



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY

HEADQUARTERS, 8TH ARMY

UNIT #15236

APO AP 96205-5236

EACG

3 NOV. 2011.

MEMORANDUM FOR All 8th Army Assigned Soldiers

SUBJECT: 8th Army Command Policy Letter #4 - Equal Opportunity (EO)/Sexual Harassment Complaint Procedures

1. Reference:

a. Army Regulation (AR) 600-20, Army Command Policy, 18 March 2008 (incorporating Rapid Action Revision, 27 April 2010).

b. United States Forces Korea Command Policy Letter #11, Prevention of Sexual Harassment (POSH).

2. Purpose. Ensure all Soldiers and their Family members have knowledge of the procedure to file an EO and/or sexual harassment 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 EO/sexual harassment complaint procedures in accordance with AR 600-20, Chapters 6 and 7, and 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. Policy. A Soldier or Family member who believes that he or she has been harassed or discriminated against based on race, national origin, gender, or religion has the right and responsibility to present that concern to the chain of command. Personnel may also file sexual harassment 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 individual does not wish to file in writing. In resolving an informal complaint, members of the command must ensure that the complaint is taken seriously, handled fairly and with sensitivity.

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

(2) There are no time lines for an informal complaint but the complaint should be resolved as quickly as possible.

b. A formal complaint is one that a complainant files in writing (using Department of Army (DA) Form 7279 Equal Opportunity Complaint Form) and swears to the accuracy of the information.

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

(2) Individuals generally 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. Nevertheless, if a formal complaint is received after 60 calendar days, the commander may still investigate the matter.

(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 can be conducted.

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

d. Upon receipt of a complaint, the commander is required to identify and rectify sexual harassment and the five factors of unlawful discrimination, to include race, color, gender, religion and national origin. The commander will ensure that the complainant has been 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 will be 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.

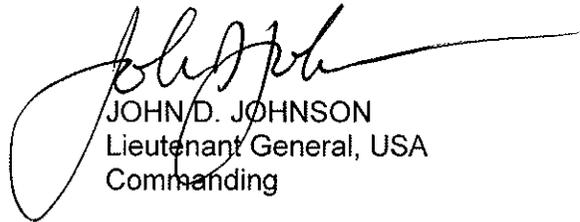
(3) The commander will establish and implement a plan to protect the complainant, any named witnesses, and the subject from acts of reprisal. The plan will include, as a minimum, specified meetings and discussions with the complainant, subject, named witnesses, and selected members of the chain of command 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 8th Army Equal Opportunity Office is the proponent staff agency for this policy memorandum. Direct questions regarding this policy to the 8th Army Equal Opportunity Office at 723-8524/8446.



JOHN D. JOHNSON
Lieutenant General, USA
Commanding