BUMED INSTRUCTION 5354.5B

From: Chief, Bureau of Medicine and Surgery

Subj: COMMAND MANAGED EQUAL OPPORTUNITY PROGRAM

Ref: (a) OPNAVINST 5354.1G 
     (b) OPNAVINST 5300.13 
     (c) DoD Directive 1350.2 of 8 June 2015 
     (d) OPNAVINST F3100.6J

1. Purpose

   a. To disseminate information, set forth guidelines, and implement policies and procedures to enable Navy Medicine (NAVMED) to accomplish the goals and objectives of the Navy Equal Opportunity (EO) Program. References (a) through (d) provide additional guidance.

   b. Significant Changes

      (1) Separate quarterly reports for echelon 3 commands are no longer a requirement. Quarterly reports will be submitted as directed in references (a) and (b).

      (2) Updates to the reporting requirements for formal cases outlined in reference (a).

      (3) Removed situation report (SITREP) tracking chart and the Command Managed Equality Opportunity (CMEO) quarterly report.

      (4) The inclusion of sexual orientation and gender identity in the EO program.

2. Cancellation. BUMEDINST 5354.5A.

3. Policy. All personnel within NAVMED will be afforded EO regardless of race, color, religion, sex (including gender identity), national origin, or sexual orientation. Discrimination, harassment, and any other actions designed to deny or result in the denial of EO shall not be

4. Scope and Applicability. Civilian employees who raise allegations of harassment, sexual harassment, or unlawful discrimination must be referred to the appropriate servicing equal employment opportunity (EEO) office. The provisions in this directive apply to the following personnel:
a. All active duty Navy personnel.

b. All reserve personnel when performing active or inactive duty for training, or engaging in any activity directly related to the performance of the Department of Defense (DoD) reserve duty or function.

c. Member of other Services assigned or attached to a Navy unit.

5. **Background.** The objective of the CMEO program is to promote morale and quality of life by providing an environment in which all personnel can perform to their maximum ability unimpeded by institutional or individual biases. The CMEO program is intended to be one of many tools for commanders, commanding officers (CO), and officers in charge (OIC) for the prevention of unprofessional behavior and ensuring goals are obtained. Reference (a) establishes the policy and intent of EO within the Navy and provides guidance to achieve these standards. Commanders, COs, and OICs must create, shape, and maintain a positive EO environment by enforcing policy through communication, training, and assessment.

6. **Responsibilities.** All NAVMED commands will comply with the provisions outlined in references (a) through (d). They shall establish and make visible a precise EO policy statement indicating an environment that is free of discrimination, harassment, and ensures zero tolerance for reprisal if grievances are submitted.

   a. **Commanders, COs, and OICs.** Must designate in writing a CMEO program manager as prescribed in reference (a), subparagraph 6d. In addition, Commanders, COs, and OICs are responsible for the following:

      (1) **Command Climate Brief.** Per reference (a), the CO or OIC, along with the deputy, executive officer (XO), or assistant OIC, and senior enlisted leader, must obtain a one-on-one EO and command climate brief from their respective command climate specialists (CCS) within 30 days of assuming command.

      (2) **Command Climate Assessments and Executive Summaries.** Per reference (a), the CO or OIC must complete a command climate assessment within 90 days of assuming command and every 9 to 12 months as follow-up assessments during their command tenure. In the event a command cannot complete an assessment in the required time frame, a request must be submitted to Deputy Chief, Total Force, Bureau of Medicine and Surgery (BUMED) for an extension. Commanders, COs, and OICs are encouraged to use focus groups, personal interviews, record reviews, and captain’s calls to validate results. An executive summary of the command climate assessment will be generated to summarize the results of the command climate assessment. The executive summary will consist of command demographic data, documentation used for triangulation method, assessment finding and recommendations, and a plan of actions and milestones (PO&AM). Reference (a), appendix (J) contains a sample executive summary. The command climate assessment and executive summary will be forwarded to the BUMED CCS and maintained locally for a period of 36 months.
(3) **Annual Climate Assessment.** Per reference (a), chapter 2, subparagraph 6q, commands must submit to their immediate superior in command (ISIC) an annual climate assessment report by 15 November utilizing appendix (K).

b. **CCS.** Per reference (a), echelon 2 commands must establish a CCS billet. In addition, echelon 3 commands that have subordinate commands must establish a CCS billet to provide enhanced oversight of their command and subordinate command climates.

(1) The echelon 3 CCS will track all EO messages of commands falling under their area of responsibility and forward to the echelon 2 CCS.

(2) The echelon 3 CCS will conduct periodic review of command assessments as well as random spot checks and technical assist visits for all commands that fall under their responsibility.

(3) The BUMED CCS will conduct a periodic review of command assessments as well as initiate random spot checks and technical assist visits for all echelon 3 commands.

c. **CMEO Program Managers.** Per reference (a), each command shall have a CMEO manager who must be designated in writing and have completed the CMEO program managers Course (CIN A-500-0009) within 3 years prior to appointment. CMEO program manager assignment must not create a conflict of interest with other duties assigned (i.e., member of the command TRIAD, legal officer, etc.). Any deviations from this instruction for assignment of a CMEO program manager is required to be approved, in writing by the ISIC.

(1) Must be an E6 or above with 8 years of service and 24 months remaining in a tour of duty at their assigned permanent duty station.

(2) Must serve in this position for a minimum of 24 months.

(3) Will ensure command resilience team (CRT) meetings are held at minimum, quarterly and documented appropriately. CRT meeting documentation will be maintained in the CMEO program manager’s binder as outlined in reference (a).

d. **CRT.** CRT members are primarily responsible for conducting command assessments, documenting, and implementing corrective measures to address concerns revealed during a command climate assessment. The CRT must meet, at a minimum, quarterly. The CRT meetings are required to be documented and the documentation will be maintained in the CMEO program manager’s binder. The CRT will consist of the following personnel:

(1) Executive Officer (XO) or equivalent. XO or equivalent must serve as the CRT lead. For commands that don't have an XO or its equivalent, the senior enlisted advisor must be a member of the CRT.
(2) One department head
(3) One leading chief petty officer (LCPO)
(4) Command career counselor (CCC)
(5) Personnel officer
(6) Legal officer
(7) Sexual assault and prevention representative (SAPR)
(8) Drug and alcohol program advisor (DAPA)
(9) Command financial specialist (CFS)
(10) Suicide prevention coordinator
(11) Chaplain (if assigned)
(12) CMEO
(13) Command diversity officer (if assigned)
(14) Deputy EEO Officer (if assigned)

7. Reporting 
   a. Formal Reports. All EO formal reports will be executed per reference (a). The preferred method of filing a formal report is by submitting a NAVPERS 5354/2 Navy EO Formal Complaint Form. Other formal report options include, but are not limited to:

   (1) NAVPERS 1626/7 Report and Disposition of Offense(s).

   (2) Navy Regulations Article 1150, Redress of Wrongs Committed by a Superior.

   (3) Uniform Code of Military Justice, Article 1138, Redress of Wrongs against the Commanding Officer.

   (4) Congressional Inquiry.

   (5) Inspector General Inquiry.
b. **Message.** A naval message must be sent via message traffic by the alleged offender’s command, who is responsible for sending a detailed naval message upon initial receipt and the final resolution of a formal harassment or unlawful discrimination report. If the alleged offender belongs to another Service or is a civilian, the alleged offender’s command will be responsible for sending the initial and final messages upon initial receipt and final resolution. All EO formal complaints must be reported via message within 24 hours and completed within 20 days. If the command cannot complete the EO report within the 20 days a follow up message is required only for sexual harassment reports and must be submitted every 14 days. Formal harassment reports and discrimination reports only require the initial and final report. Formal harassment, sexual harassment, and unlawful discrimination reports must be investigated and resolved within 60 days of filing the report. Information on how to submit these messages can be found in reference (a) and where to submit these messages can be found in reference (d).

Formal harassment and unlawful discrimination reports must be investigated and resolved within 60 days of filing the report. The alleged offender’s command is responsible for sending detailed naval messages upon initial receipt and final resolution of a formal harassment or unlawful discrimination report. If the complainant or alleged offender requests an appeal, update messages must be sent every 30 days throughout the appeal process. If the alleged offender belongs to another Service or is a civilian, the alleged offender’s command is responsible for sending the initial and final messages upon initial receipt and final resolution.

c. **Appeal of Formal Harassment or Unlawful Discrimination Report.** Detailed information regarding the appeal process can be found in reference (a), chapter 4, subparagraph 4. If either member (complainant or accused) request a review by higher authority, it must be made within 7 days of the notification of findings.

8. **Review and Effective Date.** Per OPNAVINST 5215.17A, BUMED-M00EO will review this instruction annually around the anniversary of its issuance date to ensure applicability, currency, and consistency with Federal, DoD, Secretary of the Navy (SECNAV), and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. This instruction will be in effect for 5 years, unless revised or cancelled in the interim, and will be reissued by the 5-year anniversary date if it is still required, unless it meets one of the exceptions in OPNAVINST 5215.17A, paragraph 9. Otherwise, if the instruction is no longer required, it will be processed for cancellation as soon as the need for cancellation is known following the guidance in OPNAV Manual 5215.1 of May 2016.

9. **Forms and Information Management Control**

   a. **Forms.** The following NAVPERS forms are available electronically from the Naval Forms Online Web site at https://navalforms.daps.dla.mil/web/public/home):

      (1) NAVPERS 1626/7 Report and Disposition of Offense(s).

      (2) NAVPERS 5354/2 Navy EO Formal Complaint Form.
b. Information Management Control. The reporting requirements contained in this instruction are exempt from reports control per SECNAV M-5214.1 of December 2005, part IV, subparagraph 7n.

C. FORREST FAISON III

Releasability and distribution:
This instruction is cleared for public release and is available electronically only via the Navy Medicine Web site, http://www.med.navy.mil/directives/Pages/BUMEDInstructions.aspx.