) SECNAVINST 5300.26D
(e) DOD Directive 1325.6 of 1 Oct 96
(f) NAVPERS 15620, Resolving Conflict Booklet
(g) SECNAVINST 5354.1F CH-1
(h) SECNAVINST 12250.6
(i) DoD Directive 1440.1
(j) EEOC MD-715
(k) EEOC MD-110
(l) 29 CFR 1614
(m) D.L.107-174 No Fear Act

Encl: (1) Equal Opportunity Policy Statement
(2) Diversity Policy Statement
(3) DON No FEAR Policy Statement
(4) Sexual Harassment Policy Statement
(5) Alternative Dispute Resolution Policy Statement
(Civilian)
(6) Harassment and Hostile Work Environment Policy
Statement
(7) People with Disabilities and Disabled Veteran Program
Policy Statement

1. Purpose. To promulgate EEO policies command-wide.

2. Policy

a. Per references (a) through (m), it is the policy of the Department of the Navy to provide Equal Employment Opportunity (EEO) regardless of race, color, national origin, religion, sex, age, sexual preference or physical or mental disability. As the EEO Officer for the Naval Postgraduate School (NPS), I reaffirm the policy of the Secretary of the Navy and state my personal commitment to EEO and to maintain a work force reflecting the full range of

talent and diversity, and to create and maintain an inclusive environment free from discrimination.

b. Enclosures (1) through (7) reflect my policies to fully integrate EEO into our mission with demonstrated commitment from all levels of leadership, to provide equal opportunity in employment for all employees and applicants for employment, to proactively prevent discrimination in employment, to prohibit acts of reprisal against people presenting or processing allegations of discrimination, and to ensure that managers and supervisors collaboratively share responsibility with EEO and human resources (HR) professionals.

c. It is my expectation that every civilian and military member of NPS will support my policy on equal employment opportunity. We need to work together as an efficient and effective team to ensure all forms of discrimination and harassment do not exist at NPS. Please ensure the widest dissemination and posting of the attached policies to all personnel.

3. Action. Replace all current EEO policy statements with enclosures (1) through (7).



R. A. ROUTE

Distribution:

Intranet.nps.edu/Code00/Instructions/IndexNew.html



COMMAND EQUAL OPPORTUNITY POLICY STATEMENT

1. As President, I want to assure each military member and civilian employee that I am totally committed to ensuring a non-hostile, non-offensive, and discriminatory-free work environment throughout the Naval Postgraduate School (NPS). People are our most valuable resource. I hold everyone accountable and responsible in ensuring that this objective is met. We must set the example of being a "Model EEO" federal activity. Discrimination in the workplace is against the law and no employee will be subjected to discrimination or arbitrarily denied equal treatment because of their race, color, religion, gender, age, national origin, physical or mental disability, or ethnicity. We must all be sensitive to any occurrence of unfair practices, and use every means at our disposal to eliminate them so that we may all enjoy fair treatment and equal opportunity.

2. It is my expectation every civilian and military member of NPS will support my policy on equal employment opportunity. We need to work together as an efficient and effective team to ensure all forms of discrimination and harassment do not exist at NPS. All NPS employees are to be afforded equality of opportunity in all aspects of employment. Non-merit factors will have no place in personnel decisions. Personnel decisions include not just the formal acts of hiring, reassignment, promotion and evaluation, but also include the daily decisions made in many areas, such as work assignments, training opportunities, and supervisory support.

3. EEO is an integral part of our mission and good management. All levels of leadership must be committed to provide equal opportunity in employment to all employees and applicants for employment, to proactively prevent discrimination in employment, to prohibit acts of reprisal against people presenting or processing allegations of discrimination, and to ensure that managers and supervisors collaboratively share responsibility with EEO and HR professionals.

4. Please contact the Human Resources Office, Equal Employment Opportunity Office, Herrmann Hall, Room 139h, or call comm: (831)656-2480, or email: eeo@nps.edu if you have any questions or wish to file a civilian discrimination complaint. Civilian employees have 45 days from the date the discriminatory incident/act to file an informal EEO Complaint. For military personnel, please contact the Command Managed Equal Opportunity Manager at cmeo@nps.edu.


R. A. ROUTE



COMMAND DIVERSITY POLICY STATEMENT

1. As President and Equal Employment Opportunity Officer for the Naval Postgraduate School, I am committed to supporting diverse strategies to institutionalize a culture that fully supports and values a diverse workforce. Diversity is a leadership issue and is critical to our mission accomplishment. I want our employees empowered with the means necessary to reach full potential.

2. As a Command, we need to bring down any real or perceived barriers denying opportunities. Each individual can share in this responsibility by maintaining sensitivity to our cultural differences and valuing the contributions each member of our team makes to the accomplishment of our mission. Effective communication at all levels is critical to improving diversity. Professionalism and respect is expected at all times in the workplace in order to increase our diversity and to build a workforce and place of employment we will be proud of.

3. We must create a working environment that supports diversity to garner talents, support inclusion and assure creativity of different cultures, backgrounds, and all life experiences. I fully support the Department of the Navy's policy to recruit qualified individuals from across the U.S. in an effort to achieve a work force drawn from all segments of society. Leadership must work to eliminate underrepresentation in the workforce and barriers to promotion, recruitment, or hiring of minorities must be removed. We must ensure all employees are considered equally for training, career enhancing opportunities and assignments.

4. I am committed to increasing representation of qualified individuals with disabilities at all levels of the workforce. I challenge our leaders to ensure qualified individuals with disabilities receive full and fair consideration for employment and advancement consistent with their qualifications. Leadership will fully support the hiring of our wounded warriors, disabled veterans, and others afflicted with disabilities. Our work areas must be free from barriers that may hamper employment of persons with disabilities.

5. Each individual, military and civilian, should be encouraged and enabled to reach his or her greatest potential through fair, equal and ethical treatment.


R. A. ROUTE



Department of Navy

**Notification and Federal Employee Anti-Discrimination and
Retaliation Act of 2002**

Department of Navy (DON) Notice

On May 15, 2002, Congress enacted the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002," which is now known as the No FEAR Act. One purpose of the Act is to "require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws." Pub. L. 107-174, Summary. In support of this purpose, Congress found that "agencies cannot be run effectively if those agencies practice or tolerate discrimination." Pub. L. 107-74, Title I, General Provisions, Section 101(1).

The Act also requires that DON inform current employees, former employees and applicants for employment, of the rights and protections available under Federal antidiscrimination, whistleblower protection and retaliation laws.

Antidiscrimination Laws

A Federal agency may not discriminate against an employee or applicant with respect to the terms, conditions or privileges of employment on the basis of race, color, religion, sex, national origin, age, disability, marital status or political affiliation. Discrimination on these bases is prohibited by one or more of the following statutes: 5 U.S.C. 2302(b) (1), 29 U.S.C. 206(d), 29 U.S.C. 631, 29 U.S.C. 633a, 29 U.S.C. 791 and 42 U.S.C. 2000e-16.

If you believe that you have been the victim of unlawful discrimination on the basis of race, color, religion, sex, national origin or disability, you must contact an Equal Employment Opportunity (EEO) counselor within 45 calendar days of the alleged discriminatory action, or, in the case of a personnel

action, within 45 calendar days of the effective date of the action, before you can file a formal complaint of discrimination with your agency. See, e.g., 29 CFR 1614.

If you believe that you have been the victim of unlawful discrimination on the basis of age, you must either contact an EEO counselor as noted above or give notice of intent to sue to the Equal Employment Opportunity Commission (EEOC) within 180 days of the alleged discriminatory action.

If you are alleging discrimination based on marital status or political affiliation, you may file a written complaint with the U.S. Office of Special Counsel (OSC) (see contact information below). In the alternative (or in some cases, in addition), you may pursue a discrimination complaint by filing a grievance through your agency's administrative or negotiated grievance procedures, if such procedures apply and are available.

Whistleblower Protection Laws

A Federal employee with authority to take, direct others to take, recommend or approve any personnel action must not use that authority to take or fail to take, or threaten to take or fail to take, a personnel action against an employee or applicant because of disclosure of information by that individual that is reasonably believed to evidence violations of law, rule or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety, unless disclosure of such information is specifically prohibited by law and such information is specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

Retaliation against an employee or applicant for making a protected disclosure is prohibited by 5 U.S.C. 2302(b)(8). If you believe that you have been the victim of whistleblower retaliation, you may file a written complaint (Form OSC-11) with the U.S. Office of Special Counsel at 1730 M Street NW., Suite 218, Washington, DC 20036-4505 or online through the OSC Web site--<http://www.osc.gov>.
Retaliation for Engaging in Protected Activity

A Federal agency may not retaliate against an employee or applicant because that individual exercises his or her rights under any of the Federal antidiscrimination or whistleblower protections laws listed above. If you believe that you are the victim of retaliation for engaging in protected activity, you must follow, as appropriate, the procedures described in the Antidiscrimination Laws and Whistleblower Protection Laws sections or, if applicable,

the administrative or negotiated grievance procedures in order to pursue any legal remedy.

Disciplinary Actions

Under the existing laws, each agency retains the right, where appropriate, to discipline a Federal employee who has engaged in discriminatory or retaliatory conduct, up to and including removal. If OSC has initiated an investigation under 5 U.S.C. 1214, however, according to 5 U.S.C. 1214(f), agencies must seek approval from the Special Counsel to discipline employees for, among other activities, engaging in prohibited retaliation. Nothing in the No FEAR Act alters existing laws or permits an agency to take unfounded disciplinary action against a Federal employee or to violate the procedural rights of a Federal employee who has been accused of discrimination.

Additional Information

For further information regarding the No FEAR Act regulations, on the website <http://www.donhr.navy.mil/NoFearAct.asp>.

Additional information regarding Federal antidiscrimination, whistleblower protection and retaliation laws can be found at the EEOC Web site--<http://www.eeoc.gov> and the OSC Web site--<http://www.osc.gov>.

If you have any questions pertaining to this notice please contact Deputy EEO Officer, at the NPS HRO EEO Office, Herrmann Hall, Room 139H, comm: (831)656-2480, or email: eeo@nps.edu or for military personnel, cmeo@nps.edu.

Existing Rights Unchanged

Pursuant to section 205 of the No FEAR Act, neither the Act nor this notice creates, expands or reduces any rights otherwise available to any employee, former employee or applicant under the laws of the United States, including the provisions of law specified in 5 U.S.C. 2302(d).



COMMAND SEXUAL HARASSMENT PREVENTION POLICY STATEMENT

Discrimination, sexual harassment or harassment for any reason in the Federal workplace is against the law. These unfair practices will not be tolerated. We must be sensitive to any occurrence of these practices and use every means at our disposal to eliminate them.

Sexual harassment is a form of sexual discrimination involving unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct 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; and/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; and/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.

The prevention of sexual harassment exemplifies the Department of the Navy's goal to uphold the highest standards of leadership and personal conduct. Each leader, manager and supervisor is responsible for providing guidance to personnel and taking prompt corrective action upon encountering evidence of inappropriate conduct. Discrimination and sexual harassment are demeaning and absolutely unacceptable.

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 service member or civilian employee is engaging in sexual harassment. Similarly, any service member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment.

The "Reasonable Person" standard will be used to determine whether behavior constitutes harassment or sexual harassment. This

objective standard considers what a reasonable person's standard reaction would have been under similar circumstances and in a similar environment. This standard considers the recipient's perspective and not the stereotyped notions of acceptance behavior.

No individual shall:

(1) Commit unlawful discrimination, harassment or sexual harassment; or;

(2) Take reprisal against a person who provides information on an incident.

Reprisal is the wrongful threatening or taking of either unfavorable action against another, or withholding favorable action from another, solely in response to a report of discrimination or sexual harassment, or;

(3) Knowingly make a false accusation of discrimination or sexual harassment, or;

(4) While in a supervisory or command position, condone or ignore discrimination or sexual harassment of which he or she has knowledge or should have knowledge.

Reports of discrimination and sexual harassment will be thoroughly investigated. Appropriate action will be swift in substantiated cases, including those cases involving supervisors who condone or ignore such misconduct. The chain of command shall be fully utilized and instances of discrimination/ sexual harassment will be resolved at the lowest possible level. All cases or suspected incidents of sexual harassment and discrimination should be reported by the victim to their immediate supervisor or next senior person in the chain of command who is not involved, and/or to an Equal Opportunity Advisor.

If a complainant is not satisfied during the complaint process, they may use the Inspector General's Fraud, Waste and Abuse Hotline at DSN: 288-6743 or toll free at 1-800-522-3451 or 1-800-253-0931 (Sexual Harassment and EO Advice Line).

Military and civilian personnel alike are encouraged to use the Alternative Dispute Resolution (ADR) Program as a means of direct resolution of discrimination or sexual harassment complaints (not independently criminal in nature). The ADR program was designed to complement, not replace, current formal procedures for resolving complaints of discrimination. The ADR program provides an opportunity for the individuals involved to resolve the conflict at an informal level.

Supervisors/managers must advise your employees there is zero tolerance for inappropriate behavior and the consequences of such behaviors. You must ensure employees understand and know their rights; receive annual Prevention of Sexual Harassment Training; conduct prompt thorough investigation into allegations of discrimination and sexual harassment. Supervisors must observe the work environment and talk to your employees. Most of all do not ignore questionable behavior.

These behaviors undermine unit cohesion and will not be tolerated in any form at the Naval Postgraduate School. As President, I expect every civilian and military member of this command to support this policy and to work with me to achieve an environment free from all forms of unlawful discrimination where everyone is treated with dignity and respect.



R. A. ROUTE



COMMAND ALTERNATIVE DISPUTE RESOLUTION POLICY STATEMENT

I am firmly committed and support the use of the Department of the Navy's Alternative Dispute Resolution (ADR) Program, specifically mediation, to resolve disputes, complaints, grievances and appeals.

ADR provides an opportunity to resolve workplace conflicts creatively and effectively in a non-threatening way, and can result in savings in time, energy and expense associated with protracted conflict and litigation. ADR (mediation) is a tool that enables us to resolve disputes efficiently in a manner consistent with the Navy policy of resolving problems at the earliest possible stage and lowest possible level.

Mediation emphasizes creativity and cooperation in lieu of adjudicative or adversarial means of solving problems. It fosters open communications, quick response, and constructive intervention to assist both parties in resolving conflicts at the earliest possible stage. Mediation provides a means through which employees at all levels may resolve work-related concerns prior to use of traditional grievances or complaint procedures.

I expect your commitment to preventing workplace disputes when possible, resolving disputes appropriately and taking full advantage of ADR methods throughout the command. Also, managers and supervisors are to cooperate fully with ADR Program Officials to include HR and EEO to identify disputes appropriate for ADR (mediation).


R. A. ROUTE



COMMAND POLICY STATEMENT: CREATING A POSITIVE COMMAND CLIMATE AND PREVENTING HARASSMENT AND HOSTILE WORK ENVIRONMENT

As President, I am committed to achieving a work environment free from discrimination and harassment. I want to assure each military member and civilian employee that I am totally committed to ensuring a non-hostile, non-offensive, and discriminatory-free work environment at the Naval Postgraduate School.

Workplace harassment based on race, color, national origin, religion, sex, disability, age, or any other reason will not be tolerated at the Naval Postgraduate School. Harassment is discriminatory behavior that includes objectionable verbal or physical conduct, comments, or displays that demean, disparage, aggravate, intimidate or cause humiliation or embarrassment to another person. Every manager and supervisor, military and civilian, is responsible for maintaining a workplace environment free of discrimination and harassment of any type.

Maintaining a work environment free of hostility is essential in the workplace. Supervisors and managers must take prompt action to identify and correct any improper behavior identified when allegations of harassment or hostile work environment arise. Ridicule, abuse, insults or derogatory comments that are directly or indirectly based on discriminatory factors or any other reason will not be tolerated. Our mission at NPS requires mutual trust that can only exist in an environment where every individual is treated with dignity and respect.

Harassment at any level is to be reported, and appropriate action will be taken after a complete inquiry into the allegations has been investigated.


R. A. ROUTE



**COMMAND POLICY STATEMENT: EMPLOYMENT OF PEOPLE WITH DISABILITIES
AND DISABLED VETERANS**

As the Equal Employment Opportunity Officer for the Naval Postgraduate School, I am firmly committed to the Department of the Navy's policy on the employment of disabled veterans and qualified personnel who have physical or mental disabilities. Disabled veterans and disabled employees display the same high levels of motivation, productivity and dependability as others and their skills are integral to mission accomplishment here at the Naval Postgraduate School.

NPS will actively recruit, train, retain and accommodate all personnel in a nondiscriminatory environment. I encourage initiative and personal leadership to increase recruitment, employment, career development, and promotion opportunities for disabled veterans and disabled individuals. Reasonable accommodation for qualified individuals who have a disability shall be made in accordance with current applicable regulations and guidelines.

A handwritten signature in black ink, appearing to read 'R. A. Route', is written in a cursive style.

R. A. ROUTE