

POLICY OR PRECEDENT

SUBJECT:  
Military Equal Opportunity Complaint and Appeal Procedures

DATE:

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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 Complaint and Appeal Procedures.
2. SCOPE: This policy applies to all military personnel and their Family members assigned to, attached to, or on temporary duty assignment to 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. Complaints by Civilian personnel alleging discrimination should be handled in accordance with the procedures contained in Army Regulation (AR) 690-600, Equal Employment Opportunity Discrimination Complaints, 9 February 2004.
3. POLICY: In the USAJFKSWCS, as in the rest of the Army, it is critical that all the people are treated with the utmost dignity and respect. Organizations perform best when every employee comes to work every day wanting to do their very best and when their working environment allows them to contribute and grow to their maximum capability. I believe we owe respect and opportunity to each member of the command. I am committed to this idea, and this is the environment that I ask you to create and sustain. As the commander of the USAJFKSWCS, my open door policy is simple: If you want to see me, I will see you as soon as possible, normally within 24 hours, travel and operations permitting. You do not have to tell anyone you want to see me, nor do you have to "go through" channels. Please use my open door policy as you feel appropriate.
4. RIGHTS AND RESPONSIBILITIES.
  - a. The Equal Opportunity complaint process addresses allegations of unlawful discrimination based on race, color, religion, sex (including gender identity), sexual orientation,

PRESCRIBING DIRECTIVES: DoD Directive 1020.02E, Diversity Management and Equal Opportunity in the DoD (Change 2), 1 June 2018; AR 600-20, Army Command Policy, 6 November 2014.

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OTHER POLICIES AFFECTED:  
Policy 19-17

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or national origin. It encourages resolution by the chain of command at the lowest possible level. Leaders and supervisors at all levels will take appropriate actions to prevent and resolve both the perceptions and actual incidents of discrimination utilizing their Chain of Command, the Commander's Open Door Policy, or filing a formal or informal complaint with an Equal Opportunity Advisor.

- b. It is each commander's responsibility to make it known that Army policy prohibits discrimination practices both on and off post and to give assistance to military personnel and their Family members who face these issues.
- c. Individuals have the right to present complaints without fear of intimidation, reprisal, harassment, or retaliation. Individuals have the right to communicate with the commander concerning their complaints and receive assistance when submitting a complaint.

#### 5. COMPLAINT RESOLUTION.

a. All Soldiers and leaders have a responsibility to assist in resolving acts or discrimination based on race, color, religion, national origin, sex (including gender identity), sexual orientation and provide an opportunity for the command to take appropriate action to rectify and resolve the issue at the lowest level.

b. An informal complaint is any complaint a Soldier or Family member does not wish to file in writing. Informal complaints may be resolved directly by the individual with the help of another unit member, the commander or other person in the complainant's chain of command or alternate agency and are not subject to a formal timeline.

c. A formal complaint is filed in writing using a DA Form 7279-R (Equal Opportunity Complaint Form). A commissioned officer will swear the complainant to the accuracy of the information provided. The commander will report the complaint to their General Courts Martial Convening Authority (GCMCA) within 72 hours. The complaint is then processed in accordance with (IAW) timelines established in AR 600-20, Appendix C. The unit commander and/or investigating officer (IO) are required to consult with their Equal Opportunity Advisor (EOA) and Staff Judge Advocate (SJA).

d. Submission of EO complaints to the chain of command and other available channels is highly encouraged. If a complainant is uncomfortable filing a complaint with the chain of command, or if the complaint is against a member of the chain of command, it may be raised through an alternate agency. Each of these agencies provides expertise in very specific subject areas and circumstances. Alternate agencies include a higher echelon in the chain of command, an EOA, the Inspector General Office, the Chaplain, Provost Marshal, medical agency personnel, the SJA or the Housing Referral Office.

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e. Complaints where the alleged offender is assigned within the USAJFKSWCS should be handled at the lowest level in the chain of command. Complaints in which the offender is assigned to another unit or agency are referred to that unit or agency for resolution. The USAJFKSWCS Equal Opportunity Office will serve as the liaison for processing and monitoring that complaint.

f. Complaints which allege discrimination or sexual harassment by promotable colonels, active or retired general officers, Inspectors General, members of the Senior Executive Service, or Executive Schedule personnel shall be referred directly to the Investigations Division, U.S. Army Inspector General Agency (SAIG-IN), Pentagon, Washington DC 20310-1700 by rapid, but confidential means within five calendar days of receipt.

g. If any inquiry or investigation identifies criminal activity, the receiving agency or commander will immediately refer the complaint to the proper agency (e.g., Provost Marshal or Criminal Investigation Division (CID)) for further investigation.

## 6. APPEALS.

a. If the complainant perceives the investigation failed to reveal all relevant facts to substantiate the allegations, or that the actions taken by the command on their behalf were insufficient to resolve the complaint, the complainant has the right to appeal to the next higher commander in their chain of command.

b. The appeal must be presented within a seven calendar days following notification of the results of the investigation and acknowledgment of the actions of the command to resolve the complaint. The complainant must provide a brief statement that identifies the basis of the appeal. This will be done in writing on a DA Form 7279, Part IV.

c. The unit EOA Equal Opportunity Office processing the appeal will submit the original DA Form 7279 and the complaint file in its entirety, to include the investigation file and any findings, to the appellate authority.

d. Once the appeal is initiated by the complainant, the commander has three calendar days to forward the appeal to the next higher headquarters. The Commander to which the appeal is made has 14 calendar days to review and act on the appeal. The appellate authority Commander will provide written feedback to the complainant not later than the 14th calendar day after receiving the appeal.

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