DEPARTMENT OF THE ARMY
HEADQUARTERS, EIGHTH ARMY
UNIT #15236
APO AP 96205-5236

REPLY TO
ATTENTION OF:

EACG

09 DEC. 2013

MEMORANDUM FOR All Eighth Army Assigned Soldiers

SUBJECT: Eighth Army Command Policy Letter #14, Equal Opportunity (EO) Complaint Procedures

1. Reference. Army Regulation (AR) 600-20, Army Command Policy, 18 March 2008 (incorporating Rapid Action Revision, 20 September 2012).

2. Purpose. Ensure all Soldiers and family members have knowledge of the procedure to file an EO complaint based on the five protective categories of discrimination and sexual harassment.

3. Background. Commanders at all levels will establish, implement, and inform their commands of the EO complaint procedures in accordance with AR 600-20, Chapter 6, Appendix D. These procedures will address, in detail, how Soldiers and family members can properly file a complaint with the chain of command or supporting agency.

4. Discussion. A Soldier or family member who believes that he or she is discriminated against based on race, color, gender, religion, and national origin has the right and responsibility to present that concern to the chain of command. Personnel can also file EO complaints alleging a hostile work environment and/or offensive behavior of a sexual nature that occurs either on or off post during duty or non-duty hours. Personnel may file either an informal complaint or a formal complaint.

a. An informal complaint is any complaint that the Soldier or Family member does not wish to file in writing. Members of the command must ensure that the complaint is taken seriously, handled fairly and with sensitivity when resolving an informal complaint.

(1) Informal complaints may be resolved without the knowledge or direct involvement of the commander.

(2) An informal complaint is not subject to time suspense.

b. A formal complaint is any compliant that the Soldier or Family member files in writing (using Department of Army (DA) Form 7279 Equal Opportunity Complaint Form) and swears to the accuracy of the information.

(1) Formal complaints require specific actions, are subject to timelines, and require documentation of the actions taken.

(2) Individuals have 60 calendar days to file a formal complaint from the date the alleged incident occurred. This time limit is established to set reasonable parameters for the inquiry or investigation and resolution of complaints. If a formal complaint is received after 60 calendar days, the commander may conduct an investigation into the allegations or appoint an investigating officer.

(3) 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 inquiry or investigation is conducted.

c. While the individual should file his or her formal compliant with the commander at the lowest level, there are times when an individual may feel uncomfortable submitting the complaint directly to his/her chain of command. In such cases, the individual should submit the complaint directly to the Equal Opportunity Advisor (EOA) or support agency. Brigade or higher Army EOA, Inspector General, Chaplain, Provost Marshal, Staff Judge Advocate, housing referral office, medical agencies, and EO Hotlines are agencies that are available to address and process complaints. Leaders will not preclude or hinder personnel from using any of the aforementioned channels for complaint resolution.

d. Upon receipt of a formal complaint, the commander is required to identify and rectify the five factors of unlawful discrimination, to include race, color, gender, religion and national origin. The commander will ensure that the complainant is sworn to the complaint (DA Form 7279, block 9). If not, the commander will administer the oath and annotate it on the complaint form. The commander will fill out block 11 acknowledging receipt of the complaint form.

(1) All formal complaints are reported within 3 calendar days to the first General Courts-Martial Convening Authority (GCMCA) in the chain of command. Additionally, the commander will provide a progress report to the GCMCA authority 21 days after the date on which the investigation commenced, and 14 days thereafter until completion.

(2) The commander will either conduct an investigation personally or immediately appoint an investigating officer according to the provisions of AR 15–6. Depending on the magnitude of the complaint, the commander may deem it necessary to ask the next senior commander in the chain of command to appoint the investigating officer.

(3) The commander will establish and implement a plan to protect the complainant, any named witnesses, and the subject from acts of reprisal. The plan will include, as a minimum, specified meetings and discussions with the complainant, subject, named witnesses, and selected members of the chain of command and coworkers.

e. I expect commanders to adhere to all timelines and have a plan against reprisal for each formal complaint.

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5. Proponent. The proponent for this policy is Eighth Army Equal Opportunity Office. Contact the proponent at commercial 011-822-7913-8524/8446 or DSN (315) 723-8524/8446.

BERNARD S. CHAMPOUX
Lieutenant General, USA
Commanding