

POLICY OR PRECEDENT

SUBJECT:
Military Equal Opportunity

DATE: 9 NOV 2013

POLICY NUMBER: 14-18
ORIGINATING SECTION: AOJK-EO
ORIGINATOR: MSG Davis
PHONE#: 432-9296

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SYNOPSIS:

1. PURPOSE: To establish the U.S. Army John F. Kennedy Special Warfare Center and School (USAJFKSWCS) Policy on Military Equal Opportunity (EO).

2. SCOPE: This policy applies to all military personnel and Family members assigned to, attached to, or on temporary duty assignment to the USAJFKSWCS, to include all component subordinate commands, component subordinate units, and Headquarters, USAJFKSWCS staff directorates and special staff offices. This policy applies both on and off post and during duty and non-duty hours.

3. GENERAL: The USAJFKSWCS EO Program formulates, directs, and sustains a comprehensive effort to maximize human potential and to ensure fair treatment for all persons based solely on merit, fitness, and capability in support of readiness. EO philosophy is based on fairness, justice, and equity. Commanders at all levels are responsible for sustaining a positive EO climate within their units. Commanders and supervisors will create and sustain positive environments by eliminating discriminatory behaviors or practices that undermine teamwork, mutual respect, loyalty, and shared sacrifice of the men and women of the USAJFKSWCS. Unlawful discrimination will not be practiced, condoned, or tolerated in this command.

4. POLICY AND PROCEDURES.

a. The USAJFKSWCS will provide equal opportunity and fair treatment to military personnel and their

PRESCRIBING DIRECTIVES: DoDD 1020.02E (C2), 1 June 2018; DoDI 1020.03, 8 February 2018; Army Directive 2016-35, 7 October 2016; DoDI 1300.28, 1 October 2016; Army Directive 2016-30, 1 July 2016; SECDEF DTM 16-005, 30 JUN 2016; Army Directive 2016-01, 29 January 2016; Army Directive 2015-39, 14 October 2015; DoDD 1350.02 (C2), 8 June 2015; AR 600-20, Army Command Policy, para 6-3, i, (11), 6 November 2014; DoDI 1300.17, 22 January 2014; Army Directive 2013-29, 23 December 2013; Executive Order 13583, 18 August 2011.

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OTHER POLICIES AFFECTED:
None

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Family members without regard to race, color, religion, gender, sexual orientation, or national origin, and provide an environment free of unlawful discrimination and offensive behavior. Leaders and supervisors must be diligent in fostering, maintaining, and enforcing an environment of dignity and respect. Therefore, decisions affecting personnel will be based solely on individual merit, fitness and capability. This policy applies to military personnel:

(1) In garrison, while deployed, or in training; both on and off post, during duty and non-duty hours.

(2) In working, living and recreational environments including on and off post housing.

b. Definitions:

(1) Discrimination: Any action that unlawfully or unjustly results in unequal treatment of persons or groups based on race, color, religion, sexual orientation, national origin, or sex (including gender identity).

(2) Disparaging terms: Terms used to degrade or connote negative statements pertaining to race, color, religion, sex (including gender identity), sexual orientation, or national origin. Such terms may be expressed as verbal statements, printed material, visual material, signs, symbols, posters, or insignia. The use of these terms constitutes unlawful discrimination.

(3) Equal opportunity: The right of all persons to participate in, and benefit from, programs and activities (for example, career, employment, educational, social) for which they are qualified. These programs and activities will be free from social, personal, or institutional barriers that prevent people from rising to the highest level of responsibility possible. Persons will be evaluated on individual merit, fitness, and capability, regardless of race, color, religion, sex (including gender identity), sexual orientation, or national origin.

(4) Sex discrimination: The action taken by an individual to deprive a person of a right because of their sex, including gender identity. Such discrimination can occur overtly, covertly, intentionally, or unintentionally.

(5) National origin: An individual's place of origin or that of an individual's ancestors. The term also applies to a person who has the physical, cultural, or linguistic characteristics of a national group.

(6) Prejudice: A negative feeling or dislike based upon a faulty or inflexible generalization (that is, prejudging a person or group without knowledge or facts).

(7) Race: A division of human beings identified by the possession of traits transmissible by descent and that is sufficient to characterize persons possessing these traits as a distinctive human genotype.

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(8) Racism: Any attitude or action of a person or institutional structure that subordinates a person or group because of skin color or race.

(9) Religion: A personal set or institutionalized system of attitudes, moral or ethical beliefs and practices held with the strength of traditional views, characterized by ardor and faith, and generally evidenced through specific observances.

(10) Sexism: Attitudes and beliefs that one gender is superior to another.

(11) Sexual orientation: Homosexuality, bisexuality, or heterosexuality, whether such orientation is actual or perceived, and/or includes association with another individual of a particular sexual orientation.

c. Commanders at all levels are the EO officers for their commands. All commanders will:

(1) Be personally responsible and accountable for the EO climate within their commands.

(2) Develop and implement EO programs for their organizations that enhance unit cohesion, esprit, and morale.

(3) Identify unlawful discriminatory practices affecting military personnel and Family members, initiate corrective actions, and provide follow-up and feedback throughout problem resolution.

(4) Promote EO and interpersonal harmony for all military personnel and Family members.

(5) Be in the Program Manager/Equal Opportunity Advisor (EOA) rating scheme.

(6) Conduct EO training on a continuing basis for all, in accordance with AR 600-20 para. 6-4, 6 November 2014, and other applicable training guidance.

(7) Monitor and assess the execution of EO programs and policies at all levels within their areas of responsibility.

(8) Publish and post separate, written command policy statements for Equal Opportunity and Equal Opportunity Complaint Procedures. All statements will be consistent with USAJFKSWCS and Army policy. Statements must include an overview of the command's commitment to the EO program and reaffirm that unlawful discrimination and sexual harassment will not be practiced, condoned, or tolerated. The policy statements will explain how and where to file complaints. Additionally, the statements will include statements about the complainant's

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protection from acts or threats of reprisal. These statements are required for each USAJFKSWCS subordinate unit down to company/troop/battery or equivalent level.

(9) Battalion and company level commanders (and activities/organizations without assigned EO personnel) will appoint Equal Opportunity Leaders (EOLs) in the rank of SGT (P) and above in writing.

(10) Encourage Soldiers to use their chain of command to address issues.

(11) Take appropriate action to prevent incidents of intimidation, harassment, reprisal, or retaliation against individuals who file an EO complaint.

(12) Take appropriate action against those who violate Army or USAJFKSWCS policy.

(13) Consult Program Managers/Equal Opportunity Advisors when conducting a discrimination investigation in accordance with AR 15-6.

(14) Establish adequate budgets for brigade-level and higher EO programs and allocate funding and other resources necessary to promote, execute, and support command EO programs.

(15) Ensure all Soldiers in USAJFKSWCS receive semi-annual training on EO related topics. EO training will be built into the operations training calendar and executed accordingly.

(16) Upon receipt of an EO complaint, process the complaint in accordance with the USAJFKSWCS Equal Opportunity Complaint Processing policy and AR 600-20, Appendix C, 6 November 2014.

(17) Ensure EO complaints the chain of command receives are promptly investigated in a fair, impartial manner and are appropriately resolved without fear of reprisal, intimidation or retaliation.

(18) Ensure appropriate disciplinary, administrative and corrective actions are taken if discrimination or reprisal is substantiated.

(19) Ensure the complainants and subjects are provided feedback regarding the status and outcome of the complaint.

(20) Commanders will ensure all personnel desiring to participate in observances are provided a reasonable opportunity to do so.

(21) All Active Army Company Commanders level and above will conduct an initial command climate assessment (DEOCS) within 60 days of assuming command, to be followed by a subsequent assessment 12 months later and annually thereafter while retaining command.

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d. Rating and reviewing officials must evaluate their personnel's commitment to eliminating unlawful discrimination and document significant deviations from that commitment in counseling records and evaluation reports. Following substantiated complaints, commanders and rating officials must take appropriate action in accordance with AR 600-20, Army Command Policy, and AR 623-3, Evaluation Reporting System.

5. Attempts to resolve issues at the lowest level should be made when possible through the unit's chain of command, starting with the unit Equal Opportunity Leader. A number of alternative agencies exist should an individual feel uncomfortable in filing a complaint with his or her unit chain of command. Commanders will not prohibit or discourage Soldiers from using these channels in accordance with the procedures inherent or established by the following agencies:

- a. Someone in a higher echelon of the complainant's chain of command.
- b. Inspector General.
- c. Chaplain.
- d. Medical Agency personnel.
- e. Provost Marshal.
- f. Chief, Community Housing Referral and Relocation Service Office (CHRRS).
- g. Staff Judge Advocate.

6. We must protect all personnel and Family members from reprisal or retaliation for filing complaints. Reprisal is defined as taking or threatening to take, an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, for making, preparing to make, or being perceived as making or preparing to make a protected communication. If an allegation of reprisal is made known to any agency authorized to receive complaints, the agency will refer the complaint to the Inspector General.

7. The USAJFKSWCS units and organizations perform most effectively when every person comes to work each day wanting to do their very best. We owe each Soldier and employee a working environment that allows them to contribute and grow to their maximum capability. Treating people with fairness, dignity, and respect is critical in creating these fair, open, and unbiased environments. I challenge all leaders to create this type of environment within your unit, directorate, team, and section.

8. EXPIRATION. This policy memorandum is in effect until superseded or rescinded.