

MILITARY ALARACT

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Subject: ALARACT 007/2012-SEXUAL HARASSMENT/ASSAULT RESPONSE AND PREVENTION
(SHARP) PROGRAM IMPLEMENTATION GUIDANCE

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THIS MESSAGE HAS BEEN SENT BY THE PENTAGON TELECOMMUNICATIONS CENTER ON
BEHALF OF DA WASHINGTON DC//DAPE-MSO//

SUBJECT: SEXUAL HARASSMENT/ASSAULT RESPONSE AND PREVENTION (SHARP) PROGRAM
IMPLEMENTATION GUIDANCE

REFERENCES

A. ALARACT 075/2009, 191404Z MAR 09, SUBJECT: SEXUAL HARASSMENT/ASSAULT
RESPONSE AND PREVENTION (SHARP) INITIATIVES

B. AR 600-20, COMMAND POLICY, CHAPTER 6, EQUAL OPPORTUNITY (EO) PROGRAM;
CHAPTER 7, PREVENTION OF SEXUAL HARASSMENT (POSH); CHAPTER 8, SEXUAL ASSAULT
PREVENTION AND RESPONSE (SAPR) PROGRAM (RAPID ACTION REVISION, 4 AUG 11)

C. ALARACT 173/2010, 081849Z JUN 10, SUBJECT: PREVENTION OF SEXUAL
HARASSMENT TRAINING

D. ALARACT 182/2010, 171138Z JUN 10, SUBJECT: SEXUAL HARASSMENT/ASSAULT
RESPONSE AND PREVENTION (SHARP) PROGRAM IMPLEMENTATION AND TRAINING

E. ALARACT 123/2011, 041214Z APR 11, SUBJECT: MANDATORY UNIT SEXUAL
HARASSMENT/ASSAULT RESPONSE AND PREVENTION (SHARP) TRAINING

F. ALARACT 395/2011, 281521Z OCT 11, SUBJECT: PRESERVATION OF SEXUAL
ASSAULT REPORTS AND EQUAL OPPORTUNITY COMPLAINTS FOR FY2006 THRU FY2010.

G. INSTALLATION MANAGEMENT COMMAND OPERATIONS ORDER 11-479, 142237Z JUN 11,
SUBJECT: SEXUAL HARASSMENT/ASSAULT RESPONSE AND PREVENTION (SHARP) PROGRAM
IMPLEMENTATION AND TRAINING.

H. INSTALLATION MANAGEMENT COMMAND FRAGMENTARY ORDER 01 TO OPORD 11-479, 152147Z AUG 11, SUBJECT: SEXUAL HARASSMENT/ASSAULT RESPONSE AND PREVENTION (SHARP) PROGRAM IMPLEMENTATION AND TRAINING.

I. ARMY DIRECTIVE 2011-19, DATED 3 OCT 11 (EXPEDITED TRANSFER OR REASSIGNMENT PROCEDURES FOR VICTIMS OF SEXUAL ASSAULT).

J. UNDER SECRETARY OF DEFENSE MEMORANDUM, DATED 17 OCT 11, LEGAL ASSISTANCE FOR VICTIMS OF CRIMES.

K. NATIONAL DEFENSE AUTHORIZATION ACT FOR 2012.

1. THE PURPOSE OF THIS MESSAGE IS TO PROVIDE ADDITIONAL GUIDANCE AND INFORMATION ON THE IMPLEMENTATION OF THE SHARP PROGRAM. THIS MESSAGE ALSO HIGHLIGHTS, CLARIFIES AND MODIFIES KEY AND ESSENTIAL INFORMATION FROM THE ABOVE REFERENCES THAT ARE REQUIRED FOR THE SUCCESSFUL IMPLEMENTATION OF THIS PROGRAM. UNLESS STATED OTHERWISE, THIS MESSAGE APPLIES TO THE ACTIVE AND RESERVE COMPONENTS TO INCLUDE UNITS ON JOINT BASES. ADDITIONAL GUIDANCE IN ALIGNMENT WITH REF K IS FORTHCOMING.

2. PER REFERENCES, THE ARMY CONTINUES THE EXECUTION OF THE I. A.M. STRONG SEXUAL HARASSMENT/ ASSAULT PREVENTION CAMPAIGN (SEP 08) AND THE ARMY-WIDE SHARP TRANSITION TO IMPLEMENT THE APPROVED PROGRAM MODEL. AT THE TACTICAL COMMAND LEVEL, THE INTENDED END STATE IS A "ONE-STOP-SHOP" WITHIN THE COMMAND FOR SHARP PROGRAM SERVICES TO SUPPORT COMMANDERS, UNITS AND SOLDIERS, AND AN EFFECTIVE OPERATIONAL/TACTICAL COMMAND PROGRAM EXECUTION MODEL THAT SUPPORTS PREVENTION REQUIREMENTS AND MEETS RESPONSE NEEDS. THE COMMAND SHARP PROGRAM WILL EXECUTE IN A UNITY OF COMMAND MODEL WITH INTEGRATED POLICY/OPERATIONAL EXECUTION, COORDINATED PLANNING/ COMMUNICATIONS, CONSOLIDATED ORGANIZATIONS, AND CO-LOCATED SUPPORT TO SEXUAL ASSAULT VICTIMS AND SEXUAL HARASSMENT COMPLAINANTS. FULL-TIME AND COLLATERAL DUTY SHARP PERSONNEL WILL ASSIST COMMANDERS IN ENSURING SOLDIERS AND CIVILIANS HAVE OWNERSHIP OF SEXUAL HARASSMENT/ASSAULT PREVENTION AND FOSTER CULTURAL CHANGE.

3. THE DEPUTY CHIEF OF STAFF FOR PERSONNEL (G-1) IS THE ARMY STAFF LEAD FOR HEADQUARTERS DEPARTMENT OF THE ARMY (HQDA) PROGRAM REQUIREMENTS. AS SUCH, ARMY G-1 CONTINUES TO IDENTIFY AND COORDINATE FOR RESOURCES NECESSARY TO IMPLEMENT AND SUSTAIN THE SHARP PROGRAM. SPECIFIC HQDA G-1 ACTIONS INCLUDE:

A. INSTITUTIONALIZING PROGRAM: TO FACILITATE A STANDARDIZED AND INTEGRATED PROGRAM ACROSS THE ARMY, THE G-1 DEVELOPED A SHARP CONCEPT PLAN. THE CONCEPT PLAN MODEL WAS APPROVED BY THE US ARMY MANPOWER ANALYSIS AGENCY, REVIEWED BY THE ARMY G-3/5/7 AND THE COST BENEFIT ANALYSIS BOARD, AND IS PENDING SENIOR LEADER APPROVAL. PENDING FUNDING DECISIONS HAVE RESULTED IN EXTENSIVE DELAYS IN DETERMINING WHEN AND HOW MANY FULL-TIME SHARP PERSONNEL CAN BE HIRED. UNTIL FULL-TIME SHARP PERSONNEL ARE IN PLACE, COMMANDS WILL ENSURE SHARP DUTIES ARE ACCOMPLISHED BY COLLATERAL DUTY PERSONNEL WHO HAVE BEEN APPOINTED ON ORDERS, COMPLETED THE 80-HOUR SHARP TRAINING, AND COMPLETED RIGHT SEAT ON-THE-JOB TRAINING AS DESCRIBED IN PARA 4B. SHARP

DUTIES INCLUDE POSH AND SAPR DUTIES AS DESCRIBED IN REF B, OR AS MODIFIED AND PRESENTED IN SHARP CERTIFICATION TRAINING.

B. POLICY: HQDA G-1 IS REQUIRED TO ESTABLISH SHARP PROGRAM POLICY TO INTEGRATE PREVIOUS POLICIES UNDER CHAPTER 7 (POSH) AND CHAPTER 8 (SAPR PROGRAM) OF REF B AND INCORPORATE DEPARTMENT OF DEFENSE AND SECRETARY OF THE ARMY DIRECTIVES. FURTHER, THE NEW POLICY WILL INCORPORATE PREVIOUS CIVILIAN POSH REQUIREMENTS AND PROVIDE GUIDANCE TO COMMAND PROGRAM MANAGERS ON PREVENTION INITIATIVES, RESPONSE CAPABILITIES, AND THE REPORTING OF SEXUAL HARASSMENT AND SEXUAL ASSAULT DATA.

C. SHARP MOBILE TRAINING TEAM (MTT) TRAINING REQUIREMENTS:

(1) TO SUSTAIN CAMPAIGN EFFORTS AND MEET THE INTENT OF A SECARMY DIRECTED TRAINING CURRICULUM (REF D), THE ARMY G-1 DEVELOPED AN INTEGRATED 80-HOUR FUNCTIONAL TRAINING COURSE WITH EMPHASIS ON PREVENTION. FURTHER, ARMY G-1 AUTHORIZED MOBILE TRAINING TEAMS (MTT) TO EXECUTE THIS COURSE TO TRAIN SHARP PERSONNEL IN ALL ARMY ORGANIZATIONS. MTT HAVE ALREADY TRAINED OVER 7,000 COMMAND SHARP PERSONNEL AND PLAN TO TRAIN ALL COMMAND SELECTED PERSONNEL DOWN TO THE COMPANY LEVEL NLT 30 SEP 12.

(2) PER REFERENCE D AND E, THIS TRAINING SUPERSEDES AND REPLACES CURRENT VICTIM ADVOCATE (VA), UNIT VICTIM ADVOCATE (UVA), SARC AND DEPLOYABLE SARC (DSARC) TRAINING FORMERLY EXECUTED BY IMCOM/GARRISON SAPR PERSONNEL. ADDITIONALLY, THIS TRAINING SUPERSEDES THE PRIOR AR 350-1 TRAINING REQUIREMENTS. SHARP MTT TRAINING WILL BE AVAILABLE AT LEAST THROUGH FY12. THERE IS CURRENTLY NO PLAN FOR A TRAIN-THE-TRAINER PROGRAM FOR 80-HOUR SHARP TRAINING. A 16-HOUR SHARP REFRESHER COURSE IS UNDER DEVELOPMENT AND WILL BE ADMINISTERED VIA DISTANCE LEARNING BEGINNING IN 2D QTR FY12. (NOTE: SHARP PERSONNEL COMPLETING THE 80-HOUR MTT WILL BE REFERRED TO AS VA/SHARP AND SARC/SHARP RATHER THAN UVA AND DSARC. THIS CHANGE IN NOMENCLATURE IS A RESULT OF THE ADDITIONAL SEXUAL HARASSMENT PREVENTION AND RESPONSE DUTIES AND HAS BEEN COORDINATED WITH THE DOD SAPR OFFICE. IT DOES NOT LIMIT THE VA/SHARP OR THE SARC/SHARP AUTHORIZATION TO RECEIVE RESTRICTED REPORTS).

(3) TO MAXIMIZE TRAINING EXECUTION IN A RESOURCE CONSTRAINED ENVIRONMENT; REQUEST ALL COMMANDS ENSURE SCHEDULED MTT CONDUCTED TRAINING COURSES ARE FILLED TO FULL TRAINING LOAD OF FIFTY STUDENTS PER COURSE AND ALL STUDENTS MEET SELECTION REQUIREMENTS. THERE IS CURRENTLY NO ADDITIONAL SKILL IDENTIFIER (ASI) FOR THE SHARP TRAINING; HOWEVER TRADOC APPROVED A SCHOOL CODE FOR THE 80-HOUR SHARP FUNCTIONAL COURSE. THE SCHOOL CODE (SEH) CAN BE FOUND ON THE ENLISTED AND OFFICER RECORD BRIEFS (ERB/ORB), ALLOWING COMMANDS TO IDENTIFY TRAINED PERSONNEL. THIS COURSE SHOULD BE TREATED AS AN INSTITUTIONAL COURSE AND REQUIRES COMMANDS AND STUDENTS ADHERE TO THE SCHEDULING, TRAINING LOAD AND ATTENDANCE REQUIREMENTS.

(4) IAW REF B, ALL SEXUAL ASSAULT FIRST RESPONDER PERSONNEL (COMMAND SELECTED SHARP PERSONNEL, MEDICAL, LEGAL, LAW ENFORCEMENT, CHAPLAINCY, AND INVESTIGATIVE PERSONNEL) ARE REQUIRED TO SUCCESSFULLY COMPLETE THEIR APPROPRIATE INITIAL AND ANNUAL REFRESHER TRAINING. FOR SHARP PERSONNEL, THE INITIAL TRAINING IS NOW THE 80-HOUR MTT DELIVERED COURSE. ALL OTHER RESPONDERS RECEIVE INITIAL TRAINING AS PART OF THEIR INSTITUTIONAL TRAINING.

SPECIFICALLY, THE JUDGE ADVOCATE SCHOOL, THE CHAPLAIN SCHOOL, THE MILITARY POLICE SCHOOL AND THE MEDICAL COMMAND DEVELOP AND CONDUCT SHARP RELATED TRAINING FOR THEIR PERSONNEL.

(5) IAW REF E, INSTITUTIONAL, UNIT REFRESHER AND SELF-STUDY SHARP TRAINING IS REQUIRED FOR ALL MILITARY AND CIVILIAN PERSONNEL. IN COORDINATION WITH TRADOC, THE HQDA G-1 SHARP PROGRAM OFFICE SERVES AS THE SHARP TRAINING PROPONENT FOR INSTITUTIONAL, UNIT AND SELF-STUDY SHARP CURRICULUM AND TRAINING MATERIALS. IN SUPPORT OF UNIT TRAINING, THE SHARP OFFICE CREATED THE UNIT REFRESHER TRAINING PACKAGE (DISCUSSED IN PARA 5 BELOW) TO FACILITATE ANNUAL AND PRE- AND POST-DEPLOYMENT TRAINING REQUIREMENTS. IAW REF B, COMMANDERS ARE REQUIRED TO COORDINATE WITH THEIR COMMAND SARC/SHARP TO COMPLETE OPERATIONAL SHARP TRAINING WITHIN 45-DAYS OF ASSUMING COMMAND.

(6) HQDA-G-1 IS PROVIDING SENIOR LEADER TRAINING/AWARENESS TO COMMANDERS AND COMMAND SERGEANTS MAJORS AT BATTALION LEVEL AND ABOVE. THE CURRENT MTT WILL CONDUCT SENIOR LEADER TRAINING IN COORDINATION WITH THE SCHEDULED 80-HOUR TRAINING COURSE. CONTACT THE SHARP PROGRAM OFFICE FOR SCHEDULING.

D. ACCOUNTABILITY AND ASSESSMENTS.

(1) THE SECARMY IS REQUIRED TO SUBMIT AN ANNUAL PROGRAM REPORT TO THE SECRETARY OF DEFENSE (SECDEF) BY 15 JAN. THE SECDEF SUBMITS A REPORT TO CONGRESS NLT 15 MAR ANNUALLY. TO SUPPORT ARMY PROGRAM ASSESSMENT, ALL COMMANDS ARE REQUIRED TO SUBMIT ANNUAL ASSESSMENT REPORTS TO HQDA G-1 IAW APPENDIX K, AR 600-20 AND ASA M&RA TASKING DATED 29 SEP 11 (FY12 ANNUAL REPORT SUSPENSE FOR ACOM/ASCC/DRU INPUT TO HQDA WAS 1 NOV 11).

(2) HQDA G-1 SHARP OFFICE SEXUAL ASSAULT DATA MANAGEMENT SYSTEM (SADMS) IS EXPANDING TO INCORPORATE THE SHARP CASE MANAGEMENT WEB BASED REPORTING SYSTEM. THIS SYSTEM WILL BE EXECUTED AT THE BRIGADE LEVEL AND INCLUDE A TRAINING TRACKING FUNCTIONALITY. HQDA G-1 SHARP OFFICE ANTICIPATES EXECUTING WEB-BASED SYSTEM FOR BRIGADE LEVEL AND ABOVE SHARP PERSONNEL IN 2D QUARTER FY12. THE MODIFIED SYSTEM WILL PROVIDE COMMANDERS ASSESSMENT REPORTS OF THE PROGRAM EXECUTION TO INCLUDE TREND DATA AND CASE DISPOSITION DATA, TRAINING EXECUTION, AND VICTIM SUPPORT DATA. THE COMMAND ASSESSMENT REPORTS WILL NOT PROVIDE PERSONALLY IDENTIFIABLE INFORMATION (PII). AS SUCH, BRIGADE AND ABOVE SARC/SHARP PERSONNEL WITH SYSTEM ACCESS MUST MAINTAIN STRICT CONFIDENTIALITY REQUIREMENTS REGARDING PII AND RESTRICTED REPORTING. ALL COMMAND SELECTED SHARP PERSONNEL MUST REQUEST SYSTEM ACCESS, VIA MR. ROBERT MITCHELL, ROBERT.R.MITCHELL.CIV@MAIL.MIL. ACCESS WILL NOT BE GRANTED BELOW THE BRIGADE LEVEL.

E. STRATEGIC COMMUNICATIONS (STRATCOM): HQDA G-1 WILL CONTINUE TO SUPPORT COMMANDS' STRATEGIC COMMUNICATION REQUIREMENTS AND IS DEVELOPING A PRODUCTS-ON-DEMAND WEBSITE THAT WILL BE AVAILABLE IN 2D QTR FY12. THIS RESOURCE WILL ALLOW UNITS TO ORDER SHARP MARKETING MATERIALS AND TRAINING PRODUCTS. ADDITIONAL INFORMATION WILL BE MADE AVAILABLE WHEN THE SITE IS OPERATIONAL. ADDITIONALLY, THE ARMY G-1 IS DEVELOPING A NEW SOCIAL MEDIA NETWORK FOR ARMY-WIDE USE. THE SITE, CALLED "GOOD TO SEE YOU" (GTSY) IS SCHEDULED FOR DEPLOYMENT IN EARLY 2012. AMONG ITS MANY FUNCTIONS IS THE ABILITY TO CREATE ORGANIZATIONAL PAGES TO FACILITATE DISCUSSION GROUPS AND

WEBINARS ABOUT A VARIETY OF TOPICS, INCLUDING LOCAL SHARP PROGRAM EFFORTS.

F. OVERSIGHT: HQDA G-1 CONTINUES TO MONITOR OVERALL IMPLEMENTATION OF THE SHARP PROGRAM AND PROVIDES OVERSIGHT FOR THE COORDINATION OF THE SHARP PROGRAM.

G. WAY AHEAD: TO FACILITATE ARMY SHARP PROGRAM IMPLEMENTATION, THE ARMY G-1 IS AGGRESSIVELY WORKING SEVERAL OTHER INITIATIVES, INCLUDING: ISSUING AN EXECUTION ORDER NLT 2D QTR FY12 TO ISSUE COMPLETE IMPLEMENTATION INSTRUCTIONS; PURSUING FY14-18 SHARP PROGRAM RESOURCING; PLANNING 2012 ANNUAL SUMMIT (25-30 MAR 12); AND MONTHLY PROGRAM UPDATES TO COMMANDS; AND ADJUSTING THE SHARP PROGRAM AS MAY BE REQUIRED BY NEW LEGISLATION OR DOD.

4. COMMAND PROGRAM EXECUTION: THE COMMAND SHARP PROGRAM WILL EXECUTE IN A UNITY OF COMMAND MODEL. TO FACILITATE THE WAY AHEAD AND ACCOMPLISH PREVENTION CAMPAIGN GOALS TO REDUCE SEXUAL ASSAULTS AND INCREASE REPORTING, FULL COMMAND IMPLEMENTATION IS REQUIRED. IAW REF D AND THIS ALARACT, ACOM/ASCC/DRU COMMANDERS MUST APPOINT A COMMAND LEVEL SHARP POC TO COORDINATE SHARP IMPLEMENTATION IN THEIR COMMAND. (AS NOTED IN PARA 3A, UNTIL FULL-TIME SHARP PERSONNEL ARE IN PLACE, THESE DUTIES MUST BE ACCOMPLISHED BY COLLATERAL DUTY PERSONNEL). ADDITIONALLY, SENIOR COMMANDERS AT ALL ARMY INSTALLATIONS MUST PREPARE TO IMPLEMENT SHARP PROGRAM REQUIREMENTS BY SELECTING A LEAD SARC/SHARP WHO WILL HAVE DIRECT ACCESS TO THAT SENIOR COMMANDER. THE LEAD SARC/SHARP IS THE SENIOR COMMANDER'S SHARP PROGRAM MANAGER AND MUST SUCCESSFULLY COMPLETE SHARP TRAINING AND ASSUME THE FUNCTIONAL REQUIREMENT TO FACILITATE THE TRANSFER OF FUNCTIONALITY PREVIOUSLY PERFORMED UNDER THE SAPR PROGRAM AND SEXUAL HARASSMENT PREVENTION (MILITARY AND CIVILIAN) AND RESPONSE EFFORTS (MILITARY) TO COMMAND SELECTED, TRAINED SHARP PERSONNEL (SARC/SHARP AND VA/SHARP) WHO ARE EITHER HIRED OR APPOINTED ON COLLATERAL DUTY ORDERS. THE SENIOR COMMAND SELECTED SARC/SHARP WILL IDENTIFY ALL CURRENT ASSETS TO INCLUDE MTT-TRAINED SHARP PERSONNEL, IMCOM (ACS, FAP, GS, AND CONTRACTORS) AND COMMAND EO AND EEO POINTS OF CONTACTS (POCS), TO SUPPORT TRANSFER OF FUNCTIONS TO COMMAND SELECTED SHARP PERSONNEL DOWN TO THE COMPANY LEVEL.

A. SARC/SHARP AND VA/SHARP SELECTION CRITERIA: DUE TO THE SENSITIVITY OF WORKING WITH SEXUAL ASSAULT VICTIMS AND SEXUAL HARASSMENT COMPLAINANTS, SARC/SHARP AND VA/SHARP PERSONNEL MUST BE CAREFULLY SELECTED, SCREENED AND TRAINED. SARC/SHARP AND VA/SHARP WILL BE SELECTED IN ACCORDANCE WITH THE FOLLOWING CRITERIA: (NOTE: COMMANDERS HAVE THE PREROGATIVE TO APPOINT ANY QUALIFIED PERSON TO BE THEIR SARC/SHARP OR VA/SHARP. PER THE HQDA EQUAL OPPORTUNITY PROGRAM MANAGER, EQUAL OPPORTUNITY ADVISORS (EOAS) ARE UNIQUELY QUALIFIED TO PERFORM SARC/SHARP COLLATERAL DUTIES AT BRIGADE AND HIGHER. EOAS ARE TRAINED TO IDENTIFY NEGATIVE IMPACT OF DISCRIMINATING AND HARASSING BEHAVIORS AND HOW TO ASSIST IN RESOLUTION. EOAS UNDERSTAND THE COMPLAINT PROCESS AND HOW TO TRAIN HUMAN RELATIONS WHILE POSSESSING MUCH OF THE SKILL SET SARC/SHARP NEEDS).

(1) HAVE A FAVORABLE CRIMINAL BACKGROUND INVESTIGATION AND BE SCREENED AGAINST THE NATIONAL SEX OFFENDER REGISTRY PRIOR TO TAKING THE POSITION. PERSONNEL WHO DO NOT HAVE A FAVORABLE BACKGROUND INVESTIGATION OR APPEAR ON THE NATIONAL SEX OFFENDER REGISTRY SHALL NOT BE APPOINTED OR PERFORM SHARP

DUTIES.

(2) MEET ALL DSARC/UVA SELECTION CRITERIA IN REF B, PARAGRAPH 8-6. (NOTE: BRIGADE AND ABOVE SARC/SHARP GRADE/RANK REQUIREMENTS ARE SFC OR HIGHER, MAJ/CW3 OR HIGHER, GS-11 OR HIGHER. BATTALION AND BELOW VA/SHARP GRADE/RANK REQUIREMENTS ARE SSG OR HIGHER, 1LT/CW2 OR HIGHER, GS-9 OR HIGHER).

(3) BE APPOINTED ON ORDERS TO THE COLLATERAL DUTY OF SARC/SHARP OR VA/SHARP. THE FIRST LTC OR BATTALION LEVEL EQUIVALENT OR HIGHER COMMANDER WILL APPROVE AND SIGN THE APPOINTMENT ORDERS. COMMANDER WILL ALSO SIGN DD FORM 2909 (VICTIM ADVOCATE AND SUPERVISOR STATEMENTS OF UNDERSTANDING) FOR EACH APPOINTED SARC/SHARP AND VA/SHARP.

B. SHARP TRANSITION: ALL COMMANDS WILL BEGIN TRANSITION ACTIONS IMMEDIATELY IN ORDER TO BE PREPARED TO ASSUME ALL SHARP RESPONSIBILITIES NLT SEP 12. SPECIFICALLY, ALL COMMANDS WILL:

(1) DISCONTINUE CURRENT SAPR ADVOCACY TRAINING PROVIDED TO EMPLOYEES AND PERSONNEL (GOVERNMENT, MILITARY AND/OR CONTRACT PERSONNEL). DISCONTINUE DSARC AND UVA SAPR ADVOCACY TRAINING TO MILITARY AND CIVILIANS. TO FACILITATE SAPR TO SHARP TRANSITION, ENSURE ALL PRIOR IMCOM SAPR PERSONNEL (GOVERNMENT OR CIVILIAN PERSONNEL PERFORMING SARC OR VA DUTIES) ATTEND AND SUCCESSFULLY COMPLETE THE 80-HOUR SHARP TRAINING CONDUCTED BY THE SHARP MTTs.

(2) THE SENIOR COMMANDER'S SARC/SHARP AT EACH INSTALLATION ACROSS THE ARMY WILL SCHEDULE SHARP MTTs. TO SCHEDULE MTT TRAINING, CONTACT THE HQDA SHARP PROGRAM OFFICE AT 703-604-0697 OR EMAIL MS. CHERIE BIAGAS AT CHERIE.M.BIAGAS.CTR@MAIL.MIL.

(3) ENSURE, IAW REF G AND REF H, UNIT SARC/SHARP AND VA/SHARP SPECIALIST SUCCESSFULLY COMPLETE THE SHARP 80-HOUR CERTIFICATION COURSE AND COMPLETE A 90-DAY "RIGHT SEAT RIDE" (I.E., ON-THE-JOB-TRAINING) WITH INSTALLATION VICTIM ADVOCATES WHO WILL PROVIDE PRACTICAL GUIDANCE TO ASSIST WITH THE ESTABLISHMENT OF THE INTEGRATED SHARP FUNCTIONALITY. ADDITIONALLY, UNIT SARC/SHARP AND VA/SHARP WILL CONDUCT "RIGHT SEAT RIDE" WITH UNIT EQUAL OPPORTUNITY ADVISORS.

(4) ENSURE, NLT 30 JUN 12, THAT ALL CO-LOCATED AND/OR TENANT UNITS HAVE ACHIEVED 75 PERCENT STRENGTH OF TRAINED SHARP PERSONNEL, APPOINTED ON COLLATERAL DUTY ORDERS. ENSURE 100 PERCENT TRAINING BY 30 SEP 12. THE GARRISON AND COMMANDS WILL ENTER FINAL 90-DAY TRANSITION PERIOD NOT TO EXCEED 30 JUN 12.

(5) BE PREPARED TO TRANSFER SAPR AND POSH FUNCTIONALITY FROM CURRENT SAPR AND EO PERSONNEL, TO PROPERLY TRAINED AND APPOINTED SHARP PERSONNEL. THIS INCLUDES:

(A) TRANSFER HANDLING OF MILITARY SEXUAL HARASSMENT COMPLAINTS, IAW APP D, AR 600-20 TO APPROPRIATE SARC/SHARP OR VA/SHARP.

(B) TRANSFER SEXUAL ASSAULT RESPONSE COORDINATOR (SARC) RESPONSIBILITIES TO

APPROPRIATE COMMAND SHARP PERSONNEL TO ENSURE UNITY OF COMMAND EXECUTION.

(C) TRANSFER (OR ESTABLISH) RESPONSIBILITY FOR THE INSTALLATION 24/7 HELPLINE CAPABILITY TO THE SENIOR COMMAND SARC/SHARP.

(D) TRANSFER MANAGEMENT AND ADMINISTRATIVE FUNCTIONS FOR THE SEXUAL ASSAULT REVIEW BOARD (SARB) FROM INSTALLATION SARC TO THE SENIOR COMMAND SARC/SHARP.

(E) TRANSFER OF RESPONSIBILITY FOR EXISTING LOCAL MOA TO SENIOR COMMAND SARC/SHARP (E.G. LOCAL RAPE CRISIS CENTER, OFF POST MEDICAL TREATMENT FACILITY, ETC).

(F) TRANSFER RESPONSIBILITY OF FORMAL SEXUAL HARASSMENT COMPLAINTS (DA FORM 7279) TO APPROPRIATE SENIOR COMMAND SARC/SHARP; AND TRANSFER OF CURRENT INFORMAL SEXUAL HARASSMENT COMPLAINTS (MEMORANDUMS FOR RECORD ON FILE) TO APPROPRIATE UNIT SARC/SHARP OR VA/SHARP.

(G) TRANSFER OPEN SEXUAL ASSAULT CASES AND RESPONSIBILITY FOR CASE MANAGEMENT TO THE SENIOR COMMAND SARC/SHARP, TO INCLUDE DD FORM 2910 AND ANY OTHER RELATED FILES. SENIOR TRAINED IMCOM SAPR PERSONNEL (SARC) AND THE SENIOR COMMAND SARC/SHARP WILL JOINTLY CONTACT VICTIMS TO DISCUSS TRANSFER OF RESPONSIBILITY TO A UNIT SARC/SHARP OR VA/SHARP. CLOSE CASES WHERE VICTIMS DECLINE FURTHER ADVOCACY SERVICES. IF A VICTIM DECLINES TRANSFER OF THEIR CASE, GRANDFATHER THOSE CASES UNDER CURRENT STRUCTURE TO CONTINUE TO PROVIDE SUPPORT NOT TO EXCEED 30 SEP 12.

(H) ENSURE SHARP PERSONNEL PERFORMING SEXUAL ASSAULT VICTIM ADVOCATE DUTIES HAVE COMMUNICATION (PHONE) AND TRANSPORTATION (VEHICLE) ASSETS NEEDED TO ACCOMPLISH ADVOCACY TASKS.

(I) ENSURE FIRST RESPONDERS AND SHARP PERSONNEL HAVE MET INITIAL AND ANNUAL REFRESHER TRAINING REQUIREMENTS.

5. UNIT SHARP TRAINING EXECUTION.

A. IAW REF E, UNIT LEVEL POSH AND SAPR TRAINING AS DESCRIBED IN AR 350-1 AND REF B ARE NOW INTEGRATED INTO A SINGLE SHARP TRAINING SUPPORT PACKAGE. INTEGRATION OF THIS TRAINING REDUCES THE PREVIOUS 12 HOURS OF SEPARATE PROGRAM (SAPR, MILITARY POSH AND CIVILIAN POSH) TRAINING INTO AN ANNUAL SHARP TRAINING REQUIREMENT CONSISTING OF A 3.5 HOUR FACILITATED SESSION AND AN ON-LINE SELF-STUDY MODULE (TEAM BOUND) AVAILABLE THROUGH THE ARMY LEARNING MANAGEMENT SYSTEM SITE ON AKO (LOG-IN TO AKO, CHOOSE SELF-SERVICE, MY EDUCATION, AND CLICK ON THE ALMS LOGO). IAW WITH REF C AND REF E, ACOMS/ASCC/DRU WERE DIRECTED TO ENSURE ALL UNITS:

(1) IMMEDIATELY DISCONTINUE SEPARATE POSH AND SAPR TRAINING FOR ALL SOLDIERS AND DEPARTMENT OF THE ARMY CIVILIANS (DAC).

(2) IMMEDIATELY BEGIN CONDUCTING ANNUAL UNIT LEVEL SHARP TRAINING, IN LIEU OF SEPARATE POSH AND SAPR TRAINING, FOR ALL SOLDIERS AND DAC PERSONNEL.
(NOTE: SHARP TRAINING IS AN ANNUAL, PRE AND POST DEPLOYMENT REQUIREMENT AND

SUPERSEDES PREVIOUS SAPR AND POSH UNIT TRAINING AND PREVIOUS SEMI-ANNUAL POSH TRAINING FOR DAC. IAW REF C AND REF E, DAC MUST ATTEND SHARP TRAINING ANNUALLY). THE SHARP UNIT TRAINING IS THE COMMANDER'S RESPONSIBILITY AND SHOULD BE CONDUCTED BY TRAINED SHARP PERSONNEL. UNIT COMMANDERS AND CHAIN OF COMMAND MUST PARTICIPATE IN THE TRAINING.

6. REF J. REITERATES THAT LEGAL ASSISTANCE IS AVAILABLE TO ELIGIBLE CLIENTS WHO ARE VICTIMS OF A CRIME, INCLUDING SEXUAL ASSAULT. REF B WILL BE UPDATED TO DIRECT COMMANDERS TO INFORM EACH SERVICE MEMBER, DEPENDENT FAMILY MEMBER, RETIREE, OR DEPENDENT FAMILY MEMBER OF RETIREE WHO REPORTS A SEXUAL ASSAULT OF THE AVAILABILITY OF LEGAL ASSISTANCE COUNSEL IF THEY HAVE LEGAL ISSUES ARISING FROM THE CRIME. SARC/SHARP AND VA/SHARP PERSONNEL WILL INFORM SEXUAL ASSAULT VICTIMS WHOM THEY SUPPORT OF THE OPPORTUNITY TO CONSULT WITH LEGAL ASSISTANCE COUNSEL AS SOON AS THE VICTIM SEEKS ASSISTANCE.

7. IAW REF I IT IS ARMY POLICY THAT UPON THE WRITTEN REQUEST OF A VICTIM FOLLOWING A CREDIBLE REPORT OF SEXUAL ASSAULT, THERE IS A PRESUMPTION IN FAVOR OF TRANSFERRING OR REASSIGNING THE VICTIM. TRANSFERS WILL BE AT THE LOWEST LEVEL THAT WOULD MEET BOTH THE NEEDS OF THE VICTIM AND THE ARMY, INCLUDING THE INVESTIGATION AND ADJUDICATION OF THE SEXUAL ASSAULT ALLEGATION. COMMANDERS AND CIVILIAN LEADERS SHALL CONSIDER REQUESTS FOR TRANSFER OR REASSIGNMENT IN AN EXPEDITED MANNER. THIS POLICY APPLIES TO ALL SOLDIERS WHO MAKE AN UNRESTRICTED REPORT OF SEXUAL ASSAULT.

A. COMMANDERS, SEXUAL ASSAULT RESPONSE COORDINATORS (SARC/SHARP) AND SEXUAL ASSAULT VICTIM ADVOCATES (VA/SHARP) SHALL ENSURE VICTIMS ARE INFORMED OF THIS POLICY.

B. A REPORT OF SEXUAL ASSAULT IS CREDIBLE WHEN THE COMMANDER (BATTALION OR ABOVE), AFTER CONSIDERING ALL AVAILABLE EVIDENCE AND THE ADVICE OF THE SUPPORTING LEGAL ADVISOR AND SUPPORTING CID AGENT, CONCLUDES THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT AN OFFENSE CONSTITUTING SEXUAL ASSAULT HAS BEEN COMMITTED AGAINST THE PERSON REQUESTING THE TRANSFER OR REASSIGNMENT. EACH CASE MUST BE EVALUATED ON ITS OWN MERITS; THE DETERMINATION OF WHETHER OR NOT A REPORT IS CREDIBLE CAN REQUIRE A FEW DAYS OR A LONGER TIME PERIOD. COMMANDERS MUST COORDINATE CLOSELY WITH CID AND THE SERVICING LEGAL OFFICE ON THIS DETERMINATION.

C. COMMANDERS WILL TAKE REASONABLE STEPS TO PREVENT A TRANSFER FROM NEGATIVELY IMPACTING THE VICTIM'S CAREER TO THE EXTENT PRACTICABLE. PRIOR TO APPROVING A REQUEST, THE COMMANDER SHALL ENSURE THE VICTIM IS FULLY INFORMED REGARDING REASONABLY FORESEEABLE IMPACTS ON HIS/HER CAREER, THE POTENTIAL IMPACT OF THE TRANSFER ON THE INVESTIGATION AND POTENTIAL PROSECUTION OR INITIATION OF OTHER ADVERSE ACTION AGAINST THE ALLEGED OFFENDER, OR ANY OTHER POSSIBLE CONSEQUENCES OF GRANTING THE REQUEST.

D. REQUEST FOR A TRANSFER OR REASSIGNMENT MUST BE IN WRITING IN THE FORM OF A MEMO OR DA FORM 4187. VICTIMS ARE ENCOURAGED TO INCLUDE ANY AND ALL OF THEIR CONCERNS IN THE WRITTEN REQUEST TO AID THE COMMANDER IN UNDERSTANDING THEIR NEEDS AND IN MAKING AN INFORMED (UNLESS WRITTEN OTHERWISE IN THE SOURCE DOCUMENT) DECISION. IF THE DA 4187 IS USED, VICTIMS SHOULD SUPPLEMENT IT IN WRITING WITH THEIR CONCERNS AS DESCRIBED ABOVE.

(1) A VICTIM'S COMMANDER MUST RECOMMEND APPROVAL OR DISAPPROVAL WITHIN 72 HOURS OF THE SUBMISSION OF THE REQUEST.

(2) REQUESTS MAY BE DISAPPROVED ONLY BY THE FIRST GENERAL OFFICER (GO) IN THE VICTIM'S CHAIN OF COMMAND, WHO MAY DELEGATE DISAPPROVAL AUTHORITY TO ANOTHER GO WITHIN THE COMMAND, OR TO A MEMBER OF THE SENIOR EXECUTIVE SERVICE (SES). DISAPPROVAL BY GO/SES MUST BE MADE WITHIN 72 HOURS OF THE VICTIM'S COMMANDER'S RECOMMENDATION OF DISAPPROVAL.

E. COMMANDING GENERAL US ARMY HUMAN RESOURCES COMMAND (USAHRC) HAS ALL ASSIGNMENT AUTHORITIES TO EXECUTE PCS OF VICTIMS OF SEXUAL ASSAULT (PER DELEGATION OF AUTHORITY BY ASA M&RA)

F. REASSIGNMENT WITHIN SAME INSTALLATION ACROSS MACOMS (ACOM/ASCC/DRU) REQUIRES USAHRC APPROVAL.

G. PERMANENT CHANGE OF STATION (PCS) REQUEST FOR ENLISTED:

(1) SOLDIERS MAY REQUEST THROUGH THEIR COMMANDER IN WRITING PROVIDED THEY MEET THE CRITERIA OUTLINED IN ARMY DIRECTIVE 2011-19. INSTALLATION PERSONNEL OFFICES SHOULD SUBMIT ATTACHMENT REQUESTS VIA EDAS PO SCREEN.

(2) HRC, ENLISTED PERSONNEL MANAGEMENT DIRECTORATE (EPMD), SPECIAL ACTIONS BRANCH (AHRC-EPO-A) IS THE APPROVAL AUTHORITY FOR PCS OF VICTIMS OF SEXUAL ASSAULT.

(3) ALL REQUESTS FOR ACTIONS FOR VICTIMS OF SEXUAL ASSAULT SHOULD BE FORWARDED TO: HRC.G3.PLANS@CONUS.ARMY.MIL

H. PCS REQUEST FOR OFFICERS:

(1) REQUEST WILL BE SUBMITTED BY THE OFFICER ON A DA FORM 4187. ENDORSEMENT SHOULD INCLUDE APPROPRIATE RECOMMENDATIONS TO THE FIRST COMMANDER IN THE CHAIN OF COMMAND EXERCISING GENERAL COURT MARTIAL CONVENING AUTHORITY. SECTION IV MUST INCLUDE THE FOLLOWING VERBIAGE: "OFFICER UNDERSTANDS SELECTION OF PERMANENT CHANGE OF STATION DOES NOT GUARANTEE STATION OF CHOICE. PCS REQUEST WILL ORDINARILY BE TO A VALID AUTHORIZED REQUIREMENT AND AT THE NEEDS OF THE ARMY."

(2) ALL RESPONSES BY OPMD OR APPROPRIATE SPECIAL BRANCHES WILL BE BY ELECTRONIC COORDINATION DIRECTLY TO THE INSTALLATIONS OR ACTIVITIES THAT SUBMITTED THE REQUESTS. FOR CASES THAT ARE DISAPPROVED BY THE APPROPRIATE DISAPPROVAL AUTHORITY (1ST GO IN THE VICTIM'S CHAIN OF COMMAND), THE REASONS FOR THE DISAPPROVAL WILL BE CITED. COMMANDER AHRC IS THE DISAPPROVING AUTHORITY FOR PERMANENT CHANGE OF STATION. APPROVED REQUESTS WILL BE IN THE FORM OF MESSAGE ASSIGNMENT INSTRUCTIONS AND WILL CITE SUFFICIENT INFORMATION AND AUTHORITY TO REASSIGN THE INDIVIDUAL.

(3). FORWARD ALL REQUESTS FOR ACTION: HRC.G3.PLANS@CONUS.ARMY.MIL

8. HQDA SHARP PROGRAM POINTS OF CONTACT ARE:

A. HQDA SHARP TRAINING POC IS MR. MARK JOYNER, 703-604-0694,
MARK.A.JOYNER.CIV@MAIL.MIL.

B. HQDA SHARP OPERATIONS POCS ARE MR. NATHAN EVANS, 703-604-0690,
NATHAN.F.EVANS2.CIV@MAIL.MIL AND MS. SHERRY SIMMONS-COLEMAN, 703-604-0686,
SHERRY.D.SIMMONSCOLEMAN.CIV@MAIL.MIL

C. HQDA EO POC IS LTC WALL, 703-604-0622, TIMOTHY.C.WALL.MIL@MAIL.MIL .

9. EXPIRATION DATE CANNOT BE DETERMINED.

MILITARY ARMY COMMAND

Service and the contribution the Soldier made while in uniform. The unit memorial event allows surviving Soldiers a means for expressing their grief and assists in the healing process.

a. Command responsibilities. Commanders will conduct a memorial event (Memorial Ceremony or Memorial Service) for every Soldier who dies while assigned to their unit, regardless of the manner of death to include suicides. The manner of death does not negate the service and the contribution a Soldier has made while in uniform, except as prescribed in paragraph *b*. Commanders will also notify their supporting Casualty Assistance Center of the time and place of unit memorial events.

b. Command exceptions. Unit commanders may request an exception to policy not to conduct a memorial event through their command channels. The first general officer in the chain of command may approve the exception only when the deceased Soldier—

(1) Has been convicted of a capital offense under Federal or State law for which the person was sentenced to death or life imprisonment without parole; or

(2) Has been convicted of a serious offense, which is defined as a military or civilian offense, which if prosecuted under the UCMJ, could be punished by confinement of 6 months or more and/or a punitive discharge; or

(3) Is found by the first general officer in the chain of command to have committed a capital offense or serious offense, as used herein, but the deceased Soldier has not been convicted of such crime because the Soldier was not available for trial due to his/her death.

c. Elements of the memorial events. Recognizing the military Service of the Soldier provides healing and renewal for the living. The opportunity to provide closure for members of the unit is offered during a memorial event. The Commander's decision whether to conduct a Memorial Ceremony or a Memorial Service is dependent upon many factors to include the unit mission, tactical situation, and the wishes of Family members in the local area.

(1) *Memorial Ceremony.* A Memorial Ceremony is a command program with a ceremonial orientation. As a command program, attendance of Soldiers at a Memorial Ceremony may be made mandatory. Although there are religious aspects to the memorial ceremony, such as an invocation and benediction, the major focus will be on military tributes and honors. A Memorial Ceremony may include the following: Prelude, Posting of the Colors, National Anthem, Invocation, Memorial Tribute, Readings, Address, Memorial Prayers, Silent Tribute or Roll Call, Music, Benediction, Firing of Volleys, and Sounding of Taps. The Soldier's remains are not present for this ceremony.

(2) *Memorial Service.* A Memorial Service is a command program with a religious orientation. A Memorial Service should be sensitive to the deceased Soldier's faith group and to the needs of the Soldiers who voluntarily attend. Attendance of units and Soldiers may be encouraged and supported by command, but will not be made mandatory. A Memorial Service may include the following: Prelude, Invocation, Scripture Reading, Meditation, Prayer, Silent Tribute or Roll Call, and Benediction. The Soldier's remains are not present for this service.

(3) *Ramp Ceremony.* A Ramp Ceremony is a command-directed activity normally only occurring in a deployed environment that may be conducted in addition to a unit memorial event. It does not replace the requirement to conduct a memorial event. The combatant commander normally establishes policies within a theater of operations that may restrict or preclude the conduct of this ceremony in order to ensure the expeditious movement of remains. In locations where this ceremony is permitted and is normally conducted, the requirements outlined in paragraphs *a* and *b* apply.

d. Combatant theater memorial events. Commanders of units deployed to combatant theaters or other contingency operations may conduct a memorial event in the theater as the tactical situation permits and another event upon return to home station.

e. Family member attendance. As part of the Army Family Covenant, unit commanders are charged with ensuring the Families of their fallen Soldiers are made to feel a part of the Army for as long as they desire. To that end, unit commanders will inform Family members of the deceased Soldier about any unit memorial event that is conducted in a deployed environment and will invite the Soldier's Family to attend unit memorial events at the home station.

f. Nonmilitary memorial events. Commanders may also conduct nonmilitary memorial events for deceased immediate Family members of Soldiers assigned to their units to recognize the Family member's contribution to the unit and military community when appropriate. "Immediate Family members" are defined as the Soldier's spouse, children (to include stepchildren), and parents (to include stepparents).

g. Memorial event support. Commanders at all levels must ensure unit memorial events are conducted in recognition of the deceased Soldier's military Service and on behalf of a grateful Nation.

Chapter 6

The Equal Opportunity Program in the Army

6-1. Purpose

The EO Program formulates, directs, and sustains a comprehensive effort to maximize human potential and to ensure fair treatment for all persons based solely on merit, fitness, and capability in support of readiness. EO philosophy is

based on fairness, justice, and equity. Commanders are responsible for sustaining a positive EO climate within their units. Specifically, the goals of the EO program are to—

a. Provide EO for military personnel and Family members, both on and off post and within the limits of the laws of localities, states, and host nations.

b. Create and sustain effective units by eliminating discriminatory behaviors or practices that undermine teamwork, mutual respect, loyalty, and shared sacrifice of the men and women of America's Army.

6-2. Equal opportunity policy

a. The U.S. Army will provide EO and fair treatment for military personnel and Family members without regard to race, color, gender, religion, national origin, and provide an environment free of unlawful discrimination and offensive behavior. This policy—

(1) Applies both on and off post, during duty and non-duty hours.

(2) Applies to working, living, and recreational environments (including both on and off-post housing).

(3) Additionally, in some circumstances, the Equal Employment Opportunity Complaint system in AR 690-600 may provide guidance.

b. Soldiers will not be accessed, classified, trained, assigned, promoted, or otherwise managed on the basis of race, color, religion, gender, or national origin. The assignment and utilization of female Soldiers is governed by Federal law. AR 600-13 prescribes policies, procedures, responsibilities, and the position coding system for female Soldiers.

c. Definitions—

(1) *Discrimination.* Any action that unlawfully or unjustly results in unequal treatment of persons or groups based on race, color, gender, national origin, or religion.

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

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

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

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

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

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

(8) *Race and ethnic code definitions.* The minimum categories for data on race and ethnicity for Federal statistics, program administrative reporting, and civil rights compliance reporting are defined as follows:

(a) American Indian or Alaska Native. A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.

(b) Asian. A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinents including, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

(c) Black or African American. A person having origins in any of the black racial groups of Africa.

(d) Native Hawaiian or other Pacific Islander. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

(e) White. A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

(f) Hispanic or Latino. A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture of origin, regardless of race.

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

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

(11) *Sexism.* Attitudes and beliefs that one gender is superior to another.

6-3. Responsibilities

a. The DCS, G-1 will—

- (1) Be responsible for Armywide policies, doctrine, plans, and initiatives pertaining to the Army EO Program.
 - (2) Be responsible for overall evaluation and assessment of the Army's EO Program.
 - (3) Write, coordinate, maintain, and implement the HQDA Equal Opportunity Action Plan (EOAP).
 - (4) Establish selection criteria, in coordination with the CG, HRC for Army personnel to attend the Defense Equal Opportunity Management Institute (DEOMI).
 - (5) Coordinate, in conjunction with the CG, HRC, EO training seat allocations at DEOMI.
 - (6) Coordinate the distribution of training seats at DEOMI between the AA and the USAR.
 - (7) Include equal opportunity advisor (EOA) staffing requirements in authorization documents.
 - (8) Establish and maintain a sexual harassment assistance line to assist victims of harassment with information that will allow them to report the harassment or abuse to their local authorities and/or seek emotional counseling from local resources. The Army's EO/Sexual Harassment Assistance Line number is 1-800-267-9964.
 - (9) Assist the DEOMI with the conduct of the Senior Executive Diversity Awareness Training Seminar.
- b. The CNGB and CAR will—*
- (1) Develop, monitor, and evaluate the implementation of EO policies and programs in their components.
 - (2) Establish requisite staff positions in their offices and make resources available to adequately carry out EO program requirements.
 - (3) Select ARNG and Reserve personnel to attend the DEOMI.
 - (4) Develop information management and reporting requirements to determine the progress made toward EOAP goals.
 - (5) Establish EO training for units and professional military education (PME) courses consistent with HQDA policy and command needs.
- c. The CG, U.S. Army Forces Command (FORSCOM) will—*
- (1) Supervise and evaluate the unit EO training program conducted by the numbered armies in the CONUS.
 - (2) Coordinate, on a continuing basis with the OCAR, to conduct EO seminars for USAR general officers assigned to Army Reserve commands/(ARCs/GOCOMs) and for key military and civilian staff assigned to those commands.
 - (3) Assess and evaluate USAR EO programs.
- d. The CG, TRADOC will—*
- (1) Develop EO training doctrine and training materials and coordinate development with HQDA.
 - (2) Develop EO instruction and associated training materials for use in the accession/initial-entry-training base, in PME courses throughout the Army and in units. Training will be interactive, small-group oriented and testable.
 - (3) Conduct required EO education and training in TRADOC Service schools and training centers.
 - (4) Evaluate the effectiveness of training conducted in TRADOC Service schools and training centers.
 - (5) Provide assistance and instructional materials to schools not under the jurisdiction of TRADOC. These schools include, but are not limited to, The Judge Advocate General's School, Army Medical Department Center and School, Inspector General Course, and U.S. Army War College.
 - (6) Develop the program of instruction and evaluate the conduct of the Army Service Specific Training for Army personnel attending the resident and reserve training courses at DEOMI.
 - (7) Develop EO correspondence courses via distance learning for all Army personnel.
 - (8) Establish the Soldier Support Institute as the proponent for EO training.
- e. Commanders of Army commands will—*
- (1) Monitor the execution of the EO Program in all commands, installations, agencies, and activities (to include Army Reserve and ARNG units when activated) under their jurisdiction.
 - (2) Schedule EO training for units in accordance with procedures outlined in paragraph 6-14 and command needs (to include all RC units when activated under their jurisdiction during pre-mobilization and demobilization).
 - (3) Provide support, as appropriate, for EO matters in all host and tenant support agreements.
 - (4) Ensure EOAs deploy with assigned units in accordance with procedures outlined in paragraph 6-5.
 - (5) Ensure equal opportunity representatives (EORs) are trained and deployable for units smaller than brigade.
 - (6) Ensure military and civilian EO/EEO programs complement each other.
 - (7) Provide personnel, funding, and other resources to carry out the EO Program (to include all RC units when activated). Funding may be used for the continuous education of command EOAs, local training for EORs and staff assistance visits (SAVs) by headquarters personnel.
 - (8) Compile unit data and receive periodic briefings on the analysis of that data to assist in development of EOAPs. (Use the EO database to collect unit program information.)
 - (9) Submit the Quarterly Narrative and Statistical Report (QNSR) in accordance with procedures outlined in paragraph 6-16.
- f. Installation commanders will—*
- (1) Serve as the installation EO officer and monitor the installation's EO climate.

(2) Maintain EO assistance lines to provide advice and information on unlawful discrimination and sexual harassment. These assistance lines will provide procedural information on the filing of EO complaints and clarify what constitutes an act of sexual harassment. All EO complaints should be filed in person when possible. The assistance line may also be used to provide information to leaders on the procedures to follow in handling sexual harassment complaints.

(3) Schedule and conduct EOR courses and facilitation courses as needed to ensure each company and battalion commander has trained EOR to assist them in executing their EO responsibilities and to facilitate small group discussions (to include RC units when activated).

g. The CG, HRC will—

(1) Maintain statistical data concerning racial and ethnic designation category and gender for the management of personnel systems and EOAP initiatives.

(2) Determine the need for training seats at DEOMI for the annual Structure Manning and Decision Review for the program objective memorandum years.

(3) Designate program personnel, in coordination with HQDA, to attend DEOMI.

(4) Control DEOMI military student training allocations for the Army.

(5) Assign AD military personnel to meet Army EOA requirements.

(6) Align EOAs demographically with population of the Army as a whole.

h. Director, Installation Management Agency will provide funding to the garrisons for ethnic/special observances and facilities/materials for the Equal Opportunity Representative Course (EORC) at the installation level.

i. Commanders at all levels are the EO officers for their commands. All commanders will—

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

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

(3) Upon receipt of an EO complaint, process the complaint in accordance with appendix D.

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

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

(6) Assign PMs and EOAs to their special staffs as prescribed in paragraph 6-4. The EOAs must attend staff meetings and be included in unit training exercises and deployments in order to accomplish their EO mission.

(7) Be in the PM/EOA rating scheme.

(8) Conduct EO training on a continuing basis for all, in accordance with procedures outlined in paragraph 6-4, ACOM, ASCC, or DRU directives, and local guidance.

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

(10) Involve public affairs personnel at every level of command in planning and publicizing EO programs and initiatives.

(11) Publish and post separate, written command policy statements for EO, the Prevention of Sexual Harassment (POSH), and EO complaint procedures. All statements will be consistent with Army policy. Statements must include an overview of the command's commitment to the EO program and reaffirm that unlawful discrimination and sexual harassment will not be practiced, condoned, or tolerated. The policy statements will explain how and where to file complaints. Additionally, the statements will include complainant's protection from acts or threats of reprisal. These statements are required for each ACOM, ASCC, DRU, installation, separate unit, agency, and activity down to company/troop/battery or equivalent level. For more information on sexual harassment policy statements, see paragraph 7-2b.

(12) Battalion and company level commanders (and activities/organizations without assigned EO personnel) will appoint EORs in the rank of SGT (P) and above in writing.

(13) Administration of a command climate survey must be part of the unit assessment for company level commanders (or equivalents). Company level commanders (or equivalents) will conduct a unit command climate survey within 30 days of assuming command (120 days for ARNG and USAR), again at 6 months, and annually thereafter. Assessments must include a facilitated small group discussion of topics recommended under paragraph 6-15. Information on conducting the assessment is in appendix E. Company level commanders (or equivalents) may supplement any survey efforts with individual and group interviews, the analysis of unit records, and statistical information (awards, promotions, reenlistments, incidents of misconduct resulting in UCMJ, and EO complaint reports).

(14) Provide timely feedback (30 days active/60 days USAR) to subordinates regarding the results of command climate surveys or any EO survey instrument initiated by the command.

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

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

(17) Take appropriate action against those who violate Army policy.

(18) Monitor the demography of the EORs in their command to ensure it reflects that of the unit as a whole.

(19) Report all EO training at the quarterly training brief (QTB) (annually for Army Reserve).

(20) Consult PMs/EOAs when conducting a discrimination or sexual harassment investigation in accordance with AR 15-6.

(21) Allocate funding to carry out command EO programs.

(22) Utilize PMs and/or EOAs in direct support of the EO Program.

(a) EOAs should not perform duties that may subsequently disqualify them from being impartial or being perceived as impartial.

(b) Serving in temporary leadership positions such as ISG, detachment noncommissioned officer in charge, platoon sergeant, and while serving as an EOA is highly discouraged.

(23) Submit QNSR data to the next higher command utilizing the automated EO database.

(24) Ensure EO SAVs are conducted to subordinate commands on an annual basis.

j. The actual duties of PMs and/or senior enlisted EOAs, relative emphasis, and time allotted to each duty vary according to type of unit or level of command, unit composition, and location. PMs and/or senior enlisted EOAs are agents for cultural change and act as the eyes and ears of the commander. PMs should not be assigned further duties that may create a conflict of interest. PMs and/or senior enlisted EOAs will—

(1) Establish an effective link with brigade EOAs and EEO representatives and assist with training and complaints as needed.

(2) Conduct an annual review of the EOAPs and republish, as needed.

(3) Ensure the EO program complies with all DOD policies and directives, concerning EO.

(4) Review quarterly EO reports from subordinate commands and ensure these reports are submitted to HQDA in accordance with AR 600-20; compile, analyze, and brief EO data, making recommendations for program improvements from that information; and maintain the EO database.

(5) Advertise the EO program through installations and communities, to ensure all personnel are aware of EO programs, complaint procedures, and the EO link to unit readiness, cohesion, and success on the battlefield.

(6) Keep the commander and the command group informed on human readiness concerns through quarterly EO progress reports analyzing trends of the data and making recommendations to the leadership.

(7) Assist with EO training, attend EO conferences, and plan ethnic observances in accordance with HQDA guidance; and write and coordinate for command commemorative letters and/or memorandums, as desired.

(8) Assist and evaluate human relations and EO training programs that support readiness.

(9) Understand and articulate DOD and Army policies concerning EO.

(10) Assess and evaluate the human relations and EO command climate in accordance with this regulation by conducting onsite SAV.

(11) Develop, execute, and manage a budget to ensure that the command's EO program is properly resourced.

(12) Assist commanders with the command climate survey and annual assessment for each unit, as needed.

(13) Mentor and provide EOAs with professional development opportunities.

(14) Verify, validate, and monitor the EOA manning structures for all subordinate commands.

(15) Work closely with The Inspector General, SJA, public affairs officer, EEO, and Chaplain offices to coordinate timely responses to issues and concerns.

(16) Where feasible, conduct quarterly or semiannual (annual for Army Reserve) EO training conferences to facilitate professional development for all EOAs.

(17) Act as the appellate authority action office for EO complaints; provide complaint processing guidance to subordinate EOAs as required.

(18) Develop command policy and guidance to supplement AR 600-20, as required.

(19) Coordinate command participation in HQDA-supported EO recognition programs (NAACP—Roy Wilkins Renown Award, Federal Asian Pacific American Council Meritorious Service Award, National IMAGE Meritorious Service Award, and League of United Latin American Citizens Meritorious Service Award).

(20) Conduct and participate in pre-command course (PCC) briefings on EO to new company through brigade level commanders, ISGs, and CMSs.

(21) Conduct inquiries and make recommendations as required.

(22) Ensure EOAs conduct a follow-up assessment of all closed investigations in accordance with paragraph E-10.

k. The actual duties of EOAs, relative emphasis, and time allotted to each duty vary according to type of unit or level of command, unit composition, and location. EOAs are agents for cultural change and act as the eyes and ears for the commander. EOAs will not be assigned further duties that may create a conflict of interest. The EOAs will—

(1) Understand and articulate DOD and Army policies concerning EO.

(2) Assist the commander in EO training that employs small-group facilitation methods like the consideration of others' methodology.

(3) Recognize and assess indicators of institutional and individual discrimination in organizations.

(4) Recognize sexual harassment in both overt and subtle forms.

(5) Recommend appropriate remedies to eliminate and prevent unlawful discrimination and sexual harassment.

- (6) Continuously assess the command climate through formal surveys, interviews, facilitated small group discussions, and accessibility to the unit.
- (7) Collect, organize, and interpret demographic data concerning all aspects of EO climate assessment.
- (8) Assist commanders in assessing, planning, implementing and evaluating the EO program.
- (9) Prepare input for the Quarterly Narrative Statistical Review (Army Reserve as required).
- (10) Train unit EORs and institutional training course\service school instructors to assist commanders/commandants in meeting their EO responsibilities.
- (11) Organize or assist with training sessions that pertain to EO, unlawful discrimination, POSH, and the consideration of others methodology.
- (12) Assist in evaluating the effectiveness of unit training conducted by commanders.
- (13) Plan and help conduct executive seminars for senior leadership, on EOAPs and affirmative actions, EO, unlawful discrimination, the consideration of others methodology and the POSH.
- (14) Receive and assist in processing individual complaints of unlawful discrimination and sexual harassment in the informal stage and conduct EO inquiries according to the commander's guidance.
- (15) Provide advisory assistance to commanders and investigating officers in the investigation and resolution of unlawful discrimination and sexual harassment complaints.
- (16) Review and comment on investigative reports of EO complaints for compliance with DOD and DA EO policy and objectives.
- (17) Conduct follow-up assessments of all formal EO complaints.
- (18) Assist in the planning and conduct of ethnic observances/special commemorations, as outlined in table 6-1.
- (19) Assist commanders in developing the EO policy for their unit.
- (20) Maintain, where appropriate, informal liaison with community organizations fostering civil rights. If the EOA decides to become a member of such organizations in his/her private capacity, he/she must coordinate with the servicing judge advocate to preclude possible conflicts of interest.
- (21) Conduct SAVs to subordinate units and other headquarters (equivalent or lower).
- (22) Conduct or attend EO coordination training at least once quarterly at the installation level.
- (23) Periodically prepare reports and briefings for commanders and other staff agents on the unit's EOAP and other initiatives being done to improve or maintain the command climate.
- (24) Assist commanders in the development of realistic EOAPs and monitor progress of plans.

Table 6-1
Special commemorations and/or ethnic observances timetable

Month: January
Dates: 3d Monday
Observance: Martin Luther King, Jr. Birthday
Authority/comment: Public Law 98-144, Nov. 83 (Federal holiday)

Month: February
Dates: 1-28/29
Observance: African-American/Black History Month
Authority/comment: First Presidential Proclamation, Feb. 76

Month: March
Dates: 1-31
Observance: Women's History Month
Authority/comment: Public Law 100-9, Mar. 87

Month: April/May
Dates: Sunday to Sunday for Week Incorporating Yom Hashoah
Observance: "Days of Remembrance" for Victims of the Holocaust
Authority/comment: Public Law 96-388, Oct. 80

Month: May
Dates: 1-31
Observance: Asian Pacific Heritage Month
Authority/comment: First Presidential Proclamation, May 91

Month: August
Dates: 26
Observance: Women's Equality Day
Authority/comment: First Presidential Proclamation, Aug. 73

Table 6-1
Special commemorations and/or ethnic observances timetable—Continued

Month: September/October

Dates: 15 September-15 October.

Observance: National Hispanic Heritage Month

Authority/comment: Public Law 100-402, Aug. 88

Month: November

Dates: 1-30

Observance: National Native American Indian Heritage Month

Authority/comment: Public Law 102-188, March 1992

1. Equal opportunity representatives' responsibilities include assisting commanders at the battalion-level or equivalent and below in carrying out the EO Program within their units. EORs serve a special duty at small unit level. Commanders must appoint EORs in their units who are members of the chain of command in the rank of SGT (P) through 1LT. Soldiers who are graduates of DEOMI and have been awarded enlisted skill qualifications identifier (SQI) Q or officer additional skill identifier (ASI) 5T are still available to perform as unit EORs after successful completion of their special duty tour as an EOA. Units of action or higher headquarters' EOAs are available to train unit EORs using the 80 hour training support package published by the EO Proponency Office, Soldier Support Institute. Army Reserve can use the 40-hour training support package. Typical roles and duties of EORs are as follows:

- (1) Assist commanders in addressing EO climate detractors.
- (2) Continuously assist commanders in the conduct of unit climate assessments.
- (3) Prepare and assist the commander in the conduct of EO training.
- (4) Establish and maintain liaison with other EORs and with the EOA at higher headquarters.
- (5) Assist commanders and assigned project officers in preparing and conducting ethnic observances and special commemorations.
- (6) Assist complainants by referring them to an appropriate agency for assistance. Complaints referred to another agency will be reported to the EOA. EORs may not conduct investigations and are not trained to fully advise AR 15-6 investigating officers in their conduct of EO complaint investigations. Any commissioned officer performing the additional duty of an EOR may be asked (in the capacity of a commissioned officer and as a disinterested, third party) to conduct investigations. Yet, those situations should not concern EO complaints within their organization.
- (7) Serve as a resource person for EO matters in the unit.

6-4. The Army's Equal Opportunity Advisor of the Year Award

The EO Advisor of the Year Award recognizes the most outstanding EOA, for achievements in support of EO.

a. Eligibility. Any EOA, who has performed the duties of an EOA for at least 12 months during the fiscal year for which the award is being considered, may be nominated.

b. Criteria for selection. Eligible EOA will be nominated according to the criteria below. HQDA may revise these criteria as necessary to support the Army's EO Program.

- (1) Successfully advised/assisted commander(s) in managing their EO program within guidelines established by HQDA and the appropriate ACOM, ASCC, or DRU.
- (2) Demonstrated outstanding personal qualities and traits required to be a successful EOA.
- (3) Made individual innovations in the EO program.
- (4) Displayed exceptional knowledge of the Army's EO program.
- (5) Displayed outstanding leadership qualities and made significant contributions to the human relations and EO programs, which directly impacted the readiness of the organization and the Army.
- (6) Distinguished himself or herself by making visible and significant contributions to his or her organization and military/local community in the area of human relations, EO, EOAP, human resources, and military Service, which resulted in a positive relationship.
- (7) Complied with height and weight standards in accordance with AR 600-9.
- (8) Created opportunities that supported and contributed to the advancement of our understanding and valuing diversity.
- (9) Supported the full integration and promotion of minorities and women in the army, his or her community, and the Armed Services as a whole.

c. Procedure for selection. The ACOMs, ASCCs, or DRUs will nominate the most outstanding EOA of their respective commands. Nominations will be forwarded with recommendations to Headquarters, Department of the Army, Equal Opportunity(DAPE-HR-HF), 1700 N. Moore St, Rosslyn, VA 22209-2793.

d. Submission of nominations. Nominations for the Army's EOA Award will include the following:

(1) Nominee's name, rank/grade, social security number, date of birth, organization or installation assigned, and date of assignment.

(2) A brief narrative biography, not to exceed one single spaced, typewritten page.

(3) A brief description of duties, action taken to support commanders in maximizing human potential and ensuring fair treatment for all persons based on merit, fitness, and human potential and ensuring fair treatment for all persons based on merit, fitness, and capability in support of readiness, not to exceed two double-spaced typewritten pages.

(4) A recent (within 180 days), 8- x 10-inch head and shoulder photo in color or black and white, or a standard DA photograph, in class A uniform or duty uniform.

(5) An endorsement by the first unit of action or higher level CSM in the nominees NCO support channel or chain of command.

6-5. Staffing

a. Minimum military staffing requirements.

(1) EOAs will be assigned to the special staff of commanders at installations, organizations, and agencies that are brigade level (or equivalent) and higher. Assignments will not be as collateral or part-time duty. Primary duty position authorizations and requirements that comply with this guidance are to be documented in applicable personnel management authorization documents. Elimination of authorized positions is not allowed without prior approval by the SecArmy.

(2) Active duty military staffing.

(a) Each unit of action or equivalent unit will have, as a minimum, one full-time EOA with the rank of SFC or higher. Each division will have four EOAs: one officer (LTC) and three NCOs (one MSG and two SFC). Corps staff will have one officer (LTC) and three NCOs (one SGM, one MSG and a SFC). At most ACOMs, there will be three EOAs: one officer (LTC) and two NCOs (one SGM and one MSG or SFC). FORSCOM, TRADOC, USASOC, USARPAC, Eighth US Army and USAREUR will have an additional NCO in the grade of SFC. At HQDA there will be four officers (LTC and three MAJs) and four NCOs (one SGM and three SFCs). At the Soldier Support Institute there will be three EOAs: one officer (LTC) and two NCOs (one SGM and one MSG).

(b) In addition to the unit staffing requirements listed above, small installations (fewer than 10,000 Soldiers) or base support battalions are authorized one enlisted EOA (SFC). Large installations (more than 10,000) and area support groups are authorized two enlisted EOAs (MSG and SFC).

(c) Senior mission/installation command EOAs will provide geographic support for units without a dedicated EOA in their specific (to include all activated RC units in accordance with AR 27-10, appendix E). Senior commanders will establish MOA with tenant units without EOA support to ensure that those tenant units receive EOA support from the installation. Installation EOAs will also support nondeploying Soldiers whose unit EOA deployed with their unit.

(3) For USAR staffing, an EOA will be assigned to the staff of each brigade-level unit or brigade equivalent unit. One officer EOA (minimum rank LTC) and one enlisted EOA (minimum rank MSG) will be assigned to the staff of each RRC/GOCOM and division-level or equivalent unit. Civilian substitutions are not authorized.

(4) Civilian substitutions for the minimum staffing requirements above are not authorized. Any staffing authorized beyond these minimum requirements may be either military EOAs or civilians officially assigned to and trained for such duties. Assignment of EO duties to civilians must be in strict accordance with applicable position classification standards and guidelines.

b. Location in the organizational structure. The EOAs assigned on the unit's TDA should be attached to a specified unit (as described above) for duty, administration, and UCMJ, because they support that specific commander.

c. The Equal Opportunity Program and the Equal Employment Opportunity Program relationship. The EO Program for military personnel and the Equal Employment Opportunity (EEO) Program for civilian personnel share the same foundations in similar goals and objectives. However, their practice and execution are considerably different. Separate laws and/or regulatory guidance and policy guide each program. The EEO Program implements laws that address employment issues for civilian employees and applicants for employment. The roles and missions of the EOA and EEO officer are not interchangeable. EOAs will not supervise EEO personnel, nor will EEO personnel supervise EOAs. EO and EEO offices will not be consolidated under the direction of one or the other program principals. There are areas in which EO and EEO programs can and should be integrated when doing so promotes understanding, efficiency, economy, and common interests of both programs. These areas include the planning and execution of special observances, Consideration of Others Program, development of EOAPs, some aspects of training, and coordination of administrative support.

6-6. Program manager and/or equal opportunity advisor selection and assignment policy

a. Selection policy. The CG, HRC will select qualified officers and NCOs for duty as PM/EOAs in accordance with the following selection requirements:

(1) Must have an outstanding duty performance; a review of the individual's evaluation reports will be included.

(2) Must have stability in personal affairs; Soldier will not have a recent history of severe domestic or personal problems (excluding divorce), chronic indebtedness, excessive use of alcohol, or any use of illegal drugs. Individuals

withdrawn for cause from any human reliability or personal reliability program during the 2 years preceding the nomination will need a waiver from HQDA.

(3) Must not have been punished under the provisions of the UCMJ during the 5 years preceding the nomination.

(4) Must have a minimum of 2 years of service remaining upon completion of the DEOMI.

(5) Must meet Army fitness and body composition standards.

(6) Must be competitive for promotion.

(7) Must have not previously declined or been disenrolled (academic or disciplinary) from Noncommissioned Officer Education System or officer professional development course.

(8) Have a general technical score of 110 (waiverable).

(9) Maintain a minimum PULHES profile of 111221 (waiverable).

(10) Must maintain qualification standards throughout tour; units will notify HRC through channels when an EOA fails to meet minimum qualification standards.

(11) In addition to the above requirements, officers must—

(a) Have a bachelor's degree.

(b) Be an AD officer in the grade of LTC or above, except as noted in paragraph 6-5a(2)(a). Army Reserve officers must be at least in the grade of LTC.

(c) Officers should possess EO PM experience for assignment to DEOMI.

(d) Field grade officers must be graduates of, or have received military education level 4 credit for Command and General Staff College.

(12) In addition to requirements (1) through (11), AD and Army Reserve enlisted Soldiers must—

(a) Be a high school graduate (or equivalent) and possess the potential to complete college-level courses. Soldiers who are unable to score at a 12th-grade level in all measured areas of the Test of Adult Basic Education will not be assigned to EOA duty. The Soldier's test results will become part of their out-processing paperwork that will be checked off by the unit commander prior to travel to DEOMI and taken to DEOMI for inclusion in their student packet.

(b) Be a SSG(P) or above, with less than 18 years time in service upon completion of DEOMI (time in service waiverable).

(c) Have served in a leadership position.

(d) Not be assigned to back-to-back special duty assignments (for example, drill sergeant to EOA or recruiter to EOA).

b. *Volunteers.* Any officer or NCO who meets the selection criteria in paragraph 6-5a may volunteer for duty as an EOA by submitting a written request to his/her branch manager. Enlisted requests will be submitted through the first LTC in the chain of command, who will endorse the request for EOA duties.

c. *Tour lengths for EOAs.*

(1) *Active duty enlisted.* Tours for enlisted personnel assigned to CONUS units will be 24 months (exclusive of training time) with the possibility for extension. Tours for enlisted personnel assigned OCONUS will be the prescribed tour length of that assignment based on status (accompanied/unaccompanied). Those Soldiers assigned to a 1-year OCONUS tour will be assigned the additional 1 year in CONUS.

(2) *Active duty officer.* Tours for officers assigned to CONUS units will be 24 months (exclusive of training time). Tours for officers assigned OCONUS will be the prescribed tour length for short tours or 18 months (exclusive of training time) for long tours.

(3) *Army Reserve.* Army Reserve EOA tours will be a minimum of 3 years upon completion of DEOMI and a maximum of 6 years. The RC EOAs will obtain school quotas through the Army Training Requirements and Resource System for course attendance in either the 15-week resident course or the two-phase RC EOA course at the DEOMI within 60 days of assignment as an EOA. Requests to exceed the 1-year completion requirement must be forwarded through the chain of command to headquarters, USAR command. Each request will be handled on a case-by-case basis and will require justification of the Soldier's inability to complete the course within the allotted time. However, commanders must closely monitor training status to ensure course completion is expedited to the maximum extent possible. Failure to complete the course will result in removal from the EOA position.

d. *Early release.*

(1) The Director, Enlisted Personnel Management Directorate, HRC is authorized to approve/disapprove the early release of enlisted EOAs from the EO Program when—

(a) The EOA is a U.S. Sergeants Major Academy selectee, a CSM designee, or will be moving to a 1SG position. In the latter case, the EOA must serve 1 year in the EOA position.

(b) The EOA's commander has notified HRC, in writing, through the ACOM, ASCC, or DRU, that the EOA is being reassigned as a 1SG or SGM/CSM.

(c) The HRC is able to select, train, and assign a replacement for the outgoing EOA expeditiously to eliminate a gap in coverage.

(d) It is necessary for cause.

(2) The CG, HRC is authorized to approve or disapprove the early release of officer EOAs from the EO Program when:

(a) The EOA and/or PM has been selected for promotion and the current unit of assignment cannot place him or her.

(b) The EOA and/or PM has been selected for a command selection list.

e. *Relieved from equal opportunity duty.* The EOA relieved from EO duty will receive a relief for cause evaluation report. This will occur immediately following the removal from duty.

f. *Removal of the equal opportunity advisor skill qualifications identifier.* The EO SQI or ASI may be withdrawn from the EOA only if approved by HQDA for AA or the CAR for Army Reserve. A DA Form 4187 (Personnel Action) signed by the commander, with a copy of the Relief for Cause Evaluation Report, will be forwarded through the ACOM, ASCC, DRU, and HRC to HQDA

6-7. Attendance at the Defense Equal Opportunity Management Institute

a. Attendance.

(1) Officer and enlisted personnel selected for PM/EOA duty will attend the EOA course.

(2) The RC full time support EO personnel filling an authorized, full-time EO specialist position will attend the EOA course at DEOMI. Troop program unit (TPU) Soldiers performing EO duties will attend the two-phase EOA RC Course.

b. *Resident courses.* The DEOMI curriculum currently consists of the 15-week EOA course. The EOA course is designated to train personnel for assignment as full-time EOA/PMs.

c. *Certification.* Upon successful completion of the 15-week EOA course and the resident/non-resident RC EOA course, DEOMI recommends graduates for the awarding of SQI Q (enlisted) and ASI 5T (officers). The CG, HRC will award the appropriate designator to Soldiers upon their successful completion of DEOMI. Only graduates of the DEOMI courses listed above are designated as EOAs.

d. *Scheduling of training.* The CG, HRC programs qualified AD officers and NCOs for training and duty as EOAs; the CNGB and CAR program ARNG and USAR Soldiers for EOA duty; the CG, HRC controls DEOMI training seats for AD; the CAR controls DEOMI training seats for Army Reserve personnel; CNGB controls training seats for ARNG for the DEOMI RC Course. Commands will use the following procedures to acquire these allocations:

(1) Commanders desiring to send officers and NCOs on TDY to DEOMI and then return to their units as EOAs will send their requests through their ACOMs, ASCCs, or DRUs. The ACOMs, ASCCs, or DRUs will forward applications for officers to CG, HRC, 200 Stovall Street, ATTN: HRC-OPB-D, Alexandria, VA 22332-0400. For NCOs, forward applications to CG, HRC, 2461 Eisenhower Ave., Alexandria, VA 22331-0454.

(2) Units must request training seats in writing and requests must arrive at HRC no later than 45 days before the starting date of a requested class.

(3) The RC personnel must have an Army Training Requirements and Resource System allocation to be considered for attendance. This is applicable to ARNG unit members and Army Reserve TPU Soldiers, AGR, and military technicians assigned to a major ARNG or Army Reserve command headquarters and perform day-to-day EO duties as listed in their job descriptions or performance standards.

6-8. Off-post activities, on-post activities, and off-limit actions

a. *Off-post activities.* Title II of the Civil Rights Act of 1964 addresses the practice of discrimination and segregation in public establishments. These public establishments include privately owned establishments such as hotels, restaurants, gasoline stations, theaters, places of entertainment, and community housing (for example, apartments). The senior commander will ensure that the facts surrounding allegations of discriminatory practices are fully developed. The commander will also ensure those individuals and organizations alleged to practice such unlawful discrimination are given a full and fair opportunity to challenge particular allegations. If all reasonable efforts and alternatives fail to eliminate off-post discriminatory practices in public accommodations, senior commanders are authorized to place those facilities off-limits after requesting such action through the servicing Armed Forces Disciplinary Control Board. Military personnel outside the United States are not protected under the Civil Rights Act of 1964 while off-post. However, the commander will take whatever actions are available and appropriate to eliminate discriminatory practices in public accommodations outside the United States that affect Soldiers, civilians, or Family members of his/her command. Commanders must promote awareness of the pertinent laws of the host nation.

b. *Off-limits sanctions.* Off-limits sanctions may be appropriate for public accommodations and establishments falsely claiming to be private clubs (fraternal or otherwise) with discriminatory policies and practices. If discriminatory practices off-post are found to be directed at selected Soldiers in a command and efforts at conciliation prove unsuccessful, imposition of off-limits sanctions according to AR 190-24 may be appropriate.

c. *Off-limits sanctions and private establishments.* The establishment of off-limits areas is a function of command. It may be used by commanders to help maintain the good order and discipline, health, morale, safety, and welfare of Soldiers. A senior commander ordinarily may not apply off-limits sanctions to a bona fide private establishment, club, activity, or organization. However, such an entity may be placed off-limits if the following conditions exist:

(1) It is open to military personnel in general or to Soldiers who meet specific objective criteria (such as sergeant and above) but segregates or discriminates against other Soldiers solely on the basis of race, color, religion, gender, or national origin.

(2) It is not primarily political or religious in nature.

(3) The senior commander, in consultation with his/her key staff, determines that the available facts support the allegations of unlawful discrimination after affording the management of the establishment, club, activity, or organization a full and fair opportunity to challenge or refute allegations.

(4) Reasonable efforts by the commander to bring about voluntary termination of the discriminatory practices are unsuccessful.

(5) The commander determines that continued unlawful discrimination by the establishment, club, activity, or organization undermines the morale, discipline, or loyalty of Soldiers in the command.

d. On-post activities. All on-post facilities and official activities are open, as appropriate, to all DOD personnel and Family members without regard to race, color, religion, gender, or national origin. Senior commanders are responsible for ensuring that an organization taking advantage of or using on-post facilities (whether on a reimbursable basis or otherwise) does not engage in unlawful discriminatory practices. It is not enough to depend solely on the published bylaws or the constitution of the organization. The senior commander must assess the organization's actual membership practices and their effect upon the command. In cases where the senior commander determines that credible information of discriminatory practices by an on-post private organization has been presented, the organization has the burden of proving it did not engage in discriminatory practices. Failure to substantiate the absence of discriminatory practices will result in a denial of the use of on-post facilities. However, the provisions of this paragraph do not prohibit the senior commander from approving the operation of private organizations that restrict membership to one gender if one or more of the following apply:

(1) The private organization's purpose is philanthropic and, by tradition, its membership has been of one gender.

(2) The private organization's purpose and functions is to benefit one sex, and its membership is composed of that gender (Examples are scouting organizations or women's and men's sporting associations.)

(3) The private organization has a specific purpose and function that restricts membership to one gender, but also has a counterpart organization with the same purpose and function. (Examples are women's and men's sport clubs, women's and men's civic associations, and boy and girl scouting organizations.)

6-9. Procedures for processing equal opportunity complaints

a. Individual rights. Soldiers, Family members, and DA civilians have the right to—

(1) Present a complaint to the command without fear of intimidation, reprisal, or harassment.

(2) Communicate with the commander concerning their complaints.

(3) Receive assistance when submitting a complaint.

(4) Receive training on the Army's EO complaint and appeals process.

b. Individual responsibility. Individuals are responsible for—

(1) Advising the command of any incidents of sexual harassment and unlawful discrimination complaints and providing the command an opportunity to take appropriate action to rectify/resolve the issue.

(2) Submitting only legitimate complaints and exercising caution against unfounded or reckless charges.

c. Individual attempts to resolve complaints. It is recommended that the individual attempt to resolve a complaint by first informing the alleged offender that the behavior must stop.

d. Filing and processing equal opportunity complaints. For filing and processing of EO or sexual harassment complaints, follow the procedures outlined in appendix D.

6-10. Housing complaints

Complaints of housing discrimination involving unequal treatment because of race, color, religion, gender, or national origin will be forwarded to the local housing division for processing. AR 420-1 and DA Pam 420-1-1 provide policy and procedures for housing issues.

6-11. Evaluation reports

a. Entries. The performance evaluation process provides commanders and supervisors an excellent opportunity to discuss their goals, objectives, and expectations of the EO and EEO programs. In counseling session, commanders and supervisors should discuss these programs as expressions of the Army's values and encourage support of these programs and how they intend to evaluate individual behaviors and actions. When evaluating officers, enlisted Soldiers, or DA civilian employees, rating officials will evaluate those individuals' commitment to the goals and objectives of the EO or EEO program. This includes the individuals' actions or non-actions toward the prevention and elimination of unlawful discrimination and/or sexual harassment. Raters are required to document significant deviations from that commitment and identify instances of reprisal/retaliation taken by the rated individual in that evaluation report (see AR 623-3). Substantiated EO complaints as a result of AR 15-6 investigation require a "Does not support EO" on the noncommissioned officer evaluation report or a "No" in Part IV-Performance Evaluation Professionalism, A. Army

Values, 5. Respect, on the officer evaluation report. This documentation may include administering appropriate administrative, disciplinary, or legal action(s) to correct offensive behavior.

b. Appeals. Appeals of officer evaluation reports due to alleged unlawful discrimination, sexual harassment, or reprisal will be conducted according to the procedures specified in AR 623-3. Appeals of noncommissioned officer evaluation reports, based on allegations of unlawful discrimination, sexual harassment, or reprisal, will be submitted according to the procedures outlined in AR 623-3.

6-12. Civilian schooling

Army personnel pursuing an educational program at an institution that unlawfully discriminates in the admission or subsequent treatment of students will not be financially assisted from appropriated fund resources. Exceptions to this policy will be considered when the applicant has previously attended the institution in question and will suffer personal hardship through loss of earned credits if a transfer is required. When Soldiers seek continuation of civilian schooling with schools barred from receiving DOD or DA funds because they discriminate in their admission practices or subsequent treatment of students, they will request an exception to policy through command channels.

6-13. Legal assistance

Within the framework of the legal assistance program, legal assistance may be provided to Soldiers who believe they have been denied federally protected rights. If the civil rights of Soldiers seem endangered and an appearance in court or other legal action beyond the authority of the legal assistance officer is required, the matter will be reported to The Judge Advocate General (HQDA (DAJA-CL), 2200 Army Pentagon, Washington DC 20310-2200 for possible referral to the Department of Justice (see AR 27-40)).

6-14. Equal opportunity action plans

The EOAPs are planned, achievable steps that eliminate practices denying fair and equitable treatment to Soldiers and their Families, and that monitor progress toward these goals.

a. Each ACOM, ASCC, DRU, installation, separate unit, agency, and activity down to and including brigade-level or equivalent will develop and implement EOAPs. The DA Pam 600-26 is the HQDA EOAP that monitors the centralized personnel management processes for which HQDA has responsibility. Heads of staff proponent agencies and their field operating agencies provide input to this EOAP. Unit EOAPs will be written in accordance with DA Pam 600-26.

b. Units will review EOAPs annually to assess the effectiveness of past actions; to initiate new actions, and to sustain, monitor, or delete goals already achieved.

c. Commanders will provide a copy of their EOAP to the next higher commander.

d. Affirmative Employment Plans for civilian employees will be established in accordance with AR 690-12.

6-15. Training

a. Minimum criteria for local unit training programs.

(1) The commander will incorporate EO training into the overall training plan for the unit. The Soldier Support Institute publishes TC 26-6 that may assist commanders in developing required training. Active Army and RCs commanders of TOE/modified table of organization and equipment/TDA units will add the following topics to their quarterly or yearly training briefings:

(a) Type and dates of human relations training conducted by the unit since last QTB/yearly training brief (YTB).

(b) Type and dates of human relations training scheduled for the unit before the next QTB/YTB.

(c) The number of EOAs/EORs required, authorized, or on hand and the training they have completed or scheduled prior to next QTB/YTB.

(d) Date last command climate survey was conducted and date next command climate survey is scheduled.

(2) Leaders will conduct mandatory unit EO/POSH training quarterly. Commanders will document training on the unit's training schedule and lead the training. In their training documentation, commanders must include type of training; instructor; date, time and length of training; roster of attendees and issues covered in the session. From time to time, different issues will be of local or Armywide importance and require special emphasis and attention by unit commanders. At a minimum, two of the quarters will consist of POSH training (see para 7-8). The other two quarters will consist of training that is interactive, small group, discussion-based (for example, using Consideration of Others methodology) and can focus on these topics—

(a) Objectives of the Army EO Program.

(b) Army and local command policies on EO.

(c) Objectives of EOAPs.

(d) Behavioral characteristics and other indicators of EO problems, what behaviors are and are not appropriate, and acceptable behaviors leading to unit cohesion and teamwork.

(e) The impact of individual and institutional discrimination on mission accomplishment.

(f) Proper handling of EO complaints and the EO complaint system.

- (g) Identifying, dealing with, preventing, and eliminating racial and ethnic discrimination and sexual harassment.
- (h) Legal and administrative consequences of participating in acts of unlawful discrimination and sexual harassment.
- (i) Individual responsibilities of both Soldiers and DA civilians concerning EO and the prevention and eradication of sexual harassment (that is, identifying inappropriate behaviors, handling complaints, developing techniques in dealing with sexual harassment, developing assertiveness skills, submitting complaints in the event the situation cannot be handled on-the-spot or one-on-one, and reporting incidents to the chain of command).
- (j) The importance of honest and open interpersonal communications in promoting a healthy unit climate.
- (k) Unit climate assessment—what it is, what it is used for, what makes it important, how it is done, what its results mean and what to do about various results.
- (l) Review of actual unit climate assessment findings and amplification of issues raised. If appropriate, the commander will discuss issues that surface from assessment and develop an action plan to improve unit climate with unit members.

(3) The chain of command and other leaders (commander, CSM, sergeant major (SGM), ISG, civilian supervisors, and others) will be present and participate in unit EO sessions.

(4) Headquarters elements of units of action and higher units will conduct EO and prevention/eradication of sexual harassment training (for example, a senior leader/executive-level seminar) a minimum of once a year. Training will be small group, interactive, and discussion-based. It should emphasize findings determined as a result of unit command climate assessments.

b. Generally, training for Army War College and PCC will cover—

- (1) Planning and resourcing the implementation of the Army's EO program.
- (2) Creating positive command climates that promote fair and equal treatment and that create opportunities for all Soldiers, civilians, and Family members by—
 - (a) Publishing policies and evaluating subordinate unit EO initiatives.
 - (b) Ensuring that EO training is focused on the roles, duties, and responsibilities for EO and the prevention and eradication of sexual harassment; on leader skills needed to handle Soldier issues to include racial, cultural, and gender considerations; and on preventing, detecting, and avoiding conditions and situations that could lead to unprofessional behaviors and acts.
 - (c) Conducting unit climate assessments, analyzing the data, and using feedback to improve living and working environments.
 - (d) Promptly investigating complaints and incident reports, taking action against offenders, correcting conditions and situations that could lead to incidents/complaints, and implementing actions to prevent recurrence.
 - (e) Utilizing EOAs to monitor unit environment and to assist in the development of unit training and in the resolution of complaints.
 - (f) Planning and conducting special/ethnic observance activities.
 - (g) Monitoring and evaluating their own and subordinate unit EOAPs.

c. Generally, Senior Executive Diversity Awareness Training will cover—

- (1) Planning and resourcing the implementation of the Army's EO program.
- (2) Creating positive command climates that promote fair and equal treatment and that create opportunities for all Soldiers, civilians, and Family members.
- (3) Contemporary issues in EO and the prevention and eradication of sexual harassment.

6-16. Narrative and statistical reports on equal opportunity progress

All ACOMs, ASCCs, or DRUs will submit a QNSR on EO progress to HQDA no later than 30 days following the end of each quarter, utilizing the automated EO database. Deployed units will submit their reports to their parent units or ACOMs, ASCCs, or DRUs. Reports will include the following information:

a. *Complaint information.* Total number of formal Army complaints filed by quarter, according to type (that is, gender, ethnicity, racial, religion, or sexual harassment), and whether or not the reports are pending, substantiated, or unsubstantiated. Data also include information on the complainant's unit, rank, race, gender, date of complaint, method of resolution, action taken, and the commander's assessment of the Human Relations Climate of their unit and comments.

b. *Command profile.* Command position breakout (brigade, battalion, company commanders, executive officers and/or operations officers, CSMs, and ISGs) by racial, ethnic, and gender groups.

c. *Major subordinate command data.* Listing of all major subordinate commands (MSCs) with breakout of total number of brigades, battalions, and companies (MSC ACOM, ASCC, or DRU will be included). Also reflects number of EOAs required, authorized, and on hand.

d. *Program manager and equal opportunity advisor listing.* Alphabetical listing of all EOAs with information on race, gender, unit, level, staffing (TDA or TOE), and comments. Also includes date EOA arrived and replacement data.

e. *Quarterly equal opportunity report.* Who conducted command inspection programs (CIPs)/SAVs, numbers of training sessions conducted, and number of commanders and ISGs who attended commander's courses.

f. Unit assessment report. Listing of unit assessments (UAs) conducted for the quarter by MSC or unit level to include the tool (MEOCS, Training Diagnostic Assessment System, the command climate survey (mandatory for company commanders)) used to conduct the UA, and comments.

6-17. Training for civilian duty positions in the military Equal Opportunity Program at Defense Equal Opportunity Management Institute

a. Allocations. Civilian allocations for the DEOMI will be controlled by the CG, HRC. The CNGB, CG FORSCOM, and the CAR will control allocations for their respective Reserve elements and will prescribe the way in which civilian requests are submitted.

b. Application. Commanders desiring to send civilians who are officially assigned to duties in the Army EO Program to the DEOMI will send an application to the appropriate ACOM, ASCC, or DRU. If approved, the ACOM, ASCC, or DRU will request a training seat from the Commanding General, U.S. Army Human Resources Command (HRC-OPA-E) 1600 Spearhead Division, Fort Knox, KY 40122-5201. If all training seats are filled, the request will be considered for a later class if the ACOM, ASCC, or DRU desires. Requests for allocations must be submitted in writing to arrive at HRC no later than 45 days before the starting date of the requested class.

c. Command notification of Defense Equal Opportunity Management Institute. When the requesting command receives an approved training seat, the command will provide the Commandant at DEOMI: Name, grade, SSN, educational level, military mailing address, and telephone number of the candidate for training and the desired course number.

d. Civilian personnel selection requirements. Civilian personnel prerequisites for attendance at the DEOMI are as follows:

- (1) Be in grade GS-7 or above or be slated for promotion to GS-7 upon completion of the course.
- (2) Occupy or be scheduled to occupy an officially assigned position in the military EO program in accordance with applicable position classification standards and guidelines.
- (3) Be considered suitable for EO duties as determined in an interview conducted by the commander on whose staff the person will be assigned.

e. Request procedures. The ACOMs, ASCCs, or DRUs, when requesting allocations, will send the following information to HRC:

- (1) Class desired to attend.
- (2) Willingness to accept an allocation in a subsequent class if the requested class is filled.

f. Funding. Attendee's current unit of assignment provides funding for "TDY and return."

6-18. Equal opportunity special and/or ethnic observances

EO special/ethnic observances are conducted to enhance cross-cultural awareness among all Soldiers, civilian employees, and their Families. These observances recognize the achievements and contributions made by members of specific racial, ethnic, or gender groups in our society. The observances should also promote understanding, teamwork, harmony, pride, and esprit among all groups, not just within the specific group being honored.

a. DCS, G-1 possesses general staff responsibility for establishing policy and identifying the time period for each observance.

b. Senior commanders will—

(1) Develop, plan, and conduct observances during the designated time frame as outlined in table 6-1 or as otherwise directed by HQDA.

(2) Encourage all members of the military community to contribute to and participate in the planning, implementation, and conduct of the observance activities.

(3) Involve members of the staff elements and subordinate units in the development and conduct of observance functions.

(4) Select and announce an appropriate theme for the observance, consistent with the spirit of the event and the needs of the local community. National or DOD themes are often published that may be used to augment the activities.

c. The EO Program management or education and training funds may be spent on activities and publications that are intended to promote cross-cultural harmony and awareness. Examples of permissible expenditures include guest speakers, artistic or cultural activities, food exhibits or samples (samples are not intended as meals or refreshments). Additionally, funds may be allocated to commercial entertainment as part of an educational awareness program. Commanders will ensure that projected events amplify the contributions made to the Army and to society by the featured ethnic, gender, or racial group.

d. Commanders will publicize the cultural/ethnic event in post newspapers and bulletins to provide widest dissemination possible.

e. Commanders will form a standing committee to plan cultural observances. Members of the committee may include the EOA, morale, welfare and recreations officer, public affairs officer, club managers, unit chaplains, DOD dependent school representatives, resource management personnel, and other individuals as necessary.

f. Commanders will encourage maximum use of recreational facilities to include the post library, recreation center, theater, and so forth for use during observation of the special events. Suggested activities include the following:

- (1) Special displays in libraries.
- (2) Expositions and displays of arts and crafts.
- (3) Special music or drama programs.
- (4) Programs featuring historical achievements and contributions by various ethnic groups to Government, education, industry, religion, music and theater 5). Speeches from local chain of command and DOD civilians.

g. Activities will be designated and scheduled to allow for maximum attendance by all Soldiers and civilians within the command. Commanders will establish a policy that ensures that all personnel desiring to participate in these observances are given a reasonable opportunity to do so.

h. A consolidated annual observance recognizing members of all racial/ethnic/gender groups may be conducted in addition to (but will not be used in place of) the observances listed in table 6-1.

i. Funding for installation special/ethnic observances will come from HQ, Installation Management Agency to the GC.

Chapter 7

Prevention of Sexual Harassment

7-1. Overview

POSH is a commander's responsibility. The EOA plays a pivotal role by assisting the commander with policy awareness, training, command climate assessments, complaints processing, and overall advisory assistance concerning the POSH.

7-2. Chain of command responsibilities

Commanders and supervisors will—

a. Ensure that assigned personnel (to include RC personnel under their jurisdiction) are familiar with the Army policy on sexual harassment.

b. Publish and post written command policy statements for the POSH. All statements will be consistent with Army policy. They will include the local command's commitment to the Army's policy against sexual harassment and will reaffirm that sexual harassment will not be tolerated. The statement will explain how and where to file complaints and will state that all complainants will be protected from acts or threats of reprisal. Each ACOM, ASCC, DRU, installation, separate unit, agency, and activity down to company, troop, or battery level will publish a sexual harassment command policy statement. Units should coordinate these policy statements with the servicing SJA or legal advisor before publishing them.

c. Continually assess and be aware of the climate of command regarding sexual harassment. Identify problems or potential problems. Take prompt, decisive action to investigate all complaints of sexual harassment. Either resolve the problem at the lowest possible level or, if necessary, take formal disciplinary or administrative action. Do not allow Soldiers to be retaliated against for filing complaints. Continually monitor the unit and assess sexual harassment prevention policies and programs at all levels within area of responsibility. Ensure all leaders understand that if they witness or otherwise know of incidents of sexual harassment, they are obligated to act. If they do not, they themselves are also engaging in sexual harassment.

d. Set the standard.

7-3. Policy

a. The policy of the Army is that sexual harassment is unacceptable conduct and will not be tolerated. Army leadership at all levels will be committed to creating and maintaining an environment conducive to maximum productivity and respect for human dignity. Sexual harassment destroys teamwork and negatively affects combat readiness. The Army bases its success on mission accomplishment. Successful mission accomplishment can be achieved only in an environment free of sexual harassment for all personnel.

b. The POSH is the responsibility of every Soldier and DA civilian. Leaders set the standard for Soldiers and DA civilians to follow.

7-4. Definition

a. Sexual harassment is a form of gender discrimination that involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature between the same or opposite genders when—

(1) 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.

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

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

b. Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a Soldier or civilian employee is engaging in sexual harassment. Similarly, any Soldier or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment.

7-5. Categories of sexual harassment

a. Verbal. Examples of verbal sexual harassment may include telling sexual jokes; using sexually explicit profanity, threats, sexually oriented cadences, or sexual comments; whistling in a sexually suggestive manner; and describing certain attributes of one's physical appearance in a sexual manner. Verbal sexual harassment may also include using terms of endearment such as "honey", "babe", "sweetheart", "dear", "stud", or "hunk" in referring to Soldiers, civilian co-workers, or Family members.

b. Nonverbal. Examples of nonverbal sexual harassment may include staring at someone (that is, "undressing someone with one's eyes"), blowing kisses, winking, or licking one's lips in a suggestive manner. Nonverbal sexual harassment also includes printed material (for example, displaying sexually oriented pictures or cartoons); using sexually oriented screen savers on one's computer; or sending sexually oriented notes, letters, faxes, or email.

c. Physical contact. Examples of physical sexual harassment may include touching, patting, pinching, bumping, grabbing, cornering, or blocking a passageway; kissing; and providing unsolicited back or neck rubs. Sexual assault and rape are extreme forms of sexual harassment and serious criminal acts. When these acts occur, report them in accordance with the procedure outlined in chapter 8 and appendix H, of this regulation.

7-6. Types of sexual harassment

a. Quid pro quo. "Quid pro quo" is a Latin term meaning "this for that." This term refers to conditions placed on a person's career or terms of employment in return for favors. It includes implicit or explicit threats of adverse action if the person does not submit to such conditions and promises of favorable actions if the person does submit to such conditions. Examples include demanding sexual favors in exchange for a promotion, award, or favorable assignment; disciplining or relieving a subordinate who refuses sexual advances; and threats of poor job evaluation for refusing sexual advances. Incidents of "quid pro quo" may also have a harassing effect on third persons. It may result in allegations of sexual favoritism or general discrimination when a person feels unfairly deprived of recognition, advancement, or career opportunities because of favoritism shown to another Soldier or civilian employee on the basis of a sexual relationship. An example would be a Soldier who is not recommended for promotion and who believes that his or her squad leader recommended another Soldier in his or her squad for promotion on the basis of provided or promised sexual favors, not upon merit or ability.

b. Hostile environment. A hostile environment occurs when Soldiers or civilians are subjected to offensive, unwanted and unsolicited comments, or behaviors of a sexual nature. If these behaviors unreasonably interfere with their performance, regardless of whether the harasser and the victim are in the same workplace, then the environment is classified as hostile. A hostile environment brings the topic of sex or gender differences into the workplace in any one of a number of forms. It does not necessarily include the more blatant acts of "quid pro quo"; it normally includes nonviolent, gender-biased sexual behaviors (for example, the use of derogatory gender-biased terms, comments about body parts, suggestive pictures, explicit jokes, and unwanted touching).

7-7. Techniques of dealing with sexual harassment

All Soldiers and civilians have a responsibility to help resolve acts of sexual harassment. Examples of how to accomplish this follows:

a. Direct approach. Confront the harasser and tell them that the behavior is not appreciated, not welcomed and that it must stop. Stay focused on the behavior and its impact. Use common courtesy. Write down thoughts before approaching the individual involved.

b. Indirect approach. Send a letter to the harasser stating the facts, personal feelings about the inappropriate behavior and expected resolution.

c. Third party. Request assistance from another person. Ask someone else to talk to the harasser, to accompany the victim, or to intervene on behalf of the victim to resolve the conflict.

d. Chain of command. Report the behavior to immediate supervisor or others in chain of command and ask for assistance in resolving the situation.

e. Filing a formal complaint. Details for filing an informal or formal complaint are included in appendix D.

7-8. Training

The elimination of sexual harassment within a unit begins with a policy of aggressive and progressive training to

identify and prevent inappropriate behavior. Units will conduct progressive, interactive small group sexual harassment training twice each year. Soldiers must understand what sexual harassment is, how to recognize it, how to prevent it, how to report it, and the consequences of engaging in sexual harassment.

a. The quality and effectiveness of unit training are of primary concern. The most effective approach to training to prevent sexual harassment is through interactive discussion in small groups of mixed gender. Situational vignettes or scenarios should be used to facilitate discussion among unit Soldiers and civilians. Role play is also an effective training means. The training focus should be appropriate to the level of the experience and breadth of responsibilities of each target audience. Unit commanders must attend this training and evaluate its content and quality.

b. Unit training for junior enlisted and civilian employees will focus on defining sexual harassment and gender discrimination, sanctions that may be used to punish harassers, techniques for Soldiers to deal with sexual harassment and methods of filing a complaint through the complaint system.

c. Unit training or professional development training for junior officers, NCOs and civilian supervisors will reinforce the aforementioned training. In addition, emphasis should be placed on promoting a healthy work environment within the section or unit as well as on techniques for receiving, handling and resolving complaints. Training on the EO complaint system must include leader responsibilities in processing informal and formal complaints. It must emphasize the prevention of reprisal actions against complainants.

d. Training at unit level for senior NCOs, WOs, officers, civilian managers and senior executive service personnel will focus on fostering a healthy command climate and using appropriate means for determining a healthy command climate. This training will also focus on sanctions for offenders. In addition, it will reinforce the elements of training they receive at a more junior level.

e. Leaders may enlist the service of their brigade or higher level EOA or TC 26-6 to help prepare and conduct POSH training.

f. Commanders will document POSH training on the unit's training schedule. Documentation will include type, instructor, date, time, length of training, roster of attendees, and issues covered in the session.

g. The chain of command and EOAs will attend and participate in POSH sessions.

7-9. Complaints

Filing and processing of sexual harassment complaints follow the same procedures as outlined in appendix D for EO complaints. Charges of sexual misconduct are to be processed through legal and/or law enforcement channels, not EO channels.

Chapter 8 Sexual Assault Prevention and Response Program

8-1. Purpose and goals of the program

a. Purpose. The SAPR Program reinforces the Army's commitment to eliminate incidents of sexual assault through a comprehensive policy that centers on awareness and prevention, training and education, victim advocacy, response, reporting, and accountability. Army policy promotes sensitive care and confidential reporting for victims of sexual assault and accountability for those who commit these crimes. For the purposes of this policy, confidentiality or confidential reporting is defined as allowing a Soldier to report a sexual assault to specified individuals. This reporting option gives the Soldier access to medical care, counseling, and victim advocacy, without initiating the investigative process. See appendix H for full discussion of confidentiality policy for victims of sexual assault.

b. Goals. The goals of the SAPR Program are to—

(1) Create a climate that minimizes sexual assault incidents, which impact Army personnel, Army civilians, and Family members, and, if an incident should occur, ensure that victims and subjects are treated according to Army policy.

(2) Create a climate that encourages victims to report incidents of sexual assault without fear.

(3) Establish sexual assault prevention training and awareness programs to educate Soldiers.

(4) Ensure sensitive and comprehensive treatment to restore victims' health and Well-being.

(5) Ensure leaders understand their roles and responsibilities regarding response to sexual assault victims, thoroughly investigate allegations of sexual assault, and take appropriate administrative and disciplinary action.

8-2. Sexual assault policy

a. Sexual assault is a criminal offense that has no place in the Army. It degrades mission readiness by devastating the Army's ability to work effectively as a team. Every Soldier who is aware of a sexual assault should immediately (within 24 hours) report incidents. Sexual assault is incompatible with Army values and is punishable under the UCMJ and other Federal and local civilian laws.

b. The Army will use training, education, and awareness to minimize sexual assault; to promote the sensitive

handling of victims of sexual assault; to offer victim assistance and counseling; to hold those who commit sexual assault offenses accountable; to provide confidential avenues for reporting, and to reinforce a commitment to Army values.

c. The Army will treat all victims of sexual assault with dignity, fairness, and respect.

d. The Army will treat every reported sexual assault incident seriously by following proper guidelines. The information and circumstances of the allegations will be disclosed on a need-to-know basis only.

e. This policy applies—

(1) Both on and off post and during duty and non-duty hours.

(2) To working, living, and recreational environments (including both on- and off-post housing).

8-3. Victim Advocacy Program

Victim's use of advocacy services is optional; however, commanders must ensure that victims have access to a well-coordinated, highly responsive sexual assault Victim Advocacy Program that is available 24 hours per day/7 days per week both in the garrison and in a deployed environment.

a. There are three echelons of sexual assault victim advocates (VAs) in the Army's program in garrison—

(1) The installation sexual assault response coordinator (SARC) is responsible for coordinating the local implementation of the program.

(2) Installation victim advocates (IVA) work directly with the installation SARC, victims of sexual assault, unit victim advocates (UVAs), and other installation response agencies.

(3) The UVAs are Soldiers who are trained to provide limited victim advocacy as a collateral duty.

b. In a deployed environment, there are two echelons of VAs:

(1) Deployable SARC are Soldiers trained and responsible for coordinating the SAPR Program as a collateral duty in a specified area of a deployed theater. There is one deployable SARC at each brigade/unit of action and higher echelon.

(2) The UVAs are Soldiers trained to provide victim advocacy as a collateral duty. There are two UVAs for each battalion-sized unit.

8-4. Definitions

For the purpose of this policy—

a. Sexual assault. Sexual assault is a crime defined as intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim does not or cannot consent. Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts. Sexual assault can occur without regard to gender or spousal relationship or age of victim. "Consent" will not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, or coercion or when the victim is asleep, incapacitated, or unconscious.

b. Other sex-related offenses. Other sex-related offenses are defined as all other sexual acts or acts in violation of the UCMJ that do not meet the above definition of sexual assault, or the definition of sexual harassment as promulgated in DODD 1350.2. Examples of other sex-related offenses could include indecent acts with another and adultery. (For the specific articles of sexual assault offenses under the UCMJ, see the MCM.)

c. Restricted reporting. Restricted reporting allows a Soldier who is a sexual assault victim, on a confidential basis, to disclose the details of their assault to specifically identified individuals and receive medical treatment and counseling, without triggering the official investigative process. Soldiers who are sexually assaulted and desire restricted reporting under this policy should report the assault to the SARC, VA, chaplain, or a healthcare provider.

d. Unrestricted reporting. Unrestricted reporting allows a Soldier who is sexually assaulted and desires medical treatment, counseling, and an official investigation of his/her allegation to use current reporting channels (for example, the chain of command or law enforcement), or he/she may report the incident to the SARC or the on-call VA. Upon notification of a reported sexual assault, the SARC will immediately notify a VA. Additionally, with the victim's consent, the healthcare provider will conduct a forensic examination, which may include the collection of evidence. Details regarding the incident will be limited to only those personnel who have a legitimate need to know. See appendix H for a detailed explanation of restricted and unrestricted reporting.

8-5. Responsibilities

a. The Deputy Chief of Staff, G-1. The DCS, G-1 will—

(1) Be responsible for Armywide policies, doctrine, plans, and initiatives pertaining to the SAPR Program.

(2) Be responsible for the overall implementation, evaluation, and assessment of the SAPR Program.

(3) Provide oversight for the coordination of SAPR Program training requirements with the Commander, TRADOC, for all Soldiers throughout the Army's institutional training base.

(4) Ensure sexual assault awareness and prevention training is incorporated into relevant human relations training (for example, in-processing briefs, Army alcohol and/or drug abuse prevention education, and POSH training).

(5) Establish selection criteria, in coordination with the ACSIM, through the USACFSC, for staffing of installation SARC.

(6) Develop and provide oversight of the Sexual Assault Data Management System (SADMS).

(7) Provide sexual assault data reports in accordance with DODI that will be used in quarterly and annual reports to the House and Senate Armed Services Committees.

b. Director, Sexual Assault Prevention and Response Program. The Director will—

(1) Be responsible for the Army's SAPR Program management functions.

(2) Coordinate with Army staff offices and agencies in establishing policies that reduce sexual assault, streamline reporting, and establish cohesive procedures to support victims, investigative procedures, and all aspects of the SAPR Program.

(3) Coordinate SAPR Program training requirements with the Commander, TRADOC, for all Soldiers throughout the Army's institutional training base.

(a) Coordinate training requirements with the ACSIM, through the Community and Family Support Center (CFSC), to develop programs of instruction and other support materials for sexual assault awareness and prevention training for SARC, VAs, deployable SARC, and UVAs.

(b) Coordinate training requirements with the Commander, TRADOC, Office of the Judge Advocate General (OTJAG), Office of The Surgeon General (OTSG), and Chief of Chaplains for all Soldiers throughout the Army's institutional training base.

(4) Ensure periodic evaluations and assessments are conducted of the SAPR Program.

(5) Maintain SADMS.

(a) Determine data and statistics to be collected, maintained, and reported by installation SARC.

(b) Collect, record, and maintain data on sexual assault cases.

(6) Monitor sexual assault data and trends.

c. Provost Marshal General. The Provost Marshal General will—

(1) Implement law enforcement and criminal investigation procedures for the immediate investigation of all reports of sexual assault.

(2) Establish procedures for installation provost marshal staff and Criminal Investigation Command special agents to support SARC.

(3) Establish procedures for implementing the provisions of confidentiality as defined in appendix H.

(4) Ensure that law enforcement personnel receive sensitivity training in responding to victims of sexual assault, as well as training on victim assistance and resources, and related law enforcement investigative responses (see app I).

(5) Support the submission of sexual assault data into SADMS.

d. U.S. Army Criminal Investigation Command. The Commander, U.S. Army Criminal Investigation Command (USACIDC-hereafter referred to in this document as CID) will—

(1) Establish criminal investigation policies and procedures for investigating incidents of sexual assault that are within the CID investigative authority consistent with DOD policy and implemented in AR 195-1, AR 195-2, AR 190-45, and AR 195-5.

(2) Ensure that law enforcement personnel receive sensitivity training in responding to victims of sexual assault, as well as training on victim assistance and resources, and related law enforcement investigative responses (see app I).

(3) Establish procedures in CID regulations that support the role of the SARC and provide status reports to the SARC on investigative activity and other pertinent details to the extent that it will not jeopardize an ongoing investigation or the rights of a potential subject of an ongoing investigation.

(4) Ensure that the Office of the Staff Judge Advocate is notified when a sexual assault occurs within Army jurisdiction.

(5) Supervise activities at U.S. Army Criminal Investigation Laboratory to efficiently process evidence from sexual assault cases.

(6) Ensure that victims and witnesses are notified of their rights through a completed DD Form 2701 (Initial Information for Victims and Witnesses of Crime). Ensure that the victim and witness are informed of the status of the investigative activity, according to the procedures established by the SARC and to the extent that such actions will not jeopardize an ongoing investigation and the availability of services.

(7) Ensure that disposition reports by battalion commanders or first lieutenant colonel in the chain of command, DA Form 4833 (Commander's Report of Disciplinary or Administrative Action), are entered into the Army Criminal Investigation and Intelligence System and reported to the Director, U.S. Army Crime Records Center.

(8) Support the submission of sexual assault data into SADMS.

(9) Support Armywide and DOD data calls as required.

(10) Provide a representative with appropriate experience and level of expertise to serve on the sexual assault review board (SARB) (see app F for a detailed description of the SARB).

(11) Establish procedures for implementing the provisions of confidentiality as defined in appendix H.

(12) Immediately notify the SARC or the on-call IVA, if after normal duty hours, of all incidents of sexual assault.

e. The Surgeon General. TSG will—

(1) Implement regulatory guidance and protocols for the medical response and evidence collection kit for sexual assault incidents that include consideration of state and local jurisdictions. Coordinate with local CID office when implementing regulatory guidance and protocols for evidence collection kit.

(2) Provide guidance to MTF commanders on what medical treatment information may be provided to the SARC to assist in the monitoring of cases and the SARB process.

(3) Ensure the training of appropriate medical personnel in handling the medical, medical-legal, and psychological aspects of assisting sexual assault victims (see app I).

(4) Initiate or develop, where appropriate, MOUs/MOAs with nonmilitary medical treatment and medical support activities to ensure adequate response and treatment in the areas of counseling, care for victims, practical training for medical examiners, medical or health care professionals in order to maintain optimal readiness and to ensure the same level of care is provided in CONUS, OCONUS, and remote environments.

(5) Monitor the effectiveness of MOUs and/or MOAs.

(6) Ensure that the availability of victim advocacy services is explained to victims presenting for care.

(7) Maintain the confidentiality of victims' medical information, in accordance with DOD 6025.18-R.

(8) Ensure that healthcare providers and personnel receive training on dealing with victims of sexual assault—to include options for confidential reporting (see app I).

(9) Convey to the command any possible adverse duty impact related to the individuals medical condition or prognosis in accordance with the policy on confidentiality, in accordance with the Health Insurance Portability and Accountability Act (HIPAA).

(10) Support the submission of sexual assault data into the SADMS, in accordance with HIPAA.

(11) Be responsible for overall evaluation and assessment of victim support services provided by MTFs.

(12) Provide a representative with appropriate experience and level of expertise to serve on the SARB.

f. Chief of Chaplain. The CCHs will—

(1) Train unit ministry teams in sensitivity to sexual assault victims, dynamics of sexual assault, and basic community information and referral (see app I).

(2) Provide pastoral and spiritual support to victims of sexual assault, as requested, by the victim.

(3) Explain the availability of victim advocacy services.

(4) Encourage the victim to seek medical attention regardless of whether the victim requires emergency or non-emergency care.

(5) Encourage the victim to seek appropriate assistance and counseling. With the consent of the victim, refer the victim to a qualified individual or an organization that specializes in assisting victims of sexual assault.

(6) Encourage the victim to inform the appropriate law enforcement agency of the incident. Appendix H contains specific information regarding confidentiality and privileged communications.

(7) Maintain confidentiality and privileged communication at the request of the victim.

(8) Report incidents of sexual assault to the SARC when the victim consents. If the assault occurs after normal duty hours, incidents will be reported to the on-call IVA with the victim's consent.

g. Staff judge advocate. The SJA or those personnel under the supervisory authority of the installation SJA will—

(1) Ensure the training of legal personnel comply with the standards as prescribed in appendix I.

(2) Explain the availability of victim advocacy services to victims and notify the SARC.

(3) Notify law enforcement of an officially reported sexual assault if they have not been previously notified.

(4) Implement the local Victim Witness Liaison Program and immediately refer the victim to the Victim Witness Liaison for services as prescribed in AR 27-10.

(5) Minimize events that could bring the victim and the subject(s) into contact with each other (for example, avoid scheduling pre-trial appointments for the victim and subject(s) at the same or adjacent times, and avoid placing the subject(s) and victim in the same court waiting room).

(6) Ensure that victims are informed about the status of the case's legal actions and other pertinent details including courtroom procedures in accordance with Victim Witness Liaison procedures in AR 27-10, chapter 18.

(7) Advise the victim that his or her testimony and/or participation may be requested in proceedings other than a court-martial or civil trial (for example, pre-trial appointments).

(8) Support the submission of sexual assault data into SADMS.

(9) Provide a representative with appropriate experience and level of expertise to serve on the SARB.

h. The Inspector General. The Inspector General will—

(1) Periodically inspect sexual assault prevention, response, and reporting procedures as directed by the directing authority.

(2) Identify noncompliance, analyze significant indicators of deficiencies, and identify responsibility for corrective action.

(3) Report all findings to the directing authority; hand off potential criminal violations to the appropriate agency.

i. Chief, National Guard Bureau, and Chief, U.S. Army Reserve. The CNGB and OCAR will—

(1) Develop, implement, and monitor SAPR Program policies and programs in their respective components. The programs may be modified to meet the information management and reporting requirements of respective components. Programs will include assessments to determine the progress made toward the goals of the SAPR Program.

(2) Establish policy and procedural guidelines that comply with the policy on confidentiality.

(3) Ensure policy and procedures are in place for all first responders to contact the SARC at the time the victim comes forward.

(4) Establish requisite staff positions within the organizations and make resources available to adequately implement SAPR Program requirements.

(5) In a deployed environment, ensure that deployable SARCs and UVAs are designated, in writing, and trained to provide assistance.

(6) Establish sexual assault prevention training in units and PME consistent with HQDA policy and command needs.

(7) Select Army Reserve and National Guard personnel to attend SARC and UVA training.

(8) Ensure Soldiers receive pre-mobilization, mobilization, and post deployment mobilization training related to the prevention and response to sexual assault.

(9) Support the submission of sexual assault data into SADMS.

j. Commanding General, U.S. Army Training and Doctrine Command. The CG, TRADOC, will—

(1) Develop training for prevention of and response to sexual assault in close coordination with the DCS, G-1, OTJAG, ACSIM, and OTSG.

(2) Develop instruction and associated training materials on prevention of and response to sexual assault for use in the accession/initial-entry-training base, PME courses throughout the Army, proponent schools/functional courses, and units. The preferred method of training should be interactive, small-group oriented, and testable. Interesting, sequential human relations training will be imbedded in all levels of PME.

(3) Ensure that SAPR training programs promote awareness of policy, prevention, roles and responsibilities, service providers, identification of confidential sources, victim advocacy services, reporting, and follow-up.

(4) Develop instruction and associated training materials to ensure military police and CID agents receive initial first responder training during their basic courses and refresher training during subsequent professional development courses taught at the U.S. Army Military Police School.

(5) Develop instruction and associated training materials to ensure CID agents receive advanced sexual assault investigation and sensitivity training in their basic course and refresher training during subsequent professional development courses taught at the U.S. Army Military Police School.

(6) Provide assistance and instructional materials to schools not under the jurisdiction of TRADOC, such as the Army Medical Department Center and School and the Inspector General Course.

(7) Conduct required prevention of and response to sexual assault education and training in TRADOC service schools and training centers.

(8) Evaluate the effectiveness of SAPR training conducted in TRADOC service schools and training centers.

k. Commanders of Army commands, Army service component commands, or direct reporting units. The ACOMs, ASCCs, or DRUs commanders will—

(1) Ensure SAPR training is conducted annually in accordance with procedures as outlined in this policy.

(2) Develop policy guidance on prevention of sexual assault and treatment of victims.

(3) Monitor the execution of the SAPR Program in all commands, agencies, and activities (including Army Reserve and ARNG units when activated) under their jurisdiction.

(4) Designate a SAPR Program proponent to oversee the ACOM, ASCC, or DRU program, reporting, assessments, statistics, trend analyses, and so forth and to coordinate staff proponents.

(5) Provide personnel and other resources to implement the SAPR Program.

(6) Ensure two UVAs are appointed at Battalion level and equivalent units.

(7) Ensure deployable SARCs are appointed at brigade/unit of action and higher level units.

(8) Ensure deployable SARCs (brigade and higher) and UVAs have received required training prior to performing duties.

(9) Ensure deployable SARCs and battalion UVAs deploy with assigned units.

(10) Ensure SAPR training (for example, risk factors of sexual assault, use of the buddy system) is integrated into predeployment and post-deployment briefings.

- (11) Monitor required SAPR training at units.
- (12) Inspect and assess SAPR programs under their respective major command.
- (13) Conduct periodic assessments of program effectiveness on mission units and identify improvements.
- (14) Comply with AR 600-8-8 and appoint same-gender sponsors for first-term Soldiers.

l. Assistant Chief of Staff for Installation Management. ACSIM, through the Installation Management Agency and CFSC will—

- (1) Design, implement, and manage the SARC and Victim Advocacy Program.
- (2) Develop and implement training for SARCs and VAs (see app I).
- (3) Establish and publish an integrated resource directory for the SAPR Program that systemically incorporates medical, legal, chaplaincy, and investigative resources, including civilian resources, as well as installation and community-specific information available to assist victims of sexual assault. The ACSIM will also provide materials (for example, handouts, posters) to identify resources to whom sexual assault may be reported (for example, medical facility, chain of command, chaplain, CID, military police, mental health services, VA, and SJA).
- (4) Ensure Service members have access to a well-coordinated, highly responsive Victim Advocacy Program.
- (5) Identify resource requirements and prepare budget requests to train installation SARCs, deployable SARCs, IVAs, and UVAs.
- (6) Develop installation SARC, deployable SARC, IVA, and UVA training guides that contain protocols and procedures that include appropriate levels of assistance.
- (7) Provide SAPR education training to company and higher-level commanders within 45 days of assuming their respective leadership roles.
- (8) Provide commanders with information to manage SAPR Programs.
- (9) Support the submission of sexual assault data from installation SARCs, deployable SARCs, VAs and UVAs in the SADMS.
- (10) Develop same-gender sponsorship guidelines for first-term Soldiers and include in AR 600-8-8.

m. Senior commanders (senior mission commanders, regional readiness commander, or state Joint Forces Headquarters level commanders). The senior commanders will—

- (1) Ensure that a sexual assault response capability is available 24 hours per day/7 days per week.
- (2) Provide UVAs and SARCs as needed for those Army units smaller than a battalion that are stationed on/near the installations, such as Army explosive ordnance detachments, Army counterintelligence units, and Corps of Engineers elements.
- (3) Coordinate with the Family advocacy program manager (FAPM) to ensure that MOUs/MOAs are in place if civilian agencies or other military Services are used as a victim services resource and that the SARC has authority and support to coordinate with appropriate agencies.
- (4) Establish an active SARB consistent with appendix F, of this regulation. The senior commander or his/her designated representative, at a minimum, will chair the SARB. Other committee members may be appointed depending on the nature of their responsibilities as they pertain to SAPR. Senior commanders are responsible for maintaining a written summary of the discussions and decisions of each meeting.
- (5) Establish written procedures for reporting sexual assaults throughout the chain of command. These procedures must be written in a way so as not to be interpreted by subordinate commanders to mean that allegations must be disposed of in a particular manner that predetermined types or amounts of punishments are appropriate or that adverse action is required in all cases or in a particular case. Authority to dispose of cases that resulted from allegations of sexual assault is withheld to the Battalion commander level and above. A commander authorized to dispose of cases involving an allegation of sexual assault may do so only after receiving the advice of the servicing judge advocate. As with any case, any disposition decision involving an allegation of sexual assault is subject to review by higher level commanders, as appropriate.
- (6) Ensure Service members have access to a well-coordinated, highly responsive Victim Advocacy Program.
- (7) Provide the safest possible physical and emotional environment on post for all Soldiers, Family members, and other installation residents.
- (8) Integrate sexual assault awareness into installation newcomer orientation briefings and provide contact information for all installation level response agencies.
- (9) In coordination with FAPM and the Public Affairs Office, conduct media campaigns to ensure Soldiers are aware of the SAPR Program and publicize on- and off-post/non-Army agencies that are available to assist victims.
- (10) Publicize installation level information to provide leaders and Soldiers with contact information for all installation level response agencies, to include law enforcement, legal, medical, social services, and others.
- (11) Ensure all installation agencies and units comply with the rules of confidentiality (that is, restricted and unrestricted reporting) for Soldiers as stated in appendix H. However, no criminal investigation will be initiated unless originated from another source or the victim elects to come forward via unrestricted reporting.
- (12) In accordance with mission requirements, ensure SAPR Program initiatives do not impose artificial restrictions on a selected subgroup of personnel assigned (for example, curfews for women only).

- (13) Provide temporary living accommodations for Soldier victims at the victim's request.
- (14) Identify sexual assault incident trends and take appropriate measures (that is, increased security patrols, enhanced education and training, enhanced environmental and safety measures) to prevent further sexual assaults.
- (15) Comply with AR 600-8-8 and appoint same-gender sponsors for first-term Soldiers.
- (16) Provide sexual assault response services for sister Service units that are stationed on/near the installation.
 - n. Installation provost marshals.* The installation provost marshal will—
 - (1) Respond to all incidents of sexual assault reported to law enforcement.
 - (2) Ensure that law enforcement personnel responding to a sexual assault incident are trained in sensitivity to victims of sexual assault, victim assistance and resources, confidentiality, and related law enforcement investigative responses.
 - (3) Immediately report incidents of sexual assault to the SARC and escort victims from the crime scene when requested by the victim, their chain of command, or the CID.
 - (4) Ensure that victims and witnesses are notified of their rights through a completed DD Form 2701 (Victims and Witnesses of Crime). When the installation provost marshal retains investigative authority and responsibility of a sexual assault incident, the victim and witness will be informed on the status of the investigative activity to the extent that such actions will not jeopardize an ongoing investigation.
 - (5) Follow the procedures of AR 195-5 and AR 190-45 in documenting and reporting all reports of criminal activity.
 - (6) Support data collection responsibilities of the installation SARCs for sexual assaults to the extent that such actions will not jeopardize an ongoing investigation or the rights of a potential subject in an ongoing investigation.
 - (7) Seek to establish formal MOU with civilian law enforcement agencies to establish or improve the flow of information between their agencies. MOUs can be used to clarify jurisdictional issues for the investigation of incidents, to define the mechanism whereby local law enforcement reports involving AD Service members will be forwarded to the appropriate law enforcement office, and to foster cooperation and collaboration between the installation law enforcement agency and local civilian agencies.
 - (8) Ensure that disposition reports by commanders are entered into the Centralized Operations Police Suite and forwarded to the Director, U.S. Army Crime Records Center.
 - (9) Provide a representative with appropriate experience and level of expertise to serve on the SARB.
 - (10) Support the submission of sexual assault data into SADMS.
 - o. Unit commanders.* Unit commanders will—
 - (1) Take immediate steps to ensure the victim's physical safety, emotional security, and medical treatment needs are met and that the SARC and appropriate law enforcement/criminal investigative service are notified. See appendix G for additional guidance for commanders responding to a reported sexual assault.
 - (2) Ensure that the victim or his/her representative consent, in writing, to the release of information to nonofficial parties about the incident and that the victim's status and privacy are protected by limiting information to "need to know" personnel.
 - (3) Ensure that victims of sexual assault receive sensitive care and support and are not re-victimized as a result of reporting the incident.
 - (4) Collaborate closely with the SARC, legal, medical, and chaplain offices and other service providers to provide timely, coordinated, and appropriate responses to sexual assault issues and concerns.
 - (5) Encourage the victim to get a medical examination no matter when the incident occurred.
 - (6) Report all incidents of sexual assault to CID in accordance with AR 195-1.
 - (7) Report sexual assaults to the SARC to ensure victims have access to appropriate assistance and care from the initial time of report to completion of all required treatment.
 - (8) Report all incidents of sexual assault to the office of the SJA within 24 hours.
 - (9) Notify the chaplain if the victim desires pastoral counseling or assistance.
 - (10) Appoint on orders two UVAs per battalion level and equivalent units. Commanders will select qualified officers (CW2/1LT or higher), NCOs (SSG or higher), or DA civilian (GS-9 or higher) for duty as UVAs (see para 8-6 for UVA selection criteria). The first colonel in the chain of command may approve appointing only one UVA for battalions whose small population may not warrant two UVAs. Commanders at all levels may appoint more than the prescribed number of UVAs if this is necessary for very large battalions or units whose geographical dispersion warrants the appointment of more UVAs. Appointment of DA civilian/GS employees to UVA positions may require management to consult with their unions pursuant to their collective bargaining agreement.
 - (11) Appoint on orders one deployable SARC at each brigade and/or unit of action level and higher echelon (for example, division, corps, and Army component command). Since installation SARCs are civilians/contractors and do not deploy, the deployable SARC will perform all SARC duties in theater. Commanders will select qualified officers (MAJ/CW3 or higher), NCOs (SFC or higher), or DA civilians (GS-11 or higher) for duty as deployable SARC (see para 8-6 for SARC selection criteria). Appointment of DA civilian/GS employees to SARC positions may require management to consult with their unions pursuant to their collective bargaining agreement.

(12) Ensure deployable SARCs (brigade and higher) and UVAs have received required training prior to performing duties.

(13) Ensure deployable SARCs and UVAs deploy with assigned units.

(14) Ensure unit level SAPR Program training is conducted annually and documented on unit training schedules.

(15) Publish contact information of SARCs, IVA, and UVAs, and provide take-away information such as telephone numbers for unit and installation points of contact, booklets, and information on available victim services.

(16) Advertise the SAPR Program through local means to ensure that Soldiers, Army Civilians, Family members, and leaders are aware of the program.

(17) Post written sexual assault policy statements and victim services resource chart on the unit bulletin boards. Statements must include an overview of the command's commitment to the SAPR Program; victim's rights; the definition of sexual assault; available resources to support victims; and specific statements that sexual assault is punishable under the UCMJ and other Federal and local civilian laws and that sexual assault is incompatible with Army values.

(18) Ensure Soldiers receive predeployment and post deployment training related to the prevention and response to sexual assault.

(19) Include emphasis on sexual assault risks, prevention, and response at all holiday safety briefings.

(20) Ensure victims have been offered the services of the SJA's victim witness liaison, advise victims of their rights in accordance with AR 27-10 and make them aware of and encourage them to exercise their options during each phase of the medical, investigative, and legal processes.

(21) When appropriate, consult with the victim on pretrial and charging decisions (as specified in AR 27-10).

(22) As appropriate, refer the victim's Family to available resources (that is, counseling, resources, information, and medical care).

(23) Follow written procedures established by senior commanders for reporting sexual assault through the chain of command.

(24) Determine, in a timely manner, how to best dispose of alleged victim collateral misconduct, to include making the decision to defer the disciplinary actions regarding such misconduct until after the final disposition of the sexual assault case. Commanders and supervisors should take into account the trauma to the victim and respond appropriately so as to encourage reporting of sexual assault and the continued cooperation of the victim.

(25) Determine if an administrative separation of the victim is in the best interests of either the Army or the victim, or both. Regardless of the reason for initiating the separation action, the victim is entitled to a full and fair consideration of her or his military Service and particular situation. It is vital that all such separation actions and all determinations be consistent and appropriate, and be viewed as such. Separation actions are in accordance with AR 600-8-24 and AR 635-200 for enlisted, and appropriate RC regulations.

(26) When initiating an administrative separation on any Soldier, for any reason (voluntary or involuntary), include documentation in the separation packet that positively identifies the Soldier as having been, or not having been, a victim of sexual assault. Unless otherwise directed by AR 635-200 or AR 600-8-24, this documentation should be in the form of a memorandum, signed by the Soldier or the commander initiating the separation, stating—

(a) Whether the Soldier was or was not a victim of sexual assault for which an unrestricted report was filed within the past 24 months.

(b) Whether the Soldier does or does not believe that this separation action is a direct or indirect result of the sexual assault itself or of filing the unrestricted report, if the above is true.

(27) When serving as a Special Court-Martial Convening Authority or GCMCA, review all administrative separation actions involving victims of sexual assault identified in paragraph *a*(25). Unless otherwise directed by AR 635-200 or AR 600-8-24, the review must consider the following:

(a) If the separation appears to be in retaliation for the Soldier filing an unrestricted report of sexual assault. If so, consult with the servicing office of the SJA or other legal office.

(b) If the separation involves a medical condition that is related to the sexual assault, to include Post Traumatic Stress Disorder. If so, consult with the appropriate medical personnel.

(c) If the separation is in the best interests of the Army, the Soldier, or both. If not, consult with the servicing SJA.

(d) The status of the case against the alleged offender, and the effect of the Soldier's (victim's) separation on the disposition or prosecution of the case. If the case is still open, consult the servicing CID unit and SJA.

(28) Ensure all appropriate copies of DA Form 4833 (Commander's Report of Disciplinary Or Administrative Action) are provided to the installation provost marshal and USACIDC within established timelines.

(29) Determine the best course of action for separating victims from the subject(s) during the investigation of sexual assault cases. Commanders should ensure that re-victimization does not occur. Commanders should consider the victim's preferences and all relevant facts and circumstances of the case to determine the appropriate course of action to avoid re-victimization. Commanders may consider transferring the victim to another unit, but they should also be aware of and consider the fact that there may be a perception that the victim's transfer from the unit is a result of reporting the incident. Commanders may consider using DD Form 2873 (Military Protective Order (MPO)), referred to

as “no contact orders.” Military Protective Orders are an effective tool for commanders to maintain the safety of the victims and witnesses. If the victim lives off-post, he or she may obtain a restraining order from the civilian courts.

(30) Ensure feedback on case status is provided to victims of a sexual assault. The battalion commander will update the victim 14 calendar days after the initial report. Thereafter, battalion commanders will ensure, at a minimum, a monthly update is provided to the victim (if report is unrestricted) on the current status of any ongoing investigative, medical, legal, or command proceedings regarding the assault. Monthly updates will continue until the final disposition of the reported assault (that is, the conclusion of any judicial, non-judicial, and administrative actions (including separation) taken in response to the offense, whichever is later in time). Additionally, the battalion commander will follow-up with the victim within 45 days after disposition of the case to ensure the victim’s needs have been addressed.

(31) Consider the option of convalescent leave in accordance with AR 600–8–10 based on the recommendation of the victim’s healthcare provider.

(32) Flag (suspend favorable personnel actions) any Soldier under charges, restraint, or investigation for sexual assault in accordance with AR 600–8–2 and suspend the Soldier’s security clearance in accordance with AR 380–67. Flags are not removed until disposition of offenses to include completion of punishment.

(33) Add a reminder to rating officials that their comprehensive evaluation includes documenting incidents of misconduct, to include those being found guilty of sexual assault. This may include an appropriate annotation in the narrative and/or the values section of the officer evaluation report/noncommissioned officer evaluation report.

(34) Ensure that Soldiers convicted of sexual assault in foreign, civilian, or military courts are processed for administrative separation. This provision does not apply to Soldiers who have a court-martial sentence that includes a dishonorable discharge, bad conduct discharge, or a dismissal.

(35) Continually assess the command climate through various methods (for example, focus groups, surveys, talking with Soldiers).

(36) Conduct periodic assessments of the SAPR Program for program improvement.

(37) Comply with AR 600–8–8 and appoint same-gender sponsors for first-term Soldiers.

p. Sexual assault response coordinators. The installation SARC is a DA or contract civilian employee who works for the FAPM and reports directly to the senior commander for matters concerning incidents of sexual assault. The SARCs will—

(1) Serve as the designated PM of victim support services who coordinates and oversees local implementation and execution of the SAPR Program.

(2) Ensure overall local management of sexual assault awareness, prevention, training, and victim advocacy.

(3) Oversee IVAs and UVAs in the performance of their duties providing victim services.

(4) Ensure victims are properly advised of their options for restricted and unrestricted reporting. Ensure victim acknowledges, in writing, his/her preference for restricted or unrestricted reporting as stated in appendix H. If the victim chooses the restricted reporting option, the victim must acknowledge, in writing, that they understand restricted reporting may limit the ability of the Army to prosecute the assailant and an understanding of why Army policy favors unrestricted reporting.

(a) If the victim chooses the restricted reporting option, ensure the victim is taken to a healthcare provider in lieu of reporting the incident to law enforcement or command.

(b) If the victim chooses the unrestricted reporting option, SARC will immediately notify law enforcement and the healthcare provider.

(c) For the purposes of public safety and command responsibility, the SARC will report information concerning sexual assault incidents, without information that could reasonably lead to personal identification of the victim, to the senior commander within 24 hours of the incident.

(5) With the victim’s consent, assign an IVA and/or UVA to assist the victim immediately upon notification of the incident.

(6) Ensure victims of sexual assault receive guidance and emotional support during administrative, medical, investigative, and legal procedures, and that victims understand the processes involved. Data will be collected, reported, and maintained on cases involving victims, subjects, and IVAs and/or UVAs assigned to the case.

(7) Ensure all unrestricted reported incidents of sexual assault are reported to the first lieutenant colonel in the chain of command, CID, military police, and the installation provost marshal within 24 hours of receipt.

(8) Ensure that nonidentifying personal information/details related to a restricted report of a sexual assault is provided to the senior commander within 24 hours of occurrence. This information may include: rank, gender, age, race, service component, status, and time and/or location. Ensure that information is disclosed in a manner that preserves a victim’s anonymity. Careful consideration of which details to include is of particular significance at installations or other locations where there are a limited number of minority females or female officers assigned.

(9) Work with the local installation public affairs officer to ensure that the installation is informed on programs and services.

(10) Maintain liaison with the provost marshal/CID, medical and legal services, and commanders to facilitate immediate response and accurate reporting of sexual assault incidents.

(11) Track, at a minimum, what subordinate units require UVAs and deployable SARCs, a roster of those UVAs and deployable SARCs, status of their training, and rotation dates (that is, PCS and ETS).

(12) Publish a monthly on-call roster for all VAs assigned to the installation. On-call roster will be provided the month prior to the month of on-call duty.

(13) Ensure that sexual assault prevention, education, and victim advocacy services are available for all service members both on and off post by providing essential coordination.

(14) Conduct senior leader training at installation level to increase awareness of sexual assault issues, high-risk behavior, and victim assistance programs (for example, off post rape crisis centers).

(15) Provide take-away information such as booklets and telephone numbers for installation points of contact (for example, SARC, VA, and UVA).

(16) Receive AT on sexual assault subjects (for example, crisis intervention and response to sexual assault) focused on enhancing the installation's SAPR Program.

(17) Ensure that SARB participants receive appropriate case management training consistent with DOD requirements.

(18) Assist commanders in meeting annual SAPR training requirements, including newcomer and orientation briefings.

(19) Train UVAs and deployable SARCs, ensuring training is conducted using military and civilian subject matter experts and material as appropriate. Deployable SARCs are Soldiers assigned at brigade/unit of action and higher levels of command that will assume the duties of the SARC during deployments.

(20) Ensure that data on sexual assault incidents is received from the responding agencies (that is, SJA, healthcare providers, military police/CID) and reported in SADMS.

(21) Collect, record, and maintain data and statistics as directed by the Director, SAPR Program. Ensure that all sexual assault information (for example, program information, disposition status of cases) is reported to the Director, SAPR Program.

(22) Maintain case file for 5 years.

(23) Track services provided to victims of sexual assault from initial report of sexual assault through disposition and resolution of the victim's health and well-being.

(24) Evaluate the effectiveness of prevention programs and advocacy services (for example, how the response team functions, how the victim feels about the system response and treatment received, and risk factor identification).

(25) Serve as a permanent member on the installation SARB.

g. Deployable sexual assault response coordinators. Deployable SARCs are Soldiers appointed on orders assigned at brigade/unit of action and higher levels of command who are designated and trained to assume the duties of the SARC during deployments. The deployable SARC will be an NCO (SFC or higher), officer (MAJ/CW3 or higher), or civilian (GS-11 or above) and should be prepared to assume the executive agent role for coordinating sexual assault response at a level commensurate with the level of command to which they are assigned (that is, brigade/unit of action through theater of operation). The deployable SARC will—

(1) Ensure overall management of sexual assault awareness, prevention, training, and victim advocacy.

(2) Serve as the designated PM of victim support services who coordinates and oversees implementation and execution of the SAPR Program.

(3) Be trained by the installation SARC prior to assuming duty. Brigade or higher SARC must maintain a liaison with the installation SARC in garrison so that they understand the installation's process and procedure for providing services.

(4) Advise the victim on their options for restricted and unrestricted reporting. Ensure victim acknowledges, in writing, their preference for restricted or unrestricted reporting. If the victim chooses the restricted reporting option, the victim must acknowledge in writing that they understand restricted reporting may limit the ability of the Army to prosecute the assailant and an understanding of why Army policy favors unrestricted reporting.

(a) If the victim chooses the restricted reported option, ensure the victim is taken to a healthcare provider in lieu of reporting the incident to law enforcement or chain of command.

(b) If the victim chooses the unrestricted reporting option, SARC will immediately notify law enforcement and the healthcare provider.

(c) For the purposes of public safety and command responsibility, the SARC will report information concerning sexual assault incidents, without information that could reasonably lead to personal identification of the victim, to the senior commander within 24 hours of the incident.

(5) Assign a UVA to assist the victim immediately upon notification of the incident.

(6) Oversee UVAs in the performance of their UVA duties.

(7) Ensure victims of sexual assault receive guidance and emotional support during administrative, medical, investigative, and legal procedures, and that victims understand the processes involved.

(8) Maintain liaison with the provost marshal/CID, medical and legal services, and commanders to facilitate immediate response and accurate reporting of sexual assault incidents.

(9) Ensure all unrestricted reported incidents of sexual assault are reported to the first LTC in the chain of command, CID, military police, and the installation provost marshal within 24 hours of receipt.

(10) Ensure all sexual assault information (for example, program information, case disposition status) is reported to the theater of operations senior mission commander or designated representative.

(11) Conduct senior leader training to increase awareness of sexual assault issues and high-risk behavior.

(12) Track and maintain a roster of what subordinate units require UVAs and deployable SARCs, status of their training, and rotation dates (that is, PCS and ETS).

(13) Publish and maintain an on-call roster of trained UVAs available to assist victims of sexual assault.

(14) Ensure that data on sexual assault incidents is received from the responding agencies (that is, SJA, healthcare providers, military police/CID, and UVAs) and reported in SADMS.

(15) Turn over case files to installation SARC upon redeployment.

(16) Track services provided to victims of sexual assault from initial report of sexual assault through disposition and resolution of the victim's health and Well-being.

(17) Maintain case management information on incidents of sexual assault and ensure a smooth transition, with the installation SARC, of all cases not completed prior to redeployment.

(18) Train UVAs in a deployed environment.

(19) Serve as a permanent member on the SARB.

r. Installation victim advocates. The IVAs are DA civilian or contract employees trained to provide advocacy services to victims of sexual assault. The IVA reports directly to the SARC for sexual assault cases. At locations where the FAPM performs SARC duties, the IVA will report directly to the FAPM. The IVA will—

(1) Establish contact with each victim who alleges that an act of sexual assault occurred, if the victim is receptive to such contact.

(2) Advise the victim on their options for restricted and unrestricted reporting when assigned a sexual assault case by the SARC; ensure victim acknowledges in writing their preference for restricted or unrestricted reporting. (If the victim chooses the restricted reporting option, the victim must acknowledge in writing that they understand restricted reporting may limit the ability of the Army to prosecute the assailant and an understanding of why Army policy favors unrestricted reporting.)

(a) If the victim chooses the restricted reporting option, the IVA will ensure the victim is taken to a healthcare provider in lieu of reporting the incident to law enforcement or command.

(b) If the victim chooses the unrestricted reporting option, the IVA will immediately notify law enforcement and the healthcare provider.

(c) For the purposes of public safety and command responsibility, the IVA will provide information to the SARC, who will in turn report the sexual assault, without information that could reasonably lead to personal identification of the victim, to the senior commander within 24 hours of the incident.

(3) Be knowledgeable about services available to sexual assault victims on the installation as well as in the surrounding community. The IVA will maintain contact with agencies that provide such services, being knowledgeable of the location, telephone number, confidentiality policies and procedures for accessing service at these agencies.

(4) Provide crisis intervention, referral, and ongoing emotional support to the sexual assault victims. Services will be non-clinical in nature. The victim has the right to independently determine whether to accept the offer of IVA services. The IVA must be sensitive to the needs of each victim and tailor services to meet those needs.

(5) Provide initial information to victims on their rights, to include the right to refuse services and explain the scope and limitations of IVAs role as an advocate.

(6) Accompany the victim during investigative interviews and medical examinations, unless the victim chooses not to use the IVAs services. The IVA will not make decisions for the victim, speak for the victim, or interfere with the legitimate operations of medical, investigative, and judicial processes.

(7) Coordinate activities with the SARC and, as needed, with the UVA, on a need-to-know basis, to ensure the best services are provided to victims and to avoid duplication of services.

(8) Provide information on sexual assault issues and victims status to the SARC at an interval determined by the SARC or more frequently if the situation warrants.

(9) Provide on-call services after normal duty hours to victims of sexual assault as needed. The SARC must be fully informed within 2 hours of the start of the next day of all activities that occurred during the on-call duty period.

(10) Provide education and training on the subject of sexual assault to UVAs and other Soldiers as required.

(11) Complete required reports on incidents of sexual assault, to include referrals to victim services. Provide sexual assault reports to the SARC for submission into SADMS.

(12) Safeguard documents in their possession and all information pertaining to victims of sexual assault always being mindful of the victims' right to confidentiality.

(13) Attend ongoing training, as required or recommended by the SARC.

(14) Assist the UVA on performance of their duties as directed by the SARC.

s. Unit victim advocates. The UVA is one of two Soldiers/civilians who is appointed on orders by each battalion-

level commander and trained to perform collateral duties in support of victims of sexual assault, particularly in deployed environments. UVAs are supervised in the performance of their duties by the SARC. The UVA will be an NCO (SSG or higher), officer (1LT/CW2 or higher), or civilian (GS-9 or higher). The UVAs will—

(1) When assigned by the SARC, provide crisis intervention, referral, and ongoing non-clinical support to the sexual assault victim. In the case of multiple victims, each victim should have a VA (IVA or UVA). The victim alone will decide whether to accept the offer of victim advocacy services.

(2) Report to and coordinate directly with the SARC or designated IVA when assigned to assist a victim of sexual assault.

(3) Meet standards for selection and attend annual and ongoing training.

(4) Inform victims of their options for restricted and unrestricted reporting, and explain the scope and limitations of the UVA's role as an advocate. If the victim chooses the restricted reporting option, the victim must acknowledge, in writing, that they understand restricted reporting may limit the ability of the Army to prosecute the assailant and an understanding of why Army policy favors unrestricted reporting.

(a) If the victim chooses the restricted reporting option, ensure the victim is taken to a healthcare provider in lieu of reporting the incident to law enforcement or chain of command.

(b) If the victim chooses the unrestricted reporting option, UVA will immediately notify law enforcement and the healthcare provider.

(c) For the purposes of public safety and command responsibility, the UVA will provide information to the SARC/deployable SARC who will in turn report the sexual assault, without information that could reasonably lead to personal identification of the victim, to the senior commander within 24 hours of the incident.

(5) Inform victims of the options to use service providers (for example, medical, legal, and chaplain) and resources available to victims.

(6) Provide support to the victim throughout the medical, investigative, and judicial process; however, a victim may opt to seek assistance without the presence or assistance of the UVA. The UVA will exercise sensitivity with regard to the victim at all times, but will not counsel the victim. The UVA will accompany the victim, at the victim's request, during investigative interviews and medical examinations. The UVA's mission is to support, assist, and guide the victim through the process. The UVA is not to make decisions for the victim, speak for the victim, or interfere with the legitimate operations of medical, investigative, and judicial processes.

(7) Safeguard documents in their possession pertaining to sexual assault incidents and protect information that is case related.

(8) Complete a report on sexual assault as prescribed by the SARC.

(9) UVAs assigned to CID elements will not be detailed to perform VA support outside of CID units.

(10) UVAs assigned to military police units and DOD police assigned to the installation provost marshals office will not be detailed to perform VA support outside of military police units.

8-6. Deployable sexual assault response coordinator and unit victim advocate selection criteria

Because of the sensitivity and complexity of working with sexual assault victims, the deployable SARC and UVA must be carefully selected. These Soldiers are likely to become involved in highly charged, emotionally stressful situations in assisting victims of sexual assault. As a result, all candidates must be properly screened and complete training in responding appropriately to victims of sexual assault. Deployable SARCs and UVAs will be selected in accordance with the following requirements:

a. Be recommended by the chain of command. The first LTC or battalion level equivalent or higher commander will approve the recommendation and sign the appointment orders.

b. Be deployable.

c. Be able to respond to a sexual assault incident at anytime when on call.

d. Have outstanding duty performance, as evidenced by a review of the individual's evaluation reports.

e. Demonstrate stability in personal affairs. Soldier will not have a history of domestic violence or severe personal problems, including significant indebtedness, excessive use of alcohol, or any use of illegal drugs.

f. Be required to obtain a waiver from HQDA in instances where individuals have withdrawn from the Human Reliability or Personal Reliability Program during the 2 years preceding the nomination.

g. Must not have been punished under the provisions of the UCMJ during the 5 years preceding the nomination.

h. Must be deployable with a minimum of 1 year retainability in the unit (for short tour areas, UVA must have a minimum of 6 months retainability in the unit). This requirement is non-waiverable.

i. The deployable SARC will be an NCO (SFC or higher), officer (MAJ/CW3 or higher), or civilian (GS-11 or higher).

j. The UVA will be an NCO (SSG or higher), officer (1LT/CW2 or higher), or civilian (GS-9 or higher).

k. Must be appointed on orders to the collateral duty of UVA/deployable SARC.

l. Must be available to attend the SARB, as required.

m. Must complete continuing education requirements on an annual basis. Following selection, UVAs and/or deployable SARC must successfully complete required training as a UVA and/or deployable SARC prior to assuming responsibility within the unit.

8-7. Training

The objective of SAPR training is to eliminate incidents of sexual assault through a comprehensive program that focuses on awareness and prevention, education, victim advocacy, reporting, response, and follow up. There are four categories of training for the SAPR Program. This includes PME training, unit level training, predeployment training, and responder training.

a. *Professional military education.* The PME training is progressive and sequential and includes the following areas:

- (1) Initial entry training.
- (2) Pre-commissioning/basic officer leadership instruction-I to include ROTC and Junior ROTC.
- (3) Basic officer leadership instruction II, Warrant Officer Basic Course, Primary Leadership Development Course.
- (4) Captain's Career Course, Warrant Officer Advanced Course, and Basic Noncommissioned Officer Course.
- (5) General officer training, Army War College, PCC, Warrant Officer Senior Course, Sergeants Major Course, and First Sergeant (ISG) Course.
- (6) Drill sergeant and recruiter training.

b. *Unit level training.* All Soldiers will attend and participate in unit level SAPR training annually. Training will be scenario based, using real life situations to demonstrate the entire cycle of reporting, response, and accountability procedures. Training should be inclusive of audience and group participation.

(1) The commander will incorporate sexual assault prevention training into the overall unit training plan. Commanders should annotate sexual assault prevention training on the unit training schedule. The training will be based on Army values to promote respect and dignity and to reinforce the Army's commitment to the Warrior Ethos. The chain of command and other leaders (commander, CSM, SGM, ISG, civilian supervisors, and others) will be present and participate in unit sexual assault sessions.

(2) SAPR Program training is not an extension of sexual harassment training. Trainers should clarify the differences between harassment and assault and identify those dynamics that are unique to sexual assault.

(3) Persons conducting training must use formal training packages on the SAPR Program. Critical points to stress during unit training includes the following:

- (a) The Army's policy on sexual assault.
- (b) Definitions and examples of sexual assault (use definitions in para 8-4 of this document).
- (c) Resources to assist victims of sexual assault.
- (d) Sexual assault prevention and the appropriate responses.
- (e) Chain of command responsibilities for enforcing the Army's policy on sexual assault.
- (f) Risk factors and issues in the unit setting including deployed environments.
- (g) Timely reporting of sexual assault.
- (h) Privileged and confidential communications (restricted and unrestricted reporting).
- (i) Victim rights.
- (j) Potential first responder points of contact to initiate victim assistance include reporting a sexual assault incident to the following (asterisk indicates agencies with whom victims can initiate a restricted report):

1. Medical services.*
2. Law enforcement.
3. Chaplains.*
4. Chain of command.
5. Legal services.
6. Family Advocacy Program.
7. Equal opportunity advisor and/or program manager.
8. Sexual assault response coordinator.*
9. Installation or unit victim advocate.*

c. *Predeployment training.* Predeployment training will incorporate information on SAPR. As part of predeployment training, Soldiers will be presented with information to increase awareness of the customs of the host country and any coalition partners, in an effort to help prevent further sexual assaults outside of CONUS. This presentation will—

(1) Ensure that Soldiers who deploy to locations outside the United States are cognizant of sexual assault issues, as well as DOD and specific Army policies about sexual assault prevention, prosecution of offenders, and the care of victims. This training will include risk reduction factors that are tailored to the specific deployment locations.

(2) Focus on the specific foreign countries or areas anticipated for deployment. It will include customs, mores and religious practices, and a brief history of the foreign countries or areas. The cultural customs and mores of coalition partners will also be addressed.

(3) Address procedures for reporting a sexual assault to ensure that Service members are aware of the full range of options available and have knowledge of location and contact information for response agencies in the deployed theater.

(4) Identify support systems that will be available during the deployment, to include chain of command, UVAs, deployable SARCs, healthcare providers, CID/military police, SJA, and chaplains.

d. Post-deployment training. Commanders will ensure Service members receive SAPR unit refresher training during reintegration activities.

e. Responder training. Primary responders to sexual assault incidents will receive the same baseline training throughout the DOD, to ensure that any Service member who is assaulted will receive the same level of response regardless of Service component. Training should emphasize coordinating victim support services as a team effort and to be effective all the team members must be allowed to do their job and must understand the role of the others on the team. Each responsible first responder agency listed below will implement DOD's baseline training standards (see app I for minimum baseline training standards):

- (1) Healthcare (responsible agency MEDCOM).
- (2) Law enforcement and criminal investigators (responsible agency TRADOC).
- (3) Judge advocate general officers (responsible agency OTJAG).
- (4) Chaplains (responsible agency Office of the Chief of Chaplains (OCCH)).
- (5) Sexual assault response coordinators (responsible agency ACSIM and/or CFSC).
- (6) Installation and UVAs (responsible agency ACSIM and/or CFSC).

**MILITARY
ARMY DIRECTIVE**



SECRETARY OF THE ARMY
WASHINGTON

08 NOV 2018

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2018-23 (Improving the Effectiveness of Essential and Important Army Programs: Sexual Harassment/Assault Response and Prevention, Equal Opportunity, Suicide Prevention, Alcohol and Drug Abuse Prevention, and Resilience)

1. **References.** See list of references at the enclosure.
2. **Purpose.** This directive provides guidance for a more effective method of training, emphasizing leader involvement, and leveraging the Army's culture to improve the outcomes of these valuable programs to enhance the readiness and welfare of our Soldiers and units.
3. **Applicability.** This directive applies to the Regular Army, the Army National Guard/Army National Guard of the United States, the U.S. Army Reserve, and Department of the Army Civilian employees.
4. **Policy.** There is nothing more important than the welfare and readiness of our Soldiers and units. This directive reasserts the importance of leaders and the chain of command in providing quality, relevant training and education to improve and sustain positive organizational climates that emphasizes Army Values and treating everyone with dignity and respect. This leader centric approach not only builds combat readiness and lethality at the Soldier and small unit level, but allows commanders to tailor training commensurate with their assessment of unit risk in each area, will drive better results, and will reinforce the importance and seriousness of these issues. The emphasis on leaders delivering quality training to Soldiers on the topics contained in this directive must be on building readiness, not compliance. Commanders are responsible and accountable for driving a positive climate, and building soldier/unit readiness, morale, good order, and discipline.
 - a. **Sexual Harassment/Assault Response and Prevention (SHARP).** Sexual harassment and Sexual Assault are contrary to Army values and a critical readiness issue. There is no room for sexual assault or sexual harassment in the U.S. Army. Commanders will take every report of sexual assault, sexual harassment, and associated retaliatory behavior seriously by following proper guidelines. Every member of the Army team must be treated with dignity and respect. Commanders will do the following:

SUBJECT: Army Directive 2018-23 (Improving the Effectiveness of Essential and Important Army Programs: Sexual Harassment/Assault Response and Prevention, Equal Opportunity, Suicide Prevention, Alcohol and Drug Abuse Prevention, and Resiliency)

(1) Commanders will incorporate unit-level SHARP annual training into the overall training plan for the unit and document the training on unit training schedules.

(2) Annual SHARP training will be conducted face to face using the approved Department of the Army SHARP Annual Refresher Training Support Package (TSP) available on the Army Training Network. Commanders will determine the duration, location, and means for conducting training. Unit leaders will lead the training with the assistance of credentialed SHARP Professionals.

(3) HQDA no longer requires the online SHARP training component; it will remain available as a supplemental resource in the Army Learning Management System.

(4) Commanders will retain records of Soldiers' SHARP training.

b. **Equal Opportunity (EO).** There is no room for discriminatory behaviors and practices in the U.S. Army. Every member of the Army team must be treated with dignity and respect. Commanders will do the following:

(1) Commanders will incorporate unit-level annual Military Equal Opportunity (MEO) training, in combination with training on the prevention of hazing, bullying, retaliation, and reprisal into the overall training plan for the unit.

(2) Annual MEO training will be conducted face to face. Commanders will determine the duration, location, and means for conducting training. Unit leaders will lead the training and may use MEO Professionals as available and necessary.

(3) HQDA does not require commanders to conduct quarterly MEO training.

(4) Equal opportunity advisors (EOAs) will refer sexual harassment complaints to unit SHARP representatives. EOAs will continue to assist commanders in other activities prescribed by Army-wide and command policy that prevent sexual harassment.

c. **Suicide Prevention.** One of the best means to reduce suicides in our ranks is for leaders to know their Soldiers and to watch out for them both on- and off-duty; this is what I expect from all leaders. Commanders will do the following:

(1) Commanders will incorporate suicide prevention annual training into the overall training plan for the unit.

(2) Annual suicide prevention training will be conducted face to face. Commanders will determine the duration, location, and means for conducting training.

SUBJECT: Army Directive 2018-23 (Improving the Effectiveness of Essential and Important Army Programs: Sexual Harassment/Assault Response and Prevention, Equal Opportunity, Suicide Prevention, Alcohol and Drug Abuse Prevention, and Resiliency)

Unit leaders will lead the training and may use assets such as chaplains, legal representatives, and Master Resilience Trainers (MRTs), or other subject matter experts.

(3) Commanders will retain records of Soldiers' suicide prevention training.

d. Alcohol and Drug Abuse Prevention. Commanders are responsible for educating and training their personnel about the dangers of drug and alcohol abuse and other risks to their health and military readiness associated with substance abuse. Commanders will do the following:

(1) Commanders will incorporate alcohol and drug abuse prevention annual training into the overall training plan for the unit.

(2) Annual Alcohol and Drug Abuse Prevention education and training will be conducted face to face. Commanders will determine the duration, location, and means for conducting alcohol and drug abuse training, and implement risk reduction measures based on unit assessments.

(3) Unit leaders will lead the training and may use subject matter experts to assist as available and needed.

e. Resilience Training. Resilience is a key component to building and sustaining combat readiness. Commanders will do the following:

(1) Commanders will incorporate resiliency annual training into the unit's overall training plan.

(2) Annual resilience training will be conducted face to face using MRTs to assist as available and needed. Commanders will determine the duration, location, and means for conducting training based on unit and individual assessments.

5. Proponent. The DCS, G-1 is the proponent for this policy. The DCS, G-1 and the DCS, G-3/5/7 will revise the applicable Army regulations to implement these changes as soon as possible.

6. This directive is rescinded upon publication of the revised regulations.



Mark T. Esper

SUBJECT: Army Directive 2018-23 (Improving the Effectiveness of Essential and Important Army Programs: Sexual Harassment/Assault Response and Prevention, Equal Opportunity, Suicide Prevention, Alcohol and Drug Abuse Prevention, and Resiliency)

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MILITARY
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DoD INSTRUCTION 1020.03

HARASSMENT PREVENTION AND RESPONSE IN THE ARMED FORCES

Originating Component: Office of the Under Secretary of Defense for Personnel and Readiness

Effective: February 8, 2018

Releasability: Cleared for public release. Available on the Directives Division Website at <http://www.esd.whs.mil/DD/>.

Incorporates and Cancels: Under Secretary of Defense for Personnel and Readiness Policy Memorandum, "Prevention and Response to Sexual Harassment," September 19, 2014
Secretary of Defense Memorandum, "Prohibition of Sexual Harassment in the Department of Defense (DoD)," August 22, 1994

Approved by: Robert L. Wilkie, Under Secretary of Defense for Personnel and Readiness

Purpose: In accordance with the authority in DoD Directive (DoDD) 5124.02, this issuance:

- Establishes a comprehensive, DoD-wide military harassment prevention and response program.
- Updates military harassment prevention and response policies and programs for Service members.
- Updates harassment prevention and response procedures for Service members to submit harassment complaints, including anonymous complaints; procedures and requirements for responding to, processing, resolving, tracking, and reporting harassment complaints; and training and education requirements and standards.
- Supplements the DoD Retaliation Prevention and Response Strategy (RPRS) Implementation Plan for sexual harassment complaints involving retaliation.

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY. This issuance:

a. Applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”).

b. Does not apply to DoD civilian employees, who should be referred to the appropriate servicing equal opportunity office in accordance with DoDD 1440.1; Volume 771 of DoD Instruction (DoDI) 1400.25; and Section 1561 of Title 10, United States Code (U.S.C.).

1.2. POLICY.

a. The Department does not tolerate or condone harassment. Harassment jeopardizes combat readiness and mission accomplishment, weakens trust within the ranks, and erodes unit cohesion. Harassment is fundamentally at odds with the obligations of Service members to treat others with dignity and respect.

b. DoD will hold leaders at all levels appropriately accountable for fostering a climate of inclusion that supports diversity, is free from harassment, and does not tolerate retaliation against those filing harassment complaints.

c. Military Departments will incorporate the definitions in the Glossary of this issuance into their respective harassment prevention and response implementing regulations and may supplement the definitions, as necessary.

d. Violations of the policies in this instruction may constitute violations of specific articles of Chapter 47 of Title 10, U.S.C., also known and referred to in this issuance as the “Uniform Code of Military Justice (UCMJ)” and may result in administrative or disciplinary action.

1.3. INFORMATION COLLECTIONS.

a. Reports referred to in Paragraphs 2.1.b, 2.3.e, 2.3.f, 2.4.c, 4.2.d, 4.4.d, 4.4.e, 4.5.d, 4.8, 7.1., and 7.2. do not require licensing with a report control symbol in accordance with Paragraphs 1 and 8 of Volume 1 of DoD Manual (DoDM) 8910.01.

b. The Defense Equal Opportunity Management Institute (DEOMI) Organizational Climate Survey has been assigned report control symbol DD-P&R(AR)2338 in accordance with the procedures in Volume 1 of DoDM 8910.01. The expiration date of this information collection is listed in the DoD Information Collections System at <https://eitsdext.osd.mil/sites/dodiic/Pages/default.aspx>.

SECTION 2: RESPONSIBILITIES

2.1. UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS (USD(P&R)). The USD(P&R):

- a. Establishes and oversees DoD-wide policies and programs for military harassment prevention and response.
- b. Establishes standardized DoD Component data reporting requirements for harassment complaints and information collection and tracking, including approval of automated data collection interface systems.

2.2. DIRECTOR, FORCE RESILIENCY. Under the authority, direction, and control of the USD(P&R), the Director, Force Resiliency:

- a. Oversees DoD Component implementation and compliance with this instruction.
- b. Oversees and develops harassment prevention and response program strategies and plans.
- c. Provides to the USD(P&R) an assessment of programmatic effectiveness, and compliance with strategies and plans with recommendations for improvements on an annual basis.
- d. Monitors and directs strategic planning based on annual data analysis and assessment provided across Force Resiliency portfolios.
- e. Oversees the collection of data and information related to harassment complaints.
- f. Reviews and refers to the appropriate Military Department harassment complaints sent to the Secretary of Defense or the USD(P&R).

2.3. DIRECTOR, OFFICE OF DIVERSITY MANAGEMENT AND EQUAL OPPORTUNITY (ODMEO). Under the authority, direction, and control of the USD(P&R), through the Director, Force Resiliency, the Director, ODMEO:

- a. Serves as the DoD principal responsible for developing DoD harassment prevention and response policy.
- b. Directs and manages implementation of the DoD harassment prevention and response program.
- c. Conducts compliance reviews of DoD Component harassment prevention and response policies and programs in accordance with this instruction, including:
 - (1) Assessments of impartiality, timeliness, and sufficiency of harassment complaints.
 - (2) Timeliness and sufficiency of feedback provided to complainants.

(3) Effectiveness of policies and programs in reducing incidents of harassment and providing appropriate victim services, care, and support.

d. Ensures that DoD Component harassment prevention and response programs incorporate, at minimum:

(1) Long-term goals, objectives, and milestones;

(2) Results-oriented performance measures to assess effectiveness; and

(3) Compliance standards for promoting, supporting, and enforcing policies, plans, and programs.

e. Collects, assesses, and analyzes information and data regarding harassment complaints received by the Military Departments and compiles reports in accordance with reporting requirements outlined in Paragraph 7.2.

f. Makes recommendations to the USD(P&R) through the Director, Force Resiliency, after receiving annual reports from the Military Departments, to establish, update, and maintain harassment prevention and response policies and programs.

g. Directs the Commandant, DEOMI, to:

(1) Establish standards, core competencies, and learning objectives for DoD Component harassment prevention and response training and education programs.

(2) Tailor training materials to Service member professional development levels and associated leadership duties and responsibilities.

(3) Ensure training materials and curriculum include, at minimum, prevention strategies and risk and protective factors.

(4) Review Military Department training plans for compliance with this instruction and sufficiency of content, and report potential deficiencies to the Director, ODMEO.

2.4. SECRETARIES OF THE MILITARY DEPARTMENTS. The Secretaries of the Military Departments:

a. Establish military harassment prevention and response programs that ensure:

(1) Service members are treated with dignity and respect.

(2) Leaders at all levels are held appropriately accountable for fostering a climate of inclusion within their organizations that supports diversity, is free from harassment, and does not tolerate retaliation for reporting harassment allegations.

(3) Harassment complaints are investigated in an impartial and timely manner.

(4) Complainants receive access to available victim services and support, and will be afforded an opportunity to provide input regarding disposition.

(5) Complainants receive ongoing timely information regarding the status of their complaints and notice of disposition.

b. Oversee Military Department programs, which will include:

(1) Information regarding how to identify harassment, DoD standard definitions, and types of harassment, as outlined in Section 3.

(2) Information regarding how to identify sexual assault under Article 120 of the UCMJ and reporting procedures.

(3) Information regarding reporting options, procedures, and applicable timelines to submit harassment complaints, including anonymous complaints and complaints involving a Service member's commander or supervisor, to the appropriate commander or supervisor, the inspector general's office, military equal opportunity (MEO) office, or staff designated by the Military Service to receive harassment complaints.

(4) Procedures for commanders and supervisors to receive, respond to, investigate, and resolve harassment complaints, including those made in Joint Service environments consistent with Paragraph 4.5.

(5) Training and education requirements for commanders, supervisors, Service members, and any other appropriate personnel (e.g., chaplains, judge advocates, investigating officers, inspectors general, MEO personnel, and staff designated by the Service to receive complaints). In addition to requirements in Section 6, training will include at minimum training modules and materials provided by DEOMI. Service developed training plans for such personnel will be submitted to DEOMI for review before implementation.

(6) Mechanisms to collect, track, assess, and analyze data and information related to harassment complaints in accordance with Section 7.

(7) Mechanisms to maintain data regarding harassment complaints in a manner that will ensure adequate tracking of complaints from Service members assigned, detailed, or otherwise working in a DoD Component, other than a Military Department, consistent with Service-specific record retention policies and procedures and DoDI 5015.02.

(8) Requirements to prominently post and publicize information regarding Military Department harassment prevention and response policies and programs, including information stated in Paragraphs 2.4.b.(1).

c. Respond to ODMEO data calls in accordance with Section 7, including data and reports to support annual Congressional and DoD fiscal year reports. Data and reports will be submitted as follows:

(1) Hazing and bullying data by December 1, in accordance with the December 23, 2015, Deputy Secretary of Defense Memorandum.

(2) Data and reports on all other types of harassment, including sexual harassment, by January 31.

d. Ensure that a minimum of one 24-hour toll-free or local hotline (or advice line) provides information on harassment policies and procedures covered within this issuance, including how and where to file complaints, the behaviors that constitute harassment, and information about the DoD-wide hotline for Sexual Assault at <https://www.SafeHelpline.org>.

e. Ensure appropriate administrative or disciplinary action is taken against Service members in cases involving substantiated harassment complaints.

f. Mandate that substantiated complaints are annotated on fitness reports or performance evaluations.

g. Verify that commanders conduct climate assessments and take appropriate action as required.

h. Assist and support harassment complainants in accordance with DoDD 1350.2, DoDI 1030.2, and DoDI 6400.07. Complainants should be provided adequate protection and care, and informed about available support resources, including:

(1) Military and civilian emergency medical and support services.

(2) Public and private programs that are available to provide counseling, treatment, and other support.

(3) Organizations and entities on- and off-base that provide victim and witness services and support.

2.5. DOD COMPONENT HEADS OTHER THAN THE SECRETARIES OF THE MILITARY DEPARTMENTS. The DoD Component heads other than the Secretaries of the Military Departments will:

a. Ensure Service members are treated with dignity and respect.

b. Leaders at all levels are held appropriately accountable for fostering a climate of inclusion within their organizations that supports diversity, is free from harassment, and does not tolerate retaliation for reporting harassment allegations.

c. Refer harassment complaints from Service members assigned, detailed, or otherwise working in a DoD Component other than a Military Department to the Service member's Military Department and provide them information regarding reporting options.

d. Prominently post and publicize information regarding Military Department harassment prevention and response policies and programs, including information stated in Paragraph 2.4.b.(1).

e. Mandate that substantiated complaints are annotated on fitness reports or performance evaluations.

f. Support investigations by providing access to information, as appropriate, to ensure that investigations are impartial and timely.

g. Ensure training and education requirements are consistent with those outlined in Section 6.

h. Assist and support harassment complainants in accordance with DoDD 1350.2, DoDI 1030.2, and DoDI 6400.07. Complainants should be provided adequate protection and care, and informed about available support resources, including:

(1) Military and civilian emergency medical and support services.

(2) Public and private programs that are available to provide counseling, treatment, and other support.

(3) Organizations and entities on- and off-base that provide victim and witness services and support.

2.6. CHIEF, NATIONAL GUARD BUREAU. The Chief, National Guard Bureau, will implement the policies and procedures outlined in this instruction, consistent with DoDD 1350.2.

SECTION 3: TYPES OF HARASSMENT COVERED BY THIS ISSUANCE

3.1. HARASSMENT. Behavior that is unwelcome or offensive to a reasonable person, whether oral, written, or physical, that creates an intimidating, hostile, or offensive environment. Harassment can occur through electronic communications, including social media, other forms of communication, and in person. Harassment may include offensive jokes, epithets, ridicule or mockery, insults or put-downs, displays of offensive objects or imagery, stereotyping, intimidating acts, veiled threats of violence, threatening or provoking remarks, racial or other slurs, derogatory remarks about a person's accent, or displays of racially offensive symbols. Activities or actions undertaken for a proper military or governmental purpose, such as combat survival training, are not considered harassment.

3.2. DISCRIMINATORY HARASSMENT. A form of harassment that is unwelcome conduct based on race, color, religion, sex (including gender identity), national origin, or sexual orientation.

3.3. SEXUAL HARASSMENT.

a. Sexual harassment is:

(1) Conduct that:

(a) Involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career;

2. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive environment; and

(b) Is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive.

(2) Any use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a member of the Armed Forces.

(3) Any deliberate or repeated unwelcome verbal comments or gestures of a sexual nature by any member of the Armed Forces or civilian employee of the Department of Defense.

b. There is no requirement for concrete psychological harm to the complainant for behavior to constitute sexual harassment. Behavior is sufficient to constitute sexual harassment if it is so severe or pervasive that a reasonable person would perceive, and the complainant does perceive, the environment as hostile or offensive.

c. Sexual harassment can occur through electronic communications, including social media, other forms of communication, and in person.

3.4. BULLYING. A form of harassment that includes acts of aggression by Service members or DoD civilian employees, with a nexus to military service, with the intent of harming a Service member either physically or psychologically, without a proper military or other governmental purpose. Bullying may involve the singling out of an individual from his or her coworkers, or unit, for ridicule because he or she is considered different or weak. It often involves an imbalance of power between the aggressor and the victim. Bullying can be conducted through the use of electronic devices or communications, and by other means including social media, as well as in person.

a. Bullying is evaluated by a reasonable person standard and includes, but is not limited to the following when performed without a proper military or other governmental purpose:

- (1) Physically striking another person in any manner or threatening to do the same;
- (2) Intimidating, teasing, or taunting another person;
- (3) Oral or written berating of another person with the purpose of belittling or humiliating;
- (4) Encouraging another person to engage in illegal, harmful, demeaning or dangerous acts;
- (5) Playing abusive or malicious tricks;
- (6) Branding, handcuffing, duct taping, tattooing, shaving, greasing, or painting another person;
- (7) Subjecting another person to excessive or abusive use of water;
- (8) Forcing another person to consume food, alcohol, drugs, or any other substance;
- (9) Degrading or damaging another's property or reputation; and
- (10) Soliciting, coercing, or knowingly permitting another person to solicit or coerce acts of bullying.

b. Bullying does not include properly directed command or organizational activities that serve a proper military or other governmental purpose, or the requisite training activities required to prepare for such activities (e.g., command-authorized physical training).

c. Service members may be responsible for an act of bullying even if there was actual or implied consent from the victim and regardless of the grade or rank, status, or Service of the victim.

d. Bullying is prohibited in all circumstances and environments, including off-duty or “unofficial” unit functions and settings.

3.5. HAZING. A form of harassment that includes conduct through which Service members or DoD employees, without a proper military or other governmental purpose but with a nexus to military Service, physically or psychologically injures or creates a risk of physical or psychological injury to Service members for the purpose of: initiation into, admission into, affiliation with, change in status or position within, or a condition for continued membership in any military or DoD civilian organization. Hazing can be conducted through the use of electronic devices or communications, and by other means including social media, as well as in person.

a. Hazing is evaluated by a reasonable person standard and includes, but is not limited to, the following when performed without a proper military or other governmental purpose:

(1) Any form of initiation or congratulatory act that involves physically striking another person in any manner or threatening to do the same;

(2) Pressing any object into another person’s skin, regardless of whether it pierces the skin, such as “pinning” or “tacking on” of rank insignia, aviator wings, jump wings, diver insignia, badges, medals, or any other object;

(3) Oral or written berating of another person with the purpose of belittling or humiliating;

(4) Encouraging another person to engage in illegal, harmful, demeaning or dangerous acts;

(5) Playing abusive or malicious tricks;

(6) Branding, handcuffing, duct taping, tattooing, shaving, greasing, or painting another person;

(7) Subjecting another person to excessive or abusive use of water;

(8) Forcing another person to consume food, alcohol, drugs, or any other substance; and

(9) Soliciting, coercing, or knowingly permitting another person to solicit or coerce acts of hazing.

b. Hazing does not include properly directed command or organizational activities that serve a proper military or other governmental purpose, or the requisite training activities required to

prepare for such activities (e.g., administrative corrective measures, extra military instruction, or command-authorized physical training).

c. Service members may be responsible for an act of hazing even if there was actual or implied consent from the victim and regardless of the grade or rank, status, or Service of the victim.

d. Hazing is prohibited in all circumstances and environments including off-duty or “unofficial” unit functions and settings.

3.6. RETALIATION. Retaliation encompasses illegal, impermissible, or hostile actions taken by a Service member’s chain of command, peers, or coworkers as a result of making or being suspected of making a protected communication in accordance with DoDD 7050.06. Retaliation for reporting a criminal offense can occur in several ways, including reprisal. Investigation of complaints of non-criminal retaliatory actions other than reprisal will be processed consistent with Service-specific regulations. In addition to reprisal, defined in Paragraph 3.7, additional retaliatory behaviors include ostracism, maltreatment, and criminal acts for a retaliatory purpose in connection with an alleged sex-related offense or sexual harassment; or for performance of duties concerning an alleged sex-related offense or sexual harassment. For detailed definitions of the full range of retaliatory behaviors, see the RPRS Implementation Plan.

3.7. REPRISAL. In accordance with Section 1034 of Title 10, U.S.C., as implemented by DoDD 7050.06, reprisal is defined as taking or threatening to take an unfavorable personnel action, or withholding or threatening to withhold a favorable personnel action, for making, preparing to make, or being perceived as making or preparing to make a protected communication.

SECTION 4: PROCEDURES AND REQUIREMENTS FOR PROCESSING HARASSMENT COMPLAINTS FROM SERVICE MEMBERS

4.1. INFORMAL COMPLAINTS. Informal complaints, as defined in this instruction, should be addressed at the lowest possible level. Data collection requirements, in accordance with Section 7, are applicable to informal complaints.

4.2. FORMAL HARASSMENT COMPLAINTS NOT INVOLVING SEXUAL HARASSMENT OR SEXUAL ASSAULT ALLEGATIONS. Formal harassment complaints will be processed in accordance with the following timelines and requirements:

a. To the extent practicable, within 5 duty days of receipt of the complaint, forward the complaint, with a detailed description of the facts and circumstances, to the next superior officer in the chain of command who is authorized to convene a general court-martial.

b. Commence, or cause the commencement of, an investigation of the complaint within 5 duty days of receipt of the complaint.

c. Notify complainants when an investigation begins, provide them information about the investigation process and victim support resources available, on- and off-base, and any appeal rights. When the investigation is complete, the complainant must be notified whether the complaint was substantiated or unsubstantiated.

d. Closely monitor and ensure timely completion of any investigation and, to the extent practicable, direct the investigation to be completed not later than 30 days after the date on which the investigation is commenced. In addition:

(1) A final report on the results of the investigation, including any action taken, will be submitted to the next superior officer as referenced in Paragraph 4.2.a. within 36 days after the date on which the investigation is commenced; or

(2) If the investigation cannot be completed within the timeline stated in Paragraph 4.2.d., a report on the progress made in completing the investigation will be submitted to the superior officer as referenced in Paragraph 4.2.a. after the date on which the investigation is commenced and every 14 days thereafter until the investigation is completed. Upon completion of the investigation, a final report on the results of the investigation must be submitted, including any action taken, to the next superior officer as referenced in Paragraph 4.2.a.

4.3. HARASSMENT COMPLAINTS INVOLVING SEXUAL ASSAULT ALLEGATIONS. Harassment complaints involving sexual assault allegations must be:

a. Referred to a sexual assault response coordinator for victim support services in accordance with DoDD 6495.01, DoDI 6495.02, and the DoD RPRS Implementation Plan.

b. Referred for investigation to the appropriate military criminal investigative organization, in accordance with DoDI 5505.18.

4.4. SEXUAL HARASSMENT COMPLAINTS NOT INVOLVING SEXUAL ASSAULT ALLEGATIONS. Sexual harassment complaints will be processed in accordance with the following timelines and requirements, in accordance with Section 1561 of Title 10, U.S.C.:

a. To the extent practicable, within 72 hours of receipt of the complaint, forward the complaint, with a detailed description of the facts and circumstances, to the next superior officer in the chain of command who is authorized to convene a general court-martial.

b. Commence, or cause the commencement of, an investigation of the complaint within 72 hours of receipt of the complaint.

c. Notify complainants when an investigation begins, provide them information about the investigation process and victim support resources available, on- and off-base, and any appeal rights. When the investigation is complete, the complainant must be notified whether the complaint was substantiated or unsubstantiated.

d. Closely monitor and ensure timely completion of any investigation and, to the extent practicable, direct the investigation to be completed not later than 14 days after the date on which the investigation is commenced. In addition:

(1) A final report on the results of the investigation, including any action taken, will be submitted to the next superior officer as referenced in Paragraph 4.4.a. within 20 days after the date on which the investigation is commenced; or

(2) If the investigation cannot be completed within the timeline stated in Paragraph 4.4.d., a report on the progress made in completing the investigation will be submitted to the superior officer as referenced in Paragraph 4.4.a. after the date on which the investigation is commenced and every 14 days thereafter until the investigation is completed. Upon completion of the investigation, a final report of the investigation must be submitted, including any action taken, to the next superior officer as referenced in Paragraph 4.4.a.

e. All reports of investigation of complaints alleging sexual harassment must be reviewed for legal sufficiency.

f. Follow procedures for processing sexual harassment complaints, including anonymous complaints, occurring in confinement facilities and involving military inmates, in accordance with Section 15601 of Title 42, U.S.C., also known as the "Prison Rape Elimination Act of 2003."

4.5. HARASSMENT COMPLAINTS IN JOINT SERVICE ENVIRONMENTS.
Secretaries of Military Departments will:

- a. Ensure that harassment complaints are processed through the Command or Service that has administrative control, or disciplinary authority, or a combination thereof, over the alleged offender.
- b. Ensure that joint commanders forward the complaint, with a detailed description of the facts and circumstances, to the next superior officer in the alleged offender's chain of command who is authorized to convene a general court-martial.
- c. Require the alleged offender's commander or supervisor to provide updates, as appropriate, to the complainant's commander or supervisor, upon receipt of complaint through final disposition.
- d. Ensure, upon completion and final disposition of the complaint, that the complainant's commander and the offender's commander are informed of the final disposition for proper tracking, documentation, file maintenance, and records management purposes.
- e. Respond to incidents of harassment and comply with investigation timelines and notification requirements established in this issuance.

4.6. ANONYMOUS COMPLAINTS. Actions taken regarding anonymous complaints will depend upon the extent of information provided by complainants. If an anonymous complaint contains sufficient information to permit the initiation of an investigation, the investigation will be initiated by the commanding officer or supervisor in accordance with this instruction and any Service-specific guidance. If an anonymous complaint does not contain sufficient information to permit the initiation of an investigation, the information should be documented in a Memorandum for Record and maintained on file in accordance with disposition instructions and the central point of contact responsible for processing harassment complaints. The Memorandum for Record should contain the following information, if available:

- a. Date and time the information was received;
- b. A detailed description of the facts and circumstances included in the complaint;
- c. Date and time the complaint was resolved and by whom; and
- d. Any other pertinent information.

4.7. SUPPLEMENTAL GUIDANCE. Military Departments will establish supplemental guidance for receiving, responding to, investigating, and resolving harassment complaints consistent with the timelines and procedures outlined in this instruction.

4.8. RELEASE OF REPORTS.

- a. Inform complainants of the availability of a final investigative report and their right to request a copy of the investigative final report, redacted as necessary to comply with Section

552a of Title 5, U.S.C., also known as the “Privacy Act of 1974,” as amended, and any other applicable laws and regulations.

b. Freedom of Information Act requests will be processed in accordance with DoDM 5400.07.

SECTION 5: RESPONDING TO HARASSMENT COMPLAINTS FROM SERVICE MEMBERS

5.1. RESPONDING TO HARASSMENT COMPLAINTS. Commanders and supervisors will:

a. Inform Service members of available reporting options and procedures, including to their commander, supervisor, the inspector general's office, MEO office, or staff designated by the Military Service to receive complaints. One official will be specifically designated to receive allegations of harassment involving commanders and supervisors to ensure impartial adjudication of such complaints.

b. Advise Service members of available support resources.

c. Respond to and, as appropriate, investigate all harassment complaints as identified in Section 4.

d. Follow additional procedures and comply with requirements set forth in Component-specific policies and guidance.

e. Follow the procedures in the RPRS Implementation Plan if the complainant alleges sexual harassment and retaliation.

f. Take appropriate disciplinary or administrative action when a complaint is substantiated.

g. Determine whether a climate assessment is warranted or additional unit training is required.

5.2. APPEALING ADMINISTRATIVE FINDINGS OF HARASSMENT COMPLAINTS. Commanders and supervisors will inform complainants of the process for appealing administrative findings of complaints in accordance with DoDD 1350.2.

SECTION 6: PREVENTION AND RESPONSE TRAINING AND EDUCATION

6.1. PREVENTION AND RESPONSE TRAINING AND EDUCATION PROGRAMS.

DoD Component heads will ensure harassment prevention and response training and education programs are established at all levels of professional military development from the accession point to the assumption of senior leader grade.

6.2. REQUIREMENTS FOR PREVENTION AND RESPONSE TRAINING AND EDUCATION PROGRAMS. Harassment prevention and response training and education programs will include:

- a. Mechanisms to ensure training is delivered only by instructors who possess the appropriate skills and competencies.
- b. To the extent practicable, training to the same audiences and in the same venues (e.g., command training and unit status reports) as sexual assault prevention and response training.
- c. Roles and responsibilities of Service members, including fostering a culture free from harassment.
- d. Information on how to identify harassment, DoD standard definitions and types of harassment as outlined in Section 3.
- e. Options and procedures for submitting informal (as applicable), formal, and anonymous harassment complaints.
- f. Information regarding how to identify sexual assault under Article 120 of the UCMJ and reporting procedures.
- g. Information regarding the Service-specific office of primary responsibility for sexual assault complaints.
- h. Information regarding how to identify and report retaliation in accordance with the RPRS Implementation Plan.
- i. Information regarding how to identify and report reprisal in accordance with DoDD 7050.06.
- j. Information regarding bystander intervention to ensure Service members have the skills to recognize when to intervene and the tools necessary to implement the intervention.
- k. Information regarding any administrative or disciplinary action that could be taken.

SECTION 7: DATA COLLECTION AND REPORTING REQUIREMENTS

7.1. DATA COLLECTION. Secretaries of the Military Departments will ensure that the Military Departments maintain data on harassment complaints, including informal (if applicable), formal, and anonymous reports. Military Departments will annually report data to the Director, ODMEO, through a DoD approved automated data collection interface. At a minimum, the Military Departments' data will include:

- a. The type of complaint (i.e., informal (if applicable), formal or anonymous).
- b. The number of complaints received and the types of harassment alleged.
- c. The number of complaints substantiated, the types of harassment alleged, and the types of harassment substantiated, if any.
- d. The demographics (e.g., race/ethnicity, gender, and grade) of the complainant and alleged offender.
- e. The relationship between the complainant and the alleged offender at the time of the incident(s) (e.g., superior, coworker, subordinate).
- f. The duty status of both the complainant and alleged offender (e.g., training, temporary duty, leave, and on-duty or off-duty).
- g. Whether the alleged offender has prior substantiated harassment complaints documented in his or her personnel file.
- h. A narrative description of the alleged incident(s), including the use of social media.
- i. For Service members assigned, detailed, or otherwise working in a DoD or OSD Component other than a Military Department, the identification of the DoD Component in which the harassment complaint arose.
- j. The location of the alleged incident.
- k. The timeline of events from the date of complaint to final disposition, and reason(s) for any delays.
- l. The adjudication and disposition of substantiated complaints, including by whom and at what level of the organization the allegation was investigated, and by whom and at what level of the organization the allegation was adjudicated.
- m. Data on retaliation complaints associated with complaints of sexual harassment, in accordance with the RPRS Implementation Plan.

7.2. REPORTING REQUIREMENTS. The Director, ODMEO, will provide a consolidated annual report to the USD(P&R), through the Director, Force Resiliency, that incorporates non-personally identifiable information and data collected by the Military Departments related to harassment complaints identified in Paragraph 7.1. The report will include:

- a. An aggregation and assessment of the information and data provided by the Military Departments.
- b. Information regarding DoD efforts to improve harassment prevention and response policies and procedures.
- c. Recommendations to strengthen harassment prevention and response efforts, if appropriate.

GLOSSARY

G.1. ACRONYMS.

DEOMI	Defense Equal Opportunity Management Institute
DoDD	DoD directive
DoDI	DoD instruction
DoDM	DoD manual
MEO	military equal opportunity
ODMEO	Office of Diversity Management and Equal Opportunity
RPRS	retaliation prevention and response strategy
UCMJ	Uniform Code of Military Justice
USD(P&R)	Under Secretary of Defense for Personnel and Readiness
U.S.C.	United States Code

G.2. DEFINITIONS. Unless otherwise noted, these terms and their definitions are for the purpose of this issuance.

anonymous complaint. Complaint received by a commanding officer or supervisor, regardless of the means of transmission, from an unknown or unidentified source, alleging harassment. The individual is not required to divulge any personally identifiable information.

civilian employee. As defined in Section 2105 of Title 5, U.S.C.

complaint. An allegation of harassment made by a Service member to a commander, supervisor, the inspector general's office, MEO office, or staff designated by the Military Service to receive harassment complaints.

formal complaint. An allegation submitted in writing to the staff designated to receive such complaints in Military Department operating instructions and regulations; or an informal complaint, which the commanding officer or other person in charge of the organization, determines warrants an investigation.

informal complaint. An allegation, made either orally or in writing, that is not submitted as a formal complaint through the office designated to receive harassment complaints. The allegation may be submitted to a person in a position of authority within the Service member's organization or outside of the Service member's organization.

investigation. An examination into allegations of wrongdoing or misconduct.

joint service environment. A locality from which operations of two or more of the Military Departments are projected or supported and which is manned by significant elements of two or more Military Departments or in which significant elements of two or more Military Departments are located. Includes joint commands, joint bases, Defense Agencies, and joint field activities that involve more than one branch of Military Service.

military criminal investigative organization. The U.S. Army Criminal Investigation Command, Naval Criminal Investigative Service, and Air Force Office of Special Investigations.

Service member. A Regular or Reserve Component officer (commissioned or warrant) or enlisted member of the Army, Navy, Air Force, Marine Corps, and the Coast Guard (when it is operating as a Service in the Navy) on active duty.

social media. Web-based tools, websites, applications, and media that connect users and allow them to engage in dialogue, share information, collaborate, and interact.

supervisor. A commissioned officer, non-commissioned officer or DoD civilian employee in a supervisory or command position.

sexual assault. Intentional sexual contact characterized by the use of force, threats, intimidation, or abuse of authority or when the victim does not or cannot consent. As used in this Instruction, the term includes a broad category of sexual offenses consisting of the following specific UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, forcible sodomy (forced oral or anal sex), or attempts to commit these offenses.

REFERENCES

- Deputy Secretary of Defense Memorandum, "Hazing and Bullying Prevention and Response in the Armed Forces," December 23, 2015
- DoD Directive 1350.2, "Department of Defense Military Equal Opportunity (MEO) Program," August 18, 1995, as amended
- DoD Directive 1440.1, "The DoD Civilian Equal Employment Opportunity (EEO) Program," May 21, 1987, as amended
- DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008
- DoD Directive 6495.01, "Sexual Assault Prevention and Response (SAPR) Program," January 23, 2012, as amended
- DoD Directive 7050.06, "Military Whistleblower Protection," April 17, 2015
- DoD Instruction 1030.2, "Victim and Witness Assistance Procedures," June 4, 2004
- DoD Instruction 1400.25, Volume 771, "DoD Civilian Personnel Management System: Administrative Grievance System," December 26, 2013
- DoD Instruction 5015.02, "DoD Records Management Program," February 24, 2015, as amended
- DoD Instruction 5505.18, "Investigation of Adult Sexual Assault in the Department of Defense," March 22, 2017
- DoD Instruction 6400.07, "Standards for Victim Assistance Services in the Military Community," November 25, 2013, as amended
- DoD Instruction 6495.02, "Sexual Assault Prevention and Response (SAPR) Program Procedures," March 28, 2013, as amended
- DoD Manual 5400.07, "DoD Freedom of Information Act (FOIA) Program," January 25, 2017
- DoD Manual 8910.01, Volume 1, "DoD Information Collections Manual: Procedures for DoD Internal Information Collections," June 30, 2014, as amended
- DoD Retaliation and Prevention and Response Strategy Implementation Plan, January 2017
- United States Code, Title 5
- United States Code, Title 10
- United States Code, Title 42

**MILITARY
NAT'L GUARD**

National Guard Regulation 600-21

Personnel - General

Equal Opportunity Program in the Army National Guard

National Guard Bureau
Arlington, VA 22204
22 May 2017

UNCLASSIFIED

SUMMARY of CHANGE

NGR 600-21

EQUAL OPPORTUNITY PROGRAM IN THE ARMY NATIONAL GUARD

This major revision, dated 22 May 2017 --

Makes administrative changes (throughout).

- o Updates roles, responsibilities, and operational requirements (chap 1).
- o Updates policy for the alignment of the Equal Opportunity Program in the command structure (chap 1).
- o Updates staffing requirements (chap 1).
- o Updates training requirements (chap 2):
- o Adds Army Extremist Organizations and Activities policy (chap 2).
- o Updates the Annual Narrative and Statistical report (chap 2/app C).
- o Updates the climate assessment requirements (chap 2/app B).
- o Updates policy on special commemorations and ethnic observances (chap 4).
- o Changes the title of the Equal Opportunity Representative (EOR) to Equal Opportunity Leader (EOL) (throughout).

Personnel - General

EQUAL OPPORTUNITY PROGRAM IN THE ARMY NATIONAL GUARD

By Order of the Secretary of the Army:

TIMOTHY J. KADAVY
Lieutenant General, USA
Director, Army National Guard

Officiw: //

Charles P. Baldwin
Deputy Chief of Staff

History. This printing publishes a revision of NGR 600-21, Equal Opportunity Program in the Army National Guard, 14 September 2001.

Summary. This regulation on the Equal Opportunity (EO) Program in the Army National Guard (ARNO) has been revised. It explains the need for EO within the ARNO; outlines organizations and responsibilities; defines fundamentals; and establishes procedures for the development, implementation, and management of the ARNG EO program. It implements the policies of DoD Directive 1350.2, Department of Defense Military Equal Opportunity (MEO) Program, and Army Regulation (AR) 600-20, Army Command Policy.

Applicability.

a. This regulation applies to:

- (1) ARNG Soldiers when serving in Title 32 status (e.g., IDT, AT, ADOS, AGR, etc.) or when performing active duty (Title 10) for less than 30 days.
- (2) Commanders, supervisors, and managers of personnel in the above listed statuses.
- (3) Proponent Staff Responsible for EO Programs in the ARNG.
- (4) ARNG technicians when activities occur while the member is in a military pay status.

b. This regulation does not apply to:

- (1) ARNG Soldiers when performing active duty (Title 10) for 30 days or more. These Soldiers are governed by AR 600-20.
- (2) ARNG Soldiers while serving in a duty status as a ARNO Guard technician. Discrimination complaints of National Guard technician personnel are governed by the respective regulation of each State, Territory, and the District of Columbia.
- (3) ARNG Soldiers while serving in their home State in such roles as disaster relief or control of civil disturbances are in a State Active Duty (SAD) status. Service in this status is completely governed by State law and regulations. Hereinafter the term "State" refers to each of the several States, Territories, Commonwealths, and the District of Columbia.
- (4) Civilian personnel employed in a Title 5 status at State ARNG facilities, the National Guard Bureau, the ARNG and ANG Readiness Centers, and all ARNG field-operating locations.

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Proponent and exception authority. The proponent of this regulation is the Chief, ARNG-CSO-EO. The proponent has the authority to approve exceptions to this regulation that are consistent with controlling law and regulation.

Army management control process. This regulation is not subject to the requirements of AR 11-2. It does not contain management control provisions.

Supplementation. Supplementation of this regulation is prohibited without prior approval from the Director, Army National Guard (DARNG), National Guard Bureau, ATTN: ARNG-CSO-EO, 111 South George Mason Drive, Arlington, VA 22204-1373.

Suggested improvements. The proponent agency of this regulation is the DARNG. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to ARNG-CSO-EO, ng.ncr.ngb-arng.mbx.eo-and-diversity-office.

Distribution. Distribution is intended for all ARNO command levels.

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Glossary

Chapter 1
Introduction

1-1 Purpose

a. This regulation establishes the Army National Guard EO Program, and sets policy. The objective of the program is to formulate, direct, and sustain a comprehensive effort that ensures fair treatment of all Soldiers based solely on merit, fitness, and capability that supports readiness. Specifically, this effort is designed to:

- (1) Provide EO for all ARNO military personnel.
- (2) Contribute to mission accomplishment, cohesion, and readiness.
- (3) Create and sustain effective units by eliminating discriminatory behaviors or practices that undermine teamwork, mutual respect, loyalty, and shared sacrifice of the men and women of the ARNO.

b. This regulation implements the policies of DoDD 1350.2 and AR 600-20. The discrimination complaint processes and procedures are not contained in this regulation but are included in CNGBM 9601.01 which is devoted exclusively to the discrimination complaint process.

c. Required and related publications are listed in Appendix A.

1-2. Policy

a. It is the policy of the Army National Guard to provide EO for ARNO military personnel; they will not be subjected to harassment, including sexual harassment, and unlawful discrimination on the basis of race, color, national origin, religion, sex (including gender identity), or sexual orientation. The ARNO will provide fair, equitable, and nondiscriminatory treatment of all members. This policy is designed to maintain and improve morale and productivity, foster unit cohesion and readiness, and increase the combat effectiveness of the Army National Guard.

b. Soldiers will not be accessed, classified, trained, assigned, promoted, or be otherwise managed on the basis of race, color, religion, sex (including gender identity), national origin, or sexual orientation.

c. NGB-EO will establish and operate a Discrimination Complaint Processing System designed to reflect the policies stated herein and to provide a just and effective avenue of redress to aggrieved persons in accordance with applicable laws and regulations. Personnel who feel that they have been subjected to discrimination will be permitted to participate in this complaint process. They will not be discouraged from participation due to fear of reprisal.

d. CNGBM 9601.01 prescribes procedures for processing discrimination complaints.

e. Requests for interpretation of policy or provisions of this regulation will be forwarded, in writing, through command channels, to the Chief, EO and Diversity Office (ARNG-CSO-EO).

1-3. Responsibilities

a. The DARNG is responsible for the ARNO-wide policies and plans pertaining to the ARNO EO Program. The DARNG will:

- (1) Establish efficient staff positions to adequately carry out program requirements.
- (2) Implement, evaluate, maintain and assess the ARNO EO Program.
- (3) Monitor and evaluate implementation of EO policies and programs in the ARNO.
- (4) Develop management information and reporting requirements to determine progress toward affirmative action goals.
- (5) Establish EO training consistent with HQDA policy and ARNO needs.
- (6) Establish adequate compliance monitoring procedures to assure the attainment of program objectives for the ARNO.
- (7) Establish sufficient staff positions in the States to adequately carry out EO Program requirements.
- (8) Provide personnel, funds, and other resources to carry out the ARNO EO Program.
- (9) Allocate training seats for attendance at DEOMI.
- (10) Allocate funds for the Equal Opportunity Advisor Reserve Component Course (EOARCC) Adjunct Faculty at DEOMI.
- (11) Establish and maintain ARNO EO/EEO/Diversity committee.
- (12) Establish EO training for units and professional military education (PME) courses consistent with HQDA policy and command needs.

b. Chief, ARNG EO and Diversity Office. ARNG-CSO-EO is responsible for providing guidance, direction, and supervision for assigned staff. ARNG-CSO-EO will:

- (1) Develop ARNO policy for administration of EO.
- (2) Serve as manager and principal staff advisor to the DARNG on EO matters.
- (3) Provide ARNO EO Program Manager.

(4) Ensure that training provided to ARNG personnel by DEOMI meets requirements of the ARNG and reflects EO policies established by Headquarters, Department of the Army (HQDA) and the Soldier Support Institute (SSI).

(5) Coordinate with ARNG liaisons assigned to DEOMI.

(6) Approve Adjunct Faculty selections for DEOMI.

(7) Conduct Staff Assistance Visits (SAVs).

(8) Serve as an advisor to the process of selecting ARNG liaison personnel assigned to DEOMI.

c. The Adjutants General/Commanding General. (TAG/CG) The Adjutants General/Commanding General will:

(1) Establish EO training consistent with ARNG policy and organizational requirements.

(2) Provide personnel, funds, and other resources to carry out the EO Program. Ensure that units have the required EO personnel.

(3) Assign Equal Opportunity Advisors (EOAs) to the Joint Force Headquarter (JFHQ) IAW current ARNG Command Plan Guidance (CPLAN) and as directed in para. 1.4.

(4) Ensure all allegations of discrimination within their State and jurisdiction are addressed in a timely fashion.

(5) Assess the overall human relations climate in the State and certify the Annual Narrative Statistical Report (ANSR).

(6) Ensure personnel assigned to positions as state HR/EO will not be assigned further duties in other human development functions such as alcohol and drug abuse or weight control programs.

(7) Ensure the HR/EO has unfettered access to the AG/CG, and the AG/CG will meet regularly (at least quarterly) with the HR/EO.

d. Commanders. Commanders will ensure that the policies of the Adjutant General in accordance with (IAW) this regulation are adhered to in their organizations. Commanders at all levels will:

(1) Be personally responsible and accountable for the EO climate within their units:

(2) Develop and implement EO programs for their organizations.

(3) Conduct a DEOCS climate assessment within 120 days of assuming command and annually thereafter or as needed. Commanders will supplement assessments with interviews, facilitated small group discussions, and talking with Soldiers. Commanders will also employ an analysis of unit records and statistical information, i.e., complaint reports, awards, promotions, reenlistment and incidents of misconduct resulting in punishment under the Uniform Code of Military Justice (UCMJ) or equivalent State laws and the State Code of Military Justice (SCMJ) system.

(4) Identify discriminatory practices and act promptly to initiate corrective actions.

(5) Ensure that personnel are fully aware of procedures for obtaining redress of complaints, including those against members of the chain of command. These procedures will be in writing and prominently displayed.

(6) Conduct fact finding or inquiry whenever an allegation of discrimination is brought to their attention.

(7) Recognize and assess indicators of institutional and individual discrimination and implement remedies to eliminate and prevent discrimination and sexual harassment.

(8) Select personnel to attend DEOMI training with State Equal Employment Manager (SEEM) recommendation.

(9) IAW AR 600-20, ensure that brigade-level units or brigade equivalent units called to active duty deploy with DEOMI trained EOAs.

(10) Commands will assign EOAs to their special staff as prescribed in para 2-2. EOAs must attend staff meetings and be included in unit training exercises and deployments in order to accomplish the Commander's EO mission.

(11) Battalion level and below commanders will appoint Equal Opportunity Leaders (EOLs) in the rank of SGT (P) or above in writing.

(12) Post EO personnel photo and contact information in a visible location.

(13) Directly evaluate and rate EO personnel assigned under their command.

(14) Utilize Human Relations/Equal Opportunity Officer (HR/EO) and EOAs in direct support of the EO program.

(a) HR/EOs and EOAs should not perform duties that may subsequently disqualify them from being impartial or being perceived as impartial.

(b) Serving in leadership positions such as brigade S-1, unit first sergeant, detachment NCOIC, or platoon sergeant while serving as an HR/EO or EOA is highly discouraged. EO professionals do not have confidentiality and will not serve as a Victim Advocate (VA) or any other collateral duty in the Sexual Harassment/Assault Response & Prevention (SHARP) program.

(14) Ensure EO SAVs are conducted for subordinate commands at least annually or as required.

(15) Publish and post written command EO policy statements in a visible area.

(16) Develop EO policies that include an overview of the command's commitment to the EO program and affirm discrimination will not be condoned or tolerated.

e. Human Relations EO (HR/EO). The HR/EO, or designated EO representative, manages the Adjutant General's Army EO Program. The HR/EO will:

- (1) Ensure the EO program complies with all ARNG EO policies and directives.
- (2) Provide staff supervision of EOAs at subordinate levels.
- (3) Provide a letter of input for the Officer Evaluation Report (OER) or Non-Commissioned Officer Evaluation Report (NCOER) of EOAs at brigade-level commands.
- (4) Meet reporting requirements mandated by the Chief, ARNG-CSO-EO as outlined in this regulation.
- (5) Advise the AG regarding issues, merits, and processing of discrimination complaints.
- (6) Collect, organize, and interpret data obtained from the DEOCS in order to back-brief leadership of findings.
- (7) Assist the AG in preparing the (ANSR) and forward to ARNG-CSO-EO annually.
- (8) Ensure EO training materials are IAW SSL
- (9) Monitor State ARNG EO training requirements.
- (10) Conduct SAVs to subordinate units and document findings.
- (11) Establish an effective link between EOAs and EEO personnel.
- (12) Assist with EO complaints and training as needed.
- (13) Review ANSRs from subordinate commands.
- (14) Assist commanders/EOAs with DEOCS as needed.
- (15) Verify, validate and monitor the EOA staffing structure for all subordinate commands.
- (16) Conduct, monitor and record EO training on a continuing basis, IAW procedures and current ARNG policies and regulations.
- (17)) Coordinate and execute EO training for newly appointed senior leaders.
- (18) HR/EO will coordinate state EO programs. Since all state HR/EO are trained at DEOMI, they are also responsible for the EOA roles and responsibilities.

f. EO Advisor (EOA). EOAs are agents for cultural change and act as the eyes and ears for the commander. EOAs will not be assigned duties that may create a conflict of interest. EOAs will:

- (1) Advise commanders regarding issues, merits, and processing of EO discrimination complaints.
- (2) Assist the commander in establishing a culture that is conducive to a positive EO climate.
- (3) Process and report MEO informal and formal complaints to the HR/EO and SEEM.
- (4) Train and support unit EOLs.
- (5) Assist commanders and investigating officers in the investigation and resolution of discrimination and sexual harassment complaints.
- (6) Review and comment on the investigative report of EO complaints for compliance with ARNG regulations, policies and objectives.
- (7) Inform HR/EO officers of EO matters within their respective units.
- (8) Submit mandatory reports to HR/EO officers IAW EO policies and applicable timelines.
- (9) Assist commanders in assessing, planning, and evaluating the EO Program and unit EO training.
- (10) Conduct follow-up assessments of all formal and informal EO complaints.
- (11) Coordinate training efforts with HR/EO and EOLs to ensure standardization.
- (12) Prepare the ANSR for their command as required.
- (13)) Conduct SAVs to subordinate units.
- (14) Conduct special commemorations and/or ethnic observances.
- (15)) Assist commanders with DEOCS as needed.

g. EO Leaders (EOLs). EOLs will assist commanders in carrying out the EO Program within units. EOLs will:

- (1) Receive appointment orders in writing as an additional duty in O5 commands and below.
- (2) Attend the EO Proponent (SSI) certifying course within six months of appointment.
- (3) Assist commanders in the recognition of detractors from a healthy unit EO climate.
- (4) Continuously assist commanders in unit climate assessment via the conduct of the DEOCS assessment, interviews and being accessible to the unit.
- (5) Prepare and assist the commander with conducting EO training.
- (6) Establish and maintain liaison with other EOLs and the EOA at higher headquarters.
- (7) Serve as a resource person for EO matters in the unit.

I-4. Staffing

Minimum staffing requirements under Title 32 status.

a. JFHQ staffing. EO professionals (EO program managers, EOAs, HRJEO, and EO specialists) with EO as a primary duty will be assigned to JFHQs. Assignments will not be a collateral or part-time duty. Primary duty position authorizations and requirements that comply with this guidance are to be documented in applicable personnel management authorization documents. Authorized positions will not be changed without prior coordination with ARNG-CSO-EO policy. The Army Staff Element of the JFHQ TDA Document will consist of one EOA (05 or 04) and one EOA (E9 or ES). This guidance is in accordance with ARNO-FM command plan guidance.

b. Command staffing. EOAs will be assigned to the special staff of commanders at installations, organizations, and agencies that are brigade level and higher. Theater enabler units and divisions will assign the EOA to the Headquarters (HQ) Company. Assignments may be an additional duty if properly documented on an appointment memorandum. EOAs will not be assigned duties that interfere with their EO responsibilities. EOAs should not perform duties that may subsequently disqualify them from being impartial or being perceived as impartial. Serving in leadership positions such as brigade S-1, unit first sergeant, detachment NCOIC, or platoon sergeant while serving as an HRJEO or EOA is highly discouraged. EO professionals do not have confidentiality and will not serve as a Victim Advocate (VA) or any other collateral duty in the Sexual Harassment/Assault Response & Prevention (SHARP) program. States' will have flexibility when staffing other major commands that are not considered a brigade. This includes, but not limited to, Regional Training Institutes (RTIs), mobilizations sites, medical and troop commands, and regional support groups. States, in coordination with the State Equal Employment Manager, will make appropriate risk assessments to meet State mission requirements. Geographic dispersion and Soldier population must be considered when the EOAs at the JFHQ level are going to be in an area support mission role. EOAs that are given the responsibility of those locations will have an established Memorandum of Agreement (MOA). Minimum grades for EO advisors are:

- (1) Officer: Captain (0-3).
- (2) Warrant: Chief Warrant Officer Two (CW2) (see para. 3-1.c.)
- (3) Enlisted: Sergeant First Class (E-7)

c. Requests and justification for waivers for the minimum grade will be submitted to ARNG-CSO-EO, ATTN: ARNO EO Program Manager, by emailing: ng.ncr.ngb-arng.mbx.eo-and-diversity-office.

d. Units mobilized/deployed under Title 10 for 30 days or more must follow AR 600-20 staffing requirements.

e. Command and staff relationship. The EOA will have direct access to the Commander. The EOA will have, at a minimum, access to a private office to conduct EO business.

f. The EO Program and EEO Program relationship. The EO Program for military personnel and the EEO Program for technician personnel share the same foundations and similar goals and objectives. However, their practice and execution are considerably different. The military program is established by DoD policy, and its purpose is to ensure that all military units are capable of accomplishing any assigned mission by producing a command climate for all aspects of a Soldier's life that promotes confidence and, therefore, Soldier and unit readiness. Technician and Federal Civilian EEO is founded on Federal Law (Title VII, Civil Rights Act of 1964) and is primarily concerned with conditions of employment and adjudicating grievances concerning an employee's treatment while at the workplace. The two programs are not redundant efforts. If the SEEM is also the HRJEO officer, he or she will manage two separate programs. However, integrating EO/EEO training, seminars, discussions, and shared use of training materials and facilities is encouraged when doing so promotes understanding, efficiency, economy, and the common use of both programs.

g. EOAs Positions and Assignments. The actual duties of EOAs and relative emphasis on each duty will vary according to type of unit or level of command, unit composition, and location.

Chapter 2

General

2-1. Sexual Harassment

a. The term "sexual harassment" is defined to mean conduct that involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when:

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career.
- (2) submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person.
- (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment.

b. There is no requirement for concrete psychological harm to the victim for an act or actions to constitute sexual harassment; an act or acts are sufficient to constitute sexual harassment if they are so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the environment as hostile or offensive. The term sexual harassment includes anyone in a supervisory or command position using or condoning any form of sexual behavior to control, influence, or affect the career, pay, or job of a military member. The term sexual harassment also includes any military member making deliberate or repeated unwelcome verbal comments or gestures of a sexual nature in the workplace. Commanders must continually monitor the unit and assess sexual harassment prevention policies and programs at all levels within their area of responsibility. Soldiers must understand that if they witness or otherwise know of incidents of sexual harassment, they are obligated to act. If they do not, they themselves are also engaging in sexual harassment.

c. EO personnel are strongly encouraged to develop partnerships with the states SHARP Sexual Assault Response Coordinators (SARC) and Victim Advocate Coordinators (VAC) to address Sexual Harassment issues.

2-2. Off-post Activities, On-post Activities, and Off-limit Actions

a. Off-post activities. Title II of the Civil Rights Act of 1964 addresses the practice of discrimination and segregation in public establishments. These public establishments include privately owned establishments such as hotels, restaurants, gasoline stations, theaters, places of entertainment, and community housing (for example, apartments). The senior commander will ensure that the facts surrounding allegations of discriminatory practices at public establishments are fully developed.

The commander will also ensure those individuals and organizations alleged to practice such unlawful discrimination are given a full and fair opportunity to challenge particular allegations. If all reasonable efforts and alternatives fail to eliminate off-post discriminatory practices in public accommodations, senior commanders are authorized to place those facilities off-limits.

b. Off-limits sanctions. Off-limits sanctions may be appropriate for public accommodations and establishments falsely claiming to be private clubs (fraternal or otherwise) with discriminatory policies and practices. If discriminatory practices off-post are found to be directed at selected Soldiers in a command and efforts at conciliation prove unsuccessful, imposition of off-limits sanctions according to AR 190-24 may be appropriate.

c. Off-limits sanctions and private establishments. The establishment of off-limits areas is a function of command. It may be used by commanders to help maintain the good order and discipline, health, morale, safety, and welfare of Soldiers. A senior commander ordinarily may not apply off-limits sanctions to a bona fide private establishment, club, activity, or organization. However, such an entity may be placed off-limits if the following conditions exist:

(1) It is open to military personnel in general or to Soldiers who meet specific objective criteria (such as sergeant and above) but segregates or discriminates against other Soldiers solely on the basis of race, color, national origin, religion, sex (including gender identity), or sexual orientation.

(2) It is not primarily political or religious in nature.

(3) The senior commander, in consultation with his/her key staff, determines that the available facts support the allegations of unlawful discrimination after affording the management of the establishment, club, activity, or organization a full and fair opportunity to challenge or refute allegations.

(4) Reasonable efforts by the commander to bring about voluntary termination of the discriminatory practices are unsuccessful.

(5) The commander determines that continued unlawful discrimination by the establishment, club, activity, or organization undermines the morale, discipline, or loyalty of Soldiers in the command.

d. On-post activities. All on-post facilities and official activities are open, as appropriate, to all DOD personnel and Family members without regard to race, color, national origin, religion, sex (including gender identity), or sexual orientation. Senior commanders are responsible for ensuring that an organization taking advantage of or using on-post facilities (whether on a reimbursable basis or otherwise) does not engage in unlawful discriminatory practices. It is not enough to depend solely on the published bylaws or the constitution of the organization. The senior commander must assess the organization's actual membership practices and their effect upon the command. In cases where the senior commander determines that credible information of discriminatory practices by an on-post private organization has been presented, the organization has the burden of proving it did not engage in discriminatory practices. Failure to substantiate the absence of discriminatory practices will result in a denial of the use of on-post facilities. However, the provisions of this paragraph do not prohibit the senior commander from approving the operation of private organizations that restrict membership to one gender if one or more of the following apply:

(1) The private organization's purpose is philanthropic and, by tradition, its membership has been of one gender.

(2) The private organization's purpose and functions is to benefit one sex, and its membership is composed of that gender. (Examples are scouting organizations or women's and men's sporting associations.)

(3) The private organization has a specific purpose and function that restricts membership to one gender, but also has

a counterpart organization with the same purpose and function. (Examples are women's and men's sport clubs, women's and men's civic associations, and boy and girl scouting organizations.)

2-3. ARNG Duty Status

a. Members of the Army are subject to the Uniform Code of Military Justice (UCMJ) at all times while serving on active-duty in the military. An exception to this jurisdictional principle regarding the UCMJ is the applicability to Soldiers serving in the Army National Guard of the individual States. Unless serving in a federal active-duty status under Title 10 of the United States Code, members of the ARNG are not subject to the UCMJ and military justice actions or disciplinary measures must be taken by the individual States. Those military justice actions taken by the States are often markedly different than courts-martial or nonjudicial punishment under the UCMJ. While the ARNG is a component of the Army, it is also the militia of the individual State when not serving in a federal status. More simply put, unless called into federal service under Title 10, the ARNG remains primarily under the control of the States and their governors. Accordingly, EO violations and military justice actions are under the exclusive jurisdiction of the State when not in federal service. ARNG personnel may serve in several different military statuses, all of which impact military justice jurisdiction. Members of the ARNG generally serve in one of four military categories: (1) federal active-duty under Title 10; (2) full-time active-duty under Title 32; (3) inactive training duty under Title 32; and (4) State active duty under the laws of the individual States. Each of these categories is discussed below:

(1). Federal Active-Duty under Title 10

ARNG personnel may serve pursuant to federal law under Title 10 or Title 32. Soldiers of the ARNG normally serve under Title 10 only when they have been federally mobilized for deployment due to a national emergency, or a contingency operation in the United States or overseas. For example, ARNG units mobilized and deployed to war serve under Title 10. Soldiers on active-duty and assigned to the National Guard Bureau may also fall under Title 10. ARNG Soldiers serving in this status are subject to the UCMJ.

(2). Full-Time Active-Duty under Title 32

Soldiers serving in a duty status under Title 32 normally remain under the command and control of their State's governor, even when performing some federal missions such as those related to homeland defense. While most ARNG Soldiers are traditional drilling reservists, there are also personnel who perform their duties on a full-time basis. ARNG units function very much like their active-duty counterparts on a day-to-day basis, but the staffing of these units is somewhat different. Full-time staffing of ARNG units is often by active-duty Soldiers, known as Active Guard Reserve (AGR) personnel. At the State level, AGR Soldiers have a full-time duty status under Title 32. In addition to AGR Soldiers, personnel who are on active-duty for extended periods for advanced training schools, active-duty for special work such a recruiting or counter-drug missions, or other special full-time permanent or temporary assignments, are serving under Title 32. Regardless of whether ARNG Soldiers serve full-time or part-time, if the duty status is under Title 32, those personnel are subject only to the State military codes, and not the UCMJ.

(3). Inactive Training Duty under Title 32

Most ARNG personnel serve in the traditional, part-time military status normally associated with the reserve components. Soldiers serving in an inactive duty training status, such as weekend drill status or during their annual training period, normally fall within the provisions of Title 32. An exception to this rule is when training missions are conducted outside the continental United States, which must be done in a federal active-duty status. ARNG Soldiers attending some advanced individual training, officer basic and advanced courses, and similar training do so under Title 32. Unless ARNG Soldiers are performing inactive duty training under Title 10, they are not subject to the UCMJ in that status.

(4). State Active Duty under the Laws of the Individual States

Unlike members of the other reserve components, ARNG personnel may serve on active-duty solely under State law in their capacity as the State militia. The governor of a State, as Commander-in-Chief of their National Guard, has the authority to order Soldiers to active-duty for State missions. State active duty missions may include fighting forest fires, homeland security missions, relief efforts during natural disasters such as floods, hurricanes, blizzards, or responding to civil unrest or violence, such as rioting. When serving in a State active duty status, ARNG personnel receive their pay and allowances from the State government. Accordingly, these Soldiers do not earn federal military retirement credit for service in their State-only capacity. Another major distinction from a federal mission is that Soldiers performing State active duty are not covered by federal medical or disability benefits. Soldiers performing State missions are only protected under State worker's compensation laws. Because their service is solely under State law, Soldiers performing State missions would never be subject to the UCMJ. The UCMJ only applies to ARNG personnel serving in a federal military status under Title 10.

b. Conduct that would constitute an offense under the UCMJ, but committed while serving in a National Guard status (under Title 32 or while on State active duty) can only be addressed under State law. Unlike active-duty military personnel who are always subject to UCMJ action, State law dictates when and how military justice jurisdiction is applicable to

members of the National Guard. Criminal acts committed by ARNO Soldiers not in a duty status will likely be handled by civilian authorities. Such conduct may, however, result in military administrative action depending on the offense. The inapplicability of the UCMJ, the part-time military status of most National Guard Soldiers, and the diversity of laws in the individual States results in unique military justice issues. If a National Guard member commits a purely military offense, but is not in a duty status the offense committed may have a "military nexus." In some States, the "service connection" is an additional method of obtaining jurisdiction over a National Guard Soldier, if the Soldier was *not* in a duty status when the offense was committed. Violations of standards and instances of reprisal may occur across a combination of military and civilian statuses. The Department of Defense Task Force on Discrimination concluded that a "full-time values - part-time careers" perspective is required with respect to prevention programs. Therefore, it will be the policy of the ARNO that off-duty or non-duty behavior that affects the military workplace will be covered by this regulation .

2-4. Evaluation Report Entries

The performance evaluation process provides commanders and supervisors an excellent opportunity to discuss their goals, objectives, and expectations of the EO Program. In counseling session, commanders and supervisors should discuss this program as expressions of the Army's values and encourage support of this program and how they intend to evaluate individual behaviors and actions. Appeals of evaluation reports due to alleged discrimination or reprisal will be conducted according to the procedures specified in AR 623-3 and will not be handled through the Army's EO Program.

2-5. Annual Narrative and Statistical Report on EO Progress

The ANSR on Equal Opportunity reflects the progress commanders and the EO personnel made in achieving the established EO readiness goals. The ANSR includes the Adjutant General's assessment of the overall human relations climate. All brigade EOAs will submit an ANSR (minus TAG assessment) to the JFHQs at the end of the fiscal year. HR/EOs, or designated EO representative, will review subordinate commands ANSRs and consolidate. HR/EOs, with SEEM oversight, will assist TAG in preparing the ANSR and forward to ARNG-CSO-EO. This report will cover the preceding fiscal year and is due not later than 15 December each year. ARNG-CSO-EO will provide a roll-up report on State's submissions. ANSR reports will include the following information:

- a. Complaint summary information. Total number of formal complaints listed by basis. Data will include the complaint's disposition.
- b. Equal opportunity advisors by unit. Listing of all required EOAs and whether they are trained.
- c. Number of Staff Assistance Visits. Listing of the number of SAVs required and completed.
- d. Listing of EOLs. Listing trained EOLs.
- e. Number of DEOCS completed. Listing of all climate surveys completed.
- f. Listing of training completed. Listing of required unit training.
- g. Tag assessment. The Adjutant General's assessment of the overall human relations climate.

2-6. Climate Assessment

a. Commanders will, at a minimum, conduct a climate assessment and unit training needs assessment within 120 days following a change of command and annually thereafter. The DEOCS is the survey method in which the ARNO Unit Commanders conduct climate surveys. Leaders must use other assessment methods to validate their DEOCS findings in order to complete a comprehensive command climate assessment. Other assessment tools include the use of interviews, facilitated small group discussions, focus groups, sensing sessions, trend analysis of records and reports, Unit Risk Inventory, and staff assistance visits.

b. Climate Survey data sharing. In addition to presenting valuable organization information to commands, DEOCS data may be required by DoD officials to discharge their duties. Designated officials include commanders, Inspector General (IO), Staff Judge Advocate (SJA), Office of Complex Administrative Investigation (OCI) or other appointed investigators, and higher headquarters officials. The EO office will release DEOCS reports and supporting documents to the official if such requests are in support of a lawful and authorized government purpose. Requesters must submit a formal memorandum to the record holder justifying why the information is needed and how it will be used. Designated officials will identify themselves with official credentialing or appointment memorandums. The decision to share DEOCS survey results and data in response to requests for outside the DoD is the responsibility of the Office of Diversity Management and Equal Opportunity (ODMEO).

2-7. Training

- a. Company (or equivalent) level common mandatory training requirements.
 - (1) Company commanders (or equivalent) will utilize the EO command mandatory Training Support Packages

(TSPs) prepared by the EO training proponent maintained on The Army Central Registry (CAR) in accordance with AR 350-1. EO TSP will include EO mandatory topics and additional EO topics for consideration.

- (2) Only trained EO professionals currently serving in an EO capacity (i.e. EOA or EOL) will facilitate EO training.
- (3) Commanders and unit leaders will personally attend and be involved during unit training.
- (4) Based on the organizations DEOCS the commanders will determine which additional EO topics will be trained during annual EO training.
- (5) The commander will incorporate EO training into the overall yearly training plan for the organization.
- (6) Commanders will conduct mandatory EO training semiannually. (Includes annual anti-hazing/anti-bullying training.)
- (7) Commanders will document training on the training schedules and in Digital Training Management System (DTMS) IAW AR 350-1. DTMS can assist the commander/trainer in planning, resourcing, and tracking individual and collective unit training tasks.
- (8) EO training will be interactive and discussion based.
 - b. Headquarter elements of Brigades or Brigade Combat teams (or equivalent meaning units commanded by COL/06) and higher will conduct senior leader/executive-level seminars on EO topics annually.
 - (1) Training will be interactive and discussion based.
 - (2) DEOCS results should be used to determine the focus areas for EO training.

Chapter 3

Attendance at the Defense EO Management Institute

3-1. Program Manager and/or Equal Opportunity Advisor Selection and Assignment

a. Selection. Candidates for training as EOAs will be carefully vetted by SEEMs and selected by State leadership to ensure that only qualified Officers, Warrant Officers and NCOs are chosen. Personnel must be recommended by their chain of command. The EO Program belongs to the Commander; therefore they must be involved in the selection and recommendation of the candidates to ensure that the best qualified and committed Soldiers perform this sensitive task. In addition to the staffing requirements listed in paragraph 1-4, Soldiers must:

- (1) Must have an outstanding duty performance; a review of the individual's evaluation reports will be included.
- (2) Must have stability in personal affairs; Soldier will not have a recent history of severe domestic or personal problems (excluding divorce), chronic indebtedness, excessive use of alcohol, or any use of illegal drugs. Individuals withdrawn for cause from any human reliability or personal reliability program during the 2 years preceding the nomination will need a waiver from ARNO-CSO-EO.
- (3) Must not have been punished under the provisions of the UCMJ, or equivalent State laws and the State Code of Military Justice (SCMJ), system during the 5 years preceding the nomination.
- (4) Must have a minimum of 3 years of service remaining upon completion of the DEOML
- (5) Must meet Army fitness and body composition standards.
- (6) Must be competitive for promotion.
- (7) Must have not previously declined or been disenrolled (academic or disciplinary) from Noncommissioned Officer Education System or officer professional development course.
- (8) Must maintain qualification standards throughout tour. Personnel assigned to EOA positions must complete certification training at DEOMI. Officer, Warrant Officer and NCO candidates will come from volunteers and command nominees.

b. Curriculum. The ARNO Office of EO, DEOMI and other DoD accredited institutions will establish the guidelines for the ARNO EOA Reserve Component curriculum.

c. Certification. Upon successful completion, DEOMI recommends awarding of the SQI Q (enlisted) and ASI ST (officers). Warrant Officers are not authorized the ST identifier.

3-2. Enrollment

Students must register for the Equal Opportunity Reserve Component Course through ATRRS. State Quota Source Managers will submit an ATRRS application for both phases of the course (Ph 1 & Ph2) for the appropriate FY. DEOMI's school code is 210. The course number is DD- IS 12-0007. For Officer/Warrant send to AOID OOS. For Enlisted send to AOID 008. DEOMI will send a Ph 1 Distance Learning Welcome Letter with instructions on how to log into the online course. Upon successful completion of Ph 1, the student will be shown as graduated "O" in ATRRS. Students that are granted access to the online training modules for Ph 1 are not guaranteed a reservation to the Ph2 resident portion. All Ph2 quotas are first come, first served enrollment.

Chapter 4

Special Recognition Observances Program

4-1. Annual Observances

- a. The purpose of the Special Recognition Observances Program is to -
 - (1) Increase education and awareness of the contributing factors and damaging effects of discrimination in order to prevent recurrence.
 - (2) Strengthen commitment to protect the dignity and respect of all people in order to improve unit cohesion and teamwork.
 - (3) Recognize the contributions and achievements of all individuals.
- b. IAW the DA, ARNG recognizes the following special commemorations and ethnic observances: Dr. Martin Luther King, Jr. Day, African American/Black History Month, Women's History Month, "Days of Remembrance" for Victims of the Holocaust, Asian Pacific Heritage Month, Women's Equality Day, National Hispanic Heritage Month and National Native American Indian Heritage Month.
- c. JFHQ's will observe and fund the special recognition observances.
- d. Special recognition observances must accomplish the following objectives:
 - (1) Recognize the achievements and contributions made by recognized groups and increase awareness, mutual respect and understanding of all attendees,
 - (2) Enhance cross-cultural education and awareness,
 - (3) Focus on interaction, not just recognition, and serve as extensions of the EO education and training objectives.
- e. Command sponsored special recognition observances should not serve as a networking event for any particular group, or serve solely as a celebration activity for the group.

4-2. Command Responsibilities

- a. JFHQs will-
 - (1) Develop, plan, and conduct special commemorations and ethnic observances during the designated timeframe as outlined in table 4-3.
 - (2) Encourage all members of the military community to contribute to and participate in the planning, implementation, and conduct of the special recognition observance activities.
 - (3) Involve members of the staff elements and subordinate units in the development and conduct of special commemoration and ethnic observance functions.
 - (4) Select and announce an appropriate theme for the special commemoration and ethnic observance, consistent with the spirit of the event and the needs of the local community. National or DoD themes are often published that may be used to augment the activities.
 - (5) Allocate funds for installation special commemorations and ethnic observances.
 - (6) JFHQs may use the funds they allocate for their EO Program on activities and publications that are intended to promote cross-cultural harmony, education, and awareness. Examples of permissible expenditures include guest speakers, artistic or cultural activities, food exhibits or samples (samples are not intended as meals). Additionally, funds may be allocated for guest speakers or presentations as part of an educational awareness program. Commanders will ensure that special commemorations and ethnic observances amplify the contributions made to the Army, the society, and to the champions who supported their pursuit of equality.
- b. Commanders will-
 - (1) Announce the special commemoration and ethnic observance events through command information channels to include print and social media, ensuring widest dissemination .
 - (2) Form a standing committee to plan special recognition observances. Members of the committee will include the EO professional and may include the Director of Morale Welfare and Recreation (MWR), Public Affairs Officer (PAO) representative, unit chaplains, school representatives/liaison, resource management personnel, and other individuals, as necessary.
 - (3) Encourage maximum use of recreational facilities to include the library, recreation center, theater, and so forth for use during special recognition observance events. Suggested activities include the following:
 - (a) Special displays in libraries.
 - (b) Expositions and displays of artifacts and crafts.
 - (c) Special music or drama programs .
 - (d) Programs featuring historical achievements and contributions by all groups to government, education, industry, religion, music, and theater.
 - (e) Speeches or presentations by local chain of command, Family members, and DA Civilians.
- c. Activities will be scheduled to allow for maximum attendance by all.

4-3. Special Commemoration and Ethnic Observances Timetable

JFHQ's are expected to announce these events through command information channels, and establish policy that supports and allows personnel to have a reasonable opportunity to participate in these events. Within the capacity of small units to conduct observances, commanders will follow the designated timeframes as outlined table 4-3. Any such activities must be consistent with Army Directive 2017-01, dated 18 Jan 2017. TAGs may authorize commanders to conduct a consolidated annual observance in lieu of the timetable. This event will recognize members of all racial and ethnic groups. The "Unity Day" is an event comprised of various observances and activities designed to enhance cross-cultural awareness, and to encourage and promote interaction, inclusion, understanding, teamwork, harmony, pride and mutual respect within the ARNO.

Table 4-3
Special commemorations and/or ethnic observances timetable

Month: January
Dates: 3rd Monday
Observance: Martin Luther King, Jr. Birthday
Authority/comment: Public Law 98-144, Nov. 83 (Federal holiday)

Month: February
Dates: 1-28/29
Observance: African-American/Black History Month
Authority/comment: First Presidential Proclamation, Feb. 76

Month: March
Dates: 1-31
Observance: Women's History Month
Authority/comment: Public Law 100-9, Mar. 87

Month: April/May
Dates: Sunday to Sunday for Week Incorporating Yorn HaShoah
Observance: "Days of Remembrance" for Victims of the Holocaust
Authority/comment: Public Law 96-388, Oct. 80

Month: May
Dates: 1-31
Observance: Asian Pacific Heritage Month
Authority/comment: First Presidential Proclamation, May 91

Month: August
Dates: 26
Observance: Women's Equality Day
Authority/comment: First Presidential Proclamation, Aug. 73

Month: September/October
Dates: 15 September-15 October.
Observance: National Hispanic Heritage Month
Authority/comment: Public Law 100-402, Aug. 88

Month: November
Dates: 1-30
Observance: National Native American Indian Heritage Month
Authority/comment: Public Law 102-188, March 1992

Appendix A
References

Section I
Required Publications

AR 600-20
Army Command Policy

DoDD B50.2
Department of Defense Military Equal Opportunity (MEO) Program

DoDD 1020.02E
Diversity Management and Equal Opportunity in the DoD

CNGBM 9601.01
National Guard Discrimination Complaint Process

Section II
Related Publications

DA Training Circular TC 26-6
Commander's Equal Opportunity Handbook The Soldier Support Institute publishes TC 26-6, Commander's Equal Opportunity Handbook that may assist commanders in developing required training.

Appendix B
 Defense Equal Opportunity Management Institute (DEOMI) Organizational Climate Survey (DEOCS)

Frequency: 120 days upon assumption of command and annually thereafter	Company Assessment	Battalion Assessment	Brigade Assessment	Division Assessment
Inform the members of the command of the upcoming assessment	X	X	X	X
Survey for entire company (minus command team)	X			
Survey for battalion staff element and company command teams		X		
Survey for brigade staff element and subordinate command teams one-level below			X	
Survey for headquarters staff element and subordinate command teams one-level below				X
Utilize other assessment tools ¹	X	X	X	X
Prepare Command Climate Assessment Summary and Action Plan	X	X	X	X
DRS roll up of subordinate unit responses and historical comparison data	X	X	X	X
Brief to commander/supervisor at the next higher level	X	X	X	X

¹See paragraph 2-6. Climate Assessment

Appendix C
 Sample Annual Narrative and Statistical Report (ANSR) on EO Progress

NATIONAL GUARD BUREAU ARMY NATIONAL GUARD ANNUAL NARRATIVE and STATISTICAL REPORT on EO PROGRESS <small>NGR 600-21 "Equal Opportunity Program in the National Guard" ms(r)col(Ge)of(d)h "****"col</small>								
STATE:		PERIOD COVERED: 01OCT15-30SEP16		RESPONSIBLE OFRCER: MAJMACOWBOY,ARNGHREG				
1.FORMAL COMPLAINT SUMMARY INFORMATION								
Disposition	Race	Color	Religion	Gender, not S/H	Sexual Harassment (Includes Sexual Orientation)	Reprisal	National Origin	
Settled								
Withdrawn								
Annulled & Pondered								
FAD- No Finding of Discrimination								
FAD- Finding of Discrimination								
Other								
Total Formal Complaints		a. Total # ADR		b. Total # ADR Settled				
Total Informal Complaints		a. Total # ADR		b. Total # ADR Settled				
2.EQUAL OPPORTUNITY ADVISORS BY UNIT (Do not include Equal Opportunity Leaders (EOJ))								
Unit and Level of Command	Rank/Name	Position	DEOMJ Qualified		Race	Gender	Assigned Date	Replacement Date
			Yes (Date)	No				
Joint Force Headquarters	MAJ Anyone	HR/EO Officer		No	White	Male	1-Mar-10	2-Sep-13

3. STAFF ASSISTANCE VISITS (SAV) / EOLS / DEOCS / EO / HAZING AND BULLYING TRAINING:						
MACOM	SAV (Completed / Required)	EOLS (Trained / Required)	OEOCS (Completed / Required)	ED Training (Attended / Required)	Hazing and Bullying Training (Attended / Required)	Senior Leaders Attending EO Training (03s and Above, CW4s and Above, Eas and Above) / Total
155Any BDE	10/20	5/10	29/30	800/1000	900/1000	10/20

4. COMMENTS REGARDING TRAINING b. SUCCESSES, BARRIERS, FEEDBACK:

5. IDENTIFY COMMUNITY AFFAIRS INVOLVEMENT:

8. ADJUTANT GENERAL ASSESSMENT OF THE OVERALL HUMAN RELATIONS CLIMATE:		
ACTION OFFICER	SIGNATURE	DATE
TAG	SIGNATURE	DATE

Note: Your demographic data is available online. To review it for your analysis, go to <https://public.tableau.com/profile/armq.cso.eo#!/> and select "Annual Statistical Report on Equal Opportunity." If you see anything that you believe to be in error, please contact us at ng.ncr.ngb-amg.mbx.eo-and-diversity-office@mail.mil.

Appendix D

Suggested Table of Contents for EO Workbook Glossary

An EO workbook may be developed to aid in the performance of your duties. The following lists are suggested references for the HR/EO, EOAs, and EOLs. Tailor your workbook to suit the needs of your state or unit.

1. AR 600-20 Army Command Policy.
2. NGR 600-21 MEO Program in the Army National Guard.
3. CNGBM 9601.01 National Guard Discrimination Complaint Process
4. Training attendance rosters.
5. OIP/SAV checklist.
6. EO Policy Statement for TAG and every commander down to individual units (revised annually or upon change of command).
7. Appointments to EO Council.
8. Minutes of Council Meetings.
9. Orders appointing Special Emphasis Program Manager.
10. Orders appointing EOA/EOL.

Glossary

Section I Abbreviations

AAP

Affirmative Action Plan

ADOS

Active Duty Operational Support

ANSR

Annual Narrative Statistical Report

AR

Army Regulation

ARNG

Army National Guard

ARNG-CSO-EO

Army National Guard-Chief of Staff Office-Equal Opportunity

AT

Annual Training

ATMS

Army Training Management System

ATRRS

Army Training Requirements and Resources System

CAR

Central Army Registry

CNGB

Chief, National Guard Bureau

CPLAN

Command Plan Guidance

DARNG

Director, Army National Guard

DEOCS

DEOMI Organizational Climate Survey

DEOMI

Defense Equal Opportunity Management Institute

DoD

Department of Defense

DTMS

Digital Training Management System

EEO
Equal Employment Opportunity

EO
Equal Opportunity

EOA
Equal Opportunity Advisor

EOAC
Equal Opportunity Advisor Course

EOARCC
Equal Opportunity Advisor Reserve Component Course

EOL
Equal Opportunity Leader

HQDA
Headquarters, Department of the Army

HR/EO
Human Relations/Equal Opportunity Officer

HR
Human Resources

IAW
In Accordance With

IDT
Inactive Duty Training

JFHQ
Joint Forces Headquarters

JPAS
Joint Personnel Adjudication System

MEO
Military Equal Opportunity

MOA
Memorandum of Agreement

NCOER
Non-Commissioned Officer Evaluation Report

NCOIC
Non-Commissioned Officer in Charge

OER
Officer Evaluation Report

OIP
Organization Inspection Program

PEV
Program Evaluation Visit

PME
Professional Military Education

RTI
Regional Training Institute

SAD
State Active Duty

SARC
Sexual Assault Response Coordinator

SAV
Staff Assistance Visit

SCMJ
State Code of Military Justice

SEEM
State Equal Employment Manager

SHARP
Sexual Harassment/Assault Response & Prevention

SJA
Staff Judge Advocate

SSI
Soldier Support Institute

TAG
The Adjutant General

TBP
To Be Published

TDA
Table of Distribution and Allowances

UCMJ
Uniform Code of Military Justice

USACIDC
United States Army Criminal Investigation Command

VA
Victim Advocate