

DEPARTMENT OF DEFENSE  
HEADQUARTERS, UNITED STATES MILITARY ENTRANCE PROCESSING COMMAND  
2834 GREEN BAY ROAD, NORTH CHICAGO, ILLINOIS 60064-3094

USMEPCOM Regulation  
No. 600-24

12 June 2001

**Effective date: 12 July 2001**  
**Personnel**  
**EQUAL OPPORTUNITY (EO) PROGRAM**

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FOR THE COMMANDER:

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**Summary.** This regulation prescribes policy and procedures for the United States Military Entrance Processing Command (USMEPCOM) Equal Opportunity (EO) Program. It also establishes USMEPCOM Form 600-24-1 (Commander's Unit Climate Assessment (UCA) Critique).

**Applicability.** This regulation applies to active-duty and reserve members of the Armed Force assigned or attached to USMEPCOM and to civilians who supervise military members assigned to or attached to USMEPCOM.

**Supplementation.** Supplementation of this regulation is prohibited without prior approval from Headquarters, United States Military Entrance Processing Command (HQ USMEPCOM), ATTN: MEEO/EO, 2834 Green Bay Road, North Chicago, IL 60064-3094.

**Interim message changes (IMCs).** IMCs to this regulation are not official unless disseminated via the Command Message System from the Command Executive Support Office (MCEA), HQ USMEPCOM.

**Suggested improvements.** The proponent agency of this regulation is HQ USMEPCOM, ATTN: MEEO/EO. Users are invited to send comments and suggested improvements on Department of the Army (DA) Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQ USMEPCOM, ATTN: MEEO/EO, 2834 Green Bay Road, North Chicago, IL 60064-3094.

**Management control process.** This regulation is not subject to the requirements of Army Regulation (AR) 11-2 (Management Control).

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\*This regulation supersedes USMEPCOM Supplement 1 to AR 600-20, 12 March 1991, and USMEPCOM Regulation 600-3, 25 April 1997.

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## **Chapter 1**

### **General**

#### **1-1. Purpose**

This regulation prescribes the policies and responsibilities of the United States Military Entrance Processing Command (USMEPCOM) Equal Opportunity (EO) Program.

#### **1-2. References**

References are listed in appendix A.

#### **1-3. Explanation of abbreviations and terms**

Abbreviations and special terms used in this regulation are explained in the glossary.

#### **1-4. Responsibilities**

**a. The Commander, USMEPCOM.** The Commander has overall responsibility for the formulation, management, and evaluation of command policies, plans, and programs that relate to the EO Program. The Commander will—

- (1) Monitor the execution of the EO Program in USMEPCOM.
- (2) Publish written policy on USMEPCOM EO policy and prevention of unlawful discrimination and sexual harassment.
- (3) Establish EO training requirements and provide for EO training throughout USMEPCOM consistent with Department of Defense (DOD), individual Services, and USMEPCOM-unique needs.
- (4) Provide personnel, funding, and other resources to carry out the EO Program including training for equal opportunity advisors (EOAs), unit climate assessment (UCA) visits by headquarters personnel, and ethnic observances/special commemorations for Headquarters, United States Military Entrance Processing Command (HQ USMEPCOM).
- (5) Ensure the USMEPCOM Affirmative Action Plan (AAP) information is briefed twice a year during the EO Forum and that information is submitted to other agencies as required.
- (6) Ensure HQ USMEPCOM maintains an EO hotline to provide advice and information on unlawful discrimination and sexual harassment.

**b. Command Equal Employment Opportunity/Equal Opportunity (EEO/EO) Officer.** The command EEO/EO Officer has administrative responsibility over the military equal opportunity program.

**c. Command Equal Opportunity Advisor (EOA).** The Command EOA has responsibility for the USMEPCOM EO Program. The Command EOA will—

- (1) Develop USMEPCOM EO policies and procedures and determine program evaluation methods.
- (2) Provide EO policy and procedural guidance to headquarters, sector, and military entrance processing station (MEPS) commanders, directors, managers; sector EOAs; and USMEPCOM personnel as needed.
- (3) Manage and coordinate the formulation, implementation, and maintenance of the USMEPCOM AAP including reporting results to HQDA and other Service headquarters as needed.

- (4) Organize and conduct the EO Forum twice a year.
- (5) Meet with sector EOAs once a year to develop support materials and provide continuing education opportunities.
- (6) Accompany sector EOAs on at least two UCA visits per year.
- (7) Prepare reports as required by military Service organizations.
- (8) Monitor EO-related investigations, congressional inquiries, Inspector General (IG) complaints, and other high-level inquiries.
- (9) Ensure EO training is consistent with DOD, individual Services, and USMEPCOM policy.
- (10) Provide assistance to investigating officers (IOs) on headquarters, sector, or MEPS EO-related matters.
- (11) Maintain an active liaison with DOD and individual Services EO staff personnel.

**d. Sector Equal Opportunity Advisors (EOAs).** Sector EOAs will—

- (1) Assist sector and MEPS commanders implement the EO Program.
- (2) Prepare and enter the quarterly Army EO database input for their sector.
- (3) Monitor EO training at the MEPSs to ensure compliance with USMEPCOM policy and higher headquarters requirements.
- (4) Meet with Command EOA once a year to develop support materials and continuing education opportunities.
- (5) Conduct a UCA within 1 year of a MEPS commander assuming command and every 2 years thereafter, or more often if requested by the MEPS or sector commander or by the Commander, USMEPCOM.
- (6) Conduct a technical review of EO-related investigation reports to ensure compliance with applicable EO directives. Maintain a file copy of completed reports conducted, whether conducted at a sector or MEPS.
- (7) Conduct follow-up assessment of formal EO complaints, substantiated and unsubstantiated, to assess the effectiveness of any corrective actions taken, to detect and deter acts or threats of reprisal, and to assess complainant satisfaction with the processing of the complaint.
- (8) Assist commanders in developing an EO policy for their MEPSs. Ensure MEPS and USMEPCOM EO policies and EO and sexual harassment complaint processes are posted on the official bulletin board.
- (9) Conduct complaint clarifications as required, addressing EO complaints, racial incidents, and human-relations concerns. Provide a summary of formal complaint clarifications including a summary of events, demographics of involved parties, and actions taken to the USMEPCOM EOA within 30 calendar days of complaint finalization.

**e. Sector commanders.** Sector commanders are the EO officers for their sectors. Sector commanders will—

- (1) Enforce the standards of the EO Program in activities under their jurisdiction.
- (2) Provide resources to carry out the mission of the sector EO program.
- (3) Ensure the MEPS commanders administer the Army Command Climate Survey within 90-days of assuming command and each year thereafter.
- (4) Ensure their sector EOA conducts UCAs visits at the MEPS within 1 year of a new commander assuming command and every 2 years thereafter.
- (5) Ensure EO training is conducted at least twice a year for the sector and for their MEPSs.
- (6) Document EO-specific training in writing and maintain the files.

**f. MEPS commanders.** MEPS commanders are the EO officers for their stations. MEP commanders will—

- (1) Develop, implement, and enforce standards of the EO Program for their stations.
- (2) Conduct EO training quarterly for military personnel and civilian supervisors of military personnel that is consistent with DOD and Service directives and with local needs. Prevention of Sexual Harassment training will be presented for at least two of the four yearly training sessions.
- (3) Conduct mandatory initial EO orientation for newly assigned military personnel within 30 calendar days of assignment.
- (4) Contact the nearest military installation housing referral office (HRO) in writing (memorandum) to report alleged discriminatory practices in housing and provide a copy of the allegations to the sector EOA. If the HRO is unable to investigate the issues in a timely manner, the commander will forward the information to the sector or Command EOA.
- (5) Identify unlawful discriminatory practices affecting military personnel and their family members. Initiate corrective actions, and provide follow-up and feedback throughout problem resolution.

**g. Staff Judge Advocate (SJA), USMEPCOM.** The SJA will—

- (1) Provide legal review, opinions, instructions, and guidance concerning EO programs and complaint reports.
- (2) Provide guidance on EO policies and procedures to legal officers and clerks.
- (3) Monitor the execution of USMEPCOM AAP (table B-1, part 3) and report the status to the Command EOA twice a year during the EO Forum.

**h. Director, Human Resources.** The Director of Human Resources will—

- (1) Ensure replies to EO-related congressional inquiries are coordinated with the Command EOA.
- (2) Monitor the execution of USMEPCOM AAP (table B-1, part 4) and report the status to the Command EOA twice a year during the EO Forum.

**i. Inspector General (IG).** The IG will—

- (1) Inspect the EO Program during general inspections.
- (2) Inform Command EOA of EO-related matters as appropriate.
- (3) Monitor the execution of USMEPCOM AAP (table B-1, part 5) and report the status to the Command EOA twice a year during the EO Forum.

**j. Public Affairs Office.** Public Affairs will be actively involved in promoting and publishing EO program information.

**1-5. Concept**

The EO Program formulates, directs, and sustains a comprehensive effort to ensure fair and equal treatment of military personnel based solely on individual merit, fitness, and capability to support mission readiness. EO is a responsibility of leadership and a function of command. The EO Program is designed to—

- a. Provide EO for USMEPCOM military personnel, their family members, and retirees both on and off installations within the limits of local and state laws.
- b. Contribute to mission accomplishment, cohesion, and readiness.

**1-6. Staffing**

For HQ USMEPCOM, an enlisted military member in the grade of E-8 or above, with primary duty as the Command EOA, will be assigned full-time as the advisor to the Commander. For the sectors, an enlisted military member in the grade of E-7 or above, with their primary duty as an EOA, will be assigned full-time as the advisor for the sector commander.

## **Chapter 2**

### **USMEPCOM Equal Opportunity Program Elements**

#### **2-1. EO hotline**

a. Any military member or his or her family member or retiree may call the EO hotline for assistance in filing an EO complaint. The EO hotline will provide procedural information on filing EO complaints and clarify what constitutes acts of discrimination including sexual harassment. Complaints will not be received over the telephone.

b. The hotline also may be used to provide information to leaders on the procedures to follow in handling complaints.

c. The EO hotline number is: 1-800-440-9436.

#### **2-2. The USMEPCOM Affirmative Action Plan**

**a. Purpose.** The USMEPCOM AAP (app. B) presents the goals, responsibilities, and policies that support the DOD and USMEPCOM EO Program. The purpose is to identify, establish, and control specified program goals, responsibilities, and actions that provide and maintain an environment of equal opportunity and promote constructive human relations.

**b. Policy.** USMEPCOM AAP policy is to monitor and report on selected criteria of our personnel programs to ensure equal opportunity for military personnel through affirmative actions and other initiatives in USMEPCOM.

**c. Procedures.** Proponents identified in the USMEPCOM AAP (table B-1) will develop procedures to compile, organize, interpret, and report the required information in their areas of responsibility twice a year during the EO Forum.

**d. Objectives.** The USMEPCOM AAP objectives are to—

- (1) Provide opportunity for growth and effective use of USMEPCOM military personnel.
- (2) Correct organizational imbalances and eliminate institutional discrimination.
- (3) Assess the progress of affirmative action in USMEPCOM in support of the USMEPCOM EO Program.

#### **2-3. Training**

The commander will incorporate EO training into the overall training plan for the MEPS. The following are the minimum criteria established for the command, sector, and MEPS training programs:

**a. Newcomers orientation.** Mandatory initial EO orientation training within 30 calendar days of assignment for military personnel and civilian supervisors of military personnel as part of their newcomers orientation.

**b. Mandatory EO training.**

- (1) The MEPS commander conducts mandatory EO training quarterly. At least two of the training sessions will be on prevention and eradication of sexual harassment. The training will be interactive, small group, and discussion-based.

(2) Headquarters and sectors will conduct EO training twice a year on prevention and eradication of sexual harassment. Training will be interactive, small group, and discussion based.

**c. Documentation.** The commander will document EO-specific training in writing and maintain the files (file number 600-20a, destroy after 2 years). Files will include—

- (1) The subject of the EO training presentation.
- (2) Names of instructors and facilitators who conduct the training.
- (3) Roster of attendees with date, time, and session length.

#### **2-4. EO assessment program**

**a. Unit Climate Assessment (UCA) Program.** The UCA is a tool commanders may use to evaluate the human relations climate in their command. The UCA helps identify positive and negative factors that affect mission accomplishment and provides information on corrective actions when appropriate. (See app. C for more information on the UCA Program.)

(1) Sector EOAs must conduct an UCA within 1 year of a new commander assuming command and every 2 years thereafter, or as requested by a MEPS or sector commander or by the Commander, USMEPCOM.

**Note:** The EOA will give the commander the USMEPCOM Form 600-24-1-R-E (Commander's Unit Climate Assessment (UCA) Critique) and a self-addressed envelope after completing the UCA.

(2) Participation in the UCA is voluntary for military and civilian employees. For civilians who wish to participate, the MEPS commander must coordinate (by memorandum) with the servicing civilian personnel office and the appropriate union representative for civilian employees who are bargaining unit members before the employee participates. (File memorandum in the unit continuity folder (file number 600-20b, retain in current files area until disposition instructions are published.))

**b. Command Climate Survey.** MEPS commanders will use the Army Command Climate Survey (CCS) to assess their stations. (See app. D for more information on the CCS.)

(1) MEPS commanders will administer the CCS within 90 days of assuming command and at least once each year thereafter. MEPS commanders may administer the CCS more often if needed.

(2) Participation in the CCS is mandatory for military. Civilians may participate in the survey, however, the MEPS commander must coordinate with the servicing civilian personnel office and the appropriate union representative for civilian employees who are bargaining unit members before the employee participates. (File memorandum in the unit continuity folder (file number 600-20b, retain in current files area until disposition instructions are published.))

## **Chapter 3**

### **Prevention Of Sexual Harassment**

#### **3-1. Overview**

The prevention of sexual harassment is a commander's responsibility. The EOA assists the commander on policy awareness, training, command climate assessments, and complaints processing.

#### **3-2. USMEPCOM policy**

a. Sexual harassment is unacceptable conduct and will not be tolerated. USMEPCOM leadership will create and maintain an environment conducive to maximum productivity and respect for human dignity. Sexual harassment destroys teamwork and negatively affects mission accomplishment.

b. The prevention of sexual harassment is the responsibility of every military and civilian employee of USMEPCOM. USMEPCOM leadership will set the standard for others to follow.

#### **3-3. Chain of command responsibilities**

a. Within 30 days of assuming command, sector and MEPS commanders will publish and post their command policy statements for the prevention of sexual harassment consistent with USMEPCOM and DOD policies. The policy will include a statement of their commitment to the USMEPCOM policy against sexual harassment and reaffirm that sexual harassment will not be tolerated. The policy will explain how and where to file complaints and that all complainants will be protected from acts or threats of reprisal.

b. Commanders will assess and be aware of the climate of the command regarding sexual harassment and will—

(1) Investigate complaints of sexual harassment to resolve the problem at the lowest possible level including taking formal disciplinary or administrative action when necessary.

(2) Ensure no reprisal is allowed against military members for filing complaints.

## **Chapter 4**

### **USMEPCOM EO Complaint Processing System**

#### **4-1. Entering the complaints processing system**

The USMEPCOM EO complaints processing system addresses complaints that allege unlawful discrimination or unfair treatment on the basis of race, color, religion, gender, and national origin for active-duty military and their family members and for retired military personnel. Commanders will attempt to resolve problems at the lowest possible level within an organization before preparing a formal complaint. MEPS commanders must ensure the process provided for involved personnel is equivalent to what would be provided in their parent Service system.

##### **a. Informal complaints.**

(1) An informal complaint is any complaint that a military member or his or her family member or retiree does not wish to file in writing. Informal complaints may be resolved directly by the individual with the help of another MEPS member, the commander, or other person in the complainant's chain of command. Typically, informal complaint issues can be resolved through discussion, problem identification, and clarification of the issues. An informal complaint is not subject to a time suspense.

(2) If a complainant feels more comfortable going outside his or her chain of command or if the complaint is against a member of his or her chain of command, a complainant may use an alternative agency for resolution. Each of the alternative agencies provides expertise in very specific subject areas. Commanders will not prevent members from using the following alternative agencies:

- (a) Someone in a higher echelon of the complainant's chain of command
- (b) Equal opportunity advisor
- (c) Inspector General
- (d) Chaplain
- (e) Provost Marshal
- (f) Medical agency personnel
- (g) Staff Judge Advocate
- (h) Chief, Community Housing Referral and Relocation Services Office

(3) In some informal complaints, the chaplain or lawyer, or their agencies, may be able to resolve the complaint while maintaining the confidentiality of the complainant. Other alternative agencies will maintain confidentiality whenever possible, however, these agencies will not guarantee or promise confidentiality.

(4) Initial actions by alternative agencies are the same for informal and formal complaints. For an informal complaint of unlawful discrimination or sexual harassment, the agency must—

(a) Talk with the complainant and advise the complainant of his or her rights and responsibilities, listen to the complainant, and find out as much information as possible concerning the complaint including the basis of the complaint and why the individual is using the alternative agency rather than his or her chain of command.

(b) Inform the complainant of agency responsibilities (for example, direct action on behalf of the complainant, information gathering, referral to another agency or the commander for action) and about the support services available from other organizations that may help resolve the issues.

(c) Explain the differences between informal and formal complaint process and attempt resolution through mediation, intervention, counseling, and training.

#### **b. Formal complaints.**

(1) A formal complaint is one that a complainant files in writing. (See AR 15-6 (Procedures for Investigating Officers and Boards of Officers) for procedures on investigating formal and informal complaints). Formal complaints require specific actions, are subject to timelines, and require documentation of actions taken (see app. E).

(2) USMEPCOM military personnel file formal complaints on DA Form 7279-R (Equal Opportunity Complaint Form), comparable documentation, or on a Service-specific equal opportunity complaint form. (App. F is a list of codes for race and population groups used in reporting complaints.)

(3) Military members have 60 calendar days from the date of the alleged incident to file a formal complaint. This time limit is established to set reasonable parameters for the inquiry or investigation and resolution of complaints (e.g., ensuring availability of witnesses, accurate recollection of events, timely remedial action). If a complaint is received after 60 calendar days, the commander still may conduct the investigation. In deciding whether to conduct an investigation after the 60-day limit, the commander considers the reason for the delay in reporting, the availability of witnesses, and whether a full and fair inquiry or investigation can still be conducted.

#### **4-2. Actions of alternative agencies**

USMEPCOM members may register formal EO complaints with the alternative agencies listed in paragraph 4-1a(2). Initial actions by these alternative agencies are the same for informal and formal complaints. Alternative agencies (except the Inspector General) must complete DA Form 7279-R, part I, item 9b, to report a formal complaint to the sector EOA (or a memorandum for record (MFR) if using a comparable documentation or Service-specific equal opportunity complaint form). If the alternative agency decides not to do an inquiry or conduct an investigation, the agency must refer the complaint within 3 calendar days to another agency or to the appropriate commander for the investigation.

a. If the receiving agency or commander identifies criminal activity during an inquiry or investigation, the complaint will be immediately referred to the proper agency for investigation (e.g., the criminal investigations division for the Army, the Office of Special Investigation for the Air Force).

b. If a complaint is filed against a promotable colonel, an active-duty or retired general officer, Inspector General of any component, members of the Senior Executive Service, or Executive Schedule personnel, the allegation will be transferred directly to the appropriate agency in the specific Service of the individual being accused.

#### **4-3. Complaints filed with the Inspector General**

a. Complaints filed with the Inspector General will be processed as Inspector General Action Requests according to AR 20-1 (Inspector General Activities and Procedures) rather than under the procedures outlined in this regulation.

b. Inspector General investigations are confidential and protected from unauthorized disclosure and include consultations with persons or activities deemed appropriate by the Inspector General.

c. The Inspector General will acknowledge receipt of the complaint and provide an estimated completion date to the complainant. If the action is not completed by that date, the complainant will be notified and given a new estimated completion date.

#### **4-4. Reporting and documenting formal complaints**

a. The sector EOA will provide a written summary of the complaint for the Command EOA within 30 calendar days of closing the case.

b. The sector EOA retains the complaint file (file number 600-20c, destroy 2 years after final resolution of case). Inquiries and investigations are recorded on DA Form 1574 (Report of Proceedings by Investigating Officer/Board of Officers) or comparable Service-specific forms.

c. In addition to the completed DA Forms 7279-R and 7279-1-R (Equal Opportunity Complaint Resolution Assessment), comparable documentation, or Service-specific EO complaint form, the EOA will retain the following information (MFR format) in each case file:

- (1) The name, rank, and organization of the individual who conducted the inquiry or investigation.
- (2) Complete report of the investigation including written review by the sector EOA and servicing Staff Judge Advocate.
- (3) The status or results of any judicial action, nonjudicial punishment, or other action taken to resolve the case.

#### **4-5. Appeals process**

If the complainant feels that the investigation failed to reveal all relevant facts to substantiate the allegations, or that the actions taken by the commander on his or her behalf were insufficient to resolve the complaint, the complainant has the right to appeal to the next higher commander in his or her chain of command. The complainant may not appeal the action taken against the perpetrator, if any is taken.

a. The appeal must be presented within 7 calendar days following notification of the results of investigation and acknowledgment of the actions of the command to resolve the complaint. The complainant must provide a brief statement that identifies the basis of the appeal on the DA Form 7279-R, part IV (or by MFR if using comparable documentation or Service-specific EO complaint form). The complaint form will be returned to the commander who either conducts the investigation personally or appoints an IO.

b. Once the appeal is initiated by the complainant, the commander has 3 calendar days to refer the appeal to the next higher commander in his or her chain of command or to the sector EOA.

c. The commander who receives the appeal has 14 calendar days to review the case and act on the appeal (i.e., approve it, deny it, or conduct an additional investigation). The commander must send the complainant the results (in writing) of the appeal, consistent with Privacy Act and Freedom of Information Act (FOIA) limitations. This process also applies to subsequent appeals submitted through the chain of command.

#### **4-6. Final resolution on appeal**

Complaints that are not resolved at the HQ USMEPCOM-level may be appealed to the General Courts-Martial Convening Authority.

**4-7. Follow-up assessment**

The sector EOA will conduct a follow-up assessment of formal EO complaints for substantiated and unsubstantiated complaints in a timeframe of 30 to 45 calendar days following the final decision on the complaint. The assessment will measure the effectiveness of the actions taken and detect and deter any acts or threats of reprisal. The sector EOA also will assess the complainant's satisfaction with the complaint process including timeliness, staff responsiveness and helpfulness, and resolution of the complaint. The EOA will record the assessment on DA Form 7279-1-R or comparable documentation, or Service-specific EO resolution assessment form, and maintain the file (see par. 4-4b). The EOA will present assessment findings and recommendations to the commander for further consideration or action within 15 calendar days. After the commander reviews the EOA findings and recommendation, the assessment will be attached to the original complaint and maintained with the file.

**4-8. Actions against military members submitting false complaints**

Active-duty military members who knowingly submit a false EO complaint (a complaint containing information or allegations that the complainant knew to be false) may be punished under the Uniform Code of Military Justice (UCMJ).

## **Chapter 5**

### **Personal Housing Accommodations and Utilization of MEPS Facilities**

#### **5-1. Personal housing accommodation discrimination complaints**

The local housing referral office (HRO) will process complaints of housing discrimination involving unequal treatment because of race, color, religion, gender, or national origin. Commanders will contact the military installation nearest their MEPS to establish a protocol to ensure the HRO is aware that military personnel are assigned to the MEPS. The HRO provides services to the MEPS personnel to ensure that alleged discriminatory practices are investigated. If local HRO personnel are unable to investigate the issue in a timely manner, the commander will forward the problem to the sector EOA or Command EOA for action.

#### **5-2. USMEPCOM-controlled facilities**

USMEPCOM-controlled facilities and official activities are open, as appropriate, to DOD personnel and family members without regard to race, color, religion, gender, or national origin. Commanders must ensure that any organization using USMEPCOM-controlled facilities (whether on a reimbursable basis or otherwise) does not engage in unlawful discriminatory practices. The commander must examine the published bylaws or constitution of the organization and assess the actual membership practices and its effect upon the command. In cases where questionable practices exist or allegations of discrimination are made, the burden of proof rests with organization members. The organization must convince the commander it does not engage in de facto discrimination. Discriminatory practices result in denial of use of USMEPCOM-controlled facilities.

#### **5-3. Public accommodations**

Title II of the Civil Rights Act of 1964 addresses the practice of discrimination and segregation in public accommodations including privately owned establishments such as hotels, restaurants, gasoline stations, theaters, and places of entertainment. Commanders must ensure the facts concerning an allegation of discriminatory practices are fully investigated. Commanders must also ensure individuals and organizations alleged to practice such discrimination are given a full and fair opportunity to challenge any particular allegations. If all reasonable efforts and alternatives fail to eliminate discriminatory practices in public accommodations, MEPS commanders are authorized to place that facility temporarily off-limits and to report to the Regional Disciplinary Control Board chairperson for final action. (See AR 190-24/OPNAVINST 1620.2A/AFI 31-213; MCO 1620.2C/COMDIINST 1620.1D (Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations).) Commanders must report cases of discrimination that result in off-limits sanctions to the HQ USMEPCOM, ATTN: MEEEO/EO, within 3 calendar days of action.

#### **5-4. Off-limits actions**

Off-limits sanctions may be appropriate for establishments falsely claiming to be private clubs, fraternal or otherwise, and public accommodations with discriminatory policies and practices. If discriminatory practices are found directed at military personnel in the command or their family members or retirees and conciliation efforts fail, off-limits sanctions are appropriate. (See AR 190-24/OPNAVINST 1620.2A/AFI 31-213/MCO 1620.2C/COMDIINST 1620.1D.) Commanders will not apply off-limits sanctions to a valid private establishment unless—

- a. The establishment is open to military personnel in general, or to military personnel who meet specific objective criteria (such as E-4 and above), but segregates or discriminates against other military personnel solely on the basis of race, color, religion, gender, or national origin.

b. The commander, in consultation with the Regional Disciplinary Control Board, Inspector General, command legal advisor, the Criminal Investigation Division, and EO (EO officer or EOA), determines that the available facts support the allegations of unlawful discrimination and after giving the management of the establishment a full and fair opportunity to challenge or refute the allegations.

c. The commander determines that continued discrimination by an establishment undermines the morale, discipline, or loyalty of military personnel in the command.

## **Chapter 6**

### **Equal Opportunity Special and Ethnic Observances**

#### **6-1. Purpose.**

Equal opportunity special and ethnic observances recognize the achievements and contributions made by members of specific racial, ethnic, or gender groups in our society. The observances help enhance cross-cultural awareness and promote understanding, teamwork, harmony, pride, and esprit de corps among all groups, not just within the specific group being honored. DOD has general responsibility for establishing policy and identifying the time period for each observance.

#### **6-2. Commanders responsibilities**

Commanders will—

- a. Develop, plan, and conduct observances during the designated time frame (see app. G).
- b. Encourage military members to contribute to and participate in planning, implementing, and conducting observance activities. Activities will be designated and scheduled to allow for maximum attendance of personnel in the command. Commanders will establish a policy that ensures that personnel desiring to participate in these observances are given a reasonable opportunity to do so.
- c. Select and announce an appropriate theme for the observance, consistent with the spirit of the event and the needs of the local community. DOD publishes themes for the observances that may be used to augment local activities.

#### **6-3. Funding**

Comptroller General decisions B200017 (dated 10 March 1981) and B199387 (dated 23 March 1982) allow expenditures at command-sponsored cultural awareness events, appropriated funds for guest speakers, artistic or cultural activities, food exhibits or samples (not intended as meals or refreshments), or publications when the intent is to promote cross-cultural harmony and awareness. At the MEPS, Band B money is appropriate for funding these events. The International Merchant Purchase Authorization Card (IMPAC) or IMPAC convenience checks may be used for the limited scope of purchasing food items for sampling or exhibits at Command-sponsored cultural awareness events. The Automatic Vending Machine Fund (AVMF) may be used if the AVMF committee approves the expenditure.

#### **6-4. Suggested activities**

Suggested activities, which exhibit contributions made by the featured ethnic, gender, or racial group to the military and society in general, include—

- a. Special displays in command areas to include expositions and displays of arts, crafts, and significant accomplishments related to the theme.
- b. Special music or drama programs.
- c. Programs featuring historical achievements and contributions by various ethnic groups to government, education, industry, religion, music, and theater.
- d. Guest speakers.

**Appendix A**  
**References**

**Section I** (The publication(s) needed to comply with this regulation.)  
**Required Publication(s)**

**AR 15-6**

Procedures for Investigating Officers and Boards of Officers. Cited in paragraph 4-1b(1).

**Section II** (The(se) publication(s) is(are) merely a source of additional information. Users may  
**Related Publication(s)** read it(them) to better understand the subject, but do not have to read it(them) to  
comply with this publication.)

**AR 20-1**

Inspector General Activities and Procedures. Cited in paragraph 4-3a.

**AR 27-10**

Military Justice. Cited in paragraph E-5a(1)(b).

**AR 190-24/OPNAVINST 1620.2A/AFI 31-213/MCO 1620.2C/COMDIINST 1620.1D**

Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations. Cited in paragraph 5-3.

**DODD 7050.6**

Military Whistleblower Protection. Cited in paragraph E-2c(1)(b).

**UCMJ**

Uniform Code of Military Justice. Cited in paragraph 4-8.

**Section III** (The form(s) prescribed by this regulation. Users must use the(se) form(s) to comply  
**Prescribed Form(s)** with this regulation)

**USMEPCOM Form 600-24-1**

Commander's Unit Climate Assessment (UCA) Critique. Cited in paragraph 2-4a(1).

**Section IV** (The form(s) needed to comply with this regulation.)  
**Required Form(s)**

**DA Form 1574**

Report of Proceedings by Investigating Officer/Board of Officers. Cited in paragraph 4-4b.

**DA Form 3881**

Rights Warning Procedure/Waiver Certificate. Cited in paragraph E-4f.

**DA Form 7279-R**

Equal Opportunity Complaint Form. Cited in paragraph 4-1b(2).

**DA Form 7279-1-R**

Equal Opportunity Complaint Resolution Assessment. Cited in paragraph 4-4c.

***Section V*** (The file number(s) this regulation prescribes to file specific documents.)  
***Prescribed File Number(s)***

**600-20a**

EO reports. Cited in paragraph 2-3c.

**600-20b**

EO Surveys. Cited in paragraphs 2-4a(2) and 24-b(2).

**600-20c**

EO complaint cases. Cited in paragraph 4-4b.

## **Appendix B**

### **USMEPCOM Affirmative Action Plan**

#### **B-1. Affirmative action goal development**

**a. Criteria.** Affirmative action goal development supports the USMEPCOM Equal Opportunity (EO) Program. Requirements may develop from a need to manage, assess, and report on the status of minority and female military personnel. In each case, affirmative action proponents ensure that goals are developed from the best available data and in a logical and consistent manner. For example, if the Judge Advocate (JA) establishes a goal to ensure that personnel other than African-Americans receive non-judicial punishment, the JA needs to develop the goals that are consistent for all groups in a logical manner. (USMEPCOM Affirmative Action Plan (AAP) is provided in table B-1.)

**b. Goal development process.** Success of this program depends on goal development. Proponents develop affirmative actions specific to their areas. Each level in the chain of command must participate in goal development, and the Commander, USMEPCOM, must participate and support the program. Input from proponents will be incorporated in the USMEPCOM APP during the twice a year EO Forum meetings.

**c. Review and analysis.** Successful review, analysis, and reporting of affirmative action progress must involve commanders, directors, and their subordinates. Each military entrance processing station (MEPS) reviews their AAP twice a year during the EO Forum. The review supports an information exchange, guidance, and follow-up actions.

#### **B-2. Measurement**

a. Data collection is a management tool to assess affirmative action management efforts. The data helps identify progress and problem areas. Affirmative action management requires measurements in areas that have quantifiable goals. Measurements help to identify trends and highlight differences.

b. The Command EOA will compare actual results with affirmative action goals.

c. Commanders should consider attitudes and perceptions and apply experience and management judgement in their EO assessment.

d. Measurement techniques.

**(1) A representation index (RI).** RIs measure changes in what happens to individuals as a result of the normal functioning of the system. The RI does not determine causes or imply intent to discriminate; the RI measures the effects of what has occurred. The RI helps to isolate areas that require closer examination.

#### **(2) Calculation.**

(a) RIs are derived from a comparison of the actual number and the expected number in a particular situation. Actual numbers are, for example, those being selected for promotion or assignment. The expected number is the number of people who would be considered in a particular situation if the people in that situation were selected randomly from the eligible population. The formula used to develop the RI is as follows:

$RI = (\text{actual number divided by expected number}) \times 100, \text{ minus } 100 = \text{percentage of over or under representation}$

(b) By the formula (above), a zero results when the actual number and the expected number are the same. A zero means that there is no difference between comparison groups in the dimension being considered. If the actual number of a group is greater than the expected number, the result is a positive percentage, which means that group is over represented in that dimension by the percentage indicated. If the actual number is less than the expected number, the result is a negative percentage, which means the group is under represented by the percentage indicated. Over representation and under representation are both only indicators that people might be treated differently. The RI will not be used to project goals. For example, the result of a hypothetical selection board illustrates how the RI is used. The RI can be computed by using the following procedural outline:

1. Total number eligible (considered) equals 1,000.
2. Number of “group 1” who are eligible (considered) equals 160, divided by 1,000, equals 16 percent.
3. Total number selected equals 500.
4. Expected number equals 16 percent (.16), times 500, equals 80.
5. Actual number of group 1 selected equals 60.
6. RI equals (60, divided by 80, times 100) minus 100, equals negative 25 percent.
7. The resultant percentage means that group 1s are under represented in this selection board by 25 percent. The percentage does not say anything about what caused the difference. The long-term goals are to arrive at the point where the RIs approach zero. But, through chance alone, the RI will usually fall on either side of the baseline.

**(3) Subjective assessment.** A subjective assessment includes an interpretation of serious incident reports, Inspector General reports, volume and nature of congressional complaints, staff visits, perceptual surveys, EO climate assessment visits, feedback received, and EO complaints.

### **B-3. Reporting requirements**

- a. Proponents (table B-1) are responsible for—
  - (1) Collecting data designated in their subject area.
  - (2) Preparing a graphic analysis and narrative data analysis (either or both) to determine—
    - (a) If the goal should be maintained, revised, or deleted.
    - (b) If some change in policy or procedure is needed.
    - (c) If trends exist.
  - (3) Presenting data on their subject area at the EO forum held in January for data collected 1 July through 31 December of the previous year and in July for data collected 1 January through 31 June of the current year.
  - (4) Consolidating and reporting data to submit to the Command EOA.

<b>Table B-1 USMEPCOM AFFIRMATIVE ACTION PLAN</b>		
SUBJECT: COMMAND PROFILE		PART 1
GOAL(S): Provide demographics of USMEPCOM.		
BASIS FOR GOAL(S): USMEPCOM Affirmative Action Plan		
AFFIRMATIVE ACTIONS	PROPONENT	MILESTONES
1. Generate statistics of the composition of the command by rank, racial ethnic designation category (REDCAT), and gender.	HQ USMEPCOM (MHR)	Quarterly.
2. Report on composition of USMEPCOM by rank, REDCAT, and gender at the EO Forum.	HQ USMEPCOM (MEEO/EO)	Quarterly.
3. Include statistical analysis in the annual narrative and statistical report to HQDA.	HQ USMEPCOM (MEEO/EO)	Twice a year.
SUBJECT: COMPLAINT PROCESSING		PART 2
GOAL(S): To ensure discrimination and sexual harassment complaints are identified and to determine contributing factors.		
BASIS FOR GOAL(S): USMEPCOM Affirmative Action Plan		
AFFIRMATIVE ACTIONS	PROPONENTS	MILESTONES
1. Report and monitor discrimination and sexual harassment complaint processed by REDCAT, and gender.	HQ USMEPCOM (MEEO/EO)	Twice a year.
2. Analyze racial discrimination and sexual harassment complaints filed in USMEPCOM and determine contributing factors.	HQ USMEPCOM (MEEO/EO)	Twice a year.
3. Track the number of discrimination complaints filed with IG to ensure an accurate count and notify EEO/EO, HQ USMEPCOM.	HQ USMEPCOM (MEEO/EO) and (MIG)	As required.

<b>Table B-1</b>		
<b>USMEPCOM AFFIRMATIVE ACTION PLAN (continued)</b>		
SUBJECT: MILITARY JUSTICE		PART 3
GOAL(S): Ensure all military personnel are treated equitably by monitoring the administration of military actions by REDCAT and gender.		
BASIS FOR GOAL(S): USMEPCOM Affirmative Action Plan		
AFFIRMATIVE ACTIONS	PROPONENT(S)	MILESTONES
1. Develop and report data by REDCAT and gender on each of the following military justice actions:  a. Non-judicial punishment b. Courts-martial c. Letters of reprimand d. Administrative separation e. Miscellaneous	HQ USMEPCOM (MJA) and sector legal clerk	Twice a year.
2. Include an analysis of trends in the annual narrative and statistical report.	HQ USMEPCOM (MEEO/EO)	Twice a year.
SUBJECT: AWARDS PROGRAM		PART 4
GOAL(S): Ensure the USMEPCOM awards program is administered equitably.		
BASIS FOR GOAL(S): USMEPCOM Affirmative Action Plan		
AFFIRMATIVE ACTIONS	PROPONENTS	MILESTONES
1. Maintain statistical data by rank, gender, and REDCAT on approved, disapproved, and down-graded.	HQ USMEPCOM (MHR)	Twice a year.
2. Compare awards to population demographics data by REDCAT, gender, and grade. Determine if an imbalance exists. Assist commanders and directors to identify contributing factors and implement positive corrective actions.	HQ USMEPCOM (MHR) and (MEEO/EO)	Twice a year.

<b>Table B-1</b>		
<b>USMEPCOM AFFIRMATIVE ACTION PLAN (continued)</b>		
SUBJECT: EQUAL OPPORTUNITY PROGRAM ASSESSMENT		PART 5
GOAL(S): Ensure the command monitors and assess the Equal Opportunity Program and its progress in conjunction with the unit mission.		
BASIS FOR GOAL (S): USMEPCOM Affirmative Action Plan		
AFFIRMATIVE ACTIONS	PROPONENTS	MILESTONES
1. Ensure EO activities are a special area of interest during general inspections.	HQ USMEPCOM (MIG)	As conducted.
2. Monitor IG reports for feedback on potential problem areas to aid in the evaluation of compliance with EO regulations.	HQ USMEPCOM (MEEO/EO)	Continuous.
3. Conduct unit climate assessment visits to the MEPS as required by the appropriate level of command or by the request of MEPS commanders.	Sector EOAs	As necessary.
4. Ensure EO training is conducted according to AR 600-20.	Commanders, EOAs, and HQ USMEPCOM (MIG)	Twice a year.

## **Appendix C**

### **Unit Climate Assessment**

#### **C-1. Unit Climate Assessment Program**

The purpose of the unit climate assessment (UCA) is to assist commanders in assessing the effectiveness of and the human relations climate in their commands. The UCA helps identify positive and negative factors that affect mission accomplishment and proposes corrective actions when appropriate. Military and civilian employees participation in a UCA is voluntary.

**Note:** The UCA is in addition to the requirement for a new commander to conduct a command climate survey (CCS) within 90 days of assuming command.

#### **C-2. Conducting UCAs**

The equal opportunity advisor (EOA) uses the following methods to conduct the UCAs: interviews, observations, survey criteria, trend data, and reports (e.g., IG complaints). The EOA must have the commander's acknowledgement before conducting a UCA.

#### **C-3. UCA requirements**

a. The sector EOA will conduct regularly scheduled UCAs on military entrance processing stations (MEPSs). The requirements for conducting regularly scheduled UCAs are within 9 to 12 months after a commander assumes command and every 2 years thereafter, or more often if requested by the MEPS or their sector commander, or by the Commander, USMEPCOM.

b. A UCA is a complete review of the MEPS that includes input from the MEPS trend analysis (historical data gathering), distribution and analysis of USMEPCOM-approved surveys, interviews, and a final report. The UCA identifies both positive and negative perceptions of the human relations climate. The sector EOA will prepare and develop a list of interview questions compiled from the USMEPCOM-approved survey analysis. The MEPS commander reviews and approves the interview questions and may add questions for the interviews.

c. If a member of the MEPS files a formal equal opportunity (EO) complaint of unlawful discrimination or sexual harassment during an UCA, the UCA will be temporarily suspended and the MEPS commander briefed on the complaint. After the EOA briefs the commander on the effect of the complaint on the UCA process, the MEPS commander determines whether to suspend or terminate the UCA.

**Note:** Normally UCAs will not be continued pending the outcome of an investigation because the individual circumstances of a specific complaint detracts from an objective assessment of the overall human relations climate of a MEPS. Once the complaint is closed, the MEPS commander (or the commander who initiated the UCA) may elect to continue the UCA.

#### **C-4. Civilian employees**

Civilians may participate in the UCA, however, the MEPS commander must coordinate with the servicing civilian personnel office and the appropriate union representative for civilian employees who are bargaining unit members before the employee participates. The EOA will file the coordinated memorandum in the unit continuity folder (file number 600-20b, retain in current files area until disposition instructions are published.)

#### **C-5. Preparing for the assessment**

The EOA schedules required briefings with the MEPS commander or the designated representative. Before the assessment, the EOA assesses the staff structure and demographic composition of MEPS personnel and reviews the previous assessment, closed formal EO complaints, informal complaints, and incidents of the MEPS before conducting the current assessment. The following agencies can provide other historical data:

**a. Inspector General (IG).** The IG conducts a climate assessment survey for the commander to assess the morale at the MEPS during the regularly scheduled IG inspection. The IG also uses information from the IG complaint process, if available, to help pinpoint sources of problems internal or external to the MEPS that involve MEPS personnel. General trend information gathered from the complaints may be used to determine the effect, if any, the complaints might have on the MEPS.

**b. Judge Advocate (JA) records.** JA records include administrative nonjudicial and judicial actions that have been processed against a member of a MEPS.

**c. Equal employment opportunity (EEO) officer.** The EEO officer gathers historical and current human relations trends concerning civilian employees.

#### **C-6. Steps for conducting UCAs**

a. The sector EOA notifies the MEPS commander by memorandum at least 30 days before the scheduled visit. To evaluate the MEPS, the EOA must have the commander's public endorsement, high visibility during the visit, and freedom to observe and collect input from general conversation and structured interviews. Before conducting the onsite part of the UCA, the EOA will—

(1) Provide a copy of the USMEPCOM-approved survey to the commander and a description of the UCA process.

(2) Inform the commander of the approximate timeframe required for the visit.

(3) Make arrangements at the MEPS for facilities to conduct interviews and for required support (e.g., computers, telephones).

(4) Request the commander appoint a liaison officer or senior noncommissioned officer to serve as a point of contact and liaison for the EOA. The liaison is responsible for notifying and scheduling MEPS personnel for survey participation and distribution, interviews, and focus groups.

**Note:** The commander has the option to reschedule a UCA pending ongoing MEPS functions. For out of cycle UCAs, the commander sends a request in writing to the EOA.

(5) Gather MEPS trend data.

(6) If individual interviews are conducted, the EOA will attempt to interview as many individuals as necessary to get as complete an assessment as possible. The EOA will provide the MEPS assessment liaison a roster of proposed interview dates and times and the liaison will schedule the personnel according to mission needs.

(7) Administer and analyze the survey data.

b. Upon arrival at the MEPS, the EOA will—

(1) In-brief the commander on aspects of the UCA.

(2) Conduct individual or focus group interviews.

(3) Visit all sections of the MEPS during the on-site visit.

(4) Review EO training documents, Affirmative Action Plan data collection, and the posting of USMEPCOM and MEPS EO policy letters.

c. The EOA will conduct individual and focus group interviews with MEPS personnel. Interviews provide a “human factor,” allow for elaboration on the subjects addressed in the UAC survey, validate survey results, and may also uncover new subjects of interest to the commander.

(1) Interviews and focus groups should represent all MEPS personnel based on gender, race, ethnicity, grade, and operational function.

(2) The EOA will explain the purpose and objective of the interviews to the interviewee and focus group participants. The EOA will also ensure personnel know that participation is voluntary.

### **C-7. Reporting**

**a. Verbal report.** The commander will receive a final, verbal out-brief on the results of the UCA including work-area observations and interview results. Specific individuals will not be identified by name and every effort will be made to remove any factors that might identify personnel.

**b. Written report.** The commander will receive the final written report by mail approximately 15 calendar days after the UCA is completed. The report will include the assessment of the UCA plus attachments containing statistics and relevant comments from the actual surveys and interviews. Specific individuals will not be identified by name and every effort will be made to remove any factors that might identify personnel.

**c. Copies.** A copy of the written report will be routed through the sector command sergeant major, and sector commander for review. The EOA will file copies of the written report in the MEPS continuity folder (file number 600-20b, retain in current files area until disposition instructions are published.)

### **C-8. Program evaluation**

The commander’s critique is an essential tool for identifying the effectiveness of the UCA. At the end of the visit, the EOA will give the commander USMEPCOM Form 600-24-1-R-E (Commander’s Unit Climate Assessment (UCA) Critique) and a self-addressed envelope to return the form. Once USMEPCOM Form 600-24-1-R-E is received, the EOA will file the critique in the appropriate MEPS continuity folder (file number 600-20b, retain in current files area until disposition instructions are published).

## **Appendix D**

### **Command Climate Survey**

#### **D-1. Requirement**

Military entrance processing station (MEPS) commanders will administer the command climate survey (CSS) within 90 days of assuming command and each year thereafter. MEPS commanders may administer the survey more often and use additional survey instruments to assess the unit climate. The survey is voluntary for HQ USMEPCOM and sectors.

#### **D-2. Confidential results**

Because this survey is first administered shortly after a change of command, the results should not be seen as a reflection upon the new commander but simply as a starting point for improving, if necessary, the MEPS climate. Results are intended for the MEPS commander only and are not reported up the chain of command.

#### **D-3. Compliance**

After the MEPS commander has administered and analyzed the CCS and has developed action plans, the sector equal opportunity advisor (EOA) will note completion in the quarterly narrative statistical report. (The CCS is an item on the Command Inspection Program.)

#### **D-4. Role of the EOA**

The sector EOA role in the CCS, if requested, is to discuss assessment results with the commander to help develop action plans.

#### **D-5. Automated version of CCS**

A computerized version of the survey can be downloaded from Web site <http://www.odcsper.army.mil>. Click on "Programs," "Command Climate Information," "Download the Paper and Pencil Version of the Command Climate Survey." This version allows for quickly tabulating results and enables commanders to add up to ten additional questions. Responses from paper-and-pencil versions of the survey can also be entered into the computer to avoid having to tabulate the results by hand.

#### **D-6. Training Materials for Using the Command Climate Survey and Developing Action Plans**

For assistance on analyzing the data and developing an action plan, commanders may contact their sector EOA.

#### **D-7. Anonymity**

Survey results are anonymous. When a race, ethnic, or gender group consists of fewer than five members, do not split results for that group. For example, if a MEPS has only four females, do not separate the results for females or for males. If there are only four African-American employees at the MEPS, consider combining the results for all non-whites and compare the results for race-ethnic minorities versus the majority.

**Note:** The computerized version of the CCS automatically suppresses results for groups with fewer than five individuals.

## Appendix E Reporting and Documenting Formal Complaints

### E-1. Equal opportunity (EO) complaint stages

Table E-1 is a summary of EO complaint stages.

<b>Table E-1 EO Complaint Stages</b>			
	<b>Informal EO Investigation</b>	<b>Formal EO Investigation</b>	<b>Inquiry or Investigation</b>
Complaint source	Anonymous	Any signed complaint form or letter.	EO complaint clarification
Respondent	EO advisor	EO advisor	Investigating officer
Basic purpose	Evaluate facts, determine if further action is warranted	Clarify facts and circumstances of complaint and identify UCMJ violations	Clarify facts and circumstances of complaint and identify UCMJ violations.
Time limits for:			
Filing	N/A	60 calendar days	Follows EO action.
Processing	N/A	14 calendar days*	14 calendar days*
Recorded via	Memorandum	DA Form 7279-R (Equal Opportunity Complaint Form)**	DA Form 1574 (Report of Proceedings by Investigating Officer/Board of Officers)**
Legal review	Not required	Required	Required
<b>Notes:</b>			
1. In most cases, completed formal EO complaint clarifications are legally sufficient for commanders to determine whether discrimination has occurred and to direct administrative actions as determined appropriate.			
2. EO investigations are conducted according to the guidelines and methods in this regulation. Also, according to AR 15-6, paragraph 1-1, "Even when not specifically made applicable, this regulation [AR 15-6] may be used as a general guide for investigations or boards authorized by another directive...."			
3. Formal inquiries and investigations performed must be coordinated with the Command or sector EOA.			
*A 30-day extension may be granted from the next higher commander if circumstances require it. Further extensions can be approved only by the first general officer in the chain of command. Complainants must be notified of extensions.			
**The use of comparable documentation or Service specific forms are authorized.			

### E-2. Actions of the commander upon receipt of formal complaint

a. The commander will ensure that the complainant has been sworn to the complaint for a formal complaint. If not, the commander will administer the oath and annotate it on the complaint form or memorandum of record (MFR). Formal complaints will be reported within 72 hours to the first general court-martial convening authority (GCMCA) in the chain of command. (The commander should contact the staff judge advocate for the appropriate GCMCA). Additionally, the commander will provide a progress report to the GCMCA 20 days after the initial investigation commencement date and every 14 days thereafter until completion.

b. The commander will conduct an investigation personally or immediately appoint an investigating officer (IO) according to the provisions of AR 15-6. Depending on the magnitude of the complaint, the commander may ask the next senior commander in the chain of command to appoint the IO.

c. The commander will establish and implement a plan to protect the complainant, any named witnesses, and the alleged perpetrator from acts of reprisal. The plan will include specified meetings and discussions with the complainant, alleged perpetrator, named witnesses, and selected coworkers and members of the chain of command.

(1) Discussions with the individuals (c above) will include—

(a) The definition of reprisal.

(b) The complainant's rights and extent of Whistleblower Protection afforded complainants, witnesses, and the alleged perpetrator under DOD Directive 7050.6.

(c) The encouraging for all to report incidents and threats of reprisal, the procedures to report these acts, the consequences of reprisal, possible sanctions against violators, and a reminder of the roles and responsibilities of the leadership in the prevention of reprisal and protection of all involved.

(d) The command's support of a thorough, expeditious, and unbiased investigation and good faith in attempting to resolve the complaint.

(e) A reminder of the need for professional behavior during and following the investigation.

(2) The plan can be a one-page list (in bullet format) of actions to be accomplished, and the commander initials and dates the actions as they are completed. The commander provides a copy of the completed plan to the IO and the equal opportunity advisor (EOA). The IO includes the commander's plan to prevent reprisal as an exhibit in the investigative findings. The EOA keeps a copy of the plan with the completed case file for reference when conducting the follow-up assessment of the complaint.

### **E-3. Action timeliness**

Rapid resolution of EO complaints is in the best interest of both the complainant and the command. The commander receiving the complaint has 14 calendar days to conduct an investigation, either personally or through appointment of an IO. If the complaint was referred to the commander from an alternate agency, or if the commander refers the complaint to an alternate agency, the 14 calendar days begin from the date the complaint was referred. If it becomes impossible to conduct a complete investigation within the 14 calendar days, the commander may request an extension from the next higher commander. The extension is usually for not more than 30 calendar days. Further extensions can be approved only by the first general officer in the chain of command. Complainants must be notified of any extension, its duration, and the reasons it was requested. Failure to adhere to prescribed timelines will result in an automatic referral of the complaint to the next higher echelon commander for investigation and resolution.

### **E-4. Conducting an investigation**

**a. Investigation.** The purpose of any investigation into unlawful discrimination or sexual harassment is to—

(1) Determine what actually occurred.

(2) Assess the validity of allegations made by the complainant.

(3) Advise the commander of leadership or management concerns that might contribute to perceptions of unlawful discrimination and poor military entrance processing station (MEPS) command climate.

(4) Recommend appropriate corrective actions. The commanding officer is responsible for ensuring the investigation is complete, thorough, and unbiased.

**b. Initial actions.** If the commander assigns an IO, the assignment of the IO must be on official orders (copy of the orders to the IO). The commander also provides the initial DA Form 7279-R, comparable documentation, or Service-specific equal opportunity complaint form identifying the complainant and listing the allegations for investigation. The IO reviews procedures in AR 15-6 applicable to the investigation. If the commander elects to personally investigate the allegations, the IO procedures apply to the commander.

**c. Legal advice.** The IO will meet with the servicing staff judge advocate or legal advisor to discuss the procedures of the investigation. The discussion will include the specific requirements of regulations, advice on how investigations are conducted, and advice on how to question an interviewee who is suspected of committing a violation of the Uniform Code of Military Justice (UCMJ).

**d. EOA assistance.** The IO will contact the sector EOA before conducting the investigation. The EOA will assist the IO in developing questions for interviewing the complainant, the alleged perpetrator, and any witnesses or third parties. The EOA will ensure the investigation assesses the validity of the allegations and avoids shifting the focus of the investigation against the complainant. The IO may contact the EOA for consultation and assistance throughout the investigation.

**e. Conducting interviews.** The IO must interview every individual who may have first-hand knowledge of the facts surrounding the validity of the allegations. The IO must also interview everyone who can substantiate the relationship or corroborate the relationship between the complainant and the alleged perpetrator. The IO must interview the person who initially received the formal complaint, the complainant, any named witnesses, and the alleged perpetrator. If needed before the conclusion of the investigation, the IO should conduct a second interview of the complainant and the alleged perpetrator. The IO may choose to re-interview certain witnesses for clarification of conflicting statements. If MEPS policies or procedures are questioned as contributing factors to perceptions of unlawful discrimination or hostile environment, the IO will interview responsible members of the chain of command. IOs may interview coworkers of the complainant and the alleged perpetrator for their knowledge of the alleged incident and the relationship between the complainant and alleged perpetrator.

**f. Identification of a criminal act.** If during the interview the IO suspects the individual has committed an offense in violation of the UCMJ, the IO must advise the member of his or her rights under Article 31, UCMJ. IOs should consult with their servicing judge advocate or legal advisor before giving Article 31 rights warnings and should record the suspect's election on DA Form 3881 (Rights Warning Procedure/Waiver Certificate). (See Article 31, UCMJ; Military Rules of Evidence 304 and 305, Manual for Courts-Martial).

(1) If the member being questioned asks for a lawyer (i.e., asserts his or her right to counsel), the IO must immediately stop the interview. Questioning may resume only in the presence of a lawyer or if the military member initiates further discussion or if the military member has consulted with a lawyer and thereafter waives his or her rights according to a proper rights advisement.

(2) If the member being questioned indicates the desire to remain silent, the IO must immediately stop the interview. Questioning may resume only if the member initiates further questioning or if after an appropriate interval the member waives his or her rights according to a proper rights advisement.

**g. Supporting documents.** The IO will assemble copies of any documents that might substantiate or refute the testimony of the complainant, alleged perpetrator, or named witnesses. These documents will include copies of unit and personnel records and the complainant's personal documents. The IO will also include a copy of the commander's plan to prevent reprisal in the final report of investigation.

**h. Unit climate, policies, and procedures.** During the investigation, the IO will note observations of MEPS policies, procedures, and individual leadership or management techniques that may have a negative effect on unit climate and promote discriminatory behavior and a hostile environment.

**i. Investigative findings and recommendations.** When the investigation is completed, the IO will review the evidence, determine if the investigation adequately addresses allegations, make factual findings about what occurred, and provide recommendations consistent with the findings to the commander.

**j. EOA review.** Before submitting the report to the appointing authority, the IO and EOA will review the report. The EOA will attach a memorandum to the report documenting his or her review.

**k. Investigative report.** The following items are required enclosures to the report presented to the appointing authority:

- (1) Orders of appointment for the IO.
- (2) Copy of the DA Form 7279-R, comparable documentation, or Service-specific equal opportunity complaint form, with attached continuation sheets.
- (3) Copy of the commander's plan to prevent reprisal.
- (4) List of questions developed with sector EOA.
- (5) Statements or summaries of interviews with complainant(s), named witnesses, alleged perpetrator(s), and relevant members of the chain(s) of command.
- (6) Copies of supporting documents.
- (7) Assessment of MEPS policies and procedures that may have contributed to perceptions of unlawful discrimination or sexual harassment in the MEPS.
- (8) Written approval of next higher echelon commander for any approved extensions.
- (9) If applicable, a written explanation of extenuating circumstances that prevented the IO from interviewing any named complainants, witnesses, or alleged perpetrators.
- (10) Written review by the EOA.

#### **E-5. Actions by the commander upon receipt of the report of the investigation**

After reviewing the findings of the IO including the legal and EOA review, the commander (as the appointing authority) will decide whether to investigate further or to approve all or part of the findings and recommendations.

**a. Actions to resolve complaints.** A complaint is resolved by action to restore benefits and privileges lost because of unlawful discrimination or sexual harassment. Punitive or administrative actions against an offender do not necessarily change offending behaviors or rectify the situation for the individual complainant or MEPS. Commanders will take corrective action to preclude recurrence of discriminatory or sexually harassing conduct and address any management deficiencies or other contributing factors that caused the allegations to be raised. Commanders will also look at the causes of unsubstantiated complaints. Actions taken (or to be taken) by the commander and the chain of command will be annotated on DA Form 7279-1-R or equivalent Service-specific form used. Specific actions taken against the perpetrator will not be annotated on the form, however, this information will be discussed with the complainant. The commander, the EOA, or both will inform the complainant of his or her right to

appeal and make the complainant aware of timelines and procedures to file that appeal. The complainant will sign and date the DA Form 7279-R or equivalent Service-specific form used to acknowledge receiving this information.

**Note:** The complainant's signature does not signify agreement with the findings or actions taken to resolve the complaint.

**(1) Actions for substantiated complaints.** A substantiated EO discrimination complaint is one that provides evidence during an inquiry or investigation to indicate that the complainant was more likely than not treated differently because of his or her race, color, national origin, gender, or religious affiliation. The standard of proof is a "preponderance of the evidence" standard. When an allegation of discrimination is substantiated, that finding is annotated on the DA Form 7279-R, part II, comparable documentation, or Service-specific EO complaint form. The commander decides what corrective action to take. Corrective action may be administrative or punitive.

**(a) Administrative action.** Commanders will ensure offenders undergo counseling by a member of the chain of command, presumably the commander. Commanders options for administrative actions include discharge from the Service, bar to reenlistment, adverse performance evaluations and specific comments concerning nonsupport of EO/EEO programs on evaluation reports, relief for cause, administrative reduction, admonition, reprimand, administrative withholding of privileges, and rehabilitative transfer to another MEPS. Commanders will determine whether the victim desires to be transferred to another MEPS, but should not subject the complainant to "double victimization" by requiring the victim to transfer to another MEPS while leaving the offender in the MEPS.

**(b) UCMJ.** Violators of USMEPCOM policies on equal opportunity and the prevention and eradication of sexual harassment who violate a punitive article of the UCMJ may be charged and prosecuted. Nonjudicial punishments (e.g., Article 15) will be posted in the unit area according to guidance in AR 27-10 (Military Justice). Court-martial convictions may be published in installation newspapers and posted in the unit area where deemed appropriate.

**(2) Actions for unsubstantiated complaints.** An unsubstantiated complaint is one that the evidence gathered during the investigation does not support and verify that the alleged unlawful discrimination or sexual harassment occurred. In this situation, the commander will determine whether the allegations, though unsubstantiated, might indicate problems in the MEPS that require resolution through EO initiatives or other leadership actions. For unsubstantiated complaints, the commander will notify the complainant in writing maintaining consistency with the limitations of the Privacy Act and the Freedom of Information Act (FOIA). The complainant will sign and date the DA Form 7279-R to acknowledge receiving this information.

**Note:** The complainant's signature does not signify agreement the actions taken.

**(3) Avoid victim focus.** Actions to resolve complaints will focus on changing inappropriate behavior of offending personnel and avoid targeting the complainant. The complainant's job and status will not be affected unless he or she requests a change of position, and the chain of command will make this type of change only after weighing the effect on readiness.

**b. Feedback.** The commander will provide periodic feedback on the status of the investigation to the complainant and the alleged perpetrator throughout the process.

(1) The commander will provide written feedback to the complainant within 14 calendar days after receiving the complaint and updates every 14 calendar days until final resolution. Written feedback will include any verbal updates provided to the complainant. Written feedback will be as complete as possible, consistent with limitations of the Privacy Act and the FOIA. Whenever possible, the commander will meet with the complainant to discuss the status of the investigation including the

findings and actions to resolve the issue. Verbal feedback will be consistent with the limitations of the Privacy Act and the FOIA.

(2) Commanders will also provide verbal feedback to the alleged perpetrator on the outcome of the investigation and subsequent actions to be taken by the chain of command. The chain of command is advised to use discretion in limiting feedback to personnel involved. This feedback should also be consistent with the limitations of the Privacy Act and the FOIA.

#### **E-6. EO investigation checklist**

The following checklist (fig. E-1) is a guide for what to include in the EO investigation report; it is not a sample report.

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#### **General Information:**

1. Date of review.
  2. Service (Army, Navy, Air Force, Marine Corp, Coast Guard).
  3. Complainants name/case number/identifier.
  4. Date complaint filed.
  5. Date investigation initiated.
  6. Date investigation completed.
  7. Type/Authority for investigation (formal EO complaint, AR 15-6).
  8. Complainant and Alleged Offenders demographics (rank, branch of service, race, gender).
  9. Complaint factors:
    - Same chain of command or different chain of command.
    - Conduct occurred in the MEPS or outside of the MEPS.
    - Conduct occurred on duty or off duty.
    - Type of EO complaint: race, color, religion, gender, national origin, sexual harassment.
    - Nature of allegations: gestures, verbal, physical, personnel action, other (explain).
    - Allegations were: substantiated, unsubstantiated, partially substantiated.
  10. Inquiry Officer factors:
    - Who conducted the investigation: commander, appointed officer, EOA, IG, etc.
    - What process was used to select the IO.
    - IO demographics.
    - Was the IO outside the rating chain of command of the parties to the complainant.
    - Was the IO previously experienced in conducting investigations.
    - What training/guidance was provided to the IO: SJA, EOA?
    - Did the IO have or obtain a working knowledge of DoD/USMEPCOM/Service EO policy prior to conducting the investigation?
  11. Investigation factors:
    - Was the complaint form filled out correctly?
    - Were all the allegations thoroughly addressed? If not, explain.
    - Is there any relevant information the complainant submitted the IO did not include or address?
    - Did the IO define the issues subject to the investigation?
    - Was the complainant interviewed at the beginning of the investigation?
    - Was the complainant kept informed of the status of the complaint/investigation?
    - Was the alleged offender interviewed?
    - Were witnesses listed by the complainant interviewed?
    - Were witnesses listed by the alleged offender interviewed?
    - Were any key witnesses not interviewed? If yes, explain.
- 

**Figure E-1. EO Investigation Report Checklist**

- Is there documentation of witnesses testimony (summarization, taped verbatim, statement)?
- Were witnesses given the opportunity to sign or otherwise validate their summarized testimony as an accurate representation of what they said?
- Was the testimony taken under oath?
- Does the investigation include a thorough review of the circumstances under which the alleged discrimination occurred?
- Did the investigation include an analysis of how the victim was treated compared to others within the complainants demographic group and with those of other demographic group?
- Did the investigation identify ant related policies or practices issues that may constitute, or appear to constitute, discrimination even though they may not have been raised by the complainant?
- If the discrimination and/or allegations were unsubstantiated, were any management deficiencies identified that may have contributed to the allegations addressed and corrected?
- Is there any documentation of the IO's questions? If so, were the questions worded in such a manner to address specifically the allegations? If there is no documentation of the questions, do the responses specifically address the allegations?
- Did the IO clearly and objectively present the facts of the case?
- Are the opinions of the IO clearly identified as such and distinct from the factual and documentary evidence?
- Is there any evidence of bias (a highly personal and unreasoned distortion of judgement) by the IO?
- Is there any evidence that the complainant and not the complaint was investigated?
- Are the conclusions sound, logical, and supported by the facts?
- Are the recommendations, if present, appropriate for the circumstances?
- Was there a legal review of the report? If so, was it found to be legally sufficient?
- Was an EO functional review of the report conducted at any level for adherence to DoD EO policy and definitions? If so, was the review by a DEOMI-trained EO specialist or other EO advisor?
- Did the findings and the report conform to DOD EO policy and definitions?
- Were there deficiencies, discrepancies, incongruities, or nonconcurrences in the findings, conclusions, or recommendations? Were they noted and corrected?
- Is there any evidence that the conclusions were based on an erroneous interpretation of law or regulation or misapplication of established policy, or constitute a precedence involving new or unreviewed policy consideration that may have effects beyond the actual case at hand?
- Were essential documents relevant to a fair determination of the underlying allegations contained in the file?

**Corrective Action:**

- What corrective action, if any, was taken?
- Is corrective action documented in the case file?
- Was there any follow-up regarding the effectiveness of the corrective action taken?

**Responses to the Complainant/Subjects:**

- Was a response provided to the complainant? Was it written or verbal? Was the feedback documented in the case file?
- Did the response adequately address the complainants allegations?
- Was there verbal or written advisement to the complainant to report any reprisal taken against them for filing an EO complaint?
- Was the subject/alleged offender advised of the outcome?

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**Figure E-1. EO Investigation Report Checklist (continued)**

**Appeal and Redress Options:**

- Was the complainant advised of appeal and/or redress options?
  - Did the complainant seek appeal or redress of the outcome of the complaint?
  - Did the complainant present new and material evidence not readily available during the investigation?
  - Did any appeal or redress authority find an erroneous interpretation of law or regulation, or misapplication of established policy, or that the conclusions set a precedent for new or unreviewed policy consideration that may have effects beyond the actual case at hand?
  - Did the appeal or redress authority adequately and appropriately consider the complainants request for further review?
- 

**Figure E-1. EO Investigation Report Checklist (continued)**

**Appendix F**  
**Reporting Codes by Race and Population Groups**

Race/population group: Native American

Definition: A military member having origins in any of the original peoples of North America.

Reporting codes: R

Race/population group: Asian

Definition: A military member having origins in any of the peoples of Asia, including China, Japan, and Korea.

Reporting codes: M

Race/population group: Black

Definition: A military member having origins in any of the Black racial groups of Africa or other areas.

Reporting codes: N

Race/population group: White

Definition: A military member having origins in any of the original peoples of Europe, North Africa, or Middle East.

Reporting codes: C

Race/population group: Other

Definition: A military member of race not included above.

Reporting codes: X

Race/population group: Unknown

Definition: A military member who does not know his/her ethnic heritage.

Reporting codes: Z

Ethnic group: Indian

Definition: A military member from India or of Indian descent.

Reporting code: D

Ethnic group: Filipino

Definition: A military member of Filipino descent.

Reporting code: 5

Ethnic group: Vietnamese

Definition: A military member of Vietnamese descent.

Reporting code: V

Ethnic group: Other Asian descent

Definition: A military member of Asian descent not delineated separately as Chinese, Japanese, Korean, Indian, Filipino, or Vietnamese.

Reporting code: 3

Ethnic group: Melanesian

Definition: A military member of Melanesian descent.

Reporting code: E

Ethnic group: Micronesian

Definition: A military member of Micronesian descent.

Reporting code: W

Ethnic group: Polynesian  
Definition: A military member of Polynesian descent.  
Reporting code: L

Ethnic group: Other Pacific Island descent  
Definition: A military member of Pacific Island descent, not delineated separately as Melanesian, Micronesian, or Polynesian.  
Reporting code: Q

Ethnic group: Mexican  
Definition: A military member of Mexican descent.  
Reporting code: 6

Ethnic group: Puerto Rican  
Definition: A military member of Puerto Rican descent.  
Reporting code: 4

Ethnic group: Cuban  
Definition: A military member of Cuban descent.  
Reporting code: 9

Ethnic group: Latin American  
Definition: A military member of Central/South American descent.  
Reporting code: S

Ethnic group: Other  
Definition: A military member of Spanish extraction not delineated as Mexican, Puerto Rican, Cuban or Latin American.  
Reporting code: 1

Ethnic group: Aleut  
Definition: A military member of Aleutian descent.  
Reporting code: 8

Ethnic group: Eskimo  
Definition: A military member of Eskimoian descent, not Aleuts.  
Reporting code: 7

Ethnic group: U.S./Canadian Indian tribes  
Definition: A military member of U.S. or Canadian Indian tribes.  
Reporting code: 2

Ethnic group: Chinese  
Definition: A military member of Chinese descent.  
Reporting code: G

Ethnic group: Japanese  
Definition: A military member of Japanese descent.  
Reporting code: J

Ethnic group: Korean  
Definition: A military member of Korean descent.  
Reporting code: K

**Racial/ethnic designation categories (REDCAT)**

When race code equals: R  
And ethnic code equals: 8, 7, or 2  
Then report as: American Indian/Alaskan Native

When race code equals: M, C, N, X, or Z  
And ethnic code equals: G, J, K, 5, D, V, 3, E, W, L, or Q  
Then report as: Asian/Pacific Islander

When race code equals: N  
And ethnic code equals: X or Z  
Then report as: Black, not of Hispanic origin

When race code equals: C  
And ethnic code equals: X or Z  
Then report as: White, not Hispanic origin  
When race code equals: C, N, X, or Z  
And ethnic code equals: 6, 4, 9, S, or 1  
Then report as: Hispanic

When race code equals: X or Z  
And ethnic code equals: X or Z  
Then report as: Other/Unknown

**Appendix G**  
**Special and Ethnic Observance Timetable**

**Observance:** Birthday of Dr. Martin Luther King Jr.

**Date:** Third Monday in January

**Authority:** Public Law 98-144 (est. Federal Holiday)

**Observance:** African-American (Black) History Month

**Date:** 1 through 28/29 February

**Authority:** First Presidential Proclamation 1976

**Observance:** Women's History Month

**Date:** 1 through 31 March

**Authority:** First observed by Public Law 100-9, 1987

**Observance:** Days of Remembrance

**Date:** Varies (<http://www.ushmm.org>)

**Authority:** Public Law 96-388

**Observance:** Asian Pacific American Heritage Month

**Date:** 1 through 31 May

**Authority:** First Presidential Proclamation 1991

**Observance:** Women's Equality Day

**Date:** 26 August

**Authority:** First Presidential Proclamation 1973

**Observance:** National Hispanic Heritage Month

**Date:** 15 September through 15 October

**Authority:** First observed by Public Law 100-402

**Observance:** Native American Heritage Month

**Date:** 1 through 30 November

**Authority:** First observed by Public Law 101-343

**Glossary**

***Section I***  
***Abbreviations***

**AAP**

Affirmative Active Plan

**AR**

Army regulation

**AVMF**

Automatic Vending Machine Fund

**CCS**

command climate survey

**DA**

Department of the Army

**DOD**

Department of Defense

**EO**

equal opportunity

**EOA**

equal opportunity advisor

**EEO/EO**

equal employment opportunity/equal opportunity

**FOIA**

Freedom of Information Act

**GCMCA**

general court-martial convening authority

**HQDA**

Headquarters, Department of the Army

**HQ USMEPCOM**

Headquarters, United States Military Entrance Processing Command

**HRO**

housing referral office

**IG**

inspector general

**IMPAC**

International Merchant Purchase Authorization Card

**IO**  
investigating officer

**JA**  
judge advocate

**MEPS**  
military entrance processing station

**MFR**  
memorandum for record

**REDCAT**  
racial ethnic designation category

**RI**  
representation index

**SJA**  
Staff Judge Advocate

**TRADOC**  
[United States Army] Training and Doctrine Command

**UCA**  
unit climate assessment

**UCMJ**  
Uniform Code of Military Justice

**USMEPCOM**  
United States Military Entrance Processing Command

***Section II***  
***Terms***

**affirmative actions**

Any program, policy, or procedure designed to promote equal opportunity and that addresses specific conditions that impede, curtail, inhibit, or preclude the achievement of equal opportunity for all military personnel.

**affirmative action plan**

A comprehensive public document that establishes attainable goals and timetables to be met in striving to achieve and maintain equal opportunity for all military personnel.

**equal opportunity**

Equal consideration and treatment within the law, based upon merit, fitness, and capability, without additional influence of race, color, religion, gender, ethnicity, or national origin, and free of sexual harassment.

**Equal Opportunity Forum**

The Equal Opportunity (EO) Forum is a meeting to provide an assessment of the equal employment opportunity (EEO) and EO climate of the command to the Commander, USMEPCOM. The Command

Equal Opportunity Advisor (EOA) organizes and conducts the Forum. The Forum meets twice a year covering the periods of January to June and July to December. The forum agenda includes reviewing the Affirmative Action Plan criteria and trends.

**ethnic group**

A group of individuals distinguished or set apart by others or by itself primarily on the basis of cultural or nationality characteristics.

**goal**

A realistic objective with measurable prospects of attainment.

**representation index (RI)**

The representation index can be used to measure changes in what happens to individuals as a result of the normal functioning of the system.

**racial ethnic designation category**

Racial ethnic designation category used to identify and report these designations as they apply to the populace.

**human relations climate**

The prevailing perceptions of individuals concerning interpersonal relationships within their working, living, and social environment.

**minority**

A racial or ethnic group physically and/or culturally different from the majority. These groups include Blacks (African Americans), Hispanics, Native Americans/Alaskan Natives, Asian/Pacific Islanders, others, and females.

**national origin**

An individual's or ancestor's place of origin. This also applies to a person who has the physical, cultural, or linguistic characteristics of a national group.

**preponderance of the evidence**

Evidence which as a whole shows that the fact sought to be proved is more probable than not. The importance of the evidence supporting a particular fact is not to be determined by the sheer number of witnesses or volume of evidentiary matter presented, but rather by the evidence that best supports by reason and probability. Relevant factors to consider when determining the importance of the evidence are the opportunity for knowledge, information possessed, and manner of testifying.

**race**

A loosely used term referring to groups of persons normally characterized by inherited physical traits that are sufficiently distinctive to be identified as a group, culture, nation, people, or type.

**sexual harassment**

a. Sexual harassment is an unprofessional and unacceptable type of conduct. It is a form of gender discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when—

(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 military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is engaging in sexual harassment.

c. Types of sexual harassment are—

(1) **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 sexual favors. It involves threats of adverse action if the person does not submit or promises of favorable actions if the person does submit. 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 due to favoritism shown to another military member or civilian employee based on a sexual relationship. An example would be a military member who is not recommended for promotion and who believes that his or her supervisor recommended another military member in his or her MEPS for promotion based upon provided or promised sexual favors, not upon merit or ability.

(2) **Hostile environment.** A hostile environment occurs when military members or civilians are subjected to offensive, unwanted, and unsolicited comments and behaviors of a sexual nature. If these behaviors have the potential of unreasonably interfering with their performance, then the environment is classified as hostile. A hostile environment brings the topic of sex or gender differences into the workplace. It does not necessarily include the more blatant acts of quid pro quo. It normally includes nonviolent sexual behaviors that are gender-biased. Examples include use of derogatory gender-biased terms, comments about body parts, suggestive pictures, explicit jokes and unwanted touching.

#### **unlawful discrimination**

Any action that unlawfully or unjustly results in unequal treatment of persons or groups based on race, color, religion, gender, ethnicity, or national origin, including sexual harassment, and for which distinctions are not supported by legal or rational considerations.