

MILPERSMAN 1610-040

NAVPERS 5354/2 (REV. 2-02), NAVY EQUAL OPPORTUNITY (EO)/SEXUAL HARASSMENT (SH) FORMAL COMPLAINT FORM

Responsible Office	CNO (N134E)	Phone:	DSN	882-4561
	Navy Equal		COM	(901) 874-4561
	Opportunity	TOLL FREE WITHIN U.S.		(800) 253-0931
			FAX	882-2617

References	(a) U.S. Navy Regulations, 1990 Chapter 11, Section 5, Article 1150 (b) Uniform Code of Military Justice (UCMJ), Subchapter 11, Section 938, Article 138 (c) OPNAVINST 5354.1E
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1. **Purpose**. NAVPERS 5354/2 (Rev. 2-02), Navy Equal Opportunity (EO)/Sexual Harassment (SH) Formal Complaint Form, is designed to simplify the process of filing formal complaints. It is self-contained and carries the complaint process from beginning to end.

2. **Alternate Formal Procedures**

a. Alternate avenues for filing complaints currently available to military personnel are contained in references (a) and (b).

b. NAVPERS 5354/2 does not replace or precede these alternate avenues except in cases involving allegations of sexual harassment and discrimination.

3. **Informal Resolution System**

a. The Informal Resolution System, as outlined in reference (c), should be used to resolve the conflict unless the behavior involved is clearly criminal (e.g., rape, assault). Before employing NAVPERS 5354/2, individuals may first attempt to informally resolve complaints with the person or persons involved.

(1) A third person may be called upon to assist in the resolution.

(2) Assistance of the immediate supervisor in resolving the complaint may be requested as the circumstances require.

(3) If the object of the complaint is the complainant's immediate supervisor, present the complaint to the next senior in the chain of command.

b. If the complaint cannot be resolved between the complainant and the persons involved, or with the help of immediate supervisors, submit a request either in writing or orally in a timely manner for Commander's Request Mast.

c. When informal resolution of the complaint is considered unsatisfactory, formal procedures for redress (relief) may be used.

4. **When NAVPERS 5354/2 Cannot Be Used.** NAVPERS 5354/2 may not be used to challenge

a. nonjudicial punishment (NJP);

b. courts-martial;

c. administrative board or selection board procedures and results;

d. general policies of Department of Defense (DoD) and Department of the Navy (DoN), including the instructions and other documents promulgating such policies;

e. complaints that may be redressed under other DoN procedures (i.e., Board for Correction of Military Records (BCNR); and

f. relief-for-cause proceedings and decisions.

5. **Completion and Guidance.** Detailed completion and guidance and a sample of NAVPERS 5354/2 is in reference (c). NAVPERS 5354/2 may be obtained through normal supply channels (stock number 0106-LF-982-4900).

6. **Equal Opportunity Advice Line**. Additional questions about discrimination or sexual harassment may be referred to the Equal Opportunity Advice Line:

1 (800) 253-0931; or
(901) 874-2507 (Overseas call collect)

7. **Commander's Responsibility**. In all cases, it is the commander's responsibility to inform complainants of their right to submit a formal complaint and the method for making the submission. Commanders who become aware of a complaint that the parties involved have elected to resolve informally, should investigate the complaint, as appropriate, and document resolution for the record. This will permit the commander to verify resolution of the complaint in the event of future inquiries.