

LESSON NUMBER: 7

TASK: Complaint Procedures

CONDITION: Classroom environment

STANDARD:

1. Describe the Army's EO Complaint Process.
2. Define the types of Complaints.
3. Describe the Alternative Agencies.
4. Describe the Actions of the Commander.
5. Explain the Appeals Process.
6. Describe Forms of Reprisal.
7. Explain the Military Whistleblower Protection Law.

TYPE OF INSTRUCTION: Conference

TIME OF INSTRUCTION: 1 Hour

MEDIA: Viewgraph #7-1 through #7-10, Student Handout #7-1 through #7-3

LEAD IN: A key component of the Army's EO Program is an effective and responsive complaint system. The Army has established two separate but comprehensive complaint systems for military personnel and civilian employees. The Army wants to ensure every soldier and DA civilian has a readily available system that treats all complaints seriously. Soldiers, family members, and DA civilians have the right to present their complaints to their leaders or supervisors without fear of intimidation, harassment or reprisal.

PART I. TYPES OF EO COMPLAINTS

SHOW VIEWGRAPH #7-1

TYPES OF EO COMPLAINTS
<ul style="list-style-type: none">• Informal• Formal

1. The EO complaints processing system addresses complaints that allege unlawful discrimination or unfair treatment on the basis of race, national origin, color, gender, and/or religious affiliation, or sexual harassment. Attempts should always be made to solve the problem at the lowest possible level within an organization. The Army has two types of EO complaints within its EO Complaint Process. They are informal and formal.

NOTE: Charges of sexual misconduct are to be processed through legal / law enforcement channels, not equal opportunity channels.

2. Informal Complaint. An informal complaint is any complaint not submitted in writing on DA Form 7279-R. Informal complaints are not subject to any timeline suspense, nor are they reportable to higher headquarters. The informal complaint process does help facilitate the resolution of your grievance at the lowest possible level. Allegations of unlawful discrimination or sexual harassment that do not require written documentation. 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. When considering the use of the informal process, the following are some factors which may help in that determination:

- a. Not required to be filed in writing.
- b. Resolution at the lowest level possible.
- c. No requirement for chain of command intervention.
- d. May not involve the chain of command.
- e. May use assistance of other unit members, EORs, or other officials.
- f. Confidentiality possible (but not guaranteed).
- g. Not subject to timeline suspense.
- h. Informal process has good chance for success.
- i. Severity of complaint does not warrant formal complaint.

3. 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. 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). All personnel are responsible to submit only legitimate complaints and exercise caution against frivolous or reckless allegations.

4. 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. A memorandum for record should be prepared by person's who work on resolving complaints.

5. **Formal Complaint.** A formal EO complaint is submitted in writing using DA Form 7279-R (EO Complaint Form).

NOTE: Refer students to Student Handout #7-1, EO Complaint Form.

6. This form is available at your unit, on forms engine, or forms flow, and can be ordered. Unlike the informal process, the formal complaint requires documentation by the chain of command to investigate the allegations, and if warranted, take necessary corrective actions. A formal complaint is an allegation of unlawful discrimination or sexual harassment that is submitted in writing to proper authority and processed through official complaint channels. The formal complaint process contains specific timelines for the accomplishment of certain actions. All formal EO complaints are reportable to higher headquarters.

7. The decision to file a formal EO complaint may be based on the following factors:

- a. Inability to resolve the complaint informally.
- b. Soldier uncomfortable with the informal process.
- c. Issue may warrant an official investigation.
- d. Soldier wants an official record kept of the complaint.
- e. The complaint is against a member of the soldier's chain command or another superior officer.
- f. Desire of the soldier to use an outside agency or higher echelon commander.

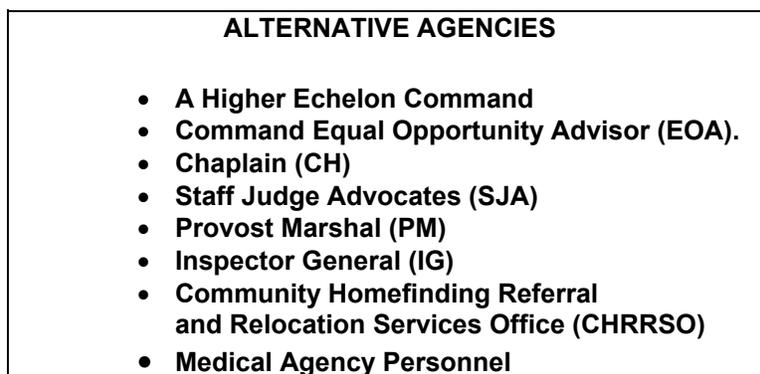
8. Anyone who wishes to file a formal complaint has 60 calendar days from the date of the alleged offense. This time limit was established to set a reasonable parameter for investigation and resolving complaints (e.g., availability of witnesses, accurate recollection of events, and timely remedial action). However, the commander may at his or her discretion, choose to investigate and take action on a complaint filed after the 60 calendar day period. Allegations that are criminal in nature are exempt from the 60-day rule and should be immediately referred to the chain of command, the Military Police, CID, or other law enforcement agencies.

9. As a unit EOR and as a leader it will be your responsibility to assist individuals and your commander in the resolution of EO complaints. As such, you need to be familiar

with the EO complaint process, suspense timelines, and other agencies which individuals may submit EO complaints. EORs may not conduct investigations or advise investigating officers, that is the responsibility of the Equal Opportunity Advisor (EOA). However, he or she can assist in the informal process or help refer the complaint to the chain of command or appropriate agency for assistance. The following personnel or agencies are available to assist with an EO complaint:

NOTE: Refer students to Student Handouts #7-2 and #7-3, List of Alternative Agencies and EO Complaint Process Flow Chart. Instruct students to refer to the handouts during the class.

SHOW VIEWGRAPH #7-2



a. **A Higher Echelon Commander:** Soldiers are encouraged to submit their complaint to their immediate commander. However, if they feel uncomfortable submitting it to someone in their immediate chain of command, submitting the complaint to a higher level commander, such as your battalion, brigade, or installation commander, may be the next best option. Submitting a complaint to the battalion commander gives the chain of command an opportunity to function in their behalf and it places the complaint in the hands of a commander with the authority to initiate an AR 15-6 investigation, if he or she determines one is warranted.

b. **Equal Opportunity Advisor (EOA):** The EOA is assigned at brigade or higher levels to help commanders implement their EO program. The EOA is trained to receive, process, and conduct inquiries into complaints of discrimination and sexual harassment. In addition, the EOA has the expertise to make recommendations for corrective actions and may advise the commander on appropriate sanctions against violators of EO policies.

c. **Chaplain (CH):** Serves as advisor to the command on all religious matters and provides guidance on religious practices, family and marital counseling, and other secular or non-secular services. The chaplain is the primary subject matter expert on addressing issues about religious discrimination/accommodation.

d. **Staff Judge Advocate (SJA):** Is primarily responsible to the commander on all legal matters. The SJA serves as an advisor in litigating criminal offenses; assesses trends in administering punishment and allegations of discrimination in administering military justice; may receive complaints about discrimination in legal proceedings or about administering judicial and non-judicial punishment.

NOTE: The SJA is also responsible for administering the Army's victim rights training and counseling in criminal procedures and investigations.

e. **Provost Marshal (PM):** Is primarily responsible for receiving and investigating violations of the UCMJ which are criminal in nature. The PM is responsible to the Commander for monitoring the treatment of soldiers and investigating complaints of discrimination or unfair treatment by off-post activities.

f. **Inspector General (IG):** Serves as advisor to the commander on all matters of command. The IG is responsible for monitoring and inspecting command functions which are essential to mission effectiveness and combat readiness. The IG's office is the principle agency for receiving and investigating complaints about command environment and leadership. The timelines specified in the EO Complaints process do not apply to complaints filed with the IG. IG complaints are processed outside EO channels in according with AR 20-1, IG Activities and Procedures.

g. **Community Homefinding Referral and Relocation Service Office:** Is responsible for monitoring and administering the installation's referral program. They CHRRSO will receive and investigate complaints of discrimination in rental or sale of off-post housing.

h. **Medical Agency Personnel:** Medical agency personnel are assigned primarily at installation clinics and hospitals, but are also available at separate units, battalions, and brigades up to and including the Command Surgeon. These personnel advise and assist the commander on matters about conserving and replenishing the command's fighting strength, by prevention, curative, restorative care, and other medical related services. In the event of an incident of sexual assault or rape, medical agency personnel provide assistance in the treatment and counseling of the victim.

10. **EO Hotline:** In addition to the alternative agencies, each installation has an EO Hotline. This hotline is normally used to provide advice and information on discrimination and sexual harassment. It can provide procedural information on the filing of equal opportunity complaints and clarify what constitutes an act of sexual harassment. However, EO complaints cannot be received over the phone. The Hotline can also provide information on the complaint appeals process to include access to higher levels of authority, if resolution cannot be accomplished at the unit or installation level.

11. Alternative agencies are also responsible to a commander. However, those agencies may be at a higher or different command level. Alternative agencies have special expertise which can be helpful in resolving issues related to the Army's EO program for housing, religion, medical, or legal affairs for on and off post activities. If the soldier believes the incident or behavior constitutes a criminal offense, they may choose a law enforcement agency such as; the Provost Marshal or CID.

12. EORs do not serve as an alternative agency or process EO complaints. EORs assist complainants only by referring them to the appropriate agency for assistance. Complaints referred to another agency by the EOR will be reported to the EOA. EORs may not conduct investigations and are not trained to advise AR 15-6 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.

PART II. ACTIONS OF THE COMMANDER/ALTERNATIVE AGENCY

SHOW VIEWGRAPH #7-3

COMMANDER/ALTERNATIVE AGENCY RESPONSIBILITIES
<ul style="list-style-type: none">• Ensure Information Is Complete• Ensure Individual Is Sworn To Complaint• Clarify Basis Of Complaint• Identify Additional Information• Tell What Happen Next• Acknowledge Receipt• Initiate Inquiry/Investigation (Within 14 Calendar Days)• Refer To Appropriate Agency/ Commander (Within 3 Calendar Days)• Provide Written Feedback

1. Although not necessarily in a specific order or sequence, action of the commander or alternative agency in processing complaints will be as follows:

- a. Ensure all information on the DA Form 7279-R is complete and accurate.
- b. Ensure complainant is sworn to the complaint.

NOTE: Officers at all alternative agencies, to include commissioned officers serving as an EOA are authorized to administer oaths and should do so in block 9a, DA Form 7279-R. EORs do not administer oaths or sign the DA Form 7279-R.

- c. Discuss and clarify the nature or basis of the complaint.
- d. Identify additional information to include witnesses and other supporting evidence.
- e. Inform soldiers of what will happen next and what role the agency has in attempting to resolve the complaint.
- f. Acknowledge receipt of the complaint in part I, block 9, DA Form 7279-R.
- g. Commander will forward a brief synopsis of the complaint to the first General Courts Martial Convening Authority in the chain of command.
- h. Commander prepares a written plan to prevent reprisal of complainant, witnesses, etc.
- i. Conduct an inquiry/investigation within 14 calendar days (or three weekend drill periods for Reserve Components) or refer in 3 calendar days (next drill period) to the appropriate agency, commander of higher echelon commander.
- j. Provide soldiers written feedback within 14 calendar days (three drill periods for RC) on DA Form 7279-R, Part II, block 11 and Part II, block 12.

SHOW VIEWGRAPH #7-4

ELEMENTS OF INQUIRY / INVESTIGATION
<ul style="list-style-type: none">● Clarify Nature Of Complaint● Interview As Appropriate● Gather Information● Consult Advisors● Assess Information● Render Decision On Findings

2. Inquiry/Investigation: Through inquiry or investigation the commander or alternative agency will determine the facts as they pertain to the allegations in the complaint. Should the commander or alternative agency determine during the inquiry that sufficient evidence exists to warrant an investigation, e.g., evidence is in dispute or evidence of criminal activity, the complaint must be referred to an appropriate commander for investigation. If, due to extenuating circumstances, an inquiry or

investigation cannot be completed in 14 calendar days, an extension of 30 calendar days (or two weekend drill periods) may be approved by the next higher echelon commander. Failure to adhere to the timelines will result in automatic referral of the complaint to the next higher echelon commander for investigation and resolution. The basic elements of the inquiry/investigative process are as follows:

- a. Clarify the nature of complaint with related allegation(s). In other words, does the nature of the complaint match the alleged behavior or actions.
- b. Interview witnesses and other appropriate officials.
- c. Gather, review, and analyze records and other supporting documents.
- d. Identify and interview technical advisors, e.g., EOA and SJA
- e. Assess all information and render a decision on findings.

3. Actions to Resolve Complaint: Upon completion of the inquiry or investigation, and reviewed by the EOA, the appropriate commander will render a decision. The complaint will be either “substantiated” or “unsubstantiated.” An unsubstantiated complaint is normally rendered for the following reasons:

- a. There was insufficient or no evidence to support the allegation(s).
- b. Evidence uncovered during the inquiry or investigation thoroughly disputed the allegation(s).

4. A complaint which is substantiated is normally rendered for the following reasons:

- a. There was sufficient evidence to support the basis of the complaint.
- b. There was sufficient evidence to support all or part of the allegation(s).

NOTE: Explain that findings of unfair or disparate treatment may be substantiated in lieu of a findings of discrimination based on race, gender or other EO categories.

5. In either event the soldier will be briefed on the findings by the appropriate commander, his or her designated representative, or the agency handling your complaint. The soldier will be required to acknowledge the results of the inquiry or investigation in Part I, block 11, DA Form 7279-R. Their acknowledgment does not necessarily signify they are in agreement with findings.

6. A complaint is resolved by actions of the commander or agency to address the grievance and take any other necessary corrective actions to restore benefits, privileges, or lost career opportunities. Punitive or administrative actions against any offender, to include remedial training, is a chain of command decision. These actions to resolve your complaint will be initiated in Part III, block 12, DA Form 7279-R. Even if the complaint was unsubstantiated, a commander may choose to address the concerns and take some form of corrective action(s).

PART III. APPEALS PROCESS

SHOW VIEWGRAPH #7-5

APPEALS PROCESS
<ul style="list-style-type: none">• Submit On Separate Paper Within 7 Calendar Days• Specify Issues You Disagree With• Submit To Immediate Or Next Higher Commander• May Request Appointment With Appeal Authority• Final Decision Authority - First General Court Marshal Convening Authority In Chain Of Command• No Further Appeal Available Within EO Complaint System• Follow-up assessment

1. If the complainant perceives the investigation failed to reveal all relevant facts to substantiate the allegations, or the actions taken by the command on his or her behalf were insufficient to resolve the complaint, the complainant has the right to appeal to the next higher commander in their chain of command. Actions(s) taken against the perpetrator, if any is taken, may not be appealed.

2. Soldiers have seven calendar days (next drill period for RC), from the date of notification of the results of the investigation and acknowledgment of the actions of the command to resolve the complaint to submit an appeal.

3. Appeals must be in writing and provide a brief statement which identifies the basis of the appeal. This will be done using Part IV, DA Form 7279-R (EO Complaint Form). After completion, the form will be returned to the commander in the chain of command who either conducted the investigation or appointed the investigating officer.

4. Once an appeal has been initiated, the commander has three calendar days (one weekend drill for RC) to refer the appeal to the next higher commander. The commander of the next higher command will have 14 calendar days (three drill periods for RC) to consider the appeal. Actions on the appeal will be to approve it, deny the appeal, or order an additional investigation. The commander acting on the appeal must provide written feedback to the complainant within 14 calendar days of the results.

5. Should the soldier wish to pursue the appeal to a higher authority, the General Court Martial Convening Authority (normally the first General Officer in the chain of command) will have “final decision authority.” No further appeals are available within the EO complaint system.

6. Follow-Up Assessment. The Equal Opportunity Advisor (EOA) will conduct a follow-up assessment of all formal equal opportunity complaints, both for substantiated and unsubstantiated complaints, 30 to 45 calendar days (4-6 MUTA 4 drill periods for Reserve components) following the final decision rendered on the complaint. The purpose of the assessment is to measure the effectiveness of the actions taken and to detect and deter any acts or threats of reprisal. The EOA will conduct a second assessment 180 days (10-12 MUTA 4 drill periods for Reserve components) following the final decision rendered on the complaint. The EOA will also assess the complainant's satisfaction with the procedures followed in the complaint process to include timeliness, staff responsiveness and helpfulness, and resolution of the complaint. The findings of this assessment will be annotated on DA Form 7279-1-R (Equal Opportunity Complaint Resolution Assessment) and maintained by the EOA. The EOA shall complete the follow-up assessment and present the findings and recommendations to the commander for further consideration/action within 15 calendar days (2nd MUTA 4 drill period for Reserve components). After the commander completes the assessment, it is attached to the original complaint and maintained with the rest of the file.

PART IV. REPRISALS, INTIMIDATION, AND HARASSMENT

SHOW VIEWGRAPH #7-6

<p>REPRISAL</p> <p>Taking or threatening to take an unfavorable personnel action or 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.</p>
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1. All Department of the Army personnel are prohibited from taking any action that might discourage them, any family member, or DA civilian 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 investigating officers, Inspector General, or other law enforcement agencies. Each unit should have a policy outlining preventive measures against all forms of reprisal. However, this does not preclude commanders from taking action against those who file fraudulent complaints or give false statements.

SHOW VIEWGRAPH #7-7

FORMS OF REPRISAL
<ul style="list-style-type: none">• Threatening• Intimidation• Harassment

2. There are three forms of reprisal:

a. **Threatening:** To give signs or warnings of, or to announce as intended or possible actions.

b. **Intimidation:** To make timid, frighten, to inhibit or discourage by or threaten with harm or adverse treatment.

c. **Harassment:** To annoy or torment repeatedly, persistently, to wear out, exhaust, or impede by repeated attacks.

SHOW VIEWGRAPH #7-8

PROTECTED COMMUNICATION
<ul style="list-style-type: none">• Violation Of Law Or Regulations• Severe Case Of Mismanagement• Fraud Or A Gross Waste Of Public Funds• An Abuse Of Authority Or Position• Substantial Danger To Public Safety• Cooperated With Or Otherwise Assisted In An Audit, Inspection, Or Investigation.

3. A protected communication is any lawful communication or disclosure to a Member of Congress, Inspector General of any service, members of any DoD audit or inspection teams, chain of command, or investigative or law enforcement agencies in which a soldier makes a complaint or provides information they reasonably believe is evidence of the following:

- a. A violation of law or regulations.
- b. Severe case of mismanagement.
- c. Fraud or a gross waste of public funds.
- d. An abuse of authority or position.

- e. Presents a substantial danger to public safety.
4. Protected communication also includes circumstances where a military member:
- a. Is preparing to make a lawful communication, but it was not actually submitted, or delivered.
 - b. Did not actually communicate or complain, but was believed to have done so.
 - c. Cooperated with or otherwise assisted in an audit, inspection, or investigation by providing information you believed evidenced wrong doing. (Example is: acted as a witness or responded to requests for information in a lawful communication.)
5. Unfavorable actions or any action taken that might affect or have the potential to affect a soldier's current position or career opportunities. Such actions include, but are not limited to the following:
- a. Promotions or other types of advancement.
 - b. Administrative, disciplinary or other corrective or punitive action.
 - c. Transfers or reassignments.
 - d. Decisions concerning pay, benefits, awards, training or schools.
 - e. Counseling, reprimands or performance evaluation.
 - f. Other changes in duties or responsibilities inconsistent with military rank or position.

SHOW VIEWGRAPH #7-9

<p style="text-align: center;">MILITARY WHISTLEBLOWER PROTECTION LAW PROHIBITS:</p> <ul style="list-style-type: none">• Restricting a military member from communicating with members of congress, DoD officials or other law enforcement agencies.• Taking or threatening to take an unfavorable personnel action, withholding or threatening to withhold a favorable personnel action, as reprisal for making or preparing a lawful communication

6. The Military Whistleblower Protection: Section 1034, Title 10, United States Code (U.S.C.), requires an expeditious investigation of all allegations of reprisal for whistleblowing submitted by military members. (DoD Directive 7050.6, Military Whistleblower Protection, implements Section 1034, Title 10, U.S.C.). The Military Whistleblower Protection law and regulation prohibit:

a. Restricting a military member from communicating with Members of Congress, DoD officials, or other law enforcement agencies.

b. Taking or threatening to take an unfavorable personnel action or withholding or threatening to withhold a favorable personnel action as reprisal for making or preparing a lawful communication.

SHOW VIEWGRAPH #7-10

REPORTING INCIDENTS OF REPRISAL
<ul style="list-style-type: none">• Made A Protected Disclosure• Unfavorable Action Threatened Or Taken• Official Or Other Person Knew Of Disclosure Or Complaint• Disclosure Caused Action Taken• Evidence That Disclosure Caused Action
<p>* Not Required In Order To Report</p>

7. Reporting Incidents of Reprisal: It is the responsibility of the chain of command to ensure all complainants are protected against reprisal or retaliation for filing an EO complaint. Should a soldier or their family member be threatened with such action, you should immediately report the incident to the chain of command, the Inspector General (IG), or a higher echelon commander. The following should help as a guide to making that determination:

a. Did the soldier make a protected disclosure or complaint prior to the incident?

b. Was an unfavorable action threatened or taken after the disclosure or complaint was made?

c. Did the person or official taking action know of the complaint or disclosure?

d. Do you believe the action taken would not have occurred if the complaint or disclosure had not been made?

e. Is evidence or other information available that support or indicates reprisal was taken because of the complaint or disclosure? (Not required to report actions of reprisal).

CLOSING: During this block of instruction, you were given training on the Army's EO Complaint Process. Included were the types of complaints, agencies available to you, applicable laws and regulations, the appeals process, and the policy units must develop to prevent reprisal. Additionally, you received information on the Military Whistleblower Protection Law which are applicable to acts of reprisal against individuals filing EO complaints. The most important issue on EO complaints is to remember that a majority of all EO complaints can be resolved informally by the chain of command. The EO Complaint Process is designed to assist soldiers and their family members in resolving their issues and is not to be used as an act of reprisal. Summarize lesson objectives.

**STUDENT HANDOUT #7-1
EO COMPLAINT FORM**

EQUAL OPPORTUNITY COMPLAINT FORM For use of this form, see AR 600-20; the proponent agency is ODCSPER			
AUTHORITY:		Title 10, USC Section 3013(g).	
PRINCIPAL PURPOSE:		Formal filing of allegations of discrimination because of race, color, religion, gender, or national origin	
ROUTINE USES:		This form and the information on this form may be used: (a) as a data source for complaint information for production of summary descriptive statistics and analytical studies of complaints processing and resolution efforts, (b) to respond to requests from legitimate outside individuals or agencies (e.g., Members of Congress, the White House) regarding the status of the complaint or appeal, (c) to adjudicate complaint or appeal, and (d) for any other routine uses listed in AR 340-21, para 3-2.	
DISCLOSURE:		Disclosure is voluntary; however, failure to complete all portions of this form may lead to rejection of complaint on the basis of inadequate data on which to determine if the complaint is acceptable.	
1. NAME	2. RANK	3. SSN	4. UNIT
5. RACE/ETHNIC GROUP		6. GENDER	7. DATE
PART I - COMPLAINT			
8a. NATURE OF COMPLAINT. (Give, in as much detail as possible, the basis for your complaint; describe the incident/behavior(s) and dates(s) of the occurrence(s); the names of parties involved, witnesses, and to whom it may have been previously reported; plus, and additional information that would be helpful in resolving your complaint. Attach additional sheets if needed.)			
8b. REQUESTED REMEDY. (What do you think the final outcome should be?)			
9a. AFFIDAVIT. I, _____ have read or have had read to me this statement which begins on this page (page 1) and ends on page _____. I fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections. I made the statement without threat of punishment, and without coercion, unlawful influence, or unlawful inducement. <div style="text-align: right; margin-right: 100px;"> _____ (Signature of Person Making Statement) </div> Subscribed and sworn to before me, a person authorized by law to administer oaths, this ____ day of _____, 19__ at _____ <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> _____ (signature of Person Administering Oath) </div> <div style="width: 45%;"> _____ (Typed Name of Person Administering Oath) </div> </div>			
9b. REFERRAL I acknowledge receipt of this complaint from _____ (name/rank) of _____ (unit) on _____ (date). I understand I have 3 calendar days (next drill period for reserve soldiers) in which to inform the appropriate commander/ agency of the complaint and actions I propose to take.			
9c. NAME	9d. GRADE	9e. DATE	
9f. AGENCY		9g. SIGNATURE	

DA FORM 7279-R, FEB 96

<p>10a. ACKNOWLEDGMENT. I acknowledge receipt of this complaint, on behalf of (complainant's name) _____ submitted to me by (name, rank, alternative agency) _____ _____ on _____. I understand I have 14 calendar days (3 weekend drill periods for Reserve components) in which to initiate an investigation into the complaint, implement a plan to prevent reprisal, complete the investigation, and inform the complainant of the results of the investigation.</p>		
10b. NAME	10c. GRADE	10d. DATE
10e. ORGANIZATION		10f. SIGNATURE
PART II - RESULTS OF INVESTIGATION		
<p>11a. I (name of commander) _____ reviewed the report of investigation into your allegations. I <input type="checkbox"/> Concur <input type="checkbox"/> nonconcur with the findings of the investigating officer. I find that your allegations are: <input type="checkbox"/> substantiated <input type="checkbox"/> unsubstantiated. I base my decisions on the following points:</p>		
11b. SIGNATURE OF COMMANDER		11c. DATE
PART III - ACTIONS TO RESOLVE COMPLAINT		
12a. The command has done (or will do) the following actions to resolve this complaint and continue to prevent acts of reprisal:		
12b. ADVISEMENT TO COMPLAINANT: You have the right to appeal these actions to resolve your complaint. You will have 7 days (next weekend drill for Reserve components) to submit your appeal in writing. If you elect not to appeal, your case is considered closed. If you decide to appeal, state the basis of, or grounds for, your appeal in the space below. I will refer you appeal to the appellate authority, who will review your case and provide you feedback when the complaint is completed		
12c. SIGNATURE OF COMMANDER		12d. DATE
12e. ACKNOWLEDGMENT BY THE COMPLAINANT OF FINDINGS, FEEDBACK, AND APPEAL OPTIONS		
12f. SIGNATURE OF COMPLAINANT		12g. DATE
PART IV - APPEAL		
13a. I elect to appeal the outcome of my complaint for the following reasons:		
<input type="checkbox"/> Continuation sheet(s) is attached <input type="checkbox"/> Continuation sheet(s) is not attached		
13b. COMPLAINANT'S SIGNATURE		13c. DATE
13d. I have reviewed the complaint file, the investigative findings, and other information regarding this case. My findings are:		
13e. SIGNATURE OF APPELLATE AUTHORITY		13f. DATE
13e. I acknowledge being counseled concerning the outcome of this appeal.		
13g. SIGNATURE OF COMPLAINANT		13h. DATE

DA FORM 7279-R, FEB 96

EQUAL OPPORTUNITY COMPLAINT RESOLUTION ASSESSMENT

For use of this form, see AR 600-20; the proponent agency is ODCSPER

In accordance with AR 600-20, Army Command Policy, 30 TO 45 calendar days (3-4 drill periods for reservists) following final decision on any complaint (substantiated or unsubstantiated) of unlawful discrimination or sexual harassment, an Equal Opportunity Advisor (EOA) will conduct an assessment of the effectiveness of corrective actions and will seek to detect and deter any acts or threats or reprisal. The equal opportunity advisor shall complete the assessment and present his or her findings and recommendations to the commander within 15 calendar days (2d next weekend drill period for Reserve component).

PART I - COMPLAINT

1. CORRECTIVE ACTIONS. The corrective actions taken as a result of the complaint of _____ discrimination/harassment filed by _____ (type) _____ on _____ (rank/name) _____ (date) were:

2. CONDUCT OF THE ASSESSMENT. (EOA will list the dates and times of actions taken, interview personnel {include complainant, alleged perpetrator, key witness, members of the chain of command, and support chain, sampling of unit members, etc.}, list surveys used, review of applicable unit records, etc.). Add enclosures/memorandums for record to DA Form 7279-1-R as necessary.

3. EFFECTIVENESS OF CORRECTIVE ACTIONS. I conducted an assessment of the effectiveness of the corrective actions taken on _____ (date) My findings are:

4. REPRISAL. I also sought to detect any incidents(s) or threats of reprisals(s). My findings are:

PART II - RECOMMENDATION

5a. Based upon my findings, I recommend no further action the following actions be taken:

5b. EQUAL OPPORTUNITY ADVISOR'S NAME/UNIT	5c. SIGNATURE	5d. DATE
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PART III - ACKNOWLEDGMENT

6a. I acknowledge receipt of this assessment and the EOA's recommendation.
 No further action will be taken The following actions(s) will be taken:

6b. COMMANDER'S NAME/RANK AND UNIT	6c. SIGNATURE	6d. DATE
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This form will be retained on file with the original DA Form 7279-R

STUDENT HANDOUT #7-2

List of Alternative Agencies

Although handling EO complaints through the chain of command is strongly encouraged, this is not the only channel for addressing EO grievances. Several agencies have specific command responsibilities that make them a viable asset in helping soldiers and family members resolve EO grievances. The following are brief descriptions of frequently used agencies:

Equal Opportunity Adviser (EOA): Is assigned to help commanders at brigade or higher levels to implement their EO program. The EOA is trained to receive, process, and conduct inquiries into complaints of discrimination and sexual harassment. In addition, the EOA has the expertise to make recommendations for corrective actions and sanctions against violators of EO policies.

Chaplain: Serves as advisor to the command on all religious matters and provides guidance on religious practices, family and marital counseling, and other secular or non-secular services. The chaplain is the main subject matter expert on addressing issues about religious discrimination or accommodation.

Provost Marshal (PM): Is primarily responsible for receiving and investigating violations of the UCMJ which are criminal in nature. The PM is responsible to the Commander for monitoring the treatment of soldiers and investigating complaints of discrimination or unfair treatment by off-post activities.

Staff Judge Advocate (SJA): Is responsible to the Commander on all legal matters. The SJA serves as an advisor in litigating criminal charges and prosecuting soldiers for criminal offenses; assesses trends in administering punishment and allegations of discrimination in administering military justice; may receive complaints about discrimination in legal proceedings or about administering judicial and nonjudicial punishment.

Community Homefinding Referral and Relocation Services Office (CHRRSO): Is responsible for monitoring and administering the installation's housing referral program. The HRO will receive and investigate complaints of discrimination in rental or sale of off-post residents.

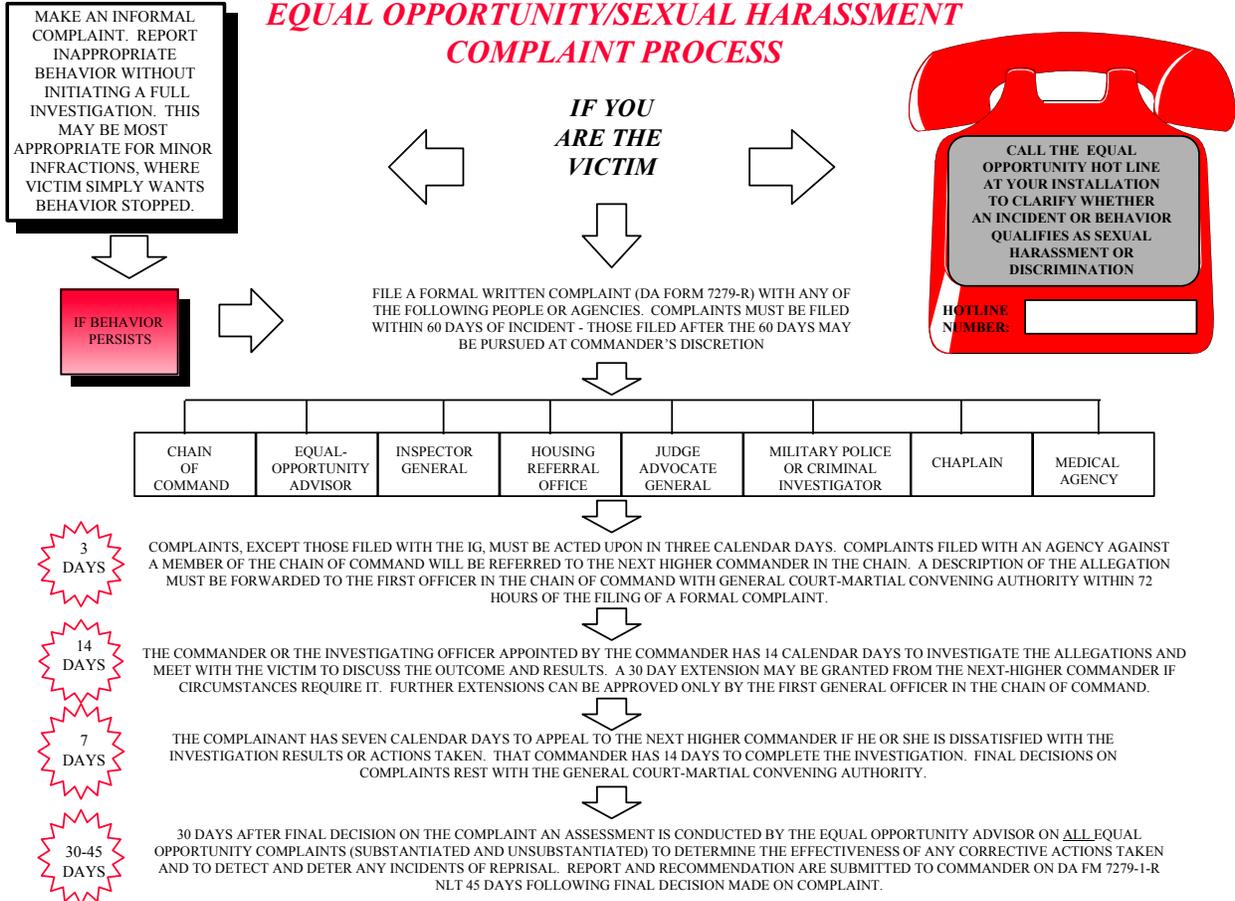
Inspector General (IG): Serves as advisor to the commander on all matters of command. The IG is responsible for monitoring and inspecting command functions which are essential to mission effectiveness and combat readiness. The IG's office is

the principal agency for receiving and investigating complaints about command environment and leadership.

Medical Agency Personnel: Medical agency personnel are assigned primarily at installation clinics and hospitals, but are also available at separate units, battalions, and brigades up to and including the Command Surgeon. These personnel advise and assists the commander on matters about conserving and replenishing the command's fighting strength, by prevention, curative, restorative care, and other medical related services. In the event of an incident of sexual assault or rape, medical agency personnel will be immediately contacted for procurement of criminal evidence and assistance in the treatment and counseling of the victim.

**STUDENT HANDOUT #7-3
EO Complaint Flow Process**

EQUAL OPPORTUNITY/SEXUAL HARASSMENT COMPLAINT PROCESS





TYPES OF COMPLAINTS

- **INFORMAL**
- **FORMAL**



ALTERNATE AGENCIES

- **A HIGHER ECHELON COMMANDER**
- **EQUAL OPPORTUNITY ADVISOR (EOA)**
- **CHAPLAIN (CH)**
- **STAFF JUDGE ADVOCATES (SJA)**
- **PROVOST MARSHAL (PM)**
- **INSPECTOR GENERAL (IG)**
- **COMMUNITY HOMEFINDING REFERRAL AND RELOCATION SERVICES OFFICE (CHRRSO)**
- **MEDICAL AGENCY PERSONNEL**



COMMANDER/ALTERNATE AGENCY RESPONSIBILITY

- ENSURE INFORMATION IS COMPLETE
- ENSURE INDIVIDUAL IS SWORN TO COMPLAINT
- CLARITY BASIS OF COMPLAINT
- IDENTIFY ADDITIONAL INFORMATION
- TELL WHAT HAPPEN NEXT
- ACKNOWLEDGE RECEIPT
- INITIATE INQUIRY/INVESTIGATION (WITHIN 14 CALENDAR DAYS)
- REFER TO APPROPRIATE AGENCY/COMMANDER (WITHIN 3 CALENDAR DAYS)
- PROVIDE WRITTEN FEEDBACK



ELEMENTS OF INQUIRY/INVESTIGATION

- **CLARIFY NATURE OF COMPLAINT**
- **INTERVIEW AS APPROPRIATE**
- **GATHER INFORMATION**
- **CONSULT ADVISORS**
- **ASSESS INFORMATION**
- **RENDER DECISION ON FINDINGS**



APPEALS PROCESS

- **SUBMIT ON SEPARATE PAPER WITHIN 7 CALENDAR DAYS**
- **SPECIFY ISSUES YOU DISAGREE WITH**
- **SUBMIT TO IMMEDIATE OR NEXT HIGHER COMMANDER**
- **MAY REQUEST APPOINTMENT WITH APPEAL AUTHORITY**
- **FINAL DECISION AUTHORITY - FIRST GENERAL COURT MARSHAL CONVENING AUTHORITY IN CHAIN OF COMMAND**
- **NO FURTHER APPEAL AVAILABLE WITHIN EO COMPLAINT SYSTEM**
- **FOLLOW-UP ASSESSMENT**



REPRISAL

TAKING OR THREATENING TO TAKE AN UNFAVORABLE PERSONNEL ACTION OR WITHHOLDING OR THREATENING TO WITHHOLD A FAVORABLE PERSONNEL ACTION, OR ANY OTHER ACT OR ANY OTHER ACT RETALIATION, AGAINST A MILITARY MEMBER FOR MAKING OR PREPARING A PROTECTED COMMUNICATION



FORMS OF REPRISAL

- **THREATENING**
- **INTIMIDATION**
- **HARASSMENT**



PROTECTED COMMUNICATION

- **VIOLATION OF LAW OR REGULATION**
- **SEVERE CASE OF MISMANAGEMENT**
- **FRAUD OR A GROSS WASTE OF PUBLIC FUNDS**
- **AN ABUSE OF AUTHORITY OR POSITION**
- **SUBSTANTIAL DANGER TO PUBLIC SAFETY**
- **COOPERATED WITH OR OTHERWISE ASSISTED IN AND AUDIT, INSPECTION, OR INVESTIGATION**



MILITARY WHISTLEBLOWER PROTECTION LAW

PROHIBITS:

- **RESTRICTING A MILITARY MEMBER FROM COMMUNICATING WITH MEMBERS OF CONGRESS, DoD OFFICIALS OR OTHER LAW ENFORCEMENT AGENCIES**
- **TAKING OR THREATENING TO TAKE AN UNFAVORABLE PERSONNEL ACTION, WITHHOLDING OR THREATENING TO WITHHOLD A FAVORABLE PERSONNEL ACTION, AS REPRISAL FOR MAKING OR PREPARING A LAWFUL COMMUNICATION**

82D AIRBORNE DIV



REPORTING INCIDENTS OF REPRISAL

- **MADE A PROTECTED DISCLOSURE**
 - **UNFAVORABLE ACTION THREATENED OR TAKEN**
 - **OFFICIAL OR OTHER PERSON KNEW OF DISCLOSURE OR COMPLAINT**
 - **DISCLOSURE CAUSED ACTION TAKEN**
 - **EVIDENCE THAT DISCLOSURE CAUSED ACTION**
- * NOT REQUIRED IN ORDER TO REPORT**