

LESSON PLAN 5-1

UCMJ Implications of the Equal Opportunity Program

TASK: Identify Uniform Code of Military Justice (UCMJ) implications of the Army's Equal Opportunity (EO) Program.

CONDITIONS: In a classroom environment.

STANDARDS: Identify the UCMJ action appropriate to the EO violation.

TARGET AUDIENCE: Leaders and soldiers at all levels.

RECOMMENDED INSTRUCTION TIME: 20 minutes.

INSTRUCTOR REQUIREMENTS: One instructor per class of no more than 20 to 25 students.

EQUIPMENT NEEDED FOR THE INSTRUCTION: Overhead projector, overhead transparencies (OTs), chalkboard and chalk or butcher paper and magic markers. ""

TOPIC COVERED: UCMJ articles appropriate to EO violations.

A soldier's disobedience and misconduct may have consequences unlike any in civilian life. For instance, sexual harassment by a soldier can seriously disrupt mission accomplishment. It can fatally disrupt it on the battlefield. Because of the serious consequences, leaders must approach and carry out the Army's EO program in a spirit of total commitment. Leaders must make sure that all violations of EO policies are carefully investigated. Accused persons must have full access to all legal and regulatory protection. Taking these measures will help soldiers continue to have trust and confidence in the chain of command.

UCMJ ACTIONS

When evaluating corrective actions to deal with violations of the Army's EO Program, leaders should first consider counseling, letters of reprimand and, when necessary, NCO Evaluation Reports or Officer Efficiency Reports. As a last resort, however the UCMJ provides the commander with appropriate means to deal with blatant or recurring violations. The UCMJ has a number of articles that may be used to deal with EO and sexual harassment policy violations. Here are the major ones:

INSTRUCTOR NOTE: SHOW SLIDES 1-5

UCMJ ARTICLES: PART 1

OFFENSE	ARTICLE NUMBER
Making racial or sexual comments and/or gestures	89 and 91: disrespect
	117: provoking speech
	134: indecent language prejudicial to good order and discipline
Offering rewards for sexual favors	134: bribery and graft

UCMJ ARTICLES: PART 2

OFFENSE	ARTICLE NUMBER
Making unsolicited and unwelcome sexual contact	120: rape
	128: assault consummated by a battery
Threatening the career, job or salary of another unless they "cooperate"	134: indecent assault
	127: extortion
	134: communicating a threat

UCMJ ARTICLES: PART 3

OFFENSE	ARTICLE NUMBER
Engaging in harassment that affects job performance	92: dereliction of duty
If the harasser is an officer	133: conduct unbecoming an officer

UCMJ ARTICLES: PART 4

OFFENSE	ARTICLE NUMBER
Inflicting treatment that is cruel or considered maltreatment to any person subject to their orders	93: cruelty and maltreatment
Observing discriminatory or sexual harassment acts and neither stopping it nor reporting it to authorities	77: violation of principles

UCMJ ARTICLES: PART 5

OFFENSE	ARTICLE NUMBER
Making false statements	107: false official statement

Officers and NCOs set the standard and lead by example. They are responsible for teaching and counseling subordinates before and whenever inappropriate behavior occurs. This way they can maintain a healthy environment and prevent situations from escalating to the point of legal action.

INSTRUCTOR NOTE: SUMMARIZE THE LESSON AND ASK FOR QUESTIONS



Equal Opportunity Violations Subject to UCMJ Actions

Offense

Article

Making racial or sexual comments and/or gestures

Art 89 disrespect toward superior officer

Art 91 insubordinate conduct towards WO or NCO

Art 11 7 provoking speech or gestures Art 134 indecent language

Offering rewards for favors which constitute an EO violation

Art 134 bribery and graft

Making unsolicited and unwelcome sexual contact

Art 134 indecent assault

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

Threatening the career, job or salary or another unless they "cooperate"

Art 127 extortion Art 134 communicating a threat

Engaging in or condoning EO violation

Art 92 failure to obey an order or regulation Art 133 conduct unbecoming an officer

Influencing or threatening the career, payor job of another person in exchange for sexual favors

Art 93 cruelty and maltreatment

Making false statements

Art 107 false official statement

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