Formal Complaint Process Flowchart

Service member files a EO/SH complaint using NAVPERS 5354/2

A complaint must be filed within 60 days of the offending incident, or most recent if there is a series of incidents. Commanders may accept complaints beyond this time if they determine the circumstances warrant.

File complaints in good faith. Knowingly making a false complaint is a violation of UCMJ art. 107

Personnel receiving the complaint must submit to commander, or other designated authority within 1 calendar day of receipt.

Advocates shall be assigned to both complainant and alleged offender and any witnesses within 24 hours of receiving complaint

Advocates shall not be a principal in the alleged complaint in any way, be equivalent or senior to the member, not be appointed to assist more than one complainant, alleged offender, or witness.

If either party does not desire an advocate, they must state in writing and annotate on the NAVPERS 5354/2

The level of the investigation is determined by the commander. The investigation must begin within 72 hours of complaint submission.

Investigating Officer must be assigned in writing by the CO and be senior to all members involved.

Note: Equal Opportunity Advisors shall not be assigned as Investigating Officers

A Naval Message (SITREP) describing the situation must be sent to the General Courts Martial Convening Authority (GCMA), info addresses, Echelon II Commander, and the ISIC within 8 hours (routine message) of complaint receipt, IAW ref k of OPNAVINST 5354.1F

IAW OPNAVINST 5354.1F 25JUL07 pages 2-6 Enclosure (5)

A close-out Message (SITREP) must be sent within 20 days of investigation commencement

If the investigation is not completed at the 20 day point, a SITREP must be sent out every 14 days thereafter until close-out.

** Forward a copy of all completed formal EO complaint investigations, with endorsements, to respective Echelon III EOA, vis the ISIC, for review. In absence of Echelon III EOA, forward to Echelon II EOA.

Complainants, and/or accused, must be notified the the complaint has been resolved and informed of their right to request a review the next higher authority. This request must be made within 7 days of notification.

Commands must conduct a follow-up debrief 30-45 days after final action. Commands must maintain completed complaints and investigations for 36 months.