

Street, Cleveland, OH 44199. Soldiers should retain a copy of the claim application package and completed DD Form 2675.

d. The designated HQDA point of contact is DCS, G-1, Directorate of Military Personnel Management (DMPM-MPC), Command Policy Division (usarmy.pentagon.hqda-dcs-g-1.mbx.command-policy@mail.mil, 703-695-7370). Command policy will act as a conduit for directing Soldiers and/or commanders to the appropriate agencies for assistance—

(1) Commanders needing assistance with verifying the claim application packet and DD Form 2675 should contact DCS, G-1 (DAPE-MPC) Command Policy Division for assistance (usarmy.pentagon.hqda-dcs-g-1.mbx.command-policy@mail.mil, 703-695-7370).

(2) Soldiers needing assistance with facilitating adoptions will be referred to Military OneSource (<http://www.militaryonesource.mil/family-and-relationships/parenting>, 800-342-9647), legal assistance, and their local Army Community Service Center. These agencies will refer Soldiers to appropriate agencies for assistance.

(3) Soldiers needing assistance with questions concerning leave procedures in conjunction with adopting a child, in accordance with DoDI 1327.06 and AR 600-8-10 will be referred to the HRC, (AHRC-PDF-I) Leave and Pass Policy section (usarmy.knox.hrc.mbx.tagd-leave-and-pass-policy@mail.mil, 502-613-8484).

(4) Soldiers needing assistance with claim application packets that have been submitted to DFAS for payment will be referred to the DFAS-CL Center (dfas.cleveland-oh.jfl.mbx.adoption-reimbursesment-cle@mail.mil).

Chapter 6

Military Equal Opportunity Policy and Program

6-1. Purpose

a. The MEO Program formulates, directs, and sustains a comprehensive effort to maximize human potential and to ensure fair treatment for all Soldiers based solely on merit, performance, and potential in support of readiness. MEO philosophy is based on fairness, justice, and equity. Commanders are responsible for sustaining a positive EO climate within their units. Specifically, the goals of the MEO Program are to—

- (1) Build and maintain a cohesive, combat ready Army which is focused and determined to accomplish its mission.
- (2) Provide support to Soldiers, both on and off-post, and within the limits of the laws of localities, states, and host nations.
- (3) Ensure MEO exists for all Soldiers.
- (4) Ensure every Soldier is treated with dignity and respect.
- (5) Support commanders at all levels and MEO professionals (EO PMs, EO SGMs, EO advisors; and EO specialists (RA/USAR)) and EO Leaders (EOLs) who are responsible for the execution of MEO policies in their units organizations, and agencies.

b. Commanders are also responsible for the DA Civilian Equal Employment Opportunity (EEO) Program which provides equal opportunity in employment for all DA Civilians and prohibits discrimination in employment because of race, color, religion, sex, national origin, age, disability, genetic information, or reprisal. Commanders are responsible for sustaining a positive EEO climate within their workplace in accordance with applicable law and Federal regulations; specific responsibilities and complaint procedures are outlined in AR 690-12 and AR 690-600.

6-2. Military equal opportunity policies

a. Commanders and organizational leaders will foster and maintain positive command climates. A positive command climate is an environment free from personal, social, or institutional barriers that prevent Soldiers from rising to the highest level of responsibility for which they are qualified. Soldiers are evaluated on individual merit, performance, and potential. The evaluations of commanders will include an assessment of their compliance with MEO policy.

b. The Army will provide an environment that is free of unlawful discrimination. Discrimination occurs when someone, or a group of people, is harassed, intimidated, insulted, humiliated, or is treated less favorably than another person or group, because of their race, color, sex (to include gender identity), national origin, religion, or sexual orientation. It includes use of disparaging terms with respect to a person's race, color, sex (to include gender identity), national origin, religion, or sexual orientation which contributes to a hostile work environment.

c. When discrimination is alleged, commanders will take immediate and appropriate action to investigate the allegations and correct any unlawful discriminatory practices. In substantiated cases, commanders will consider appropriate disciplinary action.

d. The chain of command will promote, support, and enforce MEO and Harassment Prevention and Response policy and programs. The chain of command has primary responsibility for identifying and correcting discriminatory harassment.

e. The operational language of the Army is English. Commanders may require Army personnel to use English when performing official duties but may not require the use of English for personal communications which are unrelated to official duties.

f. Violations of MEO and Harassment Prevention and Response policies may result in disciplinary action under the UCMJ, Arts. 92, 133, or 134.

g. Soldiers are required to follow policies both on and off-post, during duty and non-duty hours.

h. Policies apply to work, living, and recreational environments (including both on and off-post housing).

i. Members of the Army will not—

(1) Retaliate against a member who files a discrimination or harassment complaint.

(2) Knowingly make a false accusation of discrimination.

(3) While in a supervisory or command position, condone or ignore discrimination, harassment, disparaging terms, or hostile work environment.

6-3. Military equal opportunity professional staffing

See appendix C.

6-4. Military equal opportunity training and education

See appendix D.

6-5. Command climate assessment

See appendix E.

6-6. Military Equal Opportunity and Harassment Complaint Processing System

a. *Attempts should be made to resolve concerns at the lowest possible level within an organization.* If low-level resolution fails, the situation escalates, or is too malicious to resolve at a low-level, the complaint processing system defines a process for resolution. Soldiers (including DEP), cadets, and Family members (in accordance with DoDD 1350.2) may utilize the complaint processing system. Complaints from DA Civilians (to include those against Soldiers) alleging discrimination and/or harassment will be handled in accordance with the policies and procedures contained in AR 690-12 and AR 690-600, or as described in separate DoD and DA policy, or as provided for in any applicable collective bargaining agreement.

b. *Entering the complaints processing system.* The complaint processing system addresses complaints that allege unlawful discrimination on the basis of race, color, sex (to include gender identity), national origin, religion, or sexual orientation and harassment which includes hazing, bullying, and other discriminatory harassment. Concerns raised and/or resolved outside of the complaint processing system are considered problem resolution or leadership actions; and are not considered MEO or harassment complaints. Incidents involving allegations of criminal behavior (that is, violations of UCMJ) will be reported or referred to law enforcement.

(1) *Anonymous complaint.*

(a) Complaints where the complainant remains unidentified may be handled as either an informal or a formal complaint and entered in MEO database, as such. The commander will determine if sufficient information is provided to proceed as either an informal or formal complaint. The commander will be identified as the complainant on the DA Form 7279 (Equal Opportunity and Harassment Complaint Form) and in MEO database. If the complaint is processed as an informal complaint, the commander will determine if informing the entire command or part of the organization of the actions taken is appropriate. If during the informal or formal process of an anonymous complaint the identity of the actual complainant is revealed, the complainant will be edited in MEO database, and the actual complainant will be provided the requisite follow-up actions (DA Form 7279-1 (Equal Opportunity and Harassment Complaint Resolution Assessment Form)).

(b) Actions taken regarding anonymous complaints will depend upon the extent of information provided in the anonymous complaint. If an anonymous complaint contains sufficient information to permit the initiation of an investigation, the investigation will be initiated by the commanding officer or supervisor in accordance with this instruction. If an anonymous complaint does not contain sufficient information to permit the initiation of an investigation, the information should be documented in a Memorandum for Record and maintained on file in accordance with disposition instructions and the central point of contact responsible for processing discrimination and harassment complaints. The Memorandum for Record should contain the following information, if available: date and time the information

was received; a detailed description of the facts and circumstances included in the complaint; date and time the complaint was resolved and by whom; and any other pertinent information.

(2) *Informal complaint.*

(a) An informal complaint is one that a Soldier, cadet, or Family member does not wish to file in writing on a DA Form 7279. Informal complaints may be resolved directly by the complainant addressing the offending party, a peer, or another person in or outside the complainant's chain of command or NCO chain of command, or the MEO professional. Those issues that can be taken care of informally might be resolved through problem identification and clarification of issues, discussion, recognition of inappropriate or misleading behavior, and a willingness to change. Actions and resolutions taken with others before involving commanders or MEO professionals are not tracked in the MEO database nor reviewed by the MEO professional. When practical, an informal complaint should be resolved within 60 calendar days.

(b) Upon receipt of a written or oral informal complaint, the commander or MEO professional will—

1. Listen to the complainant and find out as much as possible concerning the complaint.
2. Advise the complainant of—
 - a) Their rights and responsibilities in accordance with DoDI 6400.07.
 - b) Support services that are available to help resolve the issues, as appropriate, both on and off-post (health care, counseling, MPOs and CPOs, chaplains, legal assistance, and unit or installation trained mediators for alternative dispute resolution).

c) The protected nature of the communication, which will only be shared with those who have a legitimate need-to-know.

d) Both the informal and formal complaint processes.

e) That the complainant may choose to resolve the complaint through facilitation, intervention, counseling, and/or training.

(c) Within 3 calendar days of complaint receipt (at the next MUTA–4 or other regularly scheduled training for Army Reserve TPU Soldiers), members of the chain of command assisting with informal complaint resolution will inform their MEO professional of the initiation of informal complaint assistance efforts.

(d) If the commander receives the complaint and chooses to resolve the situation through commander's inquiry and/or AR 15–6 investigation without the assistance of the MEO professional, the commander will also inform the MEO professional within three calendar days of the receipt of the informal complaint and the subsequent resolution efforts.

(e) Commanders or MEO professionals will prepare an MFR, which will include information indicating the nature of the complaint and identifying pertinent information to assist in the identification of the organization's command climate.

(f) The MEO professional will input informal complaint information into MEO database no later than 3 calendar days (RA), or next MUTA–4 (USAR) from date of receipt.

(g) Upon completion of the resolution efforts, the complainant may—

1. Accept informal resolution or continued efforts at resolution.
2. Render a formal complaint.
3. Decline to pursue complaint.

(h) The MEO professional will retain the informal complaint records for 15 years from the date of complaint receipt.

(3) *Formal complaint.*

(a) A formal complaint is one that a complainant files in writing using a DA Form 7279 and swears to the accuracy of the information. Formal complaints require specific actions, are subject to timelines, and require documentation of the actions taken. If a complaint is filed against a promotable COL, an active or retired GO, inspectors general of any component, members of the SES, or executive schedule personnel, the allegation will be transferred directly to the Investigations Division, U.S. Army Inspector General Agency (SAIG–IN), Pentagon, Washington, DC 20310–1700 by rapid but confidential means within 2 working days of receipt when practical. The complaint will be emailed to the DAIG's investigations mailbox at usarmy.pentagon.hqda-otig.mbx.saig-in-office@mail.mil in order to provide timely submission.

(b) MEO and harassment complaints are received by MEO professionals (MEO PM, MEO SGM, MEO advisor, MEO specialist) or (RA/USAR) commanders. Complaints cannot be received by EOLs.

(c) Within 3 calendar days of complaint receipt (same for USAR) MEO professionals will refer complaint to the subject's commander.

(d) Inform ACOM, ASCC, DRU MEO PM of any complaints, to include those that may potentially leave the Army chain of command for processing. Upon receipt of a formal complaint, the MEO professional or commander assisting the complainant will—

1. Listen to the complainant and find out as much as possible concerning the complaint.
 2. Advise the complainant of—
 - a) Support services that are available to help resolve the issues as appropriate, both on and off-post (health care, counseling, MPOs and CPOs, chaplains, legal assistance, and unit or installation trained mediators for alternative dispute resolution).
 - b) The protected nature of the communication, which will only be shared with those who have a legitimate need-to-know (for example, the MEO professional, commander).
 - c) Both the informal and formal complaint processes.
 - d) The necessity to resolve the complaint in 60 days or less, when practical.
 - e) The importance of describing the incident(s) in as much detail as possible to assist in the investigative process.
 - f) That the complainant may choose to resolve the complaint through facilitation, intervention, counseling, and/or training.
 - g) Knowingly submitting a false complaint (a complaint containing information or allegations that the complainant knew to be false) may be punishable under the UCMJ.
 - h) In DA Form 7279, the complainant will—
 - (1) Specify the alleged concern.
 - (2) Provide the names of the parties involved and witnesses.
 - (3) Describe the incident(s)/behavior(s).
 - (4) Indicate the date(s) of the occurrence(s).
 - (5) The complainant will also state the EO basis of the complaint (that is, discrimination based upon race, color, sex (including gender identity), national origin, religion, sexual orientation, or harassment (hazing, bullying, or other discriminatory harassment)).
 - i) In DA Form 7279, “Requested Remedy,” the complainant will enter the requested resolution, which the commander may take into consideration upon completion of the inquiry or investigation, and when considering resolution actions. The information in this block can vary in terms of the complainant's expectations of the investigative process. If expectations that are not likely to be met come to the surface, they should be dispelled by the MEO professional or commander (during receipt of the complaint) through an explanation of the potential and the possible outcomes.
- (3) *Time limit to file formal complaint.* Complainants Soldiers have 60 calendar days (same for USAR) from the date of the alleged incident in which to file a formal complaint. This time limit is established to set reasonable parameters for the inquiry or investigation and resolution of complaints, to include ensuring the availability of witnesses, accurate recollection of events, and timely resolution or remedial action. If a complaint is received after 60 calendar days, the commander may conduct an investigation into the allegations or appoint an investigating officer. In deciding whether to conduct an investigation, the commander should consider the reason for the delay, the availability of witnesses, and whether a complete and fair inquiry or investigation can be conducted.
- (a) A complaint should be filed at the lowest echelon of command (Battalion, Company, or equivalent command) to ensure the complainant receives a thorough, expeditious, and unbiased investigation of the allegations. Depending on the various aspects of the complaint and individuals involved, that lowest level commander may not be the immediate company or even battalion level commander of the subject.
 - (b) MEO professional taking the complaint will notify the commander at their level (for example, brigade MEO professional will notify the brigade commander for all complaints filed at the battalion or company level or equivalent).
 - (c) The commander must work to resolve underlying causes of all complaints.
 - (d) The commander or a commissioned officer will have the complainant swear to the contents of statement(s) contained in the formal complaint and associated documents by administering, or having a person authorized to administer oaths in accordance with UCMJ, Art. 136 administer such an oath to the complainant.
 - (e) The MEO professional will assemble the complaint documentation for provision and briefing (an explanation of the complaint concerns, applicable regulatory and policy guidance, and proposed timeline) to the commander. The MEO professional will prepare the reprisal plan for the commander to issue to the complainant, the alleged subject, chain of command/supervisory chain, and witnesses. The MEO professional will keep a copy of the commander-acknowledged DA Form 7279 on file and suspense the complaint for follow-up with the commander, complainant, and subject in 14 days (next MUTA–4 for USAR), every 14 days (next MUTA–4 for USAR) thereafter until the complaint is resolved, and 30 days (two MUTA (60 days)–4 for USAR) after the commander's final decision on the complaint. Follow-up activities will be annotated on DA Form 7279–1, and provided to the commander no later than

5 days (next MUTA–4 for USAR) after completion of follow assessment, not to exceed 30 days (two MUTA (60 days)–4 for USAR) after the commander’s final decision on the complaint.

(f) The MEO professional will draft recommended questions for the investigating officer to obtain answers to during their investigation.

(g) The MEO professional will enter the initial complaint information into the MEO database, no later than 3 calendar days (RA) and next MUTA–4 (USAR) from date of receipt from the commander.

(h) Army Reserve Soldiers on active duty are subject to the active duty complaint timeline.

(4) *Actions of the commander upon receipt of complaint.*

(a) Upon receipt of a complaint, the commander will—

1. Ensure that the complainant has been sworn to the complaint (DA Form 7279). If not, the commander will administer the oath and annotate it on DA Form 7279.

2. Complete acknowledging receipt of DA Form 7279.

3. Commence, or cause the commencement of, an investigation of the complaint within 5 calendar days of receipt.

4. Inform the complainant and subject of the commencement of the investigation.

5. Forward within 5 calendar days (5 calendar days for USAR, as well) the complaint or a detailed description of the allegation(s) to the first SPCMCA in the chain of command when the complaint is processed at the battalion or company level, or the first GCMCA when the complaint is processed at the brigade level. The description will include acknowledgment of receipt of the formal complaint and the commencement of a commander’s inquiry or appointment of an investigating officer, to conduct the investigation within 30 days (three MUTA (90 days)–for USAR), from acknowledgment in DA Form 7279, when mission permits. The legal sufficiency review will be conducted within 14 calendar days from the date the investigation is completed.

(b) The commander will either conduct an investigation personally or immediately appoint an investigating officer according to the provisions of AR 15–6. Investigations will follow the complaint timeline prescribed in paragraph 6–6. Depending on the magnitude of the complaint, the commander may deem it necessary to ask the next higher-level commander in the chain of command to appoint the investigating officer.

(c) The commander will establish and implement a reprisal plan to protect the complainants, any named witnesses, and the subjects from acts of reprisal. The reprisal plan of actions will include, as a minimum, specified meetings and discussions by appropriate personnel with the complainants, subjects, named witnesses, and selected members of the chain of command and third-party individuals. The commander will provide a copy of the executed plan to the investigating officer and the MEO professional.

1. Content of the discussions with the above named individuals will include—

a) The definition of retaliation and reprisal with examples of such behavior.

b) The Army's policy prohibiting retaliation and reprisal.

c) The complainant's rights and extent of whistleblower protection afforded complainants, witnesses, and the subjects under DoDD 7050.06.

d) Encouragement to all the aforementioned individuals to report incidents and/or threats of retaliation and reprisal.

e) The procedures to report acts and/or threats of retaliation and reprisal; the consequences retaliation and of reprisal.

f) Possible sanctions against violators.

g) A reminder of the roles and responsibilities of the leadership in the prevention of retaliation and reprisal and protection of all parties involved.

h) The command's support of a thorough, expeditious, and unbiased investigation and good faith in attempting to resolve the complaint.

i) The need to treat all parties in a professional manner both during and following the conduct of the investigation.

2. Discretion will be used to determine the extent of information provided and the numbers of personnel addressed in the discussions with the chain of command and coworkers. Investigating officers will treat all those they interview professionally and courteously and will limit their discussion to only those issues relating to the specific complaint.

(d) The commander will provide a progress report to the SPCMCA or GCMCA commander every 14 days (next MUTA–4 and every MUTA–4 thereafter for USAR) thereafter until the investigation is complete. The entire complaint process will be complete within 60 days (three MUTA (90 days)–for USAR).

(e) If, due to extenuating circumstances, it becomes impossible to conduct a complete investigation within the 30 calendar days allowed (three MUTA (90 days)- for USAR), that commander may obtain an extension in writing from the next higher commander for usually not more than 30 calendar days (three MUTA (90 days) for USAR). Under extreme circumstances a commander may obtain an additional extension in writing from the GCMCA not to exceed 30 calendar days (three MUTA (90 days) - for USAR). Commanders of ACOM's, ASCC's, or DRU's (only) may

delegate extension approval authority to ACOM, ASCC, DRU Deputy Commanding General, Chief of Staff, or subordinate general officer. Upon receipt of an approved extension, the commander must inform the complainant and subject of the extension, its duration, and the reasons for which it was requested. Failure to adhere to prescribed timelines will result in automatic referral of the complaint to the next higher echelon commander for investigation and resolution.

c. Conduct of the investigation.

(1) *Investigation.* The purpose of any investigation of unlawful discrimination and harassment is to determine to the maximum extent possible what actually occurred, to assess the validity of allegations made by the complainant, to advise the commander of any leadership or management concerns that might contribute to perceptions of unlawful discrimination, and harassment, poor command climate, and to recommend appropriate corrective actions. The appointing authority is responsible for ensuring the investigation is complete, thorough, and unbiased.

(2) *Initial actions.* The commander who acts as the appointing authority will provide the investigating officer a copy of orders assigning them as the investigating officer and the initiated DA Form 7279, which identifies the complainants, subjects and lists the allegations to be investigated. The investigating officer will review AR 15–6 and AR 600–20 to review procedures applicable to the conduct of the investigation. The commander may alternatively elect to conduct a commander’s inquiry.

(3) *Legal advice.* The investigating officer will meet with the servicing SJA or legal advisor to review how the conduct of the investigation should be conducted under AR 15–6 and AR 600–20. The discussion should include the specific requirements of both regulations, advice on how investigations are conducted, and advice on how to question an interviewee who is suspected of committing a violation of the UCMJ.

(4) *Equal opportunity professional assistance.* The investigating officer will meet with the MEO professional prior to conducting the investigation. The MEO professional will provide the investigating officer with suggested investigation questions. The investigating officer will address these questions to the complainants, subjects, witnesses, chain of command, and third-party personnel. The MEO professional will ensure the focus of the investigation is placed squarely on assessing the validity of the allegations. The MEO professional will remain available to the investigating officer for consultation and assistance throughout the conduct of the investigation.

(5) *Conduct of interviews.* The investigating officer will conduct a comprehensive investigation and must attempt to interview every individual who may have firsthand knowledge of the facts surrounding the validity of the allegations. The investigating officer, on the advice of their legal advisor, may seek to interview everyone who may have relevant information concerning the relationship between the complainant and the subject. The investigating officer will interview the subject after interviewing witnesses, so that they will have a complete understanding of the alleged incident. If needed prior to the conclusion of the investigation, the investigating officer should conduct a second interview of the complainant and the subject. The investigating officer may choose to re-interview certain witnesses for clarification of conflicting statements. Should unit policies or procedures be called into question as contributing factors to perceptions of unlawful discrimination or harassment, the investigating officer will interview responsible members of the chain of command.

(6) *Identification of criminal act.* If, when interviewing any Soldier, including the subject, the investigating officer reasonably suspects that the individual has committed an offense in violation of the UCMJ, the investigating officer must advise the Soldier of their rights under UCMJ, Art. 31. Investigating officers must consult with their servicing judge advocate or legal advisor before giving UCMJ, Art. 31 rights warnings, and must record the suspect's election on DA Form 3881 (Rights Warning Procedure/Waiver Certificate).

(7) *Supporting documents.* The investigating officer will secure copies of any documents that might substantiate or refute the testimony of the complainant, subject, or named witnesses, chain of command, or third-party personnel. These documents may include copies of unit and personnel records, to include records and rosters of MEO training conducted and attended by the alleged subject. The investigating officer will also procure a copy of the commander's reprisal plan for inclusion in the final report of investigation.

(8) *Unit climate, policies and procedures.* During the course of the investigation, the investigating officer will note concerns or observations of unit policy, procedures, and individual leadership or management techniques that may have a negative effect upon unit climate and contribute to discriminatory or harassing behaviors.

(9) *Investigative findings and recommendations.* When the investigation is completed, the investigating officer must review the evidence, determine if the investigation adequately addresses allegations, make factual findings about what occurred, and provide recommendations consistent with the findings.

(10) *Equal opportunity review.* Prior to submission of the report to the legal advisor, the investigating officer and MEO professional will meet and conduct an administrative review the report. The MEO professional will provide the investigating officer a memorandum documenting the review.

(11) *Investigative report.* Assemble the packet in the following chronological order:

- (a) DA Form 1574–1 (Report of Proceedings by Investigating Officer).
- (b) Appointing order.
- (c) Copy of the DA Form 7279 with attached continuation sheets.
- (d) List of questions developed with MEO professional.
- (e) Copy of the completed/initialed commander's reprisal plan.
- (f) Exhibits (with an index) of statements/synopses of interviews with complainant, subject, named witnesses (with DA Form 3881, if necessary), chain of command, and third-party personnel.
- (g) Description/assessment of unit policies.
- (h) Written approval from the appointing authority for any approved extensions.
- (i) Written explanation of extenuating circumstances that prevented the investigating officer from interviewing any complainants, subjects, named witnesses, chain of command, or third-party personnel.
- (j) Written review by the MEO professional.

(12) *Standard of proof.* Findings of substantiated complaints will meet the standard of proof of the “preponderance of the evidence” standard. This means that the findings must be supported by a greater weight of evidence than supports a contrary conclusion, that is, evidence that, after considering everything that is presented, points to one particular conclusion as being more credible and probable than any other conclusion. The “weight of the evidence” is not determined by the number of witnesses or volume of exhibits, but by considering all the evidence and evaluating such factors as the witness's demeanor, opportunity for knowledge, information possessed, ability to recall and relate events, and other indications of veracity.

(13) *Legal review.* The investigating officer will submit the completed investigation to the servicing SJA or legal advisor for a determination of legal sufficiency. Once the legal review is complete, the investigating officer will submit the final investigation to the command for final disposition.

d. Actions by the commander upon receipt of the report of the investigation. Once the legal review is completed, the commander will decide whether further investigation is necessary or whether to approve all or part of the findings and recommendations.

(1) *Actions to resolve complaints.* A complaint is resolved by action to restore benefits and privileges lost because of unlawful discrimination or harassment. Punitive or administrative actions against a subject do not necessarily change offending behaviors or rectify the situation for the individual complainant or unit. Commanders will take corrective action to preclude recurrence of discriminatory or harassing conduct and address any management deficiencies or other contributing factors that caused the allegations to be raised. Commanders will also look at the causes of why complainants rendered complaints that were not substantiated by the investigating officer and /or commander. Actions taken (or to be taken) by the commander and the chain of command will be annotated on DA Form 7279. Specific actions taken against the subject will not be annotated on the form. This information will be discussed orally with the complainant. The commander will also inform the complainant and the subject of the complaint of their right to appeal and make them aware of timelines and procedures to file that appeal (see para 6–6). The complainant and subject will sign and date the DA Form 7279, Part III, to acknowledge receiving this information. This acknowledgment does not necessarily signify the complainant's or subject's agreement with the findings or actions taken to resolve the complaint. Consistent with the limitations of the Privacy Act and other applicable statutes, the commander will provide both the complainant and subject with a memorandum that summarizes the results of the investigation including whether the allegations were substantiated. Information about specific adverse actions taken against an individual is generally not disclosed unless such information is a matter of public record or when otherwise required to be released by statute. Upon request, the complainant should be provided a copy of the investigating officer's report, redacted as necessary to comply with the Privacy Act and other applicable laws and regulations.

(a) *Actions upon substantiated complaint.* A substantiated discrimination or harassment complaint is a complaint that, after the completion of an inquiry or investigation, provides evidence to indicate that the complainant was more likely than not treated differently because of their race, color, sex (including gender identity), national origin, religion, or sexual orientation, hazed, bullied, or other discriminatory harassment. The finding is annotated on the DA Form 7279, the commander must decide what corrective action to take. Corrective action may be administrative or punitive.

1. *Administrative action.* Subjects of substantiated complaint will, as a minimum, undergo counseling by a member of the chain of command. Commanders have the full range of administrative actions available to them to deal with violators of the Army MEO and harassment policies, to include discharge from the Service, bar to reenlistment, adverse performance evaluations and/or specific comments concerning nonsupport of MEO/EEO Programs on evaluation reports, relief for cause, administrative reduction, admonition, reprimand, administrative withholding of privileges, and rehabilitative transfer to another unit. Commanders should determine whether the complainant desires to be transferred to another unit, but they should not cause the complainant to be revictimized by requiring that they be transferred to another unit while leaving the subject in the unit.

2. *Uniform Code of Military Justice.* Violators of Army policies on MEO and harassment, whose conduct violates a punitive article of the UCMJ, may be charged and prosecuted. Nonjudicial punishments (for example, UCMJ, Art. 15) will be handled in accordance with AR 27–10.

(b) *Actions upon an unsubstantiated complaint.* An unsubstantiated complaint is one for which the preponderance of evidence (that is, the greater weight of evidence) does not support and verify that the alleged discrimination or harassment (hazing, bullying, discriminatory harassment) occurred. In this situation, the commander should determine whether the allegations, though unsubstantiated, might be indicative of problems in the unit that require resolution through training, initiatives, or other leadership actions. Should the complaint be found unsubstantiated, the commander will notify the complainant and subject in writing (DA Form 7279). The complainant and subject will sign and date the DA Form 7279 to acknowledge receiving this information. This acknowledgment does not necessarily signify the complainant's or subject's agreement with the actions taken. Commanders will inform complainants and subjects of the availability of a final investigative report and their right to request a copy of the final investigative report, redacted as necessary to comply with the Privacy Act and any other applicable laws and regulations. Freedom of Information Act requests will be processed in accordance with DoDM 5400.07.

(c) *Actions to resolve complaints.* Actions to resolve complaints should focus on changing inappropriate behavior of offending personnel and avoid targeting the complainant. The complainant's assignment, job, and/or status should not be affected unless they request such a remedy. The chain of command will administer such a remedy only after weighing the impact on readiness on the Soldier and unit. Ultimately, the commander will eliminate underlying causes of all complaints. More members of the unit, other than complainant and subject, are affected by complaints, especially those that go unresolved.

(2) *Feedback.* The commander will provide written feedback to the complainant and the subject on the status of the investigation. Feedback will be provided every 14 calendar days (next MUTA–4 and every MUTA–4 thereafter for USAR) until actions to resolve the complaint are taken (DA Form 7279). This responsibility will not be delegated. Feedback should be consistent with the limitations of the Privacy Act and the FOIA. Commanders will inform the servicing MEO professional of the provisions of feedback so it can be entered in MEO database.

e. *Appeals process.* If the complainant or subject perceives the investigation failed to reveal all relevant facts to substantiate the allegations, or that the actions taken by the command on their behalf were insufficient to resolve the complaint both the complainant and the subject have the right to submit an appeal. The complainant may not appeal the actions taken against the subject if any were taken. The first appeal level is the first commander in the chain of command with SPCMCA. When complaint is processed at the SPCMCA (brigade level) the appeal will be processed with the first commander in the chain of command with GCMCA. The second and final appeal will be forwarded to the ACOM, ASCC, or DRU commander with GCMCA. If the first level appeal was processed at the ACOM, ASCC, DRU level then the second and final appeal will be forwarded to the Department of the Army, Assistant Secretary of the Army (ASA), Manpower and Reserves Affairs (M&RA) by the ACOM, ASCC, or DRU commander. The ASA M&RA or other designated official will decide the final appeal based on the written record and any written arguments submitted with the appeal. The final appeal authority may sustain or overrule the finding(s) or remand the matter for further fact finding. Geographically remote units, field operating agencies, and various other organizations (including tenant units on the installation) will promulgate MOUs between the Senior Commander and their units. These documents will serve to provide the necessary guidance to unit personnel for the courses of action to be taken with appeals. MEO and harassment appeals that may leave the Army chain of command (for other Services) will be forwarded to the DCS, G–1 with appellate authority to ASA M&RA with coordination HQDA MEO Policy Branch.

(1) The first and second appeal request must be presented within 7 calendar days (next MUTA–4 for USAR) following notification of the results of investigation and acknowledgment of the actions of the command to resolve the complaint or the results of the first appeal. The complainant or subject must provide a brief statement that identifies the basis of the appeal. This will be done in writing on the DA Form 7279 and will be returned to the commander in the chain of command who either conducted the investigation or appointed the investigating officer or the commander who conducted the first appeal.

(2) Once the first or second appeal is initiated by the complainant /or and subject, the commander has 3 calendar days (same for USAR) to refer the appeal to the appellate authority.

(3) The first and second appellate authorities have 14 calendar days (two MUTA (60 days)–4 for USAR) to review the case, act on the appeal and provide written feedback, consistent with Privacy Act and FOIA limitations, to the complainant or subject on the results of the appeal. The final appellate authority decision is final.

(4) If a Soldier PCSs and files a complaint, the gaining unit will intake the complaint and transfer the complaint to the losing unit for processing. MEO professionals from both commands will work closely to ensure a complaint is handled in accordance with Army policy.

f. Follow-up assessment. The MEO professional will conduct a follow-up assessment of all formal discrimination complaints. The follow-up assessment will be completed for both substantiated and unsubstantiated complaints, within 30 calendar days (next MUTA–4 for USAR) 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 MEO professional will also assess the complainant's satisfaction with the procedures followed in the complaint process to include timeliness, staff responsiveness and helpfulness, resolution of the complaint, and ensure reprisal did not occur. The findings of this assessment will be annotated on DA Form 7279–1 and maintained by the MEO professional. The MEO professional will present findings and recommendations to the commander for further consideration/action within 5 calendar days (next MUTA–for USAR). After the commander reviews the MEO professional findings and recommendations, the commander will determine within 5 calendar days (next MUTA–for USAR) whether any further actions are required. The DA Form 7279–1 is attached to the original complaint file and entered into MEO database.

g. Documentation/reporting of formal complaints.

(1) After the complainant's case is closed, the MEO professional will file the entire complaint packet by the MEO database case number. The MEO professional will update and close out the complaint in MEO database.

(2) The MEO professional will retain the complaint file for 15 years from the date of the commander signing the DA Form 7279–1, using the Army Record Information Management System.

(3) In addition to the completed DA Form 7279 and DA Form 7279–1, the MEO professional will retain the following information (using the MFR format) for each case:

(a) Complete report of investigation to include written review by MEO professional and servicing legal advisor.

(b) The status or results of any judicial action, nonjudicial punishment, or other action taken to resolve the case.

(4) The commander processing the complaint involving Reserve and/or ARNG Soldiers will send an information copy of the information in paragraph 6–6i, to the Army Reserve Headquarters' MEO Directorate and/or the NGB's MEO within 30 days of the final action taken by the commander.

h. Actions against Soldiers submitting false complaints. Soldiers who knowingly submit a false MEO complaint (a complaint containing information or allegations that the complainant knew to be false) may be punished under the UCMJ.

i. Complaint procedures for Army Reserve Soldiers serving in the Individual Ready Reserve.

(1) *Complaint filed during active duty tour.* Complaint procedures will remain the same as for active duty personnel. RA and USAR commanders, upon receiving a complaint from members of the IRR or individual mobilization augmentee, from Soldiers performing active duty for special work or temporary tour of active duty, or from any USAR Soldier who is not a member of a TPU, will make every attempt to resolve the complaint prior to the completion of the Soldier's active duty tour. Commanders will notify their command MEO professional for assistance and documentation into MEO database.

(a) *Timelines.* Should the complaint be filed but not resolved prior to the Soldier's release from active duty, the timelines will be modified. The RA or USAR commander will have 30 calendar days from the filing of the complaint to notify the complainant of the results of the investigation/actions taken to resolve the complaint.

(b) *Appeals.* The complainant and subject of the complaint will have 30 calendar days from notification of the results of the investigation to file a first level appeal. The complainant and subject of the complaint will have 30 calendar days from notification of the results for the first level appeal to file a second and final appeal. Appeals filed more than 30 calendar days after notifications must be accompanied by a written explanation of the reasons for delay. The commander has the discretion to consider an appeal based on its merits.

(c) *Final notification.* The first and second final appeal notifications of the commander's decision will be provided to the complainant and subject of the complaint with information copies provided to the next higher headquarters and the Army Reserve Headquarters MEO Directorate within 30 calendar days of the receipt of the appeals. The final appeal GCMCA may sustain or overrule the finding(s) or remand the matter for further fact finding.

(2) *Complaint filed subsequent to release from active duty.* In the event the complaint is filed after the active duty tour has ended, the complainant and subjects will file a sworn complaint on DA Form 7279 to the active duty tour commander. Upon the receipt of DA Form 7279, the active duty tour commander will forward the complaint to the appropriate commander of the subject of the complaint active duty unit for investigation.

(a) *Timelines.* That commander will have 30 calendar days from date of receipt of the complaint to conduct an investigation and to provide feedback to the complainant and subject. (Extensions, not to exceed an additional 45 calendar days (two MUTA (60 days)–4 for USAR), may be granted by higher echelon commander.)

(b) *Appeals.* Complainant and subject of the complaint will have 30 calendar days from notification of the results of investigation/to appeal/decline appeal. Appeals filed more than 30 calendar days after notification must be accompanied by a written explanation of the reasons for delay. The commander has the discretion to consider an appeal based on its merits.

(c) *Final decision.* Within 30 calendar days of receipt of appeal, the commander will provide notification of final decision to the complainant and subject of the complaint, next higher headquarters, and Army Reserve Headquarters' MEO Directorate.

j. Military Equal Opportunity and Harassment 24 Hour Hotline.

(1) *Purpose.* To define roles and responsibilities of the MEO and Harassment local hotlines. The MEO and Harassment local hotlines provides 24/7 information on MEO and Harassment policies and procedures on how and where to file complaints, the behaviors that constitute discrimination and harassment, and information about the DoD Safe Helpline for sexual assault and the SHARP ACOM, ASCC, DRU and Senior Commander hotline phone numbers. The hotline is an additional avenue for Soldiers to anonymously report incidents of MEO and Harassment.

(2) *Policy.*

(a) *Requirements for 24/7 Military Equal Opportunity and Harassment local hotlines, per DoDI 1020.03 and DoDD 13502.*

1. Senior Commanders will have an installation 24/7 MEO and harassment (hazing, bullying, discriminatory harassment) hotline.

2. Each Senior Commander will have a local 24/7 MEO and Harassment response hotline phone number posted on installation and commander's websites and bulletin boards to ensure immediate MEO and Harassment assistance.

3. ACOM, ASCC, DRU, and USAR commands will contact the ASA M&RA EIA MEO Program office for revisions required to the ACOM, ASCC, DRU and USAR command or installation 24/7 hotline phone information posted on the HQDA MEO website.

4. All commanders will coordinate with their appropriate website administrators to ensure that their official Army websites comply. Commands and installations are responsible for updating their command pages through coordination with Chief Information Officer/G-6 or appropriate website administrator.

(b) *ACOM, ASCC, DRU, USAR, and Senior Commander will—*

1. Publish policy governing procedures required to ensure accuracy of installation and subordinate websites and maintaining accurate subordinate 24/7 hotline phone numbers.

2. Ensure ACOM, ASCC, DRU, USAR MEO Program Manager (PMs) advises the DASA M&RA EIA MEO Program office within 1 business day when revisions are required to the command and installation 24/7 MEO and Harassment hotline phone numbers.

3. Commanders and MEO professionals will include maintaining accurate MEO and Harassment hotline phone number information as an agenda item for annual SAVs.

(c) *Roles and responsibilities for answering Military Equal Opportunity and Harassment hotlines.*

1. The installation 24/7 MEO and Harassment hotline response phone calls must only be answered by MEO Professionals (not EOLs) who are currently serving in authorized MEO tour of duty billets; when calls cannot be answered immediately the MEO professional will respond within 24 hours. The senior commander will be responsible for ensuring that 24/7 MEO and Harassment hotline responders have the current listing of subordinate unit information so that they can coordinate as required. Subordinate level 24/7 phone information will not, under any circumstances, be posted on official Army websites.

2. Commands will ensure written procedures are in place for 24/7 MEO and Harassment hotlines; and ensure MEO professionals are trained on procedures.

3. The installation 24/7 MEO and Harassment hotline telephone number must have at least the minimum voicemail greeting required. The greeting must also advise callers the live crisis support is available by calling the DoD Safe Helpline at 1-877-995-5247 for sexual assault and the SHARP hotline for sexual harassment. For example, "Hello, this is (name) (MEO professional) at (organization identified). Please leave me a message with your name and phone number and I will return your call within 24 hours. For immediate help, for sexual assault contact the DoD Safe Helpline at 1-877-995-5247 or for sexual harassment contact the SHARP hotline at (local number)."

4. When responding to MEO and Harassment phone calls, the responder will identify themselves, their role, and location such as, "Hello, this is (name) (MEO professional) at (organization identified). How may I help you?"

5. Describe the quality control requirements.

a) ACOM, ASCC, DRU, and USAR commanders will conduct quarterly QC test calls to a minimum of 20 percent of the total inventory of 24/7 MEO and Harassment hotline phone numbers within their respective commands.

b) ACOM, ASCC, DRU, and USAR commanders will submit a quarterly report of command/installation test calls made to the MEO and Harassment 24/7 hotline, to include installation, organization and telephone numbers to ASA

M&RA EIA MEO Program office no later than the 15th day following the end of the quarter. This includes making test calls and ensuring accuracy of all MEO and Harassment hotline phone numbers with the ACOM, ASCC, DRU, and USAR footprint.

c) The HQDA MEO Program Staff will provide a QC report template to ACOMs, ASCCs, DRUs, and USARs. Information received from ACOMs, ASCCs, or DRUs not using the template, or that are incomplete, will be sent back to the command for corrections. Test call population will be established and documented on each quarter's report.

d) The DA MEO Program will compile information submitted by the ACOMs, ASCCs, DRUs, and USARs into a memorandum report with support enclosures and provide the report to the DASA, M&RA, EIA no later than the 25th day following the end of the quarter. If the 25th is a holiday or weekend, the report and support enclosures are due the next business day.

6. Responsibility. The DASA M&RA EIA MEO Program office will—

a) Independently conduct quarterly QC checks of the command and installation 24/7 MEO and Harassment hotline response phone numbers posted on the HQDA MEO website and coordinate findings with ACOMs, ASCCs, DRUs, and USAR PMs. Changes to the installation 24/7 MEO and Harassment hotline phone numbers will only be made upon concurrence from the ACOM, ASCC, or DRU, or USAR.

b) Notify the DASA M&RA EIA under any of the following conditions for 2 consecutive quarters: 1) an MEO and Harassment incorrect hotline phone number has not been reconciled by the command/installation, or 2) the command does not submit a quarterly QC report as prescribed in this policy. The DASA M&RA EIA will contact the senior responsible GO directly.

c) Consolidate the results of the HQDA MEO Program, ACOMs, ASCCs, DRUs, and USARs' QC testing of MEO and Harassment hotline phone numbers and report the results to the ASA M&RA quarterly, with negative findings, only. If the hotlines are answered or calls returned within the appropriate time frame, the DASA M&RA EIA and ASA M&RA will not be notified.

k. Victim Support Program.

(1) MEO professionals must ensure complainants are provided adequate protection and care, and informed about available support resources, including—

(a) Ensure complainants are provided adequate protection and care, and informed about available support resources, including Emergency medical and support services.

(b) Public and private programs that are available to provide counseling, treatment, and other support.

(c) Organizations and entities on and off base that provide victim and witness services and support.

(2) Complaints in a Joint Service environment.

(a) MEO professionals must ensure that discrimination and harassment complaints are processed through the command or Service that has administrative control, or disciplinary authority, or a combination thereof, over the alleged offender.

(b) Ensure that Joint commanders forward the complaint, with a detailed description of the facts and circumstances, to the next superior officer in the alleged offender's chain of command who is authorized to convene a general court-martial.

(c) Require the alleged offender's commander or supervisor to provide updates, as appropriate, to the complainant's commander or supervisor, upon receipt of complaint through final disposition.

(d) Ensure, upon completion and final disposition of the complaint, that the complainant's commander and the offender's commander are informed of the final disposition for proper tracking, documentation, file maintenance, and records management purposes.

(e) Respond to incidents of harassment and comply with investigation timelines and notification requirements established in this issuance.

l. Complaints in a Joint Service environment.

(1) MEO professionals must ensure that discrimination and harassment complaints are processed through the command or Service that has administrative control, or disciplinary authority, or a combination thereof, over the subject offender.

(2) Ensure that Joint commanders forward the complaint, with a detailed description of the facts and circumstances, to the next superior officer in the alleged subject chain of command who is authorized to convene a general court-martial.

(3) Require the alleged subject commander or supervisor to provide updates, as appropriate, to the complainant's commander or supervisor, upon receipt of complaint through final disposition.

(4) Ensure, upon completion and final disposition of the complaint, that the complainant's commander and the subject commander are informed of the final disposition for proper tracking, documentation, file maintenance, and records management purposes.

(5) Respond to incidents of discrimination and harassment and comply with investigation timelines and notification requirements established in this issuance.

6–7. Retaliation Prevention and Response

a. The MEO professional, will inform the commander if the Soldier wishes to pursue action relating to reported conduct that does not fall under the jurisdiction of the IG or Military Criminal Investigation Organization (MCIO). Allegations of retaliation or reprisal fall within the jurisdiction of the IG in accordance with 10 USC 1034, and as such, an investigative determination will be made by the IG. Depending on the facts of the case, ostracism, maltreatment or other retaliatory behavior may fall within the jurisdiction of the IG if, for example, it is determined that they are inextricably linked to restriction or reprisal.

b. The commander will then decide whether to refer the report for investigation by law enforcement or seek whether to resolve it through other appropriate investigative means (for example, AR 15–6 investigation or through coordination with a Special Victims’ Counsel (SVC) or a military legal assistance attorney, if the victim is represented by one).

c. When referred to a command for investigation, an individual independent of the originating unit or organization of the reported retaliation will investigate the retaliation reports referred to the command.

d. The chain of command will ensure that the MEO professional and Soldier remain informed throughout the process.

e. The MEO professional will work with the Soldier, making available alternative means for the Soldier to resolve the retaliation.

f. Legal assistance personnel are available to help the Soldier in a variety of ways, such as communicating with the reported retaliator verbally or in writing to address the Soldiers concerns, requesting intervention from a coworker, utilizing the Soldier’s chain of command, or other means of action.

g. Wherever appropriate and desired, MEO professional may assist with coordinating resolution at the lowest appropriate level.

h. The MEO professional may serve as a resource and coordinate with command, legal assistance attorneys or SJA to address Soldiers questions.

i. The MEO professional will notify the appropriate level of command of the retaliation report as soon as possible. If the retaliation report is against the immediate commander or first-line supervisor, then the next level of command will be notified and assume responsibility for the case.

j. The MEO professional will make every effort to provide updates to commanders whose personnel are involved in a retaliation report and/or retaliation investigation.

k. The commander(s) of the Soldier(s) or other Soldiers who is a subject of a retaliation report, will provide in writing a case status and all disposition data, to include any administrative or judicial action taken, stemming from a retaliation investigation to the MEO professional. If the MEO professional has concerns about violating privileged communications, the MEO professional will consult with the servicing SJA office prior to notifying command.

l. Soldiers who report retaliation associated with filing a harassment complaint, or being a uniformed witness, bystander, or first responder related to the harassment complaint, will be afforded the opportunity to communicate with a GO in their chain of command regarding career-related impacts and administrative separation actions they perceive to be associated with the complaint or involvement in the incident. MEO professionals will notify Soldier complainants of harassment as well as uniformed witnesses, bystanders, and first responders, of this policy provision.

6–8. Military equal opportunity definitions

See glossary, section II (terms).

6–9. Racial and ethnic categories

Refer to DoDD 1350.2 for race or population group and ethnic group reporting codes.

6–10. Military Equal Opportunity Program and Harassment Prevention and Response Program responsibilities

Commanders, supervisors, and managers at all levels are responsible for preventing and appropriately responding to incidents of discrimination. Commanders are responsible for the execution of the MEO Program, The Army’s Harassment Prevention and Response Program, and the climate in their organizations.

a. The ASA (M&RA) will—

(1) Develop and execute Army MEO and harassment prevention and response policies and act on behalf of the Secretary in all MEO and Harassment Prevention and response policies and compliance matters.

(2) Ensure all personnel have MEO participate in occupational specialties and duty locations in accordance with applicable law and DoD policy.

(3) Provide leadership opportunities and equitable assignment processes for all personnel.

b. The Deputy Assistant Secretary of the Army (DASA), Equity and Inclusion Agency (E&IA) will—

(1) Manage the Army's MEO Program and The Army's Harassment Prevention and Response Program.

(2) Ensure adequate resources and training are available to effectively execute the Army MEO Program and The Army's Harassment Prevention and Response Program.

(3) Develop Army wide policies, plans, and initiatives pertaining to the Army MEO Program and The Army's Harassment Prevention and Response Program.

(4) Establish selection criteria, in coordination with the DCS, G-1 and CG, HRC for Army and Army Reserve personnel to attend the Defense Equal Opportunity Management Institute (DEOMI).

(5) Serve as the Army's member of the DEOMI Board of Advisors.

c. The Inspector General (TIG) will process and investigate all MEO and harassment complaints filed against a promotable COL, an active or retired GO, IGs of any component, members of the SES, or executive schedule personnel. Commanders and field IGs receiving such complaints will report them to the IG within 2 working days of receipt when practical.

d. The Deputy Assistant Secretary of the Army (DASA), Equity and Inclusion Agency (E&IA), through the Chief, MEO Policy will—

(1) Assist the DASA (E&IA) in executing SECARMY and ASA (M&RA) MEO Program and The Army's Harassment Prevention and Response Program responsibilities.

(2) Develop and disseminate Armywide policies for MEO Program and The Army's Harassment Prevention and Response Program and compliance requirements.

(3) Provide functional expertise and policy guidance, clarification, and direction to ACOM, ASCC, and DRU MEO professionals.

(4) Serve as the subject matter expert and liaison regarding Army MEO Program and The Army's Harassment Prevention and Response Program.

(5) Respond to MEO and harassment-related congressional and high-level inquiries.

(6) Ensure all MEO professionals maintain and update the MEO database.

(7) Ensure MEO data is complete, accurate, and up-to-date in support of headquarters Army reporting requirements.

(8) Analyze trend data and identify areas of concern with respect to command climate for Army senior leadership.

(9) Assess the Army MEO Program and The Army's Harassment Prevention and Response Program by reviewing input from ACOM, ASCC, or DRU as recorded in the MEO database. Provide oversight of the MEO and harassment complaint process, evaluate its effectiveness, and take corrective action or initiate program improvements, as needed.

(10) Manage programming and implementation of the Army's MEO Program and The Army's Harassment Prevention and Response Program budget.

(11) Communicate with Army, DoD, and other Federal agencies.

(12) Serve as the Army's MEO Program and The Army's Harassment Prevention and Response Program functional representative to the DEOMI.

(13) Update and maintain forms for documenting formal complaint process, to include pre-decision updates and post-decision follow-ups in accordance with the Privacy Act of 1974.

e. The Chief of the Army Reserves (CAR) will—

(1) Develop, monitor, and evaluate the implementation of Army Reserve's MEO Program and The Army's Harassment Prevention and Response Program policies and programs.

(2) Establish staff positions with the Army Reserve and make resources available to adequately carry out MEO Program and The Army's Harassment Prevention and Response Program requirements.

(3) Select Reserve personnel to attend the DEOMI.

(4) Establish the Army's MEO Program and The Army's Harassment Prevention and Response Program training for units, organization, and agencies and PME courses consistent with HQDA policy and command needs.

f. The CG, U.S. Army Forces Command (FORSCOM) and CG, U.S. Army Pacific are responsible for the oversight and evaluation of subordinate direct reporting command MEO Program and The Army's Harassment Prevention and Response Program.

g. The CG, Training and Doctrine Command (TRADOC) will—

(1) Be responsible for the MEO and Harassment Prevention and Response Program Training Proponent office.

(2) Develop MEO and Harassment Prevention and Response doctrine and training materials.

(3) Develop MEO and Harassment Prevention and Response instruction and associated training materials for use in the accession/initial entry training base, in PME courses, and throughout the Army. Training will be developed in accordance with AR 350–1, will be interactive, discussion based, and evaluated via tests or examinations.

(4) Conduct required MEO and Harassment Prevention and Response education and training in TRADOC Service schools and training courses.

(5) Evaluate the effectiveness of required MEO and Harassment Prevention and Response education and training in TRADOC Service schools and training courses.

(6) Provide MEO and Harassment Prevention and Response instructional materials to schools not under the jurisdiction of TRADOC. These schools include, but are not limited to: The Judge Advocate General’s Legal Center and School, AMEDD Center and School, IG Course, the USMA, and the U.S. Army War College.

(7) Develop the program of instruction, evaluate, and validate the Army Service specific training for Army personnel attending the MEO Advisors Course at DEOMI.

(8) Maintain an official Army MEO training website with training materials, resources, and tools.

(9) Act as the proponent for TC 26–6.

h. The CG, Human Resources Command (HRC) will—

(1) Maintain statistical data concerning racial and ethnic designation category and sex for the management of personnel systems.

(2) Determine training seats at DEOMI for the annual Structure Manning and Decision Review for the POM years.

(3) Control DEOMI military student training allocations for the Army.

(4) Assign active duty and AGR military personnel to meet Army MEO professional requirements. Selection for MEO duty represents an investment in these Soldiers that will continue to benefit the Army long after their EO duty is complete.

i. Commanders (or equivalent) at all levels will—

(1) Promote a positive command climate through personal example and command emphasis.

(2) Establish effective MEO and Harassment Prevention and Response objectives and ensure applied in every command policy, action, and program at all levels of command.

(3) Publish and enforce MEO and Harassment Prevention and Response policy letters which addresses the following: prevention of discrimination and harassment, resolution of complaints, prohibited reprisal, retaliation, and harassment (in accordance with para 4–19).

(4) Ensure that MEO and harassment complaints are promptly investigated in a fair, impartial manner, and are appropriately resolved without fear of reprisal, intimidation, or retaliation. See paragraph 6–6 for procedures and timelines for processing MEO and harassment complaints.

(5) Conduct complaint resolution assessments, using DA Form 7279–1, with the complainant(s). Make discrimination and harassment prevention a special interest item in the command’s inspection program. Ensure complainants and subjects are provided feedback information about the status and outcome of the complaint (for example, who is investigating, projected completion date, whether the allegations were substantiated, and any commander’s actions taken). Inform complainants and subjects of the availability of a final investigative report and their right to request a copy of the final investigative report, redacted as necessary to comply with the Privacy Act and any other applicable laws and regulations. Freedom of Information Act requests will be processed in accordance with DoDM 5400.07.

(6) Assess the organizational climate and at the outset and periodically during command tenure (see app E).

(7) Ensure appropriate confidentiality measures are in place for climate assessment.

(8) Prevent discrimination in administrative and disciplinary proceedings.

(9) Provide consistent and fair career actions across all grades.

(10) Assign jobs, education opportunities, and special programs based on merit, performance, and potential. Provide awards and recognition based on the same criteria.

(11) Enter mandatory performance evaluation data in accordance with AR 623–3 and DA Pam 623–3.

(12) Provide adequate facilities, logistical support, and resources to effectively manage and operate the MEO Program effectively. EO facilities must be easily accessible, present a welcoming atmosphere, and ensure privacy.

(13) Provide annual MEO and Harassment Prevention and Response training in accordance with appendix D and AR 350–1 using the MEO training support package (TSP) published by the MEO training proponent.

(14) Assign MEO professionals and EOLs to deploy with the unit.

(15) Report all formal, informal, and anonymous MEO and harassment complaints alleged on discrimination based on race, color, sex (to include gender identity), national origin, religion or sexual orientation and harassment involving hazing, bullying, and other discriminatory harassment to MEO professionals to be entered into MEO database.

j. Commanders of ACOMs, ASCCs, and DRUs, corps, divisions, and brigades (or equivalent), will—

(1) Assign MEO professionals to the commander’s special staff.

(2) Rate or senior rate the MEO professional and ensure evaluations and record briefs will reflect the principal MEO duty title.

(3) Ensure manning documents accurately reflect the correct duty position title and skill requirements.

(4) Ensure all MEO professionals (at all levels) are in direct support of the MEO Program. They will not be assigned duties that may subsequently disqualify them from making or assisting in impartial inquiries or investigations within their sphere of activity, such as but not limited to: SHARP PMs, sexual assault response coordinators (SARCs), Victim Advocates (VAs), or acting CSM/1SG/Platoon SGTs. The restrictions listed are intended to preclude conflicts of interest, prevent the prejudice of impartiality, and protect the integrity of the MEO Program. MEO professionals do not do anything that may jeopardize the distinction between being the extension of the commander and a fair and impartial fact-finder. The restrictions in this section are not intended to exclude MEO professionals from Performing management functions normal for officers and noncommissioned officers, such as participating in the budget process and contributing to goal setting for the command.

(5) Allocate and provide personnel and funding to resource MEO Program and The Army's Harassment Prevention and Response Program requirements, Army Heritage Month activities, continuing education of command MEO professionals, local training for EOLs, and staff assistance visits (SAVs).

(6) Ensure MEO and EEO Programs complement each other.

(7) Execute senior leader MEO and Harassment Prevention and Response training for command selectees, GOs, and SES members.

(8) Monitor and assess the execution of MEO Program and The Army's Harassment Prevention and Response Program policies at all levels within their commands/areas of responsibility through annual SAVs.

(9) Involve public affairs personnel at every level of command in planning and sharing command information on MEO Program and The Army's Harassment Prevention and Response Program initiatives.

(10) Ensure MEO database is updated no less than on a quarterly basis (prior to 30 days after each fiscal quarter) in preparation for HQDA data pull.

(11) ASCC, ACOM, and DRU commanders will allocate adequate records holding area space for long-term storage of their respective units' closed MEO and harassment complaint record files. Maintain files for 15 years from case closure date.

(12) Conduct Army Heritage Month activities in accordance with appendix D (Commanders of ACOMs, ASCCs, DRUs, and senior commanders (or equivalent) only).

(a) Army Heritage Month activities are conducted to recognize diversity, promote cohesion, teamwork, and Esprit de Corps within the total Army force. These activities foster a culture of equity and inclusion, and enhance heritage awareness and understanding. These activities should also promote understanding, teamwork, harmony, pride, and esprit.

(b) Commanders will incorporate a statement in their MEO policy that states all personnel desiring to participate in the Army Heritage Month Activities will be given a reasonable opportunity to do so.

(13) Execute and resource (funds, MEO professionals and facilities) the EO Leader Course.

k. Battalion and company (or equivalent) commanders, will—

(1) Appoint two EOLs (primary and alternate) in their units in the rank of SGT (P) through CPT.

(2) Ensure the EOLs attend the Equal Opportunity Leaders Course (EOLC) prior to performing their duties.

l. MEO professionals (EO PMs, EO SGMs, EO advisors and EO specialists (RA/USAR)) at all levels will—

(1) Provide senior leaders with information and guidance on MEO Program and Harassment Prevention and Response Program, policies, areas of concern, and processes. Serve as command's subject matter expert for policies and procedures relating to both.

(2) Ensure both MEO Programs and Harassment Prevention and Response Program comply with Army and DoD policies, and applicable law.

(3) Receive, process, and/or respond to complaints.

(4) Develop, execute, and manage a budget to ensure that the command's MEO Program and The Army's Harassment Prevention and Response Program are properly resourced.

(5) Coordinate with HQDA MEO office on high visibility (national news worthy) complaints (ACOM, ASCC, or DRU PM's only). Subordinate commands will coordinate these types of complaints with ACOM, ASCC, or DRU MEO PM's.

(6) Provide advice to subordinate command MEO offices upon resolution of the complaints or other issues.

(7) Communicate with other agencies having collateral responsibilities and interests, in an effort to maximize limited fiscal and personnel resources while providing the best possible service. These offices may include, but not limited to, EEO; Public Affairs Office (PAO); MP; USACIDC; SJA; Chaplain; IG; and off-base local organizations.

(8) Maintain, where appropriate, informal liaison with community organizations fostering civil rights. If the MEO professional considers becoming a member of such organizations in their private capacity, they must coordinate with the servicing legal advisor to preclude possible conflicts of interest.

(9) Participate as a member of the Community Health Promotion Council.

(10) Assist commanders with the following MEO and Harassment Prevention and Response training and briefings, at a minimum:

(a) Unit level common mandatory training.

(b) Pre-command course.

(c) Plan and assist with conducting executive seminars for senior leadership.

(d) In-processing of Soldiers.

(11) Evaluate the effectiveness of training.

(12) Register in the MEO database within the first 14 days (RA), or two multiple unit training assemblies (MUTAs)—4 (USAR) of arrival to the unit.

(13) Manage and maintain MEO data for their respective command levels and prepare, input, and review MEO data in preparation for quarterly HQDA data pull.

(14) Continually assess the climate through CCAs, using surveys, interviews, focus groups, records reviews, observations, and SAVs.

(15) Conduct quarterly MEO professional development training for all MEO professionals and EOLs assigned to their command/area of responsibility.

(16) Establish and maintain effective channels of communication with MEO professionals, EOLs, and EEO professionals.

(17) Analyze trend data, identify problem areas, and recommend solutions for command senior leadership at a minimum on a quarterly basis.

(18) Assist commanders with Army Heritage Month activities (ACOM, ASCC, DRU, and senior commander MEO Professionals only).

(19) Assess and evaluate the program compliance in accordance with this regulation by conducting onsite SAVs.

(20) Assist commanders with the CCAs, and development of responsive action plans which mitigate or eliminate areas of concern identified with the CCAs.

(21) Manage and monitor MEO manning structure and project fill for all subordinate commands (ACOM, ASCC, and DRU MEO PMs only).

(22) Act as the appellate authority action office for MEO and harassment complaints; and provide complaint processing guidance to subordinate MEO professional, as required.

(23) Develop MEO and Harassment Prevention and Response command policy and guidance in accordance with this regulation. .

(24) Coordinate command participation in HQDA Diversity Outreach Awards Program.

(25) Ensure all assigned MEO professionals are registered and inputting data into the MEO database (ACOM, ASCC, and DRU MEO PMs only).

(26) Conduct commander's in-brief within the first 30 days after arrival.

(27) Inform and continue to provide updates through EO PM to HQDA MEO policy office of MEO and harassment-related incidents that may result in media coverage or have a congressional interest.

(28) Include in the responses to the M&RA, Equity and Inclusion, MEO Program Office, all data requests.

m. EOL (battalion and company level, or equivalent), will—

(1) Maintain a unit level MEO and Harassment Prevention and Response bulletin board.

(2) Establish and maintain liaison with other EOLs and supporting MEO professional.

(3) Assist MEO professionals with planning and executing the Army Heritage Month activities.

(4) Refer all informal and formal complainants to an MEO professional.

Chapter 7

Sexual Harassment/Assault Response and Prevention Program

7-1. Scope

The Deputy Chief of Staff, G-1 (DAPE-AR) Army Resilience Directorate (ARD) executes the Army Sexual Harassment/Assault Response and Prevention (SHARP) program under the supervision of the Assistant Secretary of the Army, Manpower and Reserve Affairs (ASA M&RA), 300 Army Pentagon, Washington, DC 20310-0300.