

Implement the Army's Equal Opportunity and  
Sexual Harassment Policies in a Company

121-050-8032

Conditions

You are a company level leader. You have access to AR 600-20, AR 600-26, AR 670-1, AR 690-12, DA Pam 350-20, DA Pam 600-75, TC 26-4, TC 26-6, DOD 1350.2, and DOD 7050.6. DA Form 7279-R (EO Complaint form) provided by subordinate leaders, Equal Opportunity Representative (EOR), Equal Opportunity Advisor (EOA), or alternative agency is on hand. The following agencies or individuals are available for assistance: Equal Opportunity Advisor (EOA), Equal Opportunity Representative (EOR), Chaplain, Staff Judge Advocate (SJA).

Standards

Ensure the treatment of all subordinates personnel is based on fairness, merit, fitness, and capability. Identify problems or situations that violate the policy and take appropriate action to correct the problem or situation. Maintain a healthy and positive command climate.

Training and Evaluation Guide

Performance Steps

1. Enforce subordinate compliance with the Army's EO and EEO policies.
  - a. Conduct training for subordinates on the requirements and content of the Army's EO/EEO policies.
  - b. Publish and post the unit policy on EO and the prevention of sexual harassment.
  - c. Monitor subordinates behavior for compliance with the Army's EO/EEO policies.
2. Take leader actions that support and sustains a healthy EO climate.
  - a. Apply the standards that emulate a positive and healthy environment.
  - b. Use the unit EO Representative (EOR) to provide assistance and expertise in monitoring the EO climate.
3. Take appropriate action to prevent sexual harassment.
  - a. Conduct training for subordinates on what constitutes sexual harassment, prevention measures, and problem solving.
  - b. Enforce the behavior of subordinates for compliance with the Army's policy on the prevention of sexual harassment.
  - c. Maintain an environment free from sexual harassment.
  - d. Take corrective action on all reports of sexual harassment and ensure reprisals are not taken against the victim.
4. Take appropriate action to resolve EO/EEO complaints.
  - a. Conduct training for subordinates on the Army Equal Opportunity complaint process.
  - b. Conduct an inquiry or investigation into all formal EO complaints.

- c. Take corrective action for substantiated complaints.
  - d. Refer to chain the of command and law enforcement agencies if allegations are criminal in nature.
  - e. Complete steps in the complaint process in the time frame specified in doctrine.
  - f. Ensure individuals who file and EO complaint are protected against reprisal, harassment, or intimidation.
5. Conduct a company level EO assessment.
- a. Determine the conditions and requirements for conducting an EO climate assessment.
  - b. Apply the factors and procedures that must be used and considered in conducting an EO climate assessment.
  - c. Apply leadership skills to promote and maintain a positive EO climate.
6. Enforce the Army's policy on extremist activities and organizations
- a. Conduct training for subordinates to inform about the Army policy on extremist activities and organizations.
  - b. Monitor subordinates behavior as applicable to the Army policy on extremist activities and organizations.
  - c. Take appropriate action for violations of the policy on extremist activities and organizations.

#### Performance Evaluation Guide

##### Evaluation Preparation

Setup: Evaluate this task at the end of equal opportunity training. Provide each student a copy of the test.

Brief Soldier: Tell the soldier he or she will be evaluated on their ability to comprehend the Army's EO policy, identify problems or situations that violate the policy, and apply appropriate corrective action to correct the problem or situation.

| Performance Measures   | Results |       |
|--|---------|-------|
| 1. Applied the Army's EO and EEO Policies.                         | GO      | NO GO |
| a. Army EO/EEO policy.   |         |       |
| b. Extremist policy.   |         |       |
| c. Conduct training.   |         |       |
| d. Publish unit policy.  |         |       |
| 2. Took leader action to support and sustain a healthy EO climate. | GO      | NO GO |
| a. Set the example.  |         |       |
| b. Use the unit EOR.   |         |       |
| c. Enforce appropriate behavior.                                   |         |       |

- |   |    |       |
|---|----|-------|
| 3. Identified and took action to prevent sexual harassment.             | GO | NO GO |
| a. Sexual harassment policy.  |    |       |
| b. Conduct training.  |    |       |
| c. Assess behavior.   |    |       |
| d. Evaluate the impact on the victim.                                   |    |       |
| e. Conduct inquiries.   |    |       |
| f. Take corrective action.  |    |       |
| g. Refer complaints.  |    |       |
| h. Meet timelines.  |    |       |
| 4. Took action to resolve EO/EEO complaints.                            | GO | NO GO |
| a. Conduct training.  |    |       |
| b. Assess complaint.  |    |       |
| c. Conduct inquiries.   |    |       |
| d. Take corrective action.  |    |       |
| e. Refer complaints.  |    |       |
| f. Meet timelines.  |    |       |
| g. Prevent intimidation, harassment, or reprisal.                       |    |       |
| 5. Conducted a EO climate assessment.                                   | GO | NO GO |
| a. Determine criteria.  |    |       |
| b. EOA assistance.  |    |       |
| c. Follow procedures.   |    |       |
| d. Maintain a positive EO climate.                                      |    |       |
| e. Resolve EO issues.   |    |       |
| 6. Applied the Army's policy on extremist activities and organizations. | GO | NO GO |
| a. Policy.  |    |       |
| b. Training requirements.   |    |       |
| c. Corrective action.   |    |       |

#### Evaluation Guidance

Score the soldier GO if all performance measures are passed. Score the soldier NO GO if any performance measure is failed. If remedial/refreshers training is required, the soldier will be re-tested.

#### References

AR 600-20  
AR 670-1  
AR 690-12  
AR 690-600  
DA PAM 350-20  
DA PAM 600-75  
DOD 1350.2  
DOD 7050.6  
MCM 1984  
TC 26-4  
TC 26-6

## TRAINING SUPPORT PACKAGE (TSP)

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|--|--|
| <b>TSP Number</b>                      | 121-A-8032   |
| <b>Title</b>                           | Implement the Army's Equal Opportunity and Sexual Harassment Policies in a Company   |
| <b>Task Number(s) /Title(s)</b>        | 121-050-8032<br>Implement the Army's Equal Opportunity and Sexual Harassment Policies in a Company   |
| <b>Effective Date</b>                  | 23 July 1997   |
| <b>Supersedes TSP(s)</b>               | N/A  |
| <b>TSP User(s)</b>                     | Officer Advanced Course (OAC); Warrant Officer Advanced Course (WOAC);<br>First Sergeant Course (FSC)  |
| <b>Proponent</b>                       | The proponent for this document is Adjutant General School, Soldier Support Institute.   |
| <b>Comments/ Recommendations</b>       | Send comments and recommendations directly to Soldiers Support Institute, ATTN: ATSG-AGP-EO (Adjutant General School, Equal Opportunity Proponency Office), Bldg 10000, Fort Jackson, SC 29207   |
| <b>Foreign Disclosure Restrictions</b> | The materials contained in this course have been reviewed by the course instructors in coordination with the Fort Jackson Adjutant General School foreign disclosure authority. This course is releasable to military students from all requesting foreign countries without restrictions. |

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## PREFACE

**Purpose**

This instruction provides information about the Army's Equal Opportunity/Equal Employment Opportunity Programs and training in the prevention of sexual harassment.

It discusses the company level leader's roles and responsibilities toward the Army's policy, their commitment to fair and equal treatment, perceptions, EO/EEO behavior patterns, the complaint process, and methods to resolve problems.

|                     |  |
|---------------------|--|
| <b>Task number:</b> | 121-050-8032   |
| <b>Task title</b>   | Implement the Army's Equal Opportunity and Sexual Harassment Policies in a Company       |
| <b>Condition:</b>   | In a classroom environment, given student guide and related handouts, and an instructor. |
| <b>Standard:</b>    | Identify the leader's role and obligations to implement the Army's EO/EEO Programs       |

**This TSP contains**

| <b>TABLE OF CONTENTS</b> |   | <b>Page</b> |
|--------------------------|---|-------------|
| Lesson 1                 | Preface   | 2           |
|                          | Section I - Administrative Data   | 3           |
|                          | Section II - Introduction   | 5           |
|                          | Terminal Learning Objective - Specify the actions required for individual and company leaders to implement the Army's Equal Opportunity (EO) and Equal Employment Opportunity (EEO) policies. | 5           |
|                          | Section III - Presentation  | 6           |
|                          | A - Enabling Learning Objective A - Comply with the Army's Equal Opportunity and Equal Employment Opportunities Policies  | 6           |
|                          | B - Enabling Learning Objective B - Describe Unit Leader EO Actions and Responsibilities  | 12          |
|                          | C - Enabling Learning Objective C - Identify Company Leader Roles and Responsibilities in the Prevention of Sexual Harassment   | 18          |
|                          | D - Enabling Learning Objective D - Describe the Army's EO Complaint System   | 25          |
|                          | E - Enabling Learning Objective E - Describe the Procedures for Conducting a Company Level EO Assessment  | 32          |
|                          | F - Enabling Learning Objective F - Define the Army's policy on participation in extremist activities and organizations.  | 37          |
|                          | Section IV - Summary  | 41          |
|                          | Section V - Student Evaluation  | 41          |
| Appendixes               | A - Viewgraph Master  | A-1         |
|                          | B - Practice Exercises  | B-1         |
|                          | C - Student Handouts  | C-1         |
|                          | D - Test and Test Solutions   | D-1         |

**Implement the Army's Equal Opportunity and  
Sexual Harassment Policies in a Company**  
23 July 1997

**SECTION I ADMINISTRATIVE DATA**

**All Courses  
Including  
this Lesson**

| COURSE NUMBER(S) | COURSE TITLE(S)                 |
|------------------|---------------------------------|
|                  | Officer Advanced Course         |
|                  | Warrant Officer Advanced Course |
|                  | First Sergeant Course           |

**Task(s)  
Taught or  
Supported**

| TASK NUMBER | TASK TITLE   |
|-------------|--|
| 121-50-8032 | Implement the Army's Equal Opportunity and Sexual Harassment Policies in a Company |

**Reinforced  
Task(s)**

| TASK NUMBER | TASK TITLE |
|-------------|------------|
| N/A         | N/A        |

**Academic  
Hours:**

The Academic hours required to teach this course are as follows:

|             | PEACETIME<br>HOURS / METHOD | MOBILIZATION<br>HOURS / METHOD |
|-------------|-----------------------------|--------------------------------|
|             | 2 Hr 50 min / CO            | Hr 50 min / CO                 |
|             | 30 min / PE                 | 30 min / PE                    |
| Test        | 25 min / TE                 | 25 min / TE                    |
| Test Review | 15 min / TR                 | 15 min / TR                    |
| Total Hours | 4 Hours                     | 4 Hours                        |

**Prerequisite  
Lesson(s)**

| LESSON NUMBER | LESSON TITLE |
|---------------|--------------|
| N/A           | N/A          |

**Clearance  
and Access**

Unclassified

**References**

| Number        | Title  | Date   | Para No. |
|---------------|--|--------|----------|
| AR 690-12     | Equal Employment Opportunity                   | Mar 88 | All      |
| AR 600-20     | Army Command Policy and procedures             | Mar 88 | All      |
| AR 600-26     | Department of the Army Affirmative Action Plan | May 90 | All      |
| AR 690-600    | EEO Discrimination                             | Sep 89 | All      |
| DA Pam 350-20 | Unit EO Training Guide                         | Jun 94 | All      |
| TC 26-4       | Conflict Management                            | Dec 84 | All      |
| TC 26-6       | Commander's EO Handbook                        | Oct 94 | All      |
| DA Pam 600-75 | Accommodating Religious Practices              | Aug 95 | All      |
| DoDD 1350.2   | Processing Religious Accommodation             | Aug 95 | All      |
| DoDD 7050.6   | Military Whistleblower Protection              | Aug 95 | All      |
| MCM 1984      | Manual for Courts Martial                      | 1984   | All      |

|   |  |
|---|--|
| <b>Student Study Assignments</b>                        | Provide the Handouts to students two days prior to the scheduled class. Students must be prepared to discuss the Handouts during class.  |
| <b>Instructor Requirements</b>                          | One instructor, familiar with and knowledgeable of current Army Equal Opportunity Program and Affirmative Actions Plans  |
| <b>Additional Personnel Requirements</b>                | None. The Installation Equal Opportunity Advisor (EOA) should be available for consultation prior to class.  |
| <b>Equipment Required for Instruction</b>               | Overhead Projector, Screen, Whiteboard   |
| <b>Materials Required</b>                               | Instructor: TSP; Transparencies; Student Handouts, Practice Exercises, Video player, Television, Video tape TVT-20-1096, Pin 710876.<br><br>Students: Student Handouts   |
| <b>Classroom, Training Area, and Range Requirements</b> | One Standard Classroom   |
| <b>Ammunition Requirements</b>                          | None   |
| <b>Instructional Guidance</b>                           | The instructor must have knowledge of current equal opportunity issues in both the military and the private sectors to ensure the success of this lesson. Recommend coordination with locally assigned Equal Opportunity Advisor (EOA) to discuss current EO and Sexual Harassment issues and trends. Instructor is required to provide students with copies of student handouts and practice exercises. |

**NOTE:** Department of the Army has produced a new film on the subject of sexual harassment dated August 1996. The title of the video is, "Prevention of Sexual Harassment, Level I." The PIN Number is: 710876 and the ICN Number is: TVT-20-1096. This video should be shown to students during this course, preferably in conjunction with this block of instruction. It should be discussed as a means of enhancing the information provided on the subject in this TSP.

|  |       |       |          |       |
|--|-------|-------|----------|-------|
| <b>Proponent Lesson Plan Approvals</b> | NAME  | RANK  | POSITION | DATE  |
|  | _____ | _____ | _____    | _____ |
|  | _____ | _____ | _____    | _____ |
|  | _____ | _____ | _____    | _____ |

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**SECTION II****INTRODUCTION**

Method of instruction: CO  
Instructor to student ratio: 1:16 to 1:25  
Time of instruction: 5 minutes  
Media used

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**Motivator**

Squads, platoons, and companies are the levels of the Army in which soldiers spend most of their military careers. Each squad, section, or crew becomes a tightly knit family where soldiers know one another intimately -- their likes and dislikes, their faults, strengths, their beliefs, and ideas. It is these small groups of soldiers who determine to a large extent whether wars are won or lost.

As a company level leader, you are responsible for providing the strong leadership that develops effective teams, leading to success on the battlefield. Ultimate success in battle will depend largely on the development of cohesive combat-ready teams that are well trained and highly motivated. These soldiers not only share a common belief in the cause for which they fight, but the mutual respect, trust, and confidence required of today's soldiers. Leaders must care and soldiers must know they care. You, as a leader must set the standard, comply with all policies and programs, and ensure your subordinates are prepared to accept and execute leadership responsibilities at a moment's notice.

An essential condition for the Army to accomplish its mission of national defense is the preservation of discipline and order. While it is true that discipline cannot be compromised, it is just as true that discipline and teamwork cannot be achieved in an atmosphere of dissension and distrust.

As leaders, it is your responsibility not only to recognize and manage differences among yourselves, but also to recognize and manage differences among those you lead. It is imperative that you, as military and civilian leaders, recognize and manage diversity so that it does not interfere with the Army's mission effectiveness or ability to fight and win on the battlefield. Your challenge is to execute your leadership duties so as to support and implement the Army's EO/EEO programs.

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**Terminal Learning Objective**

|                    |  |
|--------------------|--|
| <b>Action:</b>     | Specify the actions required for individual and company leaders to implement the Army's Equal Opportunity (EO) and Equal Employment Opportunity (EEO) policies.  |
| <b>Conditions:</b> | Given situation, student handouts, access to AR 600-20, AR 600-26, forms, etc. Forms include DA Forms 7279-R and DA Form 7279-1-R. Handouts include Army Policy Memorandum on Equal Opportunity, EO Violations Subject to UCMJ Actions, Definition of Sexual Harassment & Army's Policy on Sexual Harassment, Sexual Harassment Behaviors Subject to UCMJ Actions, Alternative Agencies, Army Equal Opportunity Complaint Process, and Extremist Organizations and Activities. |

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|-------------------|--|
| <b>Standards:</b> | <ol style="list-style-type: none"> <li>1. List the key elements and principles of the Equal Opportunity (EO) and Equal Employment Opportunity (EEO) program.</li> <li>2. Describe the unit chain of command EO actions and responsibilities.</li> <li>3. Identify appropriate leader actions and responsibilities that prevents sexual harassment.</li> <li>4. Describe appropriate leader and alternative agency actions to resolve EO complaints and counteract noncompliance with EO and EEO policies.</li> <li>5. Describe appropriate leader procedures for conducting an EO assessment.</li> <li>6. Describe the policy and leader responsibilities on participation in extremist activities and organizations.</li> </ol> |
|-------------------|--|

**Safety Requirements** None

**Risk Assessment Level** Low

**Environmental Considerations** None

**Evaluation** Students will receive a performance test at the end of this period of instruction. Students must attain a score of 70 or better in order to pass.

**Instructional Lead-in** The Equal Opportunity training you receive today is part of the continuous, progressive training that you will receive throughout your military career each phase of training will build on the last as you acquire greater levels of leadership and responsibility. This phase is designed to raise your level of leadership at the company level through awareness about Equal Opportunity issues, yourself and those you lead. At the completion of this training you should have a better understanding about your roles as leaders with regard to the Army's EO Program.

**SECTION III PRESENTATION**

**A.** ENABLING LEARNING OBJECTIVE A: Comply with the Army's Equal Opportunity and Equal Employment Opportunities Policies

|                    |   |
|--------------------|---|
| <b>Action:</b>     | Comply with the Army's Equal Opportunity and Equal Employment Opportunities Policies  |
| <b>Conditions:</b> | Given Student Handout # 1, Army Policy Memorandum on Equal Opportunity and access to AR 600-20.   |
| <b>Standards:</b>  | Define the Army's EO program to include: <ol style="list-style-type: none"> <li>a. EO/EEO Policies</li> <li>b. Program components</li> <li>c. Related leadership elements.</li> <li>d. EO program principles</li> </ol> |

1. Opportunity

Learning Step/Activity 1: Explain the Equal Opportunity/Equal Employment Policies

Type of Instruction: CO

Instructor to student ratio is: 1:16 to 1:25

Time of Instruction: 20 minutes

Media: Viewgraph # 1-1 Thru # 1-4 and Handout # 1 and #7

a. **POLICY STATEMENT.** The Army's position on Equal Opportunity is best articulated in the "ARMY POLICY STATEMENT ON EQUAL OPPORTUNITY" signed by the Army Chief of Staff and the Secretary of the Army:

"America's Army serves as the nation's leader in equal opportunity. This success comes from total commitment to the ideals upon which our country was founded. We must continue our strong leadership in this area to ensure equal opportunity for all. To accomplish this, we, the Army's senior leadership, reaffirm our commitment to these principles and will work to ensure that equal opportunity and freedom from sexual harassment are standard in America's Army.

People are the cornerstone of readiness. Sophisticated weapon systems and modern technology are of little value without a dedicated, trained team of professional soldiers and civilians. They must know they will be treated fairly, and with dignity and respect in all aspects of performing the mission. They have a right to expect from their leadership an environment in which their efforts can be fully directed toward mission accomplishment and not detracted by unequal treatment. Leaders are expected to enforce Army standards.

We are justifiably proud of the many accomplishments the Army has made in the field of human rights; however, much remains to be done. Leaders at all levels must continue to ensure the environment in which our soldiers and civilians work and live is free of discriminatory practices. Each individual has a right to compete for advancement based upon abilities and merit, irrespective of race, color, religion, gender, or national origin. Army civilians are further protected against discrimination based on age and physical or mental disability. Leaders at all levels have an obligation to create and maintain an environment with zero tolerance for discrimination and harassment.

We must continue to demonstrate that America's Army is the equal opportunity leader for the nation and the institution where men and women of diverse backgrounds can achieve their full potential in support of the Army's mission."

**NOTE:** A copy of Army Policy Memorandum on Equal Opportunity is at Handout # 1, Appendix C.

**NOTE:** Show Viewgraph # 1-1

(1) **EQUAL OPPORTUNITY POLICY.** The policy of the U.S. Army contained in Chapter 6, AR 600-20 (Army Command Policy) is to provide equal opportunity and treatment for soldiers, civilian employees, and their families without regard to race, color, religion, gender, or national origin and to provide an environment free of sexual harassment. Soldiers are not accessed, classified, trained, assigned, promoted, or otherwise managed on the basis of race, color, religion, gender, or national origin. This policy has the following attributes:

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- (a) Applies both on and off post.
- (b) Extends to soldiers, civilian employees, and family members.
- (c) Applies to working, living, and recreational environments.

(2) **EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY.** Civilian government employees (DA civilians) have the same EO protection as do military personnel. In addition to race, color, religion, gender, or national origin, DA civilians are also protected from discrimination based on disability and age. The EEO complaint process timelines, and other actions, while similar, are processed through the EEO Office. Assistance and guidance for supervisors is available from EEO counselors for resolving complaints or other EO related actions. As leaders, you must always remember that it is as important to act on EO problems from civilian employees as you would from military members.

b. **EO PROGRAM COMPONENTS.** The Army's EO Program strives to ensure fair treatment of all based solely on merit, fitness, and capability, which supports readiness. EO is a responsibility of leadership and a function of command. It is your role, as squad or platoon leaders to ensure you not only set the example when it comes to equal opportunity, but to know and understand its concepts and principles. You are charged with the responsibility to take care of your soldiers or civilians to ensure they are always treated with the dignity and respect they deserve. The EO program consists of six essential components.

**NOTE:** Clarify with the students that when you are talking about a platoon and talking about taking care of soldiers, are you also talking about sections in which civilians may be working.

**NOTE:** Show Viewgraph # 1-2

(1) Essential to having a successful EO program a combination of elements must be in place. These elements include a strong commitment by leaders to support the program, sequential and progressive training at all levels, an effective and responsive complaint system, affirmative action plans, feedback mechanisms and Equal Opportunity Advisors.

**NOTE:** Use the following discussion points as appropriate to clarify student questions about component areas.

(2) **LEADER COMMITMENT.** As the leader whom the soldiers in the platoon have the most direct and continuous contact with, you become the person who your soldiers count on. The soldiers should feel they can count on you for support and assistance when they need help. You are obligated to consistently demonstrate your support and commitment for the Army's EO Program. It is your responsibility to ensure the policy on equal opportunity and sexual harassment is known by all soldiers whom you are responsible for. You must also ensure the use of even-handed enforcement for discrimination or sexual harassment violations. The commander's personal policy statement should be presented during initial orientation to all new members of your platoon or squad when they in-process into your unit.

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(3) **SEQUENTIAL AND PROGRESSIVE TRAINING.** Training is the primary method used to teach new skills and prevent inappropriate behavior. Through training

and education, the Army seeks to influence and promote an environment that treats everyone with dignity and respect. Training is also the Army's method for improving communications and awareness which is vital to team building and unit cohesion. The Army wants to ensure that soldiers and DA civilians understand not only the consequences of their actions but also feel assured of command intervention to correct EO problems.

(4) **AN EFFECTIVE AND RESPONSIVE COMPLAINT PROCESS.** A key component of the Army's EO Program is an effective and responsive complaint system. The Army has established a comprehensive complaint system for military personnel. The Army wants to ensure that every soldier and DA Civilian has a readily available system for submitting their grievances without intimidation or threat of reprisal.

(5) **AFFIRMATIVE ACTION PLAN.** Affirmative Action Plans (AAP) are planned, achievable steps that are designed to prevent, identify, and eliminate unlawful discriminatory treatment of soldiers. These plans also assist in monitoring the progress of meeting the goals of equal opportunity.

(6) **FEEDBACK MECHANISMS.** The Army has various methods of obtaining feedback on how well the EO program is working. These methods include tracking the number of complaints, sensing sessions with soldiers, EO surveys and climate assessments. All of these provide feedback to the chain of command and other senior leaders on the effectiveness of the Army's EO programs and policies.

(7) **EQUAL OPPORTUNITY ADVISORS.** A key component of the Army's EO program is the Equal Opportunity Advisor (EOA). Every unit in the Army from brigade level to major commands are required to have an EOA. The EOA is the individual who receives special training in the area of equal opportunity. Their primary responsibility includes receiving and assisting in processing individual complaints of unlawful discrimination or sexual harassment; assisting commanders in assessing, planning, implementing and evaluating EO action plans; understanding and articulating Army policy concerning equal opportunity.

c. **RELATED LEADERSHIP ELEMENTS.** In addition to the program components there are five leadership elements which have special significance to Army leaders.

**NOTE:** Show Viewgraph # 1-3

(1) **MILITARY DISCIPLINE AND CONDUCT.** Military discipline is founded on the principles of self-discipline, the professional Army ethic and supporting individual values. You demonstrate your commitment to these values in your leadership, by exhibiting fairness and equity for all soldiers and DA civilians regardless of race, ethnic origin, gender, or religion.

(2) **ISSUES OF APPROPRIATE BEHAVIOR.** Members of the military services are subject to a different set of behavioral standards than their civilian counterparts. Within the civilian work environment, the pursuit of a romantic relationship may not receive the same level of scrutiny as it would for those in uniform. When such attractions exist between soldiers of unequal rank and position, you, as leaders, must assess if it is appropriate as it relates to senior-subordinate relationships.

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(3) **SENIOR-SUBORDINATE RELATIONSHIPS.** This is not an Equal Opportunity Program issue specifically. However, it is often confused with EO and therefore in many people's mind, it becomes an EO issue. While personal relationships between soldiers of different ranks or grades, other than trainees, isn't

specifically prohibited, it is important to ensure your behavior never compromises your position or authority. Relationships between soldiers of different ranks that involve, or give the appearance of preferential treatment must be avoided. During your military or civilian career, you will receive training on Army policy regarding senior-subordinate relationships, fraternization, standards of conduct, and the Army ethic. The appropriateness of your conduct as it relates to EO and sexual harassment will always be under close scrutiny, not only by your leaders but also by those you lead.

(4) **EXTREMIST ORGANIZATIONS.** Your soldiers must understand that the activities of extremist organizations or similar hate groups are inconsistent with the responsibilities of military service and that active participation is prohibited. As Army leaders, you are sworn not only to uphold the Constitution, but to enforce Army policies regarding organizations that espouse a supremacist cause or right, attempt to create or practice illegal discrimination, or advocate the use of force or violence to deprive individuals or groups of their civil rights.

**NOTE:** A copy of the policy is included as a handout and students should be informed so that they may read it. Refer to Handout # 7.

(5) **ARMY LANGUAGE POLICY.** All soldiers are required to have sufficient proficiency in English to enlist and must maintain or improve that proficiency to perform their military duties. We are all required to speak English on duty when doing so is clearly necessary to perform military functions, promote safety, or other bonafied reasons to accomplish the mission. Speaking a language other than English on the job is in no way totally prohibited. Leaders should not required soldiers speak English for personal communications which are unrelated to the mission. Your sound judgment in such situations and an ability to communicate policy and rationale clearly will promote a healthy EO climate in your unit and ensure that operational communications are understood by everyone.

(6) **ACCOMMODATING RELIGIOUS PRACTICES.** The Army places a high value on the rights of soldiers to observe and practice their respective religions. Therefore, the Army's policy is to grant requests for accommodation of religious practices when they have no adverse impact on readiness. However, as you know, such accommodations cannot be guaranteed and must be considered on a case-by-case basis.

(7) **REQUEST FOR RELIGIOUS ACCOMMODATIONS.** Request for religious accommodations apply to four general areas: worship, dietary practices, medical practices, and religious dress and appearance. Although such requests are approved or denied by the commander, your challenge as a leader is to assist the commander in finding ways to grant accommodation while maintaining a sense of balance and equity and not arousing perceptions of preferential treatment or discrimination based on religion.

**NOTE:** Show Viewgraph 1-4

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d. **PRINCIPLES OF THE PROGRAM.** There are five basic principles for an effective and fair Equal Opportunity Program. These principles are:

(1) **COMMANDERS AND LEADERS ARE RESPONSIBLE FOR UNIT EO.** Each commander and leader are responsible for the EO program. Not only must you

comply with the EO Program, but you must also ensure that your soldiers or civilian employees know what the policy is and what is expected from them. Enforcing compliance of the policies is one of responsibilities that accompanies leadership.

(2) **PROMOTE HARMONY, DO NOT MERELY AVOID DISORDER.** All leaders need to promote the harmony of their subordinates, not just correcting their deficiencies. Use reasonable and consistent standards for everyone.

(3) **SUPPORT INDIVIDUAL AND CULTURAL DIVERSITY.** Regardless of your own background, military and DA civilian personnel must be aware of, and show respect for all religious, cultural, and gender differences of other personnel. Everyone must learn about others and understand how some preconceived and unwarranted prejudices must be overcome. We must all be capable of living and/or working in a common environment within the Army.

(4) **DISCIPLINE WILL NOT BE COMPROMISED.** Discipline can and must be maintained. However, the discipline applied needs to reflect the situation and should not reflect, or be perceived by others as unjustified, or a reflection on race, religion, ethnicity, or gender.

(5) **FAIR AND EQUAL TREATMENT FOR ALL SOLDIERS AND EMPLOYEES IS EMPHASIZED.** The crucial element, in terms of moral and fairness, is not just what the situation is supposed to be - it is what the soldier or employee perceives it to be. You must take steps to ensure not only that soldiers and civilians receive fair and equal treatment, but that they fully realize it is fair treatment.

**NOTE:** Conduct a check on learning and summarize the learning activity.

Q. What are seven components which are Related Leadership Elements of the Army's EO Program?

- A. Military Discipline and Conduct
  - Appropriate Behavior
  - Extremist Organizations
  - Army Language Policy
  - Accommodating Religious Practices
  - Senior-Subordinate Relationships
  - Requests for Religious Accommodations

Q. What are some of the EO Component areas that we discussed?

- A. Leader Commitment
  - Sequential and Progressive Training
  - Effective and Responsive Complaint System
  - Affirmative Action Plan
  - Feedback Mechanisms
  - Equal Opportunity Advisors (EOAs)

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**Summary:** During this period of instruction we have provided you the foundation of the Army's equal opportunity program. We have defined the components and implementing elements of the Army's EO programs. We have defined the Army's EO policies and principles, and described related leadership elements that support EO program objectives. Your understanding of the elements of the Army's EO program is essential to the continued success of your unit's EO climate and mission accomplishment.

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**B.** ENABLING LEARNING OBJECTIVE B: Describe Unit Leader EO Actions and Responsibilities

|                    |  |
|--------------------|--|
| <b>Action:</b>     | Describe Unit Leader EO Actions and Responsibilities   |
| <b>Conditions:</b> | Given Student Handout # 2, EO Violations Subject to UCMJ Actions and access to AR 600-20.  |
| <b>Standards:</b>  | 1. Define set the example.<br>2. Explain training and education requirements that support the Army's EO program.<br>3. Describe appropriate leader actions to resolve EO complaints.<br>4. Define the appropriate duties and responsibilities of the EOR and EOA.. |

**NOTE:** Paraphrase the following introduction to meet the target audience.

**LEAD-IN:** As Company leaders, you are responsible not only for establishing acceptable standards of behavior within units, but you are also responsible for monitoring constantly to ensure the standards are being maintained. You cannot simply cite a policy, or say that your soldiers will or will not act or behave in certain ways. You must constantly be alert and aware of what is happening. To this end, the Army's EO program calls upon you, as leaders, to perform certain duties and responsibilities in implementing the Army's EO Program. To make the program effective, you and other unit leaders must take a positive, proactive approach in carrying out your EO duties and responsibilities. This requires that you know and understand your EO role as it relates to those of the commander and other members of the chain of command

**1.** Learning Step/Activity 1: Define "Set the Example"

Type of instruction: CO  
Instructor to student ratio is: 1:16 to 1:25  
Time of instruction: 5 minutes  
Media: Viewgraph # 2-1

**NOTE:** Show Viewgraph # 2-1

a. **SET THE EXAMPLE.** As a leader, you are being watched by your subordinates. This is true whether we are talking about members of your company, or soldiers who work for you in the section. Soldiers will behave as they are directed as long as they see you are behaving the same way. Equal Opportunity is clearly one area where the old adage "do as I say, not as I do" will not work.

b. There is an old saying which is very appropriate: "Walk what you talk." This simply means, you must always behave in a manner which matches what you are telling soldiers they must do. This is true more in the equal opportunity field than in other

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areas. If soldiers hear you telling jokes (or laughing at other soldier's jokes), which are racial, ethnic, religious, or gender related in nature, soldiers will assume it must be OK to tell and laugh at such jokes. As a leader, you are constantly being watched and judged. Ensure your actions and behaviors do not give anyone reason to question your commitment to equal opportunity.

**2.** Learning Step/Activity 2: Explain Training and Education

Type of instruction: CO  
Instructor to student ratio is: 1:16 to 1:25  
Time of instruction: 5 minutes  
Media: Viewgraph # 2-2

**NOTE:** Show Viewgraph 2-2

a. **SEMI-ANNUAL REQUIREMENT.** AR 600-20, Chapter 6, paragraph 6-14 states that mandatory EO training will be conducted at least twice a year. Unit training will be interactive, discussion-based, and focus on specified subjects listed in para 6-14 a. (2). The regulation requires that the chain of command (commander, first sergeant, civilian supervisors, and others) be present and participate in unit EO sessions.

b. **TRAINING MATERIALS.** As a leader, you should be attuned to the EO climate in your unit. As you develop your impressions over a period of time, you may decide that training is necessary to raise the sensitivity level within your area of responsibility. Your unit training NCO will ensure the semi-annual equal opportunity training is met. However, you can also provide training when you conduct squad/platoon, or section training. There are several types of material available to assist you in conducting effective EO training. It is important to realize you are not restricted to materials produced or provided by the Army. Many fine products are produced by the civilian sector, and you should feel free to utilize any that you feel are appropriate. These include such items as videos, films, articles, and even newspaper stories that are relevant to EO matters. One good source of training materials would be your brigade level or post level Equal Opportunity Advisor (EOA). Also the post library or Education Center may be able to provide materials suitable to use in your training. Some suggested training material, or avenues to obtain training materials are as follows:

(1) The Army produced a new video in 1996 on the Prevention of Sexual Harassment. The title is, "Prevention of Sexual Harassment, Level I" (video Pin Number is 170876, ICN: TVT-20-1996). This video is well suited for unit level training. There are slides and a facilitators guide that accompany the video, and at a minimum, a trained EOR should present the class.

(2) DA Pam 350-20 provides training materials on the subject of equal opportunity.

(3) TC 26-6, The Commander's EO Handbook also provides good information which can be used in EO training at the unit level.

(4) The installation TASC facility will likely have many films and videos which are suitable for EO training. If in doubt, consult with your EOR/EOA for advice on what would be appropriate.

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(5) Your brigade or installation EOA should have various types of materials available for you to utilize in conducting training.

**3.** Learning Step/Activity 3: Describe Leader Actions to Resolve EO Violations

Type of instruction: CO  
Instructor to student ratio is: 1:16 to 1:25  
Time of instruction: 15 minutes  
Media: Viewgraph # 2-3 and Handout # 2

**LEAD-IN:** In spite of our best efforts, there will sometimes be actions which leaders in the Army must take as a result of soldiers not adhering to the guidelines and policies of the Army's Equal Opportunity Program. As a leader, you should have a clear understanding of what options are available when soldiers violate the policies. It can also serve as a detriment to these behaviors when you explain to soldiers what actions can be taken by leaders and the commander for violations of the EO policy. Some leader actions are discussed below:

**NOTE:** Show Viewgraph 2-3

a. **ON-THE-SPOT CORRECTIONS.** The easiest, and most effective tool to deal with EO violations which you observe is immediate confrontation of the offender when you observe something that is wrong. Whether this will serve as a final action depends upon the gravity of the offense. For example, suppose you overheard one of your soldiers making a sexist remark toward another soldier. Directly confronting them, clearly explaining what you found offensive, and explaining that this type of behavior constitutes sexism, or perhaps sexual harassment, and will not be tolerated could very well end the issue. You have put them on notice that you are aware of their behavior and will not accept it. If the soldiers learn from this, and change their behavior, you have solved the problem and it might not be necessary to take it any further. However, if the violation is severe, you may want to take more definitive action. For example, blatant discrimination or harassment may warrant a change of duty or responsibility.

b. **COUNSELING - VERBAL AND/OR WRITTEN.** Counseling a soldier for violations of EO policies is another option. This provides the soldier with reinforcement that you find a particular action unacceptable and that you are concerned enough to make a record. It demonstrates that he or she is going to be monitored in the future. It also drives home the point that when you are keeping a documented record of their actions and future violations could incur even more serious consequences.

c. **PROMOTIONS AND ADVANCEMENTS.** Promotions and advancements are not a right that soldiers are entitled to simply because they meet the qualifications. Many young soldiers tend to believe promotions are automatic and are going to occur regardless of the soldier's behavior or actions. As leaders, you know this isn't so. You must ensure that soldiers who work for you understand this too. A soldier's behavior and actions should be considered when you decide who to submit for early advancement or recommend for promotion. A soldier who has demonstrated through their behavior they do not support EO, should not be considered for advancement or promotion until the behavior is changed.

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d. **DECISIONS CONCERNING AWARDS, TRAINING, OR SCHOOLS.** A soldier who has violated equal opportunity policies - especially more than once - is not a good candidate for an award. Simply PCSing does not automatically mean they should receive an award. If incidents which have resulted in counseling have occurred during a soldier's tour, not giving an award may be an appropriate response. The soldier should certainly be counseled as to why they are not receiving an award. Decisions involving a soldier attending a specific course or school should take into consideration their past performance. This would include his or her job performance and any record of counseling statements. If violations involving equal opportunity are recorded, then this should be a consideration for recommending approval. Of course, this is not to say

the soldier hasn't learned and has modified his or her behavior. An incident should never disqualify a soldier, only be taken into consideration along with recent behavior.

e. **CHANGE IN DUTIES OR RESPONSIBILITIES.** If a soldier has committed violations of the Army's equal opportunity policies, and they are in a leadership position or high profile position, it may be appropriate to remove them from that position. For example, if a soldier is a Squad Leader, then perhaps they should be removed from that position. An action like this may or may not involve a Relief for Cause NCOER. Whether it does or not, you should ensure the soldier knows and understands why they are being removed from the position.

f. **TRANSFER OR REASSIGNMENT.** It is possible that a soldier may be transferred to another unit if they are guilty of violating equal opportunity policies. This action should not be taken lightly, and the supervisory chain and the commander must evaluate the situation and make a determination as to whether this is a reasonable action or not.

g. **BAR TO REENLISTMENT.** If a pattern of behavior is established in which a soldier violates equal opportunity policies, then a Bar to Reenlistment may be in order. A Bar to Reenlistment can be an extremely effective tool to modify a soldier's behavior. It strongly points out to the soldier that his or her behavior does not meet the Army's standard and that they may be forced to leave. If a soldier modifies their behavior, a Bar can easily be removed and the soldier allowed to remain in the service of the Army. Any consideration of Bar to Reenlistment initiation should be discussed with the commander and appropriate legal channels.

h. **SEPARATION.** If a soldier's actions are severe enough, then mandating exit from the Army may well be warranted. This can be accomplished in several different manners. Leaving an imposed Bar to Reenlistment in place is the easiest means. If the behavior or actions which caused the Bar to be implemented have not changed, then the soldier should be permitted to leave at the end of the current term of service. Another means of forcing a separation might be the result of a courts martial proceedings. This action of course would be under the control of the court martial convening authority at the appropriate level. It is also possible that a combination of actions, including such things as Counseling Statements, Article 15s, and other administrative actions could result in sufficient documentation to warrant separation under one of the chapters in AR 635-200. Any consideration of separation should be discussed with the commander and appropriate legal channels.

i. **EQUAL OPPORTUNITY AND THE UCMJ.** Because EO violations have an impact on readiness and could entail serious consequences, we must approach and carry out the Army's EO program in a spirit of total commitment. As Army leaders, you must ensure that all violations of EO policies are dealt with effectively and fully investigated

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when appropriate. Less severe acts might be dealt with by training or on-the-spot corrections, while more serious violations may require formal counseling or a recommendation for UCMJ action. Accused persons must have full access to all legal and regulatory protection. Taking these measures will help your soldiers to have trust and confidence in you and the chain of command. The UCMJ provides a number of articles which may be used to deal with EO and sexual harassment violations.

**NOTE:** Refer students to the Student Handouts for a listing of the UCMJ Articles and actions relevant to EO Violations. A copy of some EO violations subject to the UCMJ are provided at Handout # 2.

4. Learning Step/Activity 4: Define the Duties and Responsibilities of the EOR and the EOA

Type of instruction: CO

Instructor to student ratio is: 1:16 to 1:25

Time of instruction: 5 minutes

Media: N/A

a. **EQUAL OPPORTUNITY REPRESENTATIVE (EOR).** EORs assist commanders at battalion-level and below in carrying out the EO program within their units. The commander should choose a highly motivated NCO, one who wants to serve as an EOR rather than an NCO with no desire to become the unit EOR. A Staff Sergeant or Sergeant First Class, with no disciplinary actions and having a minimum of a year left in the unit, will usually make the best candidate. The NCO selected should be immediately scheduled to attend the next EOR Course offered by either the Brigade EOA or the Installation EOA.. The EOR is tasked to perform EO duties as a part-time or secondary responsibility. In addition the unit EOR assumes a special relationship with the chain of command and the leadership channels. Soldiers who are appointed as unit EORs receive training on a variety of EO subjects and can advise and assist unit leaders carrying out their EO responsibilities. The EOR EO duties and responsibilities include the following:

- (1) recognize the detractors from healthy EO climate
- (2) assist in conducting unit climate assessments
- (3) assist unit leaders in conducting EO training
- (4) liaison with other EORs and command/installation EOAs
- (5) assist in planning and conducting ethnic observances
- (6) serve as an EO resource person

b. **EQUAL OPPORTUNITY ADVISOR.** Equal Opportunity Advisors (EOA) are assigned to full time EO duty positions at brigade or higher echelons. The EOA has received 16 weeks of equal opportunity training at the Defense Equal Opportunity Management Institute located at Patrick Air Force Base, FL. They are trained to assist their commanders in developing their EO programs and assessing program effectiveness. In addition they may be called upon to assist unit commanders in identifying and resolving EO problems and developing appropriate training. It is very important that you, as leaders, get to not only know who your EOA is, but that you get to

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know that EOA. You should make the effort to develop a good professional relationship with your EOA. Some of the duties of the EOA will include the following:

- (1) Assess indicators or discrimination
- (2) Recognize overt and subtle forms of sexual harassment
- (3) Collect and interpret demographic data
- (4) Assist in evaluating effectiveness of EO training

- (5) Process individual EO complaints
- (6) Conduct inquiries IAW commander's guidance
- (7) Assist in planning and conducting ethnic observances
- (8) Conduct unit command climate assessments
- (9) Assist commander in resolving command EO issues and concerns

**NOTE:** Conduct a check on learning and summarize the learning activity.

- Q. What is meant by the old adage, "walk what you talk"?
- A. Set the Example  
 Subordinates will always be watching you as their leader  
 Never give your subordinate or peers reason to question your commitment to EO
- Q. Name some of the administrative actions available to the chain of command and commander when soldiers violate EO polices?
- A. On-the-Spot Corrections  
 Counseling - written and verbal  
 Deny Advancements and Promotions  
 Awards, Training, Schools  
 Change in Duties or Responsibilities  
 Transfers or Reassignment  
 Bar to Reenlistment  
 Separation

**SUMMARY:** During this period of instruction we have examined what you, as company leaders can do to enhance the overall equal opportunity climate in your platoon. We have also looked at options available to the chain of command to correct or modify soldier's behaviors when they are not conforming to the policies. We have also discussed how important it is to prevent problems before they occur. This is much easier than attempting to correct problems after they develop. It will be the result of your actions, more than any other single factor, that determine the EO climate in your unit.

It should be clear to you by now that because of the serious consequences and negative impact EO violations have on mission accomplishment, you, as Army leaders, must approach and carry out the Army's EO Program in a spirit of total commitment.

**C.** ENABLING LEARNING OBJECTIVE C: Identify Company Leader Roles and Responsibilities in the Prevention of Sexual Harassment

|                    |   |
|--------------------|---|
| <b>Action:</b>     | Identify Company Leader Roles and Responsibilities in the Prevention of Sexual Harassment   |
| <b>Conditions:</b> | Given Student Handout # 3, Definition of Sexual Harassment and Army's Policy on Sexual Harassment, Student Handout # 4, Sexual Harassment Behaviors Subject to UCMJ Actions, and access to AR 600-20. |
| <b>Standards:</b>  | 1. Describe the Army Sexual Harassment policy to include: <ul style="list-style-type: none"> <li>a. Definitions of sexual harassment.</li> <li>b. Categories of sexual harassment.</li> </ul>         |

|  |   |
|--|---|
|  | <p>(1) Quid Pro Quo.<br/> (2) Hostile Environment.<br/> 2. Describe appropriate leader actions for making a sexual harassment assessment.<br/> 3. Describe appropriate leader actions that support prevention of sexual harassment.</p> |
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**NOTE:** Paraphrase the following introduction to meet the target audience.

**LEAD-IN:** The elimination of sexual harassment has been a long-standing goal of the Army's EO program. During recent years the issue of sexual harassment has received significant media attention in both government and private sectors. This heightened awareness has intensified national debate on causes and prevention strategies.

Sexual harassment affects everyone. It victimizes males as well as females, can occur at any time, and is not limited to the work place.

The eradication and prevention of sexual harassment is not just a moral imperative, it is a readiness issue. Sexual harassment affects unit cohesion and mission effectiveness and violates acceptable standards of conduct, equality and fair play. It drains our limited resources and destroys unit morale. It detracts from a healthy climate that promotes individual growth and teamwork which is vital to combat readiness. For these reasons sexual harassment cannot and will not be tolerated in the Army.

**1. Learning Step/Activity 1: Define the Army's Sexual Harassment Policy and Related Concepts**

Type of instruction: CO

Instructor to student ratio is: 1:16 to 1:25

Time of instruction: 10 minutes

Media: Viewgraph # 3-1 thru # 3-4 and Handout # 3

**a. SEXUAL HARASSMENT POLICY & DEFINITION.**

(1) "The policy of the United States Army is that sexual harassment is unacceptable conduct and will not be tolerated." This is the opening sentence of the "ARMY POLICY ON SEXUAL HARASSMENT" signed by the Secretary of the Army and the Army Chief of Staff.

**NOTE:** Inform the class that a complete copy of the Army Policy on Sexual Harassment is provided in Handout # 3. This letter may be substituted with other current senior level policy letters as appropriate.

**NOTE:** Show Viewgraph # 3-1

(2) **DEFINITION OF SEXUAL HARASSMENT (AR 600-20).** Sexual harassment is defined in AR 600-20 as a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(a) Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or

(b) Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or

(c) Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creates an intimidating, hostile, or offensive environment.

The definition emphasizes that workplace conduct, to be actionable as "abusive work environment" harassment, need not result in concrete psychological harm to the victim. The conduct need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, that the work environment is hostile or abusive. Workplace is an expansive term for military members and may include on or off duty, 24 hours a day.

Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who make deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature in the workplace is also engaging in sexual harassment.

**NOTE:** Show Viewgraph # 3-2

(3) **CATEGORIES OF SEXUAL HARASSMENT.** Since 1982, the federal courts have recognized two basic categories of sexual harassment behavior that all Army leaders must be on guard to detect and/or prevent. They are:

(a) Quid Pro Quo.

(b) Hostile Environment.

**NOTE:** Show Viewgraph # 3-3

**QUID PRO QUO.** The Latin term "quid pro quo" essentially means "this for that". In relationship to sexual harassment, it refers to a leader or supervisor who places conditions upon a person's career or terms of employment in return for sexual favors, such as: threats of adverse performance evaluations or firing. It can also take the form

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of promises of career advancement, promotions, and other benefits, should the victim give-in to the sexual advances of the harasser.

**NOTE:** Show Viewgraph # 3-4

**HOSTILE ENVIRONMENT.** A hostile environment occurs when soldiers or civilians are subjected to offensive, unwanted, and unsolicited comments and behaviors of a sexual nature. If the behavior has the potential of unreasonably interfering with their duties or job performance, then the environment is classified as hostile. Leaders should be aware that this form of sexual harassment has been identified as the most prevalent within the military.

A hostile environment brings the topic of sex or gender differences into the work place in any one of a number of forms. It normally includes those actions in "the gray areas" or the nonviolent sexual behaviors which are gender based.

An example of "hostile environment" in the "old Army" might have been when some soldiers and their leaders used derogatory "feminine" terms in describing

unsatisfactory "male" performance. They might have used language that had sexual connotations or was gender based such as jody calls during physical training. This environment would be tolerated and even encouraged the posting of sexually oriented cartoons and pictures in the work and living areas. Telling sexually explicit jokes and sharing sexist attitudes and opinions might have been daily occurrences. As a leader, it is essential that you understand that these behaviors create a hostile environment, **whether or not** women work in or visit the immediate area.

2. Learning Step/Activity 2: Describe Leader Actions for Making a Sexual Harassment Assessment

Type of instruction: CO  
Instructor to student ratio is: 1:16 to 1:25  
Time of instruction: 10 minutes  
Media: Viewgraph # 3-5

**NOTE:** Show Viewgraph 3-5

**SEXUAL HARASSMENT ASSESSMENT.** As leaders, you must be able to assess the "totality of circumstances surrounding a sexual harassment incident or event to evaluate the impact of the alleged behavior, judge its severity, and determine corrective actions and/or recommendations for sanctions. Taking into account the "totality of circumstances" of a sexual harassment incident will give you enough information to make an unbiased decision. Assessing all issues of an event allows for formulating an action plan to prevent similar incidents from occurring in the future. Here are a few of the issues that you should consider in that assessment.

a. **NATURE OF THE INCIDENT.** What was the actual behavior exhibited by the perpetrator? The nature of the act should be your first priority for assessment. You may take more severe action to correct a soldier or civilian who continually makes jokes of a sexual nature in the work place, even after being asked to stop or having been previously counseled that the behavior was inappropriate, than a person who committed the same offense for the first time. While allegations of verbal abuse are significant, stronger leader action would be in order if it were proven that someone was threatened because they failed to comply with another person's sexual advances.

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**NOTE:** Inform students that rape and sexual assault are criminal offenses punishable under UCMJ.

b. **FREQUENCY OF BEHAVIOR.** Frequency of the act is the next issue to be addressed in the assessment process. Was this a one-time event or repeated behavior? One act of sexual harassment viewed by itself might seem relatively insignificant and easily resolved by on-the-spot correction. If your inquiry determines that the incident is a culmination of a series of such acts, its impact could logically be assumed to be greater and more severe.

c. **IMPACT OF BEHAVIOR ON THE VICTIM.** While this issue should have less weight in your determining appropriate corrective actions or punishment, it may give you insight into other extenuating conditions or circumstances that contributed to the harassment. Be aware, however, that just because a victim is not physically or emotionally affected, it should not detract from your evaluation of the severity of the behavior. Determine whether the perpetrator intended or succeeded in doing harm.

d. **APPROPRIATENESS OF BEHAVIOR.** The issue of appropriateness as applied to behavior in alleged acts of sexual harassment must be determined in every case. Evaluating appropriateness of behavior forces the question that even if your soldier was not aware that the behavior was inappropriate, military bearing, discipline, and professionalism should have deterred any acts of offensive behavior. In many instances, even when no one is offended or sexual harassment cannot be proven, the violation of military standards and decorum will require you to take corrective action.

e. **RANK AND POSITION.** You, and other unit subordinate leaders, are given the responsibility and authority to take care of soldiers. Leaders are empowered with a great deal of trust and confidence. When leaders elect to violate that trust by misusing their authority or position, then sanctions should be imposed accordingly. On the other hand, supervisors and leaders can also be intimidated by their subordinates on the basis of gender differences. Failure by any leader in a position of authority to correct the offensive behavior of a subordinate is also a misuse of that position and should be challenged regardless of the circumstances.

f. **PAST HISTORY.** In reviewing the incident, you should also consider other allegations, past or present, directly or indirectly related to the case. Although it is important to consider each complaint on its own merit, the uniqueness of sexual harassment (e.g., one-on-one) may make it necessary to review issues related to past history as well as current behavior characteristics during inquiry. It is sometimes appropriate to draw conclusions and take corrective action even though you may not have sufficient evidence to recommend punishment or other sanctions.

g. **CONSEQUENCES OF YOUR ACTIONS.** Here you must ascertain such issues as the impact and other potential problems created as a result of the incident. Will the problem be resolved with minor corrective action or should you report it to the chain of command? You must also determine what is the goal or desired outcome of your actions to correct the incident. Do you only want the behavior to stop? What is your next step if desired results are not achieved? It is equally important to consider what consequences and/or repercussions might result if you decide not to take any action.

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h. **ENVIRONMENT ASSESSMENT.** The environment in which the incident occurred must also be part of your assessment. This entails a number of factors such as the state of your section or squad's EO climate, your support and enforcement of sexual harassment policies, outside influences, and the present state of EO training for your soldiers and civilian personnel. Constant jokes of a sexual nature made by you or your soldiers in effect constitute a "hostile environment". Another consideration is whether the alleged harasser was trained that such behavior was inappropriate.

### 3. Learning Step/Activity 3: Describe Leader Actions to Prevent Sexual Harassment

Type of instruction: CO

Instructor to student ratio is: 1:16 to 1:25

Time of instruction: 15 minutes

Media: Viewgraph # 3-6 thru # 3-7 and Handout # 4

a. **PREVENTION PROGRAM ACTION PLANNING.** The potential for sexual harassment allegations exists in any work place or duty environment. Both women and men can be victims. Organizations that are highly structured and stratified are more

conducive to sexual harassment because the potential for negative consequences is high if the victim fails to "give in" to sexual demands. Those more vulnerable in the organization, such as trainees or those who "need" their jobs, are more likely to be harassed. This fact, combined with other social-cultural factors, makes women the more likely victims.

b. Sexual harassment occurs when employers, leaders, soldiers, and co-workers confuse employment, or duty expectations with sex-role expectations or when males are threatened because females have invaded what they believe is their territory, the traditionally all-male jobs. The bottom line is that sexual harassment is pervasive and affects both morale and productivity. Therefore, increased emphasis on dealing with sexual harassment in the Army is a leadership imperative.

**NOTE:** Show Viewgraph # 3-6

c. The components of a sound unit program to end sexual harassment are the same as those for the Army's EO program. Include total leadership commitment, career-long mandatory training in the prevention of sexual harassment, clearly established ways to report sexual harassment, and clear demonstration through disciplinary and administrative action that certain behaviors will not be tolerated.

d. **LEADERSHIP COMMITMENT.** The effectiveness and success of any Army program is dependent upon leader support. Without your support, the Army's effort to prevent and eradicate sexual harassment will lose its momentum and effectiveness. Your commitment is multifaceted. It starts with your understanding and total support of the commander's published policy. You must provide clarification and ensure that you and your subordinates understand the Army's policy on the prevention of sexual harassment (POSH). You must cause in your subordinates a sense of caring, dignity, and respect for one another. The most effective way that you, as a leader, can demonstrate your support for the program is through personal example, ensuring that your behavior is above reproach at all times. You must also demonstrate a commitment to enforcement, especially for those soldiers who "just don't get it", by taking "on-the-

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spot" appropriate action to correct inappropriate behavior. Counsel subordinates and, if necessary, report incidents.

e. **PROGRESSIVE TRAINING.** The elimination of sexual harassment begins with a policy of progressive and sequential training to identify and prevent inappropriate behavior. Training in the prevention of sexual harassment (POSH) is required as an integral part of a unit's training program.

**NOTE:** Inform the students that sexual harassment training can be integrated with other requirements for EO training covered in Chapter 6 of AR 600-20.

f. The most effective approach to training to prevent sexual harassment is through interactive discussion in small groups of mixed gender. Situational vignettes or scenarios can also be used to facilitate discussion among unit personnel. You should ensure that your training focus is equal to the level of experience and breadth of responsibilities for your soldiers.

**NOTE:** DA Pam 350-20, Unit Equal Opportunity Training Guide, and TC 26-6, Commander's Equal Opportunity Handbook, are valuable resources in developing quality training.

g. **COMPLAINT PROCESS.** The key to a healthy unit climate that is free of sexual harassment is a caring leadership environment in which complaints are handled fairly and expeditiously. Sometimes unit leaders might treat sexual harassment complaints as a threat to their competency or as a "stain" on the unit's performance. As a result, complaints are implicitly or explicitly discouraged and soldiers who do file complaints may find themselves threatened with intimidating reprisals. This is noticed by other soldiers and civilians and results in a hard-to-erase impression of uncaring leadership that lessens their willingness to use the chain of command as an avenue of redress. Leaders who demonstrate awareness, accept, and support the complaint investigation process, improve the unit's climate by creating a sense of openness and caring. Complainants may not always be pleased with the results. However, the fact that you made a sincere effort to resolve their complaint will leave a lasting impression with the individual as well as the unit. Sometimes your effort may reveal the true problem to be a lack of communication rather than deliberate harassment. By bridging this communication gap, you can help eliminate misunderstanding and improve the working environment.

h. Be aware that inquiry or investigation into allegations of sexual harassment require special attention. Unlike other EO complaints, you may find that allegations of sexual harassment may sometimes lack sufficient information for you to take decisive actions. Also, the one-on-one nature of sexual harassment sometimes causes evidence to be in dispute. You should not discharge claims of sexual harassment simply because the victim has failed to make a case by providing you with sufficient evidence. For this reason, your commander may consider an investigation whenever a claim of sexual harassment is raised.

**NOTE:** You may inform the class that a more detailed discussion of the Army's EO Complaint System will be conducted in a later training session.

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i. **ADMINISTRATIVE/DISCIPLINARY ACTIONS.** An often quoted maxim in the Army has been, "Never give an order you are not prepared to enforce." Soldiers and civilian employees quickly ascertain which policies are mere "lip service" and which lines should not be crossed. This is especially true when enforcing sanctions against personnel guilty of sexual harassment. Leaders who clearly support a zero tolerance for sexual harassment and recommend appropriate actions against offenders greatly contribute to a healthy command climate. On the other hand, leaders who fail to support sanctions that are equal to the offense, despite a publicized written policy, send a message that sexual harassment is tolerated.

**NOTE:** Show Viewgraph # 3-7

j. **ADMINISTRATIVE ACTIONS.** There are several administrative actions available to commanders, or that you may recommend, in dealing with sexual harassment incidents. These include, but are not limited to: bar to reenlistment, letter of admonishment or reprimand, relief for cause, rehabilitative transfer, additional training, required counseling, and denial of certain privileges. When commanders administer punishment for sexual harassment violations, the block "Supports EO/EEO" on military rating forms must be marked accordingly.

**NOTE:** Inform the class that a list of Articles, as applicable to sexual harassment violations is provided

in Handout # 4

k. **UCMJ ACTIONS.** Your commander has a wide variety of options available for the punishment of inappropriate behavior. The offenses shown here identify the more severe forms of sexual harassment which are subject to disciplinary actions under the UCMJ. The right combination of punishment and administrative sanctions sends a clear message that sexual harassment will not be condoned or tolerated. When commanders administer punishment for sexual harassment violations, the block "Supports EO/EEO" on military rating forms must be marked accordingly.

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**NOTE:** Conduct a check on learning and summarize the learning activity.

Q. What are some of the issues that should be considered when conducting a sexual harassment assessment?

- A. Nature of the incident
  - Frequency of behavior
  - Impact of behavior on the victim
  - Appropriateness of behavior
  - Rank and position
  - Past history
  - Consequences of your actions
  - Environment assessment

Q. What are some of the Prevention Components for sexual harassment?

- A. Leader Commitment
    - Progressive Training
    - Complaint Process
- 

Q. What are some of the Administrative Actions that can be taken for violations of the Army's sexual harassment policy?

- A. Bar to Reenlistment
  - Letter of Admonishment or Reprimand
  - Relief for Cause
  - Rehabilitative Transfer
  - Additional Training
  - Required Counseling
  - Denial of Certain Privileges

**SUMMARY:** During this period of instruction we have examined leader roles and responsibilities in the prevention of sexual harassment. We have defined the Army's sexual harassment policy and related concepts and identified behaviors that constitute sexual harassment. We have described the impact of sexual harassment on victims and on unit readiness as well as defined totality of circumstances surrounding a sexual harassment incident.

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**D.** ENABLING LEARNING OBJECTIVE D: Describe Leader Roles and Responsibilities for Resolving Equal Opportunity Complaints

|                    |  |
|--------------------|--|
| <b>Action:</b>     | Describe the Army's EO Complaint System                            |
| <b>Conditions:</b> | Given Student Handout # 5, Alternative Agencies, Student Handout # |

|                   |  |
|-------------------|--|
|                   | 6, Army's EO Complaint Process, DA Forms 7279-R, DA Form 7279-1-R, and access to AR 600-20.  |
| <b>Standards:</b> | <ol style="list-style-type: none"> <li>1. Explain the Army's EO complaint system.</li> <li>2. Describe the actions of the commander or alternative agency to resolve complaints.</li> <li>3. Describe appropriate actions to prevent incidents of intimidation, harassment, or reprisal.</li> <li>4. Describe appropriate leader action to minimize EO issues and problems in a unit.</li> </ol> |

**LEAD-IN:** A major part of your EO duties and responsibilities as leaders is to identify and resolve EO issues and concerns that affect your soldiers. However, you are not expected, nor is it possible for you to be aware of or respond to all allegations and concerns from your soldiers. You will find that from time to time EO allegations and complaints from your soldiers will have to be forwarded to the commander for resolution. In many instances, even after you have taken what you believed to be the appropriate actions, your soldiers may not be satisfied with the results.

**1.** Learning Step/Activity 1: Explain the Army's EO Complaint System

Type of instruction: CO  
 Instructor to student ratio is: 1:16 to 1:25  
 Time of instruction: 10 minutes  
 Media: Viewgraph # 4-1 thru # 4-6 and Handout # 5

a. **ARMY EO COMPLAINT SYSTEM.** The Army's current EO complaint system is defined in Chapter 6, AR 600-20 (Army Command Policy) and addresses many of the concerns which you and your soldiers may have about procedures for processing an EO allegation or grievance.

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**NOTE:** Show Viewgraph # 4-1

b. A major component of the Army's EO Program is an effective and responsive complaint system. The Army has established two separate but comprehensive complaint systems for military personnel and civilian employees. The Army wants to ensure that every soldier and DA civilian has a readily available system that treats all complaints seriously. Soldiers, family members, and DA civilians have the right to present their complaints to their leaders without fear of intimidation, harassment or reprisal. To this end, the Army's Complaint System Concept required a system that was readily available to soldiers, civilian employees and family members, one that treated all complaints seriously and reduced to the fullest extent possible fear of reprisal for making complaints, and the right of all personnel to have their complaint heard by the chain of command.

c. Soldiers and civilian employees are encouraged to attempt to resolve their complaints by confronting the alleged offender or by informing you, their immediate leader, supervisor, or other appropriate officials about the offensive behavior or other allegations of disparate or unfair treatment. However, depending on the severity of the offense or the nature of the allegation, this may not always be appropriate. All personnel are responsible to submit only legitimate complaints and exercise caution against frivolous or reckless allegations.

**NOTE:** Show Viewgraph #4-2

d. **TYPES OF EO COMPLAINTS.** Within the current Army's EO Complaint System, EO complaints fall into two distinct categories: formal and informal.

(1) **INFORMAL COMPLAINTS.**

(a) An informal complaint is any complaint not submitted in writing. Informal complaints are not subject to any time line suspense, nor are they reportable to higher headquarters. However, you should ensure that informal complaints receive the appropriate amount of attention for quick and thorough resolutions. When considering the use of the informal process, there are several factors which may indicate that it is appropriate.

(b) The mere fact that a soldier or complainant wants their complaint handled informally does not prevent or exempt allegations from intervention by the chain of command. Should it be necessary to conduct a formal investigation to resolve an informal complaint, the complainant will be required to make a sworn statement and asked to submit a formal complaint.

**NOTE:** Show Viewgraph # 4-3

(2) **INFORMAL COMPLAINT FACTORS:**

(a) The complaint does not require chain of command intervention.

(b) The complainant wants the assistance of other unit members.

(c) Confidentiality is possible, but cannot be guaranteed.

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(d) Request for assistance not required in writing.

(e) Soldiers feels informal process has good chance for success.

(f) Severity of complaint does not warrant reporting to chain of command.

**NOTE:** Show Viewgraph # 4-4

(3) **FORMAL COMPLAINTS:**

(a) A formal EO complaint is submitted in writing using DA Form 7279-R (EO Complaint Form). Unlike the informal process, the formal complaint system will require your chain of command to investigate the complainant's allegations and, if warranted, take necessary corrective actions. The formal complaint process contains specific time lines for the accomplishment of certain actions. All formal EO complaints are reportable to higher headquarters.

(b) Soldiers and family members have 60 calendar days from the date of the alleged offense in which to file a formal complaint. This time limit was established to set a reasonable parameter for investigation and resolving complaints (e.g., availability of witnesses, accurate recollection of events, and timely remedial action). The commander may, at his or her discretion, choose to investigate and take action on complaints filed after the 60 calendar day period. However, allegations that are criminal in nature are exempt from the 60-day rule and should be immediately referred to your chain of command, the Military Police, CID, or other law enforcement agencies.

The complainant's decision to file a formal EO complaint may be based on the following factors:

**NOTE:** Show Viewgraph # 4-5

**(4) FORMAL COMPLAINT FACTORS:**

- (a) Complainant is uncomfortable with the informal process.
- (b) Complainant determines that one or more of the informal factors will not help in resolving their complaint.
- (c) An attempt at informal resolution was tried and failed.
- (d) The complainant desires an official record be on file.
- (e) The complaint is against a commander or another member of the chain of command.
- (f) The complainant wants to use an outside agency or higher echelon commander to resolve the complaint.

**NOTE:** Show Viewgraph # 4-6

e. **USE ALTERNATIVE AGENCIES.** Soldiers are encouraged to submit their complaints to their commander whenever possible. However, it is always their choice whether to take their complaint directly to the chain of command or an alternative

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agency. In the event that their complaint is against the commander or other members of the immediate chain of command, they may elect to submit their complaint to the next higher echelon commander. Alternative agencies are also responsible to a commander. Alternative agencies have special expertise which can be helpful in resolving issues related to EO, housing, religion, or legal affairs. The following agencies and services are available on most installations throughout the Army:

- (1) A Higher Echelon Commander
- (2) Equal Opportunity Advisor (EOA)
- (3) Chaplain (CH)
- (4) Staff Judge Advocate (SJA)
- (5) Provost Marshal (PM)
- (6) Inspector General (IG)
- (7) Community Homefinding Referral and Relocation Services (CHRRS)
- (8) Medical Agency Personnel

**NOTE:** Inform students that a list of the alternative agencies with their specific roles and/or functions with regard to EO Complaints can be found as Handout # 5.

2. Learning Step/Activity 2: Describe the Actions of the Commander or Alternative Agency to Resolve Complaints

Type of instruction: CO

Instructor to student ratio is: 1:16 to 1:25

Time of instruction: 5 minutes

Media: Viewgraph # 4-7 thru # 4-9 and Handout # 6

**NOTE:** Show Viewgraph # 4-7

a. **INQUIRY/INVESTIGATION.** Formal EO complaints must be resolved within 14 calendar days. Through inquiry or investigation, the commander or alternative agency will determine the facts as they pertain to the allegations of the complaint. If, due to extenuating circumstances, an inquiry or investigation cannot be completed in 14 calendar days, an extension of 30 calendar days (or two weekend drill periods for RC) may be approved by the next higher echelon commander.

**NOTE:** Show Viewgraph # 4-8

b. **ACTIONS TO RESOLVE COMPLAINT.** Upon completion of the inquiry or investigation, the appropriate commander will render a decision. The complaint will be either "substantiated" or "unsubstantiated".

(1) **UNSUBSTANTIATED.** An unsubstantiated complaint is normally rendered for the following reasons:

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(a) There was insufficient or no evidence to support allegations of discrimination or unfair treatment.

(b) Evidence uncovered during the inquiry or investigation thoroughly disputed the allegations or basis for the complaint.

(2) **SUBSTANTIATED.** A complaint which is substantiated is normally rendered for the following reasons:

(a) There was sufficient evidence to support the basis of complaint.

(b) There was sufficient evidence to support all or part of the allegations.

c. In either event the complainant will be briefed on the findings by the appropriate commander, his or her designated representative, or the agency handling the complaint.

d. The complaint is resolved by actions of the commander or agency to address the specific grievance(s) and take the necessary corrective actions to restore benefits, privileges, or lost career opportunities. Punitive or administrative actions against any offender, to include remedial training, is a chain of command decision. Even if the complaint was unsubstantiated, the commander may elect to take some corrective actions in order to address leadership issues uncovered by the inquiry or investigation and the concerns of the complainant.

**NOTE:** Show Viewgraph # 4-9

e. **APPEALS PROCESS.** 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 his or her behalf were insufficient to resolve the complaint, the complainant has the right to appeal to the next higher commander in their chain of command. Action(s) taken against the perpetrator, if any is taken, may not be appealed. Individuals have seven calendar days from date of acknowledgment to submit an appeal. Appeals must be submitted in writing and commander's have 14 calendar days to act upon the appeal. The General Court Martial Convening Authority (normally the first General Officer in the chain) will have "final decision authority". Decisions at this level are final.

**NOTE:** Refer students to Handout # 6 to clarify the Army's Complaint Process.

3. Learning Step/Activity 3: Describe Actions to Prevent Incidents of Intimidation, Harassment, or Reprisal

Type of instruction: CO  
Instructor to student ratio is: 1:16 to 1:25  
Time of instruction: 5 minutes  
Media: Viewgraph # 4-10

**NOTE:** Show Viewgraph # 4-10

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**POLICY.** All Department of the Army personnel are prohibited from taking any action that might discourage soldiers, any family member, or DA civilian from filing a complaint or seeking assistance to resolve an EO grievance. Army personnel are prohibited from taking any disciplinary or other adverse action against a complainant, or other DA personnel, seeking assistance, or cooperating with investigating officers, Inspector General, or other law enforcement agencies. However, this does not preclude commanders from taking action against soldiers who file fraudulent complaints or give false statements.

4. Learning Step/Activity 4: Describe Leader Actions to Minimize Equal Opportunity Issues in a Company

Type of instruction: CO  
Instructor to student ratio is: 1:16 to 1:25  
Time of instruction: 10 minutes  
Media: Viewgraph # 4-11

**NOTE:** Show Viewgraph # 4-11

a. **KNOW AND UNDERSTAND THE EO PROGRAM.** When a soldier comes to you with a problem, you must be able to identify what actions are available to assist the soldier in resolving the problem. Keep in mind, that even if you don't think there is a legitimate issue, the soldier may in fact believe it. 'Perception is reality' to the soldier with the perception. You must have a detailed enough understanding of the Army's programs to know where to send the soldier for help. Is it an EO problem, or maybe it would be a problem better suited for the IG to handle and resolve. While there may be issues that you are not certain where would be the best agency to direct the soldier to, you should at least have a basic understanding of the programs available. You must know who your unit EOR is.

b. **TAKE ALL COMPLAINTS SERIOUSLY.** Do not immediately make a determination in your own mind that this soldier doesn't really have a legitimate complaint. Treat every complaint as being valid and let the system take over from there. A soldier with a valid complaint is likely to not trust the system, especially if they believe the chain of command or the unit leadership is part or all of the problem. Treat the soldier with respect and professionalism and do not allow any of your own perceptions or beliefs interfere with your duties as a leader in a case like this.

c. **TAKE IMMEDIATE ACTION.** When one of your soldiers comes to you with an equal opportunity complaint, you should begin immediately to help the soldier with the problem. Take the time to listen to the complaint. Often, simply by listening to the soldier, you can resolve the issue quickly. You sometimes have the power at your disposal to fix the problem with no further higher chain of command action required. If the soldier needs to speak to the unit EOR, or desires to speak with someone at a higher echelon, then you should ensure that happens as quickly as possible. If it cannot happen immediately, inform the soldier exactly why, give him or her your best estimate on when they will be able to meet with the appropriate parties. Never tell the soldier you are too busy and to come back later, when you are not so busy. This will result in the soldier losing confidence in you, and you may quickly become part of the problem rather than part of the solution.

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d. **REPRISALS.** It is against Army policy to take any reprisal actions against a soldier who files an equal opportunity complaint. While blatant acts of reprisal are less likely to occur, it is the subtle actions you must be on guard against. Do not allow anyone to make negative comments or take any actions against a soldier because of an EO complaint. Assure the soldier that he or she should let you know if they perceive any actions are being taken against them. Follow up and assure the soldier you will do all within your control to stop those kinds of actions.

e. **BE PROACTIVE WITH REGARD TO EO ISSUES.** It is much easier to prevent equal opportunity problems from surfacing within your area of responsibility than it is to correct the problems after they develop. You can be proactive by discussing equal opportunity with your soldiers. Training is a proactive measure. Ensuring that the unit's equal opportunity policies are posted in prominent locations for the soldiers to see and refer to regularly is being proactive. And most important of all, the best way to be proactive with regard to equal opportunity is to set the example for your soldiers to follow. When they see that you believe and support the EO program, they will be more likely to believe and support it also.

f. **FOLLOW-UP ASSESSMENT.** The Equal Opportunity Advisor (EOA) is required to conduct a follow-up assessment of all formal equal opportunity complaints, both substantiated and unsubstantiated. The assessment will be completed 30-45 calendar days (3-4 weekend drill periods for Reserve Component) after final action on the complaint. The purpose of the assessment is to measure the effectiveness of the actions taken and to detect and deter any acts or threats or reprisal. EOAs will also assess the complainant's satisfaction with the procedures followed in the complaint process to include timeliness, staff responsiveness and helpfulness, and resolution of the complaint. Findings on the assessment is provided to the commander for further consideration or action within 15 calendar days.

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**NOTE:** Conduct a check on learning and summarize the learning activity. Solicit discussion on each question to ensure there is an understanding.

Q. What are the two types of EO Complaints?

A. **INFORMAL COMPLAINTS:** Not in writing; resolution at lowest possible level; may not involve chain of command; assistance from EOR/Others available; no time line or suspense; not reportable to higher HQ; confidentiality possible (but not promised).

**FORMAL COMPLAINTS:** Always in writing on DA Form 7279-R; chain of command involved in resolution; must be filed within 60 calendar days of incident; individuals are sworn to the complaint. Some reasons for Formal Complaints include: uncomfortable with informal process; some informal factors do not apply; informal process tried and failed; record kept of grievances and attempts to resolve.

Q. What are the alternative agencies to which EO Complaints may be addressed?

A. Higher Echelon Commander; Command EOAs; Chaplains; Staff Judge Advocates; Provost Marshall; Inspector General; Community Housing Referral Offices; Relocation Services Office; and Medical Agency Personnel

Q. Why use an alternative agency?

A. Complaint may be against commander/chain of command; special area of expertise factors (religion, housing, etc.); if criminal offense, may report to law enforcement agencies.

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Q. What are some of the relevant factors involved in the Appeals Process to an EO Complaint?

A. On separate paper within 7 calendar days; specify issues you disagree with; submit to immediate or next higher commander; may request appointment with appeal authority; appeal authority has 14 calendar days to respond; final appeal authority is the first general officer in the chain; no further appeal authority within the EO system.

Q. What are some of the factors involved with the Army Policy Against Intimidation, Harassment, and Reprisal?

A. Prohibits action to discourage filing EO complaints or seeking assistance with EO grievances; prohibits disciplinary or other adverse action; does not preclude action for fraudulent complaints or false statements.

**SUMMARY:** During this period of instruction we have examined the formal and informal complaints process and use of alternative agencies. We have outlined the leader actions for conducting an inquiry or investigation and the leader or agencies action to resolve EO complaints. We have described leader roles and responsibilities in preventing reprisals.

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**E. ENABLING LEARNING OBJECTIVE E: Describe Procedures for Conducting a Company Level EO Assessment**

|                   |  |
|-------------------|--|
| <b>Action:</b>    | Describe the Procedures for Conducting a Company Level EO Assessment   |
| <b>Condition:</b> | Given access to AR 600-20 and situation that simulates a real world situation requiring leader action.   |
| <b>Standards:</b> | <ol style="list-style-type: none"><li>1. Explain the purpose of EO climate assessments.</li><li>2. Define unit procedures for conducting a EO climate assessment.</li><li>3. Identify appropriate leader actions to promote and maintain a positive EO climate.</li><li>4. Apply appropriate leadership skills to resolve EO complaints in a real world situation.</li></ol> |

**LEAD-IN:** As the leader or commander on your company, it is essential for you to realize not only what is going on in your unit, it is equally essential that you know what your soldiers perceive the EO climate to be. It is only by trying to assess what the soldiers believe the EO climate to be that you will be able to be proactive or reactive as necessary to correct problems. Knowing the EO climate will also allow you to make changes before they become serious issues. It is usually easier to head off problems before they occur than it is to resolve problems after they have occurred. Being constantly aware of the EO Climate in your unit is part of being a good leader.

1. Learning Step/Activity 1: Explain EO Climate Assessments

Type of instruction: CO  
Instructor to student ratio is: 1:16 to 1:25  
Time of instruction: 5 minutes  
Media: Viewgraph 5-1

**NOTE:** Show Viewgraph 5-1

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a. **CLIMATE ASSESSMENTS.** Commanders will conduct a unit climate assessment and a unit training assessment within 90 days of assuming command, and annually thereafter. Some of the tools available to commanders are:

(1) Military Equal Opportunity Climate Survey (MEOCS). This survey is developed and evaluated by the Defense Equal Opportunity Management Institute (DEOMI). The results of the survey are provided only to the commander who requested the survey. Your Brigade or Installation level EOA should be contacted for assistance in requesting this survey for your unit. However, the results of the survey should be shared with all members of the unit. This can best be accomplished by the commander at a meeting with unit members, allowing them the opportunity to ask questions.

(2) Department of the Army Pamphlet (DA PAM) 600-69

(3) Unit Climate Profile: Commander's Handbook

(4) Army Research Institute Survey

b. Commanders should supplement any survey efforts with individual and group interviews, the analysis of unit records and statistical information (awards, promotions, reenlistment, incidents of misconduct resulting in punishment under the Uniform Code of Military Justice (UCMJ), and with complaint reports. This assessment will provide a baseline for the commander to develop action plans and implement program initiatives.

2. Learning Step/Activity 2: Define Unit Procedures for Conducting a Company Level EO Assessment

Type of instruction: CO  
Instructor to student ratio is: 1:16 to 1:25  
Time of instruction: 5 minutes  
Media: N/A

a. **PROCEDURES FOR CONDUCTING A CLIMATE ASSESSMENT.** One of the factors that must be considered before commencing a unit assessment is why is one being considered. The following are five of the more common conditions that require climate assessments:

(1) Regulatory Requirement. Commanders are required by regulation to conduct a unit assessment within 90 days of taking command and annually thereafter.

(2) Command Directed. The commander, at any level, in attempting to evaluate the execution of his or her EO program may direct that a climate assessment be conducted.

(3) Driven by Events. This type of assessment is normally conducted to determine the cause and effect relationship based on a major EO event, trends, or other unfavorable conditions within the organization. These events can be manifested in a number of ways such as complaints of sexual harassment, individual or group conflicts, or EO violations by soldiers.

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(4) Staff Assistance Visit. During a staff assistance visit, the EOA or other staff personnel may conduct a climate assessment to provide the commander feedback.

(5) Monitoring Affirmative Actions. Climate assessments can also be used to monitor impact or success of AAP goals or milestones. For example, the goal to reduce perceptions of unfair UCMJ actions could easily be measured during a climate assessment.

b. **CONDUCTING THE ASSESSMENT.** Once the purpose of the assessment is determined and all planning actions have been finalized, the commander may begin conducting the assessment.

(1) Administrative Procedures. Unit personnel should be informed about the scope and purpose of the assessment. Commanders should discourage any assessment that segregates unit personnel by race, ethnic identity, or gender.

(2) Contracting with an Outside Agent. One of the most important assets available to commanders in conducting unit assessments is the Equal Opportunity Advisor (EOA). The EOA receives special training on conducting assessments and should be the commander's primary resource for unit assessments. In the absence of the EOA, outside agents, such as Command EO Staff, or IG personnel, etc., can also assist in conducting the assessment. First, the commander defines what he or she wants from the assessment. The outside agency (usually the EOA) provides the commander with an action plan that outlines the best approach. Things such as In-Briefs, Out-Briefs, format and style of presentations, and feedback should all be discussed and agreed upon prior to the assessment being conducted.

(3) Select Data Gathering Methods. Commanders have a variety of options available for gathering data for the assessment. They include: surveys, interviews, sensing sessions, observations, records and reports. All these, or a combinations of some may be appropriate. In most cases, surveys require a minimum number of participants to be a valid instrument.

(4) Processing the Assessment Information. Once all the information has been collected, it must be organized into meaningful data. Often, this will be accomplished by the outside agent. If the commander prefers, he or she may elect to create a matrix of some sort. Appendix I of TC 26-6 shows a sample matrix. However, a matrix is only a tool to help commanders match information or corroborate data from different sources.

**3. Learning Step/Activity 3: Identify Actions to Promote/Maintain a Positive EO Climate**

Type of instruction: CO  
Instructor to student ratio is: 1:16 to 1:25  
Time of instruction: 5 minutes  
Media: Viewgraph 5-2

**NOTE:** Show Viewgraph 5-2

a. The Army's Equal Opportunity program requires a team effort. To make the program effective, the unit leadership must take a positive approach in carrying out their

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EO duties and responsibilities. You, as your unit leaders, are responsible for identifying EO deficiencies, applying corrective actions, and assessing training needs. This is spelled out in AR 600-20, Chapter 6. To accomplish this task, you must have a clear understanding of what your EO duties and responsibilities include. Doing these things will go a long way toward ensuring you have a healthy EO climate in your unit.

(1) Publish Policy Memorandums. The commander is required to publish his or her own policy statements on equal opportunity and sexual harassment. These should be on a bulletin board located in an area accessible to all soldiers in the unit. Sample letters can be found in Appendix C of TC 26-6, The Commander's EO Handbook.

(2) Promote Chain of Command Support. The Chain of Command is the thread which binds a company into an effective fighting force. It should not be regarded as a roadblock to resolving EO issues. You must ensure that subordinate leaders know and understand what is expected of them and then challenge them to follow through. Within your unit, the first-line supervisor should be perceived as the person who not only has the authority, but also demonstrates the capability and the will to resolve EO problems.

(3) Conduct Unit EO Assessments.

(4) Create an EO Complaint Process. The leadership of the unit must be committed to creating a viable EO complaint process. The procedures for filing a complaint should be clearly stated and posted in the common area, along with the policy letters.

(5) Develop and Conduct EO Training.

b. **BUILD A POSITIVE EO CLIMATE.** To promote a positive EO climate in your unit, consider the following principles as a guide:

(1) Leaders must be capable and competent in dealing with EO issues.

(2) If leaders only act on problems they perceive are important, they will appear complacent.

(3) Spend as much time identifying and developing what is right about the unit as well as those things that are perceived to be wrong.

(4) Treat perceptions not as real issues but as having real consequences.

(5) Treat minor EO allegations and infractions with the same degree of sensitivity and sincerity as those that are more severe.

(6) EO awareness is seeing the impact of what is said, seen, or done.

(7) An effective open door policy is an open mind behind the door.

(8) Develop a positive course of action even when complaints are unsubstantiated.

(9) Leaders must know the environment in which their soldiers live, work, and play.

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(10) Follow through on all allegations of discrimination and sexual harassment.

**4.** Learning Step/Activity 4: PRACTICAL EXERCISE. Apply Leadership Skills in Resolving EO Complaints

Type of instruction: PE

Instructor to student ratio is: 1:16 to 1:25

Time of instruction: 35 minutes

Media: Practice Exercise

**NOTE:** Copy of the Practice Exercise and solution key is located at Appendix B.

**NOTE:** At this time, divide the class into four groups. Provide copy of the Practice Exercise to each student. Give student sufficient time to read each scenario. Allow 10 minutes for group consensus on the PE questions. Have each group elect a spokesperson to provide each group's response.

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**NOTE:** Conduct a check on learning and summarize the learning activity.

Q. When must unit climate assessments be conducted by commanders?

A. A unit training assessment must be conducted within 90 days of assuming command, and annually thereafter. Commanders may also conduct an assessment when he or she feels there is a need.

Q. What are five of the more common conditions that may require an assessment be conducted.

A. Regulatory Requirement  
Command Directed  
Driven by Events  
Staff Assistance Visit  
Monitoring Affirmative Actions

Q. What are the basic factors the commander must complete when he or she conducts an assessment.

A. Administrative Procedures  
Contracting with an Outside Agent

Select Data Gathering Methods  
Processing the Assessment Information which is Gathered

**SUMMARY:** If a good equal opportunity is to exist in your unit, there must be proactive actions on the part of the commander and company leadership. Conducting an assessment will provide the leadership with the basis to know where the unit stands, and what, if any actions will be required to improve the climate. The commander should always enlist the counsel and assistance of someone extremely knowledgeable on the subject. The unit Equal Opportunity Representative (EOR) should coordinate for the commander with the Brigade or Installation Equal Opportunity Advisor for advice and assistance.

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**F.** ENABLING LEARNING OBJECTIVE F: Define the Policy on Extremist Activities and Organizations

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|-------------------|--|
| <b>Action:</b>    | Define the Army's policy on participation in extremist activities and organizations.   |
| <b>Condition:</b> | Given Student Handout # 7, Extremist Organizations and Activities and access to AR 600-20.   |
| <b>Standard:</b>  | Define the Army's policy on participation in extremist activities and organizations to include individual and leader actions and responsibilities. |

**LEAD IN:** The United States Army is comprised of soldiers and civilians from various cultures, ethnic groups, religions, and races from around the world. These various groups contain ideologies that range from extremely tolerant to radical, to ultra militant. While it is the policy of the Army that participation in extremist activities or organizations is inconsistent with the responsibilities of military services, as leaders, we must be aware that there may always be some individuals who still adhere and believe in racial or ethnic superiority or inferiority. By learning more about the ideologies, history and dynamics of supremacist extremist groups, you will have a better understanding of the influences that can affect your soldiers and how their beliefs or actions can affect those of their peers. Understanding these issues will prepare you to better handling the problems you may find facing you with regard to this serious issue in today's society. Keep in mind that any issue within society will likely find its way into the Army at some point. Extremism and extremist activities are no exception.

Learning Step/Activity: Define the Army's Policy on Extremist Activities and Organizations

Type of instruction: CO

Instructor to student ratio is: 1:16 to 1:25

Time of instruction: 20 minutes

Media: Viewgraph # 6-1 thru # 6-3 and Handout # 7

**NOTE:** Show Viewgraph # 6-1

a. **POLICY.** It is the policy of the U.S. Army to provide equal opportunity and treatment for all soldiers without regard to race, color, religion, sex, or national origin. Based on this philosophy, participation in extremist organizations or activities is inconsistent with the responsibilities of military service.

b. **PARTICIPATION.** Military personnel must reject participation in extremist organizations and activities. Extremist organizations and activities are one that advocate racial, gender, or ethnic hatred or intolerance; advocate, create, or engage in illegal discrimination based on race, color, sex, religion, or national origin; advocate the use of force or violence, or unlawful means to deprive individuals of their rights under the United States Constitution or the laws of the United States or any State; or advocate or seek to overthrow the Government of the United States, or any States by unlawful means.

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c. **PROHIBITIONS.** Soldiers are prohibited from the following actions in support of extremist organizations or activities. Penalties for violations of these prohibition include the full range of statutory and regulatory sanctions, both criminal (UCMJ) and administrative.

(1) Participating in a public demonstration or rally;

(2) Attending a meeting or activity with knowledge that the meeting or activity involves an extremist cause when on duty, when in uniform, when in a foreign country (whether on or off duty or in uniform), when it constitutes a breach of law and order, when violence is likely to result, or when in violation of off-limits sanctions or a commander's order;

(3) Fund raising;

(4) Recruiting or training members (including encouraging other soldiers to join);

(5) Creating, organizing, or taking visible leadership role in such an organization or activity; or

(6) Distributing literature on or off a military installation the primary purpose and content of which concerns advocacy or support of extremist causes, organizations, or activities and it appears that the literature presents a clear danger to the loyalty, discipline, or morale of military personnel, or if the distribution would materially interfere with the accomplishment of a military mission.

**NOTE:** Refer students to Handout # 7 for the complete text of the Army's policy on Extremism and extremist Organizations and Activities.

**NOTE:** Show Viewgraph # 6-2

d. **TERMS AND DEFINITIONS.** In addition to the definition already presented for extremism and extremist organizations and activities, there are other terms you should be familiar with in order to discuss this issue with your soldiers. They include:

(1) **Supremacist.** Any person(s) maintaining the ideology, quality, state of being, or position of being superior to all others in something.

(2) **Ideology.** A systematic body of concepts especially about human life or culture; a way of thinking used by a group or individual to express their beliefs and social values.

(3) **Militia.** A body of soldiers not permanently organized in time of peace. Many militia organizations have been formed because of their objection to national or local government (anti-democratic) policies or programs.

e. **EXTREMIST GROUPS AND ORGANIZATIONS.** The majority of extremist groups and organizations have one predominant theme of superiority of one race over the other. This theme can also be applied to ethnicity and religious groups. Some of these groups and organizations proclaim violence as a means to achieve their goals, while others use pseudo-religious themes from their own interpretation of the bible. Most of

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these groups develop ideologies in an attempt to justify, legitimize and rationalize one particular version of reality despite other explanations and ideas. Ideology is also a way of thinking used by a group to express their beliefs and social values.

f. **MILITIAS.** The militia movement is very fluid. New groups form and others disappear so frequently it is difficult, if not impossible, to track which groups are active at any given moment. The character of these groups also may change rapidly as different factions, some extreme with neo-Nazi ties and others moderate, with law abiding goals vie for control. In some cases, there are support groups that do not engage in military training or typically have rank structures, but instead provide information and materials to militias.

**NOTE:** Show Viewgraph # 6-3

g. **TRAINING ON EXTREMIST ACTIVITIES AND ORGANIZATIONS.** Each member of your squad and platoon should be trained on extremist activities and organizations. By providing training to your soldiers, you not only educate them, but also put them on notice of the potential adverse effects that participation in these types of activities may have on their military careers. The training provided to soldiers should include not only the policy and prohibition of participating in extremist organizations or activities, but at a minimum the following:

(1) The Army's Equal Opportunity policy. Soldiers should be clearly instructed that extremist organizations' goals are inconsistent with the Army's goals, beliefs, and values with regard to equal opportunity.

(2) Participation in extremist organizations or activities may be taken into consideration when evaluating their overall duty performance, to include appropriate remarks on evaluation reports.

(3) When selections for positions of leadership and responsibility are made, their participation may be considered.

(4) Participation may lead to removal of security clearance.

(5) May result in reclassification actions or bar to reenlistment actions being initiated and finalized.

(6) UCMJ actions may be initiated

(7) Involuntary separation for unsatisfactory performance or misconduct, or for conduct deemed prejudicial to good order and discipline or morale.

(8) Other administrative or disciplinary action deemed appropriate by the commander.

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**NOTE:** Conduct a check on learning and summarize the learning activity.

Q. What is expected of military members with regard to participation in extremist organizations or activities?

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A. Military personnel must reject participation in extremist organizations and activities.

Q. What are some specific activities which are prohibited?

A. Participation in a public demonstration or rally

Attending meetings or activities with knowledge the activity involves an extremist cause when on duty, or in uniform; when in a foreign country (whether on or off duty or in uniform); when it constitutes a breach of law and order; when violence is likely to result; or, when in violation of an off-limits sanction or a commander's order.

Fund Raising

Recruiting or training (including encouraging other soldiers to join)

Creating, organizing, or taking a visible leadership role in such an organization or activity; or,

Distributing literature on or off a military installation the primary purpose and content of which concerns advocacy or support of extremist causes, organizations, or activities and it appears that the literature presents a clear danger to the loyalty, discipline, or morale of military personnel, or if the distribution would materially interfere with the accomplishment of a military mission.

Q. What is the one predominant theme found in most extremist organizations or activities?

A. Superiority of one race or ethnic group over another.

Q. How do you define the term "ideology?"

A. A systemic body of concepts especially about human life or culture; a way of thinking used by a group or individual to express their beliefs and social values.

Q. What can you tell me about militias?

A. A body of soldiers not permanently organized to time of peace

Frequently formed because of their objection to local or national governments

Very fluid. New groups form and others disappear regularly and frequently

Some hold extreme neo-Nazi views while others are more moderate

Some serve as support groups to other militias - have rank structures but provide only information and/or materials

**SUMMARY:** Extremism in most any form can have a very serious, and negative impact on unit cohesion and effectiveness. We must always try to be aware of any type activity trying to surface in our work areas and living areas. As the leaders at the lowest levels in the Army, you are in the best position to know what your soldiers are doing. You are also in the best position to influence your soldiers. You should be always on the alert for signs of extremist activities within your organization. Encourage your soldiers to report anyone approaching them on the subject of extremism. If you

see evidence of this type of behavior or activity, immediately report your concerns to the chain of command. Our soldiers have every right to expect the Army to keep this type of activity out of their living and working areas. You, as their leaders, have the responsibility to do your absolute best to ensure it does not surface into your area of responsibility.

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**SECTION IV. SUMMARY**

Method of instruction: CO  
Instructor to student ratio is: 1:16 to 1:30  
Time of instructor: 10 minutes

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**Review/  
Summarize  
Lesson  
and**

During this lesson we have discussed the Army's Equal Opportunity and Equal Employment Opportunity programs, which include the prevention of sexual harassment. We have emphasized the policy, individual and leader responsibilities

your

your rights. We have also identified behaviors that violate the Army's EO/EEO programs and policies and the procedures for filing EO complaints. It is hoped that

exposure to the material in this lesson will contribute to the Army's ultimate goal to foster mutual dignity and respect among all personnel.

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**Check on  
Learning**

**QUESTIONS and ANSWERS**

Q. Equal opportunity policy is based on what factors?

A. Race, color, religion, gender, or national origin and to provide an environment free of sexual harassment.

Q. Does the EO policy apply off duty?

A. Yes, the policy applies on and off post, and to all working, living, and recreational environments.

Q. The two types of complaints are?

A. Informal and Formal.

Q. What is the tolerance policy on sexual harassment?

A. Zero. Sexual harassment cannot and will not be tolerated in the Army.

Q. Complaints should be resolved at what level?

A. Lowest possible level.

Q. What are some of the corrective actions leaders can take against individuals who violate the Army EO and/or Sexual Harassment policies?

A. Counseling, Letter of Admonishment or Reprimand, Additional Training, Relief for Cause, Rehabilitative Transfer, Bar to Reenlistment, and Denial of Certain Privileges.

Solicit student questions.

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**SECTION V      STUDENT EVALUATION**

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**NOTE:** Describe how the students will be tested to determine if they can perform the TLO to standard  
Refer student to Student Evaluation Plan.

**Testing Requirements**      There will be a performance test immediately following this instruction. In order to receive a Go, students must pass all performance steps.

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The objective of the test is designed to measure your ability to understand and comprehend the Army's Equal Opportunity and Sexual Harassment Program. Test will be conducted in accordance with the special instructions listed below.

You will have thirty (30) minutes in which to complete the test.

This exercise will be evaluated by the instructor. In order to receive a Go, you must successfully answer 70 percent of all questions.

The test administrator is not authorized to discuss any test items with you. Problems of an administrative nature (missing pages, misprinted pages, etc.) will be brought to the attention of the entire class before the test begins.

This is a graded exercise. You must do your own work. Unauthorized assistance is defined as working with others in any way. This will result in your being charged with cheating. This includes having someone else proof your paper. Cheating could result in adverse administrative and/or Uniform Code of Military Justice (UCMJ) action

against

the offender(s).

Ensure that your name, class number, and date are on the answer sheets.

Upon completion of this test turn in your test booklet and answer sheet to the instructor. You will receive further guidance at that time.

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**NOTE:** Rapid, immediate feedback is essential to effective learning. Schedule and provide feedback on the evaluation and any information to help answer student's questions about the test. Provide remedial training as needed.

**Feedback Requirement**      If remedial/refresher training is required, students will be trained by peer instructors, the instructor who taught the class, or the instructor for the course. Have students review all material and references covered in the lesson.

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**APPENDIX A  
VIEWGRAPH MASTER**

**APPENDIX C  
STUDENT HANDOUTS**

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**Lesson Number/** TSP Number 121-A-8032  
**Title** Implement the Army's Equal Opportunity and Sexual Harassment Policies in a Company

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**Information** The Student Handout Package should be given to each student prior to instruction. It is recommended that the handouts be given to students at least two days prior to the class and they should have read it before class. This will enable them to have a better understanding of the material. In addition, it will have given them the opportunity to develop specific questions to ask during the class.

List of handouts:

| NUMBER | TITLE  |
|--------|--|
| HO # 1 | Army Policy Memorandum on Equal Opportunity                          |
| HO # 2 | EO Violations Subject to UCMJ Actions                                |
| HO # 3 | Definition of Sexual Harassment & Army's Policy on Sexual Harassment |
| HO # 4 | Sexual Harassment Behaviors Subject to UCMJ Actions                  |
| HO # 5 | Alternative Agencies   |
| HO # 6 | Army Equal Opportunity Complaint Process                             |
| HO # 7 | Extremist Organizations and Activities                               |

## **HANDOUT # 1**

### **Army Policy Memorandum on Equal Opportunity**

“America’s Army serves as the nation’s leader in equal opportunity. This success comes from total commitment to the ideals upon which our country was founded. We must continue our strong leadership in this area to ensure equal opportunity for all. To accomplish this, we, the Army’s senior leadership, reaffirm our commitment to these principles and will work to ensure the equal opportunity and freedom from sexual harassment are standard in America’s Army.

People are the cornerstone of readiness. Sophisticated weapons systems and modern technology are of little value without a dedicated, trained team of professional soldiers and civilians. They must know they will be treated fairly, and with dignity and respect in all aspects of performing the mission. They have a right to expect from their leadership an environment in which their efforts can be fully directed toward mission accomplishment and not detracted by unequal treatment. Leaders are expected to enforce the Army’s standards.

We are justifiably proud of the many accomplishments the Army has made in the field of human rights; however, much remains to be done. Leaders at all levels must continue to ensure the environment in which our soldiers and civilians work and live is free from discriminatory practices. Each individual has a right to compete for advancement based upon abilities and merit, irrespective of race, color, religion, gender, or national origin. Army civilians are further protected against discrimination based on age and physical or mental disability. Leaders at all levels have an obligation to create and maintain an environment with zero tolerance for discrimination and harassment.

We must continue to demonstrate that America’s Army is the equal opportunity leader for the nation and the institution where men and women of diverse backgrounds can achieve their full potential in support of the Army’s mission.”

Signed by:  
Army Chief of Staff and the Secretary of the Army

**HANDOUT # 2**

**EO Violations Subject to UCMJ Actions**

| BEHAVIOR  | ARTICLE                                | OFFENSE  |
|---|--|--|
| Making racial or sexual comments and/or gestures  | Art 89<br>Art 91<br>Art 117<br>Art 134 | Disrespect toward superior officer<br>Insubordinate conduct towards WO or NCO<br>Provoking speech or gestures<br>Indecent language |
| Offering rewards for favors which constitute an EO violation  | Art 134                                | Bribery and graft  |
| Attempts or offers with unlawful force or violence to do bodily harm to another person because of race, color, religion, national origin, or gender | Art 128                                | Assault  |
| Making unsolicited and unwelcome sexual contact   | Art 134                                | Indecent assault   |
| Threatening the career, job, or salary of another unless they "cooperate"   | Art 127<br>Art 134                     | Extortion<br>Communicating a threat  |
| Engaging in or condoning an EO violation  | Art 92<br>Art 133                      | Failure to Obey an order or regulation<br>Conduct unbecoming an officer  |
| Influencing or threatening the career, pay, or job of another person in exchange for sexual favors  | Art 93                                 | Cruelty and maltreatment   |
| Making false statements   | Art 107                                | False official statement   |

## **HANDOUT # 3**

### **Definition Of Sexual Harassment**

Sexual harassment is defined in AR 600-20 as a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- a. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or
- b. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creates an intimidating, hostile, or offensive environment.

The definition emphasizes that workplace conduct, to be actionable as "abusive work environment" harassment, need not result in concrete psychological harm to the victim. The conduct need only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, that the work environment is hostile or abusive. Workplace is an expansive term for military members and may include on or off duty, 24 hours a day.

Any person in a supervisory or command position who uses or condones any form of sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who make deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature in the workplace is also engaging in sexual harassment.

### **Army Policy On Sexual Harassment**

The policy of the United States Army is that sexual harassment is unacceptable conduct and will not be tolerated.

The Army is totally committed to creating and maintaining an environment conducive to maximum productivity and respect for human dignity. The vision of America's Army as an effective force, trained and ready to fight and win, demands reaffirmation of a commitment to a work and duty environment free of sexual harassment for all personnel, whether civilian or military, in the active and reserve components.

The Army is an organization of people, and its success is based on their ability to perform in an environment of mutual respect, dignity, and fair treatment. This demands zero tolerance of sexual harassment.

Sexual harassment is defined in law and regulation as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which is made a term or condition of a person's job, is used as a basis for employment decisions affecting that person, creates a hostile or abusive environment or interferes with the performance of a soldier or civilian of America's Army.

Individuals who perceive they are being sexually harassed by supervisors, superiors, co-workers, or peers should make it clear that such behavior is offensive and report the harassment to an appropriate authority or office. It is the responsibility of every leader--military or civilian--to examine allegations of sexual harassment and take necessary action to ensure that these matters are addressed swiftly, fairly, and effectively.

We know that you will support the Army's continuing commitment to eradicating sexual harassment in the Army and exhibit the highest level of professional behavior and courtesy that the nation expects.

## HANDOUT # 4

### Sexual Harassment Behaviors Subject To UCMJ Actions

| BEHAVIOR   | ARTICLE                                | OFFENSE   |
|--|--|---|
| Making sexual comments or gestures   | Art 89<br>Art 91<br>Art 117<br>Art 134 | Disrespect toward superior officer<br>Insubordinate conduct toward WO or NCO<br>Provoking speech or gestures<br>Indecent language |
| Offering rewards for sexual favors   | Art 134                                | Bribery and graft   |
| Making unsolicited and unwelcome sexual contact with intent to satisfy lust or sexual desire | Art 134                                | Indecent assault  |
| Threatening the career, job, or salary of another unless they "cooperate"                    | Art 127<br>Art 134                     | Extortion<br>Communicating a threat   |
| Engaging in or condoning sexual harassment behaviors   | Art 92<br>Art 132                      | Failure to obey an order or regulation<br>Conduct unbecoming an officer   |
| Influencing or threatening the career, pay, or job of another in exchange for sexual favors  | Art 93                                 | Cruelty and maltreatment  |

## HANDOUT # 5

### Alternative Agencies

Although handling EO complaints through the chain of command is strongly encouraged, this is not the only channel for addressing EO grievances. Several agencies have specific command responsibilities that make them a viable asset in helping soldiers and family members resolve EO grievances. The following are brief descriptions of frequently used agencies:

**Equal Opportunity Adviser (EOA):** Is assigned to help commanders at brigade or higher levels to implement their EO program. The EOA is trained to receive, process, and conduct inquiries into complaints of discrimination and sexual harassment. In addition, the EOA has the expertise to make recommendations for corrective actions and sanctions against violators of EO policies.

**Chaplain (CH):** Serves as advisor to the command on all religious matters and provides guidance on religious practices, family and marital counseling, and other secular or non-secular services. The chaplain is the main subject matter expert on addressing issues about religious discrimination or accommodation.

**Provost Marshal (PM):** Is primarily responsible for receiving and investigating violations of the UCMJ which are criminal in nature. The PM is responsible to the Commander for monitoring the treatment of soldiers and investigating complaints of discrimination or unfair treatment by off-post activities.

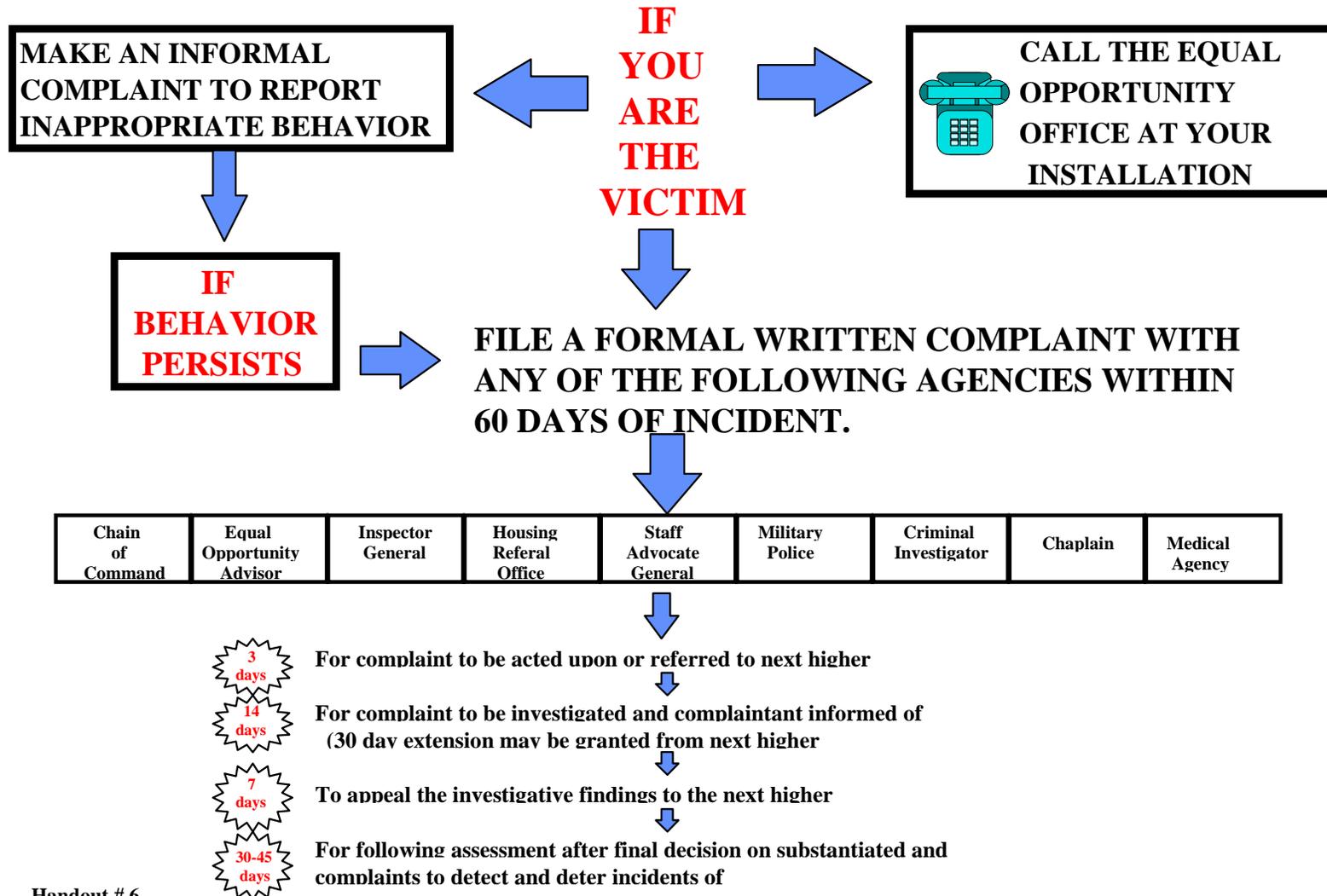
**Staff Judge Advocate (SJA):** The SJA serves as an advisor in litigating criminal charges and prosecuting soldiers for criminal offenses; assesses trends in administering punishment and allegations of discrimination in administering military justice; may receive complaints about discrimination in legal proceedings or about administering judicial and nonjudicial punishment.

**Community Homefinding Referral and Relocation Services Office (CHRRS):** Is responsible for monitoring and administering the installation's housing referral program. The HRO will receive and investigate complaints of discrimination in rental or sale of off-post residents.

**Inspector General (IG):** Serves as advisor to the commander on all matters of command. The IG is responsible for monitoring and inspecting command functions which are essential to mission effectiveness and combat readiness. The IG's office is the principal agency for receiving and investigating complaints about command environment and leadership.

**Medical Agency Personnel:** Medical agency personnel are assigned primarily at installation clinics and hospitals, but are also available at separate units, battalions, and brigades up to and including the Command Surgeon. These personnel advise and assist the commander on matters about conserving and replenishing the command's fighting strength, by prevention, curative, restorative care, and other medical related services.

# THE ARMY EOUAL OPPORTUNITY COMPLAINT PROCESS



Handout # 6

## HANDOUT # 7

### 4-12. Extremist organizations and activities

Participation in extremist organizations or activities is inconsistent with the responsibilities of military service. It is the policy of the U.S. Army to provide equal opportunity and treatment for all soldiers without regard to race, color, religion, sex, or national origin. Enforcement of the Army's equal opportunity policy is a responsibility of command, is vitally important to unit cohesion and morale, and is essential to the Army's ability to accomplish its mission. It is also a commander's responsibility to maintain good order and discipline in the unit. Every commander has the inherent authority to take appropriate actions to accomplish this goal. This paragraph identifies prohibited actions by soldiers involving extremist organizations or activities, discusses the authority of a commander to establish other prohibitions, and establishes that violation of the prohibitions contained in this paragraph or those established by a commander may result in prosecution under various provisions of the Uniform Code of Military Justice (UCMJ).

a. **Participation.** Military personnel must reject participation in extremist organizations and activities. Extremist organizations and activities are ones that advocate racial, gender or ethnic hatred or intolerance; advocate, create, or engage in illegal discrimination based on race, color, sex, religion, or national origin; advocate the use of or use force or violence or unlawful means to deprive individuals or their right under the United States Constitution or the laws of the United States or any State; or advocate or seek to overthrow the Government of the United States, or any State by unlawful means.

b. **Prohibitions.** Soldiers are prohibited from the following actions in support of extremist organizations or activities. Penalties for violation of these prohibitions include the full range of statutory and regulatory sanctions, both criminal (UCMJ) and administrative.

(1) Participating in a public demonstration or rally;

(2) Attending a meeting or activity with knowledge that the meeting or activity involves an extremist cause when on duty, when in uniform, when in a foreign country (whether on or off duty or in uniform), when it constitutes a breach of law and order, when violence is likely to result, or when in violation of off-limits sanctions or a commander's order;

(3) Fund raising;

(4) Recruiting or training members (including encouraging other soldiers to join;

(5) Creating, organizing, or taking a visible leadership role in such an organization or activity; or

(6) Distributing literature on or off a military installation the primary purpose and content of which concerns advocacy or support of extremist causes, organizations, or activities and it appears that the literature presents a clear danger to the loyalty, discipline, or morale of military personnel, or if distribution would materially interfere with the accomplishment of a military mission.

c. **Command authority.** Commanders have the authority to prohibit military personnel from engaging in or participating in any other activities that the commander determines will adversely affect good order and discipline or morale within the command. This includes, but is not limited to, the authority to order the removal of symbols, flags, posters, or other displays from barracks, to place areas or activities off-limits (see AR 190-24), or to order soldiers not to participate in those activities that are contrary to good order and discipline or morale of the unit or pose a threat to health, safety, and security or military personnel or a military installation.

d. **Command options.** Commander's options for dealing with a soldier's violation of the prohibitions include --

(1) UCMJ action. Possible violations include --

(a) Article 92 -- Violations of or failure to obey a lawful general order or regulation (for example, participation in demonstrations, distribution of literature without approval, or unlawful discrimination).

(b) Article 92 -- Riot or breach of peace.

(c) Article 117 -- Provoking speeches or gestures.

(d) Article 134 -- General article, specifically, conduct which is prejudicial to the good order and discipline or service discrediting.

(2) Involuntary separation for unsatisfactory performance or misconduct, or for conduct deemed prejudicial to good order and discipline or morale.

(3) Reclassification actions or bar to reenlistment actions, as appropriate.

(4) Other administrative or disciplinary action deemed appropriate by the commander, based on the specific facts and circumstances of the particular case.

e. **Command responsibility.** Any soldier involved with or in an extremist organization or activity, such as membership, receipt of literature, or presence at an event, could threaten the good order and discipline of a unit. In any case of apparent soldier involvement with or in extremist organizations or activities, whether or not violation of the prohibitions in subparagraph b, commanders must take positive actions to educate soldiers, putting them on notice of potential adverse effects that participation in violation of the Army policy may have upon good and discipline in the unit and upon their military service. These positive actions include --

(1) Educating soldiers regarding the Army's equal opportunity policy. Commanders will advise soldiers that extremist organization's goals are inconsistent with the Army's goals, beliefs, and values concerning equal opportunity.

(2) Advising soldiers that any participation in extremist organizations or activities:

(a) Will be taken into consideration when evaluating their overall duty performance to include appropriate remarks on evaluation reports.

(b) Will be taken into consideration when selections for positions of leadership and responsibility are made.

(c) Will result in removal of security clearances, where appropriate.

(d) Will result in reclassification actions or bar to reenlistment actions as appropriate.

(3) The commander of a military installation or other military controlled facility under the jurisdiction of the United States Army shall prohibit any demonstration or activity on the installation or facility that could result in interference with or prevention of orderly accomplishment on the mission of the installation or facility, or present clear danger to loyalty, discipline, or morale of the troops. Further, such

commanders shall deny requests for the use of military controlled facilities by individuals or groups that engage in discriminatory practices involving such practices (see para 6-7).

f. Commanders should seek the advice and counsel of their legal advisor when taking actions pursuant to this paragraph.

## **THE ARMY'S EQUAL OPPORTUNITY POLICY**

- Equal treatment for soldiers, family members, and civilian employees
- Provide an environment free from sexual harassment

### **APPLIES TO:**

- On and off post
- Soldiers, civilian employees, and family members
- Working, living, and recreational environments

## **EO PROGRAM COMPONENTS**

- Leader commitment
- Sequential and progressive training
- Effective and responsive complaint procedures
- Affirmative Action Plan (AAP)
- Feedback mechanisms
- Equal Opportunity Advisors

## **RELATED EO LEADERSHIP ELEMENTS**

- Military discipline and conduct
- Appropriate behavior
- Senior-Subordinate relationships
- Extremist organizations
- Army language policy
- Accommodating religious practices
- Request for religious accommodations

## **PROGRAM PRINCIPLES**

- Commanders and Leaders are responsible for unit EO
- Promote harmony, do not merely avoid disorder
- Support individual and cultural diversity
- Discipline will not be compromised
- Fair and equal treatment for all soldiers and employees is emphasized

## **POSITIVE EO ACTION FOR LEADERS**

- Set the example
- “Walk what you talk”
- You, as the leader are being watched by your subordinates

# **TRAINING AND EDUCATION**

- Semi-Annual requirement
- Training Materials
  - Films
  - Videos
  - DA Pam 350-20
  - TC 26-6
  - Installation TASC
  - Brigade/Installation EOA

## **ACTIONS TO CORRECT EO PROBLEM BEHAVIORS**

- On-the-Spot corrections
- Counseling - verbal and nonverbal
- Advancement and promotions
- Awards, training, and schools
- Change in duties or responsibilities
- Transfer or reassignment
- Bar to Reenlistment
- Separation

## **ARMY POLICY & DEFINITION OF SEXUAL HARASSMENT**

A form of gender discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career, or
- Submission to or rejection of such conduct by a person is made as a basis for career or employment decisions affecting that person, or
- Such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

## **CATEGORIES OF SEXUAL HARASSMENT**

- Quid Pro Quo
- Hostile environment

## QUID PRO QUO

- Latin term meaning: “this for that”
- Placing conditions on a person’s job or terms of employment in return for sexual favors
- Making promises of career advancement, promotions, or other benefits in exchange for sexual favors

## **HOSTILE ENVIRONMENT**

- Offensive, unwanted, and unsolicited comments and behaviors of a sexual nature
- Most prevalent form of sexual harassment in the Army

# **SEXUAL HARASSMENT ASSESSMENT**

- Define the incident
- Frequency of behavior
- Victim impact
- Appropriateness of behavior
- Rank/position relationship
- Past history
- Consequences of your actions
- Environment assessment

## **PREVENTION COMPONENTS**

- Leader commitment
- Progressive training
- Complaint process

## **ADMINISTRATIVE ACTIONS**

- Bar to Reenlistment
- Letter of Admonishment or Reprimand
- Relief for Cause
- Rehabilitative transfer
- Additional training
- Required counseling
- Denial of certain privileges

## **SYSTEM CONCEPT**

- A readily available system
- Treats all complaints seriously
- Reduce fears of reprisal or intimidation
- Right to have complaints heard by the chain of command

# **TYPES OF COMPLAINTS**

- Formal
- Informal

## **INFORMAL COMPLAINT FACTORS**

- Does not desire chain of command intervention
- Desires Assistance from other unit members
- Confidentially is possible (but not guaranteed)
- Assistance not required in writing
- Good chance of success
- Complaint is not severe

## **FORMAL COMPLAINTS**

- Submitted in writing
- Requires chain of command intervention
- Reported to higher headquarters
- Filed within 60 calendar days
- Specific time lines for processing

## **FORMAL COMPLAINT FACTORS**

- Uncomfortable with informal process
- Informal process will not resolve complaint
- Attempt at informal resolution failed
- Complainant desires an official record
- Complaint is against a member of the chain of command
- Complainant wants outside agency or higher commander involvement

## **ALTERNATIVE AGENCIES**

- A higher echelon commander
- Command Equal Opportunity Advisor (EOA)
- Chaplain (CH)
- Staff Judge Advocate (SJA)
- Provost Marshal (PM)
- Inspector General (IG)
- Community Homefinding Referral and Relocation Services (CHRRS)
- Medical agency personnel

## **INQUIRY / INVESTIGATION**

- Clarify complaint with related allegations
- Interview witnesses / officials
- Gather, review, and analyze records / documents
- Determine cause / effect of actions which lead to complaint being filed
- Identify / interview technical advisors
- Assess impact on command climate/mission readiness
- Advise commander of leadership / management concerns
- Render a decision

## **ACTIONS TO RESOLVE COMPLAINTS**

- Unsubstantiated
- Substantiated

## APPEALS PROCESS

- 7 calendar days to acknowledge
- Submit in writing
- Appeal authority has 14 calendar days to respond
- General Court Martial Convening Authority has final authority
- No further appeals within EO Complaint system

## **ARMY POLICY AGAINST INTIMIDATION, HARASSMENT, and REPRISAL**

- Prohibits any action to discourage filing EO complaints or seeking assistance with EO grievances
- Prohibits disciplinary action against a complaint
- Does not preclude action for fraudulent complaints or false statements

## **LEADER'S ACTIONS TO SUPPORT EO**

- Know and understand the EO Program
- Take EO Program seriously
- Take immediate action
- Follow up on problems
- Guard against reprisals
- Be proactive with issues

## **CLIMATE ASSESSMENTS**

- Within 90 days of new commander assuming command
- Annually thereafter
- Military Equal Opportunity Climate Survey (MEOCS)
- Unit Climate Profile: Commander's EO Handbook (TC 26-6)

## **ACTIONS TO PROMOTE POSITIVE EO CLIMATE**

- Publish Policy Memorandums
- Promote Chain of Command Support
- Conduct Unit EO Assessments
- Create an EO Complaint Process
- Develop and Conduct EO Training

# **EXTREMIST ORGANIZATIONS** **AND ACTIVITIES**

- The Policy
- Participation
- Prohibitions

## **TERMS AND DEFINITIONS**

- **SUPREMACIST**: Any person(s) maintaining the ideology, quality, state of being, or position superior to all others in something
- **IDEOLOGY**: A body of concepts, especially about human life or culture
- **MILITIA**: A body of soldiers not permanently organized in time of peace. Their objective is frequently national or local government

# **TRAINING OF EXTREMIST ORGANIZATIONS AND ACTIVITIES**

- The Army's Equal Opportunity Policy
- Participation in extremist activities
- Selections for leadership positions, etc.
- Security clearances may be removed
- Reclassification or Bar to Reenlistment
- UCMJ actions are possible
- Involuntary separation from the Army
- Other Administrative Actions possible

**APPENDIX B**  
**PRACTICE EXERCISES & SOLUTIONS**

## PRACTICAL EXERCISE SHEET

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**Title** Implement the Army's Equal Opportunity and Sexual Harassment Policies in a Company

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**Task Number(s)** 121-050-8032  
**/Title** Implement the Army's Equal Opportunity and Sexual Harassment Policies in a Company

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**Information** This Case Study is designed to provide students with the opportunity to demonstrate the principles the learned in this block of instruction. It also gives the instructor the chance to reinforce areas which they observe the students and evaluate their understanding of the subject matter.

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**NOTE:** The instructor may divide the class into groups who work independently and reach conclusion/solutions, or the practice exercises may be handed out and discussed as a single group. This is left to the instructor to determine the best way to conduct, based on class size, time restraints, etc.

**Practice Exercise  
Case Study**

**BACKGROUND:**

CPT Walisa assumed command of HHC, DISCOM about three weeks ago. He and his first sergeant, 1SG Beckham, were having a morning chat and he asked, "now that things are settling down a little, are there any personnel issues I should be aware of or concerned about?" The first sergeant said that there were a few things happening which she was uncomfortable about, but she just didn't know if things were adding up to a problem, or if this is just how things are in a company.

1SG Beckham began giving the commander some background information. She said that recently, there have been an unusual number of problems and incidents out of the Battalion S1 Shop. The PAC Supervisor, SFC Atwood had been there for over a year. The PSNCO, SSG Barton had arrived at the unit within the past six months. It is apparent, from conversations with SFC Atwood and the 1SG that Atwood and Barton did not have a good working relationship. But the job seems to be getting done, so that is the most important thing the 1SG said.

One of the clerks, SPC Hunt, the Awards clerk in PAC recently received a Summary Article 15. This was after a series of counseling statements for poor duty performance and missing PT formations. The counseling statement were given by SSG Barton, her immediate supervisor. SFC Atwood had mentioned to the 1SG that he didn't understand what is going on with SPC Hunt, because she had always been a good soldier who consistently performed over and above the minimum requirements.

CPT Walisa asked how often judicial punishment had been given in the past year to members of the unit. The 1SG replied that about 10 Article 15s had been administered. She went on to say that she is surprised because in the year prior, only 3 Article 15s had been given by the commander. She didn't understand why things were like they were recently. When the commander asked who the Equal Opportunity Representative (EOR) was for the unit, the 1SG said that she serves in that capacity because she wants to make sure that anyone who even thinks they might have an EO issue comes to her with the problem rather than some NCO in the company. She went on to say that not once since she arrived and took over as the first sergeant has a soldier addressed any type of equal opportunity issue to her. Her assumption was, based on this, that the unit is in good shape in the EO arena.

**ACTION REQUIRED FROM STUDENTS:**

Please assess this situation and prepare your analysis of the possible problems, and develop an action plan for the new commander. In other words, if this was your company, what actions would you take, based on the information provided.

## **Solutions and Discussion Points for the Case Study**

**NOTE:** There is no right or wrong solutions for the students to arrive at for this Case Study. It is intended to get them thinking about situations, and to reason out problems and develop ideas in the equal opportunity field. However, some of the points we would expect the students to identify and develop suggestions for are as follows:

1. CPT Walisa should begin the process of conducting a unit assessment. AR 600-20, Chapter 6, requires that he conduct an assessment within 90 days of assuming command, and annually thereafter. However, there are enough indicators in the unit to warrant conducting an assessment even without the regulatory requirement to do so.
2. The recent behavior changes noted in SPC Hunt, the Awards clerk in PAC warrant some concern for the chain of command. Generally, when a soldier's behavior changes dramatically, without apparent reason, there is an underlying reason. While we can't make assumptions, we should also not fail to take the initiative to try and find out why these changes are happening. If she is showing signs of withdrawal, it may be a response to some action being taken against her. It is often one of the warning signs of a soldier who might be sexually harassed by someone on an on-going basis.
3. What is SFC Atwood's assessment of what is happening to SPC Hunt? Has he reviewed the counseling statements? Does he agree with SSG Barton that SPC Hunts should be getting these counseling statements?
4. What is the source or nature of the problems between SSG Barton and his boss, SFC Atwood? Personality conflict, or something deeper or more serious? Work related differences?
5. The first sergeant should not be the EOR for the unit. Soldiers are often reluctant to bring personal matters, or equal opportunity issues to the first sergeant or commander. Often, the soldiers perceive the first sergeant or commander to be part of the problem and fear going to them. The commander should appoint an NCO as the unit EOR and ensure they attend the first available 80 hour course to training EOR's offered by the Brigade or Installation Equal Opportunity Advisors.
6. The increase number of Article 15s given in the unit is worthy of concern. While each and every one may be justified, this increase may be an indicator or another problem. Is there a pattern in the UCMJ that can be detected? Is there a gender or racial breakout that would lead the commander to conclude there may be a problem to resolve? These are questions that should be addressed during a unit assessment.
7. The first sergeant may be part of the problem. She has identified several concerns and yet, has taken no apparent actions to resolve them. Could she have demonstrated a more 'pro-active' EO attitude?