CAPTAIN’S CAREER COURSE

LESSON: A4-130
EO/SEXUAL HARASSMENT
TERMINAL LEARNING OBJECTIVE

• ACTION: Implement Equal Opportunity/Sexual Harassment Policies.

• CONDITIONS: In a classroom, given AR 600-20 and student handouts,

• STANDARD: Implement equal opportunity, sexual harassment policies IAW AR 600-20.
SAFETY, RISK, AND ENVIRONMENTAL CONCERNS

- Safety Considerations: None
- Risk Assessment Level: Low
- Environmental Considerations: None
PRIMARY REFERENCES

• AR 600-20, Army Command Policy and Procedures
• AR 600-26, Department of the Army Affirmative Action Plan
• AR 690-12, Equal Employment Opportunity
• AR 690-600 EEO Discrimination
• DA Pam 350-20 Unit EO Training Guide
• TC 26-4 Conflict Management
• TC 26-6 Commander’s EO Handbook
• DA Pam 600-75 Accommodating Religious Practices
• Dodd 1350.2 Processing Religious Accommodation
• Dodd 7050.6 Military Whistleblower Protection
• MCM 1984 Manual for Courts-martial
THE ARMY’S EQUAL OPPORTUNITY POLICY

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

Applies To:
• On and off post.
• Soldiers, civilian employees, and family members.
• Working, living, and recreational environments.
EO PROGRAM COMPONENTS

• Leader commitment.
• Sequential and progressive training.
• Effective and responsive complaint procedures.
• Affirmative Action Plan (AAP).
• Feedback mechanisms.
• Equal Opportunity Advisors.
RELATED EO LEADERSHIP ELEMENTS

• Military discipline and conduct.
• Appropriate behavior.
• Senior-subordinate relationships.
• Extremist organizations.
• Army language policy.
• Accommodating religious practices.
• Request for religious accommodations.
PROGRAM PRINCIPLES

• Commanders and Leaders are responsible for unit EO.

• Promote harmony, do not merely avoid disorder.

• Support individual and cultural diversity.

• Discipline will not be compromised.

• Fair and equal treatment for all soldiers and employees is emphasized.
POSITIVE EO ACTION FOR LEADERS

• Set the example.

• “Walk what you talk”.

• You, as the leader, are being watched by your subordinates.
TRAINING AND EDUCATION

• Semi-annual requirement.
• Training Materials:
  - Films.
  - Videos.
  - DA Pam 350-20.
  - TC 26-6.
  - Installation TASC.
  - Brigade/installation EOA.
ACTIONS TO CORRECT EO PROBLEM BEHAVIORS

• On-the-spot corrections.
• Counseling - verbal and nonverbal.
• Advancement and promotions.
• Awards, training, and schools.
• Change in duties or responsibilities.
• Transfer or reassignment.
• Bar to reenlistment.
• Separation.
ARMY POLICY AND DEFINITION OF SEXUAL HARASSMENT

• A form of gender discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:
  - Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person’s job, pay, or career.
  - Submission to or rejection of such conduct by a person is made as a basis for career or employment decisions affecting that person.
  - Such conduct interferes with an individual’s performance or creates an intimidating, hostile, or offensive environment.
CATEGORIES OF SEXUAL HARASSMENT

• Quid Pro Quo.

• Hostile environment.
QUID PRO QUO

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

• Offensive, unwanted, and unsolicited comments and behaviors of a sexual nature.

• Most prevalent form of sexual harassment in the Army.
SEXUAL HARASSMENT ASSESSMENT

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

• Leader commitment.

• Progressive training.

• Complaint process.
ADMINISTRATIVE ACTIONS

• Bar to reenlistment.
• Letter of admonishment or reprimand.
• Relief for cause.
• Rehabilitative transfer.
• Additional training.
• Required counseling.
• Denial of certain privileges.
SYSTEM CONCEPT

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

• Formal.

• Informal.
INFORMAL COMPLAINT

FACTORs

• Does not desire chain of command intervention.

• Desires assistance from other unit members.

• Confidentially is possible (but not guaranteed).

• Assistance not required in writing.

• Good chance of success.

• Complaint is not severe.
FORMAL COMPLAINTS

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

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

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

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

• Unsubstantiated.
• Substantiated.
APPEALS PROCESS

• Seven calendar days to acknowledge.
• Submit in writing.
• Appeal authority has 14 calendar days to respond.
• General Court Martial Convening Authority has final authority.
• No further appeals within EO complaint system.
POLICY AGAINST INTIMIDATION, HARASSMENT, and REPRISAL

• Prohibits any action to discourage filing EO complaints or seeking assistance with EO grievances.

• Prohibits disciplinary action against a complaint.

• Does not preclude action for fraudulent complaints or false statements.
LEADER’S ACTIONS TO SUPPORT EO

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

• Within 90 days of new commander assuming command.

• Annually thereafter.

• Military Equal Opportunity Climate Survey (MEOCS).

• Unit Climate Profile: Commander’s EO Handbook (TC 26-6).
ACTIONS TO PROMOTE POSITIVE EO CLIMATE

• Publish policy memorandums.
• Promote chain of command support.
• Conduct unit EO assessments.
• Create an EO complaint process.
• Develop and conduct EO training.
EXTREMIST ORGANIZATIONS AND ACTIVITIES

• The policy.

• Participation.

• Prohibitions.
TERMS AND DEFINITIONS

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

• Ideology: A body of concepts, especially about human life or culture.

• Militia: A body of soldiers not permanently organized in time of peace. Their objective is frequently national or local government.
TRAINING OF EXTREMIST ORGANIZATIONS AND ACTIVITIES

- The Army’s Equal Opportunity Policy.
- Participation in extremist activities.
- Selections for leadership positions, etc.
- Security clearances may be removed.
- Reclassification or bar to reenlistment.
- UCMJ actions are possible.
- Involuntary separation from the Army.
- Other administrative actions possible.
SUMMARY

• Define the Army’s Equal Opportunity and Equal Employment Opportunities Policies.
• Define unit leader EO actions and responsibilities.
• Define company leader roles and responsibilities in the prevention of sexual harassment.
• Define the Army’s equal opportunity complaint system.
• Define procedures for conducting a company level EO assessment.
• Define the Army’s policy on participation in extremist activities and organizations.