

UNITED STATES ARMY  
CIVIL AFFAIRS AND PSYCHOLOGICAL OPERATIONS COMMAND (AIRBORNE)

AOCP-EO

25 September 2001

POLICY NUMBER 6-4

SUBJECT: Equal Opportunity Complaint Procedures

1. I expect everyone assigned to USACAPOC(A) to enjoy an environment of equity and fair treatment, where dignity and respect are accorded to all and where equal opportunity is an inherent part of the way we do business. All commanders, managers, and supervisors are responsible for ensuring the fair treatment of soldiers, Department of the Army (DA) civilians, and family members. We will not knowingly allow, condone, or tolerate sexual harassment or discrimination based on race, color, gender, national origin, or religious preference; nor will we condone discrimination against our civilian employees based on age or physical or mental handicap. Any behavior of this type will not be tolerated.

2. The Equal Opportunity/Sexual Harassment Complaint Process Poster (enclosed) will be posted on all official bulletin boards in units of this command. The poster identifies the ways to report discrimination or sexual harassment misconduct. The chain of command is the best avenue for addressing these matters; however, military personnel or family members may also file complaints with the Equal Opportunity (EO) Office, or with the Inspector General (IG). The recommended method for civilian employees to file discrimination or sexual harassment complaints is with the Equal Employment Opportunity (EEO) Office. Civilian employees also have the options of filing with the IG, or, if their complaints involve military personnel, with the EO Office. Commanders will not preclude soldiers from using these agencies.

3. The EO complaint processing system addresses allegations of unlawful discrimination or unfair treatment on the basis of race, color, religion, gender, and national origin.

a. Informal complaint: An informal complaint is any complaint that a soldier, family member, or DA civilian does not wish to file in writing. Informal complaints may be resolved directly by the individual, with the help of another unit

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member, the commander, or other person in the complainant's chain of command. Typically, these issues can be resolved through discussion, problem identification, and clarification of appropriate behavior. An informal complaint is not subject to time suspense nor is it reportable. Informal complaints should be recorded in a memorandum for record (MFR) which includes the nature of the complaint, steps taken to resolve the complaint, and any other information pertinent to an assessment of the unit's command climate.

b. Formal complaint:

(1) A formal complaint is one that is filed in writing and the accuracy of the information therein is sworn to by the complainant. Formal complaints require specific actions, are subject to timelines, and require documentation of actions taken.

(2) An individual files a formal complaint using a DA Form 7279-R, Equal Opportunity Complaint Form. All complaints, except for those filed with the IG, must be acted upon within 3 calendar days of receiving the complaint. Complaints filed with an agency against a member of the chain of command will be referred to the next higher commander in the chain of command.

(3) The commander or the investigating officer appointed by the commander has 14 calendar days after receiving the complaint to investigate the allegations. Upon completion of the investigation, the commander will meet with the complainant to discuss the outcome and the results. A 30-day extension may be granted from the next higher commander if circumstances require it. Only the first general officer in the chain of command can approve further extensions.

(4) The complainant has 7 calendar days to appeal to the next higher commander if he or she is dissatisfied with the results of the investigation. The complainant must provide a brief statement that identifies the basis of the appeal. The next higher commander has 14 calendar days in which to review, and further investigate as necessary, and respond to the complainant's appeal. This process applies equally to subsequent appeals submitted through the chain of command. The final decision on the complaint rests with the general court-

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martial convening authority of the organization to which the complainant is assigned.

(5) Thirty days after the final decision on any complaint (both substantiated and unsubstantiated), the Equal Opportunity Advisor will assess all EO complaints. This assessment will determine the effectiveness of any corrective actions taken, and endeavor to detect and deter any recurrence of the incident(s) or reprisals. The EO Advisor's report and recommendations will be submitted to the commander who handled the initial complaint on a DA Form 7279R-1-R, NLT 45 days following the final decision made on the complaint.

(6) Soldiers have 60 calendar days from the date of the alleged incident in which to file a formal complaint. This time limit is established to set reasonable parameters for the inquiry or investigation and resolution of complaints, to include ensuring the availability of witnesses, accurate recollection of events, and timely remedial action. It is in the commander's discretion to accept a complaint after the 60-day period.

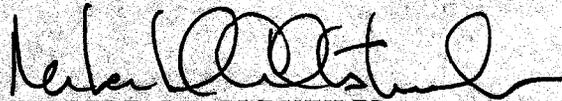
(7) I expect Major Subordinate Unit commanders to forward an information paper to this command within 72 hours of a formal EO complaint being filed. I expect all commanders to support this policy, and to publish their own EO Complaint Procedures policy letter within 90 days of taking command.

4. Military personnel, family members, and civilian employees shall be protected from reprisal or retaliation for filing complaints. No employee or soldier may take or threaten to take an unfavorable personnel action, or to withhold or threaten to withhold a favorable personnel action, in reprisal against any person for filing complaints. Should a person be threatened with such an act, or should an act of reprisal occur, the person must report these circumstances to the DoD Inspector General.

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5. We all share the responsibility for preventing and eliminating discrimination and sexual harassment in our working environment. We must not condone or ignore illegal, offensive, and demeaning behavior. We must deal with it swiftly and fairly. Our people deserve a positive work environment that reflects our values and high standards of excellence.



HERBERT L. ALTSHULER  
Major General, USAR  
Commanding

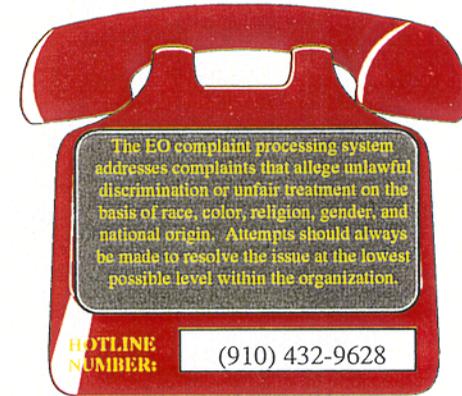
# EQUAL OPPORTUNITY/SEXUAL HARASSMENT COMPLAINT PROCESS

MAKE AN INFORMAL COMPLAINT. REPORT INAPPROPRIATE BEHAVIOR WITHOUT INITIATING A FULL INVESTIGATION. THIS MAY BE MOST APPROPRIATE FOR MINOR INFRACTIONS, WHERE VICTIM SIMPLY WANTS BEHAVIOR STOPPED.

IF BEHAVIOR PERSISTS

IF YOU ARE THE VICTIM

FILE A FORMAL WRITTEN COMPLAINT (DA FORM 7279-R) WITH ANY OF THE FOLLOWING PEOPLE OR AGENCIES. COMPLAINTS MUST BE FILED WITHIN 60 DAYS OF INCIDENT - THOSE FILED AFTER THE 60 DAYS MAY BE PURSUED AT COMMANDER'S DISCRETION



CHAIN OF COMMAND	EQUAL OPPORTUNITY ADVISOR	INSPECTOR GENERAL	HOUSING REFERRAL OFFICE	JUDGE ADVOCATE GENERAL	MILITARY POLICE OR CRIMINAL INVESTIGATOR	CHAPLAIN	MEDICAL AGENCY
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ACTIVE COMPONENT

3 DAYS

14 DAYS

7 DAYS

30-45 DAYS

COMPLAINTS, EXCEPT THOSE FILED WITH THE IG, MUST BE ACTED UPON IN THREE CALENDAR DAYS (NEXT DRILL PERIOD FOR RC). COMPLAINTS FILED WITH AN AGENCY AGAINST A MEMBER OF THE CHAIN OF COMMAND WILL BE REFERRED TO THE NEXT HIGHER COMMANDER IN THE CHAIN. A DESCRIPTION OF THE ALLEGATION MUST BE FORWARDED TO THE FIRST OFFICER IN THE CHAIN OF COMMAND WITH GENERAL COURT-MARTIAL CONVENING AUTHORITY WITHIN 72 HOURS (NEXT DRILL PERIOD FOR RC) OF FILING OF A FORMAL COMPLAINT.

THE COMMANDER OR THE INVESTIGATING OFFICER APPOINTED BY THE COMMANDER HAS 14 CALENDAR DAYS (3 DRILL PERIODS FOR RC) TO INVESTIGATE THE ALLEGATIONS AND PROVIDE FEEDBACK TO THE COMPLAINANT ON THE OUTCOME AND RESULTS. A 30-DAY EXTENSION (BY THE END OF THE 3D DRILL PERIOD FOR RC) MAY BE GRANTED FROM THE NEXT HIGHER COMMANDER IF CIRCUMSTANCES REQUIRE IT. FURTHER EXTENSIONS WILL BE APPROVED ONLY BY THE FIRST GENERAL OFFICER IN THE CHAIN OF COMMAND.

THE COMPLAINANT HAS SEVEN CALENDAR DAYS (2 DRILL PERIODS FOR RC) TO APPEAL TO THE NEXT HIGHER COMMANDER IF HE OR SHE IS DISSATISFIED WITH THE INVESTIGATION RESULTS OR ACTIONS TAKEN. THAT COMMANDER HAS 14 DAYS (2 DRILL PERIODS FOR RC) TO REVIEW THE CASE AND ACT ON THE APPEAL. FINAL DECISIONS ON COMPLAINTS RESTS WITH THE GENERAL COURTS-MARTIAL CONVENING AUTHORITY.

30 DAYS (4-6 DRILL PERIODS FOR RC) AFTER FINAL DECISION ON THE COMPLAINT AN ASSESSMENT IS CONDUCTED BY THE EQUAL OPPORTUNITY ADVISOR ON ALL EQUAL OPPORTUNITY COMPLAINTS (SUBSTANTIATED AND UNSUBSTANTIATED) TO DETERMINE THE EFFECTIVENESS OF ANY CORRECTIVE ACTIONS TAKEN AND TO DETECT AND DETER ANY INCIDENTS OF REPRISAL. REPORTS AND RECOMMENDATIONS ARE SUBMITTED TO THE COMMANDER ON A DA FORM 7279-R NLT 45 DAYS (4-6 DRILL PERIODS FOR RC) FOLLOWING FINAL DECISION MADE ON COMPLAINT.

RESERVE COMPONENT

Next Drill Period

End 3d Drill Period

2 Drill Periods

4-6 Drill Periods