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# Columns

## The Post-Tailhook Navy Designs an Integrated Dispute Resolution System

Mary P. Rowe

In the wake of the infamous 1991 Tailhook incident — and the many investigations which followed dismal reports of sexual misbehavior and misuse of alcohol at the 1991 Tailhook Convention — the U.S. Department of the Navy<sup>1</sup> conducted an “every-member standdown.” This meant that virtually every member of the Navy and the Marine Corps — more than one million people — was required to spend a day of training on sexual harassment. In the fall of 1992, as one of a number of other responses to Tailhook, the Department of the Navy also designed an integrated dispute resolution system.

In July of 1992, Barbara Spyridon Pope, then assistant secretary for manpower and reserve affairs, invited me to review training materials and then subsequently to help design a new system to deal with harassment and unprofessional interpersonal behavior. She brought together Marine Corps and Navy personnel and several internal experts to review harassment data

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Editor's Note: *Negotiation Journal* periodically features a column on the subject of “dispute systems design,” a concept initially proposed by William L. Ury, Jeanne M. Brett, and Stephen B. Goldberg in their book, *Getting Disputes Resolved: Designing Systems to Cut the Costs of Conflict* (San Francisco: Jossey Bass, 1988; Program on Negotiation Books, 1992). Brett and Ury serve as coordinators of this column, which is aimed at serving as a forum for the ongoing exchange of ideas about dispute systems design.

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and earlier studies and recommendations on the status of women in the Department of the Navy. I worked with hundreds of uniformed and civilian men and women in the Navy and Marines, assembled together in design groups in the Washington D.C. area. The process included organized brainstorming and long discussion by Navy and Marine Corps personnel from vir-

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tually every race, rank, and background.

The process was both responsive to outside imperatives and also built on the ideas of hundreds of insiders — and the core values of the Navy and Marines — a desirable situation for dispute resolution systems design (see Ury, Brett and Goldberg, 1988). The Navy-Marine design also meets many of my personal specifications for an *integrated* dispute resolution system:

- it deals with a wide spectrum of concerns, from inquiry through crime;
- it deals with all categories of personnel as complainants and respondents;
- it can handle groups as complainants or respondents;
- it provides four major sets of dispute resolution mechanisms:
  1. person-to-person negotiations — between complainant and offender, or bystander and offender — that is, a “direct approach.”
  2. several informal third party intervention options;
  3. generic and systems interventions — including generic responses to individual complaints, and systems change to prevent further problems; and
  4. formal grievance resolution mechanisms.

(The major dispute resolution modes not represented in the Navy-Marine system are formal mediation and formal, group-to-group problem-solving.)

- it provides for the possibility in suitable cases for “loops forward” or “loops back” — from less formal

to more formal modes or from more formal to less formal modes;

- it provides a variety of helping resources to each of four parties or roles — the complainant, the respondent, the bystander, the supervisor — including confidential advice, advice for people who call anonymously, informal counsel, and formal advice. It provides people of color, whites, men and women as sources of information and support, so that a person seeking information may, if desired, find someone similar to himself or herself as a helping resource;
- this system is taught to each member of the relevant community or workforce simultaneously and in common terms so that each party has access to the information that is being given to other parties;
- the system proscribes reprisal;
- there is provision for monitoring and evaluation.

This article discusses six relatively unusual characteristics of the Navy-Marine systems approach for dealing with harassment and unprofessional interpersonal behavior:

- The Navy-Marine dispute resolution system 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 noted earlier. It specifies clearly from whom one

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can seek help, ranging from anonymous advice, through confidential advice, through contact with those who must take action in certain cases — and it specifies different options.

- The system is designed to deal with all forms of harassment, abuse, and unprofessional interpersonal conduct — rather than with just sexual harassment.
- The system is powerfully oriented toward prevention of unprofessional and unethical behavior — rather than solely with “how to deal with complaints.” There is emphasis on curtailing abuse of alcohol. A simple, powerful metaphor — the “stoplight” — has been developed to aid in better understanding of unprofessional and harassing behavior.
- And finally, the Department of the Navy is committed to follow-up and evaluation.

### **Core Values**

There was considerable agreement among senior officers and administrators that new policy, procedures, and training with respect to harassment had to be structured onto the foundation of core values. Discussion of various core values began and continued for months among many groups in the Navy and Marine Corps.

The values that emerged are courage, honor, and commitment — the courage to come forward; the essential nature of honorable behavior toward oneself, one’s shipmates, and the service; and a commitment never to give up on the mission, one’s code of behavior, and one’s shipmates.

Training programs about the new system emphasize the connection between these core values and professional behavior, and are introduced

by senior officers in each locale to emphasize the seriousness of the subject.

### **Individual Accountability**

Many harassment training programs around the country focus on just one party. The central issue for some programs is to teach potential complainants how to bring complaints. Others focus primarily on potential and real offenders to ask them to behave professionally. Some are primarily for supervisors, to teach how to handle complaints.

Some such programs in the past have led to misunderstandings. For example, some people have been encouraged to come forward with a complaint, but have not been taught the requirements of due process in formal complaint handling. Such people are often bitterly disappointed when there is too little evidence to reach a conclusion of guilt. By the same token, some supervisors and some people who harass have been surprised and nonplused 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. Some people who actually do harass other people sleep through mass training programs designed to discourage people from harassing — and do not recognize themselves. Of particular importance, there has been relatively little attention paid to the potentially powerful role of peers and other bystanders.

By contrast, the Department of the Navy’s directives on harassment were designed to convey the same message to everyone — at the same time, in the same skills booklet, and in training programs — but addressed specifically

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to each party to a case. The essential theme of this training for every role is: "You are individually accountable. Do not ignore harassment."

The harassed person — known as Person A in the Navy and Marine Corps skills booklet "Resolving Conflict" — is encouraged to be individually accountable — and therefore 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 may not ignore harassment and is individually accountable for interrupting harassment that he or she observes. The supervisor — Person D — also may not ignore harassment, and 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.

In the booklet, the rules are summarized for all in the following manner: "Regardless of your role in a conflict, keep in mind the following individual responsibilities:

- I do not ignore conflict.
- I review my conflict resolution options.
- I take action to reach resolution."

## **An Integrated Dispute Resolution System**

The Navy has always had well-specified formal grievance proce-

dures, along a spectrum up to and including courts-martial. (Initial steps of the formal procedure are different in the Navy from those in the Marine Corps.) The Navy and Marine Corps also emphasize 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 informal options. Research (Rowe, 1990, Gadlin, 1991) 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 using formal procedures would bring unwelcome attention and possible reprisal. In addition, my research shows that some people wish to avoid the loss of privacy caused by using formal procedures; others believe they may have insufficient evidence to prevail; some just want the wrongdoing to stop — as distinguished from punishing the offender; and still others 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 policy on harassment was also rewritten in much clearer terms.)

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 options for a direct approach. Or, the complainant can appeal to a friend or immediate supervisor to step in informally. Here again, there are a number of different possibilities for informal intervention. The harassed person can choose a *generic approach* and simply ask through a third party — without naming him or herself or the harasser — for focused training materials to be brought to an appropriate local area of his or her ship or workplace. The hope is that specific and focused training instigated through a generic approach may stop individual acts of harassment at no cost to anyone's rights, at low cost to relationships among shipmates, and at little risk to the complainant of being thought insubordinate if the alleged harasser is a supervisor. Since the introduction of such programs in a local area often stirs up useful discussion and since programs of this kind can be individually tailored by the training officers involved, some employers have found them more useful than mass programs in stopping individual harassers. 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. In addition, an anonymous 800-telephone line has been instituted to

make it easier for a person in any role to get appropriate advice about how to deal with unprofessional behavior or with a complaint. Since its inception late last year, this line has been used significantly by people in all four roles.

## **Dealing with All Forms of Harassment**

Like many other employers in the 1990s, the Navy and Marine Corps have wished to recommit 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 efforts to deal with people of color 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.

## **Prevention and Follow-Up**

Since Navy research data suggest that unprofessional and abusive behavior in the Navy — as elsewhere — are very highly correlated 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 U.S. 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 armed services prevention programs indicated a major need for a simple, quickly

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understood way of communicating definitions of harassment to late teenagers and young adults who do not yet have much education or experience. As all employers know, the subject is complex and has not been easy to communicate — this problem, in fact, became the subject of much brainstorming among the design teams.

After sustained discussion, the Navy and Marine Corps developed the metaphor of a stoplight with “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 appearance, necessary orders for getting the work done in normal times and in emergencies, and touching which could not reasonably be perceived as sexual or threatening.

In just a few months — even before the new Navy training program came out — this metaphor was communicated very broadly by word

of mouth among employers. The stoplight is being discussed nationally and internationally — and across ethnic barriers — suggesting that it may be an effective communications device in an arena where communications have been very difficult.

Though some commentators have criticized the idea as overly simplistic, and there remains hot dispute about what is “yellow” and what is “red” behavior, it is worth noting that different kinds of employers are expressing interest. The metaphor’s very simplicity is part of what is attracting favorable mention — and the stirring of discussion about what is and is not acceptable. In addition, there is interest among employers in emphasizing that supervisors and certain instructors can and should pursue appropriate feedback to employees about professional dress and performance.

## **The Future**

The Department of the Navy’s 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 new senior officers. Both have developed a series of easily understood materials to communicate the stoplight metaphor and the sets of options for each role. They are also developing new materials to illuminate behavior that is and is not acceptable and options for dealing with harassment that are responsible and effective.

In addition, they are explicitly mobilizing peer pressure — at every level — to communicate Navy and Marine Corps expectations for pro-

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fessional 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 also determined to increase the power of their ancient denunciation of unprofessional conduct: "Not in my Navy!" "Not in my Corps!"

Since the armed services have had a major influence in dealing with certain forms of discrimination, the future of this program will be of particular interest to all who are concerned with discrimination of any kind — and all who are concerned with complaint systems.

#### NOTES

The author acknowledges with thanks the excellent suggestions of an anonymous *Negotiation Journal* reviewer and of several readers in the Department of the Navy, particularly Deputy Assistant Secretary Dorothy Meletzke and Captain Johnnie Boynton.

1. The Department of the Navy includes both the U.S. Navy and the U.S. Marine Corps.

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