

TC 26-6

# *COMMANDER'S* **EQUAL OPPORTUNITY** *Handbook*



June 2008

**HEADQUARTERS, DEPARTMENT OF THE ARMY**

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## Commander's Equal Opportunity Handbook

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## PREFACE

This handbook is intended to give commanders a ready reference for EO. Each chapter contains topical EO information and provides references and tips. Upon assuming command, leaders should review this handbook, develop a strategy to proactively carry out the Army's EO Program, and then publish separate policy letters that address EO, prevention of sexual harassment and complaint procedures.

This publication applies to the Active Army, the Army National Guard/Army National Guard of the United States, and the United States Army reserve unless otherwise stated.

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Unless this publication states otherwise, masculine nouns and pronouns do not refer exclusively to men.

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**The Army's Equal Opportunity Program**

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**THE ARMY'S EO PROGRAM**

Throughout its modern history, the U.S. Army has served as the nation's leader by ensuring that positive human relations form the cornerstone for building and maintaining sound, cohesive organizations. Effective human relations and equal opportunity are both moral and operational imperatives for our Army. Just as a poor safety program will threaten a unit's readiness, so too will real or perceived acts of unequal treatment.

Different values and attitudes acquired before enlistment or commissioning does not automatically evaporate or change because someone dons Army green. These differences can lead to the misunderstanding, frustration, and suspicion of others. Such feelings create serious leadership problems in any organization.

The chain of command's challenge is to provide effective leadership that promotes a command climate that fosters equal opportunity to enhance unit cohesion and mission accomplishment. At the same time professional training courses must adequately emphasize dealing with the perceptions and root causes of discrimination.

People, who work in an atmosphere free of dissension and sexual harassment, and one containing a strong sense of equal opportunity, are more productive and team oriented. They better understand their individual tasks and remain focused on mission accomplishment. Morale and team effort is positively affected. This results in strong unit cohesion and esprit de corps.

A healthy EO environment is a key factor in developing readiness. Army readiness begins with people. The Army's advanced technology and modernization efforts would fail if leaders lost the sincere and dynamic commitment to the total well being of the Army Family.

**HISTORICAL BACKGROUND**

The Army's EO Program was born in response to violent confrontations that erupted between racial and ethnic groups at posts and installations in the Continental United States and at overseas locations in 1969 and 1970. Many believed that these violent eruptions were in response to earlier race riots that had taken place in almost every major city across the country.

After numerous reports, task force studies, and Soldier surveys, the one issue that permeated all findings was the actual or perceived issue of discrimination. Soldiers' morale was at an all time low, and a significant failure of communication existed across racial lines. These issues seriously jeopardized mission effectiveness and adversely undermined the Army's combat readiness.

The earliest attempt to institutionalize EO in the Army probably began with President Truman's Executive Order to desegregate the services in 1948. However, the 22 years that followed saw no significant, deliberate, well-conceived plan or program to check systematic discrimination and other forms of unequal treatment. Since 1970, the Army has been engaged in a program designed to ensure and improve combat readiness through an effective EO program. Today,

many of our military leaders believe that this program has had a far-reaching impact on the Army's culture, a culture that serves as a role model for the rest of the nation.

The situation in today's Army is clearly much different from what existed years ago. Many changes have occurred, moving the Army's EO program from a strictly educational and training initiative to a multifaceted management program with clear goals and objectives. These goals and objectives are also an integral part of human relations and are nurtured and developed through a professional military education system.

The Army's EO program has had a great deal of success over the past 30 years plus, but much remains to be done. Ultimately, what commanders and subordinate leaders do today will determine the Army's continued success for years to come. Today's commander has a better historical perspective on the potential price that is paid when issues of discrimination or sexual harassment are not swiftly addressed and dealt with.

## CONCEPT

The concept of the EO program is to formulate, direct, and sustain a comprehensive effort to maximize human potential and to ensure fair treatment for all persons based solely on merit, fitness, and capability, in support of readiness. EO philosophy is based on fairness, justice, and equity. It places the responsibility for sustaining a positive EO climate within a unit on its commander. The program is designed to:

- Provide EO for military personnel and family members, both on and off post

and within the laws of localities, states, and host nations.

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

## EO POLICY

The U.S. Army will provide equal opportunity and fair treatment for military personnel and family members without regard to race, color, religion, gender, or national origin, and provide an environment free from unlawful discrimination and offensive behavior. This policy:

- Applies both on and off post, during duty and non-duty hours.
- Applies to working, living, and recreational environments (including both on and off post housing).
- Requires that Soldiers will not be accessed, classified, trained, assigned, promoted, or otherwise managed on the basis of race, color, religion, gender, or national origin. (Note: The assignment and utilization of female Soldiers is governed by federal law. AR 600-13, Army Policy for the Assignment of Female Soldiers, prescribes policies, procedures, responsibilities and the position coding system for female Soldiers.)
- Requires rating and reviewing officials to evaluate each member's commitment to the elimination of unlawful discrimination and/or sexual harassment and to document significant deviations from that commitment in evaluation reports.

- Substantiated formal complaints require a “Does not support EO” on the NCOER or the OER. This documentation includes administering appropriate administrative, disciplinary, or legal action(s) to correct inappropriate behavior.
- Physical disability and age controls are not addressed due to overriding concerns of medical fitness and deployability of military personnel.

## PRINCIPLES OF THE EO PROGRAM

### EO PRINCIPLES

Commanders and leaders must:

- Be Responsible for Unit EO
- Promote Harmony; do not Merely Avoid Disorder
- Support Individual and Cultural Diversity
- Ensure Discipline is not Compromised
- Provide Fair and Equal Treatment for all Soldiers and Employees

Figure 1-1

For any program to be effective, it must be based on certain principles. The Army's EO Program has five basic principles as noted in figure 1-1. These principles are:

**Commanders and leaders are responsible for unit EO.** Each commander and leader is responsible for the EO program. Not only must you comply with the EO Program, but you must also ensure that your Soldiers' know what the policy is and what is expected from them. Enforcing compliance of the policies is one of the responsibilities that accompany leadership.

**Commanders and leaders must promote harmony; do not merely avoid disorder.** All leaders need to promote the harmony of their subordinates, not just correcting their deficiencies. Use reasonable and consistent standards for everyone.

**Commanders and leaders must support individual and cultural diversity.** Regardless of your own background, military personnel must be aware of, and show respect for, religious, cultural, and gender differences of other personnel. Everyone must learn about others and understand how some preconceived and unwarranted prejudices must be overcome. Everyone must be capable of living and/or working in a common environment within the Army.

**Commanders and leaders must ensure discipline is not compromised.** Discipline will and must be maintained. However, the discipline applied needs to reflect the situation and should not reflect, or be perceived by others as unjust, or a reflection of race, religion, color, gender, or national origin.

**Commanders and leaders must provide fair and equal treatment of Soldiers and employees.** The crucial element, in terms of morale and fairness, is not just what the situation is supposed to be – it is what the Soldier perceives it to be. You must take steps to ensure not only the Soldiers receive fair and equal treatment, but also they fully realize that it is fair treatment (see figure 1-2).

- Related EO Elements**
- Relationships between Soldiers of Different Rank
  - Consideration of Others
  - Army Language Policy
  - Accommodating Religious Practices
  - Tattoos
  - Extremist Organizations
  - Army Values

Figure 1-2

## RELATED EO ELEMENTS

Related EO elements are subject areas that can, and often do, include actions that are usually based on discrimination or prejudicial behaviors. While not directly linked to EO, when individuals take in appropriate action in these areas, it often results in discrimination that is based on the cornerstones of the EO program, race, color, religion, gender, or national origin. The related elements are:

### **Relationships between Soldiers of Different Rank**

When assessing whether a certain incident is an EO violation or an act of sexual harassment, commanders must decide whether the behavior exhibited was appropriate. Members of the military services are subject to a different set of behavioral standards than their civilian counterparts. These standards are characterized as part of “military professionalism.”

Army leaders and Soldiers are trained to understand that to maintain discipline and morale; they must uphold policies and regulations that establish certain standards of behavior both on and off duty. These policies and regulations also provide

guidelines and boundaries for relationships between Soldiers of all ranks and gender.

Within the civilian work environment, the pursuit of romantic relationships may not receive the same level of scrutiny as it would for those in uniform. When attraction exists between Soldiers of unequal rank and position, commanders must assess the potential for problems in a senior-subordinate relationship. This attraction is even more problematic when the behavior of one person is unwanted or unwelcomed by another.

### **Consideration of Others**

Consideration of Others (CO2) is a methodology designed to assist leaders to build cohesion and assist them in the complex task of leading Soldiers. A key principle of CO2 is that its execution can easily and readily be adapted to each commander’s priorities and each individual unit’s needs. CO2 methodology is systemic and designed to create, maintain, and enforce an environment of respect and dignity throughout the Army. The Consideration of Others methodology is not limited to specific subjects; however, EO related subjects should be taught using the CO2 methodology.

### **Army Language Policy**

The English language is the operational language of the Army. Soldiers must maintain sufficient proficiency in English to perform their military duties. Their operational communications must be understood by everyone who has a need to know the content, and therefore, must normally be English. Commanders may only require Soldiers to use English when such use is necessary and proper for the performance of military functions.

Commanders may not require Soldiers to use English in personal communications unrelated to military functions.

### **Accommodating Religious Practices**

The Army places a high value on the rights of service members to observe the tenets of their respective religions. It is the Army's policy to approve requests for accommodation of religious practices when they will not have an adverse impact on readiness, unit cohesion, health, safety, discipline, or otherwise interfere with the Soldier's military duties or the mission of the unit. What this means is the accommodation of a Soldier's religious practices cannot be guaranteed at all times, but must depend on military necessity. See also AR 165-1, Chaplain Activities in the U.S. Army and DA Pam 600-75, and Accommodating Religious Practices.

### **Tattoos**

The Army's policy on tattoos is that visible tattoos or brands on the neck, face or head are prohibited. Tattoos or brands that are extremist, indecent, sexist, or racist on other areas of the body are prohibited. Existing tattoos or brand that is visible while wearing a class A uniform that are not extremist, indecent, sexist, or racist are authorized. As commanders, you have the authority to take necessary action to ensure this policy is enforced. See AR 670-1, Para 1-8, e.

### **Extremist Organizations**

Extremist organizations and activities are ones that:

- Advocate racial, gender, or ethnic hatred or intolerance.

- Advocate, create, or engage in illegal discrimination based on race, color, gender, religion, or national origin.
- Advocate the use of force or violence, or uses unlawful means to deprive individuals of their rights under the United States Constitution or the laws of the United States or any State.

While the probability of Soldiers being involved with extremist activities is low, you should know that many of these groups are located near military bases. As commanders, it is your responsibility to ensure all Soldiers are informed that participation with extremist groups, militias, or gangs is prohibited and inconsistent with the responsibilities of military service. See Appendix B for additional information on extremist organizations and Extremist Organizations and Activities (AR-600-20, Chapter 4).

### **Army Values**

Values are attitudes about the worth or importance of people, concepts, or things. It is a mental position, feeling, or emotion. People use values to decide between alternative actions. On 13 January 1998, the Chief of Staff of the Army approved the seven Army values and their definitions for all Soldiers. The acronym "LDRSHIP" (pronounced leadership) uses the first letter of each value. The Army values are:

- Loyalty: Bear true faith and allegiance to the U.S. Constitution, the Army, your unit, and other Soldiers.
- Duty: Fulfill your obligations.
- Respect: Treat people as they should be treated.

- Selfless Service: Put the welfare of the nation, the Army, and your subordinates before your own.
- Honor: Live up to all the Army values.
- Integrity: Do what's right, legally and morally.
- Personal Courage: Face fear, danger, or adversity (physical/moral).

### **EO MODEL**

When establishing the Army's EO Program, commanders must have a sense of where to begin. Although there are no set rules or standards that apply to every unit or organization, there are certain steps commanders can take, that if implemented, will significantly reduce the potential for EO problems (see figure 1-3).

The EO Model consists of seven basic building blocks. The seven building blocks are Leader Involvement, Training, Assessments, Staffing, Complaint Processing, Equal Opportunity Action Plan (EOAP), and Ethnic and Special Observances. Each building block has specific actions that commanders should follow in establishing an effective EO program. While these actions will not guarantee or eliminate all EO problems, they are positive actions that will assist the commander in establishing a healthy and positive EO climate.

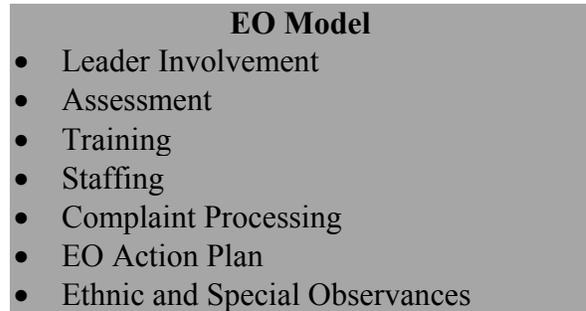


Figure 1-3

Commanders and other leaders are encouraged to develop an EO program that parallels the EO model.

The following chapters discuss the elements of the EO model in detail. Implementing a unit EO program based on the EO model will enhance the EO climate within the unit and ensure EO deficiencies are quickly identified and corrective actions applied.

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**Leader Involvement**

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By regulation, commanders are the EO officers for their unit or organization. As such, commanders at all levels have specific EO responsibilities. They are:

- Being personally responsible and accountable for the EO climate within their units.
- Developing and implementing EO programs for their organization that enhance unit cohesion, esprit, and morale.
- Provide within three calendar days of receipt of a formal complaint, a description of the allegations through command channels to their general courts-martial convening authority (GCMCA).
- Identifying unlawful discriminatory practices affecting military personnel and family members, initiating corrective actions and providing follow-up and feedback throughout problem resolution.
- Promoting EO and interpersonal harmony for all military personnel and family members.
- Assigning EO Program Managers and Equal Opportunity Advisors to their personal and coordinating staff.
- Conducting EO training on a continuing basis for all assigned and attached personnel. Training must be consistent with regulations, MACOM directives, and local guidance.
- Monitoring and assessing EO programs and policies at all levels within their areas of responsibility.
- Involving public affairs personnel at every level of command in planning and publicizing EO programs and initiatives.
- Publishing and posting separate, command policy statements for EO, Prevention of Sexual Harassment, and EO complaint procedures.
- Conducting a unit climate assessment within 90 days, (180 days for USAR units) of assuming command and annually thereafter.
- Taking appropriate action to prevent incidents of intimidation, harassment, or reprisal against individuals who file EO complaints.
- Taking appropriate action against individuals who violate Army policy.
- Monitoring the demographics of the Equal Opportunity Leaders (EOLs) in their command to ensure it reflects that of the unit as a whole.
- Reporting all EO training at the quarterly training briefs.
- Deploying the EOA on all training exercises and military deployments.
- Encouraging Soldiers to use their chain of command to solve problems.

- Ensuring the chain of command attends and participates in unit EO training sessions.

## **LEADER COMMITMENT**

EO is a command program and to make the program effective, commanders and other leaders must be committed in taking a positive and proactive approach in carrying out their EO duties and responsibilities. Leader commitment and involvement are the cornerstones and the key to a successful unit EO program. Without dedicated and involved leaders, no program has a chance to be successful. As effective EO program begins with command support and strong leader commitment at all levels.

The most effective leadership method in ensuring Soldiers and subordinate leaders understand, comply with, and enforce the goals and objectives of the Army's EO Program, is to lead by example. Leaders set the tone for the unit and if unfair treatment, double standards, or if there is a perceived lack of concern, Soldiers will quickly lose the trust and confidence in leaders. Such a negative view is counterproductive to the objectives of EO, unit cohesion, and combat readiness. It is also indicative of a serious communications problem between leaders and the led. A leader needs to be sensitive to the possibility that their Soldier's experiences may be very different from their own experiences.

### **Fair and Equitable Treatment**

In the words of an old Soldier, "Never give an order you are not prepared to enforce." The same is true in regards to EO policies. Commanders must clearly demonstrate that discrimination and sexual harassment will not be tolerated.

Sanctions must be enforced for personnel who unlawfully discriminate and sexually harass others. The sanctions applied must be evenhanded and commensurate with the nature of the offense.

Take time to get to know your Soldiers. You do not have to establish a personal relationship with your subordinates. However, by interacting with your subordinates, leaders can spot inappropriate behaviors and take immediate corrective action before it escalates.

Ensure all unit leaders use consistent standards and treat everyone with dignity and respect. If leaders only act on problems they perceive important, they will appear to be complacent. Treat minor infractions with the same degree of sensitivity and sincerity as those that are more severe.

Maintain discipline at all times. Military discipline is founded on the principles of self-discipline, the professional Army ethic, and supporting individual and Army Values. While military discipline is the result of effective training, every facet of military life affects it. Military discipline is also manifested in the individual Soldiers and in unit cohesion and bonding necessary for a spirit of teamwork. It is also manifested in Army leadership by fairness, justice, and equity for all Soldiers regardless of race, religion, color, gender, or national origin. Leaders at all levels need to hold individuals responsible for their actions. Punishment must be timely, appropriate for the offense, and administered fairly and equitably.

### **Policy Letters**

Policy guidance is one of the first things commanders should address when implementing their EO Programs. Commanders are required to publish

comprehensive policy memorandums on the command's EO Program. At a minimum, three policy letters are to be published. They are:

- **Policy Letter on EO.** This policy should clearly state your personal commitments and support for the Army's EO goals and your expectations for meeting specific objectives. Also included in the memorandum are the locations and telephone numbers of the unit EO Leader and EO Advisor.
- **Policy Letter on Prevention of Sexual Harassment (POSH).** The policy memorandum on the prevention of sexual harassment should include the responsibility of all leaders and Soldiers to take responsibility for both corrective and taking appropriate corrective action in eliminating sexual harassment. Also included in the memorandum is a statement that sexual harassment will be reported immediately and include the location and telephone numbers of the unit EO Leader and EO Advisor.
- **Policy Letter on EO Complaint Processing Procedures.** This policy memorandum reinforces the commander's commitment that Soldiers and families have the right to thorough and expedient investigations of their grievances when they perceive an injustice or incident of unfair treatment. While the memorandum should encourage individuals to use the chain of command for processing complaints of discrimination, it must also include a list of alternative agencies that are available to the complainant. Policy letter shall include language that individuals will be protected from acts or threats of reprisal.

## Newcomers Orientation

Incorporate EO as a part of the unit in-processing procedures. When Soldiers in-process they should be given a copy of the unit's EO policy letter on EO, POSH, and complaint processing procedures. The newcomer's orientation is also an excellent time and place to emphasize the commander's policy on EO, along with expectations and Soldier responsibility.

## UNIT LEADERS EO RESPONSIBILITIES

EO is an integral part of unit leadership and is therefore a responsibility of all leaders in the unit. To make the program effective, the unit commander along with other unit leaders have a responsibility to take a positive, proactive approach in implementing a dynamic EO program.

The unit chain of command is designed to help the commander achieve primary goals and objectives to successfully accomplish the unit's assigned mission. The command channel extends both upward and downward for transmittal of orders and other official communications between senior and subordinate personnel.

To be effective, commanders must subdivide EO responsibility and authority to subordinate leaders and staff members. In this way, a proper degree of EO responsibility becomes inherent with each member of the chain of command. It is critical to the Army's EO Program that unit commanders train their Soldiers and junior leaders on the importance and function of this relationship.

The proper use of the chain of command, with regards to EO matters, is vital to the overall effectiveness of the program.

Soldiers must be aware of its existence and proper functioning within the unit. The relationship between the chain of command and Soldiers must be a reciprocal commitment. Effective communications and trust are important cornerstones in this relationship. The chain of command is expected to resolve EO problems or complaints. Therefore, Soldiers are also expected to use their chain of command when communicating their issues and concerns about EO matters. Soldiers have a responsibility to ensure, through the chain of command, that the commander is made aware of EO situations that can affect discipline, morale, and unit readiness.

### **NCO SUPPORT CHANNEL**

The NCO support channel parallels and complements the unit chain of command. The NCO support channel represents a line of communication and supervision for the battalion Command Sergeant Major and First Sergeant and comparable structure in Joint or Detached environments and then to other NCOs and enlisted personnel in the organization. The scope of the EO responsibilities and the authority to execute assigned EO tasks are defined by the commander. The support and commitment of the NCO support channel is essential for implementing and maintaining a viable EO program. NCOs must care and Soldiers must know they care. NCOs must enforce the standards, comply with all policies and programs, and ensure subordinates are prepared to accept and execute a mission at a moment's notice. The role and responsibility of the NCO support channel is to help the chain of command meet Army EO program objectives and should, as a minimum, accomplish the following:

- Transmit and instill the value and importance of a professional Army ethic.

- Teach the seven Army Core Values to reinforce to Soldiers that the Army is a value-based institution.
- Plan, supervise, and manage the day-to-day activities necessary to implement and enforce the command's EO policy.
- Train Soldiers on EO policies and regulations, including behaviors that communicate dignity, respect, and the unit's EO compliant procedure.
- Assist Soldiers and their family members in resolving complaints of unlawful discrimination and sexual harassment.
- Teach Soldiers the history of the Army, a national leader in EO, to include military courtesies and traditions.
- Teach Soldiers about the Army's EO program and develop individual and team training programs to support a positive EO climate.
- Administer and monitor NCO professional development programs, ensuring EO is an integral part of NCO's duties and responsibilities.
- Monitor and evaluate Soldiers' performance, unit morale, and discipline. Report EO deficiencies and problems to the chain of command.
- Assist the chain of command in identifying and resolving EO issues within the unit.
- Provide individual counseling, on-the-spot corrections and team training to correct inappropriate behaviors or violations of EO policies.

## **KEY NCOs**

General EO duties and responsibilities for NCOs as they relate to other command functions are as follows:

### **Command Sergeant Major (CSM)**

The CSM enforces Army EO policies and standards and advises the commander on maintaining a positive EO climate, conducting EO training, monitoring the EO complaint process, and making corrective actions to maintain discipline and a high state of morale among enlisted personnel. The CSM is responsible for ensuring that EO is an integral part of the command's NCO professional development program (NCOPD).

### **First Sergeant (1SG)**

The 1SG, as the senior noncommissioned officer at company level, advises the commander on a variety of administrative and supervisory tasks vital to implementing and maintaining the unit's EO program. The 1SG's principal EO duty is to ensure that Soldiers receive individual EO training as it relates to their roles and responsibilities in supporting the Army's EO policy. In addition, the 1SG serves as a role model for all enlisted personnel assigned to the unit. The 1SG helps the commander monitor the unit's EO climate and performs an active role in resolving informal and formal EO complaints.

### **Platoon Sergeant (PSG)**

The PSG works hand in hand with the platoon leader and serves as a key advisor on all EO matters for the platoon. In the absence of the platoon leader, the PSG commands the platoon and assumes responsibility for resolving EO problems. In

addition to individual Soldier development, the PSG helps the platoon leader build a team by promoting cohesion and a positive EO climate. The PSG has direct supervisory and training responsibility for his or her section, squad, and team leaders.

### **Section, Squad and Team Leaders**

EO programs at unit level are most effective when junior leaders at this level are able to train and help their Soldiers identify and deal with EO problems. As the first line supervisor in the chain of command they are responsible for EO training of the individual Soldier. They must be able to set the example, counsel Soldiers on EO issues, and receive and report EO complaints to the chain of command. Unit commanders cannot over emphasize the important role that their junior leaders have in enforcing Army EO policies and maintaining a unit climate that is free of unlawful discrimination and sexual harassment.

**NOTE:** The Army is a progressive fighting force, in the absence of standard Army structure, leaders in comparable positions must be held accountable based on their level of comparable influence.

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Generally, training is the core of any successful program. In many cases, Soldiers often determine the importance of training by the participation of the commander and other unit leaders. TC 26-6 Appendix G and innovative EOA/EOLs are a great source for training.

Leaders at all levels are to be directly involved in the conduct of EO and POSH training. It is also an excellent opportunity for company leaders to “get-the-feel” of the unit and issues of concern by their Soldiers.

EO training will be given to Soldiers quarterly. Two of the quarters will be EO and two quarters will be Prevention of Sexual Harassment training (POSH) at a minimum.

### **DEVELOP AND CONDUCT TRAINING**

Commanders will incorporate EO training into the overall training plan for the unit. Schedule EO training for units consistent with HQDA policy and command needs using training topics that are current and reflect local and/or Army-wide importance.

All EO training must be documented. EO training will be documented on the unit’s training schedule and on a memorandum which contains the names of instructors or facilitators who conducted the training, roster of attendees, date, time, and length of session, method of instruction, and major topics covered in the session. Finally, when EO training is conducted, the leadership must be actively involved in the unit’s training. Lack of leadership participation sends a message about the importance of EO training in the command.

### **PREPARING FOR TRAINING**

#### **Selection of Topics:**

EO training will be interactive, small group discussion based, and focused on the following:

- Objectives of the Army EO program.
- Army and local command policy on EO, EO Action Plan (EOAP), and Prevention of Sexual Harassment (POSH).
- Behavioral characteristics, indicators of EO problems, and other areas including racism, sexism, prejudice, dignity and respect, cultural and social issues, perceptions, methods for resolving interpersonal conflict, managing conflict, behaviors that promote ethnic and gender awareness, consideration of others, and cultural awareness.
- The appropriate and acceptable behaviors for unit cohesion and teamwork.
- Impact of individual and institutional discrimination.
- Proper handling of EO complaints and the EO complaint system.
- Individual responsibilities concerning EO, Consideration of Others, and POSH.
- Legal and administrative consequences for participation in acts of discrimination or sexual harassment.

- Importance of honest and open interpersonal communication in promoting a healthy unit climate.
- Unit EO climate assessment – what it is, what it is used for, what makes it important, and how it is done.
- Review of actual unit climate assessment findings and amplification of issues raised therein.

Commanders are encouraged to identify and develop additional training topics to meet the needs of the units. The unit EO assessment is invaluable in providing information and feedback on issues that have a direct or indirect impact on unit cohesion and combat readiness.

### Resources and References

Identifying and obtaining references and training materials is a key element to conducting effective EO training. While this may appear to be a difficult process, it is not, as there is sufficient training materials available from various resources throughout the Army. This training circular will help you identify mandatory requirements and other related references, lesson plans, handouts, and other training aids.

The Adjutant General School, Soldier Support Institute, serves as the training proponent and can assist in identifying other materials that may be helpful in the conduct of EO training. These include common core training support packages (TSP).

- **Entry Level EO Training Support Package (TSP).** The entry level TSP is for new individuals just entering the military service. It is a two-hour training support package that provides each new Soldier with the basic knowledge of EO.

It encompasses policy, ethnic and gender awareness, behaviors that violate Army policy, the EO complaint system, appeals, prevention of sexual harassment and techniques dealing with discrimination.

- **Basic Officer Leadership Course (BOLCI) (TSP).** This TSP provides newly commissioned officers with the basic knowledge of the EO program. It encompasses policy, ethnic and gender awareness, behaviors that violate Army policy, the EO complaint system, appeals, prevention of sexual harassment and techniques dealing with discrimination. Also it discusses future leader's responsibilities within the scope of EO and Prevention of Sexual Harassment.
- **New Leader Training (TSP).** This TSP is designed for Warrior Leader Course (WLC), Warrant Officer Basic Course (WOBC), and Basic Officer Leadership Course (BOLC II) and is follow-on the training received at the basic leader level. Training focuses on policy, behavior and actions that violate and support the EO program, appropriate responses and strategies to sexual harassment, prevention of reprisals, and new leader's responsibilities in resolving complaints.
- **Intermediate Leader Training (TSP).** Intermediate leader training is designed for mid-grade leaders (SSG-CPT) and focuses on policies, concepts, leader roles and responsibilities, identification and resolution of EO problems, complaints, sexual harassment, problem solving, and creating and maintaining a healthy EO climate.

- **Senior Leader Training (TSP).** This TSP is designed for senior leaders (1SG-COL). Training emphasizes the senior leader role, actions, and responsibilities for implementing EO programs, monitoring and assessing command climates, and EO action plans.
- **EO Representative's Course (EOLC).** The EOLC is a 6-day training package. It consists of 23 separate lessons and is complete with viewgraphs, student guides, student handouts, and practical exercises. The training package is designed to train students to become EOLs. However, it is an excellent package that can be easily adapted for unit training.

### Personnel

Considered the most important resource, personnel must receive your personal scrutiny and consideration. Ideally, unit EOLs should be the primary resource in the conduct of EO training. Another consideration could be those leaders within the command on whom you want to fix responsibility for conducting EO training. Although your ultimate goal is to ensure that every leader is capable of training subordinates on the Army's EO program, you must determine if additional skills, experience, or awareness is required for certain topic areas. Who you select to give EO training within your command is a direct reflection on your concern and support for the program.

### Facilities

Training format and size of the target audience dictate the type of facility needed to conduct EO training. No matter how well training is presented, failing to provide an

appropriate facility can affect learning. Consider the following when planning training sessions:

These standards should be an integral part of any training plan. Failing to address one or more of these areas can contribute to a poor or ineffective presentation.

### Equipment

It is often said, "Use the right equipment for the right job." This holds true for any training session. LCD Projector (Proxima), DVD player, video recorders, and computers are now considered "state of art" for unit training, but have their limitations. Ensure that the equipment is operational before each class and have an alternate plan in place if a piece of equipment fails during training or is not available.

### Training Aids

Training aids should enhance and support learning objectives. However, they should never be used as a substitute for well-planned instruction or presentations. A characteristic of a good EO training aid is one that provides a common experience for participants. Because of the nature of EO subjects, teaching is best conducted through interactive discussion in small groups. Training aids such as situational vignettes or scenarios help facilitate discussion and identify EO problems in the unit. Commanders are encouraged to conduct training that reflects contemporary and local EO issues. Some creativity can go a long way in designing training aids that meet these needs.

### Training Format

The style or type of format you select for each EO training session will depend on a

number of variables such as subject matter, target audience, practical exercises, or training objective. Unit EO training is most effective if it is interactive and presented for small group discussion. If the topic is determined to be awareness or refresher training, then a good lecture/guided discussion format in which information is presented may be better. As EO topics become more complex and require greater comprehension, the seminar or guided small group may provide the most effective format for EO training. These two formats are based on a methodology that allows participants to contribute to their own learning. Practical exercises and role-playing check comprehension of subject matter and reinforce specific learning objectives. Commanders should ensure that EO training is an integral part of their Officer and NCO professional development programs. News articles, handouts, read-a-heads and reading assignments are excellent methods for supplementing EO training.

### **Timing**

Timing for EO training needs your special attention. Timing of EO training is two-dimensional. It relates to why the training is being conducted and under what condition(s).

EO training, just like other unit training, should be planned and presented as an integral part of the unit's training program. From time to time a commander may conduct EO training in response to a unit incident. However, if the incident was isolated or its severity affected only a few unit members, then the timing may not be right for everyone to receive training. If timing for the training is not considered, the training may be perceived as a form of mass punishment.

### **Evaluation**

Upon completion of a unit's EO presentation, commanders may feel it necessary to evaluate whether their Soldiers understand certain behavioral concepts or comprehend the impact of certain EO issues. This may be best accomplished during or immediately after the conclusion of the class. Oral questions, a practical exercise (PE), and a written quiz or examination are effective ways for measuring the application of learning objectives. However, the test for real learning is measured by how well Soldiers demonstrate or apply their new skills or behaviors on a daily basis. This evaluation is best accomplished by walking around, making observations, and talking to Soldiers and subordinate leaders to gain insight into their perceptions and opinions. Training evaluation is an ongoing process and should not be limited to a one-time, one-event evaluation.

To implement and maintain a viable EO program, commanders at all levels are required to monitor and assess the execution of EO policies and responsibilities throughout their command. A climate assessment assists commanders and subordinate leaders in collecting and analyzing information about the command and measures the impact of other unit climate factors.

Commanders at all levels are held responsible and accountable for the EO climate within their units. As such, it is essential for you to realize what is happening in your units. It is equally essential that you know what your Soldiers perceive the EO climate to be. Only by trying to assess what the Soldiers believe the EO climate to be, will you be able to be proactive to correct problems.

Assessments will also reveal to the command how Soldiers perceive the leadership in the unit. Knowing the EO climate will allow you to make changes before they become serious issues. It is usually easier to head off problems before they occur, than it is to resolve problems after they have happened.

The nature of EO for leaders and Soldiers in any given organization is often measured by perceptions of fairness. Thus, information gathered from climate assessments may not always be accurate or specific in any one-problem area. However, climate assessments, if administered correctly, will provide commanders with certain indicators and trends to focus future actions and intervention strategies. Commanders who have an accurate awareness of the perceptions and views of

their Soldiers possess a definite leadership advantage.

### **ASSESSMENT REQUIREMENT**

All company and company-level equivalent commanders are required to conduct a climate and training needs assessment within 90 days of assuming command and annually thereafter. Reserve Components must complete the assessment within 180 days after assuming command. Completion of the climate assessment is an item checked under the Command Inspection Program (see figure 4-1).

Company commanders and company-level equivalent commanders are required to use the Command Climate Survey (CCS) as part of their climate assessment process (see Appendix F). Use of the CCS is voluntary for battalion commanders. Completion of the CCS should be reported to the brigade EOA to note in the Quarterly Narrative Statistical Report (QNSR).

#### **Assessment Requirements**

- Regulatory
- Command Directed
- Driven by Events
- Staff Assistance Visits
- Monitoring EO Action Plan

Figure 4-1

Command climate assessments may also be required in addition to the above requirement. The following is a discussion of five of the more common conditions that require climate assessments:

- **Regulatory Requirement:** All company, troop, and battery equivalent commanders are required to conduct a climate and training needs assessment within 90 days of assuming command (180 days for reserve component) and annually thereafter.
- **Command Directed:** The commander, at any level, in attempting to evaluate the execution of his or her EO program may direct that climate assessments be conducted. The scope and other details of the assessment are left to the discretion of that commander. Additionally, ACOM commanders may mandate annual or periodic assessments as part of their EO program evaluation. They may direct subordinate commanders to participate in part or in all aspects of an overall command climate assessment.
- **Driven by Events:** This type of assessment are normally conducted to ascertain the cause and effect relationship precipitated by major EO events, trends, or other unfavorable conditions within an organization. Soldiers or members of the chain of command can manifest these events in a number of ways, such as complaints of sexual harassment, individual or group conflicts, or numerous EO violations.
- **Staff Assistance Visit:** During a staff assistance visit, the EO Staff Advisor or other staff personnel may conduct a climate assessment to provide the commander feedback status and execution of the command's EO program.
- **Monitoring EO Action Plan:** Climate assessments can also be used to monitor the impact or success of the units EO

Action Plan (EOAPs) goals or milestones. For example, a goal to reduce the perception of unfair UCMJ actions could easily be measured during a climate assessment.

## PURPOSE OF CLIMATE ASSESSMENTS

The purpose of climate assessments is to provide the leadership a “snapshot picture” of a unit as it is perceived by members of the organization as it relates to race, gender, color, religion, national origin, and sexual harassment. In short, it determines if a unit's climate is both positive and healthy.

A climate that is not healthy can quickly develop into inter-group tension within the unit. To assist commanders, DA and the Army Research Institute (ARI), has identified certain common conditions that are indicators of an EO climate that is not healthy. Some of these indicators are:

- Perceptions by Soldiers the EO complaint process is not working or supported by the chain of command.
- Sexual or racial jokes are prevalent.
- Increase in the number of EO complaints.
- Polarization of groups.
- Use of abusive words and display of offensive symbols.
- Low morale.
- Discriminatory practices in surrounding civilian community.
- Poor personal appearance by Soldiers.

- Poor military courtesy by Soldiers.
- Increased number of AWOLs.
- Claims of unfairness in promotions.
- “Cutting in” at dining facilities with the aid of members of one’s own group.
- Increase in incidents of thefts, robberies, and assaults.
- Frequent fights.
- Increase in the volume and nature of rumors.
- Unwillingness to communicate between superior and subordinates.
- Increase in requests for transfer.

Knowing the purpose prior to conducting the assessment goes a long way in determining key elements that will affect the climate assessment process. These key elements include:

- **The desired outcome.** What exactly does the commander want to find out from the assessment?
- **The scope and sequencing of events.** Who will be involved and how will the assessment be conducted.
- **Resources and required time schedules.** Who needs to be involved? What is needed to support the assessment? What are the timelines for beginning and ending the assessment?
- **Action planning and intervention strategies.** Depending on the outcome of the assessment, commanders will need to plan on what intervention

strategies will be used to intervene or make corrections.

Another factor that must be considered when determining the purpose of a climate assessment is the condition under which the assessment is being conducted.

## PLANNING THE ASSESSMENT

Regardless of the conditions under which they are conducted, for assessments to be successful they must be well planned. In planning the assessment, commanders must decide what they want. Having a clear picture of the desired outcome will help define the process and resources necessary to accomplish the assessment. Commanders who do not identify or state what they want from the assessment may be unhappy or dissatisfied with the results. Even if the immediate commander did not direct the assessment, commanders should take the opportunity to maximize planning efforts and formulate their own desired outcomes from any assessment conducted. The following are a few of the more common outcomes expected from a climate assessment.

- Unit strengths to be maintained and unit weakness to be remedied.
- Soldiers’ and leaders’ perceptions about command/unit climate.
- Current status of EO program execution.
- Leaders’ effectiveness in performing EO duties and responsibilities.
- Indicators of institutional or personal discrimination.

- Indicators of behaviors that constitute sexual harassment.
- Issues and concerns for developing EO training.
- Comparisons of commanders' estimates to the actual assessment
- Determination of training needs.

Although a climate assessment can address a number of concerns, commanders are encouraged to focus on no more than two or three that have special significance for their EO programs. Keeping the desired outcomes to a minimum will ensure that the assessment is not overloaded to the point that it requires too much time or too many resources to be effective.

### **EOA AND EOL ASSETS**

When planning for the assessment, commanders must decide whether the assessment will be self-administered. Although unit members can administer the assessment, commanders are strongly encouraged to take ownership of the process. Commanders will get more useful results if they personally introduce the CCS or other climate assessment tools and processes to their unit, explaining its purpose and that results will be used to strengthen the unit. Commanders are encouraged to use their EOA and EOL assets.

Because EOAs have received extensive training in conducting climate assessments, they can assist in the assessment process to include developing appropriate intervention strategies. EOLs have received similar training and can administer the EO climate assessments at the company or battalion

level. EOLs should consult their brigade EOA prior to conducting the assessment.

### **TIMELINESS OF ASSESSMENT**

Commanders should schedule climate assessments as an integral part of their EO program identified on the organization's annual training calendar. This helps to eliminate any perception that the assessment is a one-time event and reduces any tendency for participants to overreact.

Commanders must recognize that an assessment only represents a "snapshot" of the organization in the "here and now." If care is not taken, the assessment could be significantly influenced by other events. The feedback on unit climate factors after a major investigation, field training exercise, or command inspection may be very different than at other times during the year.

Commanders must also establish certain parameters for beginning and concluding the assessment process. Thirty days is a reasonable time limit. Conducting the assessment over a longer period might jeopardize the quality of the information.

Another issue that commanders must consider during their assessment planning is the availability of unit personnel. If a number of Soldiers or key leaders are absent during the assessment, this could affect the quality and accuracy of the assessment data.

### **ASSESSMENT STRATEGIES**

During the planning phase of a climate assessment, the commander and other leaders should have an idea about specific strategies to follow during the assessment process. These strategies should not be established as hard fast rules, but should serve more as a guide throughout the

assessment process. The following are common strategies for planning purposes:

- Begin the assessment at the top of the organization: This process helps to evaluate how policies and decisions about the mission of the organization are interpreted and carried out by subordinate leaders and Soldiers.
- Keep the assessment focused on the organization: During the assessment it is easy to lose sight of what is being evaluated. The danger is that the focus of the assessment could move to the environment or other outside factors as the primary cause of unit problems. The key to the assessment process is remaining focused on the relationships and effectiveness of Soldiers and their leaders in dealing with environmental or other outside factors over which they have little or no control.
- Use more than one technique to gather information. Assessments require at least two independent strategies for collecting data. Different data sources serve as a cross-reference and enhance the reliability and validity of the information. Data from one source is used to substantiate or validate data from another.
- Keep subordinate leaders involved in the assessment: Commanders should ensure that subordinate leaders and other key staff personnel are involved throughout the assessment process. It is very simple for commanders to take charge and make all the decisions. However, to gain support for the assessment, commanders need to delegate authority, explain what needs to be accomplished, and let others do the job. By keeping subordinates involved and soliciting their input for

decisions, commanders gain their commitment to implement any necessary change.

- Use the keep it short and simple (KISS) principle. Don't allow those involved in the assessment process to become over involved or overwhelmed by the assessment. Making an issue of the assessment expectations can lead to discouragement when change is not swift in coming. Ensure that those involved stick to the schedule and complete tasks within the prescribed time limits. Try to keep the information gathering process simple, current, and understandable. A suggested checklist for planning and conducting a climate assessment is provided at (Appendix A).

## **CONDUCTING THE ASSESSMENT**

Once the purpose and scope of the assessment is determined and all planning actions have been finalized, the commander may begin conducting the assessment.

### **Administrative Procedures**

Prior to the assessment, commanders must inform unit personnel about its purpose and scope. Commanders may elect to keep everyone fully informed or notify personnel only about those phases of the assessment that involve their participation. In either case, Soldiers and leaders should have a schedule of times and locations for specific events. If participation is expected of a specific target group, a by-name roster should be available.

Commanders should discourage any assessment that segregates unit personnel by race, ethnic identity, or gender. The commander should also inform their

Soldiers of the time frame for accomplishing these actions.

## Survey Instruments

The following survey instruments are used in conjunction with Army climate assessments:

Command Climate Survey (CCS). The CCS was specifically designed for use in company-level units. Its use is mandatory for company level units. Detailed instructions and information on the use of this survey, including administration procedures, analyzing data, and developing an action plan, are available on the following website:

<http://www.hqda.army.mil/ari/surveys/>

Detailed instructions are also available in DA Pam 600-69. This survey can be distributed in hard copy or administered via personal computer or LAN. The computer-based version of the survey greatly facilitates data analysis and graphic display of data. Even if the survey is distributed in hard copy, unit staff should enter the data into the CCS database to ease the analysis. The survey includes 24 questions with two open-ended items (list the three things going very well in the unit; list the three things that most need improvement). The computer-based version of the survey allows commanders to add up to 10 questions of their own design to the standard block of 24 items. The survey is brief, and only takes approximately 10-12 minutes to complete. While the CCS includes EO-related items (on sexual harassment and discrimination), it is not limited to EO issues. Specific versions of the survey are designed for the following types of units: active duty/AGR; trainees; Reserve Component; and units with a mix of military and civilian members, or those that are exclusively civilian.

- **Unit Climate Profile (UCP):** The UCP is specifically designed as a self-diagnostic instrument administered at company level. The questionnaire is organized into 21 areas that address unit issues such as leadership, readiness, quality of life, and other human relation's topics. The UCP is contained in DA Pam 600-69, Unit Climate Profile Commander's Handbook.
- **Training Diagnostic Assessment System (TDAS):** The TDAS is a scientifically designed assessment instrument and management tool to assist commanders at company, battery, or troop levels in meeting EO training responsibilities in accordance with Chapter 6, AR 600-20. The TDAS survey measures unit members' perceptions about personnel and institutional discrimination and the quality of interpersonal relations. This survey can be administered by an outside agency or self-administered by unit personnel.
- **General Organizational Questionnaire (GOQ):** The GOQ is a survey specifically designed for use by commanders to assess the organizational effectiveness issues in their units. The survey questionnaire can be modified and tailored to meet specific needs of the unit.
- **DEOMI Equal Opportunity Climate Survey (DEOCS):** DEOCS is a survey instrument designed by the Defense Equal Opportunity Management Institute (DEOMI). The survey was especially developed to assist DOD commanders of all services in assessing the EO climate and motivational readiness of their organizations. The survey measures

several aspects of military EO in a command as well as dimensions of organizational functioning. A key feature of the survey is that only the immediate commander can request it. The results of the survey are returned directly to that commander so problems can be identified and dealt with internally.

## **FOCUS GROUPS**

Focus groups are a form of group interviews to gather specific information about the unit or given command. They may be formal or informal events conducted by the chain of command or other staff personnel. However, they are most effective when participants are free to discuss their feelings and share their opinions about the organization. A commander may elect to conduct a focus group during any phase of the assessment process.

Focus groups are an excellent tool for clarifying the cause and effect relationship between survey findings and organizational practices. Through focus groups, commanders learn which specific events or unit activities induce both favorable and unfavorable responses by participants. Focus groups cannot offer the level of anonymity that surveys or interviews provide. To avoid issues of intimidation or reprisals, commanders are encouraged to conduct focus groups among a sampling of Soldiers from similar peer groups, junior enlisted, junior NCOs, senior NCOs, and officers. Additional information on planning and conducting focus groups is contained at (Appendix F).

## **PROCESSING THE ASSESSMENT INFORMATION**

Once all the information has been collected, it must be organized into meaningful data. One way to accomplish this is to reduce each piece of information into specific categories. For example, race, grade, and gender. Commanders can review the data and make comparisons between each category. During this process commanders may want to eliminate any information they believe to be meaningless or irrelevant to the assessment. However, it is more prudent to wait until after the analysis is completed before deleting any information.

The next step in the process is to merge or match reduced data from each source. Using a matrix that contains standard organizational processes such as communication, planning, leadership, supervision, cooperation, and EO will simplify this procedure. The matrix is only a tool to help the commander match information or corroborate data from different sources. However, it is important to note that having too little or too many categories can hinder or even prevent a proper analysis.

## **FORMAL AND INFORMAL RESOURCES**

During the assessment process commanders should also make a mental note of formal and informal resources and processes that are available to support or corroborate findings from the assessment. These resources and processes are part of the routine daily functions of any military organization. The following list, although

not inclusive, represents additional resources for collecting assessment information.

- Commander's open door policy
- Formal and informal counseling.
- Remedial training and on the spot corrections.
- Serious incident reports.
- Military police blotter reports.
- Routine visits to work sites and billeting areas.
- Soldier and leader development sessions.
- One-on-one leader and Soldier conversations.
- Feedback through leader mentorship.
- Soldier participation in sports and recreational activities.

## **INDICATORS OF INTERGROUP TENSION AND UNREST**

During any assessment process, commanders should be especially alert to indicators of inter-group tension and unrest. These indicators are a signal that these conditions may exist, that if not properly dealt with, may lead to loss of morale, unit cohesion, and potentially violent disruptions. Previous assessments conducted by the Department of the Army and the Army Research Institute (ARI) indicate that certain common conditions within a unit or command are indicators of inter-group tensions and unrest. Here are a few of those indicators.

- Group participation in inter-group incidents.
- Secret meeting of exclusive groups.
- Negative polarization on and off post.
- Increased frequency of complaints.
- Use of abusive language and offensive symbols.
- Indifferent response to cultural differences.
- Poor personal appearance and military courtesy.
- Reluctance to discuss cultural differences.
- Increase in miscommunications and rumors.
- Frequent fights between members of different groups.

## **FORCE FIELD ANALYSIS**

After all information has been reduced and merged, the commander can begin to analyze the data. During this process, the commander will determine whether certain information provides a picture of trends or given situations. For example, if surveys indicate that Soldiers are generally dissatisfied with the command's EO program, do other reports corroborate or support this perception? Another factor to examine is whether there is a cause and effect relationship between information sources. If the unit experienced a number of judicial and non-judicial actions over a given period of time, it stands to reason those Soldiers' who were punished, their

opinions about punishment, both positive and negative, will be high.

During the analysis, there may be a tendency for commanders to quickly identify with issues that are perceived as problems and ignore or overlook those areas which are perceived as working well or having little, if any, concerns. When conducting the analysis that commanders must maintain balance in their purpose of climate data assessment and consider positive as well as negative factors. A useful technique and concept for helping leaders to achieve this objective is the “Force Field Analysis” developed by Dr. Kurt Lewin. In applying this concept, the commander evaluates the current situation or condition in comparison to how things should be to successfully accomplish the mission.

In making this comparison, commanders define two sets of forces, driving and restraining, which affect the movement from present state, to one that is desired. For example, only 50 percent of the Soldiers assigned can achieve 270 or higher on the APFT. The unit goal is to have 85 percent by the next test period. Driving forces that encourage unit members to meet this objective include rewards and personal recognition, peer pressure, individual pride, and a good physical conditioning program. Restraining forces that might hinder motivation and Soldier commitment include numerous temporary profiles, poor leader support, lack of participation in organized physical training and no motivation to improve. Once all possible driving and restraining forces have been identified, the commander can then make an estimate of the best approach for change. From this scenario, the commander can increase driving forces, decrease restraining forces, or execute a combination of both strategies.

## INTERVENTION STRATEGIES

Based on the analysis and the overall conclusion reached on the EO climate assessment, the commander will make corrections where appropriate. There are a wide variety of intervention strategies that a commander can use. Which strategy the commander chooses will depend on a number of factors. Criteria for selecting certain alternatives will vary because of mission, command structure, and geographical location. The following criteria are common to any selection process:

- **Time:** What is the required time necessary to achieve the desired results?
- **Impact:** How big of an improvement is required? How much resistance to the change can be anticipated?
- **Permanence:** Will the required action result in a permanent change or short-term fix?
- **Audience:** Will the strategy reach the target population? Will the change apply across all levels of the organization?
- **Resources:** Is the desired method resource intensive? In evaluating this strategy, it may be necessary to consider the availability of resources. However, strategies considered to be the best alternatives should not be eliminated simply because there is a difference between what is required and what is on hand.

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**EO Complaint Processing**

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**EO COMPLAINT PROCESSING**

A key component of the Army's EO Program is an effective and responsive complaint system. The current EO complaint processing system addresses complaints that allege unlawful discrimination or unfair treatment on the basis of race, color, gender, religion, national origin, or sexual harassment.

The Army's EO complaint system concept is intended to afford the maximum protection for Soldiers by providing a means for them to bring a complaint to the Army, and have full confidence the Army will investigate and where appropriate, make an appropriate response to resolve the complaint.

Many Soldiers say they will not submit an EO complaint because they perceive the chain of command as not caring, or not willing to correct the problem. As commanders and leaders, you need to change that perception. You must ensure that everyone, those with complaints and those who have complaints made against them, will be treated fairly, and that no one will have to fear any form of reprisal actions against them if they submit an EO complaint. The concept must also ensure that all complaints will be heard and considered by the chain of command.

To emphasize the importance of the EO complaint process, AR 600-20, Army Command Policy, now requires a summary of each formal EO complaint be reported to the General Courts-Martial Convening Authority (GCMCA).

There are two types of complaints a Soldier may file in the Army's EO channel: Informal Complaints and Formal Complaints. In addition to these, Soldiers may also utilize any of the agencies referred to as "Alternative Agencies" as an avenue to file EO related complaints.

**DETERMINING THE TYPE OF COMPLAINT****Informal**

An informal complaint lets a Soldier or family member who does not wish to file in writing to verbally report inappropriate behavior without requiring a full investigation by the chain of command.

The informal complaint process does help facilitate the resolution of grievances at the lowest possible level. When considering the use of the informal process, the following factors may help in that determination:

- Not required to be filed in writing. These complaints may be voiced to the offending party, to someone in a position of authority, or both. The intention is that the offending behavior will cease with no further action required.
- Resolution at the lowest level possible. Individuals are encouraged to attempt to resolve their complaints by confronting the alleged offender or by informing other appropriate officials about the offensive behavior or other allegations of disparate or unfair treatment.

- No requirement for chain of command intervention. However, depending on the severity of the offense, or the nature of the allegation, this may not always be appropriate. Individuals are responsible to advise the command of the specifics of discrimination or sexual harassment and provide their chain of command an opportunity to take appropriate action to resolve the issue(s).
- May use assistance of other unit members, EOLs, or other officials. Third part intervention may be appropriate if the victim feels apprehensive or intimidated and reluctant to speak to the harasser directly. In such cases, a co-worker, supervisor, EOL, or leader can serve as an intermediary and speak to the offender on behalf of the victim.
- Confidentiality possible (but not guaranteed). While maintenance of confidentiality should be attempted, it will neither be guaranteed nor promised to the complainant by agencies other than the chaplain or a lawyer.
- Not subject to timeline suspense. Informal complaints are not subject to any timeline suspense, nor are they normally reportable to higher headquarters.
- Severity of complaint does not warrant formal complaint. However, informal complaints are no less important than formal complaints and they should be addressed with a sense of urgency and a sincere attempt to attain resolution.

The mere fact a Soldier wants to handle a complaint informally, does not prevent or exempt allegations from intervention by the chain of command. Should it be necessary

to conduct a formal investigation to resolve an informal complaint, the Soldier may be required to make a sworn statement or asked to submit a formal complaint.

While informal complaints are not in writing, anyone working on the resolution of informal complaints should prepare a memorandum of records (MFR). The MFR would include information indicating the nature of complaint and identifying pertinent information to assist in the identification of the unit's command climate.

### **Formal**

A formal complaint is one that a complainant files in writing and swears to the accuracy of the information. Formal complaints require specific actions, are subject to timelines, and require documentation of the action taken.

While the decision on whether to file a formal complaint rests with the individual, consideration should be based on the following factors:

- Inability to resolve the complaint informally.
- Issue may warrant an official investigation.
- Soldier wants an official record kept of complaint.
- The complaint is against a member of the Soldier's chain of command or another superior officer.
- Desire of the Soldier to use an outside agency or higher echelon commander.
- Complaints should be filed with the commander at the lowest echelon of

- command at which the complainant may be assured of receiving a thorough, expeditious, and unbiased investigation of the allegations. Depending on the various aspects of the complaint and personalities involved, that lowest level commander may not be the immediate company, company level equivalent or battalion level commander of the complainant.

## COMPLAINT TIMELINE

While there are no specific timelines for taking action on informal complaints, formal complaints do have defined timelines for the accomplishment of certain actions.

Individuals have 60 calendar days from the date of the alleged offense in which to file a formal complaint. This time limit was established to set a reasonable parameter for investigating or inquiry and resolution of complaints, to include ensuring the availability of witnesses, accurate recollection of events, and timely remedial action. If a complaint is received after 60 calendar days, the commander may conduct an investigation into the allegations or appoint an investigating officer. In deciding whether to conduct an investigation, the commander should consider the reason for the delay, the availability of witnesses, and whether a full and fair investigation can be conducted.

Complaints that include allegations that are criminal in nature are exempt from the 60-calendar day rule and will be immediately referred to the Military Police, CID or law enforcement agencies.

All formal complaints will be reported within three calendar days to the General Courts-Martial (GCMCA) Convening Authority.

Commanders or alternative agencies have 3 calendar days to decide whether to resolve the complaint at their level or refer the complaint to the appropriate commander or agency for resolution.

Commanders or alternative agencies have 14 calendar days to conduct an inquiry or investigation and provide feedback to the complainant. If, due to extenuating circumstances, an inquiry or investigation cannot be completed in 14 calendar days, or (three MUTA 4 drill periods for Army reserve TPU Soldiers), an extension of a maximum of 30 calendar days or (two MUTA 4 drill periods for Army Reserve TPU Soldiers) may be approved by the next higher echelon commander.

The complainant will have 7 calendar days from date of notification of the results of the investigation to submit an appeal. The appeal must be in writing on DA Form 7279 (*Equal Opportunity Complaint Form*) Part IV and provide a brief statement which identifies the basis of the appeal. Action(s) taken against the subject, if any is taken, may not be appealed.

Once the appeal has been initiated, the commander has three calendar days to refer the appeal to the next higher commander. The commander to which the appeal is made has 14 calendar days to review the case and act on the appeal. Not later than 14<sup>th</sup> calendar day following receipt of the appeal, this commander will provide written feedback to the complainant on the results of the appeal.

The General Courts-Martial Convening Authority (normally the first General Officer in the chain of command) will have final decision authority. Decisions at this level are final.

## **INQUIRIES AND INVESTIGATIONS**

Steps for conducting inquiries or investigation of complaints are provided in Appendix D, AR 600-20, Army Command Policy. It is recommended that the commander meet with the EOA prior to conducting inquiries or investigations. The EOA has specific actions that must be accomplished and have the responsibility to assist the investigating officer in the development of questions to be addressed to the complainant, alleged subject, and any witnesses or third parties. The EOA is also required to review the completed report and attach a memorandum documenting his or her review.

Through inquiry or investigation, the commander or alternative agency will attempt to determine the facts as they pertain to the allegations of the complaint. Should the commander or alternative agency determine during an inquiry sufficient evidence exists to warrant an investigation, e.g., evidence is in dispute or there is evidence of criminal activity, the complaint must be referred to an appropriate commander or law enforcement agency for investigation.

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

investigation whenever a claim of sexual harassment is raised.

Commanders should also keep in mind that an unsubstantiated complaint is not fraudulent or false solely on the basis of it being unsubstantiated.

## **REPRISALS, INTIMIDATION, OR HARASSMENT**

A key component of the Army EO complaint system is the prevention of reprisals, intimidation, or harassment of personnel who submit complaints.

All Department of the Army personnel are prohibited from taking any action that might discourage Soldiers or family members from filing a complaint or seeking assistance to resolve an EO grievance. Army personnel are prohibited from taking any disciplinary or other adverse action against a complainant or other DA personnel, seeking assistance, or cooperating with investigative officers, Inspector General or other law enforcement agencies. However, this does not preclude commanders from taking action against Soldiers who file fraudulent complaints or give false statements. Remember that an unsubstantiated complaint is not fraudulent or false solely on the basis of its being unsubstantiated.

An indicator of a healthy command climate is the willingness of Soldiers to report EO violations to the chain of command. Research has shown that many incidents of discrimination and sexual harassment go unreported due to intimidation or fear of reprisal. Acts of reprisal or intimidation of any sort are illegal and cannot be tolerated and may include the following:

- **REPRISAL.** Taking or threatening to take an unfavorable personnel action, withholding or threatening to withhold a favorable personnel action, or any other act of retaliation, against a military member for making or preparing a protected communication is prohibited.
- **THREATENING.** To express a threat against, or to indicate danger or harm.
- **INTIMIDATION.** Make timid, frighten, or threaten with harm or adverse treatment.
- **HARASSMENT.** Annoy or torment repeatedly and persistently, or impede by repeated attacks.
- Encouragement to all the aforementioned individuals to report incidents and/or threats of reprisal.
- Procedures to report acts and/or threats of reprisal.
- Consequences of reprisal; possible sanctions against violators.
- Reminder of the roles and responsibilities of the leadership in the prevention of reprisal and protection of all parties involved.
- Command's commitment for a thorough, expeditious and unbiased investigation.

It is the responsibility of the chain of command to ensure that all complainants are protected against reprisal or retaliation for filing an EO complaint. Should a military member or a family member be threatened with such action they should immediately report the incident to the chain of command, the Inspector General, or higher echelon commander.

The commander will establish and implement a plan to protect the complainant, any named witnesses, and the alleged subject from acts of reprisal. The plan will include, as a minimum, specified meeting and discussions with the complainant, alleged subject, named witnesses, and selected members of the chain of command and coworkers. Content of the discussions will also include:

- Definition of reprisal and the Army's policy prohibiting reprisal.
- Complainant's rights and extent of the Whistle-blower Protection Act.

To prevent the plan from becoming an administrative burden, the plan need only consist of a one-page list (in bullet format) of actions to be accomplished. The commander shall annotate the names of the personnel addressed and initial and date the actions as they are completed. The commander shall provide a copy of the completed plan to the investigating officer and the EOA. The investigating officer will include the commander's plan to prevent reprisal with the completed case file and use the plan to conduct follow-up assessment of the complaint.

### **ACTIONS BY THE COMMANDER**

When a commander, a member of their staff, or chain of command receives a complaint, they must take the allegations seriously. The commanders will either conduct an investigation personally or immediately appoint an investigating officer according to the provisions of AR 15-6.

The commander will establish and implement a plan to protect the complainant,

any named witness, and the subject from acts of reprisal.

The following are actions that commanders must take in processing EO complaints:

- **Treat all complaints seriously.** When a commander, a member of their staff, or chain of command receives a complaint, they must take the allegation seriously. When warranted, the complaint will be investigated and proper action taken. If after the initial inquiry, the commander believes the complaint does not warrant an investigation, the statement “does not warrant investigation” will be recorded on the complaint form, followed by the initials of the commander or an officer designated by the commander.
- **Determine course of action.** What determines whether a complaint should be formal or informal will largely be the complainant’s decision. The commander or their staff should be able to provide guidance to Soldiers for redress of their EO grievances. The effect of unlawful discrimination on the Soldier and potentially on other unit members may dictate formal corrective actions, thereby requiring an investigation, which may override the complainant’s desire to have an informal resolution.
- **Prevent reprisal against the complainant.** The commander will establish and implement a plan to protect the complainant, any named witnesses, and the alleged subject from acts of reprisal. The plan will include, as a minimum, specified meetings and discussions with the complainant, alleged subject, named witnesses, and selected members of the chain of

command and coworkers. Content of the discussions will also include:

- *Definition of reprisal and the Army’s policy prohibiting reprisal.*
- *Complainant’s rights and extent of Whistle-blower Protection Act.*
- *Encouragement to all the aforementioned individuals to report incidents and/or threats of reprisal.*
- *Procedures to report acts and/or threats of reprisal.*
- *Consequences of reprisal; possible sanctions against violators.*
- *Reminder of the roles and responsibilities of the leadership in the prevention of reprisal and protection of all parties involved.*
- *Command’s commitment for a thorough, expeditious and unbiased investigation.*

To prevent the plan from becoming an administrative burden, the plan need only consist of a one-page list (in bullet format) of actions to be accomplished. The commander shall annotate the names of the personnel addressed and initial and date the actions as they are completed. The commander shall provide a copy of the completed plan to the investigating officer and the EOA. The investigating officer will include the commander’s plan to prevent reprisal with the completed case file and use the plan to conduct follow-up assessment of the complaint.

- **Determine complaint referral.** In attempting to resolve an EO allegation, commanders must determine whether complaints should be referred to higher

echelon commanders or alternate agencies. Rapid resolution of EO complaints is in the best interest of both the complainant and the command.

- **Use EO and SJA resources.** EOAs assist the investigating officer in the development of questions to be addressed to the complainant, the alleged subject, and any witnesses or third parties. The EOA's skills in complaint handling, conflicts resolution, and training in the subtleties of discrimination and sexual harassment enable him or her to advise investigative officers in these complex areas. The investigating officer will meet with the servicing Staff Judge Advocate or legal advisor to review how the conduct of the investigation should be conducted under AR 15-6 and AR 600-20. The discussion should include 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 UCMJ.
- **Complete actions in a timely manner.** Rapid resolution of complaints is in the best interest of both the complainant and the command. Ensure all actions are completed in the appropriate timeframes as specified above.
- **Keep the complainant and alleged subject informed.** It is extremely important for a commander to keep the complainant informed of the disposition of the complaint and the progress of the investigation. One of the primary criticisms heard in evaluations of ineffective complaint systems is that Soldiers never hear any feedback from the results of investigations or actions being taken by the command to punish offenders or remedy the situation. The commander shall provide the complainant written feedback not later than the 14<sup>th</sup> calendar day (by the end of the third drill period for Reserve components) after receiving the complaint and then provide updates every 14-calendar day (three drill periods) until final resolution. Written feedback should incorporate any verbal updates provided to the complainant. Written feedback will be as complete as possible consistent with limitations of the Privacy Act and the Freedom of Information Act (FOIA). Whenever possible, the commander should meet with the complainant to discuss the status of the investigation to include finds and actions to resolve the issue. Oral feedback should be consistent with the limitations of the Privacy Act and the FOIA.
- **Take appropriate action on the findings.** Take the type of corrective action that fits the situation. There is a wide range of options available to a commander in seeking to punish guilty parties. The action taken against substantiated discrimination and harassment complaints send a clear message within their command as to their commitment and support for their EO program.
- **Administer the appeals process.** Individuals have the right the appeal results of EO complaints. Appeals are normally based on the perception of the complainant that the investigation failed to reveal all relevant facts to substantiate the allegations, or that the actions taken by the command on his or her behalf were insufficient to resolve the complaint. The complainant may not appeal the action taken against the

subject, if any is taken. Geographically remote units, field operating agencies and other organizations (including tenant units on the installation) shall promulgate Memoranda of Understanding or Installation Standing Support Agreements between the installation (supporting) commander and their units. These documents will serve to provide the necessary guidance to unit personnel for the courses of action to be taken with appeals.

sexual harassment has the obligation to talk with the complainant. The agency should advise the complainant of their rights and responsibilities listen to the complaint; and find out as much information as possible concerning the complaint. Information will include the reasons behind the complaint and why the individual is using the alternative agency opposed to their chain of command.

## **ALTERNATIVE AGENCIES**

Should an individual feel uncomfortable in filing a complaint with their chain of command, or should the complaint be against a member of the chain of command, a number of alternative agencies exist which the complaint may be processed. These agencies provide expertise in very specific areas. Commanders will not preclude Soldiers from using these channels.

### **The alternative agencies are:**

Higher echelon of the chain of command

Inspector General (IG)

Chaplain

Provost Marshal

Staff Judge Advocate (SJA)

Medical agencies

Housing Referral Office

Initial actions by these agencies are the same for informal and formal complaints.

Any alternative agency that receives a complaint of unlawful discrimination or

## STAFFING

The success of the unit EO program is also dependent on having trained resources at all levels to assist commanders and key leaders in carrying out the Army's EO policies and procedures. To be effective, commanders and other unit leaders need to be knowledgeable of EO staffing requirements and of the duties and responsibilities of EO trained resources.

## EO LEADER

EO Leaders (EOLs) assist commanders at battalion level or equivalent and below in carrying out the EO program within their units. An EOL is tasked to perform EO duties as an additional duty. In addition, the unit EOL assumes a special relationship with the chain of command and the NCO support channel. Soldiers who are appointed as unit EOLs receive training on a variety of EO subjects, and can advise and assist unit leaders in carrying out their EO responsibilities.

All units are required to have a minimum of two EOL per company. Commanders must appoint EOLs in their units who are members of the command. Battalion and Company level commanders (and activities/organizations without assigned EO personnel) will appoint EOLs in the rank of SGT (P) through 1LT above in writing.

### EO Leader Duties and Responsibilities

Typical roles and duties of an EOL include the following:

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

Selection prerequisites for EOLs are contained in Chapter 6, AR 600-20. Commanders, when selecting individuals for duty as an EOL, should also keep in mind that the Army's EO Program is not just a program for minorities, but a program for fair and equal treatment for all. As such, when appointing members of the unit as EOLs, consideration should be given to the demographics of the unit. Requests for EOL training spaces should be submitted to the Installation Commander, who has responsibility for conducting the EOL course.

### **EO ADVISOR**

EO Advisors (EOAs) are assigned to full-time EO duty positions at brigade or higher echelons. EOAs are proponents for cultural change and act as the eyes and ears for the commander. EOAs will not be assigned duties that may create a conflict of interest or distract from their primary duties. Commanders who require EOA support, but do not have a full-time EOA available through their command, may request EO support from the nearest installation commander through an installation support agreement.

#### **EOA Duties and Responsibilities**

- Understand and articulate Department of Defense (DoD) and Army Policies concerning EO and prevention of sexual harassment.
- Assist the commander in implementing a Consideration of Others Program.
- Recognize and assess indicators of institutional and individual discrimination in organizations.

- Recognize sexual harassment in both overt and subtle forms.
- Recommend appropriate remedies to eliminate and prevent discrimination and sexual harassment
- Continuously assess the command climate through formal surveys, interviews and accessibility to the unit.
- Collect, organize, and interpret demographic data concerning all aspects of EO climate assessment.
- Assist commanders in assessing, planning, implementing, and evaluating the EO program.
- Prepare input for the Quarterly Narrative Statistical Report (QNSR), which supports the Army's Military EO Assessment (MEOA).
- Train unit EOLs, service school instructors, and teach institutional training courses.
- Assist in evaluating the effectiveness of unit EO training conducted by commanders.
- Organize or assist with training sessions that pertain to EO, unlawful discrimination, prevention of sexual harassment, and consideration of others program.
- Plan and help conduct executive seminars for senior leadership, on EO action plan, affirmative action, EO consideration of others program, unlawful discrimination, and the prevention of sexual harassment.

- Receive and assist in processing individual complaints of unlawful discrimination and sexual harassment and conduct EO inquiries according to the commander's guidance.
- Provide advisory assistance to commanders and investigation and resolution of unlawful discrimination and sexual harassment complaints.
- Review and comment on investigative reports of EO complaints for compliance with DOD and DA EO policies and objectives.
- Conduct follow-up assessments of all EO complaints.
- Assist in the planning and conduct of ethnic observances, special commemorations.
- Assist commanders in developing EO policy for their unit.
- Maintain, where appropriate, informal liaison with community organizations fostering civil rights. If the EOA decides to become a member of such organizations in his/her private capacity, he/she must coordinate with the servicing judge advocate to preclude possible conflicts of interest.
- Conduct staff assistance visits to subordinate units and other headquarters (Commensurate or lower).
- Conduct EO Advisor's training at installation.
- Assist commanders in the development of realistic affirmative action plans and monitoring the progress.

## **PROGRAM MANAGER (PM)**

Active duty Program Managers must be in the grade of LTC and above. Army Reserve officers must be at least in the grade of LTC.

Have a bachelor's degree

Field grade officers must be graduates of, or have received Military Education Level (MEL) 4 credit for Command and General Staff College.

PMs are assigned to division level or higher.

PMs should not be assigned further duties that may create a conflict of interest.

### **Responsibilities**

Establish an effective link with brigade EOAs and EEO representatives and assist with training and complainants as needed.

Conduct annual review of the EO action plans and republish as needed.

Ensure EO program complies with all DOD policies, and directives concerning EO.

Review quarterly EO reports from subordinate commands and ensure these reports are submitted to HQDA in accordance with AR 600-20.

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

For more responsibilities see AR 600-20, Chapter 6.

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**Ethnic and Special Observances**

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**ETHNIC AND SPECIAL  
OBSERVANCES**

Special and ethnic observances are held annually in support of Joint Congressional Resolution, Presidential Proclamation, and Chief of Staff Directives. These activities are designed to develop an awareness of the various cultures that contribute to the American culture and are a portion of the Army's ongoing EO education process.



Special and ethnic observances provide commanders an opportunity to enhance the human relations climate through increased unity,

awareness, and mutual understanding of the accomplishments and contributions of all members of the Army.

These observances, as with respect to EO, are the responsibility of the commander. As such, the commander may delegate the authority, but not the responsibility, for the success of the observances. Normally, this responsibility is delegated to the EOL and is included as part of the EOL's duties and responsibilities.

**ESSENTIAL ELEMENTS FOR  
SPECIAL/ETHNIC  
OBSERVANCE****ESSENTIAL ELEMENTS TO A  
SUCCESSFUL  
SPECIAL/ETHNIC OBSERVANCE**

Leadership  
Planning  
Funding

Sponsoring a successful special/ethnic observance requires three essential elements. These elements are:

- **Leadership.** Appointment of a project officer or NCO should be no later than 90 days prior to the scheduled event. As the primary key to a successful program, the project officer should be enthusiastic, assertive, and in tune with the command's objectives. Initially, you may find yourself as the appointed project officer. However, you should not always have the EOL or the EOA serve in this capacity.
- **Planning.** The magnitude of the observance depends on the interest, desire, and involvement of members of the command. A total command approach in the planning and participation of the event(s) cannot be overstated. A committee may be appointed with various subcommittees as one approach or an operations plan approach may be taken with staff sections and/or smaller units tasked with specific duties or events. Regardless of the approach, planning must be thorough and accomplished well in advance of the event. Ensure you coordinate with the

S3 to add ethnic observances to the unit's long range planning calendar.

If committees are formed, it is recommended the following minimum committees be established:

- *Ethnic observance scheduling committee. (Time table schedule).*
- *Planning committee. (Agenda, estimated costs and guest speaker).*
- *Finance committee. (Dollar amount available and areas to be funded).*
- *Publicity committee. (Publicity programs).*
- *Education committee. (Educational programs and subjects of presentation).*
- *Luncheon/banquet subcommittee. (Reservations, menu, and public address system).*
- *Protocol subcommittee. (Speaker's personal needs or requests).*
- **Funding.** Without proper funding programs can be limited in success. Funding could be required for honorariums, food sampling, lodging, transportation, and/or special displays. However, lack of funding should not preclude an observance. Articles on the theme of the observance can be published in the post or installation newspaper. Regarding expenditure of funds, obtaining and dispensing of prizes, raffles/drawings and solicitations, the following applies:
  - EO program management or education and training funds may be

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

With the ever-decreasing availability of funds, it is often not practicable for every unit to plan and conduct ethnic or special observances. The Army does not expect ethnic and special observances to be conducted and supported by leaders and Soldiers alike. Many units or organizations have consolidated the planning, organizing, and executing observances at brigade, division, or installation level.

**Ethnic and Special Observances**

**January: Martin Luther King, Jr. Birthday**

When: Third Monday  
 Authority: Public Law 98-144, Nov 83  
 (Federal Holiday)

**February: African-American/Black History Month**

When: Entire Month  
 Authority: First Presidential Proclamation, Feb 76

**March: Women's History Month**

When: Entire Month  
 Authority: Public Law 100-9, Mar 87

**April/May: Days of Remembrance**

When: Sunday to Sunday for week incorporating *Yom Hashoah*  
 Authority: Public Law 96-388, Oct 80

**May: Asian Pacific Heritage Month**

When: Entire Month  
 Authority: First Presidential Proclamation, May 91

**August: Women's Equality Day**

When: 26 August  
 Authority: First Presidential Proclamation, Aug 73

**Sep/Oct: National Hispanic Heritage Month**

When: 15 Sep to 15 Oct  
 Authority: Public Law 100-402, Aug 88

**November: National Native American Indian Heritage Month**

When: Entire Month  
 Authority: Public Law 102-188, Mar 92

Figure 7-1



**WOMEN'S EQUALITY DAY  
 AUGUST 26TH**

**19TH AMENDMENT  
 Women's Suffrage - Women's Right to Vote**



Photograph from the Library of Congress Prints and Photographic Division.

Prepared by  
 Directorate of Research  
 Defense Equal Opportunity Management Institute  
 Patrick Air Force Base, Florida 32925-3399



SPECIAL SERIES PAMPHLET 01-1

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**Equal Opportunity Action Plans**

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**EQUAL OPPORTUNITY  
ACTION PLANS**

EO Action Plans are “positive” actions by the DA to ensure all Soldiers and their families are afforded EO in the Army.

Equal opportunity actions were born from a legal necessity for positive actions that went one step beyond nondiscrimination to remove barriers that pervade American society. Experience has shown over the years that many discriminatory practices, despite EO laws, remain deeply embedded in basic institutions of our society. Certain practices and procedures continue to have an unequal effect on certain groups because of race, color, gender, religion, or national origin. The phenomenon is that disparate or discriminatory treatment still persists even when there is no conscious intent to discriminate.

**EO ACTION PHILOSOPHY**

Today many people continue to suffer the effects of past and present discrimination and are deserving of equal opportunities. However, continuing barriers through employment practices and other institutional procedures deny them fair and unbiased treatment. A major aspect of EO actions or an EO actions program must be the recognition and removal of these barriers, identification of individual or groups who have been excluded, and actions enabling them to compete on an equal and unbiased basis.

Another aspect of EO actions is to recognize individuals and groups who, because of a lifetime of unequal opportunity

and treatment by institutions in our society, may need additional aid to become qualified and meet certain prerequisites. This assistance is also part of EO actions. However, the need to help disadvantaged people to become qualified sometimes obscures the legal and moral obligations to change a system that creates widespread barriers that further discriminate against qualified people.

What is required is the removal of artificial, arbitrary, and unnecessary barriers to employment and other related areas when these barriers operate individually or collectively to discriminate on the basis of race, gender, or other non-binding classifications. These barriers include but are not limited to recruitment, selection, assignments, testing, training, and promotions found in general career progression.

**EO ACTION PLANS**

An Equal Opportunity Action Plan (EOAP) is a leadership tool and is an integral part of any organization’s EO program. Within the Army, EOAPs are personnel management documents which fulfill a Department of Defense (DOD) requirement that military services develop and publish comprehensive EOAPs for Soldiers and civilian employees.

The objective of the DA Equal Opportunity Action Plan is to identify and establish goals and objectives of DA, Army Staff Agencies, and Army (ACOMS) in support of the Army’s EO Program. The goal of this program continues to be firmly embedding EO within the Army’s framework for leadership; fairness, justice,

and equity for all Soldiers, regardless of race, ethnicity, gender, or religion are the responsibilities of leadership and functions of command.

To accomplish any mission, leaders must ensure that their units are properly trained for the tasks to be accomplished and that their Soldiers, their equipment, and they themselves are in the proper state of readiness at all times. Soldiers must be committed to accomplishing the mission through unit cohesion developed as a result of a healthy leadership climate established by the command. Leaders at all levels promote the individual readiness of their Soldiers by developing competence and confidence in their subordinates. In addition to being mentally, physically, tactically, and technically competent, Soldiers must have confidence in themselves, their equipment, their peers, and their leaders. A leadership climate in which all Soldiers perceive they are treated with fairness, justice, and equity is crucial to developing this confidence within Soldiers.

Actions directed within the Army's Equal Opportunity Action Plan are designed to do the following:

Provide the opportunity and encouragement for growing and effectively using the capabilities of all Soldiers.

Correct structural imbalances, eliminate personal and institutional discrimination, and assure opportunities for upward mobility for all qualified Soldiers.

Provide reliable information on the demographics of the Army population. Infuse EO actions into the traditional management system by giving EO action responsibilities into the hands of

commanders who implement the action through their functional managers.

Equal Opportunity Action Plans will consist of planned, achievable steps that eliminate practices that deny EO to Soldiers and their families and that monitor progress toward these goals. EOAPs will be developed and implemented by each ACOM, installation, separate unit, agency, and activity down to and including brigade-level or equivalent. DA Pam 600-26 is the HQDA EOAP that monitors the centralized personnel management processes for which HQDA has responsibility. Heads of staff proponent agencies and their field operating agencies also provide input to EOAPs at their levels. EOAPs will include conditions requiring EO action(s), remedial action steps (with goals and milestones as necessary), and a description of the end-condition sought for each subject area included.

EOAPs will be reviewed at least annually to assess the effectiveness of past actions; to initiate new actions; and to sustain, monitor, or delete goals already achieved.

EOAPs will consist of subject areas prescribed by headquarters DA in DA Pam 600-26; EOAPs will monitor areas that are under direct control and responsibility of the local commander, such as awards and non-DA centralized promotions.

Each commander required to develop an EOAP will provide a copy to the next higher commander. Commanders of battalion-level and lower units are encouraged to implement EO actions but will not be required to have EOAPs.

## REVIEW AND ANALYSIS

Proper Personnel: Successful review, analysis, and reporting of EO actions progress must involve the following:

- Commanders.
- Heads of staff agencies, and their subordinates.

EO staff advisors should plan for, and commanders should expect, at least two in-depth internal assessments of their command and subordinate units each year. These semiannual reviews should, at a minimum, cover the following:

- Training--EO unit training, EO Leader (EOL) training, and leader training.
- Complaints--Outcome, the course of action taken on each.
- Key Positions--Review positions and compare with the population available to fill them (by REDCAT and gender).
- Personnel actions--Both positive (local promotions, awards, and schooling) and adverse (judicial, non-judicial, and separations) should be reviewed by REDCAT and gender to identify trends and/or the need for EO actions.
- Ethnic observances--Status, planning, conduct.

## MEASUREMENT/DATA COLLECTION

Measurement is an essential element of EO action management and will be used for all areas that have quantifiable goals. Actual results achieved will be compared with EO

action goals. Measurement also provides a basis to do the following:

- Illustrate trends.
- Highlight the magnitude of differences.
- Point to the direction of change.

Data collection provides decision-makers with one of the management tools necessary to assist in the assessment of the status of their EO action management efforts. It can also highlight progress, identify problem areas, and form a cornerstone to effective communication. This information must not be viewed in a vacuum. Attitude, perception, experience, management, and judgment are also important and must be considered by commanders and managers in assessing EO progress and identifying problem areas.

## MEASUREMENT TECHNIQUES

The DA EOAP describes a measurement technique called the Representation Index to measure the effects of EO actions. The Representation Indexes (also referred to as discrimination indexes) can be used to measure changes in what happens to people as a result of the normal functioning of the system. They can be used to identify and provide valuable insights into institutional practices that are operating to the disadvantage of a particular group. The representation index (RI) does not determine cause nor does it imply any intent to discriminate; rather, the RI measures the effects of what is or what has occurred. Its value lies in that it may be used to isolate particular areas that require closer evaluation.

Representation index calculations are derived from a comparison of the actual

number and the expected number of personnel in a particular situation; that is, those being selected, promoted, assigned, and so forth. The formula used to develop the RI is as follows: Representation Index = Actual Number divided by the Expected Number X 100 minus 100 = % over or under representation.

## REPORTING

### HQDA Proponent Agencies

- Annual narrative and statistical report on affirmative action progress (RCS CSGPA-1471 (RI)) each fiscal year by 30 November.
- Statistical portrayal by REDCAT and gender of promotions, command selections, and school selections when each list is published.

### ACOM

- Quarterly EO Complaint Report as required by Chap 6, AR 600-20.
- Annual narrative and statistical report of command affirmative action progress (RCS CSGPA-1471) (RI) each fiscal year by 30 November.

## EO ACTION FORMAT

### Goals and Objectives:

Goals are intended to be realistic and achievable, with measurable prospects of attainment.

Goals are not ceilings, nor are they base figures that are to be reached at the expense of requisite qualifications and standards.

Goals are not quotas. Goal development or accountability for EO action goals will be with the commander or functional manager who has the resources and authority to control or influence the outcome of specific affirmative actions.

### Subject

The subject defines/identifies the area where EO action is needed. The subject arises from a need to manage, assess, and report on the status of minority and female Soldiers.

Two hypothetical subject areas for EO actions development:

- Example 1:  
Subject: Brigade Composition
- Example 2:  
Subject: Enlisted Leadership Schooling (at a hypothetical division leadership academy)

### Subject Items

Each “subject” area has six items:

1. **Proponent:** The person, office, or agency responsible for goal development, goal revision, review and analysis, and measurement of a particular subject area.

Example 1:  
Subject: Brigade Composition.  
Proponent: Bde S1.

Example 2:  
Subject: Enlisted Leadership Schooling.  
Proponent: Division G3.

**CAUTION:** Ensure that for each subject area there is only one proponent. If you split school selection between the S3 and the

CSM, then you have lost accountability for that particular subject. One can blame the other for things that don't get done. With a single proponent, you keep the responsibility clear.

Accountability or ownership of EO action goals must rest with the commander or Staff agency head with the resources and authority to influence goal outcome.

2. **Objective:** The general end to be attained.

Example 1:  
Subject: Brigade Composition.  
Proponent: Bde S1.

Objective: Determine the demographic profile of the unit by REDCAT and gender.

Example 2:  
Subject: Enlisted Leadership Schooling.  
Proponent: Division G3

Objective: Ensure that all Soldiers have an EO to attend the Division Leadership School.

3. **EO Action(s):** Specific steps to achieve the objective.

Example 1:  
Subject: Brigade Composition.  
Proponent: Bde S1.

Objective: Determine the demographic profile of the unit by REDCAT and gender.

EO Action(s): Compile and report the composition of the Brigade for officers, warrant officers, and enlisted Soldiers by grade, REDCAT, and gender.

Example 2:  
Subject: Enlisted Leadership Schooling.

Proponent: Division G3.  
Objective: Ensure that all Soldiers have an EO to attend the Division Leadership School.

EO Action(s):

1. Review the results of each selection board for disparities.
2. Maintain results by REDCAT and gender.
3. Advise the commander of significant variances before the list of Soldiers selected is published.

Goal(s): Realistic objective(s) with measurable prospects of attainment.

Example 1:  
Subject: Brigade Composition  
Proponent: Bde S1

Objective: Determine the demographic profile of the unit by REDCAT and gender.

EO Action(s): Compile and report the composition of the Brigade for officers, warrant officers, and enlisted Soldiers by grade, REDCAT, and gender.

Goal(s): Obtain demographics necessary to measure EO effectiveness.

Example 2:  
Subject: Enlisted Leadership Schooling  
Proponent: Division G3.

Objective: Ensure that all Soldiers have an opportunity to attend the Division Leadership School.

EO Action(s):  
1. Review the results of each selection Board for disparities.

2. Maintain results by REDCAT and gender.

3. Advise the commander of significant variances before the list of Soldiers selected is published.

Goal(s): Selection rate for qualified Soldiers in each category should be comparable to the overall selection rate for the total population considered.

Goals should be developed, not merely reviewed. The success of goal development depends on the extent to which proponents for specific EO actions actually develop the EO actions for which they are responsible.

Each level in the chain of command must participate in goal development. Commanders and staff members must interact on a face-to-face basis with their subordinates to ensure all participants have an understanding of their goals.

Goal design should be based on sound reasoning, consideration of pertinent variables, realistic constraints, and prospect for achievement.

Goal revision will occur routinely following each annual assessment.

4. **Milestone(s):** timetable or schedule for implementations.

Example 1:  
Subject: Brigade Composition.  
Proponent: Bde S1.

Objective: Determine the demographic profile of the unit by REDCAT and gender.

EO Action(s): Compile and report the composition of the brigade for officers,

warrant officers, and enlisted Soldiers by grade, REDCAT, and gender.  
Goal(s): Obtain demographic necessary to measure EO effectiveness.

Milestone(s): Updated daily from unit status reports and reported quarterly to all staff sections.

Example 2:  
Subject: Enlisted Leadership Schooling.  
Proponent: Division G3

Objective: Ensure that all Soldiers have an opportunity to attend the Division Leadership School.

EO Action(s):  
Review the results of each selection board for disparities.

Maintain results by REDCAT and gender.

Advise the commander of significant variances before the list of Soldiers selected is published.

Goal(s): Selection rate for qualified Soldiers in each category should be comparable to the overall selection rate for the total population considered.

Milestone(s): At the completion of each selection board with current quarter's REDCAT and gender statistics.

5. **Basis of Goal(s) (DA Pam 600-26).**

Example 1: of Goal(s) (DA Pam 600-26)

Example 2:  
Subject: Enlisted Leadership Schooling.  
Proponent: Division G3.

Objective: Ensure that all Soldiers have an EO to attend the Division Leadership School.

EO Action(s):

1. Review the results of each selection board for disparities.
2. Maintain results by REDCAT and gender.
3. Advise the commander of significant variances before the list of Soldiers selected is published.

Goal(s): Selection rate for qualified Soldiers in each category should be comparable to the overall selection rate for the total population considered.

Milestone(s): At the completion of each selection board with current quarter's REDCAT and gender statistics.

Basis for Goal(s): EO survey revealed a perception that School's quotas were unfairly allocated.

Goals may be policy or regulatory guidance and may be the result of a unit assessment demonstrating that EO action is needed.

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**Prevention of Sexual Harassment**

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**BACKGROUND**

The prevention of sexual harassment has been a long-standing goal of the Army's EO program. The Army has made a great deal of progress toward a policy of preventing sexual harassment. During recent years, the issue of sexual harassment has received significant media attention in both government and private sectors. This heightened awareness has intensified national debate on causes and prevention strategies.

Sexual harassment affects everyone. It victimizes males as well as females, can occur between same sex, and third parties. It also can happen at anytime, and is not limited to the workplace.

The prevention of sexual harassment is not just a moral imperative; it is a readiness issue. Military leaders must continue to reenergize their efforts to affect a "Zero" tolerance policy. Sexual harassment affects unit cohesion and mission effectiveness and violates acceptable standards of equality and fair play. Sexual harassment drains our limited resources and impacts unit morale. It detracts from a leadership climate that promotes individual growth and teamwork vital to combat readiness. For these reasons sexual harassment cannot and will not be tolerated.

**DEFINITION OF SEXUAL HARASSMENT**

Sexual harassment is a form of gender discrimination that involves unwelcomed sexual advances, requests for sexual favors,

and other verbal or physical conduct of a sexual nature between the same or opposite genders when-

- Submission to, or rejection of, such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, career; or
- Submission to, or rejection of, such conduct by a person is used as a basis for career or employment decisions affecting that person; or
- 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.

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

Commanders must not confuse the definition of sexual misconduct with that of sexual harassment. Sexual misconduct is the act of imposing consensual or nonconsensual sexual desires upon another. Consensual sexual misconduct includes fraternization and adultery. Non-consensual sexual misconduct includes the crimes of rape, forcible sodomy, indecent assault, and indecent language. These acts are prejudicial to the good order and discipline of the Army, and bring discredit upon the armed forces. **Sexual misconduct is a completely**

**separate issue dealing with criminal behavior, while sexual harassment is not criminal in nature.**

## **TYPES OF SEXUAL HARASSMENT**

For commanders and leaders to effectively deal with sexual harassment, they must have a clear understanding of the two types of sexual harassment. These types are “quid pro quo” and “hostile environment” as seen in figure 9-1.

### **TYPES OF SEXUAL HARASSMENT**

- Quid Pro Quo
- Hostile Environment

Figure 9-1

### **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 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 whom 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 Soldier or civilian employee based on a sexual relationship. An example would be a

Soldier who is not recommended for promotion and who believes that his or her squad leader recommends another Soldier in his or her squad for promotion based upon provided or promised sexual favors, not upon merit or ability.

### **Hostile Environment**

Hostile environment occurs when Soldiers 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 in any one of a number of forms. It does not necessarily include the more blatant acts of “quid pro quo.” It normally includes nonviolent 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.

## **RELATED ELEMENTS OF SEXUAL HARASSMENT**

Commanders and subordinate leaders must understand other related elements for assessing sexual harassing behavior. Two of these are the relevancy of intent versus impact and “unwelcomed” as viewed by a “reasonable person” standard.

### **Intent vs Impact**

Leaders must understand that what Soldiers may consider to be joking or horseplay must be evaluated on its appropriateness or offensiveness as perceived by the recipient.

When attention of a sexual nature is unwanted, not initiated, unsolicited, it is considered “unwelcomed.” Assessing whether the behavior is appropriate or offensive must be done from the perspective of the victim, not the alleged harasser.

In determining whether such behavior constitutes sexual harassment, a primary concern is the impact of the act upon the victim, not the intent of the alleged harasser. An excuse such as, “I was only joking” is irrelevant. In the event of a complaint, the impact of an incident or series of incidents is reviewed and evaluated from the complainant’s perspective.

Whether or not the victim is emotionally affected and/or willingly submitted to the behavior of the harasser is irrelevant in determining an incident of sexual harassment. The only relevant question to be answered is “Was the behavior appropriate or inappropriate?” as it relates to policy. Commanders may consider intent when adjudicating an appropriate command response or specific corrective actions.

### **Reasonable Person Standard**

Another variable in assessing the impact of sexual harassment is measured by the “reasonable person” standard. This standard is used to predict the expected reaction to or impact of perceived offensive behaviors on the recipient. It ensures adequate sensitivity to a person’s feelings and perspective while avoiding extremes. The standard asks, “How would a reasonable person under similar circumstances react or be affected by such behavior?”

### **CATEGORIES SEXUAL HARASSMENT**

- Verbal
- Nonverbal
- Physical

Figure 9-2

### **CATEGORIES OF SEXUAL HARASSMENT**

Sexual harassment behavior is a major factor for determining hostile work environment and can be categorized in three basic forms (see figure 9-2). The following are common examples.

#### **Verbal**

Examples of verbal sexual harassment include telling sexual jokes and using sexually explicit profanity, sexually oriented “Jody” calls, sexual comments, threats, or barking, growling, winking, and whistling at passerby in a sexually suggestive manner, and describing certain sexual attributes about one’s physical appearance.

Telling of sexual jokes is one of the toughest forms of harassment to confront. This is not necessarily because of the different perceptions about the offensiveness of the joke, but rather the intent of the person telling the joke is often viewed as being “all in fun” with no deliberate intent to hurt or do harm. Even those who are offended may laugh; rationalizing that tolerating the storyteller is a form of group camaraderie. However, this rarely is the case. Often the opposite reaction occurs creating a lack of respect and a “here we go again” response when the joker approaches.

Another form of verbal sexual harassment is using “terms of endearment” such as “honey,” “baby,” “sweet-heart,” “dear,” “stud,” or “hunk,” in referring to Soldiers,

family members or civilians employees. Initially, this form of harassment appears innocent until someone demands that his or her appropriate title be used. When the victim's request is not honored and the behavior is repeated or escalated to another form, it can be classified as creating a hostile environment.

### **Nonverbal**

Examples of nonverbal sexual harassment include staring, blowing kisses, licking one's lips in a suggestive manner, or winking. Nonverbal forms of sexual harassment may take on a more hostile appearance after the victim has rejected the advances of the offender. Examples in males could be gestures of impending violence such as a clinched fist, stern facial expressions, and men lowering their pants to tuck in their shirts in the presence of women. Examples in females could be demonstratively adjusting their clothing, showing their legs, cleavage, or wiggling in the presence of men.

Nonverbal sexual harassment also includes printed material. Examples of printed materials are displaying sexually oriented pictures, cartoons, posting sexual sayings such as bumper stickers, sexually oriented screen savers, on one's computer. Further examples include sending sexually oriented notes, letters, faxes, or email. Other examples include calendars, pin-ups or sex-oriented pictures and quotations found on seat-covers or sun-visors where people work or meet.

### **Physical Contact**

Examples of physical sexual harassment are touching, patting, hugging, pinching, fondling, grabbing, cornering, and kissing. Other examples include blocking a

passageway, providing unsolicited back and neck rubs, and unsolicited adjusting of a person's clothing.

Oftentimes sexual assault and rape are mistaken as physical forms of sexual harassment. Commanders should ensure that Soldiers and civilians understand that sexual assault and rape are clearly criminal acts and punishable under UCMJ. When either occurs it should be immediately reported to the chain of command, the military police, or other law enforcement agencies.

Commanders must have a sense of victim impact and of behaviors used to cope with sexual harassment. A number of variables exist in assessing the impact on or expected reactions of the victim.

### **VICTIM IMPACT**

Commanders must be able to explain to their Soldiers the devastating affect sexual harassment can have on a victim and on organizational readiness. Problems resulting from sexual harassment can range from being very obvious to very subtle.

The most obvious impact sexual harassment has on victims is that it interferes with their work performance. Soldiers or civilians who have to fend off offensive and repeated sexual oriented acts do not perform quality work.

Sexual harassment places unreasonable stress not only on the victim but also puts a high degree of fear and anxiety into everyone in the workplace. When the harassment is quid pro quo, the fear of loss of job or diminishing career opportunities can undermine a unit's teamwork and morale. The bottom line is that there must be zero tolerance for sexual harassment.

## SEXUAL HARASSMENT CHECKLIST

In determining whether a specific incident or behavior constitutes sexual harassment, commanders and subordinate leaders should have a ready reference or mental picture of questions that tie policy with related elements. The questions in Figure 9-3 are not meant to be all-inclusive, but they can help in making determinations.

### SEXUAL HARASSMENT CHECKLIST

- Is the behavior sexual in nature?
- Is the conduct unwelcomed?
- Do the elements of power control or influence exist?
- Does the situation indicate a quid pro quo relationship?
- Does the behavior create a hostile or offensive environment?
- Is the behavior repeated or an isolated incident?
- How would a “reasonable person” feel or be affected?
- Is the behavior inappropriate for the workplace?

Figure 9-3

## COPING MECHANISMS

To assess the impact that sexual harassment can have on a victim, commanders should ensure their subordinate leaders know and inform their personnel about coping mechanisms. They must recognize the behavior patterns victims' show when attempting to cope with stressful situations. Coping mechanisms such as denial, rationalization, and avoidance are the more prevalent types of behaviors associated with sexual harassment.

### Denial

Denial is the most frequently used coping mechanism in that it offers an immediate remedy for coping with sexual harassment. Denial allows the victim to “write the incident off” as if it did not take place. It provides relief by removing the victim from the incident, which keeps the person from feeling negative emotions and the necessity to respond. The incident may occur again, but a victim in complete denial may never acknowledge the existence of the behavior. A person in denial will not admit that the incident ever took place.

### Rationalization

Rationalization is another coping mechanism that allows the victim to avoid dealing with an emotional incident. This coping mechanism gives the victim a logical way of making personal excuses for his or her behavior as well as for the behavior of others. Comments such as, “It wasn’t really directed at me” or “I’m not that kind of person” are frequently heard. Another form of rationalization relates to a person dealing with a sense of having little or no power. An excuse like, “What can I do” and “I’m just a subordinate with no visibility in the workplace” are two examples. Rationalization also excuses the behavior of the harasser. The victim might say, “Surely he isn’t really like that” or “She was just having fun.”

Joking about the harassment is another form of rationalization used to release tension and strengthen one’s self-esteem. Victims may assume that by laughing at the behavior, they draw attention away from themselves and reduces the feeling of being victimized by those with more power and influence. Making fun out of a sexually harassing situation allows victims to

consider the actions of the harasser as circumstantial and to negate their own feelings about the incident.

### **Avoidance**

Avoidance as a coping mechanism can have a detrimental effect on victims of sexual harassment. Unlike denial and rationalization, the behavior associated with avoidance is easily misinterpreted as abnormal, inappropriate, or bizarre. Victims of sexual harassment will sometimes behave out of character, exhibiting a host of excuses in an attempt to remove themselves from the harasser or an offensive environment. Claiming illness can keep a Soldier on sick call or, in the case of civilians, on sick leave. Depending on the severity of the harassment, avoidance can cause actual physical ailments such as upset stomach, headaches, or other health-related problems. Soldiers and civilians who fail to come to work because of sexual harassment increase absenteeism, which hinders the Army's ability to effectively accomplish its mission.

### **TOTALITY OF CIRCUMSTANCES**

Commanders need to look at the "totality of circumstances" surrounding each event to assess the impact of an alleged sexual harassment incident, judge its severity, and determine corrective actions and/or appropriate sanctions. A determination is made from the facts on a case-by-case basis. Looking at the totality of circumstances will help commanders identify and implement effective courses of action. Taking into account the totality of circumstances of a sexual harassment incident gives the commander enough information to make an unbiased decision to formulate a plan to prevent similar incidents from occurring.

When assessing the totality of a sexual harassment incident, the commander lays down a framework that evaluates the cause and effect of the behavior. From this base the commander develops the most effective command response. For example, a commander has just completed an investigation into an allegation of sexual harassment, which could not be substantiated. An assumption here might be that the case is closed and no further action is required. However, looking at the totality of circumstances surrounding the event should cause the commander to ask the question: Should some form of action be taken even though the allegation was unsubstantiated or because an individual believes he or she was a victim? This review should cause the commander to address the victim's concerns and perceptions even though no direct action against the alleged subject is anticipated.

Failing to review the totality of circumstances will lead to inappropriate or insufficient actions. In looking at the totality of circumstances surrounding a sexual harassment incident, a commander should consider the following:

#### **Nature and Severity of the Incident**

The nature and severity of the act should be first priority for a totality assessment. This sets the stage for any further inquiry or investigation. Commanders might give more severe punishment to a person who continually makes jokes of a sexual nature in the workplace, even after being asked to stop or having been previously counseled that the jokes were inappropriate, than a person telling the same joke for the first time. While allegations of verbal abuse are also significant, stronger punishment would be in order if it were proven that someone's career was threatened, because that person

failed to comply with another person's sexual advances. The severity of the incident also establishes the intensity of the act and the means by which the harasser could follow through on the threat.

### **Frequency of Behavior**

Frequency of the act is the next issue to be addressed in the assessment process. One act of sexual harassment might seem relatively insignificant and easily resolved by on-the-spot correction. However, should an inquiry or investigation prove the incident to be a culmination of a series of such acts, its impact could logically be assumed to be greater and more severe.

### **Impact of Behavior on the Victim**

The impact that an incident of sexual harassment has on the victim should also be assessed during the totality review. While this issue should have less weight in determining appropriate corrective actions or punishment, it may give a commander insight into other extenuating conditions or circumstances that continued to the harassment. For example, whether the victim is a direct target of the harassment or an outside observer is important. Another point that may be drawn from this analysis is whether the victim or harasser demonstrated any related behaviors that were visible prior to a complaint being filed. Commanders should be aware that the victim is not being emotionally affected does not necessarily detract from the severity of the behavior.

### **Appropriateness of Behavior**

The issue of appropriateness as applied to behavior in alleged acts of sexual harassment must be determined in every case. Evaluating appropriateness of behavior forces the question that even if the harasser

was not aware that the behavior was inappropriate, military bearing, discipline, and professionalism should have deterred any acts of offensive behavior. In many instances, even if no one is offended or sexual harassment cannot be proven, the violation of military standards and decorum will require correction.

### **Rank and Position Relationship**

The rank and position of the victim and the harasser are paramount to a totality assessment. Because leaders are given the responsibility and authority to take care of their subordinates, they are empowered with a great deal of trust and confidence. When seniors elect to violate that trust by misusing their authority and position, then sanctions should be made accordingly. Supervisors and leaders can also be intimidated by their subordinates on the basis of gender differences. Failure by any leader in a position of authority to correct the offensive behavior of a subordinate is also a misuse of that position and should be challenged regardless of the circumstances.

### **Past History**

In reviewing the totality of a sexual harassment incident, the commander should also consider other allegations directly or indirectly related to the case. Although it is important to consider each case on its own merit, the uniqueness of sexual harassment (i.e., one-on-one) may make it necessary for the commander to review the harasser's past history, as well as other current behavioral characteristics. It may be necessary and appropriate for commanders to take corrective action even though sufficient evidence is not available to punish the harasser.

## **Consequences and Repercussions of Actions**

Consequences fall into a special area of review during a totality assessment. Here the commander ascertains such issues as the impact of the unit's EO climate and other potential problems created as a result of the sexual harassment incident. Will the problem be resolved with sanctions only against the harasser? The commander must also determine what the goal is or desired outcome of actions taken in response to the harassment, as well as asking what other alternatives are if the desired results are not achieved. The commander must also consider what the consequences might be if the decision is to take no action.

### **Environment**

The environment in which the sexual harassment occurred must also be part of the totality assessment. This involves a number of factors such as the state of the unit's EO climate at the time of the harassment, the leader's support, enforcement of sexual harassment policies, outside influences, and the state of EO training for Soldiers and their supervisors. Other considerations should include whether the alleged harasser was trained that such behavior was inappropriate.

Increased emphasis on dealing with sexual harassment in the Army is not only inevitable, but it is highly proper. Because our armed forces are needed to protect our nation's security, tolerating inappropriate behavior at any time could be disastrous.

In September of 1992, then Chairman of the House Armed Services Committee, Representative Spin, issued a report entitled, "Women in the Military: The Tail-hook Affair and the Problem of Sexual

Harassment." The report identified a need for cultural change in the military and provided a blueprint to prevent and eradicate sexual harassment in the military.

Key for unit programs in the prevention of sexual harassment reflects the recommendation of this report.

## **SEXUAL HARASSMENT BEHAVIORS SUBJECT TO UCMJ ACTIONS**

Sexual harassment affects everyone. It victimizes males as well as females, it can occur at any time, and is not limited to the work place. Commanders have a variety of actions under the Uniform Code of Military Justice (UCMJ) available for Soldiers who are in violation to the Army's sexual harassment policies (see Appendix D).

In addition to the UCMJ, commanders have a number of administrative actions that they can use. These include, but are not limited to reclassification actions or bar to reenlistment, as appropriate, letter of admonishment and reprimand, relief for cause, rehabilitative transfer, additional training, required counseling, and denial of certain privileges. Involuntary separation for unsatisfactory performance or misconduct or for conduct deemed prejudicial to good order and discipline or morale. Other administrative or disciplinary action deemed appropriate by the commander, based on the specific facts and circumstances of the particular case. When commanders administer punishment for sexual harassment violations, the block "Supports EO/EEO" on OER/NCOER forms must be marked accordingly. The right combination of punishment and administrative sanctions sends a clear message that sexual harassment will not be condoned or tolerated.

## **INDIVIDUAL TECHNIQUES IN DEALING WITH SEXUAL HARASSMENT**

### **Direct Approach**

All Soldiers and family members are encouraged to try and resolve acts of sexual harassment by confronting the harasser. The direct approach is to inform the harasser that the behavior is not appreciated, not welcomed, and that it must stop. Individuals need to stay focused on the behavior and its impact. Common courtesy should also be used between the complainant and the harasser. However, depending on the severity of the act, and victim's own confidence for success, direct confrontation may not be appropriate in all circumstances. Victims should be aware that successful confrontation involving severe forms of harassment does not mean non-reporting.

### **Keep Diary or Daily Journal**

Keeping a record of daily events is a way to help people clarify situations and events that affect them emotionally. Like a diary, the information that is recorded should resemble a journal of personal notes. These notes should be factual details to include time, location, and names of those present during each incident. Those who elect to use this strategy, however, should be cautioned not to keep their diary in the work area nor should they allow others to see or read their notes. Like "bad press," this could create additional problems that have nothing to do with resolving the harassment, especially if coworker(s) and supervisors perceive that the victim is only "keeping book."

The purpose of the diary is to help victims of sexual harassment sort through

their feelings and emotions before taking action. In the event the victim decides to file a complaint, the diary can be useful in recalling specifics on who, what, when, and where. A diary that is used to record information about sexual harassment should not be kept indefinitely. The victim should decide within a reasonable length of time to act rather than continue to record information. Writing things down will not stop the harassment. Finally, the victim should not solely rely upon a diary as evidence to support a case of sexual harassment.

### **Talk with Leaders or Co-workers**

Talking to others is a strategy that should be considered when striving to deal with a sexual harassment situation. Talking has a number of benefits. It can lead a victim to alternatives in trying to correct another person's behavior or other environmental problems. Talking to others in the work area is also a way to clarify perceptions about what is happening. Do others see things the same way or is this an issue of being oversensitive? Finally, when victims are unable to stop the harassment and have to file a complaint, the fact that someone else was informed helps support the victim's allegations.

Talking will not resolve the problem, at some time the victim must decide to act. If Soldiers only talk about being victimized, and fail to report acts of discrimination to the chain of command, they may be labeled a "troublemaker," which could detract from a legitimate complaint.

## **Use an Intermediary or Spokesperson**

A victim may want to take a direct approach in attempting to stop sexual harassment. However, he or she may feel apprehensive and reluctant to speak to the harasser directly. In such cases, a co-worker, supervisor, or leader can serve as an intermediary and speak to the offender on behalf of the victim.

An intermediary does not speak for the victim, but relates what behavior the victim wants stopped. The discussion must be serious so as to leave the impression that the offensive behavior is not being taken lightly. The intermediary must speak to specific behaviors and let the harasser know that any further behavior will result in reporting the incident to the chain of command or an appropriate agency. The language used in the discussion can be more direct if the intermediary is senior to the harasser.

## **Prepare a Letter or Memorandum**

Another strategy for confronting sexual harassment is to write the harasser a letter. The letter should be professional and polite in content, but be specific about what behaviors are offensive and unwelcomed. The letter should contain at least three parts: first, an objective description of the behavior or incident(s) without evaluating the harasser or providing editorial comments. Second, a description of how the victim is affected by the behavior; and finally what the victim wants the harasser to do to correct the problem.

The advantages to this technique are that it gives the victim an opportunity to handle the situation themselves; it avoids formal contact, public confrontations, and gives the harasser an opportunity to look at the impact

of their behavior. It may also minimize or prevent retaliation against the victim.

However, some harassers may interpret a letter as a sign of weakness or intimidation. Therefore, victims should be prepared to report the incident should the harassment continue. Victims of sexual harassment should keep a copy of the letter in the event a formal complaint is required, and should only provide copies to those involved in the complaint process.

## **Report the Harassment to Chain of Command**

Most victims often view the decision to report an incident of sexual harassment as a last resort. This is due to their fear of involvement, fear of reprisal, or fear of being identified as one who complains. Reporting does have its place even when the victim has been successful in stopping the harassment. Depending on the severity of the incident, reporting may be the appropriate first course of action. Reporting may also be the final choice when prior coping efforts have failed and no alternative remains. Reporting must deal with facts so that the commander or other leaders can address specific issues and talk to valid witnesses.

## Culture and Cultural Diversity

The goal of the Army's EO program is to provide an environment where soldiers and civilians can work and live with individuals and groups of people who are culturally and ethnically different from one another. This is the challenge to Army leaders and the principles of good leadership.

The Army is a diverse organization with an ethnic and racial makeup most reflective of American society. For many new recruits, the Army is probably the first opportunity to meet and communicate with people who are "different". These differences can be manifested through skin color, gender, religion, language, attitudes, or in simple mannerisms.

The converging of these differences can create conflict and other negative behaviors based on actual or perceived differences, which can be detrimental to teamwork and unit cohesion. The responsibility of Army leadership is to recognize and manage these differences so that they do not interfere with the Army's mission effectiveness and ability to fight and win on the battlefield.

As a society we have made a great deal of progress in trying to peacefully resolve our differences both domestically and internationally. However, progress has not been easy nor has it been timely. As we resolve one conflict, another old or new problem will emerge to take its place. Successful leadership is meeting these challenges whenever and wherever they might surface. What Army leaders must understand is that when diverse groups come together, conflict is sure to follow.

### CONCEPT OF CULTURE

#### CULTURE

Culture is the learned and shared behaviors and perceptions of a group which have been transmitted from generation to generation through a shared symbol system.

Figure 10-1

Culture is the sharing of learned behaviors and perceptions of a group, which is passed from one generation to another through a socialization process (see figure 10-1). What is important for commanders and subordinate leaders to acknowledge is that a Soldier's culture is neither limited to, nor the condition for, existence in the organization or unit. As it is passed from one group to another some elements will change while others will not.

Our culture surrounds us and gives us identity. It supports our beliefs and values and rewards us when we reinforce them.



However, when one's culture is a subculture within a more larger or dominant culture, like the Army, contrasting and conflicting identities, beliefs, values, and rewards may affect people differently.

As new members of the group attempt to learn in a new or different environment,

As new members of the group attempt to learn in a new or different environment, there are a variety of adaptations that can take place. Today, there is no culture in the world, which is unchanged from what it was in the past. Even the Army's culture, with its long history of customs and courtesies is constantly being revised.

## SUBCULTURE AND ENCULTURATION

The Army is a subculture of our larger society. A subculture is a group within a larger social group that shares cultural characteristics, which are distinguishable from others in the same social setting. It also involves a pattern in the way people



think, feel, and believe, which is distinctive from the norms of the national culture. In other words, those who belong to a subculture share similar ideas and see significantly different from other people in the larger society. The Army as a subculture has a number of examples such as uniform, appearance, customs, courtesies, and patterns of communications.

How socially acceptable behaviors and attitudes are passed from the older to the younger members of a group is called enculturation. It is very important process within any culture. Enculturation can be a

conscious or unconscious conditioning which occurs when people are learning how to act in order to function successfully in that culture. There are certain learned behaviors for certain situations. These behaviors are more effective when developed in-group members at an early age and as a result of what the elders learned when they were young.

Within the Army, enculturation begins with Initial Entry Training, continues as Soldiers go on to more advanced training, and join different organizations and interact with those who are senior. When did a Soldier learn to properly render the salute or instinctively respond to a drill command? These behaviors can be called part of the Army's enculturation process. The need to belong is also a strong motivator for quickly learning appropriate or sometimes inappropriate behaviors.

### ATTRIBUTES OF SUBCULTURE

- Languages/Symbols
- Values
- Beliefs
- Patterns Of Thinking
- Customary Behaviors

Figure 10-2

### ATTRIBUTES OF CULTURE

There are five traditional "attributes of culture" as cited in figure 10-2. These attributes can help commanders and their subordinate leaders define what characteristics might make Soldiers from one culture different from Soldiers from another culture. Other attributes, such as dress, appearance, religion, special customs and social relationships are more or less subcategories.

The following are some of the more important attributes that define a Soldier's culture.

- **Language:** The process and method by which Soldiers transmit their values, beliefs, and perceptions. Learning and sharing in the Army language is how Soldiers assert their membership within the Army culture. Nonverbal behaviors are also a part of the language and are also learned. Such signals as voice inflections, eye contact, and hand gestures are learned patterns of behavior associated with the language of a given culture.
- **Values:** Those behaviors, people, things, and ideas that are considered central to a given culture. Sometimes cultural values are expressed in the phrases of the language such as “the American way”, “the American dream”, or in mottoes like “duty, honor, and country.” Values are also part of a Soldier's moral judgment system; how they determine right from wrong. What Soldiers' value is sometimes a direct result of their socialization? However, leaders need to be aware that what a Soldier thinks or feels is a value and is sometimes very different from the way that Soldier will act or behave.
- **Beliefs:** A belief is very similar to, and closely related to, Soldier's values. A belief is the judgment or expectation that a Soldier might have about certain things. Oftentimes a belief is used to express how one might see the truth in the rest of the world. When a larger group holds the same beliefs, they are perceived as being part of the same culture.
- **Patterns of Thinking:** The way that leaders reach a conclusion, or deduction, is sometimes used to evaluate

performance, or the potential a Soldier might have to successfully complete certain tasks. This becomes even more critical when looking at how Soldiers and leaders from different cultures develop solutions to different problems. Because of the other attributes related to culture, Soldiers from different cultures will have different ways of perceiving the world around them. Some cultures may rely more on logic and deduction, while others may use more intuition or insight through emotion and feeling to reach a conclusion. The way that a Soldier thinks is also a learned trait and is part of the enculturation or socialization process.



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- **Customary Behaviors:** Behaviors that are the norm for a culture are generally called customary behaviors. Some customary behaviors have a direct and rational link to values and beliefs of the culture and are necessary to the health and well being of its members. Examples of customary behaviors in the United States include handshakes when meeting new people, walking or driving to the right.

## NONATTRIBUTES OF CULTURE

In developing a viable EO program, it is equally important that leaders understand what characteristics are not attributes of culture. Culture is not defined by race, it is not inborn or transmitted through genes at birth, nor is culture defined as ethnicity.

Race is not an attribute of culture. Race is the division of mankind, which has sufficient and constant inheritable traits that identify separate groups. All human beings belong to the same species. There is no racial group so different from another to constitute separate distinct species. There are more similarities between races than there are differences. Culture is also not defined by race, since most attributes of culture are learned.

Culture is not inborn or transmitted through genes. Children who are abandoned in the wild or deprived of human contact will not have any concept of values or beliefs, nor will they assume that need of humans who have been socialized.

Culture is not an issue of ethnic identity. Ethnicity is defined as those characteristics that distinguish a group by race, religion, national origin, language, or some combination of these categories. An ethnic group is a segment of the population that possesses common characteristics and closely identifies with a cultural heritage significantly different from the general population.

Ethnicity can influence how a person learns the culture, but ethnicity or ethnic identity is not a learned behavior of culture. However, leaders must be sensitive that many Soldiers and civilians will behave as

though their ethnicity defines who they are, and what they value and believe.

## CROSS CULTURAL INTERACTIONS

The key to team building and unit cohesion is an organizational climate that can maximize the value of cultural differences and at the same time reduce and manage the conflict that results from cross cultural interactions.

Commanders and subordinate leaders must acknowledge and confront



a variety of behaviors that can act as barriers to cross cultural interactions. These barriers will interfere with the unit's ability to accomplish its mission in peace time or during combat if not resolved.

## Racism/Sexism

Racism is any attitude or action by an individual, group, or institution to subordinate another person or group because of skin color. Even though race and color are two different kinds of human characteristics, it is the visibility of skin color, along with other physical traits associated with a particular group, which marks them as a target by members of the dominant group. During the history of America this has been true for Blacks, Hispanics, Native Americans, Asians, and other minority groups. Just being aware of a Soldier's race or color, even for decisions about behavior or other perceptual qualities, is not in and of itself racist. Racism occurs when the reaction to such distinctions is to dominate or subordinate an individual or group.

Personal or individual racism refers to a person's prejudicial belief and discriminatory behavior against certain groups because of their race or skin color. Personal or individual racism is motivated by a belief or assumption of superiority or inferiority based on skin color. Generally, individuals who lack power and institutional support cannot practice racism; however, they can act out racist behaviors.

Institutional racism refers to the policies of schools, businesses, law enforcement and other community and government activities that restrict the opportunities of certain groups because of race, gender, or skin color. Unlike personal racism, institutional racism does not have to be deliberate or an intentional practice. The fact that certain groups are victims of disparate treatment (which is characterized by race or skin color), is sufficient to classify an institution as practicing racism.

Sexism has many similarities to racism, but is based on an attitude of superiority, or inferiority, because of gender differences. Sexism is defined as an attitude, behavior, or conditioning that fosters stereotypes of social roles based on sex or gender differences. Another aspect of sexism is the individual or group belief that the differences between genders allow members of one gender rights and privileges that are not extended to the other gender.

A person of either gender can be sexist; however the greatest numbers of complaints about sexist behaviors come from women. One of the reasons that sexism is so prevalent within American society is partially due to the enculturation or socialization process. This may also explain why sexual harassment, a by-product of sexism, is so prevalent in our society and also difficult to eliminate. As with racism, it is difficult for women who lack power and

institutional support to practice sexism. Women, however, just as men, can demonstrate sexist behaviors.

## **FACTORS IN THE DEVELOPMENT OF RACISM AND SEXISM**

To effectively deal with racism and sexism, commanders must first understand how racism and sexism can exist within an organization. Each organization is made up of individuals from various backgrounds and socialization. As people come into contact with others, so does the social visibility. Society likes to categorize things, to include people. The easiest way to categorize people is through physical traits. Something visual, such as skin color, names, e.g., Jewish, Hispanic, Polish, languages, or other features such as folds of the eyes, are all visual traits that make categorizing people simple to do.

Cultural habits such as what we eat, how we prepare meals, celebrations, what utensils we use, all can play a factor in social visibility differences. It isn't uncommon for groups to take the position that "different means wrong."

Whoever has the power within the unit can control the limited resources and make policies to their standards. When power is misused or abused by the group in control, a feeling of superiority can develop. This is perceived by minority groups as unequal and if not corrected, can lead to disharmony within the organization.

Ethnocentrism may also be a factor within the unit. Ethnocentrism is the belief one's own ethnic group is superior to all other groups. If this group also holds the power, likely the majority, then this belief

can become even more damaging to the minority groups.

Our society is very competitive. There may only be a limited supply, but an unlimited demand for a resource. When everyone wants a piece of the pie, some are likely to get a bigger piece than others. Generally, it will be the group in power who gets the bigger piece.

Individuals learn their stereotypes from parents, schools, peers, and the media. Once individuals come in contact with others, they make first impressions, and may develop stereotypes of that particular group.

In units that have Soldiers of both genders, sex-role socialization is also a factor. Sex-role socialization is the process by which males and females learn to display appropriate behavior for their sex. In learning these roles during sex-role socialization, individuals acquire attitudes and values associated with these roles. There is also a 'historical factor.' Historians frequently omitted or distorted accomplishments of minorities and women's experiences and accomplishments. This widespread omission of women is not attributable solely to the sex bias of male publishers, historians, and editors. The reasons are more complex. Historians of both sexes have been trained to examine the past through a traditional male perspective. Such a perspective automatically excludes women as they were rarely generals, diplomats, explorers, or presidents. Another reason for the omission of women is the constant use of the male pronoun to represent all of humanity. We, as adults, recognize the male pronoun as a generalization, but unless we stop using it, it is all the children will hear.

As a product of socialization, prejudices are portrayed via the mass media. Minorities are often portrayed as criminal and dysfunctional while females are portrayed as dependant on men for life support.

## PERSONAL RACISTS AND SEXISTS BEHAVIORS

### BARRIERS TO CULTURAL INTERACTION

- Paternalism
- Ignoring
- Speaking For
- Testimonials
- Ethnic, racists, sexists jokes
- Frequent interruptions
- Stereotypical language
- Titles and ranks
- Denying opportunities
- Dubious supervision

Figure 10-3

Many of the behaviors we observe, and are recipients of, on a daily basis are actually behaviors which constitute racist and sexist behaviors (see figure 10-3). Some of the most common of these behaviors and the impact on minorities and women are:

- **Paternalism.** This behavior takes the form of acting "fatherly" or over-protective of someone. Frequently, this behavior will take place toward a female, and when it does, can be a form of sexism. It may imply that the women are incapable of doing their job, or surviving without the man taking her under his wing and helping her along.

- **Ignoring.** This would be discounting what an individual says – not giving it credibility because they may be a minority or a female.
- **Speaking for.** Not letting a person speak for themselves. When someone asks a direct question of them, interrupting and answering the question yourself. In other words, you know the person can't possibly state what needs to be stated, so you take it upon yourself to answer for them.
- **Testimonials.** "I am not prejudice; some of my best friends are "black" (or women or any other minority group).
- **Ethnic, racists, or sexists jokes.** This area is self-explanatory and does not require elaboration or clarification. They only continue to reinforce stereotypes
- **Frequent interruptions.** This indicates that you don't take what someone is saying as being important. You have a "better grasp" or understanding of the points they may be making and feel compelled to make sure you make it clear what "needs" to be said.
- **Stereotypical language.** Speaking in terms that use statements that indicate or reinforce the stereotypes about the group you are talking about. A statement like: "All women are just too emotional to handle the stress filled command environment".
- **Titles and rank:** Calling minorities and women by their first name while addressing the majority members (male) by their title or rank. This diminishes the importance and position of those being called by their first name.
- **Denying opportunities:** This can be blatant or indirect. Simply put, providing more beneficial jobs, positions, or assignments to majority members than minority members.
- **Dubious supervision:** This is the manner of focusing on problems or crimes by a particular group or gender and exploiting these problems through punishment, while ignoring the fact that the majority may be committing crimes too.

## PREJUDICE

Prejudice is a negative attitude or feeling toward certain groups based upon faulty and inflexible generalizations. It is an unfavorable opinion or feeling formed beforehand without knowledge, thought, or reason. It can also be any preconceived opinion or feeling which is favorable toward certain groups. Prejudice is a major component of personal racism or sexism which is an over generalization of facts and erroneous beliefs. Prejudice is first developed and manifested with two components: the attitude or thinking component and the emotional or feeling component. A third component of prejudice is the behavior associated with acting out the prejudice. This is evidenced in the tendencies of a person to act out their prejudice by discriminating against a group or its individual members. The more intense the prejudice, the more likely it will be acted upon.

## ACTING OUT PREJUDICE

The measures that individuals or groups will take to act out their prejudice translate into five basic levels of action:

- **Disparaging Terms.** People who are prejudiced might act out their feelings in a variety of ways. The first and most common form of prejudicial behavior is "bad mouthing" or using degrading terms. This behavior can be shown in a number of ways such as using phrases ("Male, white, and 21), testimonials ("Some of my best friends are... "), and stereotype language ("We jewed him down"). Other behaviors involve the use of caricatures in exaggerated situations. Ethnic and sexist jokes are the most popular. Another common behavior is the use of negative ethnic or gender characteristics as metaphors e.g. "Indian giver".
- **Avoidance.** A second method of behaving is the use of avoidance. If the feelings and emotions associated with the prejudice are intense, they will lead a prejudiced person to avoid contact with the disliked group.
- **Discrimination.** A third method of acting out prejudicial behaviors is discrimination. Prejudiced people make personal distinctions in their treatment of a specific group. They often actively strive to exclude or deny opportunities or fair treatment to the disliked group that is offered to the favored groups more.
- **Physical Attacks.** A fourth type of behavior in acting out prejudice is to engage in physical attacks. Under conditions of heightened emotions, prejudice may lead to acts of direct or indirect violence. Direct violence is the

actual assault on a person or group, while indirect violence is focused more at the property or institutions of the disliked group.

- **Extermination or Genocide.** The final and most extreme form of prejudicial behavior is extermination or genocide. This is the ultimate degree of violent expression because of prejudice. Acts such as lynching, massacres, holocaust, and ethnic cleansing are some of the methods used, from a historic perspective, that define types of group extermination based on prejudice.

## DISCRIMINATION

**Discrimination.** The dictionary defines discrimination as the act or ability to discriminate or make a difference or clear distinction. Within the context of the Army's EO program there are actions which are defined as legal and illegal forms of discrimination based on constitutional or public law. Within a cultural or social setting, discrimination has a very different connotation. From this perspective it does not matter whether the discrimination is legal or illegal, its' "end results" is a differential or harmful impact on minority groups that is applied or practiced by members of a dominant group or the society at large. Traditionally there are three basic characteristics of discrimination: overt or hidden, direct or indirect, and intentional or unintentional.

The concept of managing diversity is not new to the Army. Since before the Revolutionary War, the history and beginning of the Continental Army was one of managing cultural difference. The difficulties with cross-cultural interactions in a colonial militia, although a more homogeneous group, were just as diverse as they are today. Regional beliefs, national origin, religious preferences, social status and educational background were just a few of the problems waiting not only those in the ranks but especially acute among early Army leaders. Changes over the years are not the issues of diversity but the attitude, philosophy, and policy by which to manage these problems for the present and near future.

## **HISTORICAL APPROACH TO MANAGING DIVERSITY**

From a historical perspective the Army, as well as the rest of the country, has experienced a variety of approaches to managing diversity.

### **The Homogeneous Group**

Although it does not work in practice, this concept assumes that the more alike group members are will translate into less diversity, less competition, less conflict, and more cooperation to prosper and develop as a social order. However, a great deal of effort is required to maintain group cohesion and identity, as well as keeping others out.

### **The Segregation Era**

This approach stems from the fact that homogeneous groups are difficult to maintain in an industrial era. Also, the need for manpower and security makes it necessary to bring others in who are different from those in control. As these groups experience cross-cultural interactions, the dominant group maintains power and control and its homogeneous identity by any means necessary.

### **The Melting Pot Theory**

The basis of this theory is a belief that people are more alike than they are different. The assumption is that when people come together as a diverse group, the process of assimilation will be automatic, because people over time will tend to focus on their similarities rather than their differences. The melting pot theory also gives the perception that people will treat one another the same without regard to their cultural experience or group identity. The problem with this theory, in practice, is that the expectation of treating people the same is far removed from the reality that they are treated differently because of who they are. The end result is that people will feel separated from the dominant culture because they are unable or unwilling to assimilate, or be “melted down.”

### **The Civil Rights Movement**

The Civil Rights Movement is deeply rooted in a moral belief and legal precedence that certain groups have been disadvantaged despite constitutional law. Another perspective of the civil rights

movement is the assumption that for true assimilation to occur, first barriers to fair and equal treatment must be eliminated. A second expectation is that individuals or groups who have had a lifetime of disadvantages should be compensated for past wrongs. Although there is a great deal of debate on whether the Civil Rights Movement caused any true assimilation, there was some success in sensitizing dominant group members to the issues and concerns that affected minorities. A reaction to the civil rights movement, which is still prevalent today, is the perception or belief that civil rights is a “win-lose” situation. In other words, for one group to gain something the other group must lose something. This scenario has coined the phrase “reverse discrimination.” The phrase has prompted individuals and groups to take sides and has increased anger, defensiveness, and even avoidance among diverse groups.

### **Valuing Differences**

Valuing differences is a new leadership strategy and is considered by many to be the most creative approach to managing diverse groups. This approach is constantly being revised and is based on the principle of valuing differences in all Soldiers. This is very different from our natural tendency, learned through socialization, to see differences as negative and undesirable. Valuing diversity requires that we rethink our assumptions about the process of assimilation as viewed from the traditional “melting pot” experience. Today we must acknowledge the fact that people are no longer willing to give up their cultural heritage just to be accepted. Valuing diversity requires leaders to use a different model that resembles a “salad bowl” rather than a “melting pot.” As with any salad, all the ingredients are separate and distinct but

contribute to the overall character, flavor, and quality of the salad.

### **WHAT IS DIVERSITY?**

Today, because of the Civil Rights Movement and the Army’s EO Program, Soldiers are more aware and sensitized to their differences. Soldiers are encouraged to share and discuss their differences during training and other unit forums that provide opportunities for understanding the diversity that exists between themselves and their leaders. Diversity is a complex classification of human characteristics related to personal and biological traits. Diversity is an expanded view of human potential without applying labels or making other biased judgments.

It may help leaders to understand and recognize diversity as a two-dimensional concept that directly or indirectly affects Soldiers’ values, beliefs, experiences, and behaviors. Primary dimensions are those visible and sometimes-invisible differences that people are born with, and affect a leader or Soldier throughout life. These include age, gender, race, color, physical abilities, and ethnic or cultural heritage. Secondary dimensions of diversity are those things that people can influence or change in their lives such as religion, income, marital status, geographical location, education, parental status, work history, or military experience. Today, because of our advanced technology, some might argue that primary dimensions can be changed, but for the vast majority, they are fixed at birth. Leaders must recognize that secondary influence on some Soldiers that they will act or behave as though they were primary categories.

## EO VS MANAGING DIVERSITY

EO and diversity have very similar goals and objectives that include the following:

- Creating an organizational climate where all Soldiers have the opportunity to grow and develop to reach their full potential.
- Utilizing of all Soldiers within the organization.
- Embracing working environments by eliminating barriers to cross-cultural interactions.
- Developing awareness and sensitivity to issues of diversity affecting the organization.

Leader actions to manage diversity are not intended to replace EO programs. These programs are still necessary because they establish policy and mandate guidelines on behavior and command response to issues of discrimination.

Programs on managing diversity are a strategy to continue a process where EO programs leave off. Policy and constitutional law drives EO programs, while issues of diversity are driven by the needs of the organization. Managing diversity is not a legal issue, nor should it attempt to address past wrongs. The question that leaders should ask is what actions or behaviors will demonstrate command support for diversity in the unit. Managing diversity programs seeks to help leaders answer these questions and enhance the organizational climate by valuing differences among all individuals and groups within the organization.

## VALUING DIVERSITY

The concept of managing diversity is based on a more refined definition of “valuing diversity.” As Army leadership addresses more complex human relations problems, routine approaches to the problem solving process become less effective. Creative and adaptive leadership, as well as creative problem solving, will come from a diverse pool of different talents and skills. Valuing diversity means that commanders and their subordinate leaders will play a proactive role in changing the command culture by shaping new organizational standards and expectations. Organization’s long-term goals of valuing diversity should be:

- A shared leadership and organizational vision.
- An increased commitment for understanding and cooperation among diverse Soldiers.
- A willingness and desire by unit personnel to participate in decision making and problem solving.
- Unit cohesion and enhanced mission effectiveness as leaders’ and Soldiers’ efforts are more task oriented and less problem oriented.
- A true understanding and respect for valuing diversity within the organization.

Valuing diversity moves away from the traditional process of assimilation, where people are pressured to conform and lose their identity by thinking and acting the same, or threatened with exclusion or isolation. The following characteristics are

commonly found as barriers to valuing diversity.

- Organizational standards are not based on bona fide prerequisites to accomplish the mission.
- Competence of Soldiers and subordinate leaders are not equally tested across all command functions.

During World War II, the necessity of valuing diversity in others was almost a common practice even though some events were driven by the need for manpower. This widespread call for women to participate in the war effort both in industry and in military service coined the phrase “free a man to fight.” Several Japanese Americans were recruited during the war to teach their language to American troops. This became the forerunner to the Defense Language Institute (DLI). Soldiers from Navajo tribes were used to develop a communication language that could not be deciphered by enemy cryptographers. These examples not only speak to how valuing diversity has affected our past history, but also speak to the endless potential for the future.

These early successes at valuing diversity, although very effective, were born of necessity and soon forgotten after the crisis or need had passed. A true program to value diversity is planned and does not occur by accident.

## **MAKING DIVERSITY WORK**

The following are strategies that leaders can use to make diversity work in their unit or organization.

## **Manage Prejudice and Stereotypes**

No matter how hard leaders try to avoid them, prejudices and stereotypes learned during enculturation or socialization will sometimes affect their behavior. The reaction can be either a conscious or unconscious act that not only affects communications, but also the leader’s perceptions and decisions about his or her Soldiers. Prejudices and stereotypes once learned are extremely difficult to unlearn. Management of prejudice and stereotypes is necessary during the unlearning period, and for those individuals who chose to retain those beliefs. The following process can help manage prejudices and stereotypes:

- First, leaders must accept ownership and responsibility for their own behaviors. Pretending problems don’t exist, or denying them when challenged, only makes the problem worse.
- Leaders must recognize how prejudice and stereotypes affect their communication and decision making processes. Be cognizant of feelings when communicating and making decisions.
- Leaders must recognize how their behavior affects others, especially subordinates. One way leaders can assess the impact of behaviors on others is to determine whether the interaction achieved the desired results.

## **Improve the Communication Process**

It was discussed earlier in this chapter how language and communication styles play a powerful role in reinforcing stereotypes and prejudices. The use of hot buttons, exclusionary language, and telling of ethnic and gender related jokes will

continue to be emotional triggers that set people off and destroy the communication process. To avoid this trap, leaders need to raise their language sensitivity and avoid using terms and expressions that ignore or devalue others. Leaders need to be familiar with the different ways in which communication styles can vary among individuals and diverse groups. The following steps can help leaders improve the quality of their communications with others.

- Leaders must be able to identify and recognize their own style of communication. How does the leader structure information, present, augment, or counsel subordinates in a cross-cultural exchange.
- Leaders should identify personal biases, “pet peeves” and other filters that may affect perceptions during cross-cultural interactions.
- Leaders should acknowledge their own style of communication when interacting with others. This means that leaders do not just assume that their communication style is appropriate and correct for all forums.
- During communication exchanges leaders should be aware and anticipate differences in cross-cultural interactions. English is the operational language of the Army, but the way leaders and subordinates use that language is very different.

### **Manage Conflicts**

Leaders must expect conflict among diverse groups of Soldiers. Conflict is a natural process necessary for group development and team building. Conflict occurs most often when there is a difference

in values, attitudes, and behaviors of diverse groups. What is important for leaders to remember is not whether conflict will occur, but what will happen in response to that conflict.

Response to conflict resulting from cross-cultural clashes can be defined in a number of ways. Three of the more common reactions are to perceive the situation as a threat, a state of confusion, or enhancing communications. A common reaction from minority Soldiers during a cultural conflict is to accuse dominant group members of insensitivity or prejudiced behaviors. Reaction among dominant group members to threatening cultural conflicts includes avoidance, denial, or defensiveness. Confusion normally will occur because there is a lack of awareness or sensitivity among diverse groups to a particular issue. Leaders may attempt to seek more information in an effort to redefine the problem. In team building, reactions by Soldiers and leaders are characterized by heightened sensitivity, awareness, and a commitment to action.

Leaders must also be aware that conflict is a necessary function of change. Change is inevitable for good units, because Soldiers and leaders are continuously looking for better ways to accomplish the mission.

Unit conflict is also continuously undergoing change. Over a period of time, it moves from one stage of development to the next. Leaders must be constantly on the alert and ready to intervene as each stage evolves. Conflicts that are perceived as threatening or confusing can be managed more effectively when diversity is understood and valued in the unit.

## **Establish Common Experience**

Managing diversity implies that leaders establish a common experience between members of the organization. This experience provides common ground for sharing perceptions and checking assumptions that are the basis for understanding diversity and a cooperative effort that promotes team building and unit cohesion. A common experience helps Soldiers and leaders move beyond the ideas that people have to look, sound, and act alike to get along and exist in a harmonious relationship. For many Soldiers, the military serves as a common experience for new learning beyond the limitations of their own cultural experience. A common experience as a strategy for managing diversity is a greater differentiation among organization members before finally recognizing their full potential.

## **MANAGING DIVERSITY PROGRAM**

There is no set plan for developing a program to manage diversity. The only consistent factor is the needs of the unit. Organizations, which are developing strategies to manage diversity, share many similarities related to functions and personnel practices. Valuing diversity is multifaceted; therefore, it should not be developed as any one practice or function within an organization. There is no “quick fix” or “short term” approach to cultural change. Strategies must be developed for the long haul. The following list is not all-inclusive, but can help leaders and organizations involved in managing diversity establish a path in a clearer understanding for valuing differences.

- There is a commitment among all leaders to understand and value diversity.
- All organizational functions and practice are open to a “different but equal” operating philosophy.
- All unit leaders and Soldiers understand and train to an expanded definition of effective performance.
- Unit leaders and Soldiers perceive a competitive advantage in the way they do business.
- Flexible leadership views of an organization ready for change.
- A leader commitment and problem solving philosophy to focus on changing the organizational culture, not the people.
- Managing diversity is an integral part of the organization’s strategic vision.
- Leaders are responsible and committed to setting the unit climate.
- Leaders have the ability and willingness to monitor and assess both positive and negative personnel actions.
- Sensitivity and awareness training on diversity issues is mandatory and an integral part of the unit’s training plan.
- Soldiers and leaders receive positive reinforcement for valuing diversity.
- Leaders empower subordinates to take risks and be creative when valuing diversity of others.

## **MISUNDERSTANDING IS A CUMULATIVE PROCESS**

Most misunderstandings resulting from cross-cultural experiences do not occur because of one episode of miscommunication. It is a cumulative process based on negative experiences over a period of time. The differences in communication style can be frustrating and can make people appear pushy, untrustworthy, irritating, and sometimes appear overbearing or demanding. One miscommunication leads to a misunderstanding, which can lead to another unsuccessful encounter. Any effort to clarify or “smooth feelings” causes further complications. When either party looks for an answer as to what went wrong, stereotypes offer handy explanations and are often reinforced in the process. Each side begins to blame the other for lack of awareness or understanding.

## **COMMON CAUSES OF MISUNDERSTANDINGS**

The following are a few common causes of misunderstanding that leaders need to be aware of during cross-cultural interactions between soldiers.

### **Social Courtesies**

Some of the most frequently heard complaints about those who speak English as a second language include some of the following:

- They are impolite and don't show proper respect.
- They won't admit when they don't understand something.

- They don't know how to get along with others.
- They stick together and speak their own language.
- They won't be direct, or ever get to the point.
- They can't be trusted and won't inspire confidence.

Soldiers who have not learned or understand social courtesies may feel rejected and frustrated in their efforts to communicate.

### **Accents**

Soldiers and leaders react differently when listening to others with strong cultural accents and can become frustrated and sometimes indifferent when someone is struggling with their language. This is even true for those who speak English, but have a difficult speech impediment such as stuttering. The listener may even attempt to talk for the speaker. Soldiers and leaders who speak English may act as though only others have accents. This kind of thinking may lead to other assumptions and biases about the education and intelligence of those with an accent. A common mistake made by some leaders is to assume that Soldiers who speak English well are more intelligent, more competent, or even trustworthy. When leaders make a judgment call based only on an accent, they can make a mistake about a Soldier's true abilities and potential and lead to an unfair evaluation.

### **Jargon**

Leaders who are culturally different from their subordinates may make judgment calls, based on the kinds of expressions that they use. These expressions can be derived from

a Soldier's culture or regional background. Soldiers who use terms such as "aint," "show nuff," "you know" or "wif" are marked as being poorly educated. Yet, when it comes to using what is termed improper English, there appears to be a double standard. A majority of Soldiers who uses slang or improper English is assumed to be using it on purpose to emphasize a point or to communicate humor. When a minority Soldier uses the same slang, he or she may be perceived as not knowing any better.

### **Flow of Information**

How Soldiers and leaders arrange information depends on their cultural experience. Stereotypically, many European cultures arrange information in a linear fashion, going directly from a starting point to a specific objective or conclusion. The speaker takes the most direct and efficient route emphasizing each major point in the process.

People from Arab, Latin and Asian cultures may tend to communicate in a less linear fashion. They are more likely to branch off in a series of directions, or go full circle before getting to what the listener may perceive as the point of the message.

Culture also affects how and when business is discussed. A special problem experienced during cross-cultural communication is the possibility of not knowing how information should flow, or when it is appropriate to engage in certain kinds of discussions. Some believe that in the northern United States, people waste little time on social niceties when conducting business. However, some others believe that in the south, social courtesies are a way of life, and being sociable is a requirement to establish trust and to "grease

the skids" for business. This difference in protocol might also exist between different industries and institutions.

### **Lack of Trust**

Many Soldiers and leaders believe that trust is an essential ingredient to any communication process. Trust also has a special significance for cross-cultural communication process. Trust also has a special significance for cross-cultural communications. Some minorities, including women, because of past negative experiences, are suspicious and have a great deal of anxiety towards those who are culturally different and have the power to control and shape their destiny. Past experiences can make minority Soldiers feel they must confront and demand respect and fair treatment. Their different perceptions about how they will be treated can detract from real issues, because of their reaction to the process. Sociologists believe that while majority members don't usually spend a great deal of time considering how they are perceived, minorities constantly fight what they see as negative assumptions about them.

### **Assertiveness**

Soldiers from different cultures will have different distinctions about assertive behavior. Unless properly trained, some Soldiers may have difficulty in distinguishing where assertiveness ends and aggressive behavior begins. When majority members try to be friendly, some minorities may see their behavior as aggressive, prying, or even being confrontational. Some women who are unaware of these cultural differences may perceive such behavior as a violation of personal space, while others may see the same behavior as an attempt by someone trying to "come on" to them

sexually. Unlike many cultures, Americans perceive being assertive as a good management or strong leadership trait.

### **Candor**

Many Americans believe that "telling the truth" is essential to any communication forum. "Honestly is the best policy." Americans respect candor. "Tell it like it is," is the message of straight talk. This is especially true for our military culture and is integrated as part of the Army's leadership training. Other cultures are no less honest but may make different distinctions about how they define the truth and how they communicate real meaning. The need for candor in many cultures is not as highly regarded as other values such as courtesy, sensitivity to feelings, loyalty to family, or "saving face."

### **Continuing Use of "Hot Buttons"**

Most Soldiers and leaders understand that ethnic slurs and jokes are not acceptable in any forum. Ethnic and sexual jokes may continue to be used and are sometimes used to test the reaction of minorities and women. The way that words are used is important because they express real life experiences, feelings and attitudes. Words used by different group members often express a personal attitude about the members of other groups. They determine those that are for or against the group based on the use of certain terms.

"Hot buttons" will always cause an emotional reaction in those who are offended. Leaders who use such terms are labeled as uncaring or lacking sensitivity for their Soldiers. These words cause communication problems because they are so provocative. A Soldier who hears the hot buttons might take them out of context, fail

to hear the complete message, and take offense when none was intended.

Inadvertent slurs buried in clichés are the more common cause for bad feelings. For example, some include, "They behaved like a bunch of wild Indians!" or "He plays ball like a girl!" Other colorful metaphors may be taken as racial slurs even when the expressions originally had nothing to do with race, for example "blackballed," or "white lie," or "white wash."

Another form of communication that can be described as a hot button is the use of exclusionary language that is gender related. For many women, this represents the subtlest form of sexism, because it is an omission of women when referencing either genders or the subject is gender neutral. The problems for many leaders is the use of masculine pronouns such as "he," "his," or "guys" when referring to no specific person or everyone in the organization. When leaders communicate with their subordinates, their use of terms should be inclusive and not reflect insensitivity because their language ignores or belittles the importance and/or contributions of women to the organization.

### **Swearing**

The way people swear or curse is also defined by culture. Men will apologize for swearing in the presence of women. If for no other reason, they have been trained or socialized to do so. But such behavior also conveys an attitude that women have to be protected, and sends a message that the men with they weren't around so that they could talk more freely. The reality is that some men are more offended by swearing, while many women are not.

## **Stereotyping**

Stereotypes are distorted generalizations about others who are different. The greatest harm to Soldiers that comes from using stereotypes is that it reinforces underlying prejudices about others who are perceived as different. Prejudice attitudes reinforce judgments about others based on superiority vs. inferiority belief system. Prejudice also fosters the destructive "ism" -- racism, sexism, and ethnocentrism that combine with the institutional power to discriminate.

## **Assumptions**

Assumptions are an extension of the stereotyping process. Although assumptions about others have similar characteristics as stereotypes, they have a very different effect on people during cross-cultural communications. Stereotypes are frequently associated with negative pre-judgments. Assumptions based on the same stereotype can create expectations, which are perceived as either negative or positive and can blind people to what is being said or done by others. Assumptions create a self-fulfilling prophecy by filtering perceptions about others so that a person is not affected by what another person is really saying.

## APPENDIX A

### COMMANDER'S EQUAL OPPORTUNITY CHECKLIST FOR MAINTAINING A POSITIVE AND HEALTHY CLIMATE

|   | YES | NO |
|---|-----|----|
| <b>1. Leader involvement.</b>   |     |    |
| a. Is a unit policy letter on equal opportunity published, posted, and up-to-date?  |     |    |
| b. Is a unit policy letter on sexual harassment published, posted, and up-to-date?  |     |    |
| c. Is unit policy letter on complaint procedures published, posted, and up-to-date?   |     |    |
| d. Is the installation EO Assistance Line posted?   |     |    |
| e. Do EOL(s) and EOA have direct access to the commander?   |     |    |
| f. Do all Soldiers possess either a Soldier's or Leader's Handbook on the Prevention of Sexual Harassment?  |     |    |
| g. Are newly assigned personnel (during in-processing) provided a copy of the unit's policy letters on equal opportunity, complaint process, and prevention of sexual harassment? |     |    |
| h. Does the commander include equal opportunity and prevention of sexual harassment topics during the newcomer's orientation?   |     |    |
| i. Are Soldiers treated in a fair and equitable manner?   |     |    |
| j. Are unit leaders using consistent and appropriate standards for their Soldiers?  |     |    |
| k. Do Soldiers and leaders respect all religions, cultures, and gender differences?   |     |    |
| l. Are leaders and Soldiers held accountable for their actions?   |     |    |
| m. Do Soldiers and leaders respect all religions, cultures, and gender differences?   |     |    |
| n. Received briefing from brigade EOA within 30 days of change of command   |     |    |
|   |     |    |
| <b>2. Training.</b>   |     |    |
| a. Do you and subordinate leaders attend EO and POSH training?  |     |    |
| b. Is EO training conducted at least twice each fiscal year?  |     |    |
| c. Is POSH training conducted at least twice each fiscal year?  |     |    |
| d. Is training properly documented?   |     |    |

Appendix A

|   | YES | NO |
|---|-----|----|
| e. Is EO and POSH training included as part of the Quarterly Training Briefing (QTB)?   |     |    |
| f. Do you fund and support EOA/EOL's to attend training workshops to stay current in EO and HR issues and trends?                     |     |    |
| <b>3. Assessments at company/battery/detachment level.</b>  |     |    |
| a. Was a Company Command Climate Survey conducted within 90 days of assuming command and annually thereafter?                         |     |    |
| b. Was the assessment conducted using the mandated Command Climate Survey?  |     |    |
| c. Were Soldiers informed of the purpose of the assessment?   |     |    |
| c. Were focus groups used as a tool to supplement the assessment?   |     |    |
| d. Is feedback (assessment results) being provided to the Soldiers?   |     |    |
|   |     |    |
| <b>4. Staffing</b>  |     |    |
|   |     |    |
| a. Have EOLs been appointed and trained?  |     |    |
| b. Are EOLs appointed based on unit demographics?   |     |    |
| c. Are EOL in the grade of SGT (P) through 1LT?   |     |    |
| <b>5. Complaint Processing.</b>   |     |    |
|   |     |    |
| a. Does the EOA have easy access to the commander?  |     |    |
| b. Are complaints processed within established timeframes?  |     |    |
| c. Do officers conducting AR 15-6 investigations on EO complaints meet with the EOA prior to conducting the investigation?            |     |    |
| d. Are officers conducting AR 15-6 investigations on EO complaints obtaining recommendations from the EOA prior to submitting report? |     |    |
| e. Are steps in place to prevent reprisals, intimidation, or harassment for Soldiers who submit complaints?                           |     |    |
| f. Are appeals processed within established timeframes?   |     |    |
|   |     |    |
| <b>6. Equal Opportunity Action Plan (EOAP)</b>  |     |    |
|   |     |    |
| Are EOAPs reviewed periodically to determine if changes need to be made to the plan?  |     |    |

**Commander's Equal Opportunity Checklist for Maintaining a Positive and Healthy Climate**

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|   | <b>YES</b> | <b>NO</b> |
|---|------------|-----------|
| <b>7. Ethnic and Special Observances.</b>                                     |            |           |
|   |            |           |
| a. Is funding programmed for conducting ethnic and special observances?       |            |           |
| b. Do you encourage participation at ethnic or special observances?           |            |           |
| c. Is the unit EOA/EOL involved in conducting ethnic and special observances? |            |           |
|   |            |           |
|   |            |           |

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## APPENDIX B

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### EXTREMIST ORGANIZATIONS AND ACTIVITIES

Ensuring the proper conduct of Soldiers is a function of command. Commanders rely upon all members in the unit, whether they are on or off duty or in a leave status, to present a professional appearance. Commanders (Officer, WO, or NCO) will act promptly, using such means as are available, to restore order and take action against military personnel in any case where the Soldier's conduct violates good order and military discipline.

Leaders must ensure that their Soldiers understand that participation in extremist organizations and activity is inconsistent with the responsibilities of military service. It is the policy of the United States Army to provide equal opportunity and treatment for all Soldiers without regard to race, color, religion, gender, or national origin. Enforcement of this policy is a responsibility of command, is vitally important to unit cohesion and morale, and is essential to the Army's ability to accomplish its mission. It is the Commander's responsibility to maintain good order and discipline in the unit. Every commander has the inherent authority to take appropriate actions to accomplish this goal.

The definition of extremist organizations and activities is as follows.

*“Ones that advocate racial, gender, or ethnic hatred or intolerance; advocate, create, or engage in illegal discrimination based on race, color, gender, religion, or national origin; advocate the use or use force or violence or unlawful means. To deprive individuals of their rights under the U.S. Constitution and/or law of the U.S. by unlawful means.”*

When Soldiers are identified as members of extremist groups or participate in extremist group activities, commanders should educate and counsel them on the incompatibility of such organizations with military service. Commanders may order Soldiers not to participate when there is reason to believe that participation will result in illegal activities or when participation is prejudicial to good order, discipline, or morale. Commanders have a variety of administrative and judicial means to discourage active participation in extremist organizations to include separation if warranted.

The United States Army is composed of Soldiers and civilians from various cultures, ethnic groups, religions and races from around the world. These various groups contain ideologies that range from extremely tolerant to radical, to ultra militant. While it is the policy of the Army that participation in extremist activities or organizations is inconsistent with the responsibilities of military services, as leaders, we must be aware there may always be some individuals who still adhere and believe in racial or ethnic superiority or inferiority. By learning more about the ideologies, history and dynamics of supremacist extremist groups, you will have a better understanding of the influences that can affect your Soldiers and how their beliefs or actions can affect those of their peers. Understanding these issues will prepare you to better handle the problems you may find facing you with regard to this serious issue in today's society. Keep in

## Appendix B

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mind any issue within society will likely find its way into the Army at some point. Extremism and extremist activities are no exception.

**Impact on the unit and the mission.** When individuals in the armed services are supportive of an extremist organization there is an immediate impact on the unit. Even as the mission continues and work is accomplished, the overall command climate changes as it adjusts to the new element. In a lot of instances, even individuals who oppose or disagree will not confront the extreme views of another. They either does not feel directly affected by it or they may fear they may damage the unit's working environment. However, the unit will divide into opposing factions and when this happens it is no longer efficient, unit cohesion is impacted and the "team concept" of completing the mission is gone. Time and effort are now required to deal with the situation and recover from the effects of the isolation caused by the extremist views in the unit. The following are examples of how the unit is affected:

Command climate suffers. If there is a lack of trust and cohesiveness among unit members, morale will suffer, along with unit readiness.

Polarization of groups is a logical product of this type of activity within a unit. Those who support these types of views are hardly likely to work closely with members of minority groups.

It undermines confidence among unit members.

Productivity is hampered and mission accomplishment can be seriously affected. The unit will not work together in either training or execution of its mission.

Unnecessary efforts are required to recover from a neglected situation and time is lost. Enormous amount of time must be spent to retrain, counsel, investigate, and corrective action.

**POLICY.** It is the policy of the US Army to provide equal opportunity and treatment for all Soldiers without regard to race, color, religion, gender, or national origin. Based on this philosophy, participation in extremist organizations or activities is inconsistent with the responsibilities of military service. Military personnel must reject participation in extremist organizations and activities. Extremist organizations and activities are ones that advocate racial, gender, or ethnic hatred or intolerance; advocate, create, or engage in illegal discrimination based on race, color, gender, religion, or national origin; advocate the use of force or violence, or unlawful means to deprive individuals of their rights under the United States Constitution or the laws of the United States or any State by unlawful means.

**PROHIBITIONS.** Penalties for violations include the full range of statutory and regulatory sanctions, both criminal under the uniform code of military justice and administrative. Soldiers are prohibited from the following actions in support of extremist organizations or activities.

Participating in public demonstration or rally;

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

Fund raising;

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

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

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

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

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

**Extremist.** A person who advocates the use of force or violence; advocates supremacist causes based on race, ethnicity, religion, gender, or national origin; or otherwise engage to deprive individuals or groups or their civil rights.

**Extremist Organizations.** A group that advocates the use of force or violence advocates supremacist causes; based on ethnicity, religion, gender, or national origin; or otherwise engage in efforts to deprive individuals or groups of their civil rights.

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

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

**Gangs.** Is a group of individuals who band together, usually along racial or ethnic lines. Generally, gangs are prone to violent behavior.

**Recruitment and Affiliation.** Instead of standing in streets dressed in sheets and shouting hate messages; most extremists are now sitting in bars and break areas, wearing street clothes. To lure prospects, extremists are quietly talking about individual liberties, states' rights, and how, with your help, they can make the world a better place to live. The standard hateful message has not been replaced; just packaged differently with issues like freedom of speech, anti-gun control themes, tax reform, and oppression.

Recognizable hate symbols and paraphernalia are usually hidden until a recruit is hooked on the validity of the ideology. In some cases, individuals subscribe to the ideology and not necessarily to the group. Because of their unique experiences, expertise, capabilities, and resources; public officials, law enforcement, and military personnel are recruiting bonuses. Based on these qualities it is believed these people are highly recruited over others.

Some groups raise young adults in their ideology and then they enter the military to gain expertise and knowledge. Once knowledge is obtained, they leave the military and bring that knowledge back to their organization. Additionally, those individuals recruit peers while in the military to join their cause.

**EXTREMIST GROUPS AND ORGANIZATIONS.** The majority of extremist groups and organizations have one predominant theme of superiority of one race over the other. This theme can also be applied to ethnicity and religious groups. Some of these groups and organizations proclaim violence as a means to achieve their goals, while others use pseudo-religious themes from their own interpretation of the bible. Most of these groups develop ideologies in an attempt to justify, legitimize and rationalize one particular version of reality despite other explanations and ideas. Ideology is also a way of thinking used by a group to express their beliefs and social values. Christian Conservatism is closely tied to many of the extremist groups and organizations. While the following groups are not representative of all extremist groups, a large portion that we are most familiar with generally falls into one of the three following categories:

a. **Identity (Creationism).** Followers of this ideology tend to believe the Jews are the descendants of Satan, and white Anglo-Saxons are the true Israelites, "God's chosen people," and the sons of Adam and the descendants of the Lost Tribes of Israel. They also believe in an impending worldwide race war which only whites will survive in the protection and maintenance of God's nation. The identity movement views the bible as the true 'word of god' and was written for specific people (the white race). The true literal children of the bible are the tribes of Israel to whom God promised a new land, a Promised Land which identity churches identify as the United States. These children of God (colonist) were ordered to occupy their land, to cleanse it of Satan's children and 'sin' that is the evil power of Satan. They are to occupy the earth and rule in righteousness with God the head of the government. Groups falling into ideologies along these lines are:

- (1) Ku Klux Klan.
- (2) Neo-Nazi.

- (3) Aryan Nation.
- (4) Identity Movement Churches.
- (5) New Jerusalem Fellowship.
- (6) Church of Jesus Christ Christian.
- (7) Church of the Creator.

b. **White Supremacy Ideology.** The Christian Conservative “Identity” explanation of the diverse races of mankind is grounded in Biblical interpretation. According to this ideology, the white race is directly descended from Adam. The Jews are held to be the sons of Cain who was the issue of Eve after her original sin. Thus, Cain was the son of Satan and all of his descendants are the “spawn of the devil.” The ultra-conservative Christian churches use Identity ideology to base theories of white superiority and the duty of whites to survive and defend the US identity, thus ties closely to this ideology and carries into the thought of white supremacy. Keep in mind many right wing groups deny their ideology of white supremacy. Instead, they are concerned with “racial purity,” the safeguarding of the existence and reproduction of the white race. This is a facade of the white supremacist groups to try to persuade people to believe they are only concerned with “racial purity.” However, they are the first to decry “reverse discrimination” and preach Anti-Semitism and anti-black doctrines. Groups falling into ideologies along these lines are:

- (1) Separatists (Nationalist).
- (2) Third Position (Aryan Socialism).
- (3) Neo-Nazi Skinheads.
- (4) Fifth Era.

c. **Patriotism-Survival Ideology.** Protection of basic Constitutional freedoms is the major theme of the Patriot-Survivalist groups. It is more so the preservation of the Anglo-Saxon, “American-type culture” that the founders of our nation secured for all whites. A lot of members are considered Christian Conservative and White Supremacist. The members point blame of economic troubles, including unemployment, on refugees, Jews, Blacks, illegal aliens, Cubans and all other non-white groups. Much of their propaganda is tied to white supremacy ideology and an inevitable race war will occur. Traitors, meaning white Anglo-Saxons who do not hold the same beliefs are often noted in their literature. Groups falling into ideologies along these lines are:

- (1) Racial Survivalist
- (2) Posse Comitatus

(3) Populist

(4) Militias

(5) Tattoos

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

**TATTOOS.** Tattoos are frequently associated with racist and/or gang activities. Skinheads frequently use tattoos and symbols of lightning bolts, skulls, Nazi swastikas, eagles, and Nordic warriors. Skinhead graphics also feature barbed wire, hobnailed boots, and hammers in their symbolism. This information being provided is general in nature and is provided as a guide only to assist leaders and commanders. No immediate assumptions should be made when strange or suspicious tattoos are observed. However, they may be considered a warning signal that something might be worth checking into further. When in doubt, consult the Staff Judge Advocate for clarification and guidance. Excessive or inappropriate tattoos, brands, and body piercing that can tarnish our image as a professional fighting force, prejudicial to good order and discipline is prohibited.

**NOTE:** Leaders MUST strongly discourage Soldiers from tattooing, branding or from piercing their body because of associated health risks and the faddish image they present. However, if Soldiers do, they must adhere to the standards outlined below.

Unauthorized (content): Tattoos/brands anywhere on the head, face, and neck above the class A uniform collar that are obscene, advocate sexual, racial, ethnic, or religious discriminations, regardless of the location on the body are prohibited. Tattoos/brands that are prejudicial to good order and discipline or of a nature that tends to bring discredit upon the Army is prohibited. Any member obtaining unauthorized tattoos will be required to remove them at their own expense.

(Authorized): Existing tattoos or brands on the hands that are not extremist, indecent, sexist, or racist, but are visible in the class A uniform (worn with slacks/trousers), are authorized (See AR 670-1, Chapter 1, Para 1-8(2)e Tattoo Policy).

Inappropriate (military image) Excessive tattoos/brands will not be exposed or visible (include visible through the uniform) while in uniform. Excessive is defined as any tattoo/brands that exceed ¼ of the exposed body part, and those above the collarbone and readily visible when

wearing an open collar uniform. Soldiers with existing tattoos not meeting an acceptable military image should be required to (a) maintain complete coverage of the tattoos using current uniforms' items (i.e., long-sleeved shirt/blouse, pants/slacks, dark hosiery) or (b) volunteers to remove the tattoo(s). Depending on the circumstances, commanders may seek military medical support for voluntary tattoo removal.

**BODY PIERCING: (In Uniform):** Soldiers are prohibited from attaching, affixing or displaying objects, articles, jewelry or ornamentation to or through the ear, nose, tongue, or any exposed body part (include visible through the uniform). Exception, women wearing the Class A/B uniform are authorized to wear one small spherical conservative, diamond, gold, white pearl, silver pierced, or clip earring per earlobe, and the earring worn in each earlobe must match. Earrings should fit tightly without extending below the earlobe (exception: the connecting band on clip earrings).

(1) In Civilian Attire: While on Official duty Soldiers are prohibited from attaching, affixing or displaying objects, articles, jewelry or ornamentation to or through the ear, nose, tongue, or any exposed body part (include visible through clothing). EXCEPTION: Women are authorized to wear one small spherical conservative, diamond, gold, white pearl, or silver pierced, or clip earring per earlobe, and the earring worn in each earlobe must match. Earrings should fit tightly without extending below the earlobe (exception: the connecting band on clip earrings).

(2) While Off Duty on a Military Installation or other places under Army control: Soldiers are prohibited from attaching, affixing or displaying objects, articles, jewelry or ornamentation to or through the ear, nose, tongue, or any exposed body part (include visible through clothing). Exception: Piercing of earlobes by women is allowed, but should not be extreme or excessive. The type and style of earrings worn by women on a military installation should be conservative and kept within sensible limits.

This TC provides concise guidance IAW AR 670-1. However, installations or higher commanders still have the authority to impose more restrictive standards if necessary to address cultural sensitivities or mission requirements.

Refer to DA PAM 600-15, Chapter 3 Figure 1-2, Extremist Tattoo Decision Support Matrix for a flow chart to assist the command with regard to suspected extremist related tattoos.

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

## Appendix B

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**Command Options.** Commander's options for dealing with a Soldier's violation of the prohibitions include:

a. UCMJ action. Possible violations include:

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

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

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

b. Involuntary separation for unsatisfactory performance or misconduct or for conduct deemed prejudicial to good order and discipline or morale.

c. Reclassification actions or bar to re-enlistment actions, as appropriate.

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

**Command Responsibilities.** Any Soldier involved with or in an extremist organization or activity, such as membership, receipt of literature, or presence at an event, could threaten the good order and discipline of a unit. In any case of apparent Soldier involvement with or in extremist organization or activities is a violation of the prohibitions and commanders must take positive actions to educate Soldiers. Putting Soldiers on notice of potential adverse effects that participation in violation of the Army policy may have upon good order and discipline in the unit and upon their military service. These positive actions include:

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

b. Advising Soldiers that any participation in extremist organizations or activities:

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

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

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

(4) Will result in reclassification actions or bar to re-enlistment actions as appropriate.

**Commander's Duties:**

- a. Understand what their service members' positions are.
- b. Be alert for indicators of extremist ties or behaviors.
- c. Enforce policies on active participation.
- d. Educate and counsel service members on understanding of policy.
- e. The commander or a military installation or other military controlled facility under the jurisdiction of the United States shall prohibit any demonstration or activity on the installation or facility that could result in interference with or prevention of orderly accomplishment on the mission of the installation or facility, or present clear danger to loyalty, discipline, or morale of the troops. Furthermore, such commanders shall deny requests for the use of military controlled facilities by individuals or groups that engage in discriminatory practices involving such practices.
- f. Commanders should seek the advice and counsel of their legal advisor when taking actions pursuant to this paragraph.

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

- a. The Army's Equal Opportunity policy. Soldiers should be clearly instructed that extremist organizations' goals are inconsistent with the Army's goals, beliefs, and values with regard to equal opportunity.
- b. Participation in extremist organizations or activities may be taken into consideration when evaluating their overall duty performance, to include appropriate remarks on evaluation reports.
- c. When selections for positions of leadership and responsibility are made, their participation may be considered.
- d. Participation may lead to removal of security clearance.
- e. May result in reclassification actions or bar to re-enlistment actions being initiated and finalized.
- f. UCMJ actions may be initiated.

g. Involuntary separation for unsatisfactory performance or misconduct or for conduct deemed prejudicial to good order and discipline or morale.

h. Other administrative or disciplinary action deemed appropriate by the commander.

Extremism in most any form can have a very serious and negative impact on unit cohesion and effectiveness. Leaders must always be aware of any type activity trying to surface in the work areas and living areas. Leaders are in the best position to influence Soldiers and should be always on the alert for signs of extremist activities within an organization. Encourage your Soldiers to report anyone approaching them on the subject of extremism.

## APPENDIX C

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### Sample Memorandums

#### (SAMPLE COMMANDER'S EQUAL OPPORTUNITY MEMORANDUM)

##### LETTERHEAD

ABCD-EF-G (600-20)

Current Date

MEMORANDUM FOR All Personnel, (Unit)

SUBJECT: Equal Opportunity and Fair Treatment

1. This memorandum is to reaffirm my commitment to equality for every Soldier and their family members. Soldiers are to be trained, assigned, promoted, and managed on the basis of merit, fitness, and capacity, not race, color, religion, gender, or national origin.
2. All leaders are charged with setting the example and providing an environment free of discrimination, verbal abuse, intimidation, and/or derogatory comments of a racial nature or sexual nature. We will not tolerate these acts because they undermine unit cohesiveness and esprit de corps.
3. Equal and fair treatment of all Soldiers assigned to this unit is an absolute priority. The effect such treatment has on morale, discipline, and command authority relates directly to overall accomplishment of our mission.
4. Each leader must be proactive and use communication, education, and training to ensure maximum awareness of these standards.
5. A copy of this statement will be permanently posted on the unit bulletin board and in work areas.

XXXXXXXXX X. XXXXX  
LTC, TC  
Commanding

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(SAMPLE COMMANDER'S POSH MEMORANDUM)

**LETTERHEAD**

ABCD-EF-G (600-20)

Current Date

MEMORANDUM FOR All Personnel, (Unit)

SUBJECT: Prevention of Sexual Harassment

1. This memorandum is to ensure that all personnel in this command know the policy on prevention of sexual harassment.
2. I expect all leaders of this command to take responsibility for both prevention and appropriate corrective action in eliminating sexual harassment. All members of this command will experience an environment free of unsolicited and unwelcomed sexual overtures.
3. Sexual harassment is deliberate or repeated, unsolicited, degrading, and embarrassing. It is sexually related in language, gestures, coercion, and physical contact which are unwelcomed. The term "unwelcomed" is determined by the recipient not the offender. Sexual harassment violates standards of integrity and impartiality. It also undermines interpersonal relationships and interferes with the effectiveness of the unit and mission accomplishment.
4. Any member of this command who thinks he/she is experiencing sexual harassment either on or off duty will report the incident immediately. The command will treat all allegations of sexual harassment with the seriousness it deserves.
5. A copy of this statement will be permanently posted on the unit bulletin board and in work areas.

XXXXXXXXXX X. XXXXX  
LTC, IN  
Commanding

**(SAMPLE COMMANDER'S EO COMPLAINT PROCESSING MEMORANDUM)**

**LETTERHEAD**

ABCD-EF-G (600-20)

Current Date

MEMORANDUM FOR All Personnel, (Unit)

SUBJECT: Equal Opportunity Complaint Processing Procedures

1. This memorandum is to ensure that all personnel in this command know the policy complaint processing procedures related to equal opportunity.
2. Soldiers and family members who believe they have been discriminated against because of race, color, religion, gender, or national origin have the right to file a complaint. Our Soldiers and their families have the additional right to thorough and expedient investigations of their grievances when they perceive an injustice or incident or unfair treatment.
3. The chain of command has primary responsibility for processing complaints of discrimination. Although we encourage using the chain of command it will not serve as the only channel available to the complainant. Should the complainant feel uncomfortable in filing a complaint with his/her chain of command, or should the complaint be against a member of the chain of command, there are alternate channels available to the complainant (Someone in a higher echelon of the complainant's chain of command, Inspector General, Chaplain, Provost Marshal, Medical agency personnel, Staff Judge Advocate and Chief, Community Housing Referral and Relocation Services Office).
4. This command will process all complaints IAW AR 600-20 and as outlined in my enclosure. All leaders will ensure that our Soldiers and family members are fully aware of the procedures for having their complaint heard.
5. A copy of this statement will be permanently posted on the unit bulletin board and in work areas.

XXXXXXXXX X. XXXXX  
LTC, FA  
Commanding

**(SAMPLE EQUAL OPPORTUNITY POLICY MEMORANDUM)**

**LETTERHEAD**

ABCD-BC

Current Date

MEMORANDUM FOR All Personnel, (Unit)

SUBJECT: Policy Letter Equal Opportunity

1. As commander of the 35th infantry division, I want to personally state my support and commitment to the Army's Equal Opportunity Program. I am fully committed to ensuring that every activity and function within this command promotes a positive work environment that is free of discrimination. I want to guarantee that Soldiers, their leaders and family members, a command climate that treats everyone on the basis of capability and merit without regard to race, color, gender, religion, or national origin.
2. Soldiers and their family members will be given full opportunity to develop professionally and personally, free from prejudice and discrimination. I want to ensure that we have a command climate that encourages every Soldier to freely identify and report injustices and discrimination of any form, without the threat of intimidation or reprisal. I expect Soldiers and their leaders to take swift and positive steps to help eradicate bias behaviors and discriminatory practices. Discrimination and sexual harassment will not be tolerated.
3. I challenge the chain of command and every subordinate leader to make this policy a working document. It is only with full command support that equal opportunity can become a reality. Towards that goal, anyone assigned or attached to this command that violates this policy will be dealt with accordingly. Soldiers and their family members are encouraged to use the command's EO compliant process and report all violations to their chain of command. Should anyone feel uncomfortable or fearful about filing a complaint with their chain, there are a number of alternate channels, to include my EO staff. If anyone feels that his or her grievance is not receiving command attention, my door is always open.

ABCD-BC

SUBJECT: Policy Letter Equal Opportunity

4. For further EO assistance, personnel can call the division EO office at 425-1110. After duty hours, for information on sexual harassment, procedures for filing an EO complaint or an appeal to an EO grievance call the installation "EO ASSISTANCE LINE" at 425-1111. This policy letter will be given the widest possible dissemination and will be used during the command's new Soldier orientation program

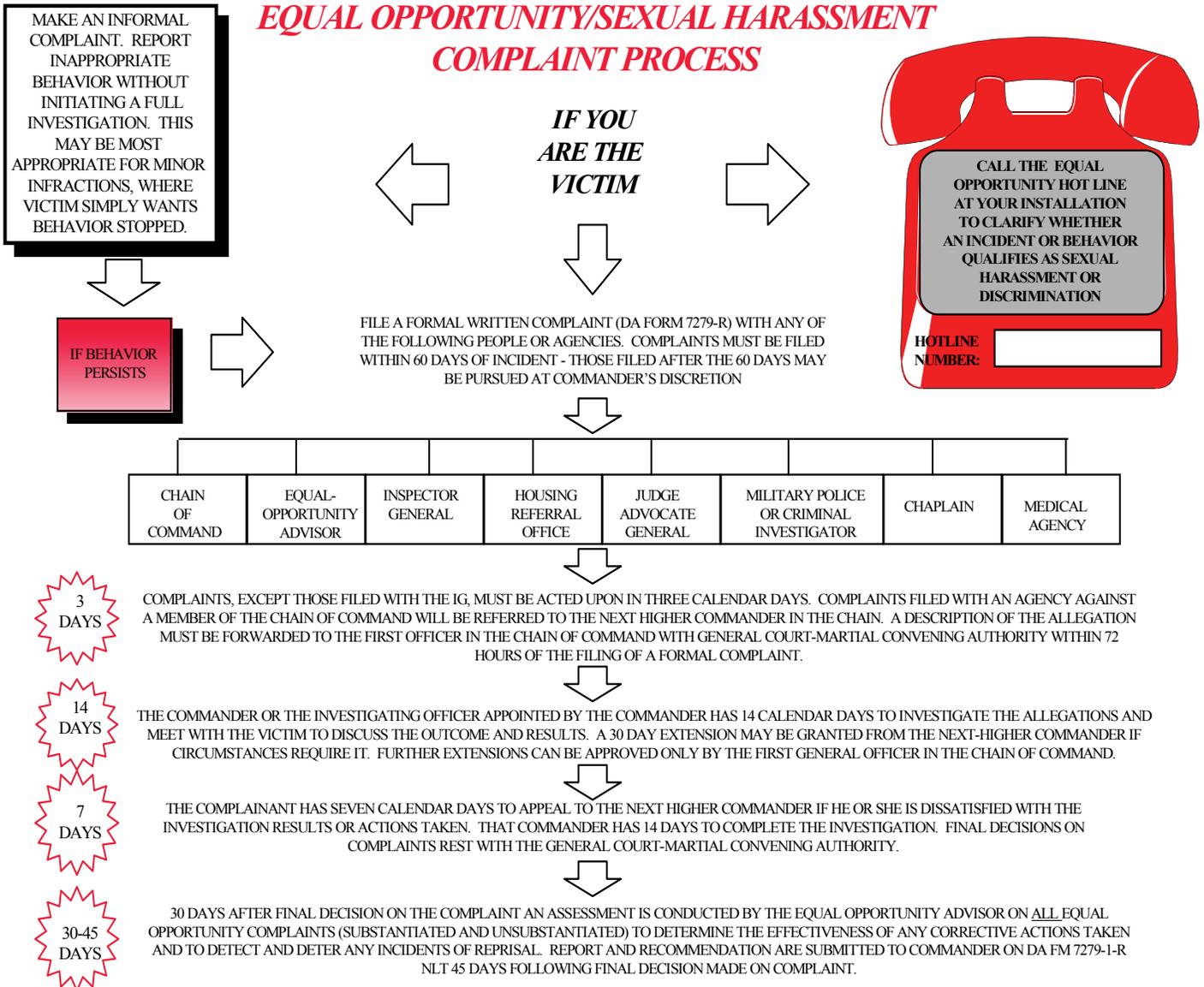
5. A copy of this statement will be permanently posted on the unit bulletin board and in work areas.

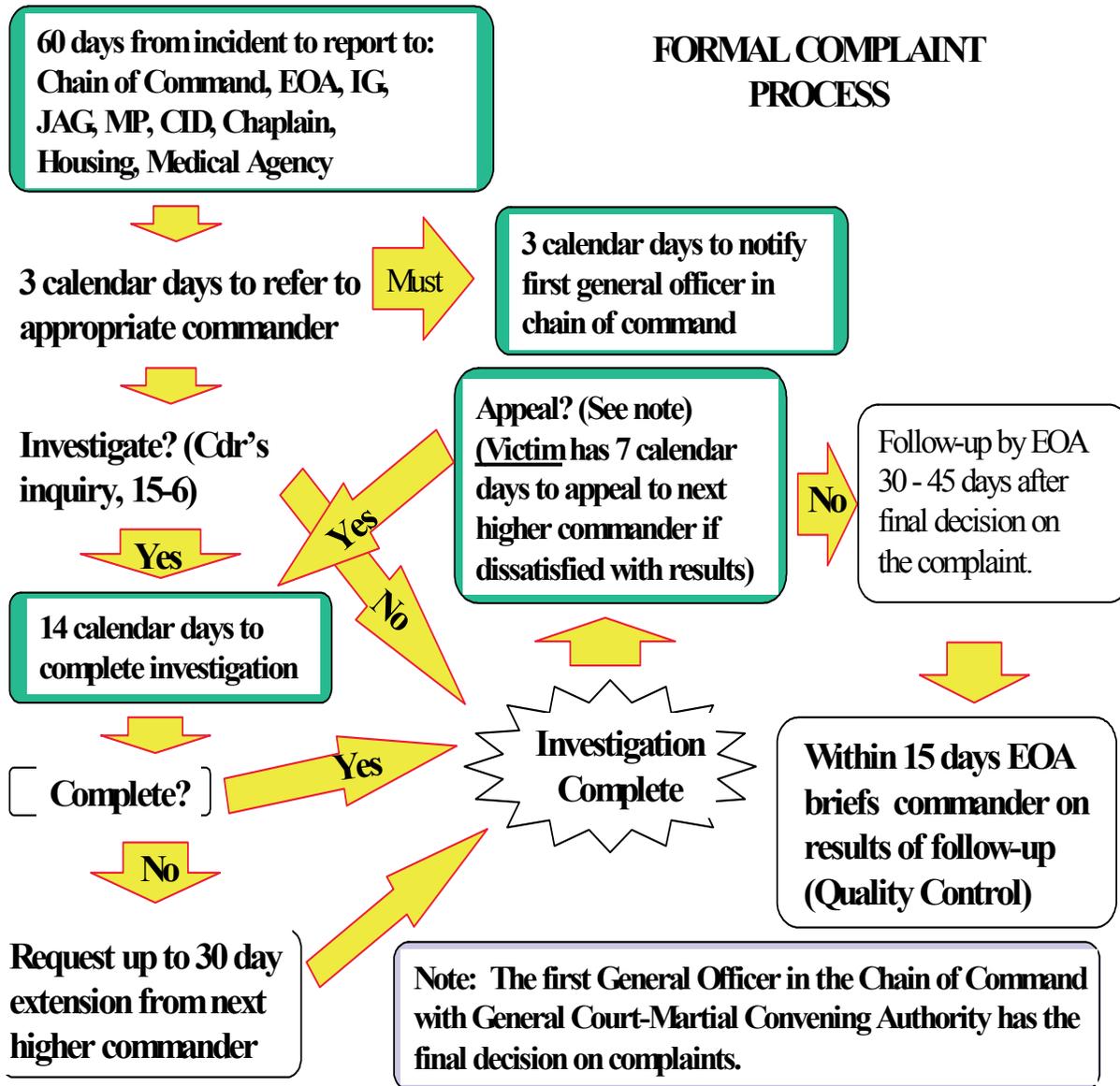
CHRISTOPHER COLUMBUS  
Colonel, U.S. Army  
Commanding

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APPENDIX D

EO COMPLAINT PROCESS





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(SAMPLE COMMANDERS BRIEFING FROM EOA)

ATZJ-C-EO

MEMORANDUM FOR RECORD

SUBJECT: Commanders Briefing

1. Upon receipt of a complaint, the commander will ensure that the complainant has been sworn to the complaint (Block 9a, DA Form 7279). If not, the commander will administer the oath and annotate it on the complaint form. The commander will fill out block 11 acknowledging receipt of the complaint form.
2. All formal complaints will be reported to the first General Courts-Martial Convening Authority (GCMCA) in the chain of command within three calendar days. Notification will be by memorandum or email, with a copy furnished to the servicing EOA. Additionally, the commander will provide a progress report to the GCMCA authority 21 days after the date on which the investigation commenced and 14 days thereafter until completion.
3. The commander may conduct an investigation personally or immediately appoint an investigating officer according to the provisions of AR 15-6. Depending on the magnitude of the complaint the commander may deem it necessary to ask the next senior commander to appoint the investigating officer.
4. The commander must:
  - a. Provide the Investigating Officer a copy of orders assigning him or her as the IO outlining the procedures to be taken in order to conduct an investigation IAW AR 15-6, Fig 2-5.
  - b. Ensure that the investigation is conducted in a timely manner. Provide the Investigating Officer the initiated DA Form 7279 (EO Complaint Form).
  - c. Ensure that the accused is promptly notified of the complaint against them.
  - d. Will establish and implement a plan to protect the complainant, any named witnesses, and the subject from acts of reprisal in writing.
  - e. Will direct the IO to seek the advice of the EOA and Legal as soon as possible.
5. The commander is to provide written and oral feedback to the complainant not later than the 14th calendar day. If this suspense is not going to be met then an extension will be requested in writing to the next higher commander. The extension will not exceed 30 days.
6. The commander shall provide feedback to the subject on the outcome of the investigation and subsequent actions to be taken by the chain of command.

Appendix D

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ATZJ-C-EO

SUBJECT: Commanders Briefing

7. If the complainant perceives 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. If subject(s) of the complaint perceive the investigation has failed to reveal all relevant facts to prove his or her innocence, he or she has the right to appeal to the next higher commander in his or her chain of command.

8. 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. This will be done in writing on the DA Form 7279, Part IV, and the complaint form will be returned to the commander in the chain of command who either conducted the investigation or appointed the investigating officer.

9. The point of contact for this memorandum is the undersigned at 751-1110.

JOHN DOE  
SFC, USA  
Equal Opportunity Advisor

(SAMPLE COMMANDER'S REPRISAL PLAN POLICY)

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COMMANDER'S REPRISAL PLAN & WHISTLEBLOWER PROTECTION

1. IAW AR 600-20, Appendix D-4, the commander will establish and implement a plan to protect the complainant, any named witness, and the subject from acts of reprisal.
2. Soldiers and family members have a right to present their complaint to their leaders or supervisors without fear or intimidation and harassment of reprisal.
3. Reprisal is taking or threatening to take an unfavorable personnel action, withholding or threatening to withhold a favorable personnel action, or any act of retaliation, against a military member for making or preparing a protected communication. There are three forms of reprisal: Threatening, Intimidation, and Harassment. Should any of you be threatened with such action, you will immediately report the incident to your chain of command. Possible sanctions against violations will be UCMJ and/or administrative actions.
4. The Military Whistleblower Protection: Section 1034, Title 10, United States Code (U.S.C), requires an expeditious investigation of all allegations of reprisal for whistle blowing submitted by military members. (DOD Directive 7050.6, Military Whistleblower Protection, implements Section 1034, Title 10m U.S.C).
5. As commander, I will ensure the command support of a thorough, expeditious, and unbiased investigation in good faith in attempting to resolve the complaint; and the need to treat all parties in a professional manner, both during and following the conduct of the investigation. The investigating officer will treat all individuals they will interview professionally and courteously and will limit their decision to only to the specific complaint.
6. I have briefed individual(s) involved on the above plan.

\_\_\_\_\_  
Commander

\_\_\_\_\_  
Date

I have reviewed and understand the information contained n the above reprisal plan.

\_\_\_\_\_  
Individual Concerned

\_\_\_\_\_  
Date

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(SAMPLE REPRISAL PLAN)

ATZJ-C-EO

DATE

MEMORANDUM FOR RECORD

SUBJECT: EO Complaint Reprisal Plan

This reprisal plan is for a racial discrimination complaint filed by SFC Dillard. The following individuals were counseled as part of this plan.

CPT Smith-SFC Dillard's Senior Rater.

MSG Deal- SFC Dillard's Branch Chief.

MSG James- SFC Dillard's Immediate Supervisor (the accused).

SFC Dillard- the complainant.

Points covered.

Rules of retaliation as listed in AR 600-20.

Provide a definition of reprisal and potential actions which could be construed as retaliation (see below). Any changes to SFC Dillard's personnel status must be approved by me.

Assigning SFC Dillard any special or unorthodox assignments or tasking.

Any unannounced or short notice changes to duty rosters which involve SFC Dillard.

Any threats or derogatory statements made either to SFC Dillard or to others about the incident or participants of the incident fall under the reprisal or retaliation as listed in AR 600-20.

Actions to take if one feels they are being retaliated against report to me at 751-XXXX or the BDE EOA at 751-XXXX.

REPORTING COMMANDER  
LTC, AD  
Commanding

CF:  
EOA

(SAMPLE COMPLAINT EXTENSION MEMORANDUM)

ATZJ-C-EO

MEMORANDUM FOR Commander, X-X ADA BN, Fort Sill, OK 29768

SUBJECT: Formal Equal Opportunity Complaint Extension

The purpose of this memorandum is to request an extension of 14 days for the formal complaint filed by SSG X, SSN on (THE DATE THE COMPLAINT WAS FILED).

The Investigating Officer (I/O) has requested this extension due to the unavailability of individuals required for interviews relating to this complaint, and the complexity of the issues involved.

If approved the new suspense for resolution of this complaint to include feedback to the complainant is (DATE THE EXTENSION WILL TERMINATE).

The POC for this memorandum is the BDE EOA, SFC Ashe, 751-4247.

COMMANDER  
LTC, AD  
Commanding

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(SAMPLE COMPLAINT APPEAL MEMORANDUM)

ATZJ-C-EO (600-20)

MEMORANDUM FOR RECORD

SUBJECT: Equal Opportunity Complaint Appeal

1. Reference: AR 600-20, Appendix D-8

2. The complainant may not appeal the action taken against the perpetrator, if any is taken. If subject(s) of the complaint perceive the investigation has failed to reveal all relevant facts to prove his or her innocence, he or she has the right to appeal to the next higher commander in his or her chain of command. 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. This will be done in writing on the DA Form 7279, Part IV, and the complaint form will be returned to the commander in the chain of command who either conducted the investigation or appointed the investigating officer. Once the appeal is initiated by the complainant, the commander has three calendar days to refer the appeal to the next higher unit commander. The commander to which the appeal is made has 14 calendar days to review the case and act on the appeal (i.e. approve it, deny it, or conduct an additional investigation). Not later than the 14th calendar day following receipt of the appeal, this commander shall provide written feedback, consistent with Privacy Act and FOIA limitations, to the complainant on the results of the appeal. This process applies equally to subsequent appeals submitted through the chain of command. Complaints that are not resolved at brigade level may be appealed to the General Courts-Martial Convening Authority. The only exception to this is where organizations have Memorandums of Understanding or Support that delegate Uniform Code of Military Justice authority to a local commander. Decisions at this level are final.

3. As the subject of the complaint, I acknowledge I have 7 days to appeal the investigative findings to the next higher commander.

I decline to appeal yes or no  
(circle one and initial above)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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(SAMPLE INITIAL NOTIFICATION MEMORANDUM)

ATZJ-CDR

MEMORANDUM THRU Commander, X-X ADA BDE, Fort Sill, OK 29768

FOR Commanding General, Fort Sill, OK 29768

SUBJECT: Formal Equal Opportunity Complaint Notification

1. The purpose of this memorandum is to notify you that I received a formal EO complaint from the Bde EOA on (date/time).
2. The alleged offender is (rank, name and unit) and has made the following allegations:
  - a. Alleged Sexual Harassment against the Company Commander (rank, name and unit).
  - b. Alleged Racial Discrimination against the Company 1SG (rank, name and unit).
3. Brief summary of complaint.
4. I have appointed (rank, name and unit) as the Investigating Officer (I/O) or I will conduct a commanders inquiry into this alleged complain.
5. The POC for this memorandum is the undersigned at DSN 751-XXXX.

COMMANDER  
LTC, AD  
Commanding

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## APPENDIX E

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### CHECKLIST FOR PLANNING AND CONDUCTING UNIT CLIMATE ASSESSMENTS

|   | YES | NO |
|---|-----|----|
| 1. Has the purpose and scope of the assessment been determined?                                   |     |    |
| 2. Has the commander determined the desired outcome for the assessment?                           |     |    |
| 3. Is the condition for the assessment known? (i.e., Regulatory requirement or command directed?) |     |    |
| 4. Have the personnel and agencies who will conduct the assessment been notified?                 |     |    |
| 5. Are the operational areas for the assessment identified?                                       |     |    |
| 6. Has a contract for an in-brief and/or out-brief by an outside agency been established?         |     |    |
| 7. Have time limits for each assessment area been established?                                    |     |    |
| 8. Have appropriate strategies for conducting the assessment been developed?                      |     |    |
| 9. Is the assessment scheduled as an integral part of the unit's training plan?                   |     |    |
| 10. Have all key unit personnel been identified?  |     |    |
| 11. Have all unit members who will take part in the assessment been notified?                     |     |    |
| 12. Have all data-gathering methods for the assessment been selected?                             |     |    |
| 13. Is the survey or questionnaire for this assessment easy to administer and measure?            |     |    |
| 14. Are techniques and procedures for processing assessment information clear and well defined?   |     |    |

NOTE: Any "No" responses should be resolved before beginning assessment.

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## APPENDIX F

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### PLANNING AND CONDUCTING FOCUS GROUPS

1. Background. Focus groups are a form of group interviews to gather specific information about the unit or given command. They may be formal or informal events conducted by the chain of command or other staff personnel. However, they are most effective when participants are free to discuss their feelings and share their opinions about the organization. Experience has shown that focus groups are an excellent tool for clarifying the cause and affect relationship between survey questionnaires and organizational practices.

a. Focus groups are just one of many methods that can be used by commanders or Equal Opportunity Advisors (EOA) to obtain information on the EO climate of the unit and as part of the climate assessment process. Commanders or EOAs may elect to conduct a focus group at any time or during any phase of the assessment process.

b. Through focus groups, commanders and EOAs receive feedback on which specific events or unit activities induce both favorable and unfavorable responses by participants. Focus groups cannot offer the level of anonymity that is provided by surveys or individual interviews. To avoid issues of intimidation or reprisals, focus group leaders are encouraged to conduct focus groups among a sampling of Soldiers from similar peer groups, i.e., junior enlisted, junior NCOs, senior NCOs and officers.

2. Planning for the Focus Group. When development a focus group plan, the following items must be taken into consideration:

a. The objective of a focus group is to provide commanders and decision-makers perceptions of Soldiers, civilians, and family members as representatives of their particular group on specific issues or concerns. Commander and decision-makers use this information to gain insight into the unit, environment conditions, or special issues.

b. Determine and clearly define the purpose of this particular focus group, e.g., conduct command climate assessment, conduct diversity training, etc.

c. Effective focus groups usually require two people, one the group leader and the other individual serving as the recorder. Group leaders (facilitator) are usually the Commander, and the recorder is normally the EOA. If the EOA is to lead the focus group, he or she should have another EOA or EOL to assist in performing duties as recorder. The focus group leader and recorder will normally work together during the planning process. In that way, the recorder will be more attuned to significant points brought up during the fast moving exchanges that oftentimes occur during focus groups. The recorder must be allowed to periodically enter to conversation in order to clarify or verify what was said and to ask questions the facilitator missed.

## Appendix F

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d. Identify the issues and areas to be addressed and prepare a lead-in question for each issue.

e. Once all issues to be addressed in the focus group are identified, they should be consolidated on a questionnaire. Focus groups without questionnaires are acceptable if preparation has been thorough and time available precludes production of a questionnaire. You might want to distribute your questionnaire to the participants as they arrive. Questionnaires serve the following uses:

(1) Gives the group members something to do and think about while waiting for all participants to arrive.

(2) Orient the group to the areas you will later discuss.

(3) When collected at the end of the group, provide written documentation that will contribute to the issues and concerns discussed during the focus group.

f. The time available must be considered from two aspects:

(1) First, the number of focus groups scheduled for a given day should be carefully planned and scheduled. Allow sufficient time between groups to prepare for the next one. The preferred number of groups per day is three: one in the morning; one in the afternoon, and one in the evening (if family members are desired). Scheduling of more than this number of groups is not recommended as there will possibly be no time between groups to consolidate your notes and the quality of the feedback could suffer.

(2) Second, a focus group should not normally exceed 2 hours. The preferred planning time for a focus group is 90 minutes. Group leaders should begin to wind-down the focus group approximately 15 minutes before terminating the group. During the initial part of the wind-down, focus group leaders will get a feel for the personality of the particular group as to whether or not there will be a problem closing out the group. The amount of time allowed for a focus group to continue should be based on whether or not the group leader has sufficiently addressed each issue or area of interest. The leader must decide if spending additional time is worth it to the leader and the participants. Under no circumstances should groups run overtime if another group is waiting to start the next group. Try to allow a minimum of one hour between scheduled groups.

g. The location of the focus group should be relatively private, preferable away from the headquarters. A conference room, dayroom, or classroom normally meets this need.

h. The size of the group should be limited from 8-15. If more than 15 participants are allowed in a group, the group leader will not be able to maintain sufficient eye contact with the entire group. Eye contact is important. It enables the leader to gauge the reaction of the group to statements and to solicit other views in response.

i. You should stratify you groups. This is an essential factor in developing open and honest discussions. Some possible groups by strata are:

Group 1: PVT-SPC + GS2-GS4

Group 2: SGT-SSG + GS5-GS8

Group 3: SFC-MSG + GS9-GS12

Group 4: LT + CPT

Group 5: ENLISTED FAMILY MEMBERS

Group 6: OFFICER FAMILY MEMBERS

Group 7: MAJ-LTC + GS13-GS14

j. How you organize Focus groups depends upon the particular circumstances of the situation, the objectives of the group, and issues to be discussed. Commanders may further breakdown the groups into male only, female only, and male/female groups. This will permit issues to be discussed that would not ordinarily be raised in other groups. However, you should never have a female only group without having a male only group.

k. Notification to unit personnel. Whenever possible the unit personnel should be notified in writing as far in advance as possible. Support requirements such as room requirements, number of participants, the date and time for each group, should be identified in the notification letter.

l. For obvious reasons, observers from the chain of command must be excluded from attendance at focus groups. This includes ensuring that supervisory relationships are avoided within a single group. You should always ask if any member of the group supervises any other member of the group. If someone supervises another member, then the supervisor should be included in the group for supervisors. Additionally, the number of groups must be large enough to provide anonymity for the participants.

3. Conduct: For the conduct of focus groups, consider the following:

a. Room Arrangement: Arrange the room so that the participants can see each other and the group leader. The ideal arrangement is the oval or circle arrangement, which allows everyone to have eye contact with the speaker. Avoid using the “classroom” configuration since it is difficult for everyone to maintain eye contact when they are sitting in rows or behind desks or tables.

b. Questionnaire: If questionnaires are used, the group leader may want to hand out questionnaires to participants as they arrive and ask them to begin filling them out.

c. Introductions: After all participants have arrived and they are working on the questionnaire, the group leader should introduce himself or herself and the recorder. It is not appropriate to have the participants introduce themselves, or identify what organization they represent. You should develop a feel for the group through generalized questions, such as, how many infantrymen are here today? Or how many mechanics are here today?

d. Process: Explain that the purpose of this particular focus group is to obtain group consensus (where possible) on perceptions of the issues and areas addressed on the questionnaires. If no questionnaire is used, explain the purpose of the focus group. Inform the group that this is not a “complaint” group, but individual complaints may be addressed following the focus group. A person’s experience in the area being discussed is acceptable and solicited for discussion.

e. Non-attribution: Remind the group of non-attribution and emphasize that not only will you protect their anonymity, but you expect and require that each individual in the room respect the privacy rights of the others. What is said and by whom should not be discussed by the group participants once they depart the focus group. You must explain that the recorder will be taking notes about what is said concerning the issues, but not the names of the participants.

f. Credibility and Trust: Focus group leaders should make special effort towards establishing credibility with the group as well as developing trust in the leader and recorder. One way to do this is to tell a participant who has made a comment “You have made a good point here. I want to make sure we capture this issue. I also want to preclude any possibility that you could be tied to having given us this information. Therefore, I am going to summarize this issue for the recorder without identifying the particular group.” This might help the group to relax and thus be more open to you.

g. Attitude: Do not participate or talk down to the group or any of the participants. This will turn a group off more quickly than anything else, and the information obtained will be what they think you want to hear. Most groups will correct or contradict an obnoxious individual if you give the opportunity.

h. Rapport: Develop rapport with the group early in the group. However, ensure you are careful to keep your comments and demeanor professional.

i. Involvement: Make every effort to get everyone involved in the discussion. One way is to maintain eye contact. You will know when an individual has something to say. You can tell the quiet members “You looked as if you were going to say something a minute ago” and encourage them to speak.

j. Listening: Be a good listener. Let the group ramble from time to time. The main constraint here is the group time limitation and the need to ensure that the main areas and issues identified for discussion are adequately addressed.

k. Teach and Clarify: Be prepared to teach. Often there is a need to explain or clarify Army policies on issues under discussion about inaccurate perceptions by group members. You must be careful here to avoid the very real possibility of the focus group turning into a lecture. Explain the Army policy briefly and succinctly and get back to the business of sensing.

l. Cautions: Do not make promises or commitments during a focus group. It is quite easy to fall into the trap of telling someone you can fix a problem that is obviously broken and will only require a couple of telephone calls. More often than not, the “other side of the coin” will show a different slant on the problem.

m. You will know when you have conducted a good focus group. As the participants depart, they will make comments along the lines of “Thanks for listening,” “Thanks for coming,” or “I feel better just being able to talk about it,” etc.

#### 4. Closing the focus group:

a. Begin to close the group approximately 15 minutes before your scheduled completion time. You have several actions that should be accomplished, and each action can frequently take more time than expected.

b. If the group was successful, say so.

c. Have the note taker summarize the areas and issues covered and the general responses in each area. Confirm, where applicable, a general consensus from the group on the areas and issues discussed.

d. Explain what you will do with the information, i.e., brief the appropriate commander(s). You must now again reemphasize the need for confidentiality and non-attribution.

e. Thanks the participants, pick-up questionnaires, and close the group. Remain available for individual questions.

f. EOAs should, as soon as possible, discuss and consolidate the appropriate information obtained during the group with the input from the questionnaires and prepare to brief the results to the commander.

5. Presenting the results: There is no mandatory format used to present the results of focus groups. Use whatever method fits the situation and the material to be presented. There are however, several key factors that are critical to the focus group process:

a. Remind the commander that you summarized the data in such a way as to protect the confidentiality of the individual participants. You should (almost) never attribute a particular comment to an individual, either pro or con. If the participants ever think information was “leaked,” your ability to conduct future focus groups will be comprised.

b. Some commanders may tend to overreact to information gleaned from focus groups, especially if the information indicates problems within the organization. It is important that the commander be reminded that the information represents perception as opposed to fact, and that additional homework and careful analysis may be required to turn the raw data into useful intelligence.

c. Seldom is focus groups data used alone. It should be used as a source of leads for further information gathering, or as a crosscheck of information gained from other sources.

## APPENDIX G

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### SCENARIOS

#### SCENARIO - 1

**SITUATION:** You are the platoon sergeant within a company-size element. Several Black Soldiers have complained about Mexican Soldiers displaying the Mexican national flag in the windows of their privately owned vehicles (POVs). Their perception is that the Mexican Soldiers are sending a message that says they love Mexico more than the love the United States of America. The black Soldiers requested a policy be established to ban displaying of national flags (of any culture) on the military installation.

**QUESTIONS:** What are the EO issues and concerns from this scenario? What action if any, should you take to address concerns of your Soldiers?

#### RECOMMENDED GUIDANCE:

The platoon sergeant should attempt to handle this issue at their level by doing the following:

1. Sit down with both groups separately and find the underlying cause of the issue, appears to be an underlying issue that is occurring just not listed in the scenario.
2. Talk with other groups and see if they feel the same way.
3. Find out when the last time EO training was done on cross-cultural communications, and was there any feedback from that class that could be helpful and immediately schedule a CO2 class on the topic.

**Note:** If the issues is resolved or not at this point notify the commander and explain the situation, remember a platoon sergeant does not posses the authority to have a symbol removed, only the commander can make that determination, ref. AR 600-20, Chapter 4-12c.

The intent of the regulation is to maintain good order and discipline or morale within the unit. Consideration must also be given to who is complaining and why, this is not always an easy decision, however all sides of the situation must be considered, could be underlying discrimination going on from either side. Get a second opinion, be it a SGM, higher level commander, or your EOA before you make a decision can really make a difference.

#### SCENARIO - 2

**SITUATION:** You are the squad leader in an infantry unit. While walking through your unit area, you overhear two Soldiers in your squad refer to one another as "gay".

**QUESTIONS:** How do you feel about the Soldiers calling another Soldier "gay"? What should you do? Should you take any action? If so what and why?

**RECOMMENDED GUIDANCE:**

This situation demands a quick and immediate response. The individuals that said the other Soldier was gay should be verbally reprimanded. A learning point should also be made to the squad on the negative effects of spreading rumors. A class given by those responsible for calling the other Soldier gay on the Army's Homosexual Conduct Class could also be a good example of corrective training.

**SCENARIO - 3**

**SITUATION:** You are a NCOIC of the Bde S1 section. You supervise five Soldiers, four females and one male. The only male, SPC Gilbert Hueyopa, was assigned to the company about two months ago. Until two weeks ago you were very pleased with his work. He was willing and able to take on additional responsibilities when asked and seemed to be getting along well with the rest of the section. Lately his work hasn't been up to par. All his reports have been incomplete, accountability of his equipment is constantly inaccurate, and lately he has been "riding sick call." When you talked to him about it, he seemed distant and distracted and said he would work on it.

You've also noticed some of your other Soldiers, SPC Johnson and SPC Delafuente telling dirty jokes one day in front of SPC Heuyopa; he smiled and seemed to find it funny. On another occasion you heard SPC Johnson make a comment about his muscles, to his face and in front of the entire S1 section. SPC Johnson can sometimes be obnoxious, but everyone likes her and puts up with her bad behavior. SPC Heuyopa hasn't complained to you, but you feel uneasy about the whole situation.

**QUESTIONS:**

1. Do you think sexual harassment has occurred in this situation? Why or why not?
2. What is your responsibility as a supervisor? Should you wait for SPC Heuyopa to complain or speak to you?
3. Do you need more information? What other issues and concerns should you address?
4. What will you do about SPC Johnson's job performance?

**RECOMMENDED GUIDANCE:**

1. Counsel SPC Johnson and SPC Delafuente on sexual harassment and inappropriate language in the work environment.
2. Speak with SPC Hueyopa again and discuss not just his job performance, discuss his professional relationship with others in the section, the point is to not focus solely on him, but the entire section, you should mention that you feel the jokes are inappropriate and how does he feel about them.
3. Schedule prevention of sexual harassment training immediately.

**NOTE:** Male Soldiers are less likely to bring forward a sexual harassment complaint against another female for fear of being ridiculed as being weak or a homosexual.

**SCENARIO - 4**

SITUATION: CPT Bob Smith saw two of his co-workers, CPT Lisa Washington and 1LT Mark Hughes, laughing quietly, whispering, and flirting with each other. The next time CPT Smith passed CPT Washington; he winked and said, "Now I know why 1LT Hughes fancies you, you are such a hottie, what do you say that we go and cool you off," and looked her up and down. CPT Washington laughed it off and walked away and went straight to the EOA's office to file a complaint.

**QUESTIONS:**

1. Did CPT Smith sexually harass CPT Washington?
2. Does she have to tell CPT Smith that she was offended for it to be sexual harassment?
3. Does she have a valid EO case?

**RECOMMENDED GUIDANCE:**

CPT Smith did sexually harass CPT Washington; his behaviors both verbal and nonverbal were a violation of the Army's sexual harassment policy. CPT Smith does not have to tell CPT Smith that she was offended for it to be sexual harassment; many victims are afraid; uncomfortable with confrontation. She does have a valid EO case and must determine does she want to file a complaint or seek guidance on how to handle the situation; she might have just been taken off guard and wants to gather her thoughts.

**SCENARIO - 5**

SITUATION: When SFC Jones, a PSG, gathered his squad leaders together in the motor pool to check the vehicles, he always asks SSG Roger Garcia to physically check the vehicles while SSG Angela Henry holds the clipboard and takes notes.

**QUESTIONS:**

1. Is SFC Jones committing sexual discrimination?
2. Is SFC Jones sexually harassing both Staff Sergeants?

**RECOMMENDED GUIDANCE:**

This appears to be a form of discrimination based upon gender; however, the situation does not provide enough information to make that assumption. Lesson learned is, do not prejudice any situation based upon appearance; a good leader will gather all available information and then proceed from there. However a faulty perception can be a command climate killer, we know that Soldier's perceptions are their reality thus, SFC Jones should be aware of the possible perceptions others may perceive and react accordingly.

**SCENARIO – 6**

**SITUATION:** Throughout the day, CPT Perry dropped by the job site to oversee the work of his Soldiers, which was made up of three females and eight men. When he passed SFC Monica Thomas or SSG Pamela Justice he would occasionally pat one of them on the back or give them a quick shoulder massage or a hug. He has never said anything really sexual to either of them, and they've never objected to his occasional touches.

**QUESTIONS:**

1. Is CPT Perry sexually harassing the women?
2. If neither of the women is offended, is there an issue?
3. What if another Soldier saw the incident, would this be an issue?

**RECOMMENDED GUIDANCE:**

In this scenario, we are aware of inappropriate physical contact in the work place between supervisor and subordinate, whether consensual or not. The issue is the inappropriate contact; the fallout could result in a sexual harassment complaint being filed. If you took this same scenario a few months down the road and now it is evaluation time and one of the NCOs received a negative evaluation, more than likely we would see a complaint based upon sexual harassment.

The what if is question of another Soldier witnessing this behavior could lead to rumors and a perception that something else is going on and would undermine the authority of the NCOs and CPT Perry, this would probably domino down hill rapidly.

**SCENARIO – 7**

**SITUATION:** Major Chong really likes his subordinates, and he makes it a point to treat everyone the same. He especially likes to joke and tease in what he feels is a good-natured way. When in the field he makes everyone use a made up call sign his personal call sign was "Ho Chi Min Six", some of his Soldiers were uncomfortable at first using the call sign, but eventually they all went along with it. Major Chong continued to make jokes about his call sign the entire FTX. When another Soldier started making jokes about his call sign as well, he told him to stop or he would file an EO complaint.

**QUESTIONS:**

1. Is it ok for someone to make jokes about their own culture and not others?
2. What corrective actions need taken to fix this situation?

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**RECOMMENDED GUIDANCE:**

The use of disparaging terms should not be used by anyone, it is not ok for one group or race to use a term and then say that another person cannot use the same term because of his or her race or gender that would be racial discrimination. The Major should be told (by a superior, EOA, Chaplain, any leader) to immediately to stop using the call sign, and on the spot training should be done to explain the proper use of call signs and how the Major created an environment that condoned that type of behavior and is responsible for the current situation.

**SCENARIO – 8**

**SITUATION:** Last night, MSG Armstead went to a business dinner meeting arranged by his Company Commander, CPT Lydia Tucker. He expected both the 1SG and the Commander to be there, she said that the 1SG had to back out at the last minute. The restaurant was dimly lit, with a very romantic atmosphere. After a few drinks, MSG Armstead realized that the only business being discussed was her attraction to him.

Just before suggesting that they go to her house for a nightcap, she mentioned to MSG Armstead that her 1SG position was soon to be vacant and she was looking for a good man to fill the position, that if he played his cards right she would make sure he got into the right position.

**QUESTIONS:**

1. Is CPT Tucker sexually harassing MSG Armstead?
2. What should MSG Armstead do?
3. Do you believe that MSG Armstead being a male will report the incident?

**RECOMMENDED GUIDANCE:**

In this scenario, the commander is sexually harassing the MSG and has created a hostile environment. Even though she did not come right out and say it, the impact of her words and behaviors would provide a reasonable person if placed in the same situation to say that it was sexual harassment. MSG Armstead should decline the invitation for a nightcap and leave immediately. The facts dictate that the average male Soldier will not report a sexual harassment incident and will probably just avoid CPT Tucker.

**SCENARIO – 9**

**SITUATION:** SGT Martha White is very attracted to her supervisor, SFC Dan Black. Since they're both single, she asked him over to dinner one Friday evening. After a very pleasant evening and a few too many drinks, they ended up spending the night together.

**QUESTIONS:**

1. Is this sexual harassment?
2. What should they do?

**RECOMMENDED GUIDANCE:**

This is not sexual harassment; however, it is an issue of inappropriate behavior. This relationship should be ended immediately or one of the Soldiers should seek a different job if they decide to continue the relationship.

**SCENARIO - 10**

**SITUATION:** Specialist Gutierrez and Private Torres were talking about what restaurant they were going for lunch, as was everyone else in the office. However their conversation was in Spanish. SFC Stevens came up and said, “Hey you are in the Army and you have to speak English” and told them to stop speaking Spanish.

**QUESTION:**

1. Were any regulations violated by the Soldiers speaking Spanish?
2. What is the Army's language policy?

**RECOMMENDED GUIDANCE:**

The Soldiers did not violate any regulation by speaking in Spanish while discussing their lunch plan. Refer to AR 600-20, Chapter 4, Para 4-13. for information on the Army Language Policy, where some people get confused is that the regulation states that English is the operational language, meaning all Soldiers must be able to effectively communicate in English and must speak English on duty when it is clearly necessary to perform military functions, promote safety or other legitimate reasons to accomplish the mission. Many leaders take this at they must speak English 24/7 this is not true, Soldiers may speak in any other language that does not require the above criteria to be met, i.e. personal conversations can be done in any language. Many people perceive that they must be talking about them is untrue. For further guidance, consult your EOA.

**SCENARIO - 11**

**SITUATION:** You are a unit commander. Recently two female Soldiers were assigned to your unit. Both women are wheeled vehicle mechanics. When they arrive, the unit was short two clerks. The unit had two men from the motor pool filling the positions until the new clerk-typists arrived. Both men hold secondary MOS of clerk-typist.

While in processing the women, you find out that they both can type 60 words per minute. Neither woman holds either a primary or secondary MOS clerk-typist. However, you decide to send the two men back to the motor pool and give the typist jobs to the women. You feel that the women would be happier in an office environment, and their typing skills justify your decision.

**QUESTION:** This is an example of which of the following?

- A) Proper use without discrimination.
- B) Improper use without discrimination.
- C) Discrimination, but proper utilization.
- D) Discrimination and improper utilization.

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**RECOMMENDED GUIDANCE:**

The answer is (D). The commander was acting upon their own personal sexism in stereotyping females. The commanders' sexism was that females would be happier in an office environment. One of the lessons learned is that we must know our own personal sexist issues and know how they influence your decisions.

**SCENARIO - 12**

**SITUATION:** You are a company commander. The First Sergeant provided facts showing that the 2d Platoon's platoon sergeant is using discriminatory practices concerning awards and promotions recommendations.

**QUESTION:** What is the appropriate action to take given this information?

**RECOMMENDED GUIDANCE:**

The commander should personally review or ask for assistance from the EOA and review all awards, promotions and UCMJ on 2<sup>nd</sup> Platoon. Upon review, the commander should take any steps possible to fix any mistakes that may have occurred. The commander should take some type of UCMJ or administrative action against the platoon sergeant, i.e. Relief for cause NCOER, letter of reprimand, at the least this Plt Sgt should not be in a leadership position. Positive steps by the commander are required, plus follow up with the platoon, removing the Plt Sgt is just one-step in the process, the platoon needs to know and see that the command is doing the right thing.

**SCENARIO - 13**

**SITUATION:** Private Ann Mitchell hates her unit's physical fitness training. She does not hate exercising or physical athletics. She is tired of the remarks made by men in the unit, such as "can you make those moves for me Baby?" or "I know how we can sweat together." When she went to the squad leader and complained. He stated that she wasn't cut out for the Army and was being overly sensitive. He said, "The men are just joking -- don't take it personally."

**QUESTION:** Are leader actions required and if so, what?

**RECOMMENDED GUIDANCE:**

The squad leader has minimized her complaint by stating that she was being too sensitive, and has exhibited sexist behavior. The squad leader should conduct a POSH class using Small Group Facilitation and put everyone on notice that their words were inappropriate. The squad leader should also counsel those Soldiers that were making those catcalls or suggestive statements. The squad leader should be happy that the Soldier approached him to handle the situation and not the commander or the EOA. She put her trust in the squad leader to fix the situation and not make it worse.

**SCENARIO - 14**

**SITUATION:** Corporal Darby is a squad leader in 1st Platoon. During a recent company party, several members of his organization were clustered around the day room swapping war stories and telling jokes. He noticed several members of his squad huddled near the pool table. As he approached the group, he noticed they were passing around a piece of paper. Upon joining their conversation, he is handed the paper which contains derogatory ethnic cartoons. Although Corporal Darby is surprised and a little upset about the paper being passed around, he laughs and pretends to go along with the caricatures. The next day he talks to the platoon sergeant about what happened. She informs him that she has already received several complaints about the incident but she couldn't do anything about it because she could not determine who initiated the paper.

**QUESTION:** What should the corporal do, leave it alone, or take it to the ISG?

**RECOMMENDED GUIDANCE:**

This scenario places the corporal in an ethical dilemma. The CPL knows that something was wrong and did bring it to the attention of the Plt Sgt. The CPL is probably torn between loyalty to the Plt Sgt and doing the right thing. The CPL should approach the next person in the Chain of Command or NCO Support Channel for advice or action. Another avenue could be the unit EOR. Displaying of derogatory ethnic cartoons is a form of racism that must be dealt with, failure to deal with it will only cause it to fester and grown until it gets out of control. This issue must be properly investigated to find the source of the derogatory cartoon, and recommend any UCMJ action that is warranted. This is a serious EO violation and should be treated accordingly, if this type of behavior is being done at a company function, one can only imagine what is occurring in less formal settings.

**SCENARIO - 15**

1LT Mata comes to your office Monday morning and informs you she wants to file a sexual harassment complaint against 1LT Sutherland (both in your unit). She tells you she was in the NCO Club Saturday night, and that he made several sexual advances. She admits that at first they were welcomed, but as the evening progressed, he said things she did not like. For example, at one point he said, "I'll rock you like your back ain't got no bone." She had no intentions of seeing him socially again. Unfortunately, 1LT Mata has been counseled and received an ART 15 for previous acts of promiscuity while in BOQ. 1LT Sutherland is a model Soldier with no previous infractions.

**RECOMMENDED GUIDANCE:**

As a Commander, what actions do you take to address the issue? Many Commanders will be wrapped up in the fact that she had received previous punishment for acts of promiscuity and will say that her past behavior is the reason he acted that way, or that she was in the club what did she expect. However, 1LT Sutherland did cross the line with her and it became sexual harassment, she does not have to tell him that she was offended for it to be sexual harassment.

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Many people when placed in the same situation will behave the same way. This is a normal response for many people, this response does not constitute that the behavior was welcomed. A quick fix could be just pulling 1LT Sutherland in, counseling him and remind him what is appropriate language and where he crossed the line with 1LT Mata. Not every person that comes forward wants the individual hammered, many times they just want the behavior to stop, so a commander could ask what they would like to see happen to the victim. Some will say an apology, others as mention before just want it stopped, some will ask for heads to role. As long as the commander takes the appropriate actions to correct the situation and document it appropriately this case/issue is complete or closed. However a follow up by the commander is highly recommended to ensure no retaliation or reprisal is committed.

### **SCENARIO - 16**

SPC Hill and SPC Brown are roommates, living in the barracks. SPC Hill has a tee shirt that has in large print "THE SOUTH WILL RISE AGAIN". SPC Brown has a Malcolm X shirt displaying Malcolm X with his fist up and words "BY ANY MEANS NECESSARY". Both Soldiers are offended by the others shirt. You tell both Soldiers not to wear the shirts any longer. However, SPC Brown declares he bought his tee shirt at the PX. If it were inappropriate for wear on post, it would not be sold at the PX. He further states that they do not sell SPC Hill's shirt at the PX.

#### **RECOMMENDED GUIDANCE:**

Reference AR 600-20 Para 4-12

The intent of the regulation is to maintain good order, discipline and morale in the unit. In this situation the commander should either have both t-shirts banned from being worn or have the two Soldiers sit down and discuss what their shirts mean to them and how the other shirt affects them. This type of conversation should be in the presence of a person that possesses the proper level of maturity to mediate this type of discussion, many times if not properly facilitated it can cause a further drift between the Soldiers or nothing gets accomplished at all. Many times when people clash over this type of issue, there are perceptions that have been made based upon the individuals' socialization process.

### **SCENARIO - 17**

SGT Smith comes to your office Monday morning and informs you that he wants to file a sexual harassment complaint against SGT Wright (both males in your unit). He tells you that SGT Wright frequently makes comments to coworkers that "SGT Smith receives favorable treatment due to his alleged affair with 1SG Henry." In addition, he often asks SGT Smith "how is your love life" and "does the 1SG swallow?"

#### **RECOMMENDED GUIDANCE:**

Is this sexual harassment? Yes.

Who was sexually harassed? Both SGT Smith and 1SG Henry (1SG Henry would be harassed if she knew of the rumors, they were unwanted and unwelcomed, and it created a hostile work environment).

What inappropriate behaviors resulted in the complainant coming forward?

1. Rumors to coworkers that were sexual in nature, unwanted, unwelcomed, and created a hostile work environment.
2. Questions that were sexual in nature, unwanted, unwelcomed, and created a hostile work environment.

Do you have to first determine if SGT Smith and the 1SG Henry are having an affair? No, this is irrelevant and is victim focus.

If you determine in the course of the investigation that SGT Smith and 1SG Henry are having an affair is it still sexual harassment? Yes, one violation of the UCMJ does not excuse another violation of the UCMJ.

### **SCENARIO - 18**

**SITUATION:** One-Day SGT Griesen volunteered to escort a high-ranking guest around Stuttgart, Germany. The visitor had just arrived on a flight from the East Coast, and SGT Griesen had volunteered to drive him to his hotel. Once inside the vehicle, the visitor lost no time turning the conversation to personal matters: “SGT, do you have children? Is this your first marriage? What kind of alcoholic beverage do you prefer?” Halfway to the hotel, he placed his hands on her thigh. SGT Griesen said, “Don’t do that.” He persisted, at one point he even started massaging her breast while she was driving. She dropped him off at his hotel, drove straight to your office, and tells you her story while tears ran down her face, what do you do? Is this sexual harassment?

### **RECOMMENDED GUIDANCE:**

In the scenario it has gone beyond sexual harassment and has become a sexual assault, at this point you should call the MP’s or local police immediately. Commanders should make themselves aware of the resources available when they have a member of their unit that has sexually assaulted. Commanders should never forget the victim; they must ensure that the issue is handled with sensitivity and respect for the victims’ privacy. The Bottom line is, knowing the difference between sexual harassment and sexual assault and what steps to take in either scenario.

### **SCENARIO - 19**

**SITUATION:** A female SSG alleges that her supervisor, a civilian, always asks her to take notes, make coffee, and provide refreshments during meetings. The meetings are usually attended by two other administrative personnel who are male SSGs. The complainant is upset and feels that her supervisor is sexually harassing her.

**RECOMMENDED GUIDANCE:**

Would this be a sexual harassment case? No, asking her to make coffee and provide refreshments is not sexual in nature.

What specific portion of the EO policy was violated? Possible gender discrimination

What impact did and could this situation have on the individual, unit, and mission?

This type of discrimination could lead to a perception of sexist behaviors and gender discrimination. The supervisor should rotate the duties of taking notes, etc. However, the female SSG should address the issue with a person in the chain of command or speak with the EOL or EEO (Civilian EO Office) for assistance. Civilians are covered under different rules than military personnel, so if you have an issue with a civilian and feel you need more assistance, always get EEO involved.

**SCENARIO - 20**

SITUATION A: SFC Justice approaches you about her boss having all this religious stuff on her desk and now she has a bible on her desk. SFC Justice tells you that at first it was ok with just a few things, now she playing music and reading her bible at her desk. You tell the commander that you want her to remove her religious articles because it is not appropriate for the work place. She also tells you that it goes against good order and discipline and that it must be removed. What do you do?

SITUATION B: SFC Justice approaches you about her boss having a civil war photo of the "Battle of Bull Run" behind her desk and that you are offended because there is a confederate flag showing in the picture. Tells you she would like it removed. What do you do?

SITUATION C: SFC Justice approaches you and tells you that her boss has a Sports magazine swimsuit calendar displayed behind his desk. SFC Justice tells you that she is offended and wants the calendar removed. What do you do?

**RECOMMENDED GUIDANCE:**

Reference AR 600-20, Chapter 4-12. The intent of the regulation is to maintain good order and discipline or morale within the unit. The mentioned symbols, flags, posters, photos are not limited to just extremism. Items that are racist and sexist fall into this category. Any item that is perceived to be sexist, racist or extremist, that affects the good order and discipline of a unit should be removed. However, command authority is given to promote and maintain a healthy command climate and commanders must use this authority in keeping with the below guidelines before having, the item removed:

1. Consult your EOA, JAG, Chaplain, reasonable person standard, next echelon Cdr
2. Intent of the person bringing the issue to you (there may be an underlying issue in the unit that needs to be addressed)
3. if the object is in question, research it, gather more information before you make a decision

## Appendix G

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4. Check the last time an EO class was done on that area. This may be an opportunity for effective EO training

NOTE: ITEMS THAT ARE BLATANTLY SEXIST, RACIST OR EXTREMIST ARE TO BE REMOVED. CONSULT YOUR EOA FOR THOSE ITEMS THAT MAY BE IN QUESTION.

NOTE: RELIGIOUS ARTICLES DO NOT FALL INTO THIS CATEGORY. ASKING A PERSON TO REMOVE A RELIGIOUS ARTIFACT FROM THEIR DESK WOULD NOT MEET THE INTENT OF THIS REGULATION. IF A PERSON HAD A PROBLEM WITH A RELIGIOUS ARTIFACT THAT IS THAT PERSONS PROBLEM AND IT SHOULD BE AN OPPORTUNITY FOR EDUCATION AND CULTURAL TOLERANCE OF ANOTHER PERSONS RELIGION. CONSULT YOUR UNIT CHAPLAIN FOR GUIDANCE AND TRAINING ADVICE.

### SCENARIO - 21

SITUATION: MSG Ashe offered to treat SSG Theus to lunch, while eating MSG Ashe repeatedly tells SSG Theus how good she looks and how she could help her career progress. SSG Theus is uncomfortable and asks MSG Ashe what she meant by her comments. MSG Ashe states that if she comes on over to her house this weekend she will **surely** find out.

#### RECOMMENDED GUIDANCE:

This is sexual harassment. However it does fall into a gray area of the “don't ask don't tell policy.” **However a commander posed with this situation, should consult JAG for guidance.** An informal commander's inquiry could be done to see if the facts presented are credible, they may be other Soldiers that were confronted as well. A bottom line on this issue is that unless you have the following (SAM), statement by the individual that they are homosexual, witness an act of physical touching for self sexual gratification, or an attempt to marry a person of the same gender then you cannot initiate any chapter on the individual. The person did commit sexual harassment and should be counseled accordingly.

### SCENARIO - 22

SITUATION: A first sergeant posted bi-lingual signs in the unit latrines telling Soldiers to ensure they policed up after themselves. A Soldier filed an equal opportunity complaint about the sign to the unit EOA.

#### RECOMMENDED GUIDANCE:

Soldier complained that Hispanic-American Soldiers were insulted, as posting a bi-lingual sign implied they could not read English. Non-Hispanic Soldiers were insulted, because they believed all Soldiers should speak “American”. The sign came down. Reference AR 600-20 on “Army Language Policy.”

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**SCENARIO - 23**

**SITUATION:** An officer in your command is very dissatisfied with the findings on a formal complaint concerning her two first line supervisors for gender discrimination. She appealed the findings of the process up to include the GCMCA who let the former findings stand. Not satisfied with this, she forwarded the complaint to the Secretary of The Army, and Army Chief of Staff. What action(s) if any should take place at this point?

**RECOMMENDED GUIDANCE:**

Legally, nothing has to be done further at this point. IAW AR 600-20, Chapter 6, APP. D-9, decisions at this level (GCMCA) is final. You can advise her to seek assistance from other agencies, however if all steps of the complaint process were handled properly, the formal complaint process has ended.

**Case Studies 1: Leader Actions to Detect and Correct Sexual Harassment Incidents**

**SITUATION A:** 1LT Larry Jackson overheard two of his co-workers, 2LT Lisa Franks and 1LT Adam Wright, laughing quietly, whispering, and flirting with each other. The next time 1LT Jackson passed 2LT Franks, he winked and said, "How is your love life, sweet thing," and looked her over, all in a joking manner. 2LT Franks was angry and offended and told him so.

**QUESTION:** Did 1LT Jackson sexually harass 2LT Franks?  
Are there other leadership issues or concerns?

**SOLUTION:** *Yes, 1LT Jackson's behavior was inappropriate and constitutes sexual harassment. Asking personal questions about her 'love life' calling her sweet thing, and 'looking her over' are behaviors which are clearly inappropriate. Other leadership areas of concern are 2LT Frank's and 1LT Wright's behavior. This type of activity can lead to serious problems and can result in a hostile environment in the office.*

**SITUATION B:** When Mr. Tom Jones, a civilian supervisor of military personnel, gets his work group together for their monthly planning session, he always asks SSG Carol Roberts to take notes and make coffee. His work group consists of three other administrative assistants--SSG Fred Jackson, SSG Kelvin Bridges, and SSG Reginald Gibson.

**QUESTION:** Is Mr. Jones sexually harassing SGT Roberts?

**SOLUTION:** *No, Mr. Jones is not sexually harassing SSG Roberts. However, he is demonstrating sexist behavior toward SSG Roberts by constantly asking her to take notes, and make coffee. These are things that are stereotypically associated with women's roles as opposed to men's roles.*

**SITUATION C:** CPT Chin really likes his subordinates, and he makes it a point to treat everyone the same. He especially likes to joke and tease in what he feels is a good-natured way. He makes comments like "How's your love life?" and "Don't do anything I wouldn't do", but he has never made any lewd or offensive comments. None of his subordinates has ever objected, and sometimes they even coerce him into telling some of his stories.

**QUESTION:** Is CPT Chin committing acts of sexual harassment?

**SOLUTION:** *CPT Chin's behavior is inappropriate and could very easily be sexual harassment. Questions such as "how's your love life" and "don't do anything I wouldn't do" constitute verbal sexual harassment. The fact that no one objects does not mean that no one is offended. His rank may make some Soldiers reluctant to complain out of fear. His actions could be creating a hostile work environment for Soldiers.*

**SITUATION D:** Yesterday, SGT Donald Reese went to a luncheon meeting arranged by the section chief, 1LT Mary Carpenter. He expected the whole section to be there, but it was just the two of them. The restaurant was dimly lit, with a very romantic atmosphere. After a few drinks SGT Reese realized that the only business to be discussed was his relationship with 1LT Carpenter. Just before suggesting that he take the day off and meet at her house later for a nightcap, she mentions his upcoming Noncommissioned Officers Evaluation Report (NCOER).

**QUESTION:** Is 1LT Carpenter sexually harassing SGT Reese?

**SOLUTION:** *This type of activity constitutes Quid Pro Quo sexual harassment. His evaluation - therefore his career - is being used to pressure him into a sexual relationship. This situation also violates the Army's policy on Relationships between Soldiers of different rank.*

**SITUATION E:** SGT Martha Clarke is very much attracted to her platoon sergeant, SFC Danny White. Since they're both single, she asked him over for dinner one Friday evening. After a very pleasant evening and a few too many drinks, they ended up spending the night together. The next day SFC White told SGT Clarke that he thought they should see more of each other since they hit it off so well. Besides, he said, this arrangement can be very beneficial to both of us.

**QUESTION:** Is this a case of sexual harassment? Why or why not?

**SOLUTION:** *This situation may have been only a case of improper senior/subordinate relationship until SFC White said that seeing him could be beneficial to both of them. At that point, SFC White's behavior entered into that domain known as Quid Pro Quo sexual harassment.*

## **Case Study 2: Apply Leadership Skills in Resolving EO Complaints**

### **BACKGROUND:**

SPC Gessler (female) filed an EO complaint against her platoon sergeant, SFC Robert Webster for sexual harassment. Her complaint centered on the following:

SFC Webster wrestled and horse played with his Soldiers, male and female. SFC Webster made sexual innuendoes while rubbing his nipples, pulling up his T-shirt, and placing a coin in his naval. When SPC Gessler told SFC Webster to stop, SFC Webster laughed at her and continued his unwelcome actions. SFC Webster also kicked SPC Gessler on her buttocks and

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made comments such as "you wished it was my hand." SFC Webster also poked his Soldiers in the ribs, knocked Soldiers off their chairs, threatened Soldiers with bodily harm, and played with a knife in the work place.

Sex was a major topic of discussion, with SFC Webster telling male Soldiers to "tone it down" when female Soldiers complained about the sexual jokes. Intimidation was a daily tactic used by SFC Webster to keep Soldiers under his control. The Soldiers believed that they never knew how SFC Webster was going to act on a daily basis. Soldiers (male and female) were reluctant to talk or file a complaint for fear of retaliation.

SPC Gessler allowed this behavior to continue because she wanted to fit in. When SPC Gessler could no longer go along with SFC Webster's behavior, she filed a formal complaint.

### **ACTION TAKEN:**

When the complaint was filed, the commander was on leave over the Christmas holidays. The acting company commander (SFC Webster's platoon leader) requested an AR 15-6 investigation be initiated by the Battalion Commander. The acting company commander also requested the Investigating Officer to come from a different unit to maintain impartiality.

Due to the Christmas holidays, a 21 day extension was requested and granted. SPC Gessler was informed of the investigation and was provided with a copy of the results of the investigation and commander's action to resolve the complaint. The IO concluded that SFC Webster had sexually harassed and intimidated Soldiers. The IO also concluded that SFC Webster encouraged sexual conversations to intimidate female Soldiers or to solicit a response from them.

SFC Webster received a Field Grade Article 15, relieved of his duties, reduced in rank to Sergeant, an administrative flag, and a fine of \$ 1000 which was suspended for 90 days. Due to the flagging, the SFC Webster will reach his Retention Control Point (RCP) in a few months and will not be able to re-enlist. SFC Webster will be able to leave the Army with involuntary separation pay.

### **Discussion Areas:**

1. What types (if any) of sexual harassment/EO violations can be identified?

Physical (wrestling and horse-play, rubbing his nipples, pulling his shirt up, kicking her on buttocks); verbal (threatening, sexual innuendo comments, telling sexual jokes)

2. Who is the victim? Who is the offender?

SPC Gessler was a victim, along with the other members of the section under SFC Webster. SFC Webster was the offender

3. What options were available to anyone who felt they were a victim of inappropriate behavior(s)?

Seek assistance from the chain of command; File a complaint against SFC Webster

4. Did the Chain of Command take appropriate response?

The command took prompt action when notified of the complaint. The acting commander notified higher headquarters and requested appropriate action be initiated.

5. Based on the information provided, does it appear proper procedures were followed in conducting this inquiry/investigation?

Yes, based on available information, it appears that proper procedures were followed with regard to the actions of the acting commander.

6. Does anyone feel the consequences of this investigation were appropriate, not severe enough, or too severe?

No answer necessary here. It will be the students' opinions that generate further discussion on this question.

7. What actions on the leadership's part might have had a positive influence on preventing this situation?

If the leadership had been aware of what was going on among their subordinates, they should have immediately intervened and counseled SFC Webster that his actions were unacceptable behavior. They should then have followed up to ensure that SFC Webster was complying. Any further violations should have resulted in his Relief for Cause and removal from the section.

### **Case Studies 3:**

#### **BACKGROUND:**

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

1SG Beckham began giving the commander some background information. She said that recently, there have been an unusual number of problems and incidents out of the Battalion S1 Shop. The PAC Supervisor, SFC Atwood had been there for over a year. The PSNCO, SSG Barton had arrived at the unit within the past six months. It is apparent, from conversations with

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SFC Atwood and the 1SG that SFC Atwood and SSG Barton did not have a good working relationship. But the job seems to be getting done, so that is the most important thing the 1SG said.

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

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

If this was your company, what actions would you take, based on the information provided?

### **Solutions and Discussion Points**

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

1. CPT Walisa should begin the process of conducting a unit assessment. AR 600-20, Chapter 6, requires that he conduct an assessment within 90 days of assuming command, and annually thereafter. However, there are enough indicators in the unit to warrant conducting an assessment even without the regulatory requirement to do so.
2. The recent behavior changes noted in SPC Hunt, the Awards clerk in PAC warrant some concern for the chain of command. Generally, when a Soldier's behavior changes dramatically, without apparent reason, there is an underlying reason. While we can't make assumptions, we should also not fail to take the initiative to try and find out why these changes are happening. If she is showing signs of withdrawal, it may be a response to some action being taken against her. It is often one of the warning signs of a Soldier who might be sexually harassed by someone on an on-going basis.

3. What is SFC Atwood's assessment of what is happening to SPC Hunt? Has he reviewed the counseling statements? Does he agree with SSG Barton that SPC Hunts should be getting these counseling statements?
4. What is the source or nature of the problems between SSG Barton and his boss, SFC Atwood? Is it personality conflict or something deeper or more serious? Work related differences?
5. The First Sergeant should not be the EOL for the unit. Soldiers are often reluctant to bring personal matters or equal opportunity issues to the 1SG or commander. Often, the Soldiers perceive the first sergeant or commander to be part of the problem and fear going to them. The commander should appoint an NCO as the unit EOL and ensure they attend the first available 60 hour course to training EOL's offered by the Brigade or Installation Equal Opportunity Advisors.
6. The increase number of Article 15s given in the unit is worthy of concern. While each and every one may be justified, this increase may be an indicator or another problem. Is there a pattern in the UCMJ that can be detected? Is there a gender or racial breakout that would lead the commander to conclude there may be a problem to resolve? These are questions that should be addressed during a unit assessment.
7. The First Sergeant may be part of the problem. She has identified several concerns and yet, has taken no apparent actions to resolve them. Could she have demonstrated a more 'pro-active' EO attitude?

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## **Glossary**

### **Section 1: Acronyms and Abbreviations**

|               |   |
|---------------|---|
| <b>AG</b>     | <b>Adjutant General</b>                               |
| <b>ART</b>    | <b>Article</b>  |
| <b>CH</b>     | <b>Chaplain</b>                                       |
| <b>DA</b>     | <b>Department of the Army</b>                         |
| <b>DEOMI</b>  | <b>Defense Equal Opportunity management Institute</b> |
| <b>DLI</b>    | <b>Defense Language Institute</b>                     |
| <b>DOD</b>    | <b>Department of Defense</b>                          |
| <b>EEO</b>    | <b>Equal Employment Opportunity</b>                   |
| <b>EO</b>     | <b>Equal Opportunity</b>                              |
| <b>EOA</b>    | <b>Equal Opportunity Advisor</b>                      |
| <b>EOAP</b>   | <b>Equal Opportunity Action Plan</b>                  |
| <b>EOL</b>    | <b>Equal Opportunity Leader</b>                       |
| <b>GOQ</b>    | <b>General Organizational Questionnaire</b>           |
| <b>HRO</b>    | <b>Housing Referral Office</b>                        |
| <b>LRC</b>    | <b>Learning Resource Center</b>                       |
| <b>MEOCS</b>  | <b>Military Equal Opportunity Climate Survey</b>      |
| <b>NCOER</b>  | <b>Non Commissioned Officer Evaluation Report</b>     |
| <b>OER</b>    | <b>Officer Evaluation Report</b>                      |
| <b>PM</b>     | <b>Program Manager</b>                                |
| <b>PMO</b>    | <b>Provost Marshal Officer</b>                        |
| <b>POSH</b>   | <b>Prevention of Sexual Harassment</b>                |
| <b>REDCAT</b> | <b>Racial and Ethnic Designation Categories</b>       |

## Glossary

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|-------------|--|
| <b>SH</b>   | <b>Sexual Harassment</b>                     |
| <b>SJA</b>  | <b>Staff Judge Advocate</b>                  |
| <b>TASC</b> | <b>Training Audiovisual Support Center</b>   |
| <b>TDAS</b> | <b>Training Diagnostic Assessment System</b> |
| <b>UCMJ</b> | <b>Uniform Code of Military Justice</b>      |
| <b>UCP</b>  | <b>Unit Climate Profile</b>                  |

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**Section II: Terms**

**ACTION PLAN** – An action plan is a sequence of steps or tasks taken to eliminate or resolve a problem or to achieve specific objectives. Action plans include the agency taking action, a completion date, and an established goal. State what will be done, who is responsible, resources to be allocated, completion time, and the expected results.

**ANTI-SEMITISM** - Discrimination, prejudice, or hostility directed toward Jews which is often expressed in the curtailment of their religious, social, economic, or civil rights.

**DISCRIMINATION** - Making a difference in treatment on a basis other than individual merit.

**EQUAL OPPORTUNITY** - Equal consideration and treatment based upon merit, fitness, and capability.

**EQUAL OPPORTUNITY ACTION** - Methods used to achieve the objectives of the EO program. They include processes, activities, and systems designed to identify, eliminate, prevent, and work to overcome the effects of prejudicial treatment as it affects the upward mobility and quality of life for DOD personnel.

**EQUAL OPPORTUNITY ACTION PLAN** – An Equal Opportunity Action Plan is a management document that consists of statements of attainable goals and timetables. This document is required of all Army organizations, commands, agencies, and activities down to brigade (or equivalent) level. It is designed to achieve equal opportunity for all military personnel. EO Action Plans will concern conditions where:

- a. Equal Opportunity action is needed.
- b. Practical strategies to remedy the conditions are available and explained.
- c. The end-conditions sought are clearly expressed.

**EQUAL OPPORTUNITY ADVISERS** - Officers and NCOs serving in full-time EO positions at brigade (or equivalent) level or higher. In addition to military EOAs, DA civilians may be officially assigned to military EO program duties in accord with applicable position classification standards and guidelines.

**ETHNIC GROUP** - A group which is socially distinguished or set apart by others and/or by itself mainly on the basis of cultural or nationality characteristics.

**ETHNIC ORIGIN** – Ethnic origin is the quality of being distinguishable from the general population on the basis of actual or perceived cultural criteria such as language, religion, and mores. For the purpose of this regulation, ethnic origin is included within the meaning of national origin. Residents of Puerto Rico may be covered under national origin in cases of discrimination.

## Glossary

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**INSTITUTIONAL DISCRIMINATION** - Different treatment of individuals in an organization which:

- a. Occurs based on race, color, religion, gender, or national origin.
- b. Results from the normal functioning of the organization.
- c. Operates to the consistent disadvantage of a particular group.

**MINORITY GROUP** - Any group distinguished from the general population in terms of race, color, religion, gender, or national origin.

**NATIONAL ORIGIN** - A person's or ancestor's place of origin. This designation also applies to a person who has the physical, cultural, or linguistic characteristics of a national group.

**PREJUDICE** - A negative feeling or dislike based upon a faulty and inflexible generalization (i.e., prejudging a person or group without knowledge or facts).

**RACE** - A division of mankind having certain traits transmissible by descent and that are sufficient to characterize it as a distinctive human type.

**RACISM** - Any attitude or action of a person or institutional structure which subordinates a person or group because of color.

**RELIGION** - A system of institutionalized attitudes, moral or ethical beliefs, and practices.

**SEXISM** - Any attitude or action of a person or institutional structure which subordinates a person or group because of gender.

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

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

**STEREOTYPE** - An over-generalization or fixed idea that is thought to apply to an entire category or group.

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