

LESSON PLAN

Pride and Professionalism

Lesson 1.6 Equal Opportunity

Enabling Objectives:

- 1.6.1 DEFINE terms (Equal Opportunity, CMEQ, EOA, discrimination, IG Hotline, whistle blower, extremist group, religious accommodation, Sexual Harassment, Green-light, Yellow-light, Red-light behaviors, Don't Ask, Don't Tell, homosexual conduct, hazing).
- 1.6.2 IDENTIFY the Navy Regulations and Standard Organization and Regulations Manual (SORM) articles pertaining to EO and Administrative Corrective Measures.
- 1.6.3 IDENTIFY the reporting requirements for illegal discrimination.
- 1.6.4 IDENTIFY methods of reporting illegal discrimination.
- 1.6.5 IDENTIFY the consequences of illegal discrimination.
- 1.6.6 IDENTIFY methods for resolving discrimination complaints.
- 1.6.7 IDENTIFY components of the Navy's Sexual Harassment Policy.
- 1.6.8 DIFFERENTIATE behaviors that are sexual harassment from those that are not.
- 1.6.9 IDENTIFY key components of the Navy's Religious Accommodation Policy.
- 1.6.10 IDENTIFY key components of the Navy's Homosexual Conduct Policy.
- 1.6.11 LIST parameters for investigating threats or harassment for alleged homosexual conduct.
- 1.6.12 IDENTIFY components of the Navy's Hazing Policy.
- 1.6.13 IDENTIFY reporting requirements for hazing.
- 1.6.14 LIST consequences of hazing.

1.6.15 IDENTIFY components of the Navy's Fraternalization Policy.

1.6.16 IDENTIFY prohibited relationships under the Navy's Fraternalization Policy.

Trainee Preparation Material:

A. Trainee Support Materials:

- 1. Outline Sheet 1-6-1
- 2. Problem Sheet 1-6-1
- 3. Problem Sheet 1-6-2
- 4. Problem Sheet 1-6-3

B. Reference Publications: U.S. Navy Core Values Charter

Instructor Preparation:

A. Review Assigned Training Material

- 1. Instructors for all lessons must read and familiarize themselves with, at minimum, the "Introduction/Navy Core Values" and "Decision Making" lessons. This will allow instructors to relate their lesson's material to Navy Core Values, the Four Universal Ethical Principles, and the Five-Step Decision Making Process. Instructors should bring these into their discussion whenever the opportunity presents itself, whether in the form of the instructional material itself or questions from trainees.

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B. Reference Publications:

1. Command Managed Equal Opportunity (CMEO) Manager's Course
2. Navy Regulations
3. Uniform Code of Military Justice
4. DON Core Values Charter
5. SECNAV INSTRUCTION 5350.16A Equal Opportunity Within the Department of the Navy
6. OPNAV INSTRUCTION 5354.1F Navy Equal Opportunity Policy
7. NAVPERS 15620 Manpower Equal Opportunity – Resolving Conflicts
8. SECNAV INSTRUCTION 5300.26D Department of the Navy Policy on Sexual Harassment
9. SECNAV INSTRUCTION 1760.8A Accommodation of Religious Practices
10. United States Code (USC) Title X Section 654 Policy concerning homosexuality in the armed services
11. NAVADMIN 291/99 Continuing Guidance Concerning Proper Application of DOD Homosexual Conduct Policy
12. SECNAV INSTRUCTION 1610.2A Department of the Navy Policy on Hazing
13. OPNAV INSTRUCTION 5370.2C Navy Fraternalization Policy
14. OPNAV INSTRUCTION 3120.32C Standard Organization and Regulations of the U.S. Navy
15. SECNAV INSTRUCTION 5370.7C Whistle Blower Reprisal Protection
16. USC Title X Section 1034 Protected communications; prohibition of retaliatory personnel actions

C. Training Materials Required:

1. Computer and Compatible Projector
2. Navy Pride and Professionalism Presentation CD
3. White Board or Newsprint
4. Colored Markers
5. Trainee Guide
6. PowerPoint Slides: 1-6-1 through 1-6-43

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DISCUSSION POINT

1. Equal Opportunity

a. Definitions

RELATED INSTRUCTOR ACTIVITY

1. **Slide 1-6-1**, Lesson Introduction

Slide 1-6-2, Lesson Overview

Refer to Diversity lesson. Briefly review the necessity and benefits to the Navy of a diverse workforce. Point out that Equal Opportunity (EO) is the official policy designed to create and maintain that necessary and beneficial diversity.

The Defense Equal Opportunity Management Institute (DEOMI) defines a “right” as: “That which is due every member of the U.S. Navy by virtue of just claim, fair principle, and legal guarantee. A right can only be lost through due process of law.”

You might play on the double meaning of “right” (the above definition and ethically “right”) to emphasize the concepts of fairness and justice in evaluating individuals on their merits rather than the group to which they belong.

a. Present the following definitions of EO policy and the personnel appointed to maintain that policy.

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- (1) **Equal Opportunity (EO)** – The right of all persons to participate in, and benefit from, programs and activities for which they are qualified. These programs and activities shall be free from social, personal, or institutional barriers that prevent people from rising to the highest level of responsibility possible. Persons shall be evaluated on individual merit, fitness, and capability, regardless of race, color, national origin, gender, or religion.
- (2) **Command Managed Equal Opportunity (CMEO) Manager** – Command member (recommend E-7 to E-9 or officer with four years of service) appointed in writing by the commanding officer, who functions as the single point of contact for EO issues within the command. Coordinates complaint reporting and tracking.
- (3) **Equal Opportunity Advisor (EOA)** – The EOA serves as primary advisor and subject matter expert to commanding officers and command managed equal opportunity (CMEO) managers, and provide assistance to other members in the chain of command on EO issues. In this capacity, EOAs provide EO briefings, training, and assist visits to subordinate commands. EOAs typically do not conduct command investigations into EO issues, but instead serve as EO process advisors and reviewing subject matter experts.

RELATED INSTRUCTOR ACTIVITY

- (1) **Slide 1-6-3**, Equal Opportunity: Definitions
- (2) In presenting the definitions of CMEO and EOA, stress that these positions exist to ensure everyone is treated fairly and according to merit.

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DISCUSSION POINT

b. Navy Regulations and the Standard Organization and Regulations Manual (SORM) and Equal Opportunity

(1) Navy Regulations – The following regulations are applicable to Equal Opportunity policy:

(a) NAVREG Article 1110, Standards of Conduct – All Department of the Navy personnel are expected to conduct themselves in accordance with the highest standards of personal and professional integrity and ethics. At a minimum, all personnel shall comply with directives issued by the Secretary of Defense and the Secretary of the Navy regarding the Standards of Conduct and Government Ethics.

(b) NAVREG Article 1133, Language Reflecting on a Superior – No person in the naval service shall use language which may tend to diminish the confidence in or respect due to his or her superior officer.

RELATED INSTRUCTOR ACTIVITY

(1) **Slide 1-6-4**, Regulations Related to EO
Point out that while Navy Regulations (NAVREG) may not explicitly mention Equal Opportunity, many of them are directly applicable to EO.

Progressively disclose the regulations on the slides and ask trainees how they apply to EO. The following are some suggestions, but instructors are encouraged to expand on those suggestions when possible.

(a) This is another opportunity to stress the ethical nature of EO and to relate it to Navy Core Values.

(b) Prohibited jokes, slurs, and epithets directed towards a supervisor could be such language. That kind of language toward a supervisor would definitely tend to diminish the respect due to a superior.

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- (c) NAVREG 1151, Direct Communication with the Commanding Officer - The right of any person in the naval service to communicate with the commanding officer in a proper manner, and a proper time and place, shall not be denied or restricted.
 - (d) NAVREG 1156, Forwarding Individual Requests – Requests from persons in the naval service shall be acted upon promptly. When addressed to higher authority, requests shall be forwarded without delay. The reason should be stated when a request is not approved or recommended.
- (2) Standard Organization and Regulations Manual (SORM) of the U.S. Navy:
- (a) SORM Article 142.1, Administrative Corrective Measures – The UCMJ provides for judicial and non-judicial (Article 15) punishment for violations of law or regulations. SORM provides for certain non-punitive measures to correct deficiencies in performance. These include the following:

RELATED INSTRUCTOR ACTIVITY

- (c) **Slide 1-6-5**, Regulations Related to EO Cont. Sailors who feel they have been illegally discriminated against have the right to take the complaint up the chain of command.
 - (d) This regulation applies to complaints of discrimination or harassment.

Note: There is no such thing as “Pulling the Chit!” You do not want to be the most senior person in the chain of command with a “Secret!”
- (a) These are some of the practical consequences of violating EO policy. You will discuss such consequences in more detail later. Here, remind trainees that EO is official policy and there are consequences for violating it.

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DISCUSSION POINT

- i. Extra Military Instruction (EMI)

 - ii. Withholding of Privileges

 - iii. Extension of Working Hours
- c. Reporting Requirements for Illegal Discrimination
- (1) What is illegal discrimination? Discrimination was covered in “Diversity.” As we saw in that lesson, discrimination can be legal or illegal. Illegal discrimination is discrimination on the basis of race, color, national origin, gender, or religion that is not otherwise authorized by law or regulation.
- If you are a victim or witness of illegal discrimination, you have both a right and a duty to report it. That right and duty are spelled out in the Navy Regulations and the Uniform Code of Military Justice (UCMJ).

RELATED INSTRUCTOR ACTIVITY

- i. Explain EMI if necessary. Emphasize that it is designed to correct deficiencies, not for punishment. For example a Sailor with a bad uniform appearance may be assigned inspection at a certain time each day, in a certain uniform, for a certain period. EMI must be logically related to the deficiency; it usually lasts no more than two hours per day, and it should not be assigned on a Sailor’s Sabbath.
- (1) **Slide 1-6-6**, Illegal Discrimination
- Remind trainees that discrimination was covered in the “Diversity” lesson. Review the definition and briefly review the following:
- Slide 1-6-7**, Discrimination: Right and Duty to Report

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DISCUSSION POINT

RELATED INSTRUCTOR ACTIVITY

- Discrimination can be legal or illegal. (Use examples of each from the Diversity lesson or other sources.)
- Illegal discrimination is not just against the law; it is always morally and ethically wrong and violates Navy Core Values.
- Remind trainees of their right and duty to report illegal discrimination if they are victimized by or witness it.
- (2) NAVREG Article 1137, Obligation to Report Offenses
 - (3) NAVREG Article 1150, Redress of Wrong Committed by a Superior
 - (4) If the superior by whom a Sailor feels wronged is his or her commanding officer, UCMJ Article 138, Complaints of Wrongs, provides for complaints against that commanding officer.
 - (5) Anyone making a complaint of discrimination must do so in good faith. False accusations are punishable under Article 107 False Official Statements of the UCMJ.
- (2) This is the regulation that supports the above material about Sailors' duty to report illegal discrimination.
 - (3) Point out that NAVREG 1150 Redress of Wrong Committed by a Superior and UCMJ Article 138 Complaints of Wrongs exist because there are *no* exceptions to EO policy and rank does not protect anyone who practices illegal discrimination.
 - (5) False accusations of discrimination are as wrong as discrimination itself. They are dishonest and unnecessarily create friction and conflict. It is also wrong not to report offenses when you see them.

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DISCUSSION POINT

d. Methods of Reporting Illegal Discrimination

- (1) The Navy prefers individuals who believe they have experienced or witnessed illegal discrimination to use the Informal Resolution System (IRS). However, there is no requirement to attempt informal resolution before filing a formal complaint. The IRS was covered in the “Communication and Conflict Resolution” lesson.
- (2) If informal resolution fails or an individual chooses to go straight to a formal complaint, that individual has several options:

RELATED INSTRUCTOR ACTIVITY

Note: This is a good place to bring in the five-step decision-making process and the four universal ethical principles. Trainees can use them to make decisions about reporting, not reporting, or falsely reporting offenses.

d. **Slide 1-6-8**, Methods of Reporting Illegal Discrimination

You are obligated to report illegal discrimination, so how do you do it?

- (1) Briefly review main points on IRS from the “Communication and Conflict Management” lesson. Specifically mention that IRS is not required before submitting a formal complaint.
- (2) **Slide 1-6-9**, Methods of Reporting Illegal Discrimination Cont.

Emphasize that while all of the below are options, they are progressive, i.e., complainants should use the chain of command, starting first with the individual against whom they have a complaint then the command EO POC (including the EOA and CMEO), then the Echelon II or Navy IG Hotline etc. Always use the chain of command first.

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- (a) File an Equal Opportunity complaint form with the command- designated Point of Contact for receiving EO complaints, usually the Equal Opportunity Advisor (EOA) or Command Managed Equal Opportunity (CMEO) Manager.
- (b) An individual alleging illegal discrimination, and who feels that the command is not acting on it, may file a complaint with an Echelon II or Navy Inspector General (IG) using the IG Hotline.

Information on the IG Hotline, how to use it, and contact information for Echelon II and Navy Inspectors General is available on the Navy Inspector General's Website, <http://www.ig.navy.mil>.

- (c) A Sailor with an Equal Opportunity grievance has the right to contact his or her elected representatives.

RELATED INSTRUCTOR ACTIVITY

- (a) Give trainees contact info for command designated Point of Contact for receiving EO complaints.
- (b) Give trainees IG website.
- (c) Stress that while contacting elected officials is their right as a citizen, it is usually best to resolve disputes within the chain of command.

Note: Sailors may contact their elected representative as private citizens, but not on behalf of the Navy.

Slide 1-6-10, Methods of Reporting Illegal Discrimination Cont.

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e. Consequences of Involvement in Illegal Discrimination

(1) The consequences of illegal discrimination are not limited to just perpetrators, witnesses, and victims. A work place filled with hostility and destructive conflict is neither pleasant nor efficient.

(2) Perpetrators of illegal discrimination can be subject to both courts-martial and non-judicial punishment (NJP).

In addition, that courts-martial or NJP will be noted on the perpetrators Fitness Report or Enlisted Evaluation and become part of his or her permanent service record.

(3) According to Navy EO policy, a “Whistle Blower” is someone in an organization who decides to speak out publicly about behavior in the organization contrary to the mission of the organization or threatening to the public interest.

RELATED INSTRUCTOR ACTIVITY

e. Discrimination

Below are some of the legal, administrative, and ethical consequences of illegal discrimination. As you review them, stress that they indicate the importance EO has to the Navy and that they are not the only sort of consequences attached to violation of that policy.

(1) **Slide 1-6-11**, Ethical/Moral Consequences of Illegal Discrimination

These are some of the ethical consequences. Stress that illegal discrimination hurts people, hurts the Navy as an organization, and has the potential to harm the Nation by eroding unit cohesion and combat readiness (Navy Core Values).

(2) **Slide 1-6-12**, Legal/Administrative Consequences of Illegal Discrimination

(3) Note: Mention that the No Fear Act of 2003 gives whistleblowers additional protection by making agencies and departments liable for any damages in a lawsuit involving whistleblowers.

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Whistle blowers are protected by federal law and Navy policy from reprisals. A reprisal is retaliation taken against whistle blowers by taking unfavorable personnel action against them, withholding favorable action, or threatening either.

The same law and policy forbid anyone from denying any servicemember the right to communicate with inspectors general or elected officials.

f. Resolution of Discrimination Complaints

- (1) Informal Resolution System (IRS) – As previously noted, the IRS was covered in Communications and Conflict Resolution.
- (2) Resolution of Formal Complaints – An individual who files a formal complaint of illegal discrimination can expect the following resolution process:
 - (a) The complaint should be filed within 60 days of the incident or, if there has been a series of incidents, within 60 days of the most recent one. A commanding officer who feels the circumstances warrant it may accept complaints beyond the 60 days.
 - (b) The person receiving the complaint submits it to the commanding officer within 24 hours.

RELATED INSTRUCTOR ACTIVITY

- (1) **Slide 1-6-13**, How do discrimination complaints get resolved?

Remind trainees that IRS is the preferred option.

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- (c) When the commanding officer receives the complaint, he or she assigns primary investigating officer (PIO) and assigns advocates to each complainant, the alleged offender, and any witnesses within 72 hours.
- (d) The investigating officer notifies the complainant that the investigation has begun.
- (e) When the investigation is complete, the complaint is adjudicated by the appropriate authority. The investigator notifies the complainant that the complaint has been resolved and informs the complainant of the right to request a review by the next higher authority. The command then conducts a follow-up debrief.
- (f) Both the complainant and the alleged offender have the right to appeal the decision.

Note: This process also applies to complaints of Sexual Harassment.

RELATED INSTRUCTOR ACTIVITY

- (d) **Slide 1-6-14**, How do discrimination complaints get resolved? Cont.

Go through the steps of resolving a formal discrimination complaint.
- (e) Command has 20 days to resolve the complaint. An OPREP NAVY BLUE will be sent to proper authority. If resolution does not take place within 20 days, a SITREP is issued and every 14 days until complaint is resolved.
- (f) **Slide 1-6-15**, How do discrimination complaints get resolved? Cont.

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DISCUSSION POINT

g. Sexual Harassment

- (1) Definition – A form of discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

For an act to be considered sexual harassment it must meet three criteria:

- (a) It must be unwanted, unsolicited.
- (b) It must happen in or impact the workplace.
- (c) It must be sexual in nature.

RELATED INSTRUCTOR ACTIVITY

g. **Slide 1-6-16**, Sexual Harassment

You've talked about illegal discrimination in general. Point out to the trainees that you will now discuss a particular form of discrimination, sexual harassment. Sexual harassment is another form of discrimination. The EO regulations, procedures, and ethics that apply to other forms also apply to this one. Victims and witnesses of sexual harassment follow the same procedures for reporting and resolving it as they do for other forms of discrimination.

- (1) **Slide 1-6-17**, What is Sexual Harassment?

Solicit definitions of sexual harassment from trainees, and then review the official definition of sexual harassment.

Slide 1-6-18, The Sexual Harassment Triangle

Use the triangle to make the point that behavior must meet all three of these criteria to be considered sexual harassment.

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(2) Sexual Harassment Policy – The Navy’s policy is that sexual harassment is prohibited. All personnel will be provided a work environment free of sexual harassment. Off duty or non-duty behavior that affects the military workplace may also be considered sexual harassment.

(3) Traffic Lights and Sexual Harassment – For behavior to constitute sexual harassment, it must be sexual in nature, unwanted, and work connected. That covers a wide range of behaviors. Harassment is also based on the perceptions of those who feel victimized by it. That adds a subjective element (even though there is a common sense “reasonable person” standard, i.e. would a reasonable person find the behavior offensive).

To clarify what behaviors constitute sexual harassment, the Navy uses the “Traffic Light” analogy. That analogy divides behaviors into three zones corresponding to the colors on a traffic light:

RELATED INSTRUCTOR ACTIVITY

(2) **Slide 1-6-19**, Sexual Harassment Policy

Make sure all trainees understand the Navy’s Sexual Harassment Policy.

Stress that sexual harassment can result in increased absenteeism, greater personnel turnover, and lower morale among other negative effects. Like other forms of illegal discrimination, sexual harassment hurts individuals, the Navy, and the Nation. People who live by Navy Core Values do not engage in sexual harassment.

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DISCUSSION POINT

- (a) Green-Light – “Green” behaviors are acceptable. They clearly do not constitute sexual harassment. This light includes such behavior as non-sexual touching (shaking hands, a pat on the shoulder), counseling on military appearance, social interaction, showing concern or encouragement, a polite compliment, or friendly conversation.
- (b) Yellow-Light – “Yellow” behaviors are less clear and more risky. They skirt the line and occasionally cross it. They *can* be sexual harassment, but aren’t necessarily. This light includes behaviors like violating personal space, whistling, questions about personal life, lewd or sexually suggestive comments, leering, staring, repeated requests for dates, foul language, or sexually suggestive touching or gesturing.
- (c) Red-Light – No doubts here. “Red” behaviors are *always* unacceptable and *always* constitute sexual harassment. Behaviors in this light include (but are not limited to) sexual favors in return for employment rewards, threats if sexual favors are not provided (*Quid Pro Quo* Sexual Harassment), sexually explicit pictures (including calendars or posters) or remarks, using status to request dates, or obscene letters, cell phone texting, e-mails, jokes, or comments (Hostile or Intimidating Work Environment).

RELATED INSTRUCTOR ACTIVITY

- (a) **Slide 1-6-20**, Traffic Lights and Sexual Harassment – Green-Light Behavior

“Green” comes up on slide without definition. Ask trainees for examples of what might constitute “Green-light” behaviors. Then bring up definition. Do the same with “Yellow” and “Red.”
- (b) **Slide 1-6-21**, Traffic Lights and Sexual Harassment Cont. – Yellow-Light Behavior
- (c) **Slide 1-6-22**, Traffic Lights and Sexual Harassment Cont. – Red-Light Behavior

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DISCUSSION POINT

(d) Traffic Lights and Sexual Harassment – Red or Yellow?

(4) Traffic Light Case Studies

RELATED INSTRUCTOR ACTIVITY

(d) **Slide 1-6-23**, Traffic Lights and Sexual Harassment Cont. – Red or Yellow?

Some behaviors, like lewd or suggestive comments, touching, or gestures; and leering, staring, and offensive language are officially listed as Yellow-Light behaviors, but they are still nearly always sexual harassment. Have the trainees discuss these behaviors. Are they yellow or red? Why?

(4) Present one of the following scenarios (page 84 in the Trainee Guide Volume 1 and page 4 in Volume 3) or one of your own and have trainees discuss which traffic light it falls into. Gear your choice toward your audience.

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DISCUSSION POINT

RELATED INSTRUCTOR ACTIVITY

Scenario 1: Petty Officer Chris Watson is the Leading Petty Officer on an Aegis cruiser, responsible for 22 people, with a reputation for being exceptionally outgoing and friendly. As Leading Petty Officer, she frequently has one-on-one chats with the Sailors in her charge. The meetings normally take place in the work center or on the mess decks and address personal performance, advancement in rating, career opportunities, and current projects going on in the command. Meetings are always professional and widely known among the division to be a part of Petty Officer Watson's leadership style. She is popular and respected by both juniors and seniors. Petty Officer Juarez is junior to Petty Officer Watson and is directly responsible to her for his work center responsibilities. They are friends as well as professional associates. Recently, Petty Officer Watson requested that Petty Officer Juarez meet her after work at the base McDonald's.

RED-, YELLOW-, GREEN-LIGHT?

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DISCUSSION POINT

RELATED INSTRUCTOR ACTIVITY

Both petty officers have no disciplinary record and are both excellent to outstanding in their job performance. They are known to be friends sharing common interests and are generally regarded as “straight arrows.” Petty Officer Juarez complied with Petty Officer Watson’s request and met her at 1645. Both were in civilian clothes. The conversation began with “ship talk” but eventually evolved into a discussion about Petty Officer Watson’s marriage problems.

RED-, YELLOW-, GREEN-LIGHT?

Petty Officer Juarez, a single guy, “laid back and good looking,” hangs out with a regular crowd, is popular at the beach and a couple of local hangouts, but is in no serious relationship. He was unaware of any marriage problems and took a “serious interest” in his friend’s concerns for her marriage. Petty Officer Watson admits that part of her marriage problem is abuse and is unsure what to do concerning going home tonight.

RED-, YELLOW-, GREEN-LIGHT?

As the conversation continues, Petty Officer Watson finally says, “I want to go home with you tonight.”

RED-, YELLOW-, GREEN-LIGHT?

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DISCUSSION POINT

RELATED INSTRUCTOR ACTIVITY

ANSWER 1: This one should generate discussion and is a close call. The supervisor relationship and the initiation of the “I want to sleep at your place tonight” moves this one over to the Red-Light if PO Juarez does not want the attention and, since she is his Leading Petty Officer, to fraternization if he does.

Scenario 2: Chief Petty Officer (CPO) Crunch is a reservist assigned to the Navy Supply Depot for two weeks active duty. He is assigned as a running mate to Master Chief Petty Officer (MCPO) Cho who is the Command Master Chief (CMC). MCPO Cho has been at his job for over two years, knows the members of his command well, and takes an active professional interest in every Sailor. His instructions to CPO Crunch are to shadow his workday; he will acquaint him with the duties of a CMC, as well as assist him with administrative duties. Additionally, he instructed CPO Crunch to randomly visit the work centers and get to know the command routine, as well as meet many of the members of the command. During routine work center visits, CPO Crunch got to be well known and liked as a “father figure,” easy to talk to, and willing to listen. He seemed to spend more time in one particular work center where five female petty officers were assigned.

RED-, YELLOW-, GREEN-LIGHT?

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DISCUSSION POINT

RELATED INSTRUCTOR ACTIVITY

As a matter of routine and during group discussions with the female petty officers, CPO Crunch pointed out that he had earned a degree in counseling and had significant experience with young Sailors who were going through tough times either at home or in relationships. He also pointed out that he had taken all the personality tests, so please forgive his friendliness in advance. He was a “toucher,” that is, with no harm or foul intention, he would place his hand on your shoulder when talking, patting you on the back, and high fiving when congratulating someone. Everyone agreed that they knew friends who were that way.

RED-, YELLOW-, GREEN-LIGHT?

During a counseling session with a female Petty Officer, CPO Crunch did indeed place his hand on her shoulder. She did not say anything. A similar action was repeated two or three times without comment. Later as the meeting was closing, CPO Crunch again placed his hand on her shoulder, letting it slide down her back. As she pulled away, he said, “Hey, don’t get all ‘spun up.’ There’s nothing to it, and if you blow it out of proportion, it could affect your relationships with your other shipmates and your future at the command.”

RED-, YELLOW-, GREEN-LIGHT?

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DISCUSSION POINT

RELATED INSTRUCTOR ACTIVITY

ANSWER 2: The junior/senior relationship within the command, the private counseling outside the chain of command, and the touching and general familiarity keep this one in the Yellow-/Red-light the whole way.

Scenario 3: Seven Sailors (four male, three female) assigned to a ship in Norfolk are having a liberty day at the beach. Barbecue, beer, and volleyball are the order of the day. They have known one another for at least a year, are from different work centers and are socially active, frequently going out together to movies, eating, and normal free-time activities. There is a locally sponsored mud wrestling competition on the beach, but you have to bring your own partner to a male/female versus male/female match. After much encouragement from the others, two of the Sailors (male and female) entered the contest.

RED-, YELLOW-, GREEN-LIGHT?

Both were eliminated from the competition and (after a shower) proceeded to rejoin the others who had set up a volleyball match among the beach goers. It was a co-ed match with six of the Sailors forming a team. The matches were lively and on several occasions, they found themselves rolling in the sand together after going after a tough volley from the other team. There was significant physical contact but nothing with the overt appearance of a sexual overtone.

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DISCUSSION POINT

RELATED INSTRUCTOR ACTIVITY

RED-, YELLOW-, GREEN-LIGHT?

Sunset found the group around a fire, and someone had a guitar. After an active day, some serious barbecue and a few beers, there was a mellow mood at the beach. Later in the evening, one Sailor mentioned to another their mud-wrestling team was seen headed down the beach with a blanket and a 6-pack. The other simply replied they are going to watch “the alligator races.”

RED-, YELLOW-, GREEN-LIGHT?

The two Sailors who went to watch “the alligator races” were not seen until the next day and were quiet about where they went or were unwilling to provide their friends and shipmates any details. The others did notice that the two of them kept more to themselves than previously.

RED-, YELLOW-, GREEN-LIGHT?

ANSWER 3: Normal social activity among shipmates does not enter the Yellow-or Red-Lights; however, the other sailors’ “much encouragement,” if it is unwelcome and excessive, could enter the Yellow zone. In addition, other propriety issues may be involved in the mud wrestling and the trip down the beach.

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DISCUSSION POINT

RELATED INSTRUCTOR ACTIVITY

Scenario 4: A female Petty Officer was refused the opportunity by the PO1 coach to play on the ship's fast pitch softball team (consisting entirely of males). She appealed via the chain of command and the Executive Officer intervened and granted her permission to play on the team. She wondered how her teammates felt about her presence.

RED-, YELLOW-, GREEN-LIGHT?

After scoring the winning run to help her team win the league championship, she became quite popular with her teammates and the entire ship. At the ship wide victory party one of the team's loudest fans, Ensign Brack, embraced her and declared to the crowd that she was their "all star." She continued to shower praises on the young Petty Officer throughout the evening.

RED-, YELLOW-, GREEN-LIGHT?

The following week, Ensign Brack requested the Petty Officer meet her in her stateroom to discuss her future plans on board. The petty officer met with Ensign Brack and was surprised (particularly since she was not in her division) to discover she had written her up for Sailor of the Quarter. Ensign Brack planned to pass the recommendation to the Petty Officer's Division Officer but wanted her to see it first.

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DISCUSSION POINT

h. Religious Accommodation

RELATED INSTRUCTOR ACTIVITY

RED-, YELLOW-, GREEN-LIGHT?

One month later and after the Petty Officer had indeed been recognized as the Sailor of the Quarter, Ensign Brack ask her to join her for a celebration dinner. Upon determining the dinner would include just the two of them, she declined and reported the request to her chain of command with the information reaching the XO who resolved the issue with no formal action.

RED-, YELLOW-, GREEN-LIGHT?

ANSWER 4: The ball field by definition is an extension of the work place and there were evidences of sexual discrimination toward the Petty Officer. Events of the party and meetings evolve from the Green-Light to the Yellow-Light on the part of the ensign.

h. **Slide 1-6-24**, Religious Accommodation

Ask trainees to name different religions they know of in their command. Point out that the religions of others deserve as much respect as their own.

Remind the trainees that religious discrimination is one of the barriers to diversity they've already looked at. To avoid religious discrimination, the Navy accommodates the religious practices of all Sailors as much as possible.

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DISCUSSION POINT

- (1) SECNAVINST 1730.8 (series) – This instruction clearly lays out the Navy’s Religious Accommodation policy in some detail. The instruction covers:
 - (a) Religious Observance – Religious observances and Sabbaths are accommodated unless some necessity prevents accommodation. Commanding officers decide whether non-accommodation is necessary.
 - (b) Dietary Observance – If it does not affect the health, safety, or readiness of a unit, commanding officers may grant requests for separate rations for individuals because of their religious traditions or observances.

RELATED INSTRUCTOR ACTIVITY

Point out also, though, that religious freedom, while desirable and practiced as far as possible, is not absolute. The military has other considerations in deciding which religious practices to accommodate (Those are covered in the SECNAVINST 1730.8 slides below).

- (1) **Slide 1-6-25**, SECNAVINST 1730.8

- (b) Some examples of dietary observance:
 - Muslims are not allowed to eat pork or drink alcohol, and they do not eat at all from dawn to dusk on Ramadan.
 - Many Jews are not allowed to eat pork or shellfish.
 - Catholics are not allowed to eat meat (except for fish) on Fridays during Lent.
 - Orthodox Christians abstain from meat and dairy products at certain times of the year.

Ask trainees: How easy or difficult would these restrictions be to accommodate? Under what circumstances should they not be accommodated?

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DISCUSSION POINT

- (c) Immunizations – Individuals with religious objections to immunization may apply for a waiver to Surgeon General. Those religious objections are balanced against the medical risk to the individual and the unit and against military requirements like alert status, deployment potential, and availability of the individual for reassignment to units requiring full medical readiness.
- (d) Uniforms – Members of the Navy may wear religious articles under the following circumstances:
 - i. The articles are not visible and do not interfere with the performance of the member's military duties or the proper wearing of any authorized article of the uniform.
 - ii. If they are visible, they are neat, tidy, conservative, and not showy in size, style, or color.
 - iii. They cannot be temporarily or permanently affixed or appended to any article of the uniform.

RELATED INSTRUCTOR ACTIVITY

- (d) **QUESTION:** Can a Sailor wear a Yarmulke while in uniform during regular work hours?

ANSWER: Yes!

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DISCUSSION POINT

- iv. They are worn while the member is attending an organized worship service.

RELATED INSTRUCTOR ACTIVITY

- iv. After reviewing the Religious Accommodation Policy, present the following scenarios (page 88 of the Trainee Guide Volume 1 and page 8 of Volume 3) and discuss where accommodation is appropriate and where it is not). Have trainees discuss which is appropriate and why:

SCENARIO 1: A member of a unit belongs to a religion that observes its Sabbath from Friday sundown to Saturday sundown. She wishes to be excused from duty on Fridays to observe her Sabbath but is willing to work on Saturday or Sunday to make it up.

ANSWER 1: This is appropriate if allowing the unit member to work that schedule does not interfere with mission accomplishment.

SCENARIO 2: FN Balawi is a member of a religious group that believes it is obscene to show your legs in public. She has asked the fitness leader to be allowed to wear sweat pants during PT but the fitness leader refused, saying he wants all troops to look alike, uniformity. FN Balawi has not had this problem in the past, since at basic training and AIT, the PT uniform included sweatpants and sweatshirt. Balawi feels this is religious discrimination.

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DISCUSSION POINT

(2) If you are outside the U.S. you must and should follow NAVREG Article 1136, Foreign Religious Institutions. It reads: “Persons in the Department of the Navy shall respect the religious institutions and customs of the foreign countries they visit.”

i. Homosexual Conduct Policy

(1) Under Title X, Section 654 of the U.S. Code (USC), implemented in the Navy by NAVADMIN 33/94, a member of the armed forces shall be separated from the armed forces under one or more of the following conditions:

RELATED INSTRUCTOR ACTIVITY

ANSWER 2: Religious accommodation would be appropriate here since there is no issue of readiness, order, or discipline, only the fitness leader’s preference.

i. **Slide 1-6-26**, Homosexual Conduct
Slide 1-6-27, Homosexual Conduct Policy

Ask trainees to describe the Navy’s Homosexual Conduct Policy. The policy is popularly, but not officially, known as “Don’t Ask, Don’t Tell.” Trainees may be familiar with it under that name.

Pay particular attention to any misconceptions about the policy (e.g. homosexuals are not allowed in the military). Be sure to clear up these misconceptions as you review the policy.

(1) **Slide 1-6-28**, Separation from the Navy for Homosexual Conduct

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DISCUSSION POINT

RELATED INSTRUCTOR ACTIVITY

- (a) That member engages in, attempts to engage in, or attempts to influence someone else to engage in homosexual acts. The USC defines “homosexual act” as:
 - i. Any bodily contact, taken or allowed, between members of the same sex for the purpose of satisfying sexual desire.
 - ii. Any bodily contact a reasonable person would understand to demonstrate a desire or intent to engage in the act described above.
- (b) The member has claimed to be a homosexual or bisexual.
 - i. A “homosexual” is a person of either sex who engages or intends to engage in homosexual acts. It includes the terms “gay” and “lesbian.”
 - ii. A “bisexual” is a person of either sex who engages or intends to engage in both homosexual and heterosexual acts.
- (c) The member has married or attempted to marry someone of the same sex.

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DISCUSSION POINT

- (2) Exceptions to the Policy. According to MILPERSMAN 1910-148, the member may be allowed to stay in the Navy if an investigation finds that:
 - (a) The homosexual conduct is not the member's usual behavior.
 - (b) It is not likely to happen again.
 - (c) It was accomplished by force.
 - (d) Keeping the member is consistent with the Navy's interest in discipline, good order, and morale.
- (3) NAVADMIN 33/94 makes clear that a person's sexual orientation is a personal and private matter. A Sailor cannot be separated from the Navy for sexual orientation, only for sexual conduct.
- (4) An investigation into charges of homosexual conduct can *only* be initiated on credible evidence about a member's *conduct*.

RELATED INSTRUCTOR ACTIVITY

- (2) **Slide 1-6-29**, Exceptions to the Policy

Make clear to trainees that the commanding officer determines whether to make an exception on any of these grounds.
- (3) **Slide 1-6-30**, Sexual Orientation and Conduct

Make clear to trainees that homosexual conduct policy is just that, a policy that covers *conduct*, not innate desire or orientation.
- (4) **Slide 1-6-31**, Investigation into Charges of Homosexual Conduct

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DISCUSSION POINT

- (a) Perception and rumor are not credible evidence. Neither are such activities as attending gay rights rallies, going to homosexual bars, or possessing and reading homosexual oriented publications.

- (b) Credible evidence includes:
 - i. A claim by a member to be homosexual or bisexual.
 - ii. A reliable person observing or hearing a member engage in homosexual acts.
 - iii. A reliable person observing or discovering a member writing or speaking a statement conveying intent to engage in homosexual behavior.

RELATED INSTRUCTOR ACTIVITY

- (a) Spreading or listening to rumors and assuming guilt by association are not honorable. Shipmates deserve the benefit of the doubt and should not be harassed or persecuted for exercising their rights as Sailors and citizens. Have the courage to resist stereotyping.

- (b) **Slide 1-6-32**, Investigation into Charges of Homosexual Conduct Cont.

Specific guidance is given regarding permission for CO to conduct investigations of homosexual conduct. These are considered credible evidence. Point out the word “reliable.” Trainees should strive to be reliable people. Given the seriousness of charges of homosexual conduct, be as certain as possible before making them.

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DISCUSSION POINT

iv. A reliable person observing behavior that a reasonable person would believe indicates intent to commit homosexual acts.

(5) Claiming to be homosexual or bisexual to avoid military obligation or deployment is illegal as well as dishonest. You have made a commitment. False claims of homosexuality or bisexuality are a failure to honor that commitment. It is dishonest and punishable under regulations and the UCMJ.

j. Hazing

(1) Definition: Hazing is any conduct by which one military member or members, regardless of service or rank, exposes another military member or members, regardless of service or rank, to any activity which is cruel, abusive, humiliating, oppressive, demeaning, or harmful.

RELATED INSTRUCTOR ACTIVITY

(5) **Slide 1-6-33**, Warning Against False Claims

j. **Slide 1-6-34**, Hazing

Illegal discrimination is not the only way to violate the rights of others. Hazing is also a violation of rights and of Navy Core Values.

Ask trainees for a definition and/or examples of hazing. Compare their answers to the definition and examples below.

(1) **Slide 1-6-35**, Hazing Definition

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DISCUSSION POINT

- (2) Hazing includes (but is not limited to): threatening or giving bodily harm, striking, branding, taping, tattooing, shaving, greasing, painting, requiring more physical exercise than necessary to meet standards, “pinning,” “tacking on,” “blood wings,” or forcing or requiring consumption of food, alcohol, or other substances.
- (3) Hazing does *not* include command-authorized or operational activities, training to prepare for such missions or operations, administrative corrective measures, extra military instruction; athletics events, command-authorized physical training, contests or competitions, and other similar activities authorized by the chain of command.
- (4) Reporting hazing – Incidents of hazing must be reported to the commanding officer. After the CO has been informed an Investigating Officer is appointed. The CO must report substantiated incidents of hazing via Special Incident Reporting Procedures in accordance with OPNAVINST 3100.6H.
- (5) Consequences of Hazing - Hazing can have terrible consequences for the individual, the unit, and the Navy.

RELATED INSTRUCTOR ACTIVITY

(4) **Slide 1-6-36**, Reporting Hazing Incidents

(5) **Slide 1-6-37**, Consequences of Hazing

Ask for some examples of hazing. Point out that even seemingly “harmless” hazing can be dangerous. Refer to the example of the “Code Red” from the Tom Cruise movie *A Few Good Men*.

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DISCUSSION POINT

- (a) It degrades and diminishes the ability of victims to function within their unit.
- (b) It destroys self-confidence and trust in their fellow Sailors.
- (c) It is destructive to combat readiness.
- (d) Hazing violates Navy policy and can violate UCMJ articles against assault, sexual assault, and others. Involvement in committing hazing can lead to courts-martial or non-judicial punishment. Involvement in submission to hazing can result in serious injury or even death. It also violates Navy Core Values.

k. Fraternalization Policy

RELATED INSTRUCTOR ACTIVITY

This is an opportunity to address the ethical problems with hazing. It violates Navy Core Values and, like discrimination and sexual harassment, it hurts individuals, the Navy and the Nation in the ways specified.

- (d) There is no need to dwell too much on the legal consequences of hazing, but remind trainees that there are such consequences; give them some examples, and stress that the existence of those consequences shows how seriously the Navy takes hazing.

k. **Slide 1-6-38**, Fraternalization

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DISCUSSION POINT

- (1) Definition – Fraternalization is a personal relationship that violates the acceptable boundaries of senior-subordinate relationships.

Fraternalization undermines good order and discipline. It can call into question a senior's objectivity, result in actual or apparent preferential treatment, undermine the authority of a senior, and compromise the chain of command.

- (2) Components of Navy Policy on Fraternalization

- (a) Personal relationships between seniors and subordinates that are unduly familiar and do not respect differences of rank and grade are prohibited.
- (b) Those relationships are prohibited regardless of rank, grade, gender, or service affiliation, including unduly familiar relationships with members of foreign military services.

RELATED INSTRUCTOR ACTIVITY

- (1) **Slide 1-6-39**, Fraternalization: Definition

Define fraternalization and remind trainees that like discrimination, sexual harassment, and hazing, it violates Navy policy and Navy Core Values. By creating potential and actual favoritism, it can violate a Sailor's rights, and by disrupting good order and discipline, it can harm the Navy as a whole.

- (2) **Slide 1-6-40**, The Navy's Fraternalization Policy

Review the components of Navy fraternalization policy.

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DISCUSSION POINT

- (c) Commands are expected to take necessary administrative or disciplinary action to correct such inappropriate behavior.
- (3) Prohibited Relationships
- (a) Personal relationships between officers and enlisted members that do not respect differences in grade or rank.
 - (b) Personal relationships between chief petty officers (E-7 through E-9) and junior personnel (E-1 through E-6) within their own command. Commanding officers can modify this policy for their commands at their discretion.
 - (c) Previously existing relationships may be exempt. For example, if a husband and wife are both enlisted, and one becomes an LDO or completes an officer accession program, the relationship can continue.

RELATED INSTRUCTOR ACTIVITY

- (3) **Slide 1-6-41**, Prohibited Relationships
Some of these will be obvious to trainees, some less so. After reviewing the prohibited relationships, provide for discussion the examples given below.
- (b) Ensure trainees understand that this is official Navy policy, but commanding officers can limit or prohibit dating in other ways at their discretion.

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DISCUSSION POINT

If this occurs in pre-existing relationship, according to OPNAV INSTRUCTION 5370.2C, Servicemembers who are married or otherwise related (i.e., father, son, etc.) to other servicemembers, must maintain the requisite respect and decorum attending the official relationship while either is on duty or in uniform in public.”

RELATED INSTRUCTOR ACTIVITY

Present one of the following scenarios (located on page 91 in the Trainee Guide Volume 1 and page 11 in Volume 3) and discuss the questions that follow them.

Scenario 1: LT Dallas is a Division Officer aboard the USS SILVER. LT Dallas is known throughout the ship as a money savvy officer and is considered an expert investor and financial planner. LT Dallas also serves as the Command Financial Specialist (CFS). Another divisional consultant, MA1 Vincent, consults LT Dallas regarding a financial matter. LT Dallas, realizing the MA1 had a strong interest in investment options, invites MA1 to attend a meeting of a local investment club off base. The investment club is comprised of civilians, except for LT Dallas. Club members meet monthly to exchange investment information, financial planning tips, and occasionally pool together money to make investments. MA1 Vincent decides to attend the meeting.

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DISCUSSION POINT

RELATED INSTRUCTOR ACTIVITY

QUESTION: Is it fraternization if MA1 Vincent and LT Dallas attend the investment club meeting? Why or why not?

ANSWER: Yes. LT Dallas is the CFS, not an investing consultant. He noticed MA1 had the same “Interest” in investing. LT Dallas personally asked MA1 to attend...no one else...this is clearly preferential treatment towards MA1 and no one else.

QUESTION: What aspect of the fraternization policy may apply in this situation?

ANSWER: In addition to the “Perceived/Actual preferential treatment, officers and enlisted are not allowed to have private business partnerships. (PARA 6b OPNAVINST 5370.2c)

Scenario 2: Chief Young, a single female, meets BM2 Edwards, a male. They are not in the same command. They start dating. The Officer In Charge (OIC) of Chief Young’s command, LT Demay, learns of the relationship. After consulting with the Command Master Chief, LT Demay determines that the relationship between his Chief and the junior enlisted member is contrary to good order and discipline and service discrediting. He orders Chief Young to discontinue the relationship during two different counseling sessions.

QUESTION: Is Chief Young’s dating BM2 Edwards fraternization? Why or why not?

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DISCUSSION POINT

RELATED INSTRUCTOR ACTIVITY

ANSWER: Not classified as fraternization based on PARA 5b OPNAVINST 5370.2c.

QUESTION: Were Chief Young and BM2 Edwards dating contrary to good order and discipline?

ANSWER: Based on the scenario, this would have to be a judgment call for OIC. If he or she felt the relationship was contrary to good order and discipline they can have the Chief discontinue the relationship. You may get different opinions from the class about this one. Base on the instruction the relationship is okay. However due to the unique leadership and ability of a Chief to possibility influence commands other than his/her own. Ex. What if Chief knew BM2 LCPO, what is stopping her from calling the LCPO and getting special treatment for BM2?

QUESTION: Should Chief Young discontinue dating BM2 Edwards?

ANSWER: The OIC makes the recommendation or order. If the CPO does not like it, then the Chief can exercise his right to communicate with the CO and/or file a Formal Grievance under NAVREG Article 1150 or UCMJ article 138.

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DISCUSSION POINT

1. Summary

- (1) Equal Opportunity exists to allow the Navy to take full advantage of its diversity and to provide fair and equitable treatment of all Sailors regardless of race, religion, national origin, or gender.
- (2) Informal resolution of such complaints is best because it is most efficient and saves the most time and resources. However, informal resolution is not required before filing a formal complaint.
- (3) The Navy respects the religious diversity of its members and accommodates their religious practices as far as possible consistent with unit cohesion, health of its members, and combat readiness.
- (4) Hazing is cruel, abusive, humiliating, oppressive, demeaning, or harmful. Victims and witnesses of it are obligated to report it.
- (5) Fraternalization violates the acceptable boundaries of senior-subordinate relationships. It undermines discipline, order, and morale.

RELATED INSTRUCTOR ACTIVITY

ANSWER Cont. Based on the OIC's knowledge of fraternization and the CMC's guidance, the OIC's order is lawful until the Chief shows them both the Navy's fraternization instruction.

1. **Slide 1-6-42**, Summary

Summarize Key Points

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DISCUSSION POINT

(6) People who live by Navy Core Values respect other individuals. Your commitment to the Navy includes treating your diverse shipmates equitably and fairly. To do otherwise is dishonorable. Have the courage to refrain from discrimination, sexual harassment, hazing, and fraternization and to report it when you encounter it.

RELATED INSTRUCTOR ACTIVITY

(6) **Slide 1-7-43**, Summary Cont.

Before moving on ask if there are any questions or further comments.

If appropriate, take a 10 minute break.