DEPARTMENT OF THE ARMY
HEADQUARTERS, 35TH AIR DEFENSE ARTILLERY BRIGADE
UNIT #15757
APO AP 96266-5757

REPLY TO
ATTENTION OF

EAAD-Z

01 August 2011

MEMORANDUM FOR All 35TH Air Defense Artillery Brigade Assigned Soldiers and Civilians

SUBJECT: 35th Air Defense Artillery Brigade Policy Memorandum #16 – Equal Opportunity (EO)/Sexual Harassment Complaint Procedures

1. Reference:

a. AR 600-20, Army Command Policy, Chapter 6, the Equal Opportunity Program in the Army, 6 June 2006

b. AR 600-20, Army Command Policy, Chapter 7, Prevention of Sexual Harassment, 6 June 2006

c. AR 600-20, Army Command Policy, Appendix D, EO/Sexual Harassment Complaint Processing System, 6 June 2006

d. EUSA Policy Letter #4, Equal Opportunity (EO)/Sexual Harassment Complaint Procedures, 8 January 2007

2. Equal opportunity complaints will be thoroughly investigated and resolved in the most expeditious manner possible. All personnel assigned to the 35th Air Defense Artillery Brigade are encouraged to use their chain of command for redress of grievances. It is the goal of this command to resolve grievances at the lowest level possible; however, all personnel have the right to resolve EO/Sexual Harassment complaints. Complaints may be processed through the Brigade Equal Opportunity Advisor (EOA) or an alternative agency which includes someone in a higher echelon of the complainant's chain of command, the Inspector General, Chaplain, Provost Marshall, Medical Agency Personnel, Staff Judge Advocate, and the Housing Referral Office.

3. US/KATUSA Soldiers, Civilian employees, and Family members have a right to:

a. Present a complaint to the command without fear of intimidation, reprisal, or harassment.

b. Communicate with the commander concerning their complaint(s).

c. Receive assistance when submitting a compliant.

4. US/KATUSA Soldiers, Civilian employees, and Family members should advise the command of the specifics of sexual harassment or unlawful discrimination complaints and provide the command the opportunity to take appropriate action to rectify/resolve the issue. While not required, it is recommended that the individual attempt to resolve the complaint by first informing the alleged offender that the behavior is unwanted.

5. There are two types of EO complaints, informal and formal.

a. Informal Complaint. An informal complaint is any complaint that an individual does not want to file in writing. Informal complaints may be resolved directly by the individual, with the help of another unit member, the commander, or another person in the complainant's chain of command. An informal complaint is not subject to time limitations and is not reportable. 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. Anyone working on the resolution of an informal complaint should prepare a Memorandum for Record (MFR). The MFR should include the nature of the complaint and what was done to resolve the issue. Complainants should be informed that if he or she chooses to file an informal complaint and the issue is not resolved through the informal channel that they may file a formal complaint.

b. Formal Complaint. A formal complaint is one that a complainant files in writing and swears to the accuracy by giving a sworn statement of the information. Formal complaints require specific actions, are subject to strict timelines, and require documentation of the actions taken. Formal EO complaints are filed on a DA Form 7279, Equal Opportunity Complaint Form. Individuals have sixty calendar days from the date of the alleged incident in which to file a formal complaint. Formal complaints filed after sixty calendar days, the commander will decide, depending on the availability of witnesses and the reason for the delay, whether or not a fair investigation can be conducted. Commanders will take the following steps when processing formal EO complaints:

(1) Notify the Brigade Equal Opportunity Advisor (EOA).

(2) The Brigade EOA will have the complainant fill out Part I of DA Form 7279. The complainant will specify the allegation, provide names of the parties involved and witnesses describe the incident/behavior, and indicate the date of the occurrence. For EO/Sexual Harassment complaints, the complainant will also state the equal opportunity basis of the complaint (i.e., unlawful discrimination based on race, color, gender, religion, or national origin). Complainants will be advised of the importance of describing the incident in as much detail as possible to assist in the investigative process. If the complainant's expectations for remedy of the incident/behavior written in the block entitled, "Requested Remedy", are not likely to be met, they should be dispelled by an explanation of the process and the possible outcomes.

(3) Have a commissioned officer swear the complainant to the complaint.

(4) Conduct the investigation and provide feedback to the complainant and the alleged perpetrator in accordance with AR 600-20.

6. A complainant has the right to appeal the findings of a formal EO complaint to the next higher commander in his or her chain of command, if he or she perceives that the investigation failed to reveal relevant facts to substantiate the allegation. Complainants may also appeal if the actions taken by the command on his or her behalf were insufficient to resolve the complaint.

a. The appeal must be submitted within seven calendar days following notification of the results of the investigation and acknowledgment of the actions of the command to resolve the complaint.

b. The appeal must be done in writing on the DA Form 7279, part IV.

c. Appeals will be processed in accordance with AR 600-20, Appendix D, 6 June 2006.

7. The EOA will conduct a follow up assessment of all formal equal opportunity and sexual harassment complaints, whether substantiated or unsubstantiated, 30-45 calendar days 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 acts or threats of reprisal. After the case is closed, the entire complaint packet will be retained by the EOA.

8. I fully endorse this policy. Leaders at all levels will ensure that all personnel are fully aware of the procedures for filing an equal opportunity complaint.

9. Point of contact for the above information is the Brigade Equal Opportunity Advisor at 784-7877.

ERIC L. SANCHEZ
COL, AD
Commanding