

TC 26-6

COMMANDER'S EQUAL OPPORTUNITY Handbook

**HEADQUARTERS,
DEPARTMENT OF THE ARMY.**

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Commander's Equal Opportunity Handbook

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Preface

This handbook is intended to provide commanders a ready reference for equal opportunity (EO). Each chapter contains topical EO information and provides references and tips. Upon assuming command, the commander, along with subordinate leaders, should review this handbook, develop a strategy for proactively carrying out the Army's EO Program.

The proponent for this publication is the Adjutant General School, Soldier Support Institute. Send comments and recommendations on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to Commandant, Adjutant General School, Soldier Support Institute, ATTN: ATSG-AGP-EO, 10,000 Hampton Parkway, Fort Jackson, SC 29207.

CHAPTER 1

THE ARMY'S EO PROGRAM

The basic purpose of the United States Army is to fight and win our nation's wars. Fundamentally, it is accomplished through the presence of soldiers on the ground in distant places, demonstrating military capability and commitment. Clearly, our strength to accomplish its mission rests with its soldiers.

What impacts soldiers impacts combat effectiveness. One such factor is the human relations environment in which our soldiers live and work. The Army subscribes to a human relations environment based on dignity and respect.

Dignity and respect are bedrock values of both the Army and the nation and encompasses more than the traditional military courtesies that leaders and soldiers observe in deference to rank and position. When soldiers are treated with dignity and respect by leaders and their peers, a strong bond develops between them. This bond is founded on mutual trust and serves to cement unit cohesion and to build esprit de corps. When this commitment to treating one another with dignity and respect falters, we risk destroying that which we must hold

most precious—the indomitable, warfighting spirit of our soldiers.

A key element of the Army's Human Relations Program is its Equal Opportunity (EO) Program. The Army is proud of having led the nation in EO in many ways, for so many years. However, we all know that more needs to be done to ensure all soldiers, Department of the Army (DA) civilians, and their family members are provided an environment to live and work in that is free of discrimination and one that is positive and healthy.

EO is a readiness issue and people are the cornerstone of readiness. Treating soldiers with dignity and respect, and living the Army's values, are key to good leadership, cohesion, and teamwork. It is the right things to do, both legally and morally.

Leaders at all levels must continue to reaffirm their efforts and work to ensure that EO and freedom from sexual harassment are the Army's standard. Leaders also have an obligation to ensure those you lead create and maintain an environment with no tolerance for any type of discrimination or sexual harassment.

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 systemic 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, 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. It strives to ensure fair treatment of all soldiers is based solely on merit, fitness, capability, and potential 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 soldiers, DA civilians, 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 EO and fair treatment for military personnel and family members without regard to race, color, religion, gender, or national origin, and provide an environment free of 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.

The assignment and utilization of female soldiers are the only exceptions to our non-biased personnel management process. 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 evaluate each member's commitment to elimination of unlawful discrimination and/or sexual harassment and document significant deviations from that commitment in evaluation reports.

Substantiated 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.

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

PRINCIPLES OF THE EO PROGRAM

For any program to be effective, it must be based on certain principles. The Army's EO Program has five basic principles. 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 or civilian employees know what the policy is and what is expected from them. Enforcing compliance of the policies is one of responsibilities that accompanies leadership.

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 and DA civilian 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 or employee perceives it to be. You must take steps to ensure not only that soldiers and civilians receive fair and equal treatment, but also that they fully realize that it is fair treatment.

Related EO Elements

- **Issues of Appropriate Behavior**
- **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:

Issues of Appropriate Behavior

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 program designed to assist leaders 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. The program is systemic and designed to create,

maintain, and enforce an environment of respect and dignity throughout the Army. While there are no limitations placed on the subjects included under the CO2, EO and some of its related subjects are included in the program.

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 US Army and DA Pam 600-75, 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 on other areas of the body that are prejudicial to good order and discipline are prohibited. Additionally, any type of tattoo or brand that is visible while wearing a class A uniform and detracts from a soldierly appearance is prohibited. As commanders, you have the authority to take necessary action to ensure this policy is enforced.

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 are 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.

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 and DA civilians. The acronym “LDRSHIP” (pronounced leadership) use 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.

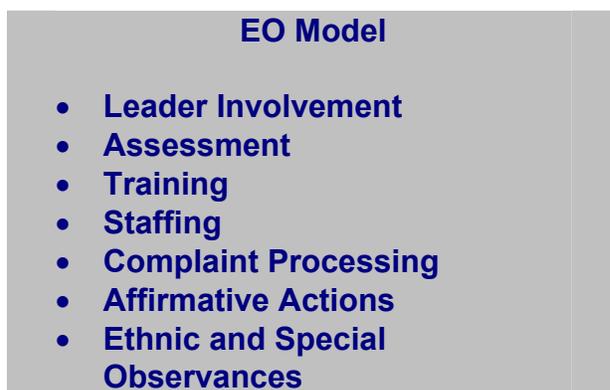


Figure 1-3

EO MODEL

The EO Model consists of seven basic building blocks. The seven building blocks are Leader Involvement, Training, Assessments, Staffing, Complaint Processing, Affirmative Actions, 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.

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.

CHAPTER 2

LEADER INVOLVEMENT

By regulation, commanders are the EO officer 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.
- Providing within 72 hours of receipt of a formal complaint, a description of the allegations through command channels to their general courts-martial convening authority.
- Identifying unlawful discriminatory practices affecting military personnel, DA civilians, 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 EOA to their personal or 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 Representatives (EORs) 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 attend and participate 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. An 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 regard 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 soldier 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 commitment 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 Representative, EO Advisor, and EO Hotline.
- 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 prevention 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 locations and telephone numbers of the unit EO Representative, EO Advisor, and EO Hotline.
- 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 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 responsibilities.

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 regard 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 problem 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 from the battalion Command Sergeant Major to the unit first sergeant and then to other NCOs and enlisted personnel of the unit. The scope of 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 responsibilities 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 complaint 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, customs, 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 overemphasize 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.

CHAPTER 3

TRAINING

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. DA Pam 350-20, Unit EO Training Guide, should be used as the basis for all unit level EO training. This guide was specifically designed to be used by commanders in ensuring soldiers are trained on all aspects of EO.

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 sexual harassment training. When EO training is given as part of the Consideration of Others training, is counted as part of the annual training requirement.

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, reflecting 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, affirmative actions, 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 participating 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, who serves as the training proponent, 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 an eight 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 Leaders Training Support Package (TSP). This TSP provides basic leaders (E5/E6) with information on how to support and enforce compliance with the Army's EO program, policies and procedures. The focus of training is on leader objectives, responsibilities, and the actions required for identification and resolution of EO problems. Special emphasis is

placed on the leader roles in resolving discrimination issues, prevention of sexual harassment, the complaint process and how to correct deficiencies.

- **Platoon Training Support Package (TSP).** This TSP is designed for platoon leaders (E7-LT) and is follow-on the training received at the basic leader level. Training focuses on program components, elements, principles, behaviors and actions that violate EO policies, sexual harassment, prevention of reprisals, leader roles in resolving complaints, and platoon leaders duties and responsibilities.
- **Company Level Training Support Package (TSP).** Training designed for company level leaders (1SG-Cdr) 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.
- **Battalion/Brigade Level Training Support Package (TSP).** This TSP is designed for battalion and brigade leaders. Training emphasizes the senior leader role, actions, and responsibilities for implementing EO programs, monitoring and assessing command climates, and affirmative action plans.
- **EO Representative's Course (EORC),** The EORC is a 10-day training package. It consists of 31 separate lessons and is complete with viewgraphs, student guides, student handouts, and practical

exercises. The training package is designed to train students to become EORs. However, it is an excellent package that can be easily adapted for unit training.

Personnel

Considered the most important resource, personnel must receive the your personal scrutiny and consideration. Ideally, unit EORs 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. Tape recorders, overhead projectors, and video recorders 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.

CHAPTER 4

ASSESSMENTS

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. Climate assessment commanders and subordinate leaders to collect and analyze information about the command and measure 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.

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).

- 
- **Regulatory**
 - **Command Directed**
 - **Driven by Events**
 - **Staff Assistance Visits**
 - **Monitoring Affirmative Action**

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, MACOM 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 is normally conducted to ascertain the cause and effect relationship precipitated by a major EO events, trends or other unfavorable conditions within a 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 Affirmative Actions:** Climate assessments can also be used to monitor the impact or success of Affirmative Action Plan (AAP) 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 intergroup 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 weaknesses 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 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 EOR 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 EOR assets.

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

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. 30 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 a 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.odcsper.army.mil>. 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 the 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 this 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.
- Military Equal Opportunity Climate Survey (MEOCS): MEOCS 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 only 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 G.

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 intergroup tension and unrest. These indicators are a signal to that 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 intergroup tensions and unrest. Here are a few of those indicators.

- Group participation in intergroup 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 nonjudicial 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.

difference between what is required and what is on hand.

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

CHAPTER 5

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, national origin, color, gender, religion, or sexual harassment.

The Army's EO compliant 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 (GCM) Authority.

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, family member or DA civilian 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, EORs, 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, EOR, 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 record (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 the complaint.
- The complaint is against a member of the soldier's chain 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 TIMELINES

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 72 hours to the General Courts-Martial (GCM) 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, an extension of a maximum of 30 calendar days may be approved by the next higher echelon commander.

Individuals 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 and provide a brief statement which identifies the basis of the appeal. Action(s) taken against the perpetrator, 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 of the next higher command will have 14 calendar days to complete the appeal. An extension of 30 days may be granted by the next higher commander.

The General Court 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 E, 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 perpetrator, and any witnesses or third parties. The EOA is also required to comment on the completed report and completion by the investigating officer.

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 that 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 require special attention. Unlike other EO complaints, you may find that

allegations of sexual harassment may sometimes lack sufficient information for you to take decisive actions. Also, the one-on-one nature of sexual harassment sometimes causes evidence to be in dispute. You should not discharge claims of sexual harassment simply because the victim has failed to make a case by providing you with sufficient evidence. For this reason, 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, family members, or DA civilians 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.

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, DA civilian, 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 perpetrator from acts of reprisal. The plan will include, as a minimum, specified meetings and discussions with the complainant, alleged perpetrator, 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.
- 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 as an exhibit in the investigative findings. The EOA will retain a copy of 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 allegation seriously. Commanders should not let their subordinate leaders "write-off" the allegation by saying, "That doesn't happen in our area" or "I'm sure the harassment was unintentional." or any of a number of other excuses.

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. The complainant will be advised about the decision made, and that further action on the complaint is not warranted. Such complaints will be maintained and disposed of per AR 25-400-2. Only after hearing all that the soldier has to say can the commander determine an appropriate course of action.

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 perpetrator from acts of reprisal. The plan will include, as a minimum, specified meetings and discussions with the complainant, alleged perpetrator, 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 as an exhibit in the investigative findings. The EOA will retain a copy of 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 perpetrator, and any witnesses or third parties. The EOA's skills in complaint handling, conflict 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 the specific requirements of regulations, advice on how investigations are conducted, and advice on how to question an interviewee who is suspected of committing a violation of the 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 perpetrator 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 14th 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 findings 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 to 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 perpetrator, 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.

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
- EO Advisor
- 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 sexual harassment has the obligation to talk with the complainant. The agency will 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.

CHAPTER 6

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 REPRESENTATIVE

EO Representatives (EORs) assist commanders at battalion level or equivalent and below in carrying out the EO program within their units. An EOR is tasked to perform EO duties as an additional duty. In addition, the unit EOR assumes a special relationship with the chain of command and the NCO support channel. Soldiers who are appointed as unit EORs 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 one EOR per company. Commanders must appoint EORs in their units who are members of the command members of the chain of command in the rank of SSG through lieutenant.

EOR Duties And Responsibilities

Typical roles and duties of an EOR include the following:

- 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 EORs 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. EOR do not receive or process complaints.
- Serve as a resource person for EO matters in the unit.
- Assist complainants by referring them to an appropriate agency for assistance. Complaints referred to another agency will be reported to the EOA. **EORs may not conduct investigations and are not trained to fully advise AR 15-6 investigating officers in their conduct of EO complaint investigations.** Any commissioned officer performing the additional duty of an EOR may be asked (in the capacity of a commissioned officer and as a disinterested, third party) to conduct investigations. Yet, those situations should not concern EO complaints within their organization.

Selection prerequisites for EORs are contained in Chapter 6, AR 600-20. Commanders, when selecting

individuals for duty as an EOR, 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 EORs, consideration should be given to the demographics of the unit. Requests for EOR training spaces should be submitted to the Installation Commander, who has responsibility for conducting the EOR course.

EO ADVISOR

EO Advisors (EOAs) are assigned to fulltime 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

Typical roles and duties are as follows:

- 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 EORs, 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 investigating officers in the 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.

CHAPTER 8

AFFIRMATIVE ACTIONS

AFFIRMATIVE ACTIONS

Affirmative actions are “positive” actions by DA to ensure all soldiers and their families are afforded EO in the Army.

Figure 8-1

Affirmative 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.

AFFIRMATIVE 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 affirmative actions or an affirmative 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 affirmative 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 affirmative 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.

AFFIRMATIVE ACTIONS PLAN

An Affirmative Action Plan (AAP) is a leadership tool and is an integral part of any organization's EO program. Within the Army, AAPs are personnel management documents which fulfill a Department of Defense (DoD) requirement that military services develop and publish comprehensive AAPs for soldiers and civilian employees.

The objective of the DA Affirmative Action Plan is to identify and establish goals, responsibilities, and policies that support the Army's EO Program. The goal of this program continues to be to firmly embed 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 Affirmative 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 affirmative actions into the traditional management system by giving affirmative action responsibilities into the hands of commanders who implement the action through their functional managers.

Affirmative 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. AAPs will be developed and implemented by each MACOM, installation, separate unit, agency, and activity down to and including brigade-level or equivalent. DA Pam 600-26 is the HQDA AAP 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 AAPs at their levels. AAPs will include conditions requiring affirmative action(s), remedial action steps (with goals and milestones as necessary), and a description of the end-condition sought for each subject area included.

AAPs 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.

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

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

REVIEW AND ANALYSIS

Proper Personnel: Successful review, analysis, and reporting of affirmative 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 representative (EOR) 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, nonjudicial, and separations) should be reviewed by REDCAT and gender to identify trends and/or the need for affirmative actions.
- Ethnic observances-- Status, planning, conduct.

MEASUREMENT/DATA COLLECTION

Measurement is an essential element of affirmative action management and will be used for all areas that have quantifiable goals. Actual results achieved will be compared with affirmative 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 on the management tools necessary to assist in the assessment of the status of their affirmative 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, and management judgement are also important and must be considered by commanders and managers in assessing EO progress and identifying problem areas.

MEASUREMENT TECHNIQUES

The DA AAP describes a measurement technique called the Representation Index to measure the effects of affirmative 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 causes 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 Expected Number X 100 minus 100 = % over or under representation

Further details on RI are discussed in Chapter 3, DA Pam 600-26, Department of the Army Affirmative Action Plan.

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.

MACOM

- 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.

AFFIRMATIVE 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 affirmative 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 affirmative 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 affirmative 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 affirmative 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. Affirmative 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.
Affirmative 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.
Affirmative Action(s):

(1) Review the results of each selection board for disparities.

(2) Maintain results by REDCAT and gender.

(3) Advise 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.

Affirmative 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.

Affirmative Action(s):

(1) Review the results of each selection Board for disparities.

(2) Maintain results by REDCAT and gender.

(3) Advise 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 affirmative actions actually develop the affirmative 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 prospects for achievement.

Goal revision will occur routinely following each annual assessment.

5. Milestone(s): timetable or schedule for implementation.

Example 1:

Subject: Brigade Composition.

Proponent: Bde S1.

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

Affirmative 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.

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 EO to attend the Division Leadership School.

Affirmative 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.

6. 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.

Affirmative 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 affirmative action is needed.

CHAPTER 9

PREVENTION OF SEXUAL HARASSMENT

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 re-energize their efforts to effect a no 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 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 DA civilian employee is engaging in sexual harassment. Similarly, any soldier or DA civilian employee who makes 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 non-consensual 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 armed forces or of a nature, which brings discredit upon the armed forces. Sexual misconduct is a completely separate issue dealing with criminal behavior, while sexual harassment is not criminal in nature.

CATEGORIES OF SEXUAL HARASSMENT

For commanders and leaders to effectively deal with sexual harassment, they must have a clear understanding of the two categories that constitute sexual harassment. These categories are "quid pro quo" and "hostile environment."

CATEGORIES OF SEXUAL HARASSMENT

- **Quid Pro Quo**
- **Hostile Environment**

Figure 4-1

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 who refuses sexual advances; and threats of poor job evaluation for refusing sexual advances.

Incidents of "quid pro quo" may also have a harassing effect on third persons. It may result in allegations of sexual favoritism, or general discrimination when a person feels unfairly deprived of recognition, advancement, or career opportunities due to favoritism shown to another 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 impact versus intent 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?"

SEXUAL HARASSMENT BEHAVIORS

- **Verbal**
- **Nonverbal**
- **Physical**

Figure 4-1

SEXUAL HARASSMENT BEHAVIORS

Sexual harassment behavior is a major factor for determining hostile work environment and can be categorized in four basic forms. 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 passersby 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 DA civilians. 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 the 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 affects 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. Soldier 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 4-2 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 4-2

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 perpetrator 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 perpetrator is anticipated.

Failing to review the totality of circumstances 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. Commander 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 perpetrator 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 contributed 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 perpetrator demonstrated any related behaviors that were visible prior to a complaint being filed. Commanders should be aware that the victim's 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 perpetrator 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 perpetrator's past history, as well as other current behavioral characteristics. It may necessary and appropriate for commanders to take corrective action even though sufficient evidence is not available to punish the perpetrator.

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 on 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 perpetrator? The commander must also determine what is the goal or desired outcome of actions taken in response to the harassment, as well as asking what are other alternatives 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 Tailhook Affair and the Problem of Sexual Harassment." The report identified a need for cultural change in the military and provided a blue print to prevent and eradicate sexual harassment in the military.

Key for unit programs in the prevention of sexual harassment reflect 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 E).

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 military rating 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, family members and DA civilians 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 charges and 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.

CHAPTER 10

CULTURE AND CULTURAL DIVERSITY

The goal of the Army's EO program is to provide an environment where soldiers and DA 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 diverse organization in the country 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. If not properly handled, conflict and other negative behaviors based on actual or perceived differences 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

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

Figure 3-1

Culture is the sharing of learned behaviors and perceptions of a group, which is passed from one generation to another through a socialization process. 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, 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

A group of people within a larger social structure who share cultural and linguistic characteristics which are different enough to distinguish it from others within the same society.

Figure 3-2

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 themselves as being somewhat or 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 a 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

- **Language / Symbols**
- **Values**
- **Beliefs**
- **Patterns Of Thinking**
- **Customary Behaviors**

Figure 3-3

ATTRIBUTES OF CULTURE

There are five traditional "attributes of culture." These attributes can help commanders and their subordinate leaders define what characteristics might make soldiers from one culture different from soldiers of 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, 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 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 reach 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 the enculturation or socialization process.
- **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 the needs 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 will interfere with the unit's ability to accomplish its mission in peace time or during combat.

BARRIERS TO CULTURAL INTERACTION

- **Racism/Sexism**
- **Prejudice**
- **Discrimination**

Figure 3-4

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 behaviors 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 assumptions 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 a deliberate or intentional practice. The mere 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 number of complaints about sexist behaviors comes 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, language, 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 dependent on men for life support.

PERSONAL RACISTS AND SEXISTS BEHAVIORS

BARRIERS TO CULTURAL INTERACTION

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

Figure 3-5

Many of the behaviors we observe, and are recipients of, on a daily basis are actually behaviors which constitute racist and sexist behaviors. 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 woman is incapable of doing her 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 sexist 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 ranks.** Calling minorities and women by their first names while addressing majority members (males) by their titles or rank. This diminishes the importance and position of those being called by their first names.
- **Denying opportunities.** This can be blatant or indirect. Simply put, providing more beneficial jobs, positions, or assignments to majority members than to minority members.
- **Dubious supervision.** This is the manner of focusing on problems or crimes committed by a particular group or gender and exploiting these

problems through punishment, while ignoring the fact that the majority may be committing crimes too.

FACTORS THAT SUPPORT RACISM AND SEXISM

There are four basic categories, or factors, that contribute and support racism and sexism within a unit. They are reference groups, conformity to norms, self-fulfilling prophecy, and pro-sexism/racism.

Reference groups are associations with groups with like attitudes and like values. Examples might include: Ku Klux Klan, and fraternal organizations. If these reference groups support racist or sexist attitudes they can easily become a factor within the unit.

Conformity to norms is when some individuals find it easier to conform to the standard norm of the group than it is to challenge the attitude. Conformity is rewarded - nonconformity is punished - conformity becomes the norm.

Self-fulfilling prophecy is the concept where one person influences the behavior of another person by expressing expectations of that person. While there are many factors into this phenomenon, the self-fulfilling prophecy occurs when someone tries to influence another individual, because a person is a minority, they will not achieve the same level of competence as a majority member, frequently, that is exactly what appears to happen.

Pro-sexism/racism behavior is accommodating that behavior by reinforcing it, rather than questioning, checking, or opposing it. An example would be for a female to not wanting to perform a task, because she "might break a fingernail," or a person telling racist jokes about their own group.

STRATEGIES FOR COMBATING RACISM AND SEXISM

STRATEGIES FOR COMBATING RACISM AND SEXISM

- **Awareness**
- **Education**
- **Legislation**
- **Participation**
- **Self-Analyze**
- **Acknowledge and understand differences**

Figure 3-6

While nothing is likely to completely eradicate racism and sexism, there are things we can do to minimize their affect on our units.

- **Awareness.** To make a difference in these areas, we must be aware the potential for both exist. We must also make a conscious effort to look for problems or problem areas in which either or both could happen.
- **Education.** Education will empower people to recognize behaviors related to racism and sexism. Individuals can then reflect, and check their own behaviors and attitudes.
- **Legislation.** This not only refers to the 'laws of the land' relevant to racism and sexism, but also to the

standards and policies implemented within your unit mandating acceptable standards of behavior. As leaders, we must make it known what we will and will not accept in behavior patterns from the unit members.

- Participation. This refers to taking part in activities in which you would mix with members of different races and genders. There are people who isolate themselves from others who are different. To do this reduces the opportunity to learn that the stereotypes held toward different groups often have no basis for truth.
- Self-analyze. Often, one of the hardest things a person must do is to be honest with themselves. If we harbor prejudices and fears about other groups, it is best to be able to acknowledge that to ourselves. Only then can we figure out what steps we need to take to overcome these attitudes and beliefs we hold.
- Acknowledging and understanding differences. We are each different. This holds true among our own race and gender, as well as between races and genders. If we can simply accept we are different, and one characteristic isn't necessarily wrong or better, then we'll be well on the road to having a better understanding of those who are different than ourselves.

PREJUDICE

Prejudice is a negative attitude or feeling towards certain groups based upon faulty and inflexible generalizations. It is an unfavorable opinion or feeling formed beforehand

without knowledge, thought, or reasons. It can also be any preconceived opinion or feeling which is favorable towards certain groups. Prejudice is a major component of personal racism or sexism, which is an over generalization of facts.

Prejudice is first developed and manifested with two components: the attitude or thinking component and emotional or feeling component. People who believe they are better because of their race, color, religion, gender, or national origin form attitudes of superiority and stereotypes at the thinking level. Emotions such as fear, hate, or anxiety caused by close association with other racial or ethnic groups are strong by products of prejudice at an emotional or feeling level.

A third component of prejudice is the behavior associated with acting out the prejudice. This involves tendencies for a person to act out their prejudice of discriminating against a group or its individual members. The more intense the prejudice, the more likely it will be acted upon.

LEVELS OF ACTING OUT PREJUDICE

The measures that a person or group will take to act out their prejudice can also translate into different degrees of action. People who are prejudiced might act out their feelings in a variety of ways.

Bad Mouthing/Disparaging Terms

The first and most common form of prejudiced behavior is "bad mouthing"

or using degrading terms to describe members of a different race, color, religion, gender, or ethnic group. This behavior can be exhibited in a number of ways such as using phrases of colors "male, white and 21" or testimonials, "some of my best friends are.." and stereotyped language "we jewed him down." Other behaviors involve the use of caricatures in exaggerated situations.

Ethnic and sexist jokes are the most popular and continue to receive a lot of attention in the entertainment media. Other examples include using negative ethnic or gender characteristics as metaphors, such as "low man on the totem pole," "Chinese fire drill," Mexican showdown," "Indian giver" or "Chinaman's chance."

Use of 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 the individual to avoid contact with the undesirable or disliked group. The need to avoid a specific group can come at a high cost and personal inconvenience.

Discrimination

A third method for acting out prejudice behaviors is discrimination. The prejudiced individual makes personal distinctions in treatment towards a specific group and acts to exclude or deny opportunities that are offered to more favored groups.

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/Genocide

The final and most extreme form of prejudiced 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.

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. The "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. The following are samples that can be used to

explain each characteristic as appropriate:

CHARACTERISTICS OF DISCRIMINATION

- **Overt or Hidden**
- **Direct or Indirect**
- **Intentional or Unintentional**

Figure 3-7

- **Overt:** Sign on the door of a male only club that says no women allowed.
- **Hidden:** Banks or other financial institutions which red-line certain areas for personnel or business loans.
- **Direct:** Acts of sexual harassment targeted at men or women in the work place.
- **Indirect:** Placing a specific (and unnecessary) educational requirement for a job or a position would tend to eliminate groups who historically have had less educational opportunities than majority groups.
- **Intentional:** Using discriminatory/ethnic or racial slurs.
- **Unintentional:** Designing and manufacturing weapons to be fired or operated from the right side.

Commanders must be especially sensitive to and understand the direct link between discrimination and power. Without power, discrimination is ineffective; with power, prejudiced individuals can discriminate and maintain the dominance of one individual or group over another. We use the term power in this context to describe the expenditure of energy to control or influence others, or to control resources, to get things done. An Army leader is given power to make

decisions or rules which can effectively discriminate and define who belongs and does not. Without power, discrimination is relatively passive. With power, unlawful discrimination is an unethical violation of the Army's policy because it denies fair treatment or any chance for EO.

Power is the potential ability of one person in a relationship to influence the others in the relationship psychologically and/or behaviorally. There are two types of power:

- **FORMAL POWER.** Based on position, rank, and/or status, not necessarily earned. It requires the support of the organization.
- **INFORMAL POWER.** Based on ability, not necessarily position, rank, and/or status. It cannot be conferred, and does not require the support of an organization. (Earned)

There are six bases of power that are available to leaders. They are split between formal and informal power. Each of these bases are important and should be maintained.

- **Legitimate Power.** This is a formal type of power based on the right and privileges that are given to persons, because of the role they fulfill. An example is Commander or First Sergeant.
- **Reward Power.** This is a formal type of power based on the ability to provide something someone wants or values. An example may be a "four day Pass."
- **Coercive Power.** This is another formal type of power based on the

power to take away something someone possesses and desires to keep.

- Expert Power. This is an informal power based on one's ability to influence others, because of knowledge and/or skills a person has or is thought to have. Generally, this power is based on 'information' possessed by someone or the person possessing an 'expertise' in a certain area which others don't have.
- Referent Power (Charismatic Power). This is an informal type of power based on one person's affection for or identification with another person or group. An example could be a leader who has earned respect by past actions
- Associative Power. This is yet another informal type of power based on the ability to influence others because of who a person knows either in fact or imagined.

Power can be very beneficial when properly utilized for the good of the Army and the mission. It is a natural product of continued service in the Army by virtue of getting promoted and inheriting more power as you progress upward through the ranks. However, it can be very detrimental to the mission if not properly used. If misused in connection to EO related areas, it can have a very damaging impact on the unit and morale. If misused, it can turn to discrimination toward specific individuals and groups. We must always work to ensure this does not happen.

INSTITUTIONAL DISCRIMINATION

Institutional discrimination is defined as actions or practices carried out by members of dominant groups or their representative which have a differential and negative impact on members of subordinate groups. Just as with institutional racism, it is irrelevant whether the actions of the institution were intentional or not. What matters is the negative impact suffered by members of subordinate groups. Within the military, institutional discrimination could be defined as any systemic or functional practices that discriminate or manifest disparate treatment because of race, color, national origin, religion, or gender. Unlike other forms of discrimination discussed earlier, institutional discrimination is multifaceted and more complex.

DIRECT INSTITUTIONAL DISCRIMINATION

Direct institutional discrimination refers to socially prescribed actions, which by intention have a differential and adverse impact on members of subordinate groups. In most instances, formal laws or informal rules that are imbedded in routine operations or functions of the institution shape direct institutional discrimination. Today such discrimination might be more prevalent in recruiting and hiring practices that are linked to traditional sex or gender roles.

INDIRECT INSTITUTIONAL DISCRIMINATION

Indirect institutional discrimination refers to institutional practices that have a negative or differential impact even

though the policies or regulations guiding those actions were established with no intent to do harm. What is confusing and difficult to understand is that the policies and regulations, while appearing to be normal, would produce unfair practices. Indirect institutional discrimination is characterized in two ways, "side-effect" and "past-in-present" discrimination.

Side-effect discrimination refers to practices in one institutional area, which have an adverse impact because they are indirectly linked to discriminatory practices in another institutional area. An example in the military might be the competitive advantage that is recognized for combat experience. A woman, who during her military career, was excluded from certain combat roles, would be disadvantaged for assignments and promotions at higher levels where combat training or experience gave male competitors an edge for selection.

Institutions are intimately linked to one another, a situation, which reinforces the complex inter-institutional character of discrimination.

Past-in-present discrimination refers to the neutral practices of an institution (or organizational area) which inevitably reflect or perpetuated the effects of intentional discriminatory practices in the past in the same institutional (or organizational) area. The most prevalent form of past-in-present discrimination is one in which minorities or women are penalized because they lacked some ability or qualification that was denied to them in the past. One example that

receives a great deal of attention today is the seniority rule used by employers and unions who in the past intentionally discriminated against minorities or women, but no longer do so today. However, when seniority is used as the primary factor for determining who is fired or laid off, minorities and women who were last hired will be the first to go.

ADVERSE EFFECTS OF PREJUDICE AND DISCRIMINATION

If not identified and properly managed, prejudice and discrimination can have a devastating impact on the mission effectiveness of any organization or command and on unit morale.

DEVIANT BEHAVIOR

Leaders must be aware that prejudice and discrimination affect the perpetrator, as well as the victim. The belief has been widely held by people with dominant status that minorities furnish more than their share of sociopath behavior, such as delinquency, crime, or other pathologies. The means and severity in which one soldier takes to demean another because of race or gender does not appear as normal behavior especially in the Army. A soldier, on the other hand, who is attempting to cope with each new act of discrimination, can act out or respond in a number of ways that are also not perceived as normal behavior. One way, which is commonly used, is to avoid the unpleasant situation at all costs. Another is to directly attack the perpetrator. If

unknown, and emotions are high, then a substitute or representative (official or unofficial) can be targeted for retaliation for some other form of retribution.

INTERGROUP TENSION AND VIOLENCE

Leaders must understand that one of the most devastating effects of prejudice and discrimination, whether perceived or real, is the potential or actual increase in the tension and hostilities between different groups. If emotions are high, intergroup tension can cause a negative form of polarization. Group members will attempt to segregate themselves from one another and dominate and control certain areas within the unit or organization as their own. They may even explicitly or implicitly deny access to those who are in disfavor. If friction continues and group members perceive competition over limited resources or favorable personnel actions, then more violent actions are more than likely to occur.

INCONSISTENCY IN VALUES

This area poses the greatest threat to Army leadership. Policy statements on EO and fair play have little meaning if there is no demonstrated consistency in support or enforcement of those policies. Soldiers who believe they have received unfair treatment or injustices based on prejudice or discrimination will have little trust or faith in those who are charged with their care and welfare. For EO to have real meaning, it is imperative that commanders and subordinate leaders

demonstrate consistency in what they say and do by supporting Army values and policies.

ADVERSE IMPACT ON UNIT

The impact of prejudicial attitudes and discrimination on a given unit is predictable. The first area to suffer the most damage is unit morale, which is a catalyst in unit cohesion. High unit morale means that soldiers not only feel good about the unit and their leaders, but they also feel good about themselves. Discipline can also be affected, because soldiers who feel that they are victims of unfair treatment will perceive no discipline in a unit that condones or practices discrimination. A long-term effect on the Army is the ability to attract and retain qualified personnel. If the experience and severity of discrimination or unfair treatment is consistent over soldiers' initial service obligation, it can and does affect their decision to stay in the Army. Ultimately, the greatest concern is for unit readiness. A unit that does not practice EO will undermine its ability to fight and win on the battlefield.

CHAPTER 11

MANAGING DIVERSITY

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. What has changed 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 to 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 individual or groups who have had a lifetime of disadvantages should be compensated for past wrongs. Although there is 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 a 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 group.

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 wanting or 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 dimensions can have such a significant 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 environment 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 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 leader's and soldier's 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 speaks 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 to 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 misunderstandings 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 holding the 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 call, 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 "ain't," "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 soldier member 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 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 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. "Honesty 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 cliches 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 both genders, or the subject is gender neutral. The problem 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 wish 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.

STEROTYPING

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. Prejudiced attitudes reinforce judgments about others based on a 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 both 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
1. Leader involvement.		
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 EOR(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 newcomers 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		
2. Training.		
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?		
e. Is EO and POSH training included as part of the Quarterly Training Briefing (QTB)?		
3. Assessments at company/battery/detachment level.		
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?		
4. Staffing		
a. Have EORs been appointed and trained?		
b. Are EORs appointed based on unit demographics?		
5. Complaint Processing.		
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?		
6. Affirmative Actions		
Are AAPs reviewed periodically to determine if changes need to be made to the plan?		

7. Ethnic and Special Observances.		
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/EOR involved in conducting ethnic and special observances?		

APPENDIX B

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, sex, religion, or national origin; advocate the use or use force or violence or unlawful means. To deprive individual of their rights under the U.S. Constitution or law of the U.S., or any state, 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 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 do 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 effected:

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.

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 one 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; or advocate or seek to overthrow the Government of the United States, or any States 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. 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. 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. 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:

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 (colonists) 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:

- Ku Klux Klan.
- Neo-Nazi.
- Aryan Nation.
- Identity Movement Churches.
- New Jerusalem Fellowship.
- Church of Jesus Christ Christian.
- Church of the Creator.

White Supremacy Ideology. The 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.” Some ultra-conservative churches use Identity ideology to base theories of white superiority and the duty of whites to survive and defend the US identity, thus it ties closely to this ideology and carries into the thought of white supremacy. Remember, many right wing groups deny their ideology of white supremacy. Instead, they are concerned with “racial purity,” and 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:

- Separatists (Nationalist).
- Third Position (Aryan Socialism).
- Neo-Nazi Skinheads.
- Fifth Era.

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 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:

- Racial Survivalist.
- Posse Comitatus.
- Populist.
- Militias.
- 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.

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 body that are obscene, advocate sexual, racial, ethnic, or religious discriminations are prohibited in and out of uniform. Tattoos/brands that are prejudicial to good order and discipline or of a nature that tends to bring discredit upon the Army is prohibited in and out of uniform. Any member obtaining unauthorized tattoos will be required to remove them at their own expense.

Inappropriate (military image): Excessive tattoos/brands will not be exposed or visible (include visible through the uniform) while in 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) volunteer to remove the tattoo(s). Depending on the circumstances, commanders may seek military medical support for voluntary tattoo removal.

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

Refer to Appendix B-1 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. Included is 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.

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

UCMJ action. Possible violations include:

- Article 92 -- Riot or breach of peace.
- Article 117 -- Provoking speeches or gestures.
- Article 134 -- General article, specifically, conduct which is prejudicial to the good order and discipline or service discrediting.

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

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

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, whether or not is a

violation of the prohibitions, commanders must take positive actions to educate soldiers. These positive actions include:

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.

Advising soldiers that any participation in extremist organizations or activities:

- Will be taken into consideration when evaluating their overall duty performance to include appropriate remarks on evaluation reports.
- Will be taken into consideration when selections for positions of leadership and responsibility are made.
- Will result in removal of security clearances, where appropriate.
- Will result in reclassification actions or bar to re-enlistment actions as appropriate.

Commander's Duties:

- Understand what their service members' positions are.
- Be alert for indicators of extremist ties or behaviors.
- Enforce policies on active participation.
- Educate and counsel service members on understanding of policy.
- 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, commanders shall deny requests for the use of military controlled facilities by individuals, or groups that engage in discriminatory practices involving such practices.

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:

- 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.
- Participation in extremist organizations or activities may be taken into consideration when evaluating their overall duty performance, to include appropriate remarks on evaluation reports.
- When selections for positions of leadership and responsibility are made, their participation may be considered.
- Participation may lead to removal of security clearance.
- May result in reclassification actions or bar to re-enlistment actions being initiated and finalized.
- UCMJ actions may be initiated.
- 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.

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 always be 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

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 and DA civilian employee. 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.

XXXXXXXX X. XXXXX
LTC, TC
Commanding

APPENDIX C

Sample Commander's Prevention of Sexual Harassment 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.

XXXXXXXXX X. XXXXX
LTC, IN
Commanding

APPENDIX C

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, family members, and DA civilian 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, Equal Opportunity Advisor, 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 DA civilians 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.

XXXXXXXX X. XXXXX
LTC, FA
Commanding

APPENDIX C

Sample Equal Opportunity Policy Memorandum

LETTERHEAD

ABCD-BC

Current Date

MEMORANDUM FOR All Personnel, (Unit)

SUBJECT: Policy Memorandum 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, religion, nationality, or gender.

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 who 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.

4. For further information on any EO matter, personnel can call the division EO office at 425-3178. 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 425-5234. This policy memorandum will be given the widest possible dissemination and will be used during the command's new soldier orientation program.

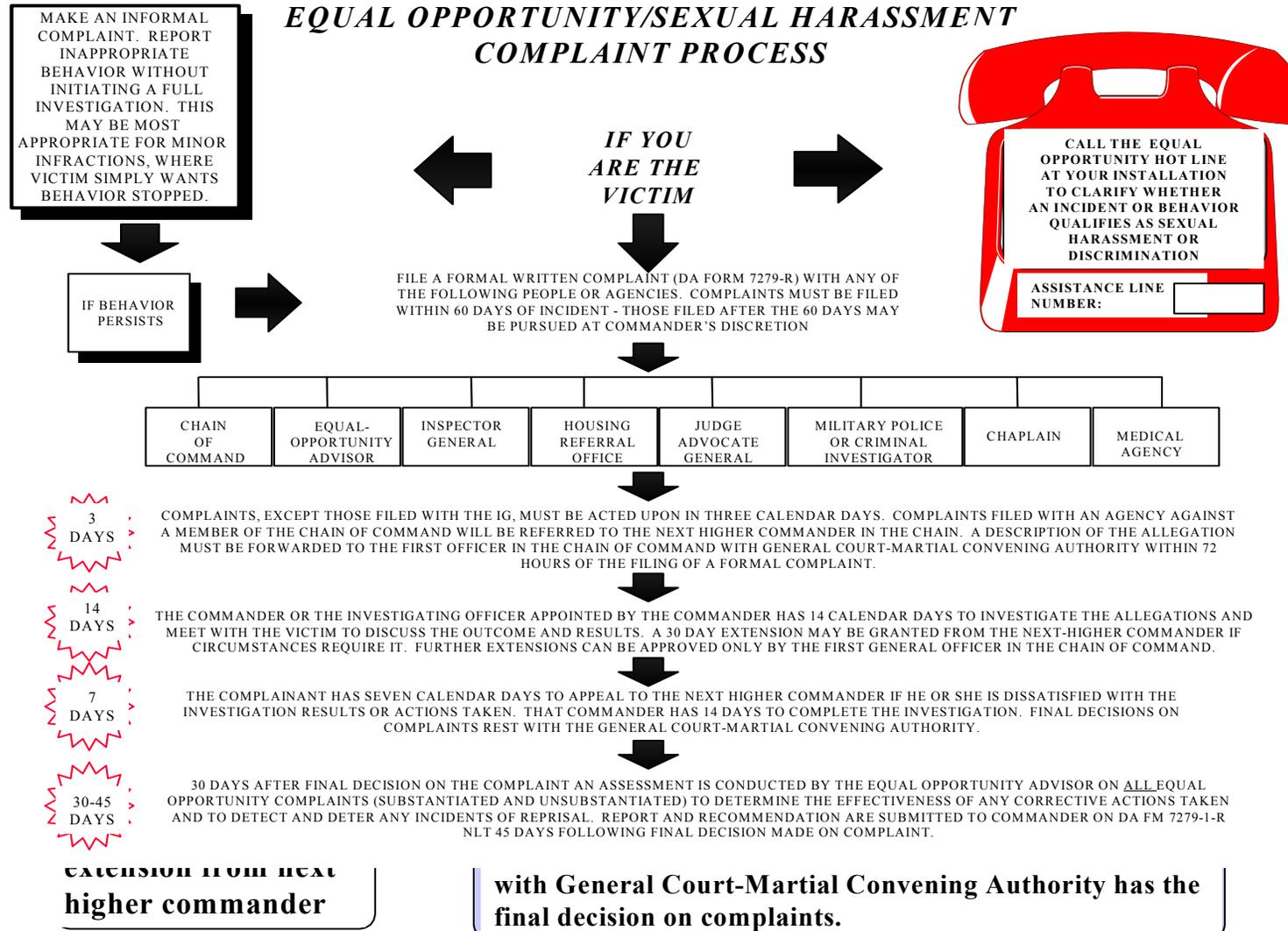
ABCD-BC
SUBJECT: Policy Memorandum Equal Opportunity

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

CHRISTOPHER M. ALEXANDER
Colonel, U.S. Army
Commanding

APPENDIX D

EO COMPLAINT PROCESS



APPENDIX E

EQUAL OPPORTUNITY BEHAVIORS OR ACTIONS SUBJECT TO UCMJ ACTIONS

Making racial/sexual comments or gestures	Art 89 Art 91 Art 93 Art 117 Art 134	Disrespect to superior officer Insubordinate conduct toward WO or NCO Provoking speech or gestures Indecent language
Attempts or offers with unlawful force or violence to do bodily harm to another person because of race, color, religion, national origin, or gender	Art 128	Assault
Making false statements	Art 107	False official statement
Offering rewards for sexual favors	Art 134	Bribery and graft
Making unsolicited and unwelcome sexual contact with intent to satisfy lust or sexual desire	Art 134	Indecent assault
Threatening the career, job, or salary of others unless they “cooperate”	Art 127 Art 134	Extortion Communicating a threat
Engaging in or condoning EO or sexual harassment behaviors	Art 92 Art 132	Failure to obey an order or regulation Conduct unbecoming an officer
Influencing or threatening the career, pay, or job of others in exchange for sexual favors	Art 93	Cruelty and maltreatment
Rape	Art 120	The law is sex-neutral and state of marriage does not matter. A husband can be punished for raping his wife.
Carnal Knowledge	Art 120	Sexual intercourse with a female under 16 years of age who is not his wife. Commonly referred to as “statutory rape”

Sodomy	Art 125	Unnatural sexual intercourse with another person of either gender or animal. Lack of force is not an element of this offense. Consent is not a defense
Cruelty and Maltreatment	Art 93	The victim was subject to the orders of the accused and that the accused was cruel toward, or oppressed, or maltreated the victim.
General Actions under Art 134	Art 134	Assault to commit rape or sodomy. Indecent assault or indecent acts of liberties with a child Indecent acts Indecent language Indecent exposure Fraternization Adultery Prostitution Pandering
Extortion	Art 127	Threatening another to obtain unlawfully anything of value - sometimes known as "blackmail"

APPENDIX F

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 outcomes 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.

APPENDIX G

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 developing 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. Commanders and decision-makers use this information to gain insight into the unit, environmental 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 or the EOR. If the EOA or EOR is to lead the focus group, he or she should have another EOA or EOR 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 in the discussion in order to clarify or verify what was said and to ask questions the facilitator missed.

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, they 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 these 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 your 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: LTs + CPTs

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.

k. Notification to Unit Personnel. Whenever possible, 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. 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. 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. You must now again reemphasize the need for confidentiality and non-attribution.

e. Thank 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 are 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 group 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.

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