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"Integrated Dispute Resolution Complaint System  
for the US Navy and Marine Corps"

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## **An Integrated Dispute Resolution Complaint System for the US Navy and Marine Corps**

The Department of the Navy re-designed its dispute resolution system in 1992, following internal review of the 1991 Tailhook incident. Navy officials invited the present author, an ombudsperson and adjunct professor of management at MIT, to consult on the design of a new system to deal with harassment and unprofessional interpersonal behavior. The process was based on review of a decade's worth of survey data and review of many previous, thoughtful, study committee reports—and the insights and hard work of hundreds of uniformed and civilian men and women in the US Navy and Marines. The process included input from Navy and Marine Corps personnel from virtually every race, rank, background.

The new dispute resolution system for dealing with harassment and unprofessional behavior is notable for several reasons:

- it is anchored directly and specifically to the core values of the Navy and Marine Corps;
- it emphasizes and is built on “individual accountability” of those who might be involved in a conflict: the complainant, the respondent, the bystander, and the supervisor — rather than being addressed to just one role. The system is presented in specific, simple terms for each of these four roles;
- it is an integrated dispute resolution system — as distinguished from concentrating on just one grievance channel — and includes alternative dispute resolution options. It specifies clearly from whom one can seek help, ranging from anonymous advice, through confidential advice, through contact with those who must take action in certain cases;
- the system is designed to deal with all forms of harassment, abuse and unprofessional interpersonal conduct — rather than with just one form of harassment;
- the system is oriented toward prevention of unprofessional and unethical behavior — rather than solely with “how to deal with complaints.” A powerful metaphor — the “stoplight “ — has been developed to aid in better understanding of unprofessional and harassing behavior;
- the Department of the Navy is committed to follow-up and evaluation.

**Anchoring to core values:** The process began with discussion of the mission and core values of the Navy and Marine Corps and a deliberate structuring of the new system onto the foundation of core values. Training programs about the new system emphasize

this connection and are introduced by senior officers in each locale to emphasize the seriousness of the subject.

**Individual Accountability:** Experience indicates that many harassment programs have been oriented primarily toward just one party: toward complainants to teach them how to bring complaints; toward potential and real offenders to ask them to behave professionally; or toward supervisors to teach them how to handle complaints. Some such programs in the past have led to misunderstandings. Some people who feel harassed have not understood the requirements of due process in formal complaint handling and have therefore been very disappointed, after bringing a complaint where there proved to be too little evidence to reach a conclusion of guilt. Some supervisors and some people who harass have been very surprised at what complainants are being told and specifically at their having been encouraged to come forward. Some people who are told they are harassing have no idea how to respond in a professional way—because they have not been taught how to do so. Many people who actually do harass other people sit through training programs designed to discourage people from harassing—and do not recognize themselves. Of particular importance, there has been little attention paid to the potentially powerful role of peers and other bystanders. The Navy has therefore undertaken to convey the same message to everyone — at the same time — but addressed specifically to each party to a case. And this training is cast in common terms: “*You are individually accountable. Do not ignore harassment.*”

**The Roles of Persons A, B, C, and D:** The *harassed person* — known in the Navy and Marine Corps Skills Booklet Resolving Conflict as Person A — is encouraged to be individually accountable — and to choose a responsible option to deal with harassment rather than ignoring it. The *person who is told that he or she is harassing* — known in the booklet as Person B — must be individually accountable for stopping unprofessional behavior as well as responsible for dealing in professional terms with the complaint and the complainant. The *bystander* — who is Person C — also must be individually accountable for interrupting harassment that he or she observes. The *supervisor* — Person D — may not ignore harassment, but must be individually accountable for dealing properly with any harassment seen or reported. The hope is that a simple message addressed to all — including peers — will have a real effect in reducing unprofessional behavior—and reduce misunderstandings among the different parties to a case.

These roles are summarized for all: “Regardless of your role in a conflict, keep in mind the following individual responsibilities:

- I do not ignore conflict
- I review conflict resolution options
- I take action to reach resolution”

**An Integrated Dispute Resolution System:** The Navy has always had well-understood and well-specified formal grievance procedures, along a spectrum up to

and including courts-martial. It has also always emphasized dispute resolution at the lowest possible level. There has however been less emphasis on alternative dispute resolution and informal complaint resolution, and no specification of such options.

Research indicates that most people who feel harassed are reluctant to choose formal procedures. In the Navy and Marine Corps, as in other workplaces, people are reported to be afraid that utilization of formal procedures would bring unwelcome attention and possible reprisal. In addition workplace research shows that many people wish to avoid the loss of privacy from using formal procedures, that many believe they may have insufficient evidence to prevail, that many do not wish to see wrong-doers punished — as distinguished from having the wrong-doing stop — and that many do not want to be seen as disloyal or childish or “unable to take a joke”. In short, since most people appear to want a choice of options, there appeared to be serious need for development and specification of informal as well as formal options. (In addition the Navy undertook review of its formal processes and made some changes, including requiring mandatory processing toward administrative separation of anyone found guilty of very serious harassment.)

The Department of the Navy developed an integrated dispute resolution system, providing four sets of options for complainants. A person who feels harassed can take the *direct approach* — in person or on paper. Instructions are provided to support this option. Or the complainant can appeal to a friend or immediate supervisor to step in *informally*. The harassed person can take a *generic approach* and simply ask through a third party — without naming him or herself or the harasser — for appropriate training materials to be brought to his or her ship or workplace. The hope is that specific training instigated through a generic approach may stop individual acts of harassment at no cost to anyone’s rights, at no cost to relationships among shipmates, and at no risk to the complainant of being thought insubordinate if the alleged harasser is a supervisor. These materials are called TIR, for Training Information Resources. Finally, the complainant has several options for *formal complaint* — the well-specified formal grievance procedures which have always been available.

The respondent, supervisor and bystanders to a dispute have their own options for action, depending somewhat on which option the complainant chooses and depending on the nature of the complaint. The skills booklet Resolving Conflict has been developed to help each party to a case know the options, prepare for an option and pursue that option in a responsible fashion. An anonymous 800-line has been instituted to make it easy for a person in any role to get appropriate advice about how to deal with unprofessional behavior or with a complaint.

**Dealing with All Forms of Harassment:** Like many other employers in the 1990’s the Navy and Marine Corps have wished to re-commit themselves to the long-standing effort to build services free of racism and other impermissible discrimination and mistreatment. The armed services have taken great pride in their ability to deal with each individual on an equal opportunity basis. In designing the new complaint system,

the Department of the Navy therefore explicitly included all forms of harassing and unprofessional, interpersonal behavior.

**Emphasis on Prevention and Follow-up:** Since data suggest that unprofessional and abusive behavior in the Navy — as elsewhere — are extraordinarily connected with abuse of alcohol, a major tactic of the new prevention program is to link the two subjects and to address both together. The connection between unprofessional behavior and alcohol abuse, while widely recognized among US employers, has rarely been emphasized in programs to prevent unprofessional behavior and harassment. The Navy by contrast is placing extraordinary emphasis on curtailing abuse of alcohol in the campaign to curtail personal abuse and unprofessional behavior.

Review of previous prevention programs indicated the need for a simple, easily understood way of communicating the definitions of harassment. As all employers know, the subject is complex and has not been easy to communicate. The Navy and Marine Corps have invented the metaphor of the *stoplight*: “red, yellow, and green” behavior. *Red* behavior is criminal or obviously unacceptable behavior that must be stopped and probably should be dealt with by a supervisor. It includes quid pro quo sexual harassment and such activities as sending hate mail. *Yellow* behavior suggests “warning.....you are moving toward a red light....” and it lends itself to a number of options. Yellow behavior includes racial, ethnic or sexual jokes and comments, violating personal “space” and touching someone in a sexually suggestive way. *Green* behavior is behavior that is appropriate and encouraged — although it sometimes makes supervisors nervous when dealing with women — including supervisory critique of poor performance and unprofessional appearance, commendations for good performance or improved performance, necessary orders for getting the work done in normal times and in emergencies, touching which could not reasonably be perceived as sexual or threatening. The author notes that in just a few months — before the new Navy training program is even out — this metaphor has been communicated very broadly, nationally and even internationally, suggesting that it may be a powerful communications device.

The emphasis on appropriate “marketing” is leading to new patterns of training. The Navy and Marine Corps are including harassment training and prevention in basic training, and in training for its new senior officers. They have developed a series of easily understood materials to communicate the stoplight metaphor and the sets of options for each role (A, B, C & D). They are developing new materials to illuminate behavior that is and is not acceptable and options for dealing with harassment that are responsible and effective. They are explicitly mobilizing peer pressure — at every level — to communicate Navy and Marine Corps expectations for professional behavior. They have set up various mechanisms for monitoring how things go, including continuation of anonymous surveys and pursuing improved data collection about sexual assault. They are determined to increase the power of their ancient denunciation of unprofessional conduct: “Not in my Navy!” “Not in my Corps!”